

WELCOME ADDRESS
TO THE EXCHANGING IDEAS CONFERENCE
BY THE HONOURABLE T F BATHURST
CHIEF JUSTICE OF NEW SOUTH WALES
10 SEPTEMBER 2011

It is an honour and a privilege to welcome you to the Exchanging Ideas Conference 2011. There are many areas of law in which ideas need to be exchanged, but there are few of greater importance and urgency than Aboriginal interaction with the criminal justice system.

Many of us were deeply concerned by the recent 'Doing Time – Time for Doing' Report which was released by the federal government a few months ago. That report focussed on indigenous youth in custody. Some very alarming statistics emerged from the report, including the fact that the detention rate for indigenous juveniles is 28 times higher than that for non-juveniles. To illustrate what this difference means in reality, it is useful to consider that in 2007 indigenous youths accounted for 59 percent of the total juvenile detention population. The disproportionate rates of juvenile detention flow on to rates of adult imprisonment: although indigenous Australians make up approximately 2.5 percent of the population, 25 percent of prisoners in Australia are indigenous. To

the situation, the experience of indigenous offenders in prison is often worse, or at least different, to that of other offenders. We know that rehabilitation efforts are often inadequate or incorrectly targeted when it comes to indigenous offenders. We know how difficult it is to reintegrate Aboriginal offenders into their communities in a way that provides stability for the individual and certainty for the community that this person will not offend again. What we do not necessarily know is how best to address these issues.

The first step towards finding solutions to these problems has taken place, in that we have recognised these sad statistics and resolved to address them. This Conference is part of the next step: exchanging ideas and proposals in order to arrive at solutions. It goes without saying that this exchange cannot happen between judges or legal practitioners and academics alone without the input of indigenous Australians. Likewise, if the exchange occurs between indigenous people without legal practitioners being a part of the conversation then many of the best ideas will not be implemented in policy or in courts around the country. The exchange of ideas needs to occur amongst and between judges from all jurisdictions, members of the legal profession, members of the Aboriginal community, including elders who can contribute immense life experience and leadership to the issues we face,

and representatives of Aboriginal organisations. Each of these groups has a significant contribution to make as we aim to improve our understanding of indigenous justice issues and progress towards solving them.

I would like to congratulate the Ngara Yura Committee of the Judicial Commission for organising this important event. I would also like that thank the speakers for the time they have dedicated to understanding the serious issues the legal system faces in finding appropriate solutions to failures in the criminal justice system. Finally, I would like to thank the participants for having the courage to tackle these difficult issues and contribute their ideas to the mix.

Mrs Tammy Wright will now conduct an 'Acknowledgment to Country' ceremony. Mrs Wright is a Murri woman from the Gamilaroi nation and was born in Warren, NSW. She is employed part-time as Project Officer, Ngara Yura Program with the Judicial Commission of NSW. A founding member and author of the community funded Aboriginal Post-release Support for Aboriginal women in NSW, Mrs Wright has provided advice and input into various government inquiries, including the 2001 Report on the Select Committee on the Increase in

Prisoner Population and the Attorney General's Speak Out, Speak Strong Report.

We are very fortunate to now be invited to a smoking ceremony conducted by Uncle Max Eulo. Uncle Max is an elder from the Buddjedi Peoples of western NSW. He has conducted smoking ceremonies for over 30 years including on two papal visits.

Thank you Uncle Max for sharing that with us today.

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Dr Megan Davis will now officially open the Conference by presenting a paper. Dr Davis is Professor of Law at the University of NSW, where she teaches and writes on Constitutional Law and International Legal issues, and is Director of the University of NSW's "Indigenous Law Centre". Dr Davis is also the first Australian serving as "Expert Member on the United Nations Permanent Forum on Indigenous Issues". She is an acting Commissioner of the NSW Land and Environment Court, a member of the expert panel on the Recognition of Indigenous Australians in the Constitution, and a member of the Ngara

Yura Committee which is organising this Conference. Given her wealth of experience, it is a privilege to have Dr Davis address us today.

Thank you very much Dr Davis. Your paper presents some interesting and challenging issues which I am sure will be the subject of further discussion over the course of this weekend and beyond.

I would now like to invite Judge Norrish QC to provide a brief overview of the Conference. Judge Norrish provided me with strict instructions to introduce him simply as Stephen Norrish, Chair of the Conference's organising Committee, the Ngara Yura Committee of the Judicial Commission of New South Wales. I think such an introduction would overlook the commitment and contribution that Judge Norrish has made to this area over the course of his life. Stephen Norrish worked as a solicitor for the Aboriginal Legal Service from 1975 to 1980 and was Senior Counsel assisting the Royal Commission into Aboriginal Deaths in Custody in NSW, Victoria and Tasmania from 1988-1990. Stephen Norrish has also served as a public defender, as Legal Aid Commissioner and as a member of the National Legal Aid Advisory Committee. He was appointed as a judge of the District Court in 2000

and has been Chairperson of the Ngarra Yura Committee since 2006. It gives me great pleasure to invite him to provide an overview of the Conference.

Dr Leanne Craze will be the Keynote Speaker for this Conference with an address titled: “Mental Health Issues in Aboriginal Communities – a crooked path to the prison door.” This paper was prepared in conjunction with Dr John Mendoza, past Chairperson of the National Advisory Council on Mental Health. Dr Craze was recently awarded the “Australian and New Zealand Exceptional Individual Achievement in Mental Health Award” at the Mental Health Services Conference in Adelaide for her service to this area throughout her life. Her commitment has been a long and successful one. Dr Craze obtained her PhD from the University of New South Wales as a result of her publication: “Care of Mentally Ill Offenders in NSW”. She has extensive experience in research and program development, implementation and evaluation in mental health and related health care areas. Dr Craze has worked closely with Aboriginal and Torres Strait Islander communities in Queensland, assisting the Queensland Ambulance Service to build partnerships with remote indigenous communities in order to improve

emergency responses. As a result of her work, roving field paramedic officers were established throughout the Gulf of Carpentaria, Cape York and Torres Strait. Please welcome Dr Leanne Craze.
