

# County Koori Court

## *Commencement Script for a Koori Court Plea Mildura*

The Sentencing Conversation begins with the formal Arraignment. Before proceeding with the Arraignment, ensure that the offender has consented to his/her matter being heard in the Koori Court Division of the County Court and that s/he pleads guilty to the charges. Following Arraignment the court is reconvened with the Elders and Respected Persons and the Judge seated at the bar table.

### **Acknowledgment of Country**

1. We commence all the proceedings in this division by an Acknowledgement of Country.

(Said to all)

***“I acknowledge the First Peoples of the Millewa-Mallee (Mill-e-wa mallee), the Latje Latje and Ngintait (Ning-tait), as the traditional owners and custodians of the land on which we meet today. I also pay my respects to their Elders past present and emerging” and I extend that respect to any other elder or Aboriginal persons on other country who are observing or participating in today’s hearing.***

(Said to all, but in particular the offender)

*“This is a court which respects Aboriginal culture. At its launch this courtroom was smoked by a local Elder and this is very significant. What this means is that the room has been cleansed and this makes way for a fresh start for the future.”*

### **Introduction of Elders or Respected Persons and explanation of their role**

2. (Said to all, but in particular the offender)

*“Beside me here at the table are: (Aunty/ Uncle, or Respected Person).*

*The Elders (or Respected People) are here to assist me with the Sentencing Conversation. When I impose the Sentence, it will be my Sentence and they play no part in that process. They will speak to you to discuss your life, the offending and your future. It is important that you have a voice and will be heard.*

*Do you understand that?”*

3. Ask the Elders to introduce themselves to the offender. They generally tell the offender who they are, where their country is and who their mob is, eg Yorta Yorta.

### **Invite others to the table to introduce themselves**

4. The Koori Court Officer speaks first and then each of the people who are seated around the table.

The usual order is as follows:

***“Koori Court Officer.*** *He has an important role in this court. He is here to assist the court and the Elders and to provide assistance to you in understanding the process.”*

Followed by the offender's supporters, defence counsel and prosecution.

5. *"(Ms X) is the person representing the **Prosecution**, ie the state of Victoria.*

*Shortly s/he will outline to the court the circumstances of the offending and s/he will make submissions concerning the appropriate penalty that should be imposed."*

6. *"(Mr Y)" is the person representing **Community Correctional Services**. He is here to assist the court with any issues that might arise involving that agency."*

It is a good idea to ask the Koori Court Officer prior to the hearing whether any service providers or other supporting persons will be present at the table.

### **Introduction of any persons in the body of the court**

7. (Said to the body of the court by the Judicial Officer)

*"One of the strengths of this court is that people who are in a position to contribute any information about the case can do so. You should feel free to speak up and make a contribution to the conversation."*

### **Prosecution Opening and Defence Submissions**

8. (Said to all)

*"We shall now commence by the Prosecutor reading an outline of the circumstances of the offending. Then we shall hear briefly from **(Ms Z)** your barrister, who will have an opportunity to talk on your behalf."*

(Where comprehensive defence submissions & materials are filed, I ask the defence counsel to adopt the submissions and refer in brief to the submissions and I emphasise that the important aspect of the Sentencing Hearing is the conversation between the offender and the Elders.)

### **Commence Sentencing Conversation**

9. (Said to the offender)

*"We will now commence the Sentencing Conversation. This conversation will involve the Elders (or Respected Persons), as well as any other person/s present who may wish to speak on your behalf. It is important that you understand that you have a voice and that you will be listened to during this conversation."*

**\*\* Usually the elders will tell the Judge prior to entering the courtroom which Elder will start the conversation with the offender.\*\***

Once the conversation is completed and the Elders have exhausted all the matters they wish to raise, it is appropriate for the Judge to speak to the offender directly, summarising the focus of those discussions and what is proposed, eg assessment for a Community Correction Order, or any other report that may be required.

10. The formal sentence is given at a later stage.