

Koori Court

DEPARTMENT
OF JUSTICE

State Government
Victoria

The Koori Court is an initiative of the Victorian Aboriginal Justice Agreement created under the *Magistrates Court (Koori Court) Act 2002*, (now incorporated into the *Magistrates Court Act 1989*). According to the Act, the Koori Court is created with the aim of ensuring greater participation of the Aboriginal community in the sentencing process of the Magistrates' Court. The Koori Court has four general objectives:

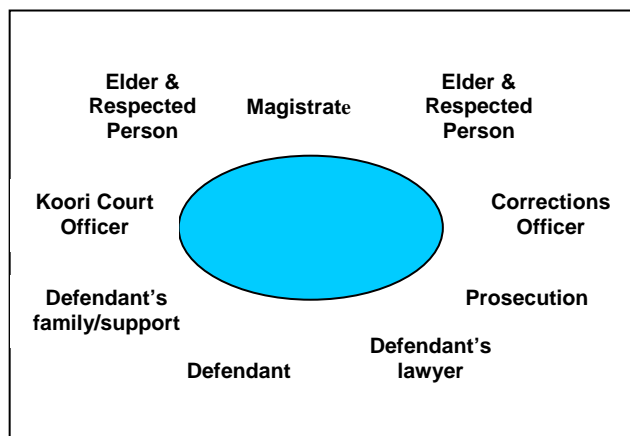
1. Improve defendants' understanding of the court.
2. Encourage defendants to take responsibility for their actions and recognise the consequences of their behaviour.
3. Create a court system that is culturally responsive.
4. Ensure greater participation of the Aboriginal community in the sentencing process.

Koori Courts are located at Magistrates' Courts in Shepparton, Broadmeadows, Mildura and Warrnambool (operating on circuit to Portland and Hamilton). There is also a Children's Koori Court at Melbourne Children's Court. A fifth adult Koori Court will open at Moe Magistrates' Court in April 2006.

How does the Koori Court operate?

The Koori Court operates in an informal atmosphere allowing greater participation by the Koori community in the court process. The court participants sit around an oval table, as depicted in *figure one*.

Figure One: Participants in the Koori Court



All offences that can be heard in a Magistrates' Court can be heard in the Koori Court, excluding certain family violence offences and all sexual offences. The Koori Court will only hear cases where the defendant has pleaded guilty to the offence(s) and, ideally, has shown an intention to take responsibility for his or her actions. As in other courts, the final sentencing decision is made by the Magistrate.

Key participants in the Koori Court

The Koori Court involves the creation of two specialised positions: the *Aboriginal Elder and Respected Person* and the *Koori Court Officer*.

Aboriginal Elder and Respected Person

The *Aboriginal Elder and Respected Person* plays a cultural advisory role, providing background information about the defendant and, if necessary, the victim, that may assist the Magistrate in understanding the reasons for the offending behaviour. Participation by the Aboriginal Elder or Respected Person sends the message to the defendant that the offence(s) committed is not condoned by either Aboriginal or non-Aboriginal communities.

Koori Court Officer

The *Koori Court Officer* is responsible for building strong relationships with all the stakeholders in the Koori Court, including service providers. In addition to sitting in court, the Koori Court Officer liaises with the defendant and his or her family before and after the case is heard. The Koori Court Officer may assist the defendant in accessing support services or provide more information about the court processes. The Koori Court Officer is also able to assist indigenous defendants who are not appearing in the Koori Court.

Evaluation

The Koori Court was independently evaluated from 2002 to 2004. The evaluation found that in almost all of its stated aims the Koori Court was a "resounding success." A comprehensive evaluation report will be published in 2006.

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