



## Episode 16 Study Guide

### Sentencing Aboriginal offenders on the Walama List with Justice Dina Yehia

#### Background

- (1) Justice Yehia has had an extensive career. Which roles has she held?
- (2) Justice Yehia mentions *Bugmy v The Queen* [2013] HCA 27. What was the decision in this case? [This summary](#) by the Human Rights Law Centre may help you.

#### Background to the Walama List

- (3) What is the Walama List?
- (4) Using the Walama List [Fact Sheet](#) and District Court [Criminal Practice Note 26](#), explain each of the following:
  - a. What does the word Walama mean?
  - b. What are the objectives of the Walama List?
  - c. Who is eligible for referral to the Walama List?
- (5) Are there any limitations to who is eligible for referral to the Walama List?

#### Operation of the Walama List

- (6) How does the Walama List operate?
- (7) What is the role of the Aboriginal Service Unit in supporting the Walama List? Outline their role in preparing the intake form in your answer.

- (8) What is the role of the prosecutor in the Walama List procedure?
- (9) How can victims participate in the Walama List procedure?
- (10) What is the role of caseworkers?
- (11) What is a “sentencing conversation”?

### Case plans

- (12) What is a case plan? How is it prepared? Describe the roles of the people who contribute to preparing the case plan.
- (13) Why is the development of a case plan more difficult for offenders who remain in custody?
- (14) How will the case plan differ to those offenders who are on bail?
- (15) Why may an offender not be sentenced for up to 12 months? What happens during this time? Why is this important to the final sentence that is imposed?

### Reflections about the Walama List

- (16) What is the offender told from the outset about their participation and progress in the Walama List? Why is this important?
- (17) What happens to offenders if they have been on the program for 12 months but “haven’t been doing very well”?
- (18) Once an offender has been sentenced, they have no further involvement with the Walama List. Why does Justice Yehia think this should change?

### Further resources and activities

- Justice Yehia was previously a Deputy Senior Public Defender. Listen to **Episode 4: The Role and Duty of Defence Counsel** to hear the Senior Public Defender, Belinda Rigg SC, describe the work of the Public Defenders.



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