



LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

**STANDING COMMITTEE ON EDUCATION, TRAINING AND
YOUNG PEOPLE**

(Reference: Restorative justice)

Members:

**MS M PORTER (The Chair)
MR M GENTLEMAN (The Deputy Chair)
MRS V DUNNE**

TRANSCRIPT OF EVIDENCE

CANBERRA

WEDNESDAY, 7 DECEMBER 2005

**Secretary to the committee:
Mr D Abbott (Ph: 6205 0490)**

By authority of the Legislative Assembly for the Australian Capital Territory

Submissions, answers to questions on notice and other documents relevant to this inquiry which have been authorised for publication by the committee may be obtained from the committee office of the Legislative Assembly (Ph: 6205 0127).

The committee met at 1.30 pm.

MICHELE BRUNIGES,

CRAIG CURRY,

KATHY MELSOM,

FIONA MACGREGOR and

PETER ROSS

were called.

THE CHAIR: Thank you very much for coming. On behalf of the Standing Committee on Education, Training and Young People, I welcome you to this inquiry into the application of restorative justice across youth sectors.

You should understand that these hearings are legal proceedings of the Legislative Assembly, protected by parliamentary privilege. That gives you certain protections but also certain responsibilities. It means that you are protected from certain legal actions such as being sued for defamation for what you say at this public hearing. It also means that you have a responsibility to tell the committee the truth. Giving false or misleading evidence will be treated by the Assembly as a serious matter.

Committee members will have precedence in asking questions, but if other members wish to ask questions they will be given an opportunity, if time allows, to ask questions. If we have any questions on notice, we would appreciate it if they were turned around in five working days.

Would you announce who you are and your position when you first speak? Would you like to make an opening statement?

Dr Bruniges: I am Michele Bruniges, CEO of the Department of Education and Training. I thank the committee for the opportunity to appear. In an educational setting, restorative practice provides us with another strategy—a whole-school-approach strategy—to support children and young people in learning environments. We have to recognise that schools have an important role to play, in collaboration with parents and the community, to assist in building positive relationships, positive personal behaviours and respectful relationships.

For me, education settings need to be seen as part of a solution in promoting, building and, in some cases, restoring relationships and behaviour. I guess, in the educational context, the contribution that the educational setting can play in all of that work is very important.

THE CHAIR: Does anybody else want to make any opening remarks, or are you quite happy to take questions?

Dr Bruniges: We will take questions.

MR GENTLEMAN: Can we get an overview of how restorative justice is working? We heard from the minister at the beginning of the inquiry. Could you give us an overview of how it has been working?

Dr Bruniges: Certainly. I might ask Kathy, who is director of student services, to provide that for us.

Ms Melsom: I am Kathy Melsom. I am the director of student services and equity. The term that we use in the education system is “restorative practice” because it is a derivative, if you like, of restorative justice. It applies those principles. The distinction that I would make between “restorative justice” and “restorative practice” is that the initiative that we emphasise is a preventative approach. That is about developing a culture within schools that is a positive and supportive environment for everyone within that school environment. That is our emphasis.

Obviously, there are situations that occasionally arise where there are some circumstances where you would go to the higher end of the spectrum and look at some intervention in terms of the needs of particular children or circumstances. Generally it is that emphasis on relationships between students and students, students and staff, and the school community that is a very important component.

Schools that have picked up on this practice and this initiative have spent a great deal of time engaging all staff and parents in a process of understanding a practice that supports children in the school environment. I understand that the committee has visited some of our schools and spoken to the schools in particular. At the moment, we have 29 schools that are engaged in this process, to varying degrees. The schools themselves determine the extent to which they wish to adopt particular initiatives. There are many options they can choose from. Then we have another six schools that, in January, will be picking up on the initiative.

It translates, as we see it, in a very positive way within schools. It is a whole-school approach, rather than a particular program. It is a practice that you would embed on a daily basis within the school.

MR GENTLEMAN: We were able to visit the principal of Charnwood primary. We heard how successful it has been on enrolments there. Has that happened at other schools as well?

Ms Melsom: I don't have any particular data on the impact of this particular initiative on enrolments, but other schools that have taken it up are saying to us that the school environment has changed, that it is a more positive school environment and that it is a noticeable change for staff and students. For example, Calwell high school reports that there has been a change with their taking up of this initiative.

THE CHAIR: Would it be possible for us to get those figures on enrolments and whether there is a difference in the schools where it is applied?

Dr Bruniges: We could have a look.

THE CHAIR: If that is possible. You were saying it has been applied in varying degrees. You were also saying it is a whole-school approach and cultural change. To my mind, those two things don't go together.

Ms Melsom: I should best explain it as a three to five-year initiative to implement it fully. Therefore, the 29 schools that I mentioned that are currently engaged in that are at various stages. Perhaps that is a better way of describing it.

THE CHAIR: What is the financial cost? Have you got an idea of the financial cost it has been to those particular schools? Has it been an impost financially for them?

Ms Melsom: Schools have flexibility in terms of the funding that they apply to meet the needs of their particular schools. They choose, within that, the types of actions, programs, initiatives that they wish to engage in. Therefore, they have funding to contribute. In addition, the department also has contributed funding. This year, 2005, \$26,000 was contributed. A further \$26,000 will be allocated in support of some professional development for schools. In addition, schools have made application to our professional learning fund to access further funding for this initiative. Some schools, under the umbrella of the national safe schools framework, have also accessed funding in support of this initiative.

MRS DUNNE: The overarching question is: is there a predisposition in the department to have these restorative practices rolled out in every school? Do you see this more as one of a number of tools in a suite of tools? How do you address, in a systemic way, the things I have concerns about, such as bullying, to ensure that they are being addressed in an adequate way on a school-by-school basis and across the system?

We have outstanding examples of schools that have been able to turn around the whole of their quality of life issues—I call them quality of life issues—and their quality of learning issues. How do you deal with those quality of life issues across the school system? How important do you see restorative practices in that context? How high up the hierarchy is it? Are there other things which are as effective or effective in different ways that deliver good outcomes in terms of what you might call quality of life in the school which do not necessarily fall under the umbrella of historical practices?

Dr Bruniges: If I can take the systemic part of the question first: looking at a framework across a whole system of schools is incredibly important. The national safe schools framework provides us with a one-umbrella policy statement that all schools must work in. We are in the process of looking at our own framework and looking at our existing policies in a whole range of areas and saying, "Is there something better we can do across the system to specify principles of practice that all government schools should have a look at and make sure that they take those principles and put them into operation at the school level?" For me, it is really about flexibility within a framework. You allow local responsiveness of schools.

While there are some principles that you want to have adhered in all schools, the important part of looking at student needs in particular local settings and allowing professional judgment of teachers and school communities about how best to approach some of those circumstances is another important element. You have to have both: you have your overarching, systemic framework and the local flexibility in responsiveness to

deal with particular wellbeing issues for students in different communities.

MRS DUNNE: Can you give a general exposition of what is the minimum standard you would expect to see under that framework in terms of dealing with disruptive children or children with behavioural problems either in the classroom or in the playground? Do you see room for dealing with certain members of staff? There are often little pockets of discord and discontent at the staff level that may need to be effectively addressed in this way.

Dr Bruniges: The national safe schools framework gives us the minimum benchmark that we are working with collaboratively across all jurisdictions. The elements within that require schools to look at self-reflection across a number of elements and identify their strengths and weaknesses. In some ways, nationally that framework sets a minimum standard that all schools need to apply and adhere to.

Within our system, we need to look at that—it is relatively new—in terms of our looking at the elements and what we need to do in ACT government schools. We need to build on that framework to have our policies in line with both that framework and picking up some of the particular issues in the ACT that we need to identify.

In terms of staff: the professional learning component builds both staff awareness and community awareness of principles, how we even get the national safe schools framework, promoting that and having a look at the principles in it. Getting people to understand what that means in community responsibilities, student responsibilities and staff responsibilities provides the framework for us.

MRS DUNNE: How are you rolling out that framework? How is it being inculcated in the school community that this is important, that it has status and that there is an expectation that it would be implemented?

Dr Bruniges: I might ask Mr Curry to talk about some of those issues. All schools are very aware of the national safe schools framework. In fact, the audit associated with it identified strengths and weaknesses. It stated that all schools need to participate in that and have knowledge of the framework within that, because it is such an important part.

What we are asking schools to do is report on it in their annual school board reports as of next year. You have that flow back reporting to the community through a reporting mechanism about strengths and weaknesses that they have identified using the framework. That is an important step. When you have public reporting, that increases awareness of a whole range of things. Our strategy to have that included in the annual board reports to the community goes a long way to sharing that information across the community.

Ms Melsom: Can I add that schools are required to devise an action plan under that. Schools in the ACT are, in fact, ahead of the rest of Australia because we went forward with this initiative in 2004. All our primary and high schools reported to the department as having had that action plan developed.

MRS DUNNE: At the end of 2004?

Ms Melsom: At the end of 2004. At the end of last year, primary and secondary schools had an action plan and that was attached to their report. This year, all colleges will also conform to that same requirement.

Dr Bruniges: In reply to your question about whether I saw restorative practices going across all schools: we see it as one strategy. While we know a whole range of schools, and an increasing number of schools, are picking up on the principles, some of them are taking the principles and adjusting them to their local situations. It is not as though there is just one strategy that is rolled out identically in each community. They are picking up the principles and running with what suits their communities. It probably will provide a very important and substantial element in the two kits that schools have.

They will do other things as well. It is really important that there is a variety of strategies that schools use because there are going to be different programs that work better or worse with different students.

THE CHAIR: Were those 29 schools a mix of types, including low socio-economic areas? Are they primary schools, high schools or colleges? Mr Ross is here. How does he see that framework fitting in with what he is doing in the school?

Ms Melsom: I can tell you that the 29 schools comprise 21 primary schools and eight high schools. That is their composition. The extent to which they are low socio-economic or whether there is a difference is not necessarily something we have looked at as a distinguishing factor, because schools have applied to take or have taken the initiative to engage in restorative practice. I don't have the list of schools with me. I know some of the schools, but I wouldn't be able to recall the 29, off the top of my head. We can provide that information.

THE CHAIR: One of the things I was interested in was: would they have a high indigenous enrolment? It is important for us to know the mix of different populations in the schools, which will give us an idea about where principals are seeing it being applied and whether they are finding that it is working or otherwise. It would be interesting, from my point of view, to have that information.

Could Mr Ross give us an idea of how it fits into the national framework? As far as you are concerned, what are the applications? Mrs Dunne asked whether it can be used in a variety of applications. Is it just used for bullying or is it used in other areas? Can we have an idea of the different applications?

Mr Ross: I am Peter Ross. I am the principal of the Charnwood primary school. To answer the first part of the question: restorative practices fits beautifully into the national safe schools framework. It is a framework which provides an opportunity for children to feel safe and comfortable in their environments in school and to be able to go there without feeling harassed or bullied or put in a stressful situation. The safe schools framework fits beautifully into the restorative practices.

In terms of the second part of your question about using restorative practices across the school and whether it is with students-students or students-teacher: Mrs Dunne spoke of restorative practices in terms of teacher conflict. Personally, I have used it at Charnwood primary school to settle disputes about all sorts of things at the school, whether it be,

again, student-student, student-teacher, teacher-teacher or even parent-teacher. The restorative practices have given me a framework to go into those situations and work to a very positive resolution.

THE CHAIR: Is it only used in the most serious instances such as physical fisticuffs or is it used as a preventative measure in the beginning when something is bubbling away and could be an uneasiness rather than an all-out war?

Mr Ross: In any situations where there is conflict between two human beings, we use our restorative practices to solve those problems. We get situations in the playground where a conference may take 20 or 30 seconds to reach a resolution over who owns the ball, to more serious cases where we have had a teacher who was verbally and physically assaulted—I call it a physical assault—and we had a full-blown conference to resolve that issue between the student and the teacher. That was an amazing experience for the teacher and for the student. A very positive result came out of it. We don't ignore any conflict at all. We use our restorative process to solve the issue before it becomes a major issue. The key is the more we use our restorative practices.

I mentioned to people before what I was concerned about. We aren't practising it as much as we were early on. The simple fact is that we are not doing as many of the conferences. We are doing a lot of low-level conferences to resolve issues before they blow up.

MR GENTLEMAN: We have heard about quite a few programs that ACT government schools have in place. The you can do it program is one of yours. Can you expand on that?

Mr Ross: The you can do it program is, again, a social skilling program for the children. With restorative practices or anything else, you have to have other programs in place to get the children skilled. What we found at our particular school was that the you can do it program fitted in beautifully. It looks at things like resilience, perseverance and cooperation. These are the areas we identified. The you can do it program gave us the tools to go into the classroom and teach this.

We have programs and activities that our teachers teach during their class time to the children. Hand in hand, here is a way of resolving conflict. We know we can ask for a conference whenever we need one. On the other side of the coin, we are teaching children social skills. There are the other areas, as I said, of resilience, perseverance and all those other important skills that children will need. You don't have one program that will solve all. What you are looking to do is have a breadth of programs to cover all areas of children's need.

MR GENTLEMAN: Are the students part of the development process for those sorts of programs?

Mr Ross: Not initially, not when we instituted the restorative practices. Before we started to even talk about conferences, we went into the classrooms and talked about restorative conferences and the language that we would be using. It became a major teaching focus at the school, talking about the words we will use in the conference and the structure of the conference and even doing role plays so that the children could see

how the conference would work. There was a very strong teaching focus on that. When we talked to the children about the results of conferences and how they have lasted through time in solving that conflict, the children's response had been overwhelmingly positive. I can give you a thousand examples, as you know, but we won't go there.

MRS DUNNE: You used the term "resilience". It is something that people use a lot these days. How would you define "resilience" in the context of the skills you want to impart to children in your school?

Mr Ross: Particularly for our community, the ability to meet that barrier. There are lots of different reactions you will get from children, even if you present a challenging task. It is a little different from "perseverance"; it is a little like: "You got a bit of a knock-back here. We have reached the point where we are doing something. I feel I can't overcome that." "Resilience" is the ability to come back from that negative experience, turn that around, persevere and turn it into a positive experience.

MRS DUNNE: How might you impart those strategies to a year 3 child at Charnwood?

Mr Ross: I couldn't. There is the you can do it program. I can't give you a list offhand in terms of the activities. We have a whole booklet of activities that have been professionally designed and strategically designed to build that over a period of time. If you are interested in seeing the program, I can get you a copy.

MRS DUNNE: That would be useful.

THE CHAIR: I have a question following on from what you were saying about a cultural change in schools. You said it seemed to indicate that, because everyone was becoming more used to using these things and used them at the early stage, the children are initiating this sort of thing. Am I correct in saying that?

Mr Ross: Yes, absolutely.

THE CHAIR: It can happen instantly, is what you are saying, rather than it being a formal arrangement?

Mr Ross: Yes, absolutely.

THE CHAIR: In this instance, do you think your school has achieved this cultural change? How long do you think it has taken? Have you evaluated that?

Mr Ross: The program has been at Charnwood now for about 2½ years. As Kathy was saying before, that is 2½ years in a three to five-year turnaround to see any change. The reason we have been able to see the change a little more vividly was the way the children were settling disputes 2½ years ago. It was a fairly demonstrative way out in the playground of settling a dispute. What we have now, and the real evidence for seeing the change, is the children are now wanting to go down that path that children go to the teacher on duty and—again, the word "dob" isn't used—ask the teacher for a conference. They are the things that are real indicators for us. There were even instances where children were very quick to use physical violence to resolve an issue.

A lovely thing we were discussing was: a number to children today at our special needs meeting were talking about the way they now approach situations and the way that they deal with situations. They can still go to their red room if they get very, very angry fairly quickly. The thing is that they are not resorting to full-blown violence to settle the dispute. They may get aggressive; they may get angry; they may get loud. They don't go to that physical violence. They know they can have time to get out of that red room and we can settle the dispute.

We have a room called the recovery room, which is for recess and lunchtime if the child can't manage on the playground. I mentioned, when you came out, that teachers are quite liking that duty now because it is fairly rare that children are in there, which is lovely.

Looking at it in terms of our rates of suspension: we were talking about this before we came in. I can't remember the last time we even had to discuss suspension with a child. Those things are clear evidence of a change in culture and a change in attitude of the children on how we deal with conflict with another person. That has been remarkable.

MRS DUNNE: On that point, would it be possible for the department to provide us with information about suspension rates before and after the implementation of some of these restorative programs? There might be other elements that come into play. We need to be careful.

THE CHAIR: That was why I asked about the mix at the school.

MRS DUNNE: Would it be possible for the department to have a look at that particular aspect and provide some guiding advice, not just the raw figures, about the factors in addition to restorative practices so that we are not reading too much into it?

Dr Bruniges: That is very important because we are in early days yet. While it is a three to five-year program, we have to monitor it. In regard to the comment Peter made about attitude change and culture change, the big question is how you measure cultural change in schools. We can look at indicators about people's wellbeing, attitudes, how you solve problems—all those things—and provide some advice on what we have got to date.

THE CHAIR: Have you got an evaluation tool that you are using across all these 29 schools?

Dr Bruniges: Not on this particular strategy, but the national safe schools framework evaluates schools. The elements within that provide, I guess, a monitoring mechanism that we need to go back to for a whole range of reasons—comparability, consistency across jurisdictions and so forth. It provides a framework where we can say, "What were the weaknesses this time last year? What are they now? What changes have we seen?" Not around restorative practice in itself but in the broader framework, we have. At this stage, with 29 schools, it would be just anecdotal and, in some senses, quality information. Some are just starting; some are further down the track. Peter's school is probably the one that is furthest down the track, at 2½ years.

MR GENTLEMAN: There are a few other programs, I understand, in the curriculum. Could you, for the committee, expand on them? We have heard about the you can do it program. There are the bounce back! program, M&M pathways, promoting positive

behaviours, circle time and mediation training for students. Could you expand on those?

Dr Bruniges: Yes. I might ask Fiona Macgregor to do that. They are just some of the programs. If we look nationally and internationally, the whole basket of programs that you can see are incredibly diverse and growing. I will hand over to Fiona to talk about the ones that we know are operating in our schools.

Ms Macgregor: I am Fiona Macgregor. I am the manager of the student support services section in the department. There are a range of programs that the schools use, for a variety of different reasons. Obviously, the social skilling programs are very important across all our schools, particularly the primary schools but also the high schools.

There are a range of social skills programs that are being used. One of them is the M&M pathways program. That has been used in quite a number of our primary schools. The M&M pathways program is a social skills program that builds on the social skills that young people bring to school. Children set personal goals in that program. Schools like Narrabundah primary school and Gowrie primary school use M&M pathways. They tailor the M&M pathways framework to meet the needs of their own school community. At Narrabundah primary M&M pathways, they developed the Yerribi pathways program.

The bounce back! program is also a social skills program. It has very similar features to M&M pathways. There are a variety of other programs for high schools that have been developed through the mind matters national program. There are about eight different elements in that particular program that have a strong focus on student wellbeing, particularly on mental health wellbeing. One of the units in that program is about bullying, harassment and violence. It has a very strong focus on resilience as well.

The mind matters program has been used throughout high schools in the ACT. One ACT high school piloted the mind matters plus program. That was a specific program that was developed to target at-risk students. There was a national research project into developing mind matters for primary schools, but that has not come to fruition at this stage.

There are a range of programs. At this point in time, I am particularly looking at a social skills program for students at the school at Quamby, the Hindmarsh education centre. The thing that is really important about the social skills programs that we adopt is that they are programs that have some education base.

MRS DUNNE: The majority of schools are primary schools. There are two issues which arise from that. How do these programs translate into classrooms where adolescent angst, hormones, et cetera are quite different? How different is the dynamic and how different are the restorative practices programs in the high schools compared to the primary schools?

Charnwood has this program. The children at Charnwood who finish and go to high school may find themselves in a different environment. Is there a proposal that at some stage there might be clusters so that children who come out of primary schools where restorative practices are being practised are likely to go to high schools where there are similar programs in place so that they have that continuity? They might end up in schools

where there is a more robust interaction on the playground that they have been trained out of and then may have to be trained into it again. Have those things been considered?

Dr Bruniges: It would be fair to say that yes, they have. Picking up Peter's comment before: it is about a way of working on an approach to dealing with difficult situations. The link between primary and high schools and the way in which we get the continuity depend on the degree of mobility and where some students choose to go next.

It is very hard to try to set up a cluster and assume that there will be a set pathway. That gets to the point about setting up key principles that should operate in all schools and that allow flexibility within that framework. If those key principles operate in all government schools, then you get that element of continuity happening through the expectation that all schools would adhere to those principles.

There are clusters of schools working together. Kathy can probably give you an example of clusters of schools where it works. There is still no guarantee that the students in primary X will go to high school Y. We get a lot of movement happening there. The best of intentions to set that continuity up between existing primary and high schools is sometimes unravelled by the choices that parents make on the schooling for their children. There might be an example of a cluster that Kathy can share with you that we are aware of.

Ms Melsom: I referred earlier to the Calwell cluster. That includes Calwell high school, Calwell, Theodore, Isabella Plains and Richardson primary schools. That makes up that cluster of schools. They are engaged, as a joint initiative, if you like, on developing restorative practice in their schools. Again, whether those same children move on to that high school is questionable. The high school, particularly, has responded by saying that they believe that it is a very positive initiative for them.

In answer to your initial question about how successful it is in high schools: we can't measure the success because it is anecdotal at this stage. We are looking for evidence based, but the school is responding in a very positive way and stating that they have a noticeable change within their school environment.

THE CHAIR: You are saying that you need evidence based. I am anxious to hear about some tools you have developed to do that. One of the pieces of evidence that I picked up when we went on the visit to your school, Mr Ross, was the number of teachers who are now remaining at the school. You talked about the high turnover before. Might turnover of staff, sickness of staff and those things be indicators? Could you track some of those and let us know whether or not that was making a difference?

I was particularly interested in the high school because, anecdotally, people are saying that it is difficult these days to teach in high school environments. Is it making a difference for the staff in that high school?

Ms Melsom: As Mr Ross has mentioned, it is not just one initiative that is brought to bear. Therefore, it is always very difficult to attribute success to one focus. Each school, whether it be a high school or a primary school, will have other initiatives that sit around this. We wish to gather information from our schools. We would be happy to provide you with anything that we have available.

At this stage, I reiterate that it is predominantly anecdotal information. We are still waiting for those tools to be developed to enable us to measure it. There are very few schools that have had the extent of time that Charnwood has had. It has been 2½ years in Charnwood. North Ainslie is another that has been going for a period of time. Most of the schools are relatively new in regard to this initiative.

THE CHAIR: I thank you very much for your time. Thanks for giving so much of your time. If there are any questions on notice, we will get them to you as soon as possible.

LOU DENLEY,

PAUL WYLES,

NEIL HARWOOD and

FIONA MACGREGOR

were called.

THE CHAIR: You were here when I read the statement to the previous witnesses?

Ms Denley: Yes.

THE CHAIR: Thank you very much for spending this time with us. Did you want to make some opening remarks?

Ms Denley: Thank you. I am Lou Denley. I am the executive director of the Office for Children, Youth and Family Support. First of all, I offer the apologies of Matthew Kennedy who was invited to be here today. Unfortunately he is ill. Matthew is the acting manager of Quamby Youth Detention Centre. Apologies from Matthew. Hopefully, we will be able to cover any issues from there.

I believe that the office can offer some insights into the operation of restorative justice principles from the juvenile justice perspective. We are also keen to share with you the use of these principles, to an extent, in family group conferencing as part of the HREOC protection process and to share with you the application of these intensive case management processes based on an empowerment model and people committing to self-responsibility from the turnaround perspective with juveniles at risk.

We might start by offering some comments on restorative justice in juvenile justice. I will hand over to Paul Wyles to make those comments.

Mr Wyles: I am Paul Wyles. I am the director of client and adolescent services. I thought it was worth advising the committee that the office has been working closely with the restorative justice unit. At this stage we are very encouraged by the referrals of young people through that unit. An evaluation is currently being talked about. I believe it will commence in the new year. We are looking forward to that.

There have been some initial surveys of both victims and offenders going through that process. That is quite encouraging. I probably need to leave that to the restorative justice unit to talk to you about that.

Ms Denley: You might want to talk about our referral process into that.

Mr Wyles: It is worth mentioning the referral process. Predominantly the referrals have come from the Australian Federal Police and the Children's Court into the restorative justice unit. The main point of referral for the office was at the post-sentencing stage. However, there was no capacity under the legislation for us to refer at that point. There was an amendment to the bill that passed the Assembly on 24 November. We now have

more capacity to do that. Having said that, the community youth justice court liaison officer works fairly closely with the Children's Magistrate to facilitate referrals from the Children's Court.

THE CHAIR: Mr Harwood, do you want to make any opening remarks?

Mr Harwood: No. I am happy to respond to any questions you might have.

THE CHAIR: We went to Adelaide and had a talk to the committee that had been looking into some of the applications in the court system there. We asked how they were coordinated. There wasn't a lot of coordination between education and themselves. It seemed to be that there were different impressions of whether that was working or not.

From your point of view, is there a lot of sharing that goes on between the two departments that are here at the moment? Are you aware of what is going on in schools about the application of restorative practice? How does that fit into what you are doing?

Mr Wyles: I might talk briefly on that. I suppose it is the difference between the restorative, justice unit with a legislative framework, and, as we have heard from education, restorative justice principles. Certainly we have been speaking with the restorative justice unit. They have shared with us some of the initiatives in education. We are keen to look at how we can use restorative justice principles similar to the education system in, for example, Quamby Youth Detention Centre and in the new facility that we are hoping to build.

Picking up on Mrs Dunne's questions to education: I suppose we are at the beginning stages of those discussions. We would envisage that there would be a range of opportunities within the detention centre to use restorative justice principles, including bullying, and also with the staff group from time to time.

THE CHAIR: I know that the acting manager of Quamby is not here at the moment. It is not used there at the moment? Is that what you are saying?

Mr Wyles: There is not broad application of restorative justice principles at Quamby. We are keen to develop that and, I suppose, to identify key staff who can be trained in those principles. We can then identify it as part of a suite of services.

MRS DUNNE: One of the obvious crossover areas is the Hindmarsh centre. One of the officials spoke about personal development programs there. To what extent are restorative practices used in the Hindmarsh centre? Is it envisaged that they will be, if they are not now?

Mr Wyles: Fiona might be able to comment directly on it.

Ms Macgregor: Fiona Macgregor, manager of student support services in the Department of Education and Training. I am also the principal of the Hindmarsh education centre. All the staff of the student support services section have been trained in restorative practices. That includes the staff at the Hindmarsh education centre. We certainly use restorative practices in the daily work of the teachers who work with the young people at Hindmarsh.

Some staff members at Quamby have also been trained in restorative practices, but it hasn't been implemented across the whole of the centre. As Paul said, we have certainly started the discussions about how we might move and what that might look like in the new centre in time. We would be seeking to build that over the next years and ultimately have all people trained in restorative practices.

One of the things that certainly have been an issue for the Hindmarsh education centre over the years is that, obviously, it is a school. The approaches you use in resolving conflict and managing behaviour in a school are quite different to how they would necessarily be done in a juvenile institution. We have moved away from that and tried to seek a much more whole-of-centre approach to everything that we do. That would include social skilling as well as the application of restorative practices.

MR GENTLEMAN: I want to get down to the mechanics of the operation of restorative practices or restorative justice. Do you find it more difficult to implement or use restorative justice as punitive measures?

Mr Wyles: Again, it is that differentiation between principles, which we are working towards—a framework within the facility—and what happens in the restorative justice unit. Again, the unit need to speak for themselves. The initial feedback from people attending those conferences has been very positive. There is probably a way to go in educating and facilitating referrals from the judiciary, at an early point. As I said before, both victims and offenders have ranked highly their satisfaction with the outcomes of those processes.

MR GENTLEMAN: In the conferencing itself, do you find it difficult to get peers to support offenders?

Mr Wyles: Again, the restorative justice unit probably need to respond to that.

Ms Denley: What I can say from my experience, having worked in South Australia and looked at the youth conferencing process there, is that, when you look at the statistics, the group that were not being referred through were the indigenous youth, particularly in the country areas. What that was often about was an attitude that you must have active parental involvement and making sure that there was active parental involvement so that the young person was able to fulfil the commitments of attendance and involvement in the process. Making sure that you have got family involvement is also part of the important aspect of this.

THE CHAIR: You have talked a little about the unit. You said that we need to talk to them. You talked a bit about Quamby. What other applications do you see for restorative practice across the areas that you work in?

Ms Denley: When you look broadly at restorative practice, family group conferencing as part of the child protection process can be seen as being in that light. Again, it is time intensive. It can take six weeks to establish all involvement; everyone understanding what the process is; ensuring you have got the key players at the table; ensuring they understand what is going to happen and what the process is. It can be time intensive.

It is also effective in ensuring that the critical people in a child's life are also taking responsibility for the decisions made at that conferencing process. It is empowering them in terms of involvement in the process but it is also empowering them in terms of making sure that commitments are made and undertakings are documented. Those undertakings are lodged with the court. It can be seen very much as that stepping stone between strong, statutory regulation and self-regulation and being actively involved in that process. It is a resource intensive process as well. It is a process that we are looking at very closely.

THE CHAIR: How long have you been using it with the family conferences?

Ms Denley: It is part of our legislative framework. Paul manages the family group conferencing.

Mr Wyles: Family conferencing is detailed in the Children and Young People Act 1999. That unit has been established since shortly after that, in 2000.

THE CHAIR: You have been using restorative practices in conferencing since then?

Mr Wyles: Some of the underpinning philosophies are very similar. In restorative justice, you need a victim and an offender. Family group conferencing is used largely in care and protection for the placement of children, for example. The conference facilitators will speak with extended family and may engage extended family from around the country, to come together for a conference. Those conferences can be half-day or full-day meetings. The range of key support agencies for the family and the extended family sit together and talk through the issues.

The difference would be that restorative justice, through the legislation, is really about victims and having an offence, but some of the philosophical underpinnings are similar in that they are strengths based; you are working towards an outcome at the end; you are chairing, with some fairness, to allow all parties to have a say; you are checking in periodically about how people are travelling.

THE CHAIR: Have you any evaluation of the position before you were using these principles and the position now that you are using them? Ms Denley was saying it is very intensive and, therefore, resource intensive. Is there a before and after? Can you say, "It is more resource intensive and time intensive, but it is working better"?

Mr Wyles: There was brief evaluation done of family conferencing, soon after its inception. We haven't looked at that for some time. Family group conferencing sits really at the edge of the care and protection system. Care and protection workers feed into it. It provides those staff with an opportunity to attend, facilitate and get an outcome that, without that intensive work on bringing people together, wouldn't otherwise occur.

It is probably worth noting that we have recently had the Institute of Child Protection Studies look at that model. In other jurisdictions, they have tended to broaden out from family group conferencing to family decision-making models, which may involve a range of things, including family meetings and family mediation. Probably in the scheme of things, that is how we need to see restorative justice, too. There is a restorative justice process. There are a suite of other things, including family meetings, family group

conferencing, family mediation and, perhaps for the indigenous community, circle sentencing which is culturally more appropriate to their needs.

Ms Denley: We would be happy to furnish you with the report from the Institute of Child Protection Studies on case conferencing.

THE CHAIR: We would appreciate that.

Ms Denley: Do you want to make some comments on that, Neil, from the indigenous perspective?

Mr Harwood: Neil Harwood, director of Aboriginal and Torres Strait Islander services. I reiterate some of the comments already made by Lou and Paul. In family group conferencing, they are trialling a process with two families. The level of engagement—the work that has to go on, making contact, engaging with family members—is quite intense and resource intensive. It is a bit more compounded for the indigenous community, probably because of the size of the extended family. They often go well beyond just the parents and the brothers and sisters; they often go to uncles, cousins and so forth.

One of the other points that I could make, which makes it a bit difficult for the indigenous families to participate in this process, is to do with facilitators for conferencing. There is a view that we would like to try to have more indigenous facilitators. That is a matter of building capacity within the office or perhaps going externally. There are issues about the availability of people to participate in that. There are also issues about who might be appropriate to facilitate those processes, given the small size of the indigenous community here in the ACT.

The whole process is voluntary. The family is very much engaged. The process is to try to engage that family, to see whom they want to facilitate that process, how they want it run, how they want to see the outcomes of it. I reiterate some of the comments already made by my colleagues.

Mr Wyles: In terms of outcomes, it is worth mentioning that often the outcome of family group conferencing means that we establish a link with the family of the children and young people or a kinship group where the child can be placed and continue to be with some extended family, rather than enter the care system.

Mr Harwood: I might make one more comment. From my perspective of the principles underpinning restorative justice or restorative practice, there is very much an indigenous model of engagement on any issue. The processes and practices really sit quite comfortably there with the indigenous community.

MR GENTLEMAN: Has the indigenous community given you feedback?

Mr Harwood: I haven't got any feedback directly from the ACT indigenous community, but from a previous life I know that all the restorative justice practices, across jurisdictions like the Koori Court in Victoria and the Nunga Court in South Australia, are very well received by indigenous people. They are quite positive. It comes back to the fact that that is how indigenous people like to engage on and resolve issues. There are

very few formal evaluations of some of those courts. If you listen to the people anecdotally, they are very complimentary of the processes.

THE CHAIR: You said that you would like to have more indigenous facilitators. There seemed to be two things. You probably said both. One is the number of indigenous people who are coming forward to receive the training. The other is the availability of the most appropriate person. There is also the money point of view. Does the department not have enough money to train people, or is that not a factor?

Mr Harwood: Not at this stage. It is about identifying people who might be able to do it.

THE CHAIR: You said, in answer to Mr Gentleman's question, that it is favourably received. Is it favourably received in the justice system as well? Is it favourably received in the working world? Is it only the circle sentencing that is used in the justice system, not conferencing?

Mr Harwood: I am not sure I understand.

THE CHAIR: I know that sentencing or pre-sentence conferencing is part of the restorative justice unit, but is it your experience that indigenous families are receiving that idea well? Do they prefer the circle sentencing to the conferencing? Have you any idea?

Mr Harwood: No, I don't have any knowledge about that. Again, the restorative justice unit might have information on that.

Mr Wyles: Justice and community safety piloted circle sentencing. I believe that pilot is at an end. That was with adults. We are keen to engage with them on children and young people. It is probably a question for them.

THE CHAIR: We will ask those questions.

MRS DUNNE: I want to get a clear picture of the breakdown of responsibilities between what you do, Mr Wyles, and what the restorative justice unit does. There is not a very clear understanding of where one responsibility ends and the next one takes up. I will be checking with the others.

Mr Wyles: The restorative justice unit sits within justice and community safety and was established through that legislation, the Crimes (Restorative Justice) Act. Principally, because youth justice is there, with young people going through the court and receiving orders, we have become a primary referrer, with the Children's Court and the Australian Federal Police. We sit on the reference group that has been reviewing how it has been going, looking at the monthly evaluations and now moving into discussion on the evaluation of restorative justice.

MRS DUNNE: You are, essentially, a referring agency. To make sure that my understanding is complete, what are the criteria for referring people to the restorative justice stream?

Mr Wyles: Broadly, there needs to be an offence. This has been some of the discussion

we have had with the DPP and the AFP. There is a growing awareness of when to refer. The restorative justice unit can talk to you about that. I think they would say that they are happy to deal with most offences; they are happy to use the restorative practice. There is some hesitation amongst some of the referrers about what they refer.

Ms Denley: It has to be a matter that has got a victim and, my understanding is, an admission of guilt.

Mr Wyles: No. It is a process that can move alongside the criminal justice system. It can be right at the beginning.

MRS DUNNE: There are a lot of gateways out, it would seem.

Mr Wyles: Clearly, once the referral hits the restorative justice unit, they need, in a sense, to seek consent from the victim; are they interested in having this conference and meeting the offender; is the offender happy to do that. It is the consent process, really.

MRS DUNNE: Going back to something that Ms Denley said before, referring to the South Australian experience: how do we avoid the self-selecting of middle-class white kids who have got family support?

Ms Denley: I didn't say that.

MRS DUNNE: I know you didn't. This is my shorthand. It seems to be a common thread that indigenous children are underrepresented. You touched on there being a certain level of support, not necessarily family support but social support, for the offender. Is there a risk that this will be a pathway for the more advantaged in the community?

Mr Wyles: I don't know whether this will help. This is the report from the restorative justice unit: total referrals to date, 96; ATSI victims, 2; referrals, 9.

MRS DUNNE: That is not just youth; that is across the board?

Mr Wyles: That is just youth.

MRS DUNNE: Referrals, 96.

Mr Wyles: Conferences held, 43. We are coming down from that to 43.

MRS DUNNE: Is it nine of 43 or nine of 96?

Mr Wyles: Nine of 43. That is an interesting question because, clearly, the ATSI population is overrepresented in the criminal justice system. It is a key point about how we ensure that they are referred to the restorative justice process for circle sentencing or what is most appropriate.

Ms Denley: I was involved in the establishment of the Nunga Court in Port Augusta. The success of it was identified by the promotion of it by the indigenous community, by the

importance of having indigenous staff involved in it and by having indigenous members of the community, as Neil said, present at the process. That was important. I can't talk for this jurisdiction. Neil might want to talk about how he thinks it might be made more successful.

Mr Harwood: It might be tied up with two things. One is the recidivism issue. It might be an issue with kids coming back again through the system. You might get repeat offenders who keep coming back. They have tried different programs and different services, which haven't been able to help them. That might be one reason why we continue to see indigenous people in the system.

The other one was the office's support services and programs that are out there in the indigenous community organisations. We really need to engage the indigenous community in providing that support to people who might go through the system, to help us. It is not solely a government matter.

MRS DUNNE: To pick up on Mr Harwood's point about recidivists and go back to my earlier question about the process of getting people into the system: is it biased? Is there a preference for first offenders? What are the criteria?

Mr Wyles: I hope some of that would be addressed through the evaluation to be done in the first part of next year. The restorative justice unit is working very hard to promote that unit's work with the various referrers. As I say, the Children's Court, the AFP and the office are the primary referrers into that.

THE CHAIR: You said it was going to be more broadly applied at Quamby once the new Quamby is established. You have a vision there. Do you know how many other youth jurisdictions use it in these circumstances? What other facilities are there? What other places use it?

Mr Wyles: The only one I know is Tasmania. They are currently trialling it in youth detention. They have just started. We have spoken to them about looking at an evaluation of how it goes and talking with them about what they learn about it.

THE CHAIR: Tasmania is very similar in size of population to us. It is different geographically.

Mr Wyles: As I said, there are some good possible applications to the detention facility. As you would appreciate, there are a number of critical incidents every week. Bullying can become a particular issue.

THE CHAIR: Thank you very much for your time today.

The meeting adjourned from 2.45 to 3.00 pm.

BRETT PHILLIPS,

JOHN HINCHEY,

NOVA INKPEN and

DEREK JORY

were called.

THE CHAIR: Welcome, everybody. You should understand that these hearings are legal proceedings of the Legislative Assembly, protected by parliamentary privilege. That gives you certain protections but also certain responsibilities. It means that you are protected from certain legal action, such as being sued for defamation, for what you say at this public hearing. It also means that you have a responsibility to tell the committee the truth. Giving false or misleading evidence will be treated by the Assembly as a serious matter.

If you take any questions on notice, which we do not anticipate will happen, I ask you to return the answers within five working days. Committee members will have 24 hours to produce those in electronic form to the secretary before they will come to you. Would you like to make some opening remarks, Mr Phillips?

Mr Phillips: My name is Brett Phillips. I am deputy chief executive of the Department of Justice and Community Safety. With me is Derek Jory, director of justice planning and programs; John Hinchey, manager of the restorative justice unit; and Dr Nova Inkpen, who is our resident expert on restorative justice and who works in the restorative justice unit.

I thank you for the opportunity to appear before the standing committee's inquiry into restorative justice in the ACT. From a justice perspective, we are pleased to be able to participate in the committee's exploration of what restorative justice has to offer in the way of dispute resolution. I have brought along officers of the restorative justice unit of the department to share their experiences of what restorative justice may have to offer in response to criminal behaviours and the subsequent need for the harm done by those behaviours to be repaired.

As the standing committee would be aware, in the early 1990s the ACT was at the forefront of introducing restorative justice principles into the criminal justice system. ACT Policing commenced diversionary conferencing on 1 January 1994 and has been running diversionary conferencing ever since. From July 1995 to 2000, ACT Policing were critical to the execution of what is called the reintegrative shaming experiment, or RISE, which was conducted by Professor John Braithwaite, Dr Heather Strang and Professor Lawrence Sherman.

While the RISE project has been completed to the randomised trial, ACT Policing has continued to utilise diversionary conferencing as a means of diverting people from the criminal justice process. We are fortunate that two officers from ACT Policing actually sit in our restorative justice unit. It is an interesting ACT government phenomenon that we have officers from two agencies that are integrated in a unit. It seems to be working

quite well and we are really fortunate that that occurs. The restorative justice unit, from a JACS perspective, is comprised of four officers from the department. As I have said, it has proven to be a positive integration of officers across agencies.

As the government submission to the inquiry notes, our restorative justice scheme was developed after extensive consultation with the community and each criminal justice agency. All relevant government and justice sector agencies were represented on the restorative justice subcommittee which thoroughly considered expert advice and world's best practice to develop the model of restorative justice that we are operating under. Government and non-government members supported the legislation that underpins the model.

From our perspective, we are very new. We are not a year old yet. The restorative justice unit became operational on 10 January this year. The Crimes (Restorative Justice) Act 2004, which was passed in August 2004, came into force on 31 January this year. In the presentation speech for the bill the Chief Minister foreshadowed an anticipated case throughput for the then proposed unit of 100 to 120 in the first year and 200 cases annually thereafter. As I have said, these are early days. Nevertheless, we have had our 100th referral.

We took our first referral in March, held our first conference, and we have had our 100th referral this month; so it has taken off quite well in relation to positive participation by other agencies that refer matters to the unit. The referrals represent over 300 offences, 160 victims and 130 young people who have been cautioned, charged or convicted of a criminal offence. To date, 44 conferences have been conducted, with another 25 cases under assessment.

The forms of agreement reached at conferences include simple apology letters, financial reparation, volunteer work and a commitment to undertake programs to enhance the lives of young people and to address their problems. The satisfaction rates from some of the surveys we have undertaken of the people that use the system with respect to our practices and processes are quite good and quite high, both from the young people and their supporters and from the victims and their supporters. In particular, I think that we have a 100 per cent rate at the present time for people who believe that things have been properly explained to them and they have been given the opportunity to participate. In that regard, we are quite pleased with the way it has gone to date. We are confident that the scheme has been successfully launched to date.

It took quite a bit of work initially to establish the practices and procedures surrounding restorative justice, because the referring agencies can be from the Children's Court to the DPP, to the police. Youth justice can be a referring agency. So the referrals come from a variety of places. The work of the unit to date, in addition to conducting conferences, has been to develop relevant information packages, develop guidelines, and attend training and provide training. Given the fact that we have started from really a greenfield situation, we have done quite a bit of work and quite a bit of training.

To date, the restorative justice unit has provided 34 training sessions to ACT Policing, legal aid, youth justice, the Community Advocate, victims' services, the DPP, the Children's Court, the Youth Coalition and other people. The predominant training is to the relevant divisions of ACT Policing to make sure that they are integrated with what

the scheme has to offer. A lot of effort, as I said, has been devoted to key stakeholders. It has been necessary to work through the processes with the key stakeholders. With that, I am happy to throw us open for answers, unless somebody else wants to comment about specific processes.

MR GENTLEMAN: I am interested in, firstly, the relationship between the new act and other acts in place already that have penalties in place and how you can move from those fixed penalties. For example, the Crimes Act 1914 has specific penalties in it. How does the new restorative justice act overcome those specific penalties to allow for conferencing procedures and that sort of thing instead of the specific penalties?

Mr Hinchey: My name is John Hinchey. I am manager of the restorative justice unit. The model is designed so that it does not replace the criminal justice system. In fact, one of the most innovative parts of this scheme is that matters can be referred for restorative justice as well as being referred through the criminal justice system for prosecution. It is not just a diversionary scheme and it does not take the place of the criminal justice system, but it adds value, if you would like to say that, to that process. Does that answer the question?

MR GENTLEMAN: Yes.

THE CHAIR: I have a question about the referrals. Mr Phillips, you said that you had had your 100th referral. When did that occur?

Mr Phillips: Actually, this morning. Some people have said that we have actually had 101 referrals, but 100 sounds better.

THE CHAIR: Only 44 of those have gone on to conferences so far, although 25 are under assessment. What would be the reasons for some of those not going on to referral? That is the first part of my question. We had a discussion with the Office for Children, Youth and Family Support about the types of young people that were being referred and its officers said that you could probably answer the questions better than they could. They had some statistics that I think you might have provided to them which said that there were, I think, only nine indigenous young people who had gone on to conferencing. Is there a tendency for people not to refer certain types of young people to conferencing, that they would rather take them to the court system instead? Those questions are around the types of people who are referred and why, once referred, they would not necessarily go on to conferences.

Mr Phillips: Perhaps I can answer the first one. To say that there were 44 conferences being held and another 25 cases in train does not mean that everything has been assessed at present. There are cases that are ongoing or referrals that are ongoing for assessment. But there are examples of victims that do not want to participate, for whatever reason they have. They want to put it behind them. They do not want to meet with the offender. There are cases where the victim is not known. If, for example, there has been an offence against the state, shoplifting or something like that and the victim is largely unidentifiable, the conferences might not take place. There have been cases where victims have left or are not in the jurisdiction, so the relevance of having a conference when one party does not attend is brought into question. There is a number of factors as to why cases do not get referred at the end of the day and become conferences.

THE CHAIR: Do you have a breakdown of those? Is it mainly one or the other?

Mr Hinchey: Of the 30-odd cases referred that have not gone to conference, about half of those we have found to be not eligible to participate. The eligibility criterion is around consent. The other half is around the suitability of those participants. In these conferencing processes that we aim to run we must have a victim and we must have an offender. To run that process, we find those participants suitable or not suitable. Part of the suitability process is the consent issue again and we have people withdrawing consent to run processes as we develop the assessment for them, but others we find unsuitable due to power imbalances or the capacity of the individuals to participate in these processes. Those are the main reasons.

As well as that, we are assisting referring entities to develop the cases for conferencing. The referring entities—I call them that because that is what they are called in the act; the DPP and the courts in particular—will refer matters to us and we will meet the requirements for that referral to be completed. Part of that is to approach those people and explain to them that this matter is being referred to the unit and is being considered for restorative justice and to canvass their interest in that. At that stage, we are finding that our rates of take-up are lower than those cases that are referred to us where someone has already broached the subject of restorative justice. So we are getting little bit higher rates of non-consent at that stage.

Mr Phillips: In relation to particular facts and numbers, my understanding is that at the end of November, of the 100 victims that we have had to be involved, 68 people have consented to being involved. So quite a high number of people have consented. Almost all, 89 per cent, of offenders have consented to being involved.

THE CHAIR: Are you saying that it is mainly victims that are not consenting more than offenders? In your mind, is that a matter of trying to educate victims of what it is about, or is it that they are not familiar with it or are concerned that the outcome will not be what they desire?

Dr Inkpen: I am Dr Nova Inkpen from the restorative justice unit. There is a range of reasons that victims may decide. It is a voluntary process and it is very important to explain to victims that they may decide that they do not want to take part. The victims that we have interviewed are telling us that they do feel informed of the choice that they are making, whether that is to take up restorative justice or to decline that offer. They give a range of reasons. You can have victims whose view of the offence is that they have not been harmed, that they are not affected, so they do not feel that they want to participate in a process because they are not sure what they could bring to the process. Others talk about wanting to move on or put the matter behind them and do not feel that a restorative justice discussion is something that would be helpful for them in coming to terms with the incident.

You do get in a small number of cases victims who do not want to have contact or may feel fearful about having that contact. The act allows us to have flexibility so that we are not working just towards a face-to-face model of restorative justice, but indirect methods. We are able to use a range of different discussion points with them to try to engage victims, but certainly the feedback to us is that they are feeling informed about

the choice that they are making. We have to go with what their position may be in terms of how they want to deal with the crime, whether they want to take up the opportunity to discuss it with the person involved.

MRS DUNNE: Dr Inkpen, you said that many people want to put it behind them and move on. How much latitude does your organisation have to counsel a victim that that may not necessarily be in their best interest? They may at that stage think that they just want to get it out of the way but it may come back to trouble them later that they have not resolved those issues. Do you have that sort of latitude to raise those issues with people who may want to opt out of the system?

Dr Inkpen: We certainly work with them in terms of the suitability process we have, which is quite a comprehensive assessment, understanding what questions they might have about the incident that they would like to put to the young person who committed the crime. There is a range of questions that we can put to them to understand whether, in their view, they have moved on, but in getting them to talk about the incident you can sometimes be in a discussion whereby a victim who initially felt they had moved on actually realises that they had more they would like to say. Our suitability process opens up that opportunity, but you still may get people feeling that fundamentally they have moved on from the incident, that the property they lost was not of great significance to them. There is a range of factors that might result in them reaching that conclusion.

Mr Hinchey: Also, we have to respect the rights of these people to decline to participate and we do try to pursue the issue with them and open up as many points of discussion around that as possible while they are making this sort of decision. In the cases that are indicating to us that they are wanting to move on, it comes very early in that conversation that really they are not interested in participating in the process. That, to us, is a good indication that they have moved on.

THE CHAIR: I am still waiting for an answer to my question about the indigenous numbers.

Mr Hinchey: You mentioned nine indigenous offenders.

THE CHAIR: That was my recollection of what had been said.

Mr Hinchey: Nine offences, actually, were referred. Offences are referred to the unit, not people. Those nine offences constituted five individuals, four of whom went to conference and one declined to participate in a conference. I should also say that we have had two indigenous victims as part of our processes, one of whom declined to participate and the other did participate. The number for indigenous victims—two—is very low out of 130 and, for the population of the ACT, is an underrepresentation of the indigenous population. Five, I think, is slightly over the representation of the indigenous population from the point of view of offenders.

Back to your questions as to whether there are any barriers for these types of demographic groups in general, not just indigenous people, these are early days and we are spending a lot of our time on educating people about what restorative justice can do for people generally. We are seeing good take-up rates within the AFP, the courts and the DPP. Once we move into the broader spectrum of the criminal justice system and it

becomes better known, we will be in a lot better position to give you a definitive answer about whether there are barriers to particular groups.

We have spent some time on trying to engage the indigenous community in relation to the scheme and we are running regular meetings with people in that community. We have an indigenous liaison officer from the AFP working within our unit to run conferences for indigenous youth. We are trying our best to make it a friendly place for people to come to, but we need to develop some sort of ownership within the indigenous community, and that is an ongoing process that we are engaged in.

THE CHAIR: To pick up on what you said about the representation, indigenous people are overrepresented in our criminal system and I would not have thought that five would have been—

Mr Hinchey: In the context of the number of people generally who have been referred to the unit, I think that it is indicative, although the numbers are low, that that trend has continued into the restorative justice scheme.

MRS DUNNE: Going back to taws, your unit is the receiver of referrals; you do not have any role in the referral process.

Mr Hinchey: We do.

MRS DUNNE: Please explain the referral process a little more for us.

Mr Hinchey: It is set out in section 22 of the Crimes (Restorative Justice) Act. It follows the path of a criminal prosecution, so it begins when police identify an offence and can prefer a charge. That charge can then be referred to the unit. At that point, the unit can also refer to itself, as can the chief executive of the Children and Young People Act.

MRS DUNNE: What you are saying is that the referral is not dependent upon the nature of the offender.

Mr Hinchey: No.

MRS DUNNE: It is actually the nature of the offence.

Mr Hinchey: At this stage.

MRS DUNNE: Are there any ceilings?

Mr Hinchey: Yes. The act is being introduced in two phases. Phase 1 is for young people and for less serious types of offences. It excludes indictable only offences, which are defined by terms of imprisonment of 10 years or more. It is broken down into property and person-related offences, but the bottom line is 10 years or more. Interpersonal violence is excluded and that includes sexual assault and family violence. It is limited to young people in phase 1.

MRS DUNNE: The thing is that what you have is an offence.

Mr Hinchey: Yes.

MRS DUNNE: And what you are saying is that the offence is referred to you.

Mr Hinchey: Yes.

MRS DUNNE: But it is an offence which is also identified and linked to a particular offender.

Mr Hinchey: Yes.

MRS DUNNE: So that the offender has to meet the criteria for a young person.

Mr Hinchey: They have to consent.

MRS DUNNE: Sorry, do they have to consent to be referred?

Mr Hinchey: For the referral to take place, they have to consent to participate or be considered to participate in restorative justice.

MRS DUNNE: According to the figures given by Mr Phillips, 89 per cent or something like that of the offenders agreed to stay with the system, so that they have an option of opting out after the referral.

Mr Hinchey: Any time, right up to and including the conference itself. To follow on from the referral process, as that offence moves through the criminal justice process the agency that takes responsibility for prosecuting the offence assumes responsibility for the referral, assumes the capacity to refer the matter to the unit. Once the police refer a charge to the DPP in the form of a prosecution brief, the AFP loses the capacity to refer that charge to the unit and the DPP takes it up.

MRS DUNNE: But while a brief is with an agency, the agency has the power to refer.

Mr Hinchey: Yes.

MRS DUNNE: All the way up to the magistrate.

Mr Hinchey: Yes.

MR GENTLEMAN: You mentioned that the act is in two parts. I understand that the second part of the act is due next year and that will include adults. Can you tell me whether you perceive that there may be other changes to the act, other than just the age reflection, achieved from feedback that has come over the past year or so?

Mr Hinchey: The act includes provisions for review to take place 18 months after the commencement. A report will be tabled in the Assembly within three months of the commencement of that review. A review of the scheme must commence no later than July of next year and a report is to be tabled in the Assembly within three months, so you can expect a report by this time next year on progress to date. Phase 2 includes adults and all types of offences then become eligible to be referred. Another review will take

place 18 months after the commencement of phase 2 and another report tabled. It is very early to try to give you any indication of amendments that might take place.

MRS DUNNE: Will the statutory review that starts in July of next year be the only review? I thought there was some discussion of another review.

Mr Hinchey: It is the only formal review that we are required to do under the act, although the unit is conducting its own ongoing reviews as regard to its practices. We do that in different ways.

MRS DUNNE: What do you mean by an ongoing review of the practices?

Mr Hinchey: We conduct feedback survey questionnaires with participants. We ask the victims, the young people and other participants and supporters. After a conference we have questionnaires which Dr Inkpen has developed, given her experience with the RISE project. We are taking that information on board and adapting our practices according to the information or the reports that we are getting back.

MRS DUNNE: How broad will the statutory review next year be?

Mr Hinchey: Would you like me to read the provisions of section 75 of the act?

MRS DUNNE: Please.

Mr Hinchey: It is quite comprehensive. It is very general as well. The review must include an evaluation of restorative justice against the following indicators: victim satisfaction and opportunities for meaningful participation by victims; rehabilitation of offenders who have taken part in restorative justice, including any reduction in recidivism; community satisfaction; reintegration of victims and offenders into the community; respect for the rights of everyone directly involved in restorative justice, and the rights of others in the community; and recognition of fairness of process and outcome by victims and offenders.

MRS DUNNE: It is fairly comprehensive and it sets a fair number of measures as well. Thank you.

THE CHAIR: I have a question on fairness. You have just mentioned fairness in reading that to us. If, in a majority of cases, it appears that the offending person is quite happy to be referred to a conference, but quite a significant number of victims are not, surely that removes the right of that offender to have a conference under the current system.

Mr Hinchey: Conferences cannot occur without victim participation.

THE CHAIR: That is right. How does that sit with the right of the young person to have that option?

Dr Inkpen: The act is devised in a way that it is not going to disadvantage a young person if a restorative process does not proceed. You are obviously looking at a point where you are looking for the young person to consent, then the victim to consent, and then you are going to take them through a suitability process to ensure that you are going

to produce productive or beneficial outcomes for those two parties, and then you are going to run a restorative process out of which an outcome agreement is formed and you are going to monitor that outcome agreement and reach a point of conclusion where you are working towards compliance with that outcome agreement.

Mr Hinchey: In a consequential amendment to the Crimes Act, if a young person has accepted responsibility for the offence, which is part of the eligibility criteria to participate in restorative justice, and that is denied to them by the victim, the court must have regard to the fact that they have taken responsibility and have agreed to participate. If a court or anyone else referred the matter prior to court and the young person agreed to participate, that information would be referred back to the agency that referred the matter. If it was a court, it would be given to the court as part of the court process.

Dr Inkpen: It is probably also important to understand that for victim attendance rates at restorative justice processes the ACT is doing very well. We are on par with places like South Australia and New South Wales. It is early days for us, but obviously the indications are very positive. If you look at places like the UK, the Thames Valley restorative cautioning program had, according to an evaluation in 2000, a 14 per cent attendance rate. In the UK, a more broader evaluation conducted across the youth justice system, looking at restorative justice, had a 53 per cent victim participation rate, but that was actually whether the victims' views were contributed in some way in a formal restorative justice process. The results that we have are certainly indicative of the kind of take-up rate that you do get from victims who are approached about participating in restorative justice. I am not sure if that is helpful to you.

THE CHAIR: The Office for Children, Youth and Family Support did mention that they have family conferences which do not involve the victim but where they follow the same principles. I am wondering whether in other places where there are lower rates of victim participation other ways are tried of using the same principles without the victim being present to prevent the person going to court.

Mr Jory: I will respond to that. My name is Derek Jory. I am director of justice planning and programs. This issue was one of the main arguing points with the reference group when we looked at it. There was quite strong support for a model that would allow offenders to progress to a conference without a victim. At the end of the day, the argument that won through was that we wanted this model to be very much a victim-centric model and the victim had to be there agreeing to the conference.

An argument that I tried to sustain through the discussions was that there was nothing to stop you in legislation or in your current practice simply holding such a conference, particularly if the offender was under some sort of supervision. Often they are under a probation order or some sort of community service order with youth justice, or probation and parole. My background has been as a probation and parole officer. You can do that and it would be part of your normal rehabilitation practice as a worker because essentially what the conference is doing with just the offender participating, and perhaps other people in that offender's support structure, is trying to confront that offender with the impact of their offending.

You do not need legislation to do that. You do not need a special unit to do it. I would argue that you can do it within the existing resources that you have. Your argument

probably breaks down when you have a first-time offender who is not already in the criminal justice system in any way. Some people would argue that they are not going to come back again anyway.

THE CHAIR: The other part of my question was about whether other places and other jurisdictions which have had a low victim take-up have decided to try other things as well.

Mr Hinchey: A lot of the jurisdictions have the capacity to run conferences with young people without the victim present. Those schemes are really designed as sentencing dispositions or a way of dealing with offences and a way of diverting young people from the criminal justice system. As Mr Jory points out, this scheme has the interests of the victim placed first and the benefits and opportunities given to young people and offenders as an important measure but not in place of victim satisfaction. That is laid out in the objects of the act and the bill speaks to that section quite strongly. But it is a very common thing in other jurisdictions, particularly when young people are involved.

MRS DUNNE: I go back to my question about the selection process. Correct me if I am wrong, but there has to be a guilty plea, essentially.

Mr Hinchey: Someone has to accept responsibility for the offence.

Dr Inkpen: It is not a guilty plea as such. According to the legislation, somebody could accept responsibility and go through a restorative justice process but have their matter be going through the court and the opportunity is for them to plead not guilty to the charges being put to them. The benchmark is acceptance of responsibility. The phrase we use when we are talking to young people is acknowledging were they there when the incident occurred, were they part of the incident. So there is a different sort of benchmark, if you like.

MRS DUNNE: If, for example, it was an event where there were half a dozen people and various things happened, some people may have been involved in one or other but not necessarily all of them.

Mr Hinchey: Yes.

MRS DUNNE: I see your point. Is there a predisposition amongst those referring agencies—the magistrates, the AFP and the DPP—towards first offenders, or is the type of offence, do you know?

Mr Hinchey: That is a good point and that is part of the challenge of what is before us in introducing this scheme. This scheme has the capacity to take on everyone eventually for all types of offences at any stage of their sentence. There is a capacity there for us to be dealing with the most hardened of criminals in an attempt to open their eyes to the effects of their behaviours on others, including their loved ones. We are moving from a purely diversionary scheme and that is where we are going. It depends on the individuals in the agencies that have the capacity to refer. Some are taking it up very broadly, others are taking it up cautiously.

MRS DUNNE: It might be that you will get a better reference rate as the scheme

develops and the evaluations come out the other end.

Mr Hinchey: Yes, as we become better known and as the benefits to young people and adult offenders become apparent to the agencies which are dealing with those people.

Dr Inkpen: I think we can be confident that, of the referrals we have received, we are not just getting first offenders. We are getting offenders who have committed a range of offences. With the cases I have worked on to date, I have seen at least two, three or four. You can have young people who have quite a range there. I think the AFP, given their longstanding history with diversionary conferencing, are very comfortable with the restorative justice process. Although they are used to using it as a diversionary option and are therefore looking at lower level funding and looking at referring those types of cases, they certainly seem to be embracing the opportunity to refer people that perhaps they have sent to court a number of times and feel that they want to try something different.

THE CHAIR: You mentioned that it was an educative process with referring agencies and that that had taken up a lot of the work of the unit to this point. Dr Inkpen was just saying that she felt that ACT Policing is comfortable with it. Where are the sticking points? I do not necessarily want you to name particular agencies. Obviously it is within the court system. It is not with the police. Is it with not-for-profit organisations? Where is it?

Mr Hinchey: We do not have any sticking points as such. We are getting referrals from all the agencies that can refer to us; so it is being taken up. We are not getting as many very serious types of offences, as serious as we can get, but we are certainly getting assaults and that type of thing. I suppose we are saying that the scheme has a capacity to be very objective in the way it refers matters to the unit, because the eligibility criteria are not subjective; they are objective only. Is the person aged 10 years or more? Do they consent to participate in this? Is the offence something that we can take on board? The capacity is there for referrals to the unit to grow and that will happen in time. I suppose, as with any new scheme, if someone is before you and it is obvious to you as a referring agency that they are not going to be very suitable to bring into any sort of conference there would be a motivation not to refer that case.

THE CHAIR: How do they make that judgment?

Mr Hinchey: If you are moving from a diversionary scheme to a scheme where all types of offences can be dealt with, I am saying that if you do have a person that has had a very long history and a string of very serious offences, perhaps the most appropriate response from the criminal justice system is to make sure that all those offences go through the criminal justice system. We are just entering that field now. We are only nine months into it so to speak. I do not want to give the impression that there is a sticking point, because the AFP, the courts and the DPP are strongly supporting the scheme.

THE CHAIR: One of you said that it was a very objective way of working and there seems to be a degree of subjectivity in that the criteria seem to be fairly broad.

Mr Hinchey: The eligibility criteria for referrals are objective and the suitability criteria rest with the unit. The decisions that are made in a subjective sense are made within the

unit and that responsibility is placed within the unit in the structure of the act. That has tried to remove the decision-making process from referring entities that do not have the time to sit down and work through all these issues with the participants. That is why the eligibility criteria for referrals are purely objective.

Mr Jory: There are two levels of getting into the scheme under the legislation. The first is called eligibility; so you are eligible or you are not. If you are eligible, you are then looked at in terms of suitability, and suitability is the term that is used in the legislation as well. As Mr Hinchey says, the criteria are subjective. In time, that subjectivity will, if you like, become practice protocols as we start to look at the variety of cases and the nuances and little differences between cases. We rely upon people who have been involved in this work as to their judgment, sensitivity, compassion and so on.

THE CHAIR: What makes somebody unsuitable or suitable?

Mr Hinchey: It is laid out again in the act what we have to consider when we consider suitability. That ranges from a person's personal characteristics to drug and alcohol issues, potential power imbalances between the parties that you are bringing together, the personal safety of people, the level of violence included in any offence, the level of harm that has occurred, people's acceptance of responsibility, the degree with which they accept responsibility, the motivation for taking part, your judgment as to whether a positive outcome can be achieved for the parties involved. They are all set out in the act and we have developed our suitability processes around that.

MR GENTLEMAN: I have a budgetary question. With every program there is a cost impact. I imagine that you have already looked at how much it is going to cost to run the program as it expands in 2006. Do you think that will be recouped at any time in the future with perhaps less recidivism and therefore less cost to run crime programs?

MRS DUNNE: I think that is hypothetical.

Mr Phillips: Invite us back in two years and we will be able to answer that! It is very difficult to know whether there will be drops in the recidivism rates.

THE CHAIR: How much does it cost to take a young person through the court system compared with how much it costs to take a young person through this system? That would be interesting to know.

Mr Phillips: I cannot tell you offhand the Children's Court cost, but the average cost of a Children's Court matter is reported on in the Auditor-General's report on the courts. We have not done ours yet because we have not been operating for a full financial year. It is not possible for us to do it at this stage.

THE CHAIR: We will be able to find out later, won't we?

Mr Phillips: Yes.

Mr Jory: That data is being kept, the hours on each case.

MRS DUNNE: At the end of this process there is no guarantee that you will keep people

out of the court system, because the system may fall down or you may not be able to come up with an agreed restorative process. What happens if you cannot come up with an agreed restorative process?

Mr Phillips: The restorative process isn't an alternative for the courts. For example, when serious offences come on board, it can start while somebody is in Quamby, after the sentence has been effected. The recompense program starts then. So we do not see ourselves as a unit that is, in fact, going to act as an alternative to sentencing.

MRS DUNNE: There are no guarantees that anyone who comes into the system might not go back out. What you are saying, Mr Phillips, is that for people who have already been through the court system and been sentenced, part of their sentence might be. Is that what you are saying on referrals?

Mr Phillips: Not part of their sentence, but you do get a situation where some people that are in prison, both adults and juveniles, are prepared then to go through a restorative justice process afterwards, they are prepared to finally accept responsibility for their actions and go through and try, for inner peace or for some other reason, to resolve issues with their victim.

MRS DUNNE: Has that happened so far?

Mr Hinchey: After sentencing?

MRS DUNNE: Yes.

Mr Hinchey: We have run a process for a young person who was on committal. We have also run processes for young people on community-based orders that have other offences. Yes, that is occurring.

MRS DUNNE: It is not an alternative, so that the question Ms Porter asked is not entirely pertinent because it is an either/or system and people can enter at a whole range of points and also exit without a final resolution.

Mr Phillips: Theoretically, someone could go through a restorative justice process and then be sentenced to imprisonment or detention by the Children's Court because, despite the process and despite the reports on the process, the Children's Court says that this crime deserves this penalty.

Mr Jory: By the same token, Mr Hinchey and Dr Inkpen probably would agree, it would be fair to say that restorative justice is being used in a diversionary way by the courts, the DPP and the police at this point. If the outcome is positive, generally speaking the decision made by those agencies is not to proceed with the case.

Mr Hinchey: If I could clarify that point: certainly that is the case with the AFP. We are finding that the DPP are also sending us cases on which we are getting some sort of process under way and the DPP seem to be satisfied on lots of occasions that that is a sufficient response to the case and they are not proceeding to deal with the case for that reason perhaps or for probably many other reasons that they have to take into consideration, but the courts are not referring any matter to us for diversion. They are

only referring matters to us after a plea has been entered and then the court decides on the sentence. Certainly the reports that we are sending back to the courts take into account that sentencing and we believe are impacting positively on young people at sentencing.

THE CHAIR: You also said before that if a young person agrees to a conference, even though the victim does not, that sometimes influences decisions or seems perhaps to influence decisions in the courts. Did you say that?

Mr Hinchey: No, the consequential amendment to the Crimes Act as a result of the Crimes (Restorative Justice) Act is that a court must have regard to the fact that a young person took responsibility for the offence in order to participate in restorative justice. That helps the young person in the sense that they have put up their hand for this and yet they have not been able to participate.

THE CHAIR: What about when, once they are sentenced and imprisoned, they decide to participate? Does that have any influence on the parole period or anything like that?

Mr Hinchey: Young people do not have parole, but I could give you an example of how that has impacted on a sentence as such.

Mr Phillips: Once a sentence has been handed down by the court it would not have an effect on reducing the sentence. As to whether it has an effect on the sentence administration board at some stage in the future is something that would need to be determined when the adult phase comes on board, I think.

Mr Jory: There is not a requirement that it has to have an effect. In some legislation in other models there is that requirement; similarly with sentencing. Most other models are diversionary practices up until the stage that they get to court and if, in fact, there has been a positive outcome a lot of the legislation for other models says that the court must take that into account in sentencing. There is not that sort of requirement here in terms of courts. We would expect that they would in the normal course of events and we would expect a sentencing administration board to do that, but there is not a requirement that they do that. That is to balance up the issue of only doing it so that they will get early release on parole. You are trying to say that that might not necessarily occur.

THE CHAIR: Commandant Maconochie used to give time off sentences for good behaviour.

Mr Hinchey: And removed the lash, I think.

THE CHAIR: He did lots of things. That is why he only lasted four years. If you had your druthers, having had this experience for 12 months, where else would you see these kinds of principles and practices being applied to young people in the ACT?

Mr Hinchey: We are well placed to apply them in the criminal justice system. We have been referred cases from schools. I think that it is good to see that these processes are being introduced in ACT schools, to varying levels of success I would imagine. I am not an expert in that field but I am aware of schools that are practising this and are very supportive of it. There are times when behaviours within schools are on the fringe of

being criminal and it is good that we are developing relationships with schools where schools can become participants in the process and not the convenors of such processes so that they can have a voice at the table as people that have been affected by behaviours. If you are asking me as an individual, I think that there is great potential for schools to look at it, but I am not familiar with that area.

THE CHAIR: You have some relationships with the schools. One of the things that came out when we were in Adelaide was an issue where a young person was required to return to school by the courts, the courts were saying that this person had to go back to school, and the school had suspended this person and was not allowing this person to go back to school.

Mr Hinchey: We have run a process at a school for a young person who stole a bike—not as the school but while as a student at the school, as was the other, I believe—and one of the elements of the outcome agreement was that the young person participate more fully in the management plan for that young person at the school. The school participated in that conference. In that setting, you would want the school to participate and agree to these sorts of outcomes.

THE CHAIR: Do the education department and your department have some cross-referencing, some meetings that you are having, some sharing of information?

Mr Hinchey: Only in the very early stages. I would like to develop a closer relationship with North Ainslie primary, with Chris Pilgrim there, who is a supporter of restorative justice. We have given talks at schools, but we develop relationships with individual schools in accordance with cases that are referred to us. There are a number of colleges in town where we have run conferences because the offences have occurred within school precincts and they have affected the community, that is, the school. In that sense, rather than at a strategic level, I think that our unit is well placed to develop relationships with individual schools so that individual schools can see the benefits of these processes and adopt them or not as they see fit. A lot of these schools have their own very successful management regimes in place. That is not to say that this will not work for them as well.

Mr Jory: From a theoretical point of view, we are now starting to see in the literature and in the policy pilot programs overseas this whole concept of mediation in the criminal justice system starting to become quite a driving force. Some of the drivers are similar to the program that we have here, where we are attempting to repair the harm. One suspects that sometimes the drivers are cost efficiencies and some mediation programs are thinly veiled plea bargaining programs: the case is going to take a long time, so you get the parties together to see whether you can reach some sort of agreement on that sort of issue.

If you look at, say, at South Africa and if you look at what East Timor is about to do with its truth and reconciliation hearings, some fairly momentous types of behaviour are being looked at and harm is being repaired using quite a different concept of criminal justice processing. To a certain extent, we have held the criminal justice system up there; it is sacrosanct; it cannot be touched; you have to follow this process through. We are starting to see that notion not necessarily challenged but changing and what we have here is doing exactly that.

I think that that will start to filter through into other ways in which we deal particularly with natural justice forums, schools, communities and various other small groups of people together. But it can be complex, too. I guess that would be my caution in school settings or anywhere else. You have to do it properly and it has to be managed properly. Sometimes you are dealing with emotions which are pretty hot and if it is not done properly, if it is just done out of good intentions, that is not necessarily sufficient.

THE CHAIR: Mr Jory, I do not want to put words into your mouth—please tell me if anything I am saying is not what you are saying—but what I am hearing you say is that people have to be properly trained and resourced and that it needs to be part of the total school culture, rather than some person who just happens to know something about it practising it in an ad hoc way. Is that what you are saying?

Mr Jory: I am, but also I have a philosophy that we can all be good neighbours and this is about neighbourliness. I do have a philosophy that we rely too much on experts. But that is a personal philosophy. As a public servant, certainly, let's resource it.

THE CHAIR: I was not meaning to say—

Mr Hinchey: I understand what you are saying. That is what I have been hearing from the schools: if you are going to introduce it in a school, it has to be supported by everyone in the school and everyone has to receive adequate training. It is no good having one or two champions of restorative justice because, unless it is a philosophy that is adopted within a community, it is not going to work.

THE CHAIR: I was not meaning to say that only big “P” professional people could utilise it, because we heard a little while ago from Mr Ross from Charnwood primary school, for instance, that children themselves are trained in the language and the use of the practice, the parents as well and so on and so forth. So it did not necessarily have to be a teacher or a professional; it was just about training and resources that I was coming to.

Mr Jory: Yes.

THE CHAIR: Going back to Thames Valley, you quoted a 2000 figure. Do you have later figures?

Dr Inkpen: No. I certainly was looking because I worked with Sir Charles Pollard in the work that I have just been doing in London. No, there isn't anything more recent than that. There was, I think, a 2004 project which looked at a wide range of research but it was reflecting on a core number of restorative practices that had occurred at that time. There has been, I think, a slight reduction in the number of restorative cautioning activities that have been conducted since they changed chief constables, so there have been changes to the way that they are using it.

THE CHAIR: You are saying that it is no good just having one or two champions around. Are you saying that, if you do have just one or two champions, when those champions exit by stage door right things can fall over? Is that what you are saying?

Dr Inkpen: I think what you want to be doing is creating an environment that does not rely on particular individuals to drive it through. That has certainly been the core challenge that we have been addressing in implementing restorative justice in the criminal justice system according to the Crimes (Restorative Justice) Act. It is ensuring that the referring entities which have the capacity to refer understand how to do that and are able to recognise when it is possible to refer cases, and that the people within the unit have the capacity to provide an opportunity for the victims and offenders that are core to the offence that is being referred to have a restorative process run when that is possible. So it is actually setting up the infrastructure to ensure that we can follow through on what the Crimes Act allows us to do.

THE CHAIR: Thank you, everybody, for giving us your time.

The committee adjourned at 4.03 pm.