

EAM Project

East Arnhem Mediation & Restorative Conferencing

PMB 239
Galiwin'ku Community
Via Winnellie
Northern Territory 0822

Royal Commission into the Protection & Detention
of Children in the Northern Territory
PO Box 4215
Kingston ACT 2604

Dear Commissioners

Submission – Royal Commission into the Protection and Detention of Children in the Northern Territory

East Arnhem Mediation is grateful for the opportunity to provide a submission to the Royal Commission into the Protection and Detention of Children in the Northern Territory.

This submission will address areas of actual or potential intersect between our work and the Northern Territory government's youth detention system; and aims to provide information to assist the Commission in planning its further work.

East Arnhem Mediation (EAM) is a small program based in Galiwin'ku, Elcho Island. We work across the East Arnhem Land region and offer mediation, restorative conferencing, process advocacy and related dispute resolution services.

The dual aims of the EAM project are to empower Indigenous elders and community members to positively manage community and law and order issues; and to help reduce the current over-representation of Yolŋu¹ people within the judicial and correctional system.

To meet these aims, dispute resolution conferences or processes delivered by EAM aim to be sensitive to and incorporate both mainstream and Yolŋu

¹ the indigenous peoples of East Arnhem Land

processes and systems of law. Central to this is the conduct of mediation or conferencing processes by facilitators who are adequately skilled from a Yolngu culture, convention or law perspective.

Cases conducted by EAM regularly involve circumstances where criminal court processes are taking place contemporaneously, or have already been finalized. EAM also is regularly involved in matters or disputes outside of the mainstream legal system, including where intervention of a preventative nature is required to avoid escalation to this level.

In many instances, EAM casework has related to young people in contact with the youth justice system. This has included assisting to facilitate involvement of appropriate family and kinship authorities in stages of the criminal court process (where permissible within this framework): for example, to be nominated in a supervisory role where bail has been granted; or providing character references, as part of the sentencing process, outlining proposed rehabilitative measures (including, for example, involvement in appropriate ceremony).

In other cases, Yolngu authorities and Yolngu processes have had a crucial 'early intervention' function for young people identified as engaging in anti-social behavior, indicating a risk of future involvement with police and the justice system.

The data collated over the five years in which the EAM project has operated confirms that these approaches have had an extremely high level of effectiveness against measurable outcomes. Reviews conducted at finalization of cases, and then again at least one year following, indicate that in over 90% of relevant cases outcomes met include reduction in recidivism, reduction in offending, and diversion from the justice system.

Other outcomes, which in turn flow from and are recurrently evident from this approach to law and order issues, include the empowerment of Yolngu elders, improvement in community safety, and improvement in community justice and harmony.

The opportunity for involvement of Yolngu processes within the justice system is to a large degree dependent on the exercise of discretion by police, prosecution and judges at their appointed parts in the system. This in turn is dependent on awareness and recognition of the potential of these processes as effective criminal justice interventions.

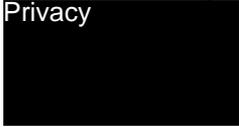
The Northern Territory has a diverse legal terrain. East Arnhem Mediation is an effective justice agency because it accepts this fact, including Yolngu authorities and Yolngu justice processes at the core of its program.

To lower prison and recidivism rates for young people in the Northern Territory, while maintaining order, providing justice and giving protection, more programs should be developed to moderate the gaps between mainstream and indigenous law systems. However, this requires flexibility in the justice system, to allow

greater recognition of and meaningful involvement of cultural authorities and convention.

Yours sincerely

Privacy



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