



STANDING COMMITTEE ON JUSTICE AND COMMUNITY SAFETY

Mr Jeremy Hanson MLA (Chair), Dr Marisa Paterson MLA (Deputy Chair),
Ms Jo Clay MLA

Inquiry into ACT Budget 2021–22
ANSWER TO QUESTION TAKEN ON NOTICE
28 October 2021

Asked by Jo Clay MLA on 28 October 2021: Shane Rattenbury MLA took on notice the following question(s):

[Ref: Hansard Transcript 28 October 2021 [PAGE 15-17]]

In relation to:

MS CLAY: I would like to hear more about the circle sentencing. That is—it has been interesting to see that roll out and I would like to hear how it is actually going.

Mr Rattenbury: Sure. Let us come back to that and we will deal with the other matters first.

Ms Nuttall: Sorry, Ms Clay, so can I just clarify your question? You are seeking what information we have got available for culturally appropriate practices within the court?

MS CLAY: No, not really. How people from different cultural backgrounds, when they appear in court and engage with the legal system, with the court and ACAT system, what we are doing to make sure that the majority of Australian culture is receiving their engagement in the right way? So it is not so much a brochure as a lens.

Ms Nuttall: Yes. I would have to say, in terms of specific supports within the courtroom, we obviously have interpreters available for any member of the public who needs that, be they a witness, a defendant or a victim. There is no particular program within the court in terms of that cultural support. There are a number of community groups across the territory who do provide different types of support such as Companion House and Winnunga that attend court with different members of the community to provide that support.

The Aboriginal and Torres Strait Islander cohort, as the Attorney was saying, in the sentencing process has the circle sentencing process around them. That is supported by coordinators for the court and those coordinators provide assistance to the court in addition to the elders around culturally appropriate practices.

We have also, in the last financial year, provided some additional culturally safe space for Aboriginal and Torres Strait Islander community members. That space was due to open just as we went into lockdown, so that has not formally been opened yet, but that allows opportunity for people within the Aboriginal and Torres Strait Islander community who are coming to court to have space to speak to support people that they bring with us or their lawyers in a friendlier environment. So that has got within it some meeting spaces and some culturally appropriate designs to assist people to feel comfortable within the court environment.

In addition to that, the judiciary and the staff undertake culturally appropriate training both for Aboriginal and Torres Strait Islander communities, as well as culturally and linguistically diverse communities. In the last reporting year, the judges attended a seminar with Auntie Matilda and Paul House and she assisted them to understand some of the issues that people might face within the court environment from a cultural perspective.

Mr Glenn: Ms Clay, Richard Glenn, Director-General, Justice and Community Safety. I wonder if I can just jump in there with a couple of extra points? I think Ms Nuttall mentioned some of the training that judicial officers receive around unconscious bias, culturally and linguistically diverse communities, Aboriginal and Torres Strait Islander culture. That can occur in different ways, including through the National Judicial College of Australia, which provides some of those resources to judicial officers and the Chief Justice has been heavily involved; she was the past chair of the college.

There has also been some work done earlier this year with the Coroner's Court around death in different cultures and how that is approached and I think that is a really important component of being able to provide, you know, a culturally sensitive support to those sorts of proceedings.

And then in terms of circle sentencing courts, there are two: there is the Galambany, which relates to adult offenders, and the Warrumbul Circle Sentencing Court, which is for youth offenders and as the Attorney mentioned, that is a process where judicial officers and elders sit together with the offender to work through both the causes of the offending, to unpack a lot of that, and to find culturally appropriate ways to have the discussion with the offender about what has gone on.

There has been some really positive cost-benefit analysis around those sorts of measures that are really important. Ms Nuttall might have more detail on the operation of the courts. Last thing to mention is that there is some money in the budget this year to be able to provide a more suitable space for the Galambany Court in particular, in response to some of the requests from the elders as to how best to configure a room to make the experience better for Aboriginal and Torres Strait Islander people who come before the court.

MS CLAY: I did see that funding in there. Thank you, Mr Glenn. If there is further detail, probably the actual outcomes of the circle sentencing would be what most interests me.

Mr Rattenbury: Ms Clay, why do not we take that on notice and come back to you with the data that we have, including what Mr Glenn just referenced, the cost-benefit analysis work, and we can provide that on notice as well because it is very interesting and I think it paints a positive picture around the impact that the circle sentencing court has.

MS CLAY: That would be great, thank you.

Shane Rattenbury MLA: The answer to the Member's question is as follows:—

The outcomes for the Galambany Court (the Court) are positive.

A cost benefit analysis report commissioned by the Justice and Community Safety Directorate was published in November 2020 (the report)¹. That report found that:

'by investing in the Galambany Circle Sentencing Court, the ACT Government reduces its overall expenditure on courts, policing and prison. Galambany also helps those appearing in a number of ways. They are better able to maintain employment, the health of offenders and their family members' health and educational opportunities are improved and their risks of homelessness are lessened. Galambany also helps to reduce violence against women and reduce the number of children in care and protection'

and also

'Galambany Court has strengthened the justice system's connection with Aboriginal and Torres Strait Islander offenders, while reducing demands on government agencies (such as police, courts, hospitals, foster care, emergency housing, etc.). Galambany Court has improved the life of Aboriginal and Torres Strait Islander offenders and thereby the wider ACT community'.

As the figures below indicate, referrals to the Galambany Court have increased over the past two years.

1 July 2020 – 30 June 2021

Referrals:	65
Assessments:	72
Sentences:	53

1 July 2019 – 30 June 2020

Referrals:	52
Assessments:	58
Sentences:	58

A comparison of statistics for the first quarter of this financial year (2021/2022) indicates that there is a continuing increase in referrals, consistent with a 50% increase since the 2019/2020 period.

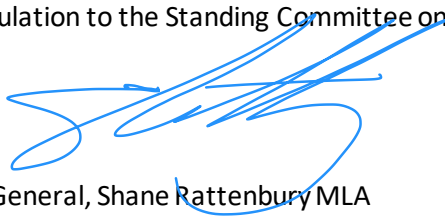
There is not yet any substantial data to measure the outcomes for young people entering the Warrumbul Court it is anticipated that similar positive outcomes will be achieved.

During the 2020/21 period, 12 young people (10 young men and 2 young women) were referred to the Warrumbul Circle Sentencing Court from the ACT Children's Court. Of those, two young people have had their matters closed, two were referred back to the Children's Court, and the remaining eight are still actively engaged in their Rehabilitation Pathway Plan. All 12 young people referred had a Family Conference.

¹ Professor Anne Daly, Greg Barrett and Rhian Williams, *Cost Benefit Analysis of Galambany Court*, University of Canberra November 2020. https://www.courts.act.gov.au/_data/assets/pdf_file/0012/1769457/Galambany-CBA.pdf

Approved for circulation to the Standing Committee on Justice and Community Safety

Signature:



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By the Attorney-General, Shane Rattenbury MLA