



Mark Speakman

Attorney General

Minister for Prevention of Domestic and Sexual Violence

Don Harwin

Minister for Aboriginal Affairs

MEDIA RELEASE

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PILOT OF SPECIALIST APPROACH FOR SENTENCING ABORIGINAL OFFENDERS

Eligible Aboriginal offenders will receive a more culturally-specific and community-based approach to sentencing, as part of a new pilot in the NSW District Court.

Attorney General Mark Speakman today announced the Walama List pilot will start operations in February 2022 at the Sydney Downing Centre District Court. Offenders will be drawn from Sydney, Parramatta, Campbelltown and Penrith District Courts.

“The Walama List pilot aims to bring more community involvement into the judge’s sentencing process, building trust in the justice system and improving the diversion of Aboriginal and Torres Strait Islander offenders into critical support services that tackle the causes of offending behaviour,” Mr Speakman said.

“This program harnesses the wisdom of Aboriginal Elders and respected community members in sentencing discussions, along with providing wraparound support services and intensive monitoring before sentencing.

“We’re working hand-in-hand with Aboriginal communities to address the disproportionate rates of Aboriginal incarceration, drive down reoffending and find solutions that work.”

Minister for Aboriginal Affairs Don Harwin said this pilot will support the whole-of-government commitment to improving the lives of Aboriginal people under the National Agreement on Closing the Gap.

“This groundbreaking initiative goes to the heart of our commitment under the National Agreement, by embedding Aboriginal customs and learnings into the justice system and supporting Aboriginal people to drive better outcomes.”

Chief Judge of the District Court, Justice Derek Price AO, said the Sydney Walama List pilot is the next step in the District Court’s commitment to developing a Walama Court, and with it, culturally appropriate responses in sentencing Indigenous offenders.

“The support of the Attorney General and funding for the pilot enables the essential involvement of Elders in sentencing conversations and importantly for Elders to be remunerated for their participation,” Justice Price said.

“The pilot will be capably managed by her Honour Judge Dina Yehia SC, who brings all of

the knowledge from her role as Chair of the Walama Court Working Group and from years of working with Aboriginal legal services early in her Honour's life in the Law."

The Walama List pilot will operate one week per month with the capacity to accommodate up to 50 participants at a time. Offenders who plead guilty can participate in a tailor-made program that includes drug and alcohol treatment, counselling and other therapeutic supports prior to being sentenced.

The Aboriginal Services Unit (ASU) in the Department of Communities and Justice will provide on-the-ground support for the operations of the pilot.

Director of the ASU, Edwina Crawford, said the pilot will build on the success of other Indigenous sentencing courts across NSW, which have been shown to reduce the risk of reoffending and improve community confidence in the criminal justice system.

"We know from the [success of Circle Sentencing](#) that sharing decision making between Aboriginal people and the judiciary can transform formal court proceedings and have a profound and lasting impact on offenders," Ms Crawford said.

Certain offences including prescribed sexual offences and a range of serious violent offences are excluded from the pilot.

Participants receive ongoing supervision by caseworkers, Community Corrections and the Walama List judge to ensure compliance with program conditions.

MEDIA: Sean Robertson | Attorney General | 0439 813 220
Emma Toole | Minister Harwin | 0427 349 971