MEDIA RELEASE

CIRCLE SENTENCING IN NEW SOUTH WALES
A REVIEW AND EVALUATION

CIRCLE SENTENCING HELPS BREAK THE CYCLE OF RECIDIVISM AMONG ABORIGINAL OFFENDERS

The trial of circle sentencing in Nowra has succeeded on a number of levels according to a new report released today by the Judicial Commission of NSW and the Aboriginal Justice Advisory Council (AJAC).

The report evaluates the first 12 months of the trial’s operation and reveals that circle sentencing:

• helps to break the cycle of recidivism.
• introduces more relevant and meaningful sentencing options for Aboriginal offenders, with the help of respected community members
• reduces the barriers that currently exist between the courts and Aboriginal people
• leads to improvements in the level of support for Aboriginal offenders
• incorporates support for victims, and promotes healing and reconciliation
• increases the confidence and generally promotes the empowerment of Aboriginal persons in the community

The penalties imposed by the circle are no less onerous than those imposed for similar offences in conventional courts. However, the participation and contribution of respected local Aboriginal community members enhances confidence in the criminal justice system generally and in sentencing decisions in particular.

Commenting on the report’s findings, the Chief Executive of the Judicial Commission of NSW, Mr Ernie Schmatt, said that they highlighted the importance of community participation and involvement in the determination of culturally acceptable punishments.

“The success of circle sentencing is directly related to the contribution made by members of the Aboriginal community, both in determining the sentence and providing support and supervision to the offender after he or she has left the circle”, said Mr Schmatt.

Similarly the Chairperson of AJAC, Ms Winsome Matthews, said:

“The law and legal fraternity often talk about people being judged by their peers, here it is in practice, we can truly now say that Aboriginal people, through circle sentencing, are being judged by their peers. The true value of circle sentencing is that it clearly shows what can be achieved when aboriginal people are given the opportunity to solve their own problems.”

Circle sentencing is a clear example of how the court can share its authority with local Aboriginal communities and how the traditional justice system and Aboriginal cultural practice and values can be successfully merged.

Ultimately, circle sentencing provides a recipe for changing offending behaviour and reclaiming offenders who might otherwise pursue a life of crime.

Further enquiries: Mr Ernie Schmatt 02 9299 4421; Ms Winsome Matthews 0414 843 913:
Mr Brendan Thomas 92288604