

NATIONAL JUDICIAL COLLEGE OF AUSTRALIA

INDIGENOUS JUSTICE COMMITTEE

Terms of reference

The Committee is established:

- (A) To prepare for the NJCA a curriculum for the professional development of Australian judicial officers on indigenous issues.
- (B) To oversee on behalf of the NJCA the development and delivery of professional development programs for Australian judicial officers on indigenous issues (including the identification of consultants, identification of presenters and appropriate methods of presenting programs).
- (C) To prepare reference material for Australian judicial officers on indigenous issues.
- (D) To establish, subject to the approval of the NJCA Council, State and Territory subcommittees to assist in the development and delivery of programs.
- (E) To make recommendations to the NJCA Council on the allocation of funds for the above purposes.
- (F) To assess and report to the NJCA Council on the effectiveness and relevance of the above mentioned programs and reference material.
- (G) To oversee the provision of information to the judiciary on customary law issues and in particular that customary or cultural law of any culture should not be seen as an excuse for criminal behaviour including unlawful violence or sexual abuse.
- (H) To advise the NJCA Council on issues relevant to the above matters.

For the purpose of the Committee's work, 'programs on indigenous issues' includes professional development activities for judicial officers:

- involving discussion with members of indigenous communities in an informal way in order to improve cross-cultural understanding and explain indigenous Australians' experience of the justice system;
- on contemporary indigenous society, customs and traditions; the historical and social factors which contribute to the disadvantaged position of many indigenous Australians; employment, health, education, substance abuse and other factors relevant to the incidence of over-representation in the criminal justice system; the nature of relations between indigenous and non-indigenous communities;
- on the place of customary law and cultural practice in trials and in sentencing of indigenous Australian offenders particularly as they relate to human rights, violence and abuse in indigenous communities;
- on bail issues and the potential impact of granting bail on alleged victims or witnesses (particularly in remote communities) non-attendance of defendants and witnesses at court, particularly as they relate to the levels of violence and child abuse in indigenous communities;
- on communication with indigenous Australians; indigenous languages; communication problems due to cultural differences; interpreters;
- on indigenous organisations, legal aid services and specialised courts.

