

# WALAMA LIST FACTSHEET<sup>1</sup>

## WHAT IS WALAMA?

‘Walama’ is a word from the Dharug language meaning **‘come back’** or return. In the context of the Walama List, it is a coming back to **identity, community, culture, and a healthy, crime-free life.**

The Walama List will provide a therapeutic and holistic approach to sentencing eligible Aboriginal and Torres Strait Islander offenders. Walama will achieve this by working with Elders and respected community members, government, and non-government services to address

underlying needs and risk factors related to offending behaviour. The Walama List aims to reduce re-offending, keep communities safe and reduce the overrepresentation of Aboriginal and Torres Strait Islander peoples in the criminal justice system.

## WALAMA LIST OBJECTIVES

- Reduce the risk factors related to re-offending.
- Reduce the rate of breaches of court orders.
- Reduce the overrepresentation of Aboriginal and Torres Strait Islander persons in custody in NSW.
- Increase compliance with court orders.
- Increase community participation and confidence in the criminal justice system; and
- Facilitate a better understanding of any underlying issues which may increase the likelihood of re-offending.

<sup>1</sup> Judge Yehia *Walama List factsheet* (Department of Communities and Justice, 2021) 1-4

## WHO CAN PARTICIPATE IN WALAMA LIST?

The Walama List Pilot will start in the NSW District Court at the Downing Centre in 2022. It will be a sentencing court only for adult Aboriginal and Torres Strait Islander offenders with matters before the NSW District Court.

Eligibility for the Walama List requires that the offender:

- has sentence proceedings listed in the NSW District Court Downing Centre
- is descended from an Aboriginal person or Torres Strait Islander, identifies as an Aboriginal person or Torres Strait Islander, and is accepted as such by the relevant community
- has pleaded guilty to the offence(s)
- has signed an Agreed Statement of Facts on Sentence; and
- consents to having their matters dealt with in the Walama List.

## WHAT HAPPENS IN THE WALAMA LIST?

Walama List proceedings will involve Elders and other Respected Persons (ERPs) in sentence proceedings and is a critical component of a community-led sentencing approach.

The Walama List is set up by a Practice Note of the NSW District Court.

The ERPs assist in the Walama List by sitting with the presiding Judge during a Sentencing Conversation and Case Plan Conversations and providing advice regarding the background of the offender and the possible reasons for the offending behaviour.

The ERPs may be required to explain relevant kinship connections of the offender, how a particular crime has affected the Aboriginal community and advice on cultural practices, protocols, and perspectives relevant to sentencing.

The ERPs symbolise the importance of Aboriginal and Torres Strait Islander cultural authority in decision-making and respect for the judicial process in sentencing.

## ROLE OF ELDERS AND RESPECTED COMMUNITY PERSONS (ERP'S)

ERP's of the Walama List give honest and fearless advice to the Walama List Judge, informed by their cultural knowledge, wisdom, and experiences. They advise the Judge on cultural issues relating to the offender and their offending behaviour.

The voices of ERP's are a powerful cultural aspect of the Walama List and their participation sends a clear message to the offender that the offences committed are not condoned by either Aboriginal and Torres Strait Islander or non-Aboriginal communities.

The ERP's will provide valuable insight to the sentencing proceedings by informing the court about cultural, historical, and social issues relating to the offender's background and community in a culturally safe way.