



Australian Association
for Restorative Justice

Mailouts to AARJ members through 2024

From 2014 through 2018, the Committee of the *Victorian* Association for Restorative Justice distributed several *newsletters* annually to Association members.

In 2020, following the formation of the *Australian* Association for Restorative Justice (AARJ), the Committee distributed an annual *Review of Current Practice* to Association members.

Association members requested more regular mailouts, providing information on relevant:

- *Job vacancies* for restorative practitioners and program managers, and
- *Events* offering awareness-raising and restorative skills development.

Since 2021, regular mailouts from the AARJ Committee have also included longer reflective pieces, with links to relevant resources.

The following reflective pieces were distributed to AARJ members through 2024:

Politics or policy in youth justice

18th December 2024



In both the **Northern Territory** and **Queensland**, people affected by a series of shocking high-profile crimes have [organised through Facebook](#). The recently-elected Northern Territory and Queensland governments harnessed [their understandable anger and grief](#), made **performative punishment** central to their electoral campaigns, and are now [translating electoral slogans into law](#).

This is just one of countless examples of short-term **electoral politics trumping effective policy**. This problem is obviously not confined to youth justice, but it manifests very frequently in relation to a cohort who are too young to vote, and with the formula that *responding to harm with more harm will prevent future harm* – which is [Magical Thinking](#).

In October, the Northern Territory government introduced legislation to lower the age of criminal responsibility back to 10 years. In November, Queensland **Premier David Crisafulli** handed down [Charter Letters to his 18 Ministers](#) focusing on “*ending the crises in youth crime, health, housing and cost of living*”. In that order. The [Making Queensland Safer Act 2024](#) received assent on 13th December.

Queensland already detains more children than any other state - with the highest rates of unsentenced detention and the most nights spent in custody. The policies of the outgoing Labor state government contributed to the crisis in the state’s detention system, and the [incoming LNP government has committed to exacerbating that crisis](#).

A key factor contributing to bipartisan support for counterproductive policy is that Queensland is [the only Australian state with a unicameral parliament](#). As a result, the Executive more readily trumps the Legislature.

In the week before the *Making Queensland Safer Act 2024* received assent, the Principal Commissioner of the **Queensland Family and Child Commission**

(QFCC), **Luke Twyford** [addressed the Queensland Parliament's Justice, Integrity and Community Safety Committee](#), pleading for evidence-based policy:

- It is vital to understand and respect the complexity of child development and the impacts of individual, environmental, and societal influences on child behaviour;
- The police and youth justice portfolios alone cannot reduce crime and make the community safer;
- The biggest opportunities for improvement are through the portfolios of education, health, mental health, housing, and child safety, and the single biggest source of successful crime prevention for children is parents and families;
- Successful results come from relationship-based, community-based programs that work holistically with young people;
- There must be greater transparency and reporting across the youth justice system to build community confidence, and evidence must dictate where youth justice investment and effort is focused.

Luke Twyford supported these points with **detailed evidence from QFCC reports and reviews** that have:

- highlighted [Queensland's ongoing overreliance on detention](#);
- [called for government to establish a single point of accountability](#);
- revealed that [a significant proportion of young people living in Queensland youth detention centres are currently subject to a child protection order](#);
- recommended [a clearer articulation of the purpose of youth detention](#) and greater transparency in youth detention operations, specifically for separation and isolation practices; and
- recommended that government introduce a [dedicated 12-month post-detention transition program](#) that incorporates in-home family interventions and effective engagement in education, training, and employment.

The Queensland Family and Child Commissioner welcomed the government's commitment to "*more open youth justice system performance data*", and to redesigning and strengthening of early-intervention, community-based youth justice, and rehabilitation-focused casework.

Conversely, the Commissioner expressed concern that the 2024 *Act* will remove the option for a child to be sentenced to a restorative justice order under section 175 of the *Youth Justice Act 1992*. On the other hand, the *Making Queensland Safer Act 2024* opens the Children's Court to victims, their families, and media. In short, the new government is replacing opportunities to hear the voice of *people-harmed* by crime with performative punishment of the *people-*

responsible: doing *to* and *for*, rather than *working with*, and claiming to *prevent future harm by responding to harm with more harm*. Still, this is milder than the response of the previous Queensland LNP government, under **Campbell Newman**, which openly attacked the state's restorative justice system.

All these developments can be understood in the context of the [evolution of youth justice conferencing in Queensland](#), which was originally legislated in Part 3 of the *Youth Justice Act 1992* (QLD).

The Queensland Police Service's *Operational Procedures Manual*, and the Department of Justice and Attorney-General's *Youth Justice Benchbook*, set out procedures regarding Restorative Justice Conferencing.

The Court must consider referring children and young people to Conferencing for offences in which they plead guilty, and if a child or young person is found guilty of an offence, the Court must again consider referring to a restorative justice process or placing a Restorative Justice Order.

The former Queensland Department of Youth Justice commissioned KPMG to undertake an economic and outcome evaluation of the cost effectiveness of RJC compared to traditional court processes - in part to protect this program. The **KPMG evaluation** reviewed data from 2015-16 to 2017-18, which showed that RJC was consistently more cost effective, resulting in annual savings to the youth justice system of more than \$22.5 million. We know this only because the KPMG report was eventually released in 2021 - under the *Right to Information Act*.

KPMG also found that:

- there was no mechanism to **track support service referral and uptake**;
- there was a need to **establish partnerships** with support services and programs;
- there was a **clear disparity** in referral and participation of children and young people in RJC **across regions**, and for First Nations children and young people, and this inequality in referral must be an area of focus.

In short: opportunities to mobilize and coordinate social support were being lost.

As in other jurisdictions, legislators often have limited understanding of the *process* of group conferencing.

Around Australia, most of the original legislation providing for group conferences sought to use that process in *diversionary programs*, to narrow the "net" of the justice system.

Indeed, in Queensland as elsewhere, official wording persists in conflating *program* and *process*:

- “*Restorative Justice Conferencing in Queensland is considered a diversionary process, with the aim of diverting children and young people away from the Court.*”

Because the nature and value of the group conference process is so widely *misunderstood*, the process remains [widely underutilised](#).

However, some **regional service reform** programs *are* now starting to use restorative practice not *primarily* to narrow the net of the justice system, but to *widen the net of social support*.

Regional service reform, which uses *restorative practice to address complex cases effectively*, involves:

- **building the capability** of individual workers, and work teams, to support each other, as they use restorative processes to support community members to build relationships, responsibility, and respect;
- **coordinating the strategy** of service-providing agencies across the region, so that agencies do not work at cross-purposes, and instead work together, and at times even work as one.

In his address to Queensland’s Justice, Integrity and Community Safety Committee, Luke Twyford stressed that *community leaders must take responsibility for the narrative regarding youth crime*. However, contemporary populist politicians lead *parties*, and those parties are winning office by offering simplistic responses to complex community issues.

Politicians offering *appropriately complex responses* tend to get less media coverage.

As Luke Twyford was addressing the Justice, Integrity and Community Safety Committee, **Senator Malarndirri McCarthy**, Minister for Indigenous Australians, [announced the Justice Reinvestment in Central Australia Program](#), supporting the **Mparntwe** (Alice Springs) **Peacemaking Project**, which is *providing community-led responses to resolving conflict and preventing crime*.

There may also be little media coverage of the ways in which Victoria’s [Youth Justice Bill](#) 2024 expands the use of group conferencing, nor of the ACT Government’s efforts to increase access to restorative justice and to identify how

restorative processes can be available as a civil justice option for victim survivors of sexual violence, nor of other complex reform work in other jurisdictions. There are, of course, many honourable exceptions to this underreporting of complex reforms.

In October, the *Age's* “veteran crime writer” **John Silvester** wrote [a very thoughtful article on service reforms in Scotland](#). The article focused on the work of **Karyn McCluskey** who, after working with Strathclyde Police intelligence analysis, then founding the Victim Reduction Unit, is now chief executive of [Community Justice Scotland](#):

- *From national and local government to law enforcement agencies, social services, charities and community organisations, there is a huge number of different contributors to the world of community justice, all working together to create a safer and fairer Scotland*

When police and victims of crime are actively involved in this reform work, they are less prone to be coopted for the politics of performative punishment.

As the Community Justice Scotland website puts it:

- *Community justice is about changing the way we think about justice to deliver better outcomes for victims, communities and those involved with the justice system. A justice system based on the best evidence of what works will prevent offending, repair lives, and improve communities. That's what Scotland needs and deserves.*

It's also what Australians need and deserve.

Our Association will be working hard (and smart) in 2025 for systems, based on *the best evidence of what works, that prevent offending, repair lives, and improve communities.*

Best wishes for the season!

Remembering our Canberra conference on Contemporary Restorative Practice

16th December 2024



Australian Association
for Restorative Justice

Nearly a month has passed since our **Contemporary Restorative Practice (CRP) Conference** at the Australian National University (ANU). The passage of those few weeks provides some perspective - but we may need months, if not years, to have a sense of the deeper impact of nearly three hundred participants gathering from around the country and overseas, all working in some way to strengthen our international movement, and inspired by the restorative principles of *doing no further harm*, and *working with people to set relations right*.

The November 2024 conference theme, ***From Awareness to Practice to Transformation***, reflected a program designed to extend beyond awareness-raising to capacity-building and systemic change.

The location, between Australia's high country and east coast, was fitting on many levels: Kamberra means 'meeting place' in the language of the Ngunnawal custodians; the ANU, the country's only university created by the national Parliament, was founded after the Second World War by a group of internationally renowned researchers; the ANU's Research School of Social Sciences has made a significant contribution to the literature on restorative practice; the light-filled Marie Reay Teaching Centre, named in honour of a passionate educator, is the ACT's first mass timber educational facility, which justly won the Derek Wrigley Sustainable Architecture Award in 2020.

The AARJ Committee is grateful to the **ANU** for being a generous host institution at a difficult time in the university's history, with significant financial challenges, a restructure, and an examination of the university's reason(s)-for-being and identity. We are also grateful to others who made the conference possible, including our:

- **conference sponsors** - the ACT Government, Australian Institute of Criminology, and Conflict Management Academy; and
- **fellow conference partners** - the University of Canberra (UC), the NED Foundation (Social Developers Network), and Restorative Practices International (RPI).

Colleagues from the ANU and UC, together with other Canberra locals on the conference organising committee, helped to ensure that our overseas colleagues felt welcome. The NED Foundation generously provided financial support for some conference participants. Members of the ACT Restorative Justice Unit (RJU) opened their doors to colleagues.

Meanwhile, RPI and AARJ have a history of collaborative working relations: the current heads of RPI and AARJ first worked together on the Queensland pilot of restorative practices in schools before either organisation existed, and some senior members of AARJ and RPI have recently worked together on a restorative practices e-learning package for educators. These sorts of productive interpersonal and inter-organisational relationships are essential for an effective social movement.

As many AARJ members will know, the **Victorian Association for Restorative Justice** (VARJ) was founded in Melbourne in 2005 - and its founding committee members hoped to raise awareness of restorative practice and to build practitioner capacity. RPI was founded in 2007, on the closing day of an international restorative practice conference held on Queensland's Sunshine Coast – and its founding committee members were likewise focused on awareness-raising and networking, above all, by convening conferences in the Anglophone countries where some significant early restorative practice work has occurred.

VARJ and RPI then collaborated with the **Collingwood Neighbourhood Justice Centre** (NJC), which had been founded in 2008, to convene the very memorable 2013 Contemporary Restorative Practice conference at the Convention Centre of the Melbourne Cricket Ground (MCG).

This year's Canberra Contemporary Restorative Practice Conference was originally planned for 2023, to mark a decade since that MCG conference - which likewise had around three hundred participants. However, the organising committee quickly rethought a very tight deadline, and rescheduled for restorative justice week 2024.

Many participants at our 2024 ANU conference noted that the organising committee must have thought long-and-hard about the conference format – and we did! Nonetheless, and typically enough, some key moments were

confirmed only a week before opening. Indeed, one of those was key moments was a moving **opening address** from Bianca Broadhurst, Executive General Manager of Diversity, People and Culture at the Australian Sports Commission (ASC).

Bianca Broadhurst's address was, like the conference setting, fitting on many levels. Bianca is herself a former Olympic Hockey player, deeply personally committed to increasing diversity and improving governance in sport – and she has been actively involved in the ASC's restorative program, which commenced in 2022.

As in other redress schemes, the ASC is using the restorative engagement process to link individual healing with institutional reform. And, as in other redress schemes, some senior staff who have *responded to past harm* as institutional representatives in restorative engagement have then found themselves considering how to use restorative practices across their organisation to *prevent harm*, and *promote wellbeing*.

In short, being involved in restorative engagement has encouraged some leaders to extend beyond *awareness*, to improved managerial *practice*, to the *transformation* of organisational governance and culture.

Plenary sessions on the Thursday and Friday mornings continued this theme of *<awareness ð practice ð transformation>*.

Plenary session speakers included participants and facilitators in restorative processes, program administrators and evaluators, activists seeking to extend the applications of restorative practice, and academics working on working on an international Encyclopedia of Restorative Practice.

Members of our Association not only constituted a sizable proportion of the three hundred conference participants, but also delivered a sizeable proportion of the hundred-or-so **presentations** during parallel smaller group sessions through the Thursday and Friday. Case studies covered the more familiar applications of restorative practices in education and justice, and still emerging applications in areas such as workplace relations, first nations-, CALD-, faith-, and other communities, and environmental stewardship.

By Friday afternoon, many participants were noting how much they were looking forward to Saturday's session using "**Open Space Technology**" (OST) – which is designed to combine (i) the intentional sense-making and

decision-making of a well-facilitated meeting with (ii) the level of excited engagement and networking that, in large conferences, more typically occurs during the refreshment and meal breaks!

Open Space Technology was developed in the early 1980s by Harrison Owen, and popularised by his book Open Space Technology: A User's Guide. OST places responsibility for the quality of learning and/or contribution with each participant, such that participants create the agenda for sessions, and choose how enthusiastically to engage in inclusive, participatory, and collaborative dialogue.

As the conference organisers had hoped, with adept overall facilitation by AARJ committee member Michael Wood, and some very effective facilitation in the smaller groups, using OST on the Saturday maximised effective *<talking, in circles>* - and minimised the *<talking in circles>* that can occur when abstract concepts are not linked with concrete projects.

Three decades ago, the Australian pilot program of restorative group conferencing highlighted the importance of distinguishing philosophical principles from program administration from process facilitation. That theme of conceptual clarity recurred at the 2024 conference as *intentionality* – the importance of being clear about why we are doing this work, and how - when we facilitate restorative *processes*, implement, and administer *programs*, and *evaluate* those programs, starting with a clear hypothesis about the processes being evaluated.

Many discussions during Saturday's OST sessions did successfully link abstract concepts with concrete projects, so that participants found themselves:

- reviewing the meaning of core concepts such as *community, justice, responsibility, even restoration*;
- reducing the tension between *state* and *community* programs;
- making-and-strengthening connections with colleagues working in similar programs in different regions, or different programs in the same region; and
- highlighting effective systems for *learning-on-the-job*.

Feedback during the last few weeks suggests that participants at the November CRP conference feel reenergised for our restorative work, facilitating processes that emphasise our shared humanity, helping us find ways to *set relations right*, and to move beyond co-existing to *flourishing*.

Participants in the Open Space sessions have now received a *Book of Proceedings*, which includes action plans arising from some sessions. We will soon be sending AARJ members a short **video** summarising the conference.

In the meantime, here are **some photos** of that memorable event.

Restorative Justice as Human Right

10th December 2024



Our colleagues at the **European Forum for Restorative Justice (EFRJ)** have prepared a **working paper** on *Restorative Justice as a Human Right*.

EFRJ Training and Communication Officer Bálint Juhász describes the working paper as “*an initial exploration of how access to restorative justice can be framed within international and regional (EU) human rights frameworks.*”

Those interested can
download the paper [HERE](#).

Policing and Public Health

23rd September 2024



As we have often noted, **the tension between police as force and as service** runs through the history of policing in Anglo-American jurisdictions. Police can function as the frontline of the **criminal justice** system *and/or* as part of a multidisciplinary **social support** team.

A **bias towards enforcement** tends to be counterproductive where criminal justice and public health overlap: in *youth justice*, and in policing behaviours such as property theft, substance abuse, and some forms of violence, that *are* criminal, *and* are very often also *symptoms of deeper problems*.

The [Global Law Enforcement and Public Health Association](#) (GLEPHA) is working to increase the capacity of first responders to **heal rather than do further harm** - by *improving collaboration between policing and public health*.

[Professor Nick Crofts](#) is honorary Executive Director of GLEPHA. He is also an honorary Professorial Fellow at the Nossal Institute in Melbourne, Professorial Fellow at the Australian Institute of Police Management - and a member of our Association.

Professor Crofts and the GLEPHA leadership have this year convinced the [World Federation of Public Health Associations](#) (WFPHA) to accept their policy on *engaging police and the public health sector to collaborate for the public good*.

This development may prove very significant for restorative practice.

The [new WFPHA policy](#) recommends that:

- all governments increase their political commitment to better **integrate policing and public health**;
- the public health community *proactively position health and social care professionals as direct responders in collaboration with, or in place of, police* where appropriate;

- **funding** be increased for research, development, implementation, data-collection, and for documenting & disseminating **effective strategies for further integrating policing and public health systems**;
- **multilateral agencies guide-and-support government departments** to implement effective policing and public health strategies;
- public health associations, police associations and other relevant actors advocate for laws, policies and procedures that facilitate a public health approach to policing, and jointly develop-and-deliver **skills training and education**, for public health *and* police workforces, to increase their knowledge of effective policing *and* public health cooperation.

Translating *knowledge* into *action* requires *skills*. **Implementing any strategy requires tactics**. The *strategy* of effectively integrating policing and public health requires *tactics* that *position health and social care professionals as direct responders in collaboration with, or in place of, police* - depending on the nature of the presenting situation.

Restorative practice provides the requisite tactics - especially in the form of *appropriately structured facilitated meetings* that improve *collective sense-making and decision-making*.

Those of our members who work in justice system programs regularly demonstrate the power of restorative practice to support people affected by a harmful situation to *learn from the past, heal in the present, and develop plans to improve their future*.

These same tactics can also now support the GLEPHA / WFPHA global strategy of a public health approach to policing.

Video on Queensland's adult RJ program

17th September 2024



To commemorate Victims of Crime Day, Queensland's **Department of Justice and Attorney General** has created a video about their **adult restorative justice conferencing program**.

The video presents the experiences and insights of Carmen and Roman, who experienced a home invasion, the young man who broke into their home, and facilitator Andrew Robinson.

Community Justice Services Executive Director, Kristen Eades, describes the program, and its referral pathways.

As Carmen reflects, the experience of a well-facilitated group conference gave her – and indeed, everyone involved - a *sense of justice* and an *experience of healing*. She says she feels proud to live in a country (or at least a jurisdiction) that makes this process readily available.

VIDEO LINK HERE

International Award for Restorative Justice

17th September 2024



The **International Balzan Foundation**, [created in Lugano in 1956](#), awards four annual prizes to scholars and scientists who have distinguished themselves in their fields on an international level. The winners of the [2024 Balzan Prizes](#) are:

- **Lorraine Daston** (Germany/USA) of the Max Planck Institute, for work on the History of Modern and Contemporary Science
- **Michael N. Hall** (Switzerland/USA) of the University of Basel, for work on Biological Mechanisms of Ageing
- **Omar Yaghi** (USA), University of California Berkeley, for work on Environmental Applications of Nanoporous Materials &
- **John Braithwaite** (Australia) of the Australian National University for work on Restorative Justice

The announcement of his year's awards was made by the President of the Balzan Prize Foundation, Maria Cristina Messa, and the Chair of the General Prize Committee, [Marta Cartabia](#), an Italian jurist and academic who served as Minister of Justice in the government of Prime Minister Mario Draghi – and who has been strongly supportive of restorative justice.

As many of our members will know, John Braithwaite's criminological writings were [linked early with the pilot Australian pilot program of the group conferencing process](#) in the youth justice system.

Professor Braithwaite has also written extensively on two other key concepts that remain central to the development of the movement for restorative practice, namely:

- understanding restorative practice as part of a [broader social democratic program](#) for the transformation of contemporary societies;
- [responsive regulation](#), which seeks to limit domination through an optimal combination of persuasion and sanctions.

The General Prize Committee noted John Braithwaite's contribution to:

- the theoretical development and dissemination of the practice of contemporary restorative justice,
- the service of institutions and social construction,
- high scientific and editorial dissemination,
- the cultural growth of the youngest generations in the values of restorative justice.

It now seems doubly appropriate that our [Contemporary Restorative Practice](#) conference will be held at the Australian National University. The cultural growth of our movement over the last thirty years should be very much on display at the ANU in late November.

Final Report of the Royal Commission into Defence and Veteran Suicide

11th September 2024



The [Final Report](#) of the **Royal Commission into Defence and Veteran Suicide** (RCDVS) was released last Monday (September 9th). The Report includes **122 recommendations** for reform.

Initial responses to the report have included relief that the Royal Commission has concluded, and gratitude for what it has achieved. There has also been some criticism of *what seems not yet to have been achieved*. Some of that criticism is less about *this* Royal Commission and more about:

- **Royal Commissions** as a method of inquiry,
- limitations on decision-making in **representative democratic political systems**,
- the challenge of large organisations to **change adaptively**,
- current approaches to supporting **health and wellbeing** –
 - not solely for challenges specific to serving and ex-serving ADF members, but for many other groups as well, &/or
- the need to improve methods for **promoting psychological safety in our workplaces**.

Royal Commissions as a method of inquiry:

The RCDVS is the latest of **140 Royal Commissions** or Commissions of Inquiry to have been held in Australia at a federal level since 1902. Until WWII, a Royal Commission was held, on average, every six months. Royal Commissions became less frequent in the decades after WWII, and in 2010, the Australian Law Reform Commission investigated possible alternative forms of executive inquiry. Since 2013, however, the frequency of Federal Royal Commissions has increased to an average of one each year. Interestingly, *Volume 1* of the RCDVS *Final Report* includes [recommendations to improve the capacity of future royal commissions to undertake their inquiries](#).

Acknowledged problems of Royal Commissions include:

- **RESOURCES:** some recent Commissions have each cost several hundred million dollars, and lasted several years.
- **METHOD:** Commissioners are, most commonly, lawyers. Their profession encourages certainty and precision. However, Commissioners make recommendations for public policy - which typically involves ambiguity and compromise, and requires solutions that need to be politically-feasible.
- **EFFECTIVENESS:** Royal Commissions are not guaranteed to deliver results.

However, the number of accepted and fully implemented recommendations is not the only metric for the success of a Royal Commission, nor even the best metric.

Good reasons for Royal Commissions include:

- **TRANSPARENCY:** revealing wrongdoing or non-compliance that cannot otherwise be uncovered,
- **VOICE:** Giving people-failed-by-institutions an opportunity to be heard and acknowledged,
- **MOMENTUM FOR CHANGE** that increases the likelihood of effective government and institutional action.

A [2020 examination of all previous Royal Commissions](#) found recurring patterns in those Royal Commissions that have had the most tangible positive effect. The most effective Royal Commissions have succeeded in three key strategies:

1. providing a clear and useful **definition of the nature of the problem**,
2. working with stakeholders to develop a **degree of consensus around solutions**,
&
3. making pragmatic and **politically feasible recommendations**.

Those who have been heard by the RCDVS now need to see sustained momentum for change, and need answers to these key questions:

- What are the other **mechanisms for continuing to listen** to the Defence community?
- What **institutional framework** can hold senior decision-makers - in governments and institutions - to account on this issue?

It is helpful to consider these questions in the context of even broader initiatives to *bring citizens more actively and effectively into decision-making*:

Contemporary representative democratic political systems:

Contemporary political systems are struggling to address long-term complex challenges in many areas: environment, energy, industry, transport, education, health, housing, citizenship, and taxation. An emerging reform movement is promoting mechanisms for developing policy responses that are (i) appropriately complex and (ii) socially-and-politically acceptable. The core principle of this reform is to bring citizens more actively into decision-making.

Citizens' assemblies are comprised of a representative sample of citizens authorised to deliberate on a specific topic - often with input from subject-matter experts. [Reformers have been demonstrating, since the early 2010s](#), that systemic use of citizens' assemblies can *harness the wisdom of the crowd* – and so may augment representative democratic political systems to produce 'democratic healing' across multiple levels of government.

Adaptive change in large organisations or institutions:

The science of change management distinguishes general approaches to organisational and cultural change. Two familiar approaches are:

- simply **changing the rules**,
- **enforcing outcomes**.

Neither approach tends to produce long-term sustainable change.

- Effective **transformational change** requires different tactics at different stages of reform.

As an example, the ADF has been working for some decades to improve complaint handling and resolution. The ADF's **Alternative Dispute Resolution Program** is supported by a network of advisers who work to resolve disputes early and manage complaints effectively. The program delivered nearly 1 500 interventions in 2020–21. This sort of program needs to be complemented by (i) the willingness of senior leaders to understand *in detail* the specific experiences of members – and (ii) the availability of mechanisms for doing so.

Australia's [Open Disclosure Framework](#) has been designed to enable health service organisations and clinicians to communicate openly with patients when health care does not go to plan. The Defence Abuse Response Taskforce (DART), which operated from 2012 – 2016, developed something similar: the innovation of the **restorative engagement conference**.

These facilitated meetings involve (i) one-or-more persons-harmed, (ii) one-or-more members of their community of care, and (iii) one-or-more senior managers representing the institution. The restorative engagement process decentralises learning-and-healing in individual cases, but the host program of redress can then 'recentralise' learning-and-systemic-reform - by distilling lessons from many individual cases and collating them into a set of **collective lessons**.

Whatever their imperfections, the ADF Alternative Dispute Resolution Program and the restorative engagement program developed for the DART have both inspired change in other organisations, nationally and internationally.

Supporting health and wellbeing

An international reform movement is emphasising that suicide prevention requires understanding the phenomena as far more than a mental health issue. In most cases, people have lost hope and felt trapped when they have not felt socially (&/or organisationally) supported during a crisis.

The system of [mental health first aid](#) pioneered in Australia is now being adapted internationally – helping build people's skill to have the right sort of difficult conversation at the right time. Work is underway to ensure that organisations increase their capacity to provide the requisite social and organisational support when members experience a crisis.

Creating psychologically safe workplaces

The **International Organization for Standardization** (ISO) promulgated **ISO Standard 45003** as recently as 2021. ISO Standard 45003 aims to promote workplace well-being and psychological health and safety – by placing greater proactive focus on structures and on processes that give workers a voice in improving the quality of their workplace.

ISO Standard 45003 aims to reduce the need to respond to issues that require investigation, counselling, mediation, and / or cultural review, by *increasing the ability of supervisors and team members proactively to coordinate adaptive change to scheduling, performance, and their working environment.*

To the extent that the RCDVS has now:

- provided a clear and useful definition of the nature of the problem,
- worked with stakeholders to develop some consensus around solutions, &
- made pragmatic and politically feasible recommendations...

...it will have increased momentum for reform, and the chances of effective government and institutional action and transformational change. Ongoing reform work should strengthen (i) mechanisms for listening to the Defence community and (ii) institutional frameworks to ensure senior decision-makers support transformational change.

As it happens, the **Defence Response Unit (DRU)** tabled a paper in February this year entitled '**Establishment of an Enduring Restorative Effects Mechanism within Defence**'. The DRU paper proposed:

“an option for the establishment of an enduring mechanism, administered internally by Defence, which contributes to a more holistic treatment of contemporary and historical mistreatment. The proposed mechanism would interact seamlessly within existing mechanisms for complaints and resolution.”

This type of reform could have implications well beyond the Australian Defence Force.

Australia media reporting Australian reforms?

16th August 2024



Several AARJ members have asked in recent days how [this week's ABC Radio National Law Report](#) could 'head to New York to hear about a restorative justice pilot program in sexual assault cases' – and entirely ignore developments here in Australia. This is an important question – and a case study in how challenging it is to raise awareness about restorative work beyond our practitioner communities.

Lawyer-turned-playwright [Suzie Miller](#) is guest presenter on the *Law Report* while long-term presenter Damien Carrick is on leave. Suzie Miller has received international acclaim for her plays [RBG](#), and [Prima Facie](#), which critiques the way the criminal justice system manages cases involving sexual assault. She has a particular interest in [reforming sexual assault law in Australia](#).

As [the Law Report site explains](#):

Less than 10% of sexual assault victims in Australia seek redress through the criminal justice system, and the system itself can be re-traumatising for those that do. So, law reforms in Australia are now focusing on reducing trauma for the victim-survivor, with closed courts, and video testimony from complainants now standard procedure. But there are calls for more initiatives – and we need to look at the system as a whole and consider how it can be improved for survivors.

Guests on [last week's episode](#) included well-known law reformers [Justice Jennifer Coate](#), Acting Chair of the Victorian Law Reform Commission, and [Marcia Neave, Australian Law Reform Commissioner](#).

This week, Suzie Miller asked: [Is there a role for restorative justice in sexual assault cases?](#)

An online search seems to have led the producers to the New York City Mayor's [Office to End Domestic and Gender-Based Violence](#), and their designated restorative practitioner. [Erika Sasson's personal website](#) explains that she:

'has spent the last twenty years creating opportunities for difficult conversations while reimagining how we relate to each other in the aftermath of harm. She is an attorney and practitioner who designs and facilitates restorative justice processes, whether in response to serious harm or to build positive group dynamics.'

The casual listener might consider it implausible that this work of *reimagining how we relate to each other*, and *designing and facilitating restorative justice processes*, has been done alone. Suzie Miller's questions prompted the revelation that the NY prosecutor's office pilot has only just begun – but there was *at least one case* to discuss.

As it happens, the discussion of that case was eloquent and accurate. But the broader discussion enabled the inference that very little work has been done in this field.

Our colleagues in New York are certainly not unique in presenting their efforts as uniquely unique. This is just one of [many examples of unhealthy competition within the restorative ecosystem, and a failure to engage with neighbouring fields of practice](#). The common failure to acknowledge colleagues is driven by cultural, financial, and many other factors. Regardless of the cause, the effect is to undermine reform efforts in our social movement. This week's *Law Report*, unfortunately, overlooked other important work in the US, such as that of:

- [the Restore program](#) operated by [Mary Koss](#) and colleagues at the University of **Arizona**
- the team working in **Utah** with [Linda Mills](#), now President of New York University, who have conducted [a randomized controlled trial of restorative justice-informed treatment for domestic violence crimes](#)
- the work of Mimi Kim and colleagues in the '[Collective Healing and Transformation \(CHAT\) Project](#)' in Contra Costa County in **Northern California's East Bay Area**.

The CHAT project, addressing domestic and sexual violence, was established in 2018, and is described as *one of the few community-based and non-law enforcement restorative justice programs in the U.S.* A [just-released report](#) follows the 2022 evaluation of the pilot phase.

Toward the end of this week's *Law Report*, the hope is expressed that "*in a dream world, we'd like to have this as an option for everybody.*"

Developing pre-trial (or, more accurately, no trial) alternatives is certainly one important option that can take us in that direction – and currently the preferred option in the US. On this side of the Pacific, the Australian Capital Territory (ACT) has forged another path over the last 20 years - under 2004 [legislation](#) that has enabled **community confidence** to co-evolve with **facilitator competence**.

Phase 3 of the ACT restorative program, which also commenced in 2018, has authorized the ACT Restorative justice Unit to accept cases involving family violence or sexual assault. While cases are currently referred to the RJ Unit by police or courts, the [success of processes within that program](#) has been such that the ACT government is considering how to make available the option of **direct community referral** (i.e. pre-trial) to the restorative processes offered by ACT RJ Unit.

A key to reaching this stage of *community confidence in facilitator competence* has been solid foundational skills training as part of a program that supports ACT RJU facilitators to learn-on-the-job, and to engage in *collective reflection* through their local community of practice. Our Association is now establishing a ***national community of practice*** specifically for restorative facilitators and program managers dealing with **gender-based violence**. *This development may* (eventually!) warrant media coverage...

Mandatory reporting - or supporting?

Some unintended effects of new US Title IX rules

13th August 2024



Improving the quality of supportive interactions is a core issue for restorative practitioners – those of us who deliver processes that *prevent* and *reduce* harm, and *respond constructively* when it nonetheless occurs.

Central authorities can measure (i) the *activity* of officials, and (ii) population-level *outcomes* for cohorts of citizens. Authorities find it far harder, from a distance, to (iii) monitor the *quality of interactions* between officials and citizens – and to improve the quality of those interactions. Aspects of contemporary **university governance** reflect this challenge of improving the quality of supportive interactions.

Many of our Association members will be familiar with the landmark US [federal civil rights law Title IX](#), which was enacted as part of Education Amendments in 1972. Title IX prohibits sex-based discrimination in any US school or any other education program that receives funding from the federal government.

The Biden administration has now enacted **new Title IX rules** for US higher education institutions. The new Title IX rules, which take effect this month, revise the regulations on how US universities must respond to complaints of sexual harassment, sexual assault, LGBTQI discrimination, and related forms of mistreatment.

As [Alex Walters](#) has reported for the [Chronicle of Higher Education](#), the new rules for **mandatory reporting** highlight the very real tension between (i) information-gathering by central authorities, and (ii) respecting and protecting the autonomy of people who have experienced harm.

In many states, Title IX coordinators seem most affected by the ideological posturing of Republican state officials towards any policies of the Democratic presidential administration – and much of the public discussion about the Title IX changes has focused, predictably, on legal challenges relating to gender identity. In contrast, [administrators at the University of Oregon are grappling directly with the federal mandates](#).

The University of Oregon has been operating a policy colloquially called “**mandatory supporting**”. When a student has told them about possible sexual misconduct, university faculty and staff members have been required to provide that student with resources and information about reporting, but to leave the student with the ultimate choice of whether to report or not. Supporters argue that the policy has helped victims obtain support and resources without fear.

Under the new mandatory reporting obligation, all faculty and staff members must alert the campus Title IX office to any allegations of sex discrimination, harassment, or retaliation. But many victim-survivors don’t want formal reports to be filed or investigations to be conducted, at least not as the primary response, and not without their permission.

Many supporters of the previous approach fear that mandatory reporting may now prevent students from approaching trusted staff for support. (Health professionals and student workers will not be subject to the new reporting requirements.)

Alexandra Brodsky, a lawyer and author of the book [*Sexual Justice: Supporting Victims, Ensuring Due Process, and Resisting the Conservative Backlash*](#), notes that Oregon is unusual in seeking to leverage any ambiguity in the new federal rules.

The [federal education department has clarified](#) that some university employees could be designated as confidential, and allowed to only give information about reporting, leaving victims with the ultimate choice - but these would have to be employees with *no “responsibility for administrative leadership, teaching, or advising”*. Oregon administrators are yet to identify a cohort that meets these criteria.

The *Chronicle of Higher Education* quotes several key voices responding to the changes:

Jody Shipper, managing director of a **Title IX consulting firm**, asks rhetorically:

- *“How can you maintain a campus free from harassment and discrimination if you don’t know what’s happening?”*

Nicole Commissiong, the university’s **Title IX coordinator**, wrote a letter summarising her colleagues’ concerns. She notes:

- *“There is concern that if the university was forced to abandon its reporting policy, survivors may be less likely to come forward, thereby leaving the university with notice of alleged sexual harassment but an inability to undertake a meaningful investigation.”*
- *“On one hand, survivor autonomy is important. On the other side, if we don’t know about it, we can’t do anything about it or anything to help the person.”*

She has noted that it is “*pretty easy to respect claimants asking us not to investigate*” nonviolent offenses like harmful language or perceived gender discrimination.

Drew Terhune, director of **Oregon’s care and advocacy program**, reflects:

- “*As a therapist, I want us to prioritize student autonomy over reporting, but that’s not what the new guidance seems to prioritize.*” Oregon faculty members fear “*that students just won’t tell them why they aren’t coming to class or didn’t turn in a paper.*”

Returning students could have conversations with trusted faculty members that unexpectedly lead to inquiries from the Title IX office. The university has been telling students that even if their disclosure is reported against their wishes, they don’t have to cooperate with a Title IX inquiry. However, under federal rules, an inquiry that is ignored can prompt an investigation.

Jennifer Freyd, a professor emerita at Oregon, who is well known for [her work on psychology relating to sexual violence](#), and who introduced the concept of **betrayal trauma**, laments:

- “*These rules are like putting a big piece of tape on their mouths. This is particularly baffling coming from Biden. It’s such a contradiction, it’s so paternalistic. This same group of people are very adamantly pro-choice [about abortion], they seem to care about autonomy there.*”

At a [commencement speech at Claremont Graduate University in May](#), Professor Freyd urged institutions to have *the courage to develop better support systems*.

Oregon’s care and advocacy office is now developing a **training program for faculty members** that focuses on transparency and choice in interactions. The goal is to help them “*be a mandatory reporter in a way that is still trauma-informed.*”

This will be yet another chapter in the quest to create **safer communities**, while managing the tension between central authority and local autonomy - and we shall watch the results with interest.

Redress for forced adoption: activists seeking to extend Victoria's Scheme

9th August 2024



Throughout the twentieth century, thousands of unmarried pregnant women around Australia were forced to relinquish their babies for adoption. In March 2013, [the Australian Government apologised to those affected by these forced adoptions](#).

This week on the **7:30 report**, ABC journalists Cason Ho and Claire Moodie presented the [story of how one woman met her mother, decades after she was removed at birth](#).

Victoria is currently the only state with a redress scheme to address the legacy of forced adoption. Victoria's [Historical Forced Adoptions Redress Scheme](#), which commenced earlier this year, is open to mothers who gave birth in Victoria, or were a Victorian resident but gave birth interstate, and who were forcibly separated from their newborn babies prior to 1990.

The Scheme offers a now-familiar combination of a *reparation payment*, *therapeutic support*, and the option of 'an *apology process*' – known more generally as *restorative engagement*.

Members of the not-for-profit organization [ARMS \(Victoria\)](#), which supports women living with the difficulties of having lost a child or children to adoption, have now formed a **mother's adoption loss alliance**.

The alliance is seeking to persuade the federal government to establish a national counterpart to the Victorian Scheme, both to acknowledge directly to those affected that what was done was wrong, and to encourage further practical action.

National Student Ombudsman: New roles to address gender-based violence in higher education

1st August 2024



The Australian Government, in consultation with the states and territories, is establishing a **National Student Ombudsman (NSO)** function within the **Office of the Commonwealth Ombudsman (OCO)**.

The establishment of the NSO:

- was a recommendation of the [Australian Universities Accord Final Report](#), &
- is the first action of the [Action Plan Addressing Gender-based Violence in Higher Education](#).

The OCO is looking to fill [vacancies at the EL2 level](#) in the newly established NSO Branch.

These **Director roles** are in positions responsible for delivering operational and strategic outcomes for the Office and the Australian community:

- Student **Complaint Handling**
- Student **Complaint Investigations**
- Student **Strategic Investigations**
- Student **Restorative Engagement, Resolution and Reporting**
- **NSO Education and Outreach**

UN Commission on Crime Prevention 2024:

Quaker delegation promoting restorative practice

26th July 2024



The United Nations [Commission on Crime Prevention and Criminal Justice](#) (CCPCJ) acts as the principal policymaking body of the United Nations in the field of crime prevention and criminal justice.

The Commission's theme for 2024 is the challenge of [Transnational Organised Crime](#) - including environmental and wildlife crime.

Each year, [a delegation representing Quakers from around the world](#) attends the annual CCPCJ **summit in Vienna**, to promote humanitarian criminal justice policies.

Quakers Penny Peters, Marian Liebmann, and Hezron Masitsa attended this year's UNCCPCJ summit. They note that poor and marginalised communities are both the victims of organised crime and vulnerable to being drawn into it – and they suggest that *restorative practice can play a part in strengthening such communities and making them more resilient.*

The [Global Initiative Against Transnational Organized Crime](#) seems to agree, calling for '*more inclusive – and therefore effective – antidotes to the pandemic of TOC, based on governance that is open, transparent, embedded in the rule of law and premised on active engagement with citizens and civil society.*'

To promote dialogue on this vitally important topic, the Quaker delegation prepared 2 pamphlets titled ***Restorative Justice around the World: a brief guide***, which they distributed to other CCPCJ delegates.

Penny Peters from the Quaker delegation has now kindly provided AARJ with copies of both pamphlets:

☞ [Pamphlet 1 covers the Americas](#), &

☞ [Pamphlet 2](#) covers the *rest of us*: [Africa, Eurasia, and Oceania](#).

Penny Peters emphasises that these pamphlets can provide only a very brief snapshot of some of what is happening in the world regarding restorative practice, and that the amount of space for each continent was very limited.

Our members will be pleased to note that, despite this brevity, [AARJ gets a guernsey](#) [to use an expression referencing the Channel Isles, on Eurasia's far-western flank].

Compensation, reparation, redress & the meaning of justice

19th July 2024



Two developments this week highlight the changing nature of **redress in Australia**. One relates to the [Australian Sports Commission Restorative Program](#), the other to the [National Redress Scheme](#).

[1] On Thursday, [the board of Volleyball Australia issued an apology to former players](#) who were based at the **Australian Institute of Sport** between 1997 and 2005 – and [that apology is attracting international media coverage](#).

The former players approached Volleyball Australia (VA) four years ago with their concerns about their treatment. **Sport Integrity Australia** (SIA) conducted a confidential review of the program. The SIA review was completed in 2022, with seven recommendations to protect against a recurrence of harmful behaviours and culture - including that VA initiate a restorative process and issue an apology.

The general secretary of the [Australian Athlete's Alliance](#) (AAA) [Jacob Holmes](#) provided support throughout the restorative process, and says he is pleased now to see this historic apology:

The [players'] commitment to standing up for what is right, seeking to address the wrongs of the past, and always focusing on what is in the best interests of the sport of volleyball and the current and future players is truly exceptional. We thank the Australian Sports Commission for their support through this process. They have provided meaningful resources to the players and demonstrated a genuine care for the players as people.

[2] Meanwhile, [a law firm specialising in personal injury claims has, in effect, launched a class action against the National Redress Scheme \(NRS\), by targeting a key organisation within the Scheme](#).

Lawyers from **Arnold Thomas & Becker** have launched a class action against [Knowmore Legal](#), the not-for-profit centre that provides free advice and support to survivors of child sexual abuse around the country.

In a statement of claim lodged with the Supreme Court of Victoria, Arnold Thomas & Becker allege that Knowmore Legal "breached its duty of care" by:

- encouraging a survivor to accept a capped *reparation* payment through the National Redress Scheme,
- providing legal services that used "standard processes and template documents", &
- emphasising the costs, risks, and delays of going to court.

Kim Price, a partner with Arnold Thomas & Becker, says Arnold Thomas & Becker would run the class action on a no win, no fee basis, that 180 people have already signed up to the class action against Knowmore Legal, and that potentially thousands of other survivors could join.

[As the ABC reports](#), Mr Price has 'acknowledged the case could take years to drag through the courts' – and so may outlast the NRS, which is scheduled to conclude in 2027.

Arnold, Thomas & Becker [offers the following text to survivors of sexual abuse who were advised by Knowmore Legal Services](#):

"You may be able to make a compensation claim if you are a survivor of institutional sexual abuse. Even if you have signed a deed of release you still may be eligible for additional compensation. We understand in the fact that financial compensation does not solve sexual abuse and that injuries are long lasting and can impact areas of survivors lives. That is why we fight for the compensation you deserve to assist you in your healing."

Corrective justice is the idea that financial compensation can make good a victim-survivor's loss. Corrective justice focuses on calculating "metrics of loss" to match the harm done to a group, or to large numbers of individual victims of injustice.

Australian media, political, legal, and activist circles continue to discuss the capacity for court judgements to publicly condemn criminal child abuse and to order organisations to pay compensation. Two key cases finalised in November last year have raised the stakes, with courts ordering compensation payouts of [around \\$4 million](#) and [\\$6 million](#).

Much of the public discussion continues to assume that punitive damages-paid-as-compensation are the optimal way to encourage reform to organisational practices, and so to prevent abuse, and meet the needs of survivors. An over-focus on the *cash-and-counselling* of corrective justice has continued to thwart opportunities to provide restorative justice for survivors of abuse in institutions.

Restorative justice certainly includes material and practical amends to address past losses and current and future needs. The quantum of any financial reparation needs to be sufficient to ensure that payment is not seen as a “cheap buyout”, adding further insult to moral and material injury. However, money alone cannot validate an experience of suffering and injustice.

A restorative approach understands reparation as playing both a practical role and a symbolic role in setting relationships right. Reparation is one gesture in a broader process of providing meaningful apology - which is why some programs and jurisdictions are now looking to offer *restorative engagement* after the settlement of civil claims.

We are likely to hear a lot more in coming months about tension and accommodation between corrective and restorative justice.

Diversion from or diversion to?

Creating systemic bias towards social support

17th July 2024



Youth justice is one of several areas where **criminal justice** and **public health** overlap - and where there is ongoing tension between police as **force** and as **service**. This tension runs through the history of policing in Anglo-American jurisdictions. As first responders, police can function as:

- the frontline of the criminal justice system, &/or
- part of a multidisciplinary social support team.

[Well-coordinated social support can reduce rates of crime](#) – and this population-level effect enables resources gradually to be reallocated from responding to harm towards preventing harm and promoting wellbeing. This is a virtuous circle, for which the preferred contemporary term is **justice reinvestment**. Although it seems eminently sensible public policy, reformers working for justice reinvestment have struggled against a vicious cycle: excessive use of enforcement undermines social support, increasing the need to respond to harm.

It is relatively easy to identify harms caused by the criminal justice system, while making the case to *divert cases away* from it. It is harder to develop a counterpart system *towards which cases can be diverted* with confidence, because skilled frontline service providers can address the complexity of presenting cases, and coordinate social support.

[With a state election pending, Queensland's youth justice system is once again experiencing the vicious cycle](#) in which simplistic enforcement policies:

- worsen the complex problem they claim to be fixing, &
- increase political and social polarisation.

There really *is* a problem in youth justice - and systemic bias towards enforcing control over providing support is *exacerbating* that problem. The mutually reinforcing elements that feed this vicious cycle include:

- representative democratic **electoral systems** that reward the more *visible* activity;
- organisational **management systems** that focus on the most *measurable* activity.

IMPROVING POLICY FORMATION

Electoral reward for visible activity is part of the political logic for bias towards enforcement. Elected officials fear that they will receive fewer votes for coordinating support than they receive for enforcing control, incanting a mantra of ‘**zero-tolerance.**’ Coordinating effective social support is generally complex, takes time, and is not politically visible.

This is just one of many examples in which short-term electoral politicking thwarts effective social policy over the longer-term.

An emerging reform movement is seeking to address this systemic problem - by augmenting representative democracy with participatory democratic processes that bring citizens more actively into decision-making.

So-called **citizens assemblies** are comprised of [a representative sample of citizens, who are authorised to deliberate on a specific topic, often with input from subject-matter experts.](#)

These mechanisms for harnessing *the wisdom of the crowd* [have been shown to produce policy responses](#) that are both:

- appropriately complex, &
- socially-and-politically acceptable.

Reformers hope that the systemic use of citizens assemblies can produce ‘[democratic healing](#)’ across multiple levels of government.

IMPROVING SERVICE RESPONSES

The challenge of politics thwarting policy is compounded by a related challenge of organisational governance: organisations find it easier to measure *activity* and *outcomes* than to monitor *processes*.

For example, police managers can readily collect data on arrest rates, which are a measure of the activity of officers and of outcomes for whole groups or cohorts. It is much harder for managers to monitor a dynamic process - such as a meeting to diagnose a situation, and determine how to improve it.

As it happens, this organisational challenge can also be addressed through mechanisms that bring more people into decision-making.

Rather than assembling a representative sample of citizens to develop policy for the 'macro-community' of a jurisdiction, mechanisms for increasing social support engage the 'micro-community' of all-those-affected by a specific incident or issue – through the **restorative practice** of *working with people to set relations right*.

Restorative practice provides a range of processes and techniques that support people to (i) learn from the past, (ii) heal in the present, and (iii) work together for a healthier future.

This is essentially the same formula as used in *trauma-informed* or *trauma-aware practice*. However, restorative practice augments awareness with the skills to facilitate processes, in which people make sense of their situation, and coordinate their efforts to improve it.

Away from electoral season bread-and-circuses, some Queensland public servants are working hard to develop appropriately complex youth justice policies and practice. Fortunately, they can look to emerging programs that combine the energy and commitment of *local peacemaking initiatives* with the resourcing available to *multi-agency forums*. A key part of the formula for success appears to be resourcing roles to improve:

ADMINISTRATION –

by coordinating *programs* across different service-providing agencies, &

FACILITATION –

by building the capacity of frontline workers to facilitate restorative *processes*.

As many of our Association members know, an effective way to build **regional capacity for restorative practice** is to provide joint *foundational skills training* for workers from multiple service-providing agencies, followed by guided *learning-on-the-job*, supported by a multi-agency restorative Community of Practice.

A recent [study of the history of restorative group conferencing in Queensland](#) found that the process '*remains substantially underutilised [due to] the discretionary gatekeeping role of police, the absence of a systematic and comprehensive consultation process with victims and accused persons, and governments ignoring the science of restorative justice*.

Queensland policy-makers and service-providers could break the *vicious cycle* of excessive enforcement-undermining-social-support, and drive a *virtuous circle* of justice reinvestment - by building capacity for restorative practice *across each and every region* of the state.

South Australian Royal Commission commences - aiming to integrate & coordinate efforts to reduce violence

5th July 2024



In late 2023, the South Australian government committed to holding a **Royal Commission into Domestic, Family and Sexual Violence**.

The Royal Commission commenced last Monday, July 1st. **Natasha Stott Despoja** AO has been appointed as the Royal Commissioner, and will focus on identifying how to better integrate and coordinate efforts across South Australia in relation to:

- prevention
- early intervention
- response
- recovery and healing

The Royal Commission's terms of reference are encouraging. They reflect some institutional lessons learned since the comparable Victorian Royal Commission, and movement in recent public discussion on this pressing issue.

For example, readers of *The Guardian* may recently have read **Jess Hill** expressing frustration that 'we won't stop violence against women with conversations about respect.'

Her frustration is backed by extensive research. A recent article in *Nature* synthesises multidisciplinary meta-analyses of:

- the individual and social-structural **determinants of behaviour**, and
- the **efficacy of behavioural change interventions** that target those determinants.

Discussion in the public domain commonly advocates for increasing general awareness, changing general attitudes and beliefs, providing general skills, and imposing legal and administrative sanctions. *Nature's* meta-meta-analysis finds these types of effort to have *negligible* effects on behavioural change. Across multiple domains, the targets of intervention that have:

- *large* effects involve **enabling access**
- *medium* effects involve **changing habits** and **providing social support**
- *smaller-but-still-significant* effects involve managing **emotions**, changing **behavioural skills** and **attitudes**, establishing moral and behavioural **norms**, providing **monitoring, reminders**, and material **incentives**

In short, the most effective approaches to behavioural change (i) *provide access to systems* that (ii) *enable adaptive change to habits and increase social support* following (iii) *a shift in emotions, behavioural skills, attitudes, and norms*, and that (iv) *monitor and remind to ensure follow-through on any agreement*.

That distillation should sound familiar: it describes **restorative practice**.

In a coauthored white paper, *Rethinking Primary Prevention*, Jess Hill urges state and federal governments to prioritise ‘results-based prevention strategies’. Her paper emphasises **four ‘missing pieces of the puzzle’**:

- Accountability and consequences for perpetrators and systems that enable them
- Recovery
- Regulating damaging industries
- Structural improvements to gender equality

Discussing the first piece, **accountability**, Jess Hill notes the recent AIC evaluation of the work of our colleagues in the Restorative Justice Unit (RJU) in Canberra.

The AIC found: (i) **broad overall support for the use of restorative justice** as an alternative justice pathway for DFV and sexual violence matters, and (ii) **high levels of satisfaction on the part of participants** in those processes, which met many of the justice-interests of people who have been harmed. There was little or no evidence that any of those involved were pressured or manipulated into participating, or felt unsafe.

Accordingly, the 2024-25 ACT Budget, which was announced in late June, has increased funding for restorative justice in the ACT, including additional Convenor and Operational Support positions, and funding to enhance the RJU’s data management system.

This investment demonstrates the ACT Government’s ongoing commitment to the Restorative Justice Scheme, and to providing options for people who have been harmed by crime.

Rethinking Primary Prevention links the AIC evaluation of the ACT RJU with the concept of **justice reinvestment**, arguing that a **flourishing and interconnected prevention system** could link the work of:

- preventing child abuse and maltreatment
- preventing violence against women, *and*
- healing from trauma and abuse

A flourishing and interconnected prevention system that links primary, secondary, and tertiary prevention requires service reform. It is not surprising that key initiatives in this area are being driven by Community Controlled Organisations, determined to ensure that frontline workers across multiple agencies learn on-the-job the core skills to work with community members to *set relations right*.

Effective **regional service reform** requires:

- **coordinating the strategy** of service-providing agencies across a region
- **building the capacity** of individual workers, and work teams, in those agencies

Coordination and capacity-building help to ensure that agencies can work together, sometimes even *work-as-one*, with workers supporting each other effectively, as they support community members to build relationships, responsibility, and respect.

Restorative practice, broadly defined, provides the requisite **system-for-improving-systems**. But this complex work requires **a system for learning-on-the-job** – and that is why our Association is so focused on supporting our **communities of restorative practice**.

The South Australian Royal Commission will be accepting submissions in response to the Issues Paper from Friday 5th July until Friday 16th August. All other written submissions are due by Friday 27 September 2024.

Effective outcomes from group conferences - & how to achieve those outcomes...

4th July 2024



We have previously reported on research from Swinburne University's **Centre for Forensic Behavioural Science**, examining the effectiveness of youth justice group conferencing, and **the factors that make group conferencing effective**.

The research was undertaken in collaboration with Jesuit Social Services and the Children's Court of Victoria, with key input from the Crime Statistics Agency, Victoria Police, Youth Justice, and Corrections Victoria.

Robert Bonett and colleagues Caleb Lloyd, Ariel Stone, and James Ogloff, have now published their results in a detailed (2024) academic paper:

[Group Conferencing is Associated with Lower Rates of Repeated Recidivism Among Higher-Risk Youth and There are Enhanced Effects Based on Who Attended the Conference](#)

The Swinburne research confirms (i) that Group Conferencing can help reduce serious and repeat youth offending, and (ii) that the effectiveness of the process is enhanced by the involvement of secondary victims and the police officer involved with the case. These participants provide a *community of care* for people-harmed, and/or for people-responsible for harm,

These findings are consistent with the contemporary practical theory used to [develop the practical skills](#) of restorative group conference facilitators and program administrators.

Expanding the social network of people affected by a situation helps those involved to (i) **gain a *shared understanding*** of their situation, then (ii) **negotiate an *agreement*** to improve that situation:

**An expanded social network can more readily
transform conflict into cooperation.**

Please feel free to share these important research findings with other facilitators, program managers, researchers - *and* legislators!

AARJ submissions to two important current inquiries

26th June 2024



Our Association was recently invited to provide submissions to two important inquiries being conducted in Victoria – one on **occupational health and safety offences**, the other on **data relating to perpetrators of family violence**.

In February 2024, the **Victorian Sentencing Advisory Council (VSAC)** published a consultation paper seeking submissions on potential reforms to the **sentencing of occupational health and safety offences** in Victoria.

1. [All public submissions to the VSAC inquiry are available here.](#)
2. [The AARJ submission to the VSAC is available here.](#)

The [Parliament of Victoria's Legislative Assembly Legal and Social Issues Committee \(LSIC\)](#) is conducting an inquiry into **capturing data on family violence perpetrators** in Victoria. The LSIC has formally accepted our submission and has now published it on the LSIC's website as a public document.

- [All public submissions to the LSIC inquiry are available here.](#)
- [The AARJ submission to the LSIC is available here.](#)

The LSIC emphasises that our submission is protected by parliamentary privilege (which means that no legal action can be taken against us in a court of law in relation to evidence in the submission).

The LSIC adds: *If you choose to publish your submission in another form, for example on your website, that publication will not be protected by parliamentary privilege. You can, however, [refer others to your submission on the Committee's website.](#)*

Both inquiries have broader national significance. The AARJ Committee thanks those of our members who provided information as we prepared these two submissions. We are confident that both submissions can contribute to improved policy and restorative practice.

Post-sentencing restorative justice on your ABC - and beyond

23rd May 2024



This Sunday evening (May 26th), [the long-running ABC television series *Compass* is reflecting on restorative justice](#), which the presenters describe as ‘*a healing process now being used in murder cases, school yard fights and First Nations communities to bring healing to both sides.*’

Sunday's episode of *Compass* reports on the aftermath of a tragic 2020 incident in Western Sydney, in which [four children from one extended family were killed by a car as they walked to buy ice-cream](#).

Thoughtful reporting on the healing power of restorative *processes* in post-sentence *justice system programs* can promote a broader understanding of **restorative practice**, through which we can learn from the past, heal in the present, and work together for a healthier future.

Compass has called this Sunday's episode [Eye to Eye](#), which was also the title of a movie-length documentary by filmmaker John Webster. That 2021 documentary showed participants in [restorative justice meetings convened in Finland, addressing cases involving homicide](#).

The topic of post-sentencing restorative justice is currently being widely discussed in the **United Kingdom**. [Last week's edition of the *Spectator*](#) includes a piece by [David Shipley](#), who writes, speaks, and researches on justice issues.

In his account of [‘the power of restorative justice’](#), David Shipley praises the play [Punch](#), by Nottingham writer James Graham. Shipley suggests that *Punch*, currently playing a sold-out season at the Nottingham Playhouse, shows us a glimpse of ‘*the better world we could make.*’

James Graham's play is based on Jacob Dunne's book [Right from Wrong: My Story of Guilt and Redemption](#). *Right from Wrong* tells the story of how, during an otherwise typical Saturday night of drinking in his hometown, Jacob Dunne threw a

single punch at a stranger – with fatal consequences. After completing a custodial sentence, he agreed to meet with the parents of the young man he had killed.

Jacob Dunne draws broader lessons from his experiences, and suggests societal reforms that might disrupt the cycles of hopelessness and harm in which he and so many others have found themselves.

Friday-before-last, following the evening performance of *Punch*, [Nottingham Playhouse hosted a post-show talking circle](#). That event seems to have reflected the spirit of our international movement for restorative practice, which is bringing a legitimate sense of hope for a healthier future.

Victims of Crime:

Victorian Lived-Experience Advisory Group

19th April 2024



The Victorian **Victims of Crime Commissioner** advocates for the respect, participation, recognition, and inclusion of victims of crime in the justice system.

VOCC policy position on restorative justice

The Commissioner has begun a program to embed victims' lived experience expertise into the work of the Commission, and is calling for **expressions of interest** for either of two groups.

1. The Lived Experience Advisory Group

This small group will meet regularly to discuss priority issues.

Intake for this group is open.

Recruitment closes on 19th May 2024.

2. The Lived Experience Experts Network

Interested community members can join this network at any time, to provide feedback, advice and input on key issues and topics affecting victims. Participants will receive emails about opportunities to help the work of the Commission, and can choose which activities to take part in.

Information on the VOCC Lived-Experience program

Invitations for AARJ submissions to important current inquiries

11th April 2024



Our Association has been invited to make submissions to two current inquiries in Victoria, one relating to (i) **data on family violence**, the other to (ii) **occupational health and safety**.

Both inquiries are of national significance, and we invite AARJ members with an interest and relevant knowledge in either area to [email us your insights and suggestions](#).

1. The **Victorian Legislative Assembly's Legal and Social Issues Committee** is inquiring into [data on family violence perpetrators in Victoria](#)

The Committee is seeking to determine:

- What data is collected in Victoria on the profile and volume of perpetrators of family violence?
- How is that data used?
- What additional data on should be collected?

The **closing date for submissions is 31st May 2024**.

2. The **Victorian Sentencing Advisory Council (VSAC)** is conducting a [Major Review of Sentencing for Workplace Health and Safety Offences](#)

In 2016, England and Wales revised sentencing guidelines for their landmark (2007) [Corporate Manslaughter and Corporate Homicide Act](#). NSW is currently also currently also [reviewing laws relating to industrial manslaughter](#).

Victoria's [workplace manslaughter provisions were introduced in mid-2020](#). The first prosecution under section 39G(1) of the *OHS Act* involved a stonemasonry business, after a young subcontractor was fatally crushed in a forklift accident at their factory north of Melbourne in late 2021.

The court imposed a \$1.3 million fine, ordered the Director to undertake a 2-year community corrections order involving 200 hours of community work, and ordered a payment of \$120 000 in compensation to the worker's family.

As part of broad consultation on Victoria's OH&S laws, the Sentencing Advisory Council hosted [community conversations](#) across regional Victoria and metropolitan Melbourne through February and March this year. An illuminating recent episode of [ABC Radio National's Law Report](#) discusses their findings.

VSAC CEO **Dr Paul McGorrey** offers thoughtful observations about the vexed issue of general deterrence. The Council's community consultations revealed a consensus view that the most important questions are how to address the harm that has been caused, and *to ensure that workplaces are safer in the future*.

These goals raise a more complex set of questions than *how heavy should the punishment be?* They require that we answer:

- How can a restorative process support *healing and learning* as part of **the court process &/or outcome**?
- How can **key agencies in the workplace safety 'ecosystem'** better *coordinate their efforts* at [responsive regulation](#), with a strong focus on education and public health?
- How can **individuals and organisations that support workplaces** to increase [dynamic safety](#), and to [implement a restorative justice culture](#), better *align their efforts*?

AARJ members may have insights and suggestions about:

- RESTORATIVE APPROACHES in the context of OHS offences
- Desired OUTCOMES from restorative processes
- Optimal GOVERNANCE arrangements for a program
- ROLES OF PARTICIPANTS in a restorative process
- Effective CAPACITY-BUILDING for facilitators and administrators
- Systems of QUALITY CONTROL
- Program RESOURCING

The Council will deliver its final report with recommendations to the Victorian Attorney-General and the Minister for WorkSafe and the TAC by 31st December 2024.

More Film Festival restorative cinema: An award-winning French RJ movie

29th February 2024



The 34th Australian [Alliance Française French Film Festival](#) commences in capital city [Palace Cinemas](#) next week. Among this year's 41 movies will be [Je verrai toujours vos visages](#), a movie on restorative justice.

[The title translates literally as *I will always see your faces*, but the movie is being distributed to Anglophone audiences as *All your faces*.]

Restorative *justice* in France is supported by 2014 legislation that emphasises the rights of victims of crime. In an [interview with AlloCiné](#), Director **Jeanne Herry** explains that she first encountered the idea of restorative justice in a podcast on *France culture* - which subsequently provided a very [positive report on her movie](#) and on restorative practices.

At the [49th César Awards ceremony](#), held in Paris last Friday (February 23), **Adèle Exarchopoulos** won Best Supporting Actress for her role in *Je verrai toujours vos visages* – and the movie itself [won the 2024 César des Lycéens award](#).

This year's *César des Lycéens* seems highly significant, as it perhaps signifies some sort of generational values shift. The award category was created in 2019 to register the response of senior secondary students to the year's Francophone cinematic offerings – and around 2,300 final year students at 97 general, technological, and vocational high schools chose *Je verrai toujours vos visages* as movie of the year.

Movies can raise awareness, and increase public support for restorative practices. They also increase our sense of urgency to bridge the gap between *knowing about* restorative practices, and *knowing how* to facilitate restorative processes.

Jeanne Herry's movie shows different types of restorative meeting convened post-sentencing:

- a group of people-harmed meeting with a group of people-who-have-caused-harm - but in *different* cases, and also
- meetings between people directly involved in *the same* case.

The facilitators and volunteers explain: '*We don't suggest anything, we don't speak on their behalf, we listen. We leave room for thought. No judgements, no diagnoses*'. This approach seems consistent with the restorative principle of *working with*, rather than doing *to* or *for*.

Nonetheless, psychologically and socially complex cases, in particular, *do* require a clear **process structure**, and facilitators with the **specific skills** to *set relations right* - *by defining* an appropriate process format, *inviting* people to *participate*, *preparing* them to participate *effectively*, *questioning-for-story*, and supporting participants to *negotiate* strategically and then to *reflect* afterwards on what they have achieved.

This pressing need to **build capacity**, based on tested practical theory, emerged as a key theme at the international [Justice Innovations Summit](#) held in Hawai'i earlier in February.

Hawai'ian Summiteers were particularly interested in our Association's [communities of practice](#) as a mechanism for helping facilitators to develop the higher order skills to support participants in these complex cases - and we are now discussing how we might extend our communities of practice to colleagues outside Australia.

In the meantime:

Appréciez le spectacle!

Enjoy the show!