

Table 1: Indigenous sentencing courts in Australia, updated July 2005

This table updates material given in Marchetti and Daly (2004), 'Indigenous courts and justice practices in Australia', *Trends & Issues in Crime and Criminal Justice No. 277*. The table is of 'urban' Indigenous courts, which we define as courts specifically established to sentence eligible Indigenous cases (or in the case of the Darwin Community Court, both Indigenous and non-Indigenous cases), and which were initially started in urban areas, although some have since been established in more remote areas. There are other sentencing practices that involve Indigenous participation and advice to judicial officers, which we have not included in the table (e.g., in Western Australia, courts in Wiluna, Yandeyarra, Geraldton, and in the Ngaanyatjarra Lands; and in Queensland, the Justice Groups' oral or written submissions to magistrates and judges at sentencing in the Cape York, Gulf, and Palm Island circuits). The dividing line between the 'urban' courts and these latter courts is somewhat fuzzy; and there is fluidity over time. Other Indigenous justice practices, such as those that enforce local by-laws, are not included in the table, although these could be a springboard for change in the future.

Jurisdiction	Locality	Name of Court	Date established	Number of elders or respected persons who sit with the magistrate	Layout of the courtroom
New South Wales	Nowra	Circle Court	Feb 2002	Four, selected from the community	Held in South Coast Aboriginal Cultural Centre; sit in a circle (no desk); closed court
	Dubbo	Circle Court	Aug 2003	Four, selected from the community	Sit in a circle (no desk); closed court
	Walgett	Circle Court (on circuit)	Due to start late 2005	Four, selected from the community	Sit in a circle (no desk); closed court
	Brewarrina	Circle Court (on circuit)	Due to start late 2005	Four, selected from the community	Sit in a circle (no desk); closed court
Queensland ¹	Brisbane	Murri Court	Aug 2002	One to two (depending on availability but two, one male and one female, is preferred), selected from a pool of 18 (this has grown from 15 on the original list)	Magistrates' courtroom with oval table and decorated with Indigenous paintings (this new court became available in 2005)
	Brisbane	Youth Murri Court	March 2004	One, same person each time	Magistrates' courtroom
	Rockhampton	Murri Court (Aboriginal people, Torres Strait Islanders and South Sea Islanders)	Jun 2003	One, selected from a pool of 8-10, but as many elders as possible turn up and observe	Normal magistrates' courtroom decorated with a painting and other insignia that reflects the participation of the three groups

¹ A court was established in Mt Isa in February 2004, but it stopped operating in April 2005. It was based on the model used in Brisbane. There is hope that the court will restart late 2005.

Jurisdiction	Locality	Name of Court	Date established	Number of elders or respected persons who sit with the magistrate	Layout of the courtroom
South Australia	Port Adelaide	Nunga Court	Jun 1999	Three, selected from the community (in 2003); previously one elder sat with the magistrate	Normal magistrates' courtroom with separate entrance decorated with Indigenous paintings
	Murray Bridge	Nunga Court (on circuit)	Jan 2001	One, selected from the community	Normal magistrates' courtroom
	Port Augusta	Special Aboriginal Court	Jul 2001	One, selected from the community	Normal magistrates' courtroom
	Port Augusta	Youth Aboriginal Court	May 2003	One, selected from the community	Normal magistrates' courtroom
	Ceduna	Aboriginal Court (on circuit)	Jul 2003	One, selected from the community	Normal magistrates' courtroom
Victoria	Shepparton	Koori Court	Oct 2002	Two, selected from a pool of 7; legislation permits just one to assist in the hearing	Remodelled courtroom with an oval table, 3 flags (Australian, Aboriginal and Torres Strait Islander), Indigenous paintings and noticeboard
	Broadmeadows	Koori Court	Mar 2003	Two, selected from a pool of 4; legislation permits just one to assist in the hearing	Remodelled courtroom with an oval table, 3 flags (Australian, Aboriginal and Torres Strait Islander), and Indigenous paintings
	Warrnambool (including Hamilton and Portland)	Koori Court (on circuit)	Jan 2004	Two; legislation permits just one to assist in the hearing	An oval table is used in Warrnambool; Hamilton and Portland use the standard courtroom
	Mildura	Koori Court	July 2005	Two; legislation permits just one to assist in the hearing	An oval table in a dedicated courtroom
ACT	Ngambra	Ngambra Circle Court	12 May 2004	Four to six selected from Indigenous people involved with the criminal justice system	Held at the Yarramundi Reach Aboriginal Cultural Centre; sit in a circle; not a closed court
NT	Darwin	Community Court	29 April 2005	Three to four selected from a pool of between 30 and 40	Held in the Darwin Magistrates' Court around the bar table in the form of a circle; no Indigenous insignia because the court is used for mainstream hearings