Correctional Centre Conferencing

Prepared for the CLANT Conference 2009
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Partnership
Short story

“Doing time”
It starts off with a crime
Arrest
Doing time
Return to community
The other story

“The harm
.....left behind”
Back in the Community
Grief
Gossips
Anger
Sickness
So many questions
Opportunity
I never got a chance to have a one on one to ask the offender....

Did you know the deceased?

What made you do that?

Do you know the impact this has caused on my family and community?

We are not looking for revenge – we are grieving - this talk about war is upsetting us more!

Why did you kill my son?

What were you doing there?

Did you know how your family are related to our family?

Did you know what my son was like?

About the stress of going to court was like for us?
What happens when the offender comes out?

- Where will the offender live?
- When is the offender coming out?
- Are we ready to forgive the offender?
- What about the kids?
- Will the offender have a meaningful role back in our community?
- What about payback?
- What about the relationship between victim and the offenders family?
- Is the offender still angry with me?

I am hearing gossips about what the offender is going to do when he gets out.
Correctional Centre
Conferencing is about

“proper talk between the offender and affected people before the offender is released”
Opportunity to have this talk when the offender comes back
Proper Talk

Right place +
Right People
Correctional Centre Conferencing
# CJC Act - Voluntary

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<th>CJC Act</th>
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<tbody>
<tr>
<td><strong>16. Mediations must be voluntary</strong></td>
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<td>(1) The attendance of a party at a mediation session must be voluntary.</td>
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<td>(2) The party may withdraw from the session at any time</td>
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<td><strong>14. Termination of services</strong></td>
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<td>Mediation services provided for a dispute may be terminated at any time by any of the following:</td>
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<td>(a) a party to the dispute;</td>
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<td>(b) the Director;</td>
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<td>(c) a mediator providing the services.</td>
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<td><strong>15. Mediation sessions</strong></td>
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<td>(3) The rules of evidence do not apply in relation to the session</td>
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<td>(4) A mediator must not engage in the adjudication or arbitration of a dispute in the session.</td>
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# Confidentiality

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| **34. Protection of information** | (a) a statement, document or any other thing made for a mediation session;  
(b) a record of the statement, document or thing.  
are not admissible as evidence in any proceedings before a court, tribunal or any other body that has the power of admitting sworn statements |
| **36. Secrecy** | Applies to all CJC staff and mediators (record, disclose or publish) |
| **37. Confidentiality agreement** | (1) Requirement to sign confidentiality agreement  
(2) Must not record, disclose or publish  
(3) Offence provisions with penalty  
(4) (3) not applicable if approved by all parties to the dispute and approved by the Director |
Process
“Referral”
Elders Visiting Program

Aboriginal Liaison Officers

Judges

Legal Practitioners

The Community
The Process

- Matter referred
- CJC arranges private visit to the victim and the offender
- Seek permission
- Confirm people to attend
- Organise travel
- Mediation Conference
Private meeting

• Private meeting with victim and offender separately

• meet the CJC mediators and build relations

• Clarify what to expect at the meeting

• Make sure the right people come to meeting
Permission

- The mediators make sure both the victim and offender:
  - agrees to come to mediation
  - agrees on who should come
  - agrees to when and where the meeting should take place
Larrakia Nation
Organise Travel

- Travel Bookings
- Flights / Bush Taxi
- Accommodation
- Travel Allowance
- Return transfer to Darwin Airport
Proper talk

Community Justice Centre

Proper talk

Mediator

Victim family

Offender Family

Corrections

Victim

Elder

Victims Family

Mediator

Interpreter

Offender
Conferencing is about

- the offender to understand the harm they have caused other people and the community
- opportunity for the victim to be an integral part of the delivery of justice
- genuine efforts to make an apology/reconciliation
- an opportunity for healing
- stopping gossip
- help restore harmony in a community
Conferencing mediation is not about

- Seeking discounts on the sentencing
- Payback
Performance measures

• Nil recidivism
• 100% “positive experience” feedback from participants from both sides
• 4-6 month to set up mediation
• Ongoing training for mediators in communities
Can I be involved?
“we are not fighting to get something that has been lost.....we are fighting to keep what we have always had”