



Murri Court Procedure Manual

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ABBREVIATIONS

ATSILS Aboriginal and Torres Strait Islander Legal Service

CJG Community Justice Group

CIP Courts Innovation Program

DJAG Department of Justice and Attorney-General

EAF *Eligibility Assessment Form*

IJO Indigenous Justice Officer

MCAP Murri Court Assessment Panel

MCER *Murri Court Entry Report*

MCPR *Murri Court Progress Report*

MCSR *Murri Court Sentence Report*

QCS Queensland Corrective Services

QPS Queensland Police Service

DEFINITIONS

Community Justice Group Attendance and Submission Details Form: the form completed by the Community Justice Group (CJG) representative and court staff as a record of each court sitting.

Elder and/or Respected Person: a member of a CJG who identifies as Aboriginal and/or Torres Strait Islander, and who is nominated to participate in a Murri Court assessment panel, or to sit with the magistrate during mentions and sentencing in the Murri Court.

Eligibility Assessment Form: the form completed to refer a defendant to Murri Court.

Murri Court Assessment Panel: the panel who assess and advise on a defendant's suitability for Murri Court and who prepare *Murri Court Entry* and *Sentence Reports*. The panel is comprised of between one and three Murri Court Elders and/or Respected Persons and the CJG representative.

Murri Court Entry Report: the report prepared by the Murri Court Assessment Panel that provides the court with the information the Assessment Panel gathered including:

- the defendant's suitability to participate in Murri Court;
- the treatment and support services to which a defendant will be referred in order to address the factors thought to contribute to their offending; and
- the defendant's personal and cultural circumstances.

Murri Court magistrate: the magistrate responsible for convening Murri Court and the authority for imposing bail conditions, warrants, and sentences.

Murri Court mention: a hearing day in court. The first mention is the first day the defendant is supposed to appear in court. All other Murri Court attendances are also 'mentions' until the sentencing hearing.

Murri Court panel: the group of one or two Elders or Respected Persons who sit with the magistrate in Murri Court.

Murri Court participants: the individuals directly involved in Murri Court mentions, that is:

- the Murri Court magistrate
- the Murri Court panel
- the defendant
- the defendant's legal representative (if any)
- the defendant's support person (if any)
- the prosecutor
- the victim or their representative
- Community Justice Group representatives
- Queensland Corrective Services representatives
- Youth Justice representatives

The term *Murri Court participants* does **not** include people who may be seated in the public gallery unless they are invited by the Murri Court magistrate to speak.

Murri Court progress mention: a mention during the pre-sentence referral process at which a defendant's progress in addressing the underlying contributors to their offending is reported to Murri Court. This progress is also reported in the *Murri Court Progress Report*.

Murri Court Progress Report: a report written by service providers that tells the court about how well the defendant is attending and engaging with their service.

Sentence: a hearing day in court at which the defendant is sentenced.

Murri Court Sentence Report: the report prepared by the Murri Court Assessment Panel just before sentencing. The *Murri Court Sentence Report* will provide:

- an update on the defendant’s progress with regard to the treatment and support services to which the defendant was referred; and
- an update on the defendant’s personal and cultural circumstances for the purpose of providing a broader context in which his or her offending can be understood.

Pre-sentence referral process: the period of time before sentencing when the defendant's matter gets adjourned to allow them to be referred to treatment and support services to address the underlying contributors to their offending.

1. INTRODUCTION TO PROCEDURES MANUAL

1.1 Purpose of the Murri Court Procedures Manual

The purpose of this manual is to clarify the roles and responsibilities of all Murri Court participants, define the procedures and processes of the court, and to promote consistency in the court's operations.

The manual is intended to assist stakeholders such as legal practitioners, service providers, and CJGs as they work within the Murri Court process. Other participants may also find information in the manual helpful.

The manual is set out according to the structure of the Murri Court process, summarised in Appendix 1.

1.2 Regional variations

It is recognised that operations in each location may vary to recognise and respond to local needs.

Differences in operations may arise from factors such as the number of CJG staff, Elders, or Respected Persons; the availability and requirements of local services; or the cultural needs of defendants in the local area.

Any local arrangement must not contradict any process or procedure laid out in this procedure manual.

1.2.1 Local Arrangement Agreements

Local variations should be documented in a *Local Arrangement Agreement*. The agreement must have the consensus of at least the following participants: the magistrate, CJG, Elders, and Respected Persons. The involvement of other participants in the creation of the agreement such as the prosecutor, ATSILS, Corrective Services, Youth Justice, or key service providers is encouraged. This will allow all participants to be aware of and understand their role and responsibilities during the Murri Court process and enable their engagement in that process.

A copy of the agreement should also be provided to the local Indigenous Justice Officer (IJO) to assist them in providing support to Murri Court and its operations.

For questions regarding local arrangements or making a local arrangement agreement, please contact your local IJO.

Appendix 2 contains a template for creating a local arrangement agreement.

1.3 Amendments to the Murri Court Procedures Manual

The process and operations of Murri Court are expected to evolve over time and this manual will need to be updated to reflect these changes.

Stakeholders may propose amendments by contacting the Murri Court Coordinator.

The Director, Courts Innovation Program will be responsible for approving updates to the Manual.

1.4 Version History

Version Number	Effective From Date	Approved By
1	7 November 2016	Angela Moy, Acting Director, Courts Innovation Program
1.1	4 April 2017	Angela Moy, Acting Director, Courts Innovation Program

2. OVERVIEW OF MURRI COURT

2.1 Aims of Murri Court

Murri Court is a specialist Magistrates Court that connects Aboriginal and Torres Strait Islander defendants with treatment and support services prior to sentencing to help them address the underlying contributors to their offending.

The goals of Murri Court are to:

- a) reduce the frequency and seriousness of any subsequent contact Murri Court defendants might have with the criminal justice system;
- b) encourage defendants to take responsibility for their offending and increase defendants' awareness of the consequences of their actions for victims and the community;
- c) encourage magistrates to consider at sentence how a defendant's cultural and personal circumstances contribute to their offending;
- d) encourage defendants' attendance and engagement with support services while on bail;
- e) facilitate improvements in defendants' self-reported physical and psychological health, and quality of life;
- f) improve defendants' engagement with, and understanding of, the court process; and
- g) improve Aboriginal and Torres Strait Islander Elders and Respected Persons' confidence in and knowledge of the court process.

Murri Court aims to achieve these goals by engaging the Aboriginal and Torres Strait Islander community in the court process, having culturally relevant and respectful processes, and ensuring the magistrate has information about the defendant's culture, personal history, and efforts at rehabilitation at sentencing.

2.2 Legislation

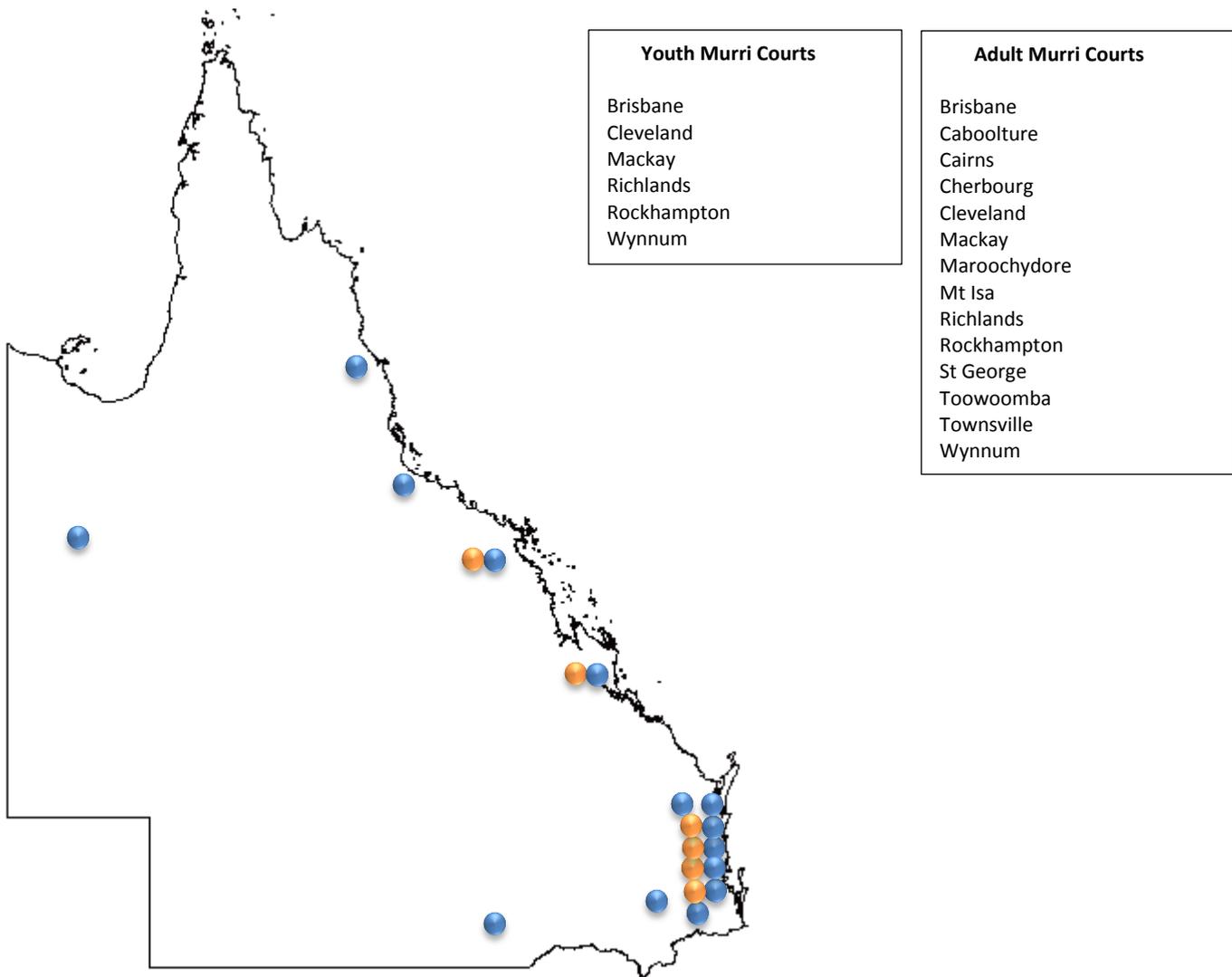
Murri Court does not operate under dedicated legislation. CJGs have the ability to make submissions to a court through:

- s 9(2) of the *Penalties and Sentences Act 1992*
- s 150(1) of the *Youth Justice Act 1992*
- s 15 of the *Bail Act 1980*

2.3 Current Locations

Murri Court currently operates in 14 locations: Brisbane, Caboolture, Cairns, Cherbourg, Cleveland, Mackay, Maroochydore, Mount Isa, Richlands, Rockhampton, St George, Toowoomba, Townsville, and Wynnum.

Not all locations have both an adult and youth Murri Court in operation.



2.4 Overview of Murri Court

The Murri Court process is outlined briefly below. Further details about each step can be found in [section 3](#) of this manual.

Once charged, defendants may be referred to Murri Court by their legal representative, the CJG, the magistrate, or they may refer themselves. Where possible, this should be done at their first court appearance.

In order to refer a defendant, an *Eligibility Assessment Form* (EAF) must be completed by the referrer and submitted to the court. The magistrate will consider the EAF and any other relevant information and decide if a defendant is eligible.

If the magistrate agrees a defendant is eligible, they will adjourn the matter for approximately two to four weeks to allow an assessment to occur. The Court Services Officer will provide a copy of the EAF and the bail undertaking to the CJG, Courts Innovation Program (CIP), prosecutor, and the defendant's legal representative (if any).

The CJG will contact the defendant during the adjournment period and arrange an assessment panel to complete a *Murri Court Entry Report* (MCER).

At the first Murri Court mention, the magistrate will determine the defendant's suitability to participate in the Murri Court pre-sentence referral process. They will consider the MCER, any relevant facts and circumstances, and any submissions by participants such as the CJG.

During the pre-sentence referral process, the defendant works with the CJG and support services to address underlying contributors to their offending. Progress mentions will be set down by the Murri Court magistrate. The number of progress mentions will vary depending on a number of factors, including the needs of the defendant and court availability.

At one of the progress mentions, the magistrate will request that a *Murri Court Progress Report* (MCPR) be prepared by the service provider(s) or CJG assisting the defendant.

At the end of the pre-sentence referral process, the magistrate will ask that a *Murri Court Sentence Report* (MCSR) be prepared by the assessment panel and the matter will be set down for sentence.

The magistrate will consider the MCSR, any submissions by the participants, any victim impact statements, and sentence the defendant according to law.

2.5 Roles and Responsibilities of Murri Court Participants

2.5.1 Responsibilities of Defendants

Defendants proceeding through Murri Court are required to:

- provide the necessary information to complete the MCER, MCPR, and MCSR;
- consent to their information being shared between participants;
- engage and maintain contact with the CJG and support services;
- work with service providers and make a genuine effort to address the underlying contributors to their offending; and
- attend court as required and inform the court about their progress in addressing the underlying contributors to their offending.

2.5.2 Responsibilities of Community Justice Groups

The CJG representative is responsible for:

- assisting and directing the defendant during the pre-sentence referral process;
- nominating Elders and Respected Persons from the local community for Murri Court;
- assigning Elders and Respected Persons to Murri Court assessment panels and convening the panels to prepare MCERs and MCSRs;
- coordinating and supporting Elders and Respected Persons in their role including arranging transport to court (if required);
- providing copies of any reports to the defendant, their legal representative, the prosecution, magistrate and Murri Court Panel prior to court appearances; and
- developing networks with agencies and service providers to ensure that adequate support is available in the area for Aboriginal and Torres Strait Islander defendants.

2.5.3 Responsibilities of Elders and Respected Persons

Elders and Respected Persons are responsible for:

- interviewing the defendant for the purposes of their MCER and MCSR;
- advising the magistrate in relation to the defendant's personal and cultural circumstances;
- supporting and encouraging defendants as they progress through Murri Court; and
- informing the magistrate about the defendant's progress in addressing the underlying contributors to their offending.

2.5.4 Responsibilities of Legal Representatives

A defendant's legal representative is responsible for:

- assessing a defendant's eligibility to participate in Murri Court where required;
- providing legal advice to the defendant throughout the Murri Court process; and
- reviewing all Murri Court reports before court in order to recommend appropriate adjournment periods and raise any relevant issues with the court.

2.5.5 Responsibilities of Service Providers

Service providers are responsible for:

- assisting the defendant to address any underlying contributors to their offending;
- managing the assessment and treatment of the defendant; and
- completing a MCPR where possible.

2.5.6 Responsibilities of the Queensland Police Service

The Queensland Police Service (QPS) is responsible for:

- advising the court on the defendant's bail suitability;
- providing submissions to the court on the impact of the offence on the community and victim(s);
- reviewing all Murri Court reports before court and raising any relevant issues; and
- providing information about the defendant's bail compliance.

2.5.7 Responsibilities of Queensland Corrective Services/Youth Justice

Queensland Corrective Services (QCS) and Youth Justice are responsible for:

- advising when a defendant is already subject to the supervision of their agency; and
- making submissions to the court about sentences.

2.6 Governance

2.6.1 Local Stakeholder Group

A local stakeholder group will be established in each Murri Court location. The membership of the group is drawn from representatives at the decision-maker level from key stakeholders.

Membership may include:

- the local IJO;
- the Murri Court magistrate;
- registry staff;
- the CJG (who will also represent the interests of their Elders and Respected Persons);
- QPS;
- QCS;
- Youth Justice, in locations with a Youth Murri Court;
- ATSILS;
- Legal Aid Queensland; and
- key service providers.

The Stakeholder group will oversee the operation of the Murri Court in each location and resolve local operational issues, where possible. Any issues that cannot be resolved will be escalated to the Statewide Stakeholder Group or the Director, Courts Innovation Program as necessary.

It is anticipated that the local stakeholder group will meet at least quarterly. Meetings will be arranged and chaired by the local IJO.

2.6.2 Statewide Stakeholder Group

The Statewide Stakeholder Group will oversee the operation of the Murri Court in Queensland and resolve any issues that cannot be resolved locally. The group will consider the general operation of the Murri Court, proposed changes to the court model, and make recommendations in regard to the implementation of any changes.

The Statewide Stakeholder Group will be comprised of representatives at the decision-maker level from stakeholders and DJAG staff.

It is anticipated that the Statewide Stakeholder Group will meet at least quarterly. Meetings will be arranged by CIP staff.

2.7 Complaints

Any complaints in regard to the Murri Court or its operations should be directed to the local IJO in the first instance.

The IJO will make every effort to readily resolve a complaint, but where further investigation is required, the IJO will provide information on DJAG's complaints process.

Complaints can be received at any time, in any way, including:

- verbally or in writing by an IJO;
- in writing by the Murri Court Coordinator via the murri court email address; or
- verbally or in writing by DJAG.

Standard complaints received will be resolved within 30 working days of receipt. More complex complaints or complaints about privacy may take longer to resolve.

Where a complaint is made in writing, acknowledgement of the complaint will be made in writing or by phone within five business days of receipt.

DJAG has a client complaint management policy about how it handles complaints from members of the public. Details of this policy are available on the DJAG website on the 'Contact Us' page.

2.8 Courtroom Layout

The layout of Murri Court is intended to reflect the court's aims of delivering a process that is culturally appropriate, that respects and acknowledges Aboriginal and Torres Strait Islander culture, and that encourages all participants to fully engage in the court process.

Aboriginal and Torres Strait Islander flags, symbols and artefacts

Wherever possible, symbols, flags, artwork, and artefacts of significance to the Aboriginal and Torres Strait Islander community will be present in the room where Murri Court is held. CIP has supplied each location with a set of three flags – an Aboriginal flag, a Torres Strait Islander flag, and an Australian flag – one small set for positioning on the bench and/or one tall set to be placed where practicable in the court room.

Seating arrangements

Ideally, to encourage communication and participation, the Murri Court magistrate, prosecutor, defendant, the defendant's legal representative, and the CJG representative will be seated at the same level and in a circle when hearing Murri Court matters.

Whether this seating is possible will depend on the physical features of each courtroom and the needs and wishes of participants.

Regardless of the seating arrangement, less formal set ups are encouraged to support open communication between participants.

Attire in Murri Court

There is flexibility in regard to the wearing of formal uniforms in Murri Court.

Both magistrates and QPS representatives may choose to wear civilian clothes, while Elders and Respected Persons may choose to wear a Murri Court uniform or sash.

Alternatively, a magistrate may choose to wear specially painted robes featuring the artwork of Aboriginal and Torres Strait Islander individuals.

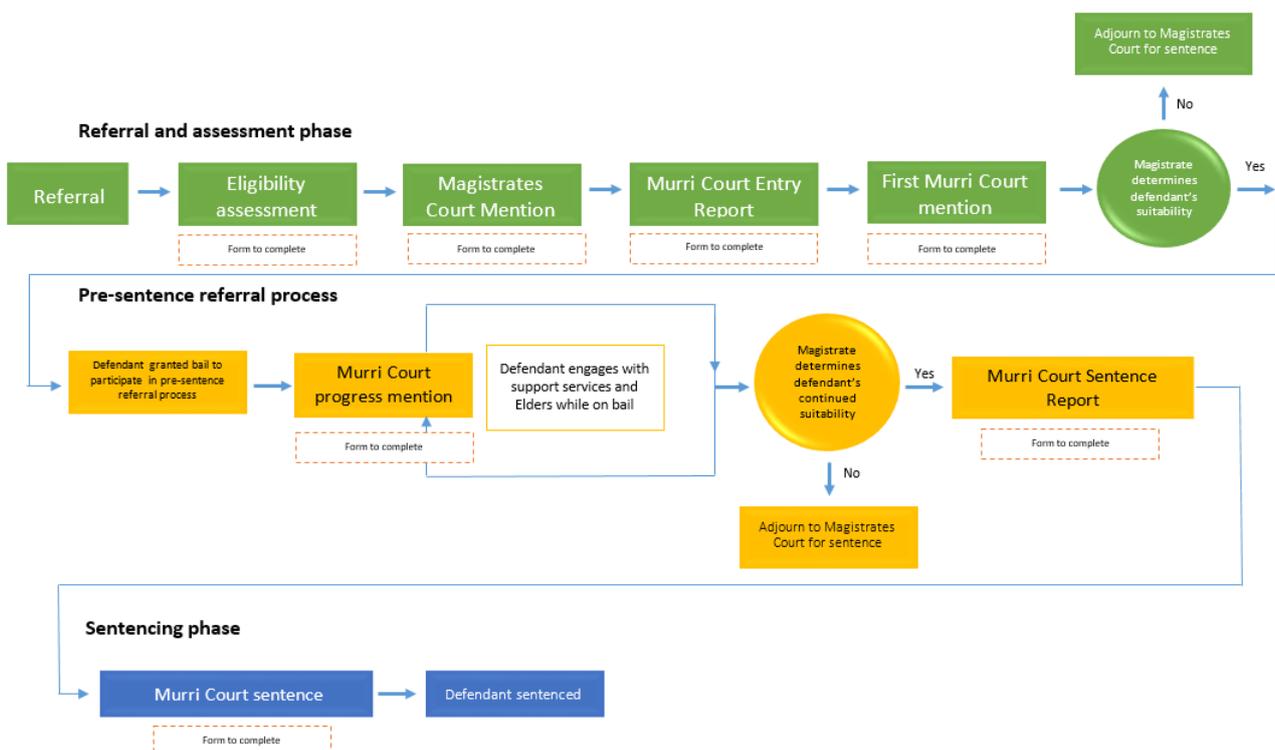
Defendants are not required to wear formal clothes but are encouraged to maintain a neat appearance when attending Murri Court.

3. THE MURRI COURT PROCESS

3.1 Summary of the Murri Court Process: Eligibility Assessment to Sentencing

The Murri Court process can be divided into three stages:

- Referral and assessment phase
- Pre-sentence referral process
- Sentencing phase



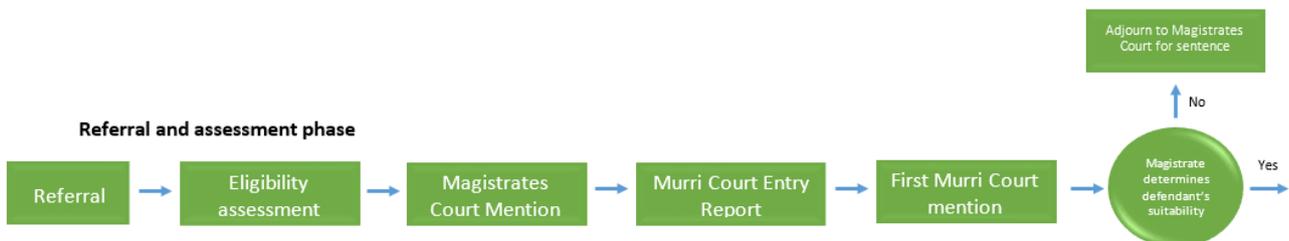
3.2 Eligibility

To be eligible to participate in Murri Court, a defendant must:

- have a matter in a district where there is a Murri Court;
- have current charges which are to be dealt with summarily;
- be on bail or have been granted bail but yet to sign an undertaking as to bail;
- identify as an Aboriginal person, Torres Strait Islander person, or have a kinship or appropriate connection to the Aboriginal or Torres Strait Islander community;
- intend to plead guilty or have entered a guilty plea to the charge(s) they intend to refer to Murri Court;
- consent to participate fully in the Murri Court process; and
- consent to the disclosure and exchange of their personal information between the court and other relevant agencies or persons.

3.3 Referral and Assessment Process

3.3.1 Overview of Steps in the Referral and Assessment Process



3.3.2 Referral and the Eligibility Assessment Form



A defendant can be referred to Murri Court by:

- their legal representative;
- the magistrate;
- a Community Justice Group; or
- themselves (self-referred).

In order to refer the defendant, an EAF must be completed by the referring party and signed by the defendant.

The purpose of the EAF is to gather information on the defendant's eligibility for the magistrate to consider, advise the defendant on their obligations in Murri Court and how their information will be used, and to act as the defendant's written consent to participate in Murri Court.

The form is available at Appendix 3.

The EAF can be submitted to the court at any Magistrates Court mention, but should be provided at the defendant's first court date where possible.

Once an EAF is submitted to the magistrate, they will make a decision on whether or not to refer the matter to Murri Court. The magistrate's decision will be recorded on the EAF.

The magistrate will consider the EAF, all other relevant facts and circumstances, and any submissions made by the participants. Where the eligibility criteria are met, there is a presumption in favour of referring a matter to Murri Court.

Charges may continue in the Magistrates Court where:

- the magistrate chooses not to refer some or all of the defendant's charges to Murri Court;
- some of the defendant's charges are contested; or
- some of the defendant's charges are proceeding by indictment.

Once the magistrate has decided to refer the defendant, the matter will be adjourned to Murri Court for a period of between approximately two and four weeks to allow the defendant to be assessed and a MCER prepared.

The court services officer will then notify the relevant CJG of the referral and provide a copy of the defendant's EAF and bail undertaking to the CJG as well as the prosecutor and legal representative (if any) handling the defendant's matters.

The court services officer will also provide a copy of the defendant's EAF to CIP through the Murri Court inbox.

3.3.3 Suitability Assessment



Once notified that a defendant has been referred to Murri Court, the CJG will convene an assessment panel comprised of between one and three Elders or Respected Persons and the CJG representative.

Prior to the Murri Court Assessment Panel meeting, the CJG will notify the defendant of the Elders and Respected Persons who have been nominated for the panel. The defendant may raise any concerns about conflicts of interest at this time.

Where a conflict of interest exists, or an Elder is not otherwise able to participate in an assessment panel, the CJG will nominate another Elder to take their place, if necessary.

The purpose of the Assessment Panel is to gather information about the defendant and their history and to complete a *Murri Court Entry Report*.

The panel will meet with the defendant and prepare a MCER. Where and how the meeting takes place is at the discretion of the panel.

Other participants in the assessment process may include:

- the primary carer of the defendant, if the defendant is a young person;
- a defendant's family members or support person; or
- government agencies and service providers.

3.3.4 Murri Court Entry Report

The defendant is not required to answer all questions in the MCER, however, it is important that the report is completed as fully as possible to ensure the Murri Court magistrate has enough useful and relevant information to assist them in making informed decisions.

Important note: The Murri Court Assessment Panel is not clinically trained and is not able or expected to diagnose a defendant in any way.

The purpose of the MCER is to assess the defendant's suitability for Murri Court, identify potential treatment and support services to assist them address the underlying contributors to their offending, and outline the defendant's personal and cultural circumstances for the court.

The Murri Court Assessment Panel will indicate in the report if a defendant is suitable for Murri Court.

The panel can base their decision about suitability on a number of different factors, including whether the defendant has the willingness and capacity to participate in Murri Court, whether there are appropriate support services in the local area to assist the defendant, and the nature or type of the defendant's offences. For example, some Murri Court locations do not accept defendants with sexual offences or with a history of sexual offences.

The CJG is responsible for providing a copy of the MCER to CIP, the defendant or their legal representative, the prosecutor, and the court no later than 48 hours before the first Murri Court mention.

Where appropriate, the CJG may give a copy of the MCER to any service providers to assist them in providing the defendant with support.

The *Murri Court Entry Report* form is available at Appendix 4.

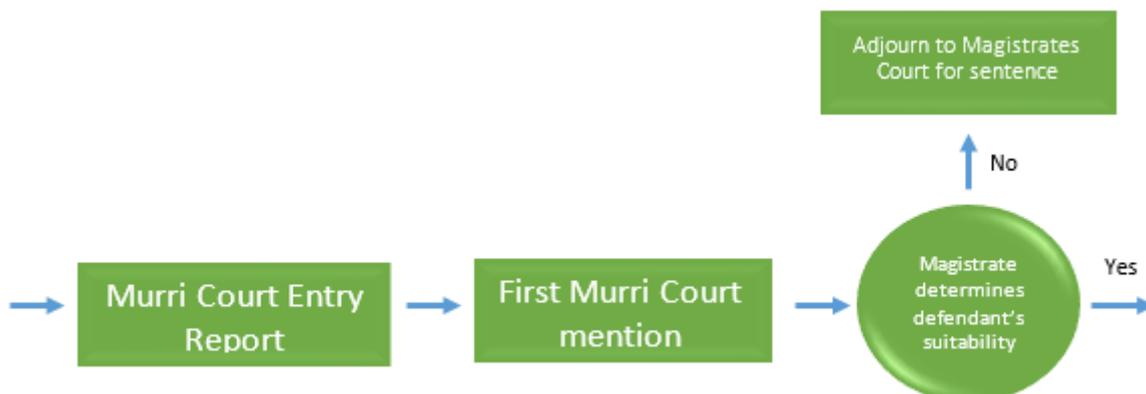
3.3.5 Questionnaire

A questionnaire is completed at the same time as the MCER. The purpose of this questionnaire is to gather information about a defendant's opinions and experiences of the Magistrates Court as well as why they want to go to Murri Court. This information is collected by DJAG to assess how well Murri Court is working and make changes if necessary.

The questionnaire is provided to CIP only and does not form part of the court record.

The *Entry Questionnaire form* is available at Appendix 5.

3.4 The First Murri Court Mention



3.4.1 The Court

When Murri Court sits, the following people will be present:

- the Murri Court Magistrate;
- one or two Elders or Respected Persons (the Murri Court Panel);
- the CJG representative;
- representatives from QPS;
- representatives from QCS or Youth Justice;
- the defendant; and
- the defendant's legal representative (if any).

The defendant's support person may also be present.

The members of a Murri Court panel will be nominated by the CJG and will be determined according to a roster maintained by the CJG. These panel members may not be the same Elders or Respected Persons that completed the MCER for the defendant.

At least 48 hours before the first mention, the CJG will notify the defendant of the Elders and Respected Persons who have been nominated for the panel. The defendant may raise any concerns about conflicts of interest at this time.

Where a conflict of interest exists, or an Elder is not otherwise able to participate in a court panel, the CJG will nominate another Elder to take their place.

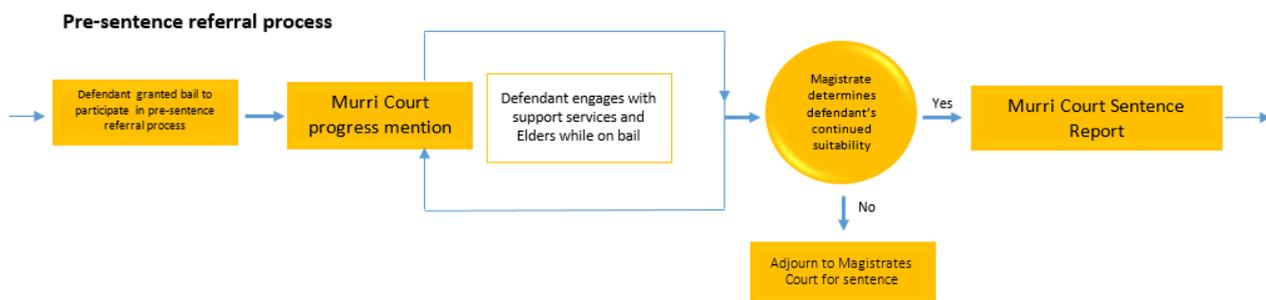
The first mention is when the magistrate will decide if a defendant will be allowed to participate in Murri Court. The magistrate will consider the MCER, any relevant facts and circumstances, and any submissions by participants.

If a defendant is found suitable to participate in Murri Court, the magistrate will consider whether or not to endorse the MCER and its recommended referrals. At the end of that court appearance, the magistrate will set the matter down for a Murri Court progress mention.

If a defendant is found unsuitable for Murri Court, their matters will be referred back to the Magistrates Court and proceed in the mainstream court system.

3.5 The Pre-sentence referral process

3.5.1 Overview of Steps in the Pre-sentence Referral Process



3.5.2 Engagement with Support Services

During the pre-sentence referral process, the CJG will assist and direct the defendant.

The CJG will refer the defendant to the service providers endorsed by the court, connect the defendant with cultural activities and the Elders and Respected Persons, and support the defendant

while they engage with service providers and work on addressing the contributors that led to their offending.

3.5.3 Progress Mentions

Throughout the pre-sentence referral process, a defendant may have a number of progress mentions prior to sentence.

The purpose of these mentions is to keep the court informed of the defendant's progress in addressing the underlying contributors to their offending.

The number of progress mentions will vary depending on a number of factors, including the needs of the defendant and court availability, but will usually be no more than six weeks apart.

At each progress mention, the magistrate will consider the defendant's continued participation in Murri Court. The prosecutor, the defendant's legal representative, the CJG representative, or other participants may make submissions about this issue.

3.5.4 Murri Court Progress Report

As a defendant engages with support services, the magistrate will request that a progress report be prepared by the service provider(s) working with the defendant.

The purpose of the report is to:

- inform the Murri Court magistrate and panel of what the defendant is doing to address the underlying contributors to their offending;
- highlight any concerns or successes regarding the defendant's progress; and
- make recommendations about their continued participation in Murri Court.

The CJG representative will notify the service provider(s) of the request and provide the report template.

The CJG representative should forward this report to the defendant or their legal representative, the prosecutor and the court at least 48 hours prior to the defendant's next mention, wherever possible.

The *Progress Report* form is available at Appendix 6.

3.5.5 Non-attendance, Breaches of Bail, and Incarceration

The CJG representative must, as soon as possible, notify the court, the prosecutor, and the defendant's legal representative, if the defendant:

- fails to engage with the process, despite reasonable opportunities to comply with the directions of the CJG representative; or
- informs the CJG representative that they have withdrawn their consent to participate in the Murri Court process.

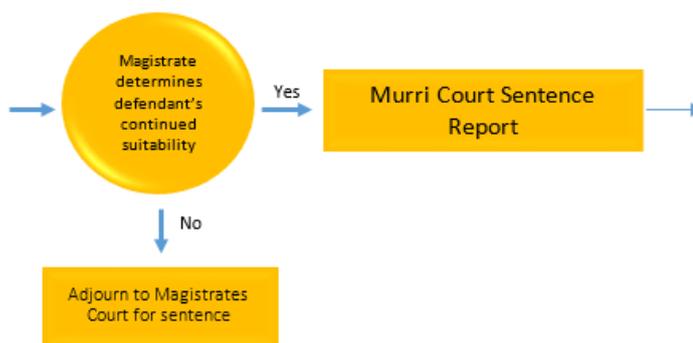
The prosecutor must, as soon as possible, notify the court, the CJG representative, and the defendant's legal representative, if the defendant:

- is charged with further offences;
- is imprisoned or sentenced to detention; or
- fails to comply with any bail conditions.

Excluding the withdrawal of consent, where any of the above occurs, the defendant's continued participation is a matter for the court's discretion following any submissions made by participants.

If the defendant appears in the Magistrates Court for new offences while in Murri Court, the magistrate may consider joining the new offences and transferring them to Murri Court.

3.5.6 Leaving Murri Court



A defendant may leave Murri Court when:

- they complete the pre-sentence referral process and are sentenced;
- the magistrate decides the defendant is no longer suitable for Murri Court, for example, due to not engaging with support services or because they've been imprisoned;
- the defendant decides they wish to plead not guilty to the charges in Murri Court;
- the defendant decides they want the charges in Murri Court to proceed by indictment; or
- the defendant no longer wishes to participate in Murri Court.

3.5.7 Setting a Matter down for Sentence

Once the defendant has progressed through the pre-sentence referral process, the magistrate will set the matter down for sentence.

At this stage of Murri Court, the defendant will have been engaging with service providers for a period of time. The total duration of the pre-sentence referral process is a matter for the magistrate but sentencing will usually occur within three months of a matter being referred to Murri Court.

The magistrate may choose to set a matter down for sentence, where:

- the defendant has engaged well with referral services and has progressed to the point where sentencing is appropriate;
- the defendant is not engaging well and wishes to be sentenced; or
- the defendant is not engaging well and it is determined by the magistrate that sentencing will be the most appropriate option for them to exit Murri Court.

The magistrate will request that the assessment panel complete a *Murri Court Sentence Report* prior to the sentencing hearing.

The CJG is responsible for convening the assessment panel as soon as possible, once a report is requested.

The assessment panel comprised of between one and three Elders or Respected Persons and the CJG representative.

Prior to the Murri Court Assessment Panel meeting, the CJG will notify the defendant of the Elders and Respected Persons who have been nominated for the panel. The defendant may raise any concerns about conflicts of interest at this time.

Where a conflict of interest exists, or an Elder is not otherwise able to participate in an assessment panel, the CJG will nominate another Elder to take their place, if necessary.

The Elders and Respected Persons on the MCSR panel may not be the same Elders and Respected Persons that completed the MCER or who sit on the Murri Court panel.

As with the MCER, the assessment panel will decide where and how the meeting with the defendant to complete the report takes place.

3.5.8 Murri Court Sentence Report

The purpose of the sentence report is to:

- advise of the defendant's progress with treatment and support services; and
- describe how the defendant's circumstances have changed after being involved with Murri Court.

The MCSR will contain summaries of the information from the MCER and questions about whether there have been any changes to the defendant's cultural connections or personal circumstances since the entry report was prepared.

The defendant is not required to answer all questions in the MCSR, however, it is important that the report is completed as fully as possible to ensure the Murri Court magistrate has enough useful and relevant information to assist them in making informed decisions about sentencing.

Important note: The Murri Court Assessment Panel is not clinically trained and is not able or expected to diagnose a defendant in any way.

The CJG is responsible for providing a copy of the MCSR to CIP, the defendant or their legal representative, the prosecutor, and the court no later than 48 hours before sentencing.

Where appropriate, the CJG may also provide a copy of the MCSR to QCS or Youth Justice so they have the opportunity to consider the report prior to sentence for the purpose of making submissions to the court.

The *Murri Court Sentence Report* form is available at Appendix 7.

3.5.9 Questionnaire

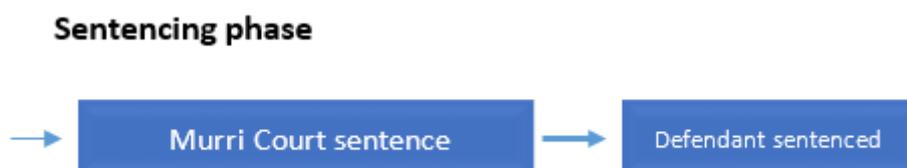
As with the entry report, a questionnaire is completed at the same time as the MCSR. The purpose of this questionnaire is to gather a defendant's opinions and experiences of Murri Court so far. This information is collected by DJAG to assess how Murri Court is working and to identify possible improvements.

The questionnaire is provided to CIP only and does not form part of the court record.

The *Sentence Questionnaire* form is available at Appendix 8.

3.6 Sentencing

3.6.1 The Sentencing Hearing



When Murri Court sits for a sentencing hearing, the following people will be present:

- the Murri Court Magistrate;

- one or two Elders or Respected Persons (the Murri Court Panel);
- the CJG representative;
- representatives from QPS;
- representatives from QCS or Youth Justice;
- the defendant; and
- the defendant's legal representative (if any).

The victim(s), their representative(s), and the defendant's support person may also be present.

It is expected that, at a minimum, the following will occur:

- the magistrate will explain the charge to the defendant, confirm their plea of guilty, and their understanding of that plea;
- the prosecution will outline the facts of the charges;
- the magistrate and Murri Court panel will encourage the defendant to tell them directly, rather than through a legal representative, about their offending, what they have done to address the factors contributing to their offending, and their motivation to change;
- the defendant will also be encouraged to comment on their view of the effect of their offending on the victim(s) and community;
- other participants will be invited to provide information about the defendant's offending and progress including the provision of any Victim Impact Statement;
- the magistrate will sentence the defendant according to law; and
- the magistrate will invite the panel to speak to the defendant before and/or after the sentence is handed down.

Depending on the sentence handed down, the CJG representative may provide a copy of the MCSR to QCS or Youth Justice in an effort to ensure continuity of the defendant's rehabilitation. This will only be provided to those agencies if the defendant consents and if they do not already have a copy.

4. USEFUL RESOURCES

ATO: ato.gov.au

Centrelink: humanservices.gov.au/dhs/centrelink

CJG Contacts (see Courts webpage for [details](#))

Murri Court Webpage: www.courts.qld.gov.au/murricourt

Queensland Courts website: www.courts.qld.gov.au

5. LIST OF APPENDICES

APPENDIX 1: MURRI COURT FLOWCHART

APPENDIX 2: LOCAL ARRANGEMENT AGREEMENT EXAMPLE

APPENDIX 3: ELIGIBILITY ASSESSMENT FORM

APPENDIX 4: MURRI COURT ENTRY REPORT

APPENDIX 5: DEFENDANT'S ENTRY QUESTIONNAIRE

APPENDIX 6: MURRI COURT PROGRESS REPORT

APPENDIX 7: MURRI COURT SENTENCE REPORT

APPENDIX 8: DEFENDANT'S SENTENCE QUESTIONNAIRE