

# PANEL: RESTORATIVE JUSTICE PROGRAMS RESPONDING TO HARM CAUSED BY ADULTS IN AUSTRALIA

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# ACT RESTORATIVE JUSTICE SCHEME

- LEGISLATED [*CRIMES (RESTORATIVE JUSTICE) ACT 2004*] AND COMMENCED IN 2005, BUILDING ON SCHEME ADMINISTERED BY AUSTRALIAN FEDERAL POLICE DURING THE 1990s
- INITIALLY RESPONDED TO OFFENDING BY YOUNG PEOPLE (10+) AND GREW TO INCLUDE ADULTS IN 2016
- ALL ACT OFFENCES INVOLVING A VICTIM ELIGIBLE FOR REFERRAL
  - INCLUDING DOMESTIC, FAMILY AND SEXUAL VIOLENCE (DFSV) SINCE 2018 (ADDITIONAL PROCESSES/PROTECTIONS IN-PLACE)
- REFERRALS CAN COME AT ANY STAGE OF THE CRIMINAL JUSTICE SYSTEM
- LESS SERIOUS OFFENCES ELIGIBLE FOR DIVERSION, MORE SERIOUS OFFENCES AFTER A GUILTY PLEA OR FINDING
- DOES NOT PROVIDE CONFERENCING UNLESS VICTIM CONSENTS TO PARTICIPATE (OR NOMINATES A PROXY)
- SERVICES PROVIDED BY RESTORATIVE JUSTICE UNIT:
  - INCLUDING 7X CONVENORS (INCLUDING IDENTIFIED ROLE), 2X SENIOR CONVENORS AND A FIRST NATIONS GUIDANCE PARTNER.
- EVALUATIONS:
  - REINTEGRATIVE SHAMING EXPERIMENTS (RISE – RANDOMISED CONTROLLED TRIAL OF AFP PROGRAM IN 1990s)
  - 2018: 10-YEAR EVALUATION OF THE SCHEME, FINDING REDUCED RE-OFFENDING AND HIGH LEVELS OF PARTICIPANT SATISFACTION)
  - 2023: EVALUATION OF WORK WITH DFSV FINDING SAFE AND DELIVERING BENEFITS FOR VICTIMS THAT ARE DIFFICULT TO DELIVER IN OTHER PARTS OF THE CRIMINAL JUSTICE SYSTEM



# NSW RESTORATIVE JUSTICE SERVICE

- GOVERNED BY NSW CORRECTIVE SERVICES
- WAS ESTABLISHED IN 1999, HOWEVER HAS EVOLVED TO MEET THE NEEDS OF ALL PARTICIPANTS
- OFFENDERS MUST BE SERVING/ OR HAVE RECEIVED A CUSTODIAL SENTENCE TO PARTICIPATE IN RESTORATIVE JUSTICE (NO OPEN COURT CASES, APPEALS ARE ELIGIBLE UNTIL FINAL SENTENCING TAKES PLACE).
- WE CURRENTLY WELCOME ALL OFFENCE TYPES EXCEPT DOMESTIC VIOLENCE (PARTICULARLY INTIMATE PARTNER RELATIONSHIPS).
- REFERRALS CAN BE RECEIVED FROM EITHER THE PERSON HARMED OR PERSON RESPONSIBLE
- THE ENTIRE PROCESS IS VOLUNTARY AND CONFIDENTIAL
- ANY PARTICIPATION RESTORATIVE JUSTICE DOES NOT IMPACT A PERSON RESPONSIBLE SENTENCE OR ELIGIBILITY FOR PAROLE.
- SERVICES WE OFFER INCLUDE:
  - CONFERENCING
  - FACE TO FACE/VIRTUAL MEETINGS (ONLY THE FACILITATORS, PERSON HARMED AND PERSON RESPONSIBLE)
  - LETTER EXCHANGES
  - RESTORATIVE CONVERSATION – INVOLVES ONLY PR OR PH
  - INFORMATION EXCHANGE



# QLD ADULT RESTORATIVE JUSTICE CONFERENCING

- STARTED 1992. BRISBANE CENTRIC. ADDITIONAL LOCATIONS FROM 2007. WAS ORIGINALLY YOUNG AND ADULT PERSONS RESPONSIBLE
- NO SPECIFIC LEGISLATION (OPERATES UNDER *DISPUTE RESOLUTION CENTRES ACT 1990* AND COURTS CAN ORDER MEDIATION UNDER *JUSTICES ACT 1886 s 53A*)
- PERSON HARMED CENTRED
- ANY CRIME, AT ANY STAGE OF THE JUSTICE SYSTEM. BUT POLICE POLICY SAYS THEY CAN ONLY REFER DV WITH OFFICER IN CHARGE APPROVAL
- SERVICE ANYWHERE IN QLD. CONVENORS IN TOOWOOMBA, GOLD COAST, BRISBANE, MACKAY, ROCKHAMPTON, TOWNSVILLE AND CAIRNS (RECENT DEVELOPMENT)
- USUALLY USED AS DIVERSION FROM COURT AT AFTER CHARGE AND BEFORE A HEARING STAGE
- POLICE PROSECUTIONS BIGGEST REFERRER, FOLLOWED BY POLICE OFFICERS AND DIRECTOR OF PUBLIC PROSECUTIONS. SOME BUT NOT MANY SELF REFERRALS. SEEING MORE PRE CHARGE REFERRALS
- NUMBER OF COMPLEX AND HIGH RISK REFERRALS GROWING
- IN 2023/24 FINANCIAL YEAR WE RECEIVED 454 REFERRALS, DID 275 CONFERENCES



# Restorative Justice for Victims of Crime (VIC)



Developed in response to recommendation of the Royal Commission into Family Violence.

Ongoing program in Victoria since 2018.



Operates independently of other legal or justice processes and does not receive court-mandated referrals.

Victim-centred.



Is free and voluntary for all participants.

Involves convenors and specialist support workers.

The initiator must be 18+ and not responsible for the harm



Gives victims the opportunity to tell their story to people on their own terms, in a way that is meaningful to them, and with their formal and informal support networks in place.



Recognises that victims are not always able to achieve a sense of justice within the legal system - provides **additional** or **alternative** options.

Includes an Under Sentence stream to involve participants in prison.



# PANEL DISCUSSION



QUESTIONS?

THANK YOU