



Offender Factsheet Community Court in the Northern Territory

“Community Court” is a sentencing option available on application for Aboriginal offenders who have pleaded guilty to offending in the Local Court and Youth Court.

In Community Court, senior Aboriginal people who are members of a community Law and Justice Group, appointed by the CEO of the Department of Attorney-General and Justice, help Judges understand an offender’s cultural and personal circumstances in the sentencing process as well as the impact on the community of the offending. The Law and Justice Group members may also make sure the Judge is aware of the views of the victim of the offending (where the victim consents).

Through the process the Law and Justice Group members will talk to an offender about their offending and available local options for their rehabilitation, encourage change in offenders’ lives and may make suggestions to the Judge about an appropriate sentence. However it is the Judge sentencing the offender in Community Court and not the Law and Justice Group members. Police and the Prosecution lawyers are also part of the process and can make submissions to the Court about the impact of offending and the sentence.

Community Court is currently available on Groote Eylandt. It is anticipated that Community Court will become available in Maningrida and Kintore later this year.

Community Court is not a “soft option” and offenders are expected to work hard to make better choices and follow Court orders. The usual sentencing powers still apply in Community Court and an offender can be sent to prison or detention even when they are sentenced in Community Court.

How do I apply for Community Court?

To be considered for Community Court you must have already pleaded guilty to your offending and have agreed the facts. You must also have some form of connection to the Community where Community Court is held.

If you are interested in applying for Community Court ask your lawyer to talk to you about Community Court to help you decide if it would be suitable for you. Your lawyer can make an application to Community Court on your behalf.

If you don’t have a lawyer you can ask the North Australian Aboriginal Justice Agency or Northern Territory Legal Aid Commission for further information or assistance with applying for Community Court.

Once the court receives your application the Judge will consider whether you can be sentenced in Community Court.

If the Judge says no to your application you will be sentenced in the usual way.

If your application for Community Court is accepted, the Judge will order that a report be prepared by the Law and Justice Group members about you, the offending and possible options for your rehabilitation and sentence. This report is known as an Aboriginal Experience Report (AER). The Judge will then adjourn the matter to a Community Court date on Community.

What happens after I am accepted into Community Court?

Before the Community Court date, Law and Justice Group members will meet with you to talk to you about your offending, your background and any other matters they think are important to talk about with you. They will discuss with you your future and what you may be able to do to make better choices to lead a good life with no trouble.

The Law and Justice Group members will also speak with the victim of your offending (if the victim wants to talk to them) and other people involved in the matter. When they have spoken to everyone they need to, the Law and Justice Group members will write a report for the Judge about what was discussed. Included in the report will be what the Law and Justice Group from community think about the trouble and what the Law and Justice group think could help you to stop offending and rehabilitate.

What happens at Community Court?

The court will be held in Community and may be held somewhere outside or in a place chosen by the Law and Justice Group. The Law and Justice Group members will sit with the Judge in Community Court. There may be local Aboriginal artwork or artefacts displayed.

The court may be more informal than usual and you will be expected to participate and talk to the Judge and Law and Justice Group - in Community Court the Judge wants to hear from you and not just your lawyer.

You can bring a support person or family member to Community Court to support you through the process. The victim of your offending is also invited to participate in Community Court (if they want to) either directly or through a support person and they may also talk to the Judge and Law and Justice Group. After receiving the Aboriginal Experience report from the Law and Justice Group members the Judge might have some questions for the Law and Justice Group members who wrote the report or they might have some questions for you and other participants.

It is normal in Community Court for the Judge to talk directly with you, the victim, prosecutor, defence lawyer, Community Court Law and Justice Group members or anyone else they want to hear from, to make sure the Judge has all the information they need.

Sentencing

After hearing from everyone involved in the process and listening to the Law and Justice Group members Aboriginal Experience Report and discussions, the Judge will consider all these matters very carefully. The Judge may decide to sentence you straight away or delay sentence while you undertake a rehabilitative program or activity to help you make good decisions in future or help you with problems in your life. The Judge may also consider other sentencing options such as Community work, fines, good behaviour bond, suspended sentence, prison time or community work.

When the Judge gives you your sentence the Law and Justice Group members will sit with the Judge and may talk to you after the Judge had given sentence.

Questions?

If you have any questions or require more information about Community Court in the Northern Territory please contact: NTLC.communitycourtsregistry@nt.gov.au or phone: 0448 189 251.