

Darwin Community Courts Pilot Project up and running

The Darwin Community Court Pilot Project was officially launched on Friday 15 April at the Darwin Magistrates Court.

The 12-month pilot project is a joint-initiative of the Magistrates Court and the Yilli Rreung Regional Council and is funded by ATSIC.

Based on circle sentencing models from interstate, the Darwin Community Court is open to offenders from all cultural backgrounds.

To date, only a few cases have been sentenced in the Community Court, but solicitors are encouraged to consider it as an option for clients. A copy of the guidelines are available from the Magistrates Court and the Court Liason Officer Michael Petterson can also be contacted with any queries.

During Law Week 2005, a Community Court Forum was held at the Darwin Magistrates Court to demonstrate the court process and allow for community members to ask questions or discuss any issues.

This was particularly well-supported by the Aboriginal Elders who are involved in the Community Court. The Law Society would like to give a huge thank you to all the volunteers who were involved in this project.

The establishment of a Community Court is intended to recognise that in some cases community, cultural or other factors play a significant role in reaching a sentencing outcome which is more beneficial to the community. The concept for the Community Court grew out of discussions between the Chief Magistrate and the Yilli Reung Council in 2004 but the Community Court is not restricted to indigenous defendants.

Interstate courts and programs of this type appear to have succeeded in drastically lowering the rates of recidivism for offending so it is hoped that this will be just one of the benefits to be achieved out of the Community Court in the Northern Territory. In the Territory we have additional problems of language which overlay the difficulties of many people with significantly different cultural backgrounds.

In the same way as special drug courts for offenders with drug addictions have shown good results, this court will hopefully provide better outcomes for the community by taking into account social community and cultural factors behind offending. The court will be a Court of Summary Jurisdiction assisted by respected persons and



Traditional dancers perform at the official opening of the Community Court.

family and support members for both the offender and the victim.

In the 1980's the Territory led with community forums and additional court advisers to assist the court in understanding the particular problems of indigenous communities. Other jurisdictions have, in the interim, established various forms of Aboriginal Community Courts to deal specifically with offenders of indigenous descent.

Whilst it is anticipated that the indigenous offenders will make up the vast majority of defendants appearing in court, it is not intended that the court will be absolutely limited to indigenous offenders. Anyone who fits the criteria will be entitled to apply to be sentenced by the Community Court in Darwin.

For indigenous offenders, the Community Court will involve people of indigenous cultural or community background. For non- indigenous offenders, trained respected persons will participate in the Community Court sentencing process. Where offences against public order are committed in the Darwin area then respected Larrakia persons may be deemed appropriate community participants.

The Community Court will provide an informal atmosphere in order to allow greater participation by the community, to make the court processes easier to understand and be more meaningful to offenders.

Offenders from outside Darwin or from circuit courts may apply to participate in the Community Court. It is recognised that there are difficulties in their appearing in



The launch of the Darwin Community Court Pilot Project at the Darwin Magistrates Court.

feature

Darwin for the process and the availability of relevant community members who can attend the Community Court for the sentencing process.

Sentencing will ultimately be the decision of the Magistrate pursuant to the provisions of the Sentencing Act and will be appealable in the usual way. It is not anticipated that the sentences will be more lenient but will meet the needs of the victim, the offender and the community more effectively.

Aims of the Community Court

From the criminal justice perspective, the Community Court aims to:

- a) provide more effective, meaningful and culturally relevant sentencing options
- b) increase community safety
- c) decrease rates of offending
- d) reduce repeat offending and breach of court orders

From a community perspective, the Community Court aims to:

- a) increase community participation in the administration of the law and sentencing process
- b) increase community knowledge and confidence in the sentencing process
- c) increase the accountability of the community, families, and offenders
- d) provide support to victims and enhance the rights and place of



Volunteers act a mock case at the Community Court forum as part of Law Week 2005.

- victims in the sentencing process
- e) enhance the offender's prospects of rehabilitation and reparation to the community

Participants

Magistrate – As the community court is an extension of the Magistrates Court jurisdiction, the Magistrate will preside over, participate in, and facilitate the proceedings. The sentence will ultimately be determined by the Magistrate, not the community members.

Community Representatives – One or more members from the community sitting with a Magistrate in a Community Court. They will discuss aspects related to the offence and background of the offender and victim/s (if present), explain how the offending behaviour has breached the community code of conduct and will consider an

appropriate sentence.

These members are the key to empowering the victim/s, offender, support persons and the community in the sentencing process by developing a shared responsibility.

Offender – He or she must commit to the Community Court process and his/her rehabilitation and will be given the opportunity to discuss any and all aspects of the offence. The offender may be accompanied by support person or family member as well as his lawyer.

Victim – The offender's understanding of the impact of the offence is an essential part of the Community Court process and the victim/s will be encouraged to participate in the community court with a support person, family member or to nominate a representative.

Department of Justice Northern Territory Government EXPRESSIONS OF INTEREST



Northern Territory Government
Department of Justice

Members of the Panel for the Legal Practitioners Complaints Committee

The Minister for Justice and the Attorney-General, the Hon Dr Peter Toyne MLA, seeks expressions of interest from suitable persons for consideration for appointment to the Legal Practitioners Complaints Committee. There are vacancies for three legal practitioner members, who are not nominated by the Law Society Northern Territory, but who are appointed at the discretion of the Minister for Justice and Attorney-General.

The Committee is a Tribunal

established under the *Legal Practitioners Act* which deals with serious complaints made against members of the legal profession.

The Committee has a panel of 13 members and requires a quorum of three members.

The positions are part time. The Committee meets on an ad hoc basis, but not usually more than four or five times a year. Members of the Committee are paid in accordance with a determination made by the Administrator on 1 October 2002.

Further details may be obtained by contacting Ms Zoe Marcham, Department of Justice, on 8999 6742 or by email - zoe.marcham@nt.gov.au.

Written expressions of interest with full resume should be sent by Wednesday 17 August 2005 to the:

Chief Executive Officer
Attention: Ms Zoe Marcham
Department of Justice
GPO Box 1722
DARWIN NT 0801