



Evaluating Circle Sentencing (B: Epilogue)

In October 2010, New South Wales Attorney-General John Hatzistergos announced the rollout of circle sentencing to five new locations, the regional centres of Moree, Ulladulla, Wellington and Coonamble, and the western Sydney suburb of Blacktown.

“The expansion is in response to requests by Aboriginal community justice groups following a series of forums held late last year to discuss criminal and civil justice issues,” the *Sydney Morning Herald* reported.¹

The locations were selected on criteria that included the number of eligible Aboriginal defendants appearing in the Local Court, the number of Aboriginal defendants being sentenced to a term of imprisonment, Aboriginal community support for the program and local service infrastructure.

Circle sentencing was being described as “...one of the best things that has happened to Aboriginal people today.”² Following the CIRCA evaluation, improvements had been made, including introducing intervention plans to help offenders tackle problem behaviours. One activist claimed that some people were pleading guilty to offences they were innocent of in order to access the process.³ However there was general agreement that the punishments being handed down were “at the middle to heavy end” and in no way soft options. From 2005

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¹ AAP Australian National Newswire ‘Circle sentencing expanded in NSW’ 30-9-2010 accessed from Australia/New Zealand Reference Centre Access number 74C188395732 and published in *Sydney Morning Herald*.

² Nora Roberts, Nowra Elder, cited in www.creativespirits.info/aboriginalculture/law/circle-sentencing.html (“Creative Spirits”) accessed 3-07-2012.

³ Sam Watson, Aboriginal author and activist, speaking about Victoria’s Murri courts, cited in “Creative spirits”.

to 2010, 500 circles had been held in New South Wales, with a further 70 in the first nine months of 2010.⁴

“Circle sentencing has been identified as an extremely important program by Aboriginal Community Justice Groups because it breaks down barriers between the justice system and Aboriginal communities,” Mr Hatzistergos said. “It...directly connects Elders to justice outcomes.”⁵

There was still little hard data suggesting that the circle process had reduced recidivism. A number of concerns remained, including those about inconsistent application identified in the CIRCA report. A particular concern was that police in some districts were not letting juvenile offenders know of the possibility of going through the circle process.⁶

Some critics targeted the requirement to plead guilty to enter the circle process, which they said made the circle sentencing system a “cosmetic adjunct” to the court system.

A further concern was that, while the Aboriginal Elders were amongst the most enthusiastic supporters, their numbers were dwindling and with it their ability to support the process.

Circle sentencing programs, with start date in brackets, were operating in

- Nowra (pilot introduced in 2002)
- Dubbo (2003)
- Brewarrina (2004)
- Walgett (2004)
- Bourke (2005)
- Armidale (2005)
- Lismore (2005)
- Mount Druitt (2006)
- Kempsey (2006)
- Nambucca Heads (2009)
- Moree (2010)⁷
- Ulladulla (2010)
- Wellington (2010)
- Blacktown (2010)
- Coonamble (2010)

⁴ ‘Circle Courts for five more NSW Centres,’ Koori Mail 486 p.15, cited in “Creative Spirits”.

⁵ AAP, op cit.

⁶ ‘Inquiry examines jailing of juveniles,’ Koori Mail 472 p.14 cited in “creativespirits”

⁷ “Creative Spirits”