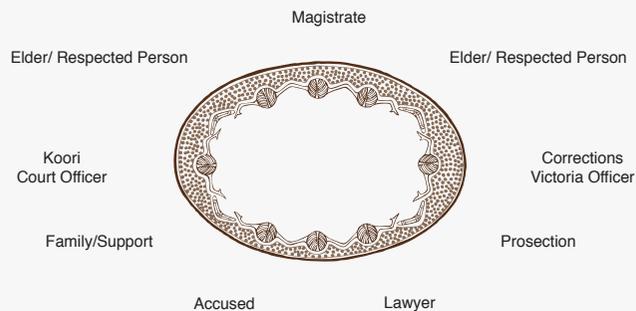


WHO IS INVOLVED IN THE KOORI COURTS HEARING?

- The Koori Courts are open and accessible to the public for observation, similar to mainstream courts.
- Koorie Elders or Respected Persons, a Koori Court Officer, the accused and their family can all contribute during the court hearing.
- The Koori Court Officer is available to provide assistance and referrals to the accused to access support services. Koori specific services will be sought as far as possible.
- The Koori Elders or Respected Persons will provide the court with advice relating to cultural matters. The magistrate might consider this advice when handing down the most appropriate sentencing order.

This diagram explains where everyone will sit in the Koori Court:



WHAT SENTENCING OPTIONS ARE AVAILABLE?

- As in mainstream criminal courts, the Magistrate is solely responsible for the decision regarding sentence.
- All sentencing options available to Magistrate's in mainstream criminal courts are also available in Koori Courts.
- The primary goal of the Koori Court is to create sentencing orders that are more culturally appropriate to Aboriginal accused, thereby reducing the rate of re-offending.

WHERE ARE THE COURTS?

Bairnsdale Koori Court	(03) 5152 9222
Broadmeadows Koori Court (Magistrates Court only)	(03) 9221 8900
Geelong Koori Court	(03) 5225 3333
Latrobe Valley Koori Court	(03) 5116 5222
Melbourne Children's Koori Court (Circuit to Heidelberg and Dandenong Courts)	(03) 8638 3377
Mildura Koori Court	(03) 5021 6000
Shepparton Koori Court	(03) 5821 4633
Swan Hill Koori Court	(03) 5032 1352
Warrnambool Koori Court	(03) 5564 1111
Melbourne Koori Court (Magistrates Court only)	(03) 9628 7777

If you have any questions, please contact your local Koori Court Office.

Children's Koori Court are located at Mildura, Swan Hill, Latrobe Valley (Morwell), Bairnsdale, Warrnambool, Shepparton Courts, Melbourne (Circuit to Heidelberg and Dandenong Courts) and Geelong.



The Koori Court logo was created by Mildura based artist Lance Atkinson, a Gamilraay man.

For more information please contact the Koori Court Unit
at the Magistrates' Court of Victoria
Level 6, 223 William St, Melbourne, Victoria 3000
Phone (03) 9032 0941



www.magistratescourt.vic.gov.au



KOORI COURT

Information for legal
representatives

The Koori community and Department of Justice and
Regulation working together

An initiative of the Victorian Aboriginal Justice Agreement

WHAT IS THE KOORI COURT?

- The Koori Court was originally created under the *Magistrates' Court Act 1989* as a division of the Magistrates' Court.
- Koori Courts now also sit in the Children's Court and the County Court.
- The Koori Court is a sentencing court.

HOW IS IT DIFFERENT?

- The Koori Court provides an informal atmosphere and allows greater participation by the Koori community in the court process.
- The Magistrate sits at a table with all other participants, not at the bench; the accused sits with a family member/ support person at the table.
- Participants talk in plain English, rather than using technical legal language.
- The Koori Court gives Koori people the chance to have a say. The Accused can talk about their past, reasons for their offending, and what they can do about it. Family and community members can also have their say.
- It is expected that the accused will be involved and participate in the "sentencing conversation" during the hearing.

WHY HAVE A KOORI COURT?

- Koori people are over-represented within the criminal justice system, more so than any other cultural group.
- Numerous reports, such as the Royal Commission into Aboriginal Deaths in Custody and the Bringing Them Home Report, have recommended that the legal system be modified to make it less culturally alienating and more tailored to the needs of Aboriginal accused and their community.
- The Victorian Aboriginal Justice Agreement is an agreement developed between the State Government and the Victorian Koori community. One of its major recommendations was the establishment of a Koori Court.

OBJECTIVES OF THE KOORI COURT

- Increase the accountability of the Koori community, families and accused persons.
- Reduce the amount of breached court orders and the recidivism rate.
- Increase community awareness about community codes of conduct.

- Explore sentencing alternatives prior to imprisonment.
- Create a court system that is culturally responsive.
- Ensure greater participation by the Aboriginal community in the sentencing process to increase Koori ownership of the administration of the law.
- Reduce perceptions of cultural alienation and tailor sentencing orders to the cultural needs of Koori offenders.
- Encourage the accused to appear in court.

WHAT LEGISLATION IS IT BASED UPON?

The Koori Court was established under the Magistrates' Court (Koori Court) Act 2002, which has subsequently been incorporated into the *Magistrates' Court Act 1989* (the Act).

JURISDICTION OF THE KOORI COURT

Section 4E of the Act sets out the jurisdiction of the Koori Court Division:

4E. Jurisdiction of Koori Court Division

The Koori Court Division has –

- (a) the jurisdiction to deal with a proceeding for an offence given to it by section 4F; and
- (b) jurisdiction to deal with a breach of sentencing order made by it (including any offence constituted by such a breach) or variation of such a sentencing order; and
- (c) any other jurisdiction given to it by or under this or any other Act.

4F. Circumstances in which the Koori Court division may deal with certain offences

1. The Koori court division only has jurisdiction to deal with a proceeding for an offence (other than an offence constituted by a breach of a sentencing order made by it) if –
 - a. the accused is Aboriginal; and
 - b. the offence is within the jurisdiction of the Magistrates' Court, other than –
 - i. a sexual offence as defined in section 6B(1) of the Sentencing Act 1991; or
 - ii. an offence against section 22 of the Crimes (Family Violence) Act 1987 (breach of an intervention order or interim intervention order) or an offence arising out of the same conduct as that out of which the offence against section 22 arose; and
 - c. the accused
 - i. intends to plead guilty to the offence; or
 - ii. pleads guilty to the offence; or

- iii. intends to consent to the adjournment of the proceedings to enable him or her to participate in a diversion program; and
 - d. the accused consents to the proceeding being dealt with by the Koori Court Division.
2. Subject to and in accordance with the rules –
 - a. a proceeding may be transferred to the Koori Court Division, whether sitting at the same or a different venue;
 - b. the Koori Court Division may transfer a proceeding (including a proceeding transferred to it under paragraph (a) to the court, sitting other than as the Koori Court division, at the same or a different venue.
 3. despite anything to the contrary in this Act, if a proceeding is transferred from one venue of the court to another, the transferee venue is the proper venue of the court for the purposes of this Act.

WHO IS ELIGIBLE?

Those who:

- i. are Aboriginal and/or Torres Strait Islander.
- ii. are charged with an offence that can be heard in a Magistrates' Court.
- iii. not be charged with a breach of family violence intervention order, interim intervention order or sexual offences.
- iv. plead guilty to the offence.
- v. are willing to join-in the Koori Court.
- vi. principles of proper venue will apply.

Aboriginal accused must elect to go to Koori Court, consent to the jurisdiction and plead guilty.

Aboriginality:

Aboriginality is a jurisdictional requirement; an accused must be Aboriginal to come before the Koori Court. Everyone who has their matter listed in the Koori Court will be required to complete a form 'Confirmation of Aboriginality or Torres Strait Islander Descent' Form, and affirm that they fit the definition of 'Aboriginal' (under s3).

"Aborigine" means a person who –

- a. is descended from an Aborigine or Torres Strait Islander; and
- b. identifies as an Aborigine or Torres Strait Islander; and
- c. is accepted as an Aborigine or Torres Strait Islander by an Aboriginal or Torres Strait Islander community.