



North Australian Aboriginal Justice Agency Ltd

MEDIA RELEASE

New report calls for Two-Way Justice in the NT

20 May 2013

Jared Sharp of the North Australian Aboriginal Justice Agency (NAAJA) will launch his 2012 Justice James Muirhead Churchill Fellowship report on 21 May 2013. The report contains 20 recommendations to reduce the negative impacts of the justice system on Aboriginal people, and to make justice processes more culturally strengthening.

The Fellowship enabled Mr Sharp to travel for 6 weeks to Canada, the United States and New Zealand. "It was an incredible honour to be given this opportunity. I just hope that some of the findings from my research can be implemented and make a real difference", said Mr Sharp.

The purpose of the Fellowship to see what we can learn from promising initiatives in those countries to address Aboriginal over-representation in the justice system. In Canada, for example Aboriginal people comprise 4% of the population yet 23% of the prison population.

A central finding of Mr Sharp's research is that we need a justice system that is inclusive of the unique needs of Aboriginal people and that Aboriginal people must be empowered to take responsibility for dealing with justice issues.

In Canada, the Criminal Code states that courts must consider the cultural background of Aboriginal people when considering a term of imprisonment or when the liberty of an Aboriginal person is at stake.

The New Zealand Rangatahi Court uses Māori language, customs and protocols to teach errant Māori youth who they are, and where they come from. It is premised on the notion that in modern New Zealand, there is no reason why two cultures cannot co-exist and both be promoted through our justice system.

"At a time when the Northern Territory is locking people up at 5 times the national average and when nearly 85% of our prison population is Aboriginal, we need to ask whether the system is failing to meet the needs of Aboriginal people.

The New York Center for Court Innovation has found a strong link between participation in court proceedings and compliance with court orders. "At the moment, many Aboriginal people sit in court as if they are not even there. Many do not understand what is being said in court, and have no say in the decisions that are being made about them", said Mr Sharp.

Mr Sharp calls on the Northern Territory and Australian Governments to take an evidence-based approach to justice issues in the NT. "The evidence also shows that one of the most effective way of increasing community safety is to stop repeat offending. Many Aboriginal offenders have become disengaged from their culture. If we want to get offenders back on the right track, we need to find ways of engaging people in decisions being made about them and involve their families, significant Elders and reconnect them with their culture", said Mr Sharp.

The NT has a unique opportunity to lead the country in developing a more culturally inclusive justice system. Twenty recommendations have been made, including:

- Taking a strength-based approach to Customary Law and cultural practice to assist individuals in trouble with the law and repair community harmony;
- The urgent need for Aboriginal judges and magistrates, whose lived experience enables them to work across both worlds. With over 30% of our population Aboriginal and never having had an Aboriginal Judicial Officer, this is a glass ceiling we need to break;
- Reports modelled on Canada's Gladue Reports that give the courts in-depth information about a defendant's cultural background;
- The urgent need for justice processes such as the Rangatahi Court to address the dislocation of many Māori young people from their culture, and make court process more meaningful and less alienating for Maori people.

Mr Sharp will be presenting his paper at the [Australasian Youth Justice Conference](#) in Canberra on Tuesday 21 May 2013.

The report is available via the NAAJA website (<http://www.naaja.org.au/>) and shortly on the website of the Winston Churchill Memorial Trust: <http://churchilltrust.com.au/>

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Background:

The Churchill Trust was established in 1965 to honour the memory of Sir Winston Churchill by awarding overseas research Fellowships known as 'Churchill Fellowships'. Since its inception The Churchill Trust has awarded Churchill Fellowships to more than 3,700 Australians who, like Churchill, are innovative, filled with a spirit of determination and possess a strong desire to benefit their community.

Churchill Fellowships allow you to design your own research project, travel the world and further your knowledge in your chosen field, before returning to make a real contribution to Australian society.

The Justice James Muirhead Churchill Fellowship was established by the family of the late Justice Muirhead. His Honour worked tirelessly to improve justice outcomes for Aboriginal people and was a distinguished Supreme Court Justice from 1974 to 1985 as well as Administrator of the Northern Territory from 1990 to 1993.