Indigenous Knowledges and Values in Sentencing Courts: What Difference Does it Make?

Presented by Professor Elena Marchetti
University of Wollongong

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Earlier this year, our former Prime Minister proposed the closure of 150 Western Australian remote Indigenous communities, claiming it was 'not the job of the taxpayer to subsidise lifestyle choices' only to 'provide reasonable services in a reasonable way'. But are 'reasonable services' being provided in a 'reasonable way' for Indigenous Australians who come into contact with the criminal court system? The past 15 years has seen the emergence of Indigenous sentencing courts in cities and regional towns, whereby Elders and Community Representatives participate in the process of sentencing Indigenous offenders.

In this lecture, Professor Elena Marchetti explains the reasons why the courts were established, how they operate in various states and territories, and whether they are providing Indigenous offenders with a better system of justice, particularly in relation to partner violence offending. Whilst not all offenders walk out of an Indigenous sentencing court process as a law-abiding citizen, Professor Marchetti’s research has found that the courts are having an impact on individuals, relationships and community empowerment.

Elena Marchetti is a Professor in the School of Law and a member of the Legal Intersections Research Centre at the University of Wollongong. She has been the recipient of two prestigious Australian Research Council Fellowships: a five-year Australian Research Fellowship grant (awarded from 2009-2014) and a four-year Future Fellowship grant (awarded from 2015-2019). She has extensive knowledge of specialty courts, particularly those involving Indigenous offenders and is the author of a number of articles, chapters and reports in the areas of Indigenous justice, and intersectional race and gender analyses of legal processes. She is currently working on a co-authored book titled, Indigenous Courts, Culture and Partner Violence (Palgrave), which will be published next year.