



# CRIMINAL PROCEDURE REVIEW | MAGISTRATES COURTS

Our Ref: #6319535

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1 September 2022

Mr Adrian Carson  
Chief Executive Officer  
Institute of Urban Indigenous Health

[REDACTED]  
Via email: [REDACTED]

Dear Mr Carson

Thank you for the Institute for Urban Indigenous Health's submission to the Criminal Procedure Review Magistrates Courts (the review) received by email on 31 August 2022.

Under the review's terms of reference, I am asked to make recommendations for a new legislative framework for contemporary and effective criminal procedure laws in Queensland's Magistrates Courts, to ultimately replace the *Justices Act 1886*. In general, these criminal procedural laws set out the steps taken in dealing with criminal charges in the Magistrates Court.

I appreciate your organisation taking the time to provide insights and share its operational experience gained through its broad range of services and programs delivered as an Aboriginal and Torres Strait Islander Community Controlled Health Service.

As your submission recognises, the review's consultation paper released in April 2022 acknowledges the importance of understanding how criminal procedure laws can better accommodate the needs of its diverse court users, including First Nations people.

Your submission advocates for direct consultation with Aboriginal and Torres Strait Islander peoples on this important work and I agree with this approach. The review's focus has always been on consultation with people with lived experience, First Nations people, service system and legal stakeholders. It has not been limited to relying on the consultation paper process alone or in only seeking the views of lawyers and other technical users of the court and current legislation.

Again, under the terms of reference wide ranging consultation is required. You will appreciate consultation does need to take place in a timeframe and in a manner which allows us to provide a report to the Attorney-General by 30 April 2023.

Your submission mentions in several parts about no attempt made by the review to engage with Aboriginal and Torres Strait Islander people and relevant groups. I acknowledge the review's additional consultation actions are not detailed on its website and therefore may not be readily apparent.

I want to share with you the range of consultation actions we have undertaken relevant to your inquiry. So far, we have held approximately 40 focused discussions with groups and I am pleased to let you know these include many of the groups you suggest that consultation is necessary. In leading the review, I am supported by a small secretariat provided by the Department of Justice and Attorney-General.



Queensland  
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We have met several times with the Magistrates Courts Cultural Advisory Group, made up of First Nations people from around the State. This group of Elders and Respected persons are partners on the Magistrates Court's reconciliation journey under its Stretch Reconciliation Action Plan and assist in ensuring court initiatives are culturally appropriate.

We have visited court locations around Queensland and held focused discussions with Community Justice Groups in areas such as Mount Isa, Thursday Island, Cairns, Townsville, and Rockhampton to gain insights and advice about what could be improved for better participation for First Nations people, and specifically about key topics such as in-court diversion.

We have held meetings with the Aboriginal and Torres Strait Islander Legal Service at many of the court locations. We held focused meetings held with relevant community legal centres and legal services, such as those providing support and assistance to Magistrates Court users with intersecting and diverse needs.

We recently met Elders and Respected persons at Cooee Indigenous Family and Community Education Centre to discuss their written submission in more detail.

We have also attended Capricornia Correctional Centre near Rockhampton to ensure consultation with an important lived experience cohort. This consultation process included focused discussions with First Nations men. Unfortunately, other planned visits to correctional centers were suspended due to Covid restrictions.

You may also be interested in noting there is a consultation video about the review, and we recently published an Easy English version of the consultation paper. These are both designed to assist with increasing engagement and, consistent with our approach to consultation, another way to broaden access and responses to the review.

We have sent the Easy English version to all correctional centres in Queensland. You will find enclosed a copy of the Easy English version for your reference. Please feel welcome to copy it and provide to your staff for distribution as appropriate.

As you can see actively consulting is a key part of the review. We acknowledge the importance of listening firsthand to groups and organisations directly supporting people charged with offences in the Magistrates Court, so the review can properly understand the issues and identify solutions. We have valued this part of our consultation process and are particularly grateful to the groups we have met who have been so generous with sharing their expertise and understanding.

If you have any questions in relation to the above, I invite you to contact Ms Eryn Voevodin, Executive Director, Criminal Procedure Review Team on (07) [REDACTED] or at [REDACTED]

Yours sincerely

[REDACTED]  
**Michael Shanahan AM**

**Reviewer  
Criminal Procedure Review – Magistrates Courts**

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