

**THE HONOURABLE JUSTICE D PRICE AO
CHIEF JUDGE OF THE DISTRICT COURT OF NEW SOUTH WALES
WALAMA LIST CEREMONIAL SITTING
MONDAY 4 APRIL 2022**

- 1 The Chief Justice of NSW, the Honourable Andrew Bell, the Attorney General of NSW, the Honourable Mark Speakman SC, judicial colleagues, distinguished guests, ladies and gentlemen.

- 2 I begin by acknowledging the traditional custodians of the land on which the John Maddison Tower sits, the Gadigal people of the Eora Nation, and pay my respects to their elders, past, present and emerging.

- 3 In particular, I acknowledge and pay my respects to the Elders and respected persons and the Senior Aboriginal Client and Community Support Officers who are present and will assist the Walama List Judge in the Sentencing and Walama Case Plan conversations.

- 4 Mr Terry Olsen, thank you for your Acknowledgement of Country. It is indeed fitting that this formal part of the ceremonial sitting has been preceded by the Acknowledgement and is to be followed by the Butterfly Transformation Dance.

- 5 In 2001, a Circle Sentencing trial commenced in the Local Court at Nowra. Circle Sentencing, based on traditional aboriginal forms of dispute resolution and customary law, aimed at addressing the overrepresentation of Aboriginal people in custody and achieving greater community involvement in the sentencing process. Following the successful outcomes achieved in the Nowra trial, I had the privilege as Chief Magistrate of NSW of permanently establishing the Circle Court at Nowra and commencing Circle Courts at other regional locations, including Brewarrina, Dubbo and Walgett.

- 6 In a study by the NSW Bureau of Crime Statistics and Research published in 2020 (almost 19 years after the Nowra trial), the Bureau found that Aboriginal people who participated in Circle Sentencing have lower rates of imprisonment and recidivism than Aboriginal people who are sentenced in the traditional way.

7 At my swearing in ceremony as a Justice of the Supreme Court in August 2006, I said:

“42 ... innovative work has been undertaken in the Local Court in the field of sentencing. Programmes are being developed with the aim of diverting offenders from the crime cycle. These programmes include Young Adult Conferencing, which brings an offender and victim together, and Circle Sentencing, based on traditional indigenous forms of dispute resolution and customary law, with community involvement in the sentencing process.

43 Consideration might be given, in my view, to extending these initiatives in appropriate cases beyond the jurisdictional limits of the Local Court. For example, at the present time an indigenous offender who commits the crime of break and enter and steals \$14,000 from a dwelling house at Nowra may be sentenced with the assistance of a Circle Court, whereas should the same offender steal \$16,000, the offender is sentenced in the District Court.”

8 Almost 16 years have passed since I made those remarks. I am pleased that the District Court will now have a sentencing list, the principal objectives of which include reducing the overrepresentation of Aboriginal and Torres Strait Islander persons in custody in NSW, increasing Aboriginal and Torres Strait Islander community participation and confidence in the criminal justice system, and reducing the risk factors related to re-offending.

9 Mr Attorney may I express my thanks to you for your support for the Walama List. I am confident that as the Nowra Circle Sentencing Trial demonstrated, the Walama List will achieve lower rates of imprisonment and recidivism and will progress to a Walama Court, with an appropriate legislative foundation.

10 I also express my gratitude to Judge Yehia SC who has worked tirelessly towards establishing a Walama Court. Judge Yehia has demonstrated patience, negotiating skills and sheer determination. Without her efforts, the Walama List would not have been achieved.

11 The establishment of the Walama List has been a collaborative enterprise and many here have made significant contributions. I thank all of you.
