



Victims of Crime – Community Court Factsheet

“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. Community Court takes place at certain declared communities in the Northern Territory.

The Community Court provides more information for criminal sentencing processes 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 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.

Where is Community Court Available?

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

Applications for Community Court

Admission to Community Court is not automatic and an offender must apply to be sentenced in Community Court. Whether an application is approved to go to Community Court is up to the Judge hearing the application. The victim in a matter may have their views put to the court on an application for Community Court. Where possible, the prosecution will contact the victim before the application is decided to find out what the victim thinks about the application. Where available, the victim’s views will be one of the matters taken into account by the Judge hearing the application.

If approved, the Court will order that a report about the offender, called an Aboriginal Experience Report, be prepared by the appointed members of the Law and Justice Group of the relevant community. The matter will be adjourned to a Community Court date.

If the Court does not approve the application the offender will be sentenced in the usual way.

Victim Contact person and Victim support person

When an application for Community Court is accepted by the court the prosecutor will contact the victim to ask if they would like to nominate someone who can act as a contact person for them – known as a “Victim contact person”.

A Victim contact person is someone who can be contacted on behalf of the victim by the Law and Justice Group members, the courts or prosecution, they also play a role in explaining to the victim what their options are for participation in Community Court.

A victim contact person can be anyone of the victim's choosing. The victim does not have to nominate a victim contact person and can choose to be contacted directly.

A Victim support person is also able to be nominated by the victim to support them through the Community Courts process or participate in the process on their behalf if they do not want to directly participate in the process. A victim support person may be the same person as the victim contact person or a different person.

If the victim wishes to participate remotely or is unable to participate in person in the process, they can also take part in all aspects of the process over the phone or audio visual link.

The victim can also decline to take part in Community Court in any way.

Aboriginal Experience Report

An Aboriginal Experience Report is a detailed report about the offender and the offending, which is prepared by the appointed members of the Law and Justice Group.

To prepare the report the Law and Justice Group members will talk to the offender, the victim and/or their representative (if the victim consents) and any other people with an interest in the matter. The Law and Justice Group members will also draw on their own knowledge of the available programs or activities on community that might be suitable for the offender's rehabilitation, as well as make recommendations for programs that are not currently available, but which may assist.

Day of Community Court

At the sentencing hearing, the Law and Justice Group members will talk to the Judge directly about the contents of the Aboriginal Experience Report and possible sentences, tailored rehabilitation, restorative and/or cultural healing activities the offender could be directed to undertake. All parties, including the victim and offender, and the Prosecution, will be invited to share their perspectives (in the case of the victim, this may be through a representative or remotely if the victim has elected to take part in Community Court).

The offender will be encouraged to talk to and directly engage with the Judge and Law and Justice Group members through this kind of sentencing process.

Sentencing in Community Court

After listening and considering all the things talked about in Community Court the Judge will sentence the offender.

Breaches of Community Court Orders

Where an offender breaches a condition of a Community Court order or re-offends whilst on an order of the Community Court, the matter can be returned to Community Court with the offender's consent and/or the views of the Law and Justice Group members obtained on the breach.

Questions?

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

If you would like more information about victim supports available the Witness Assistance Service can be contacted on free call: **1800 659 449** or more information can be found at www.dpp.nt.gov.au