

# Community Court pilot project

**It's a different way of addressing sentencing and it's aimed at helping lower rates of recidivism.**

The Community Court pilot project is underway in the Court of Summary Jurisdiction in Darwin.

The basis of the community court model is simple.

It involves relevant respected persons, family and victims bringing home to the offender the results of his/her actions.

Among the aims of the court is to provide more effective, meaningful and culturally relevant sentencing options as well as enhance the offender's prospects of rehabilitation and reparation to the community.

This "different approach" to sentencing has been operating in other states for some time with much success.

In NSW the community court model is used in circle courts for Indigenous offenders and the state is expanding the number of the courts.

An evaluation published in 2003 on the Nowra trial in NSW concluded the circle court had introduced more relevant and meaningful sentencing options for Aboriginal offenders, with the help of respected community members, and helped break the cycle of recidivism.

The report's authors said: "The penalties imposed by the circle are no less onerous than those imposed for similar offences in conventional courts. However, as the procedure is



*The Darwin Correctional Centre Aboriginal dance group performed at the launch of the Community Court pilot project. Pictured here with His Honour the Administrator Ted Egan AO, Kimberley Hunter from the Yilli Rreung Council, His Worship the Chief Magistrate Hugh Bradley and elder Kathy Mills.*

less formal, the offender is more likely to 'sit up and take notice' and appreciate the harm caused to the victim."

In the Darwin pilot project, the Community Court is open to Indigenous and non-Indigenous offenders.

It grew out of discussions between the Chief Magistrate and the Yilli Rreung Council and the pilot project's funding has come from the former ATSIC through the Council.

"Eddie Cubillo from the Department of Justice and Kimberley Hunter from the Council have been driving forces in this pilot and their support has been great," Chief Magistrate Hugh Bradley said.

"Contributions from court staff, legal representatives, community members and the Department of Justice's Bruce McCormack have also been outstanding.

"As well, Michael Petterson, who is the liaison officer for the Community Court, is a lynchpin for the pilot project.

"Admittedly, we'd like to see a bit more response from some sectors

of the legal community but it's understandable that some might be not quite across what's being offered here and we'll have to do more work in that area."

Mr Bradley emphasised the pilot was not just for Indigenous offenders.

"By virtue of their cultural background most offenders who are eligible for the Community Court are Indigenous," he said.

"But there are also non-Indigenous groups who have just as strong family and cultural ties and eligible offenders in those groups may also benefit from a Community Court hearing.

"As well, it's about involving the community in the justice system. A lot of the general public don't engage in the justice system and many offenders use their lawyers as a filter – they get sentenced and that's it.

"The Community Court makes them become involved and reaches them as an individual."

In her presentation to the Youth Justice Crime Prevention Forum

*continued next page...*

## **M F Horton OAM**

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# New position for elder law education and research

**Retirees are one of Australia's fastest growing age demographics, but how do we ensure the legal rights of these older Australians are being protected?**

The University of Western Sydney and Public Trustee NSW have joined forces to lead a new era of elder law education and research in Australia.

The newly created Public Trustee NSW Fellow in Elder Law is a five-year partnership, based at UWS, which will develop new courses on legal matters affecting the elderly and provide new training and research opportunities.

Ms Sue Field from the UWS School of Law has been appointed to the position and commenced her new role on July 1.

Ms Field has a strong background in elder law issues. She is a solicitor of the Supreme Court of Queensland and the High Court of Australia. She is also a member of the Queensland Law Society's committees on Elder Law and Continuing Legal Education, and a Department of Health and Ageing appointee to the Panels of Administrators and Advisors.

She says with Australia's rapidly ageing population, elder law is becoming increasingly important.

"Retirees are expected to represent 26 per cent of the population by the year 2051," says Ms Field.

"There is a growing need to recognise the legal rights of older people, and this has also been highlighted in a recent Law and Justice Foundation of NSW report. There is also a pressing need to educate not only the community, but also professional groups about the types of legal issues facing older people.

"These issues include accommodation, such as retirement villages, granny flats, or transferring property rights to children; guarantors; estate planning; and elder abuse, particularly related to financial

decisions.

"Often older people don't know where to turn to for advice and there are very few pro bono legal services in Australia that specifically cater for older people.

"Because of this, a growing number of legal practitioners want to learn more about this emerging area of law. Public Trustee NSW recognises this and we are delighted they have come on board to help develop greater public awareness of elder law, and promote professional development and research opportunities," Ms Field says.

Professor Carolyn Sappideen, Head of the School of Law at UWS, has welcomed the new agreement.

"This is an exciting partnership for the University of Western Sydney and for Public Trustee NSW. The position will have an important impact on community education for seniors and those working within the aged care industries," she says.

"Through the Public Trustee's commitment, we hope to develop greater awareness in the community and legal profession of the issues facing older Australians."

Public Trustee of NSW, Mr Peter Whitehead, says, "This initiative continues our sponsorship in areas where our support can make a real improvement in the community. Access to reliable information about elder law is a result which cannot be compromised in today's world."

"By helping UWS spread the word to students and the broader community, we will all benefit in the future. I am really pleased to help this happen," Mr Whitehead says. ①

## Community Court pilot project cont...

hosted by the Office of Crime Prevention earlier this year, NAALAS director Sharon Payne stressed the community court hearings were not "the ten minute Medicare consultation process."

"It is a long-term investment and one that has proven a success in every jurisdiction where it has been introduced," Ms Payne said.

"Re-offending rates had dropped dramatically and restorative outcomes have been almost 100 percent. That is, high levels of satisfaction from victims with the process and outcomes."

As well, Ms Payne, who has also had extensive experience with the Nowra court, said the concept provides opportunities for offenders to relieve their burden of shame and change their lives.

"The community court is a place where offenders can express their shame and remorse in an environment that assures them of their intrinsic worth as human beings," she said.

NAALAS' support of the trial has been welcomed by the Chief Magistrate.

"This is an important project for the Northern Territory justice system and the support of organisations like NAALAS and others is integral to the success of the pilot in Darwin," Mr Bradley said.

The guidelines of the Community Court pilot project can be obtained from Michael Petterson at the CSJ, Bruce McCormack at the Department of Justice or downloaded from the Law Society Northern Territory website members area. ①