



ACT Government
2005-2006 BUDGET

MEDIA RELEASE

ABORIGINAL JUSTICE INITIATIVE TO CONTINUE

A trial of an innovative sentencing option for Indigenous offenders will continue, with an allocation of an extra \$100,000 in this year's Budget, Chief Minister and Attorney General Jon Stanhope said today.

The pilot of Circle Sentencing began in April 2004.

"Circle Sentencing increases the participation of the Indigenous community in the pre-sentence, sentencing and post-sentencing stages of criminal prosecutions before the Magistrates Court," Mr Stanhope said.

"Eligible offenders, who would otherwise be likely to receive a full-time custodial sentence, must face their Elders, the victim and, ultimately, their own communities and take responsibility for their offences. The Ngambra Circle Sentencing Court is constituted by a Magistrate, and offenders accepted into the program can expect a personally confronting sentencing hearing and ongoing intensive community supervision of their behaviour.

"Aboriginal and Torres Strait Islander offenders are still massively over-represented in our criminal justice system and Circle Sentencing is one potential way of reducing the risk of them re-offending.

"Fourteen offenders have participated in the trial so far. While it is still early days, the take-up rate in the ACT is higher than in comparable programs interstate. The goodwill of the Court, the Elders and all of the justice system participants augur well for the success of the local program", Mr Stanhope said.

Under Circle Sentencing, an Indigenous offender can apply to be dealt with by the Ngambra Court. If accepted by a panel of Elders appointed by the Attorney General, the offender participates in a Sentencing Circle made up of the Magistrate, a panel of three or four Aboriginal elders, the prosecutor, the defence lawyer and, if they wish to participate, the victim.

In an intensive session lasting up to four hours, the offender must answer to the court, the community and the victim for the hurt and damage they have caused. Sentences are recommended by the Circle to the Magistrate. These frequently involve bond conditions requiring substance-abuse treatment, and education and work-skills components.

Offenders remain under the continuous supervision of their own community and, if they break the conditions of their sentence, they can be re-sentenced to prison.

“While Circle Sentencing is not the complete answer to Indigenous re-offending, it is an important tool that is proving valuable already, both locally and interstate,” Mr Stanhope said.

“The Government believes it is important to explore innovative ways of reducing incarceration rates and improving community safety.”

Statement ends