

Hal Wootten Lecture

Advocacy: From Bourke to Bugmy and Beyond

Justice D Yehia
30 October 2025

Why is to Kill a Mockingbird
considered a work of fiction?

It features a lawyer with morals.

What's the difference between
a catfish and a lawyer?

One's a scum-sucking
bottomfeeder. The other's a
fish.

What do you call a lawyer with
an IQ of 50?

Your Honour.

How can you tell if a lawyer is
lying?

Their lips are moving.





Judge Dredd

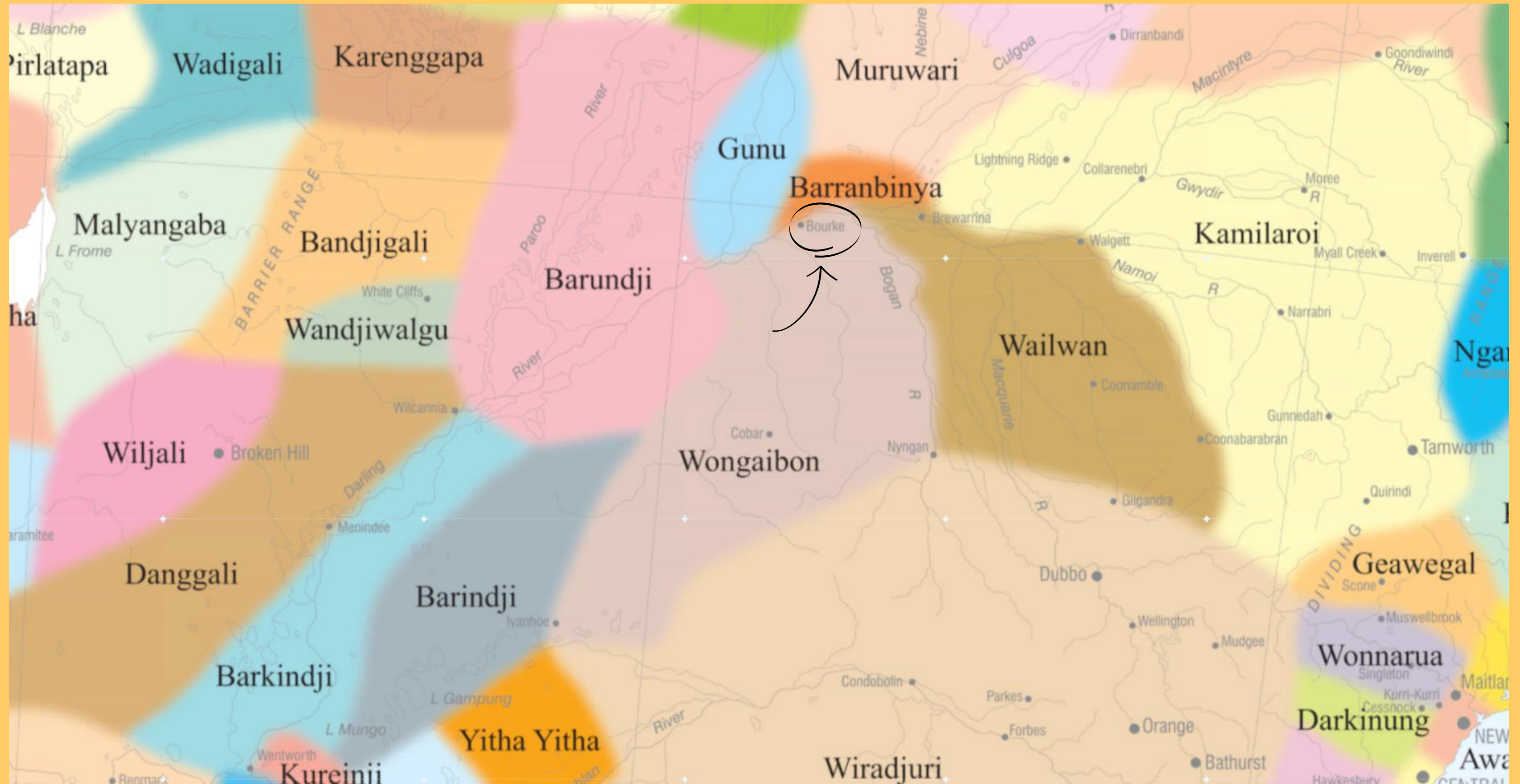


Perkins Coie LLP v US Dept of Justice [2025]

“... in purpose and effect, this action draws from a playbook as old as Shakespeare, who penned the phrase: ‘The first thing we do, let’s kill all the lawyers’”.

Judge Howell, quoting Henry VI Pt 2
United States District Court for the District of Columbia

Western NSW





The Castle, 1997

Royal Commission into Aboriginal Deaths in Custody

"The report stood as an indictment of how our legal and corrective services system operated in respect of the most disadvantaged group in Australian society, and as an indictment of our society itself in allowing this terrible situation to develop and persist" – Chair of the Justice Reform Initiative, former Aboriginal Affairs Minister Robert Tickner AO, 2021

"The Royal Commission's recommendations were very clear, particularly that arrest and imprisonment of First Nations peoples should be sanctions of last resort... Now, we are facing an even deeper crisis than the tragedies that sparked the Royal Commission" – Co-chair of Change the Record, Narungga Woman Cheryl Axleby, 2023

Brewarrina Fish Traps





The Brewarrina 17
Committal Hearing, Bourke
Bourke Local Court, 1988

1990

- 2,041 out of total prison population of 14,305 (**14.3%**)
- First Nations women: 105 out of 778 (**13.5%**)

2013

- 8,430 out of total prison population of 31,222 (**27%**)
- First Nations women: 775 out of 2,333 (**33%**)
- First Nations children: 495 out of 970 (**51%**)

Overrepresentation in custody

2025

- 17,158 out of total prison population of 46,919 (**37%**)
- First Nations women: 1,816 out of 3,853 (**47%**)
- First Nations children (as at 2024): 509 out of 845 (**60%**)

***Bugmy v The Queen* (2013) 249 CLR 571**

[44] Because the effects of profound childhood deprivation do not diminish with the passage of time and repeated offending, it is right to speak of giving "full weight" to an offender's deprived background in every sentencing decision. ...



Riverine

Southeas

The “c” word

Aboriginal and Torres Strait Islander Stolen Generations and Descendants

Acquired Brain Injury

Child Abuse and Neglect

Childhood, Infant and Perinatal Exposure to, and Experience of, Domestic & Family Violence

Childhood Sexual Abuse

COVID-19 Risks and Impacts for Prisoners and Communities

Cultural Dispossession Experienced by Aboriginal and Torres Strait Islander Peoples

Early Exposure to Alcohol and Other Drug Abuse

Fetal Alcohol Spectrum Disorders (FASD)

Hearing Impairment

Homelessness

Impacts of Imprisonment and Remand in Custody

Incarceration of a Parent or Caregiver

Interrupted School Attendance and Suspension

Low Socio-Economic Status

Out-of-Home Care

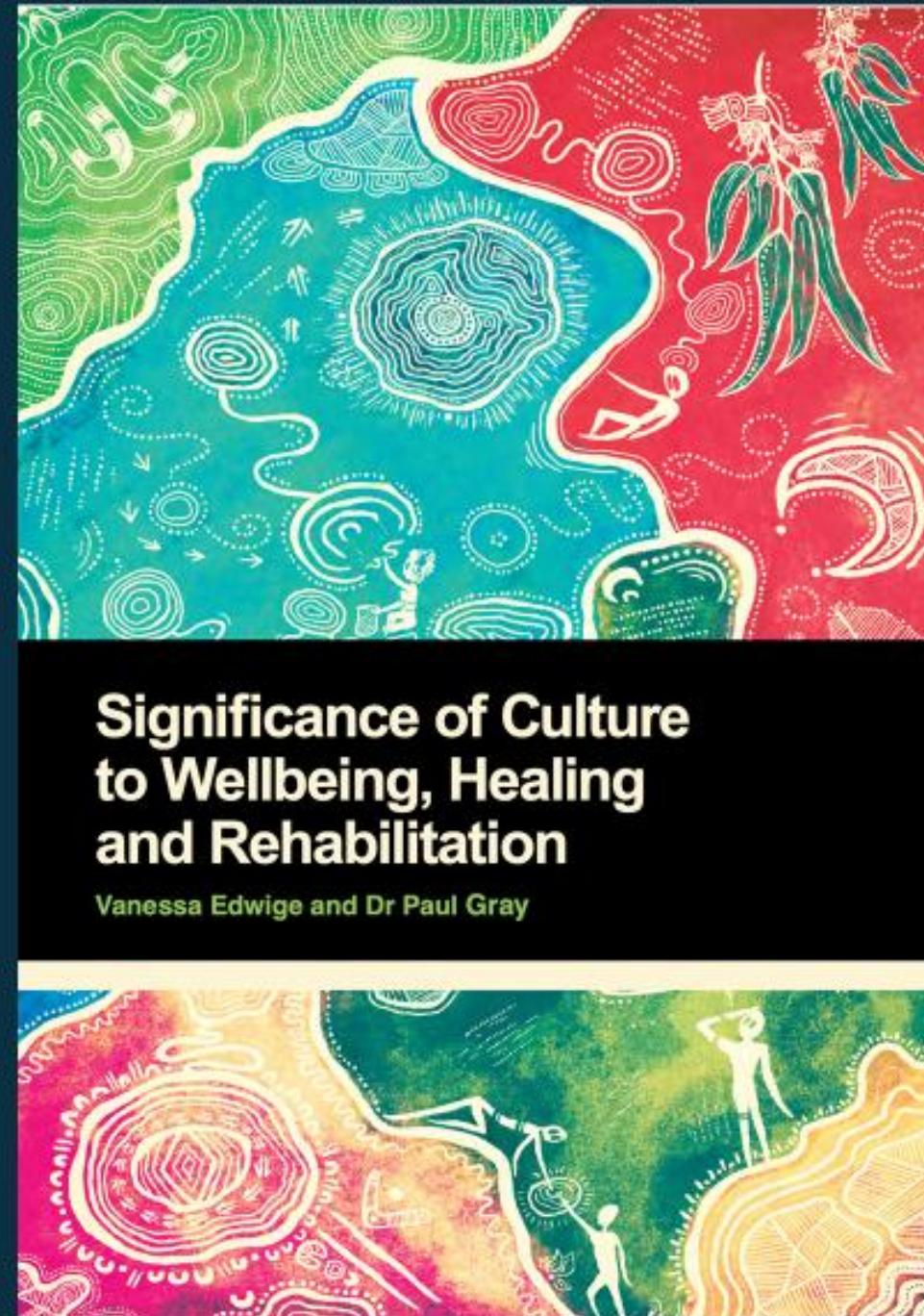
Refugee Background

Social Exclusion

Significance of Funeral Attendance and Sorry Business

Unemployment

The importance of strength-based evidence during the proceedings



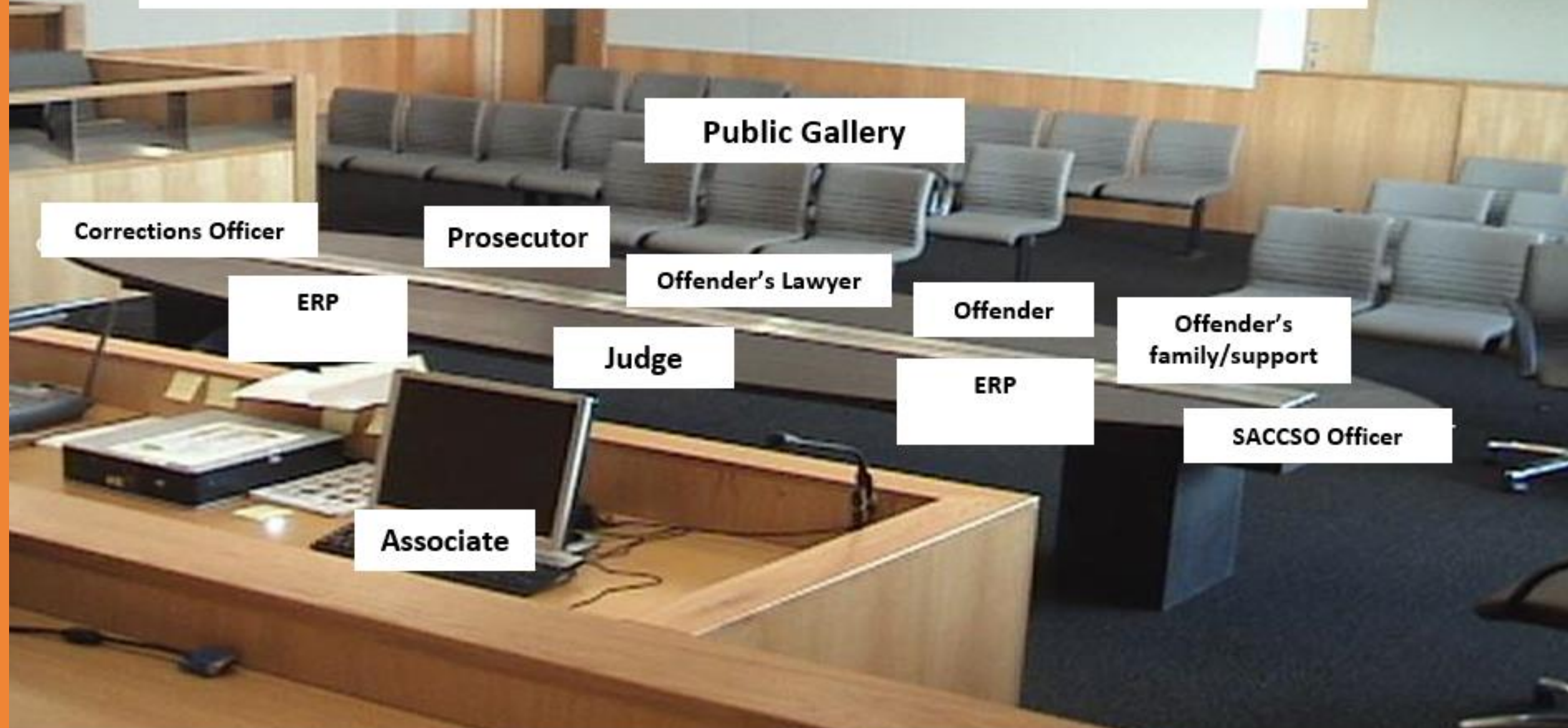
Vanessa Edwige and Dr Paul Gray

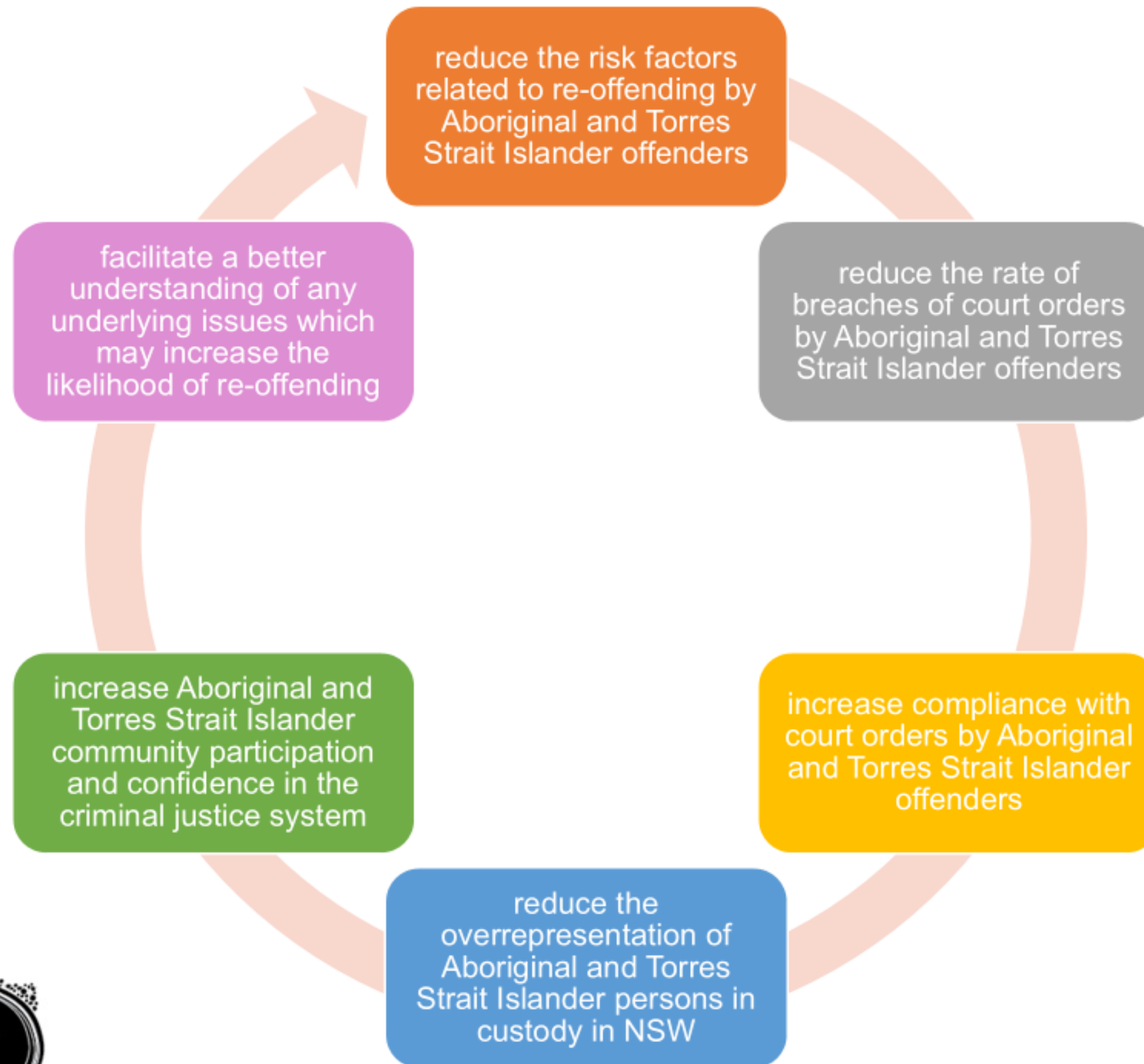
Significance of Culture to Wellbeing, Healing and Rehabilitation (Report, 2021)



Figure 1: 'Social and Emotional Wellbeing Framework depicting the interplay of social and historical Determinants'
from Gee et al (2014), cited in Pat Dudgeon et al, [*Aboriginal Participatory Action Research: An Indigenous Research Methodology Strengthening Decolonisation and Social and Emotional Wellbeing*](#) (Lowitja Institute, 2020) 4

Seating arrangement during Sentencing Conversation Walama List





Solution Focused Justice

A Cross-Jurisdictional Symposium – 20 and 21 February 2026

Event Details

About the symposium

On 20 and 21 February 2026, the *Bugmy* Bar Book, the NSW Bar Association, Te Kura Kaiwhakawā (New Zealand Institute of Judicial Studies) and the University of Technology, Sydney, will host a symposium on solution focused courts. The event is supported by the NSW Judicial Commission and the Australasian Institute of Judicial Administration.

The symposium will be an opportunity to showcase the way in which solution focused justice is operating in Australia and New Zealand, highlight examples of best practice and foster connections between judicial officers, legal professionals, academics, students, and community organisations committed to trauma-informed, culturally safe and solution focused justice.

The purposes of the solution focused justice symposium

1. An opportunity to showcase the way in which solution focused courts and therapeutic and restorative approaches to justice are operating in Australia and New Zealand
2. Identify examples of best practice
3. Share experiences
4. Create ongoing connections between members of the legal profession and the judiciary who are involved in delivering justice in solution focused courts.
5. Consider how mainstream courts can adopt solution focused elements into practice and procedure
6. Consider how judicial bodies can support solution focused courts and implementing elements of therapeutic and restorative approaches other than justice in mainstream courts
7. Strengthening partnerships with government to deliver solution focused justice

“Structural reform is essential to making sure our voices are always present. I also firmly believe that our voices, from the ground-up, are necessary in decision-making spaces to inform working practices, institutions, and policy that are more innovative, caring, compassionate and enabling for our peoples. To do this we need to listen deeply with purposeful intent to our Aboriginal and Torres Strait Islander voices. Change happens, we introduce and implement reforms, when what we hear alters the ways in which we think about the world around us and necessitates that we act and do our work differently.”

*June Oscar AO, Former Aboriginal and Torres Strait Islander
Social Justice Commissioner 2017 - 2024*