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Expanding restorative justice access and eligibility in the ACT

Crime harms, justice should heal. That is the simple principle at the heart of restorative justice. “At its core, restorative justice is about relationships, how you create them, maintain them, and mend them. It is based on the philosophy that we are all interconnected, that we live in relationships with one another, and that our actions impact each other” states Dr Paterson.

Restorative justice is grounded in research and evidence, finding improved outcomes for victim-survivors, offenders, and the community. Dr Miranda Forsyth, Director of the ANU Centre for Restorative Justice states her support: “Restorative justice is based on dialogue and provides space for the victim survivor to talk about how they have experienced the harm, and to contribute to a dialogue about what needs to happen to make things better in the future. It also allows those who have caused harm to take active responsibility for making amends and seeking to repair the harm. The ACT is a world-leader in restorative justice and should continue to deepen its engagement in this space.”

This week in the ACT Legislative Assembly Dr Paterson echoes the sentiments of community groups, victim-survivors and academics and will move a motion calling for the ACT Government to investigate how the scope of restorative justice can be expanded in Canberra as well as how access and eligibility can be improved to better support victims of sexual and family violence.

Women face especially large barriers when it comes to the justice system. Currently, women do not feel properly represented in court proceedings, particularly in relation with sexual and family violence. The ACT’s 2021 Sexual Assault and Prevention and Response Steering Committee’s final report supports this and states “The key mechanism for holding perpetrators to account is traditionally through the criminal justice system, the figures make clear that this mechanism is currently not effective in most cases.”

The ACT Women’s Legal Centre says that women experiencing gender-based violence, including life-threatening family violence and sexual assault face challenges when confronted with the justice system, this barrier contributes to why sexual violence offences go largely unreported. This is deeply troubling, considering the Australian Bureau of Statistics reports that approximately one in four women in Australia have experienced intimate partner violence and one in five women have experienced sexual violence since the age of 15. There is a clear need for a mechanism outside the traditional justice system to achieve better outcomes.

“The prospect of a sexual crime conviction in the ACT is horrendously low, as statistics and media developments over the past several years have revealed. It’s clear that something needs to be done to provide a voice and an alternative to the complex and often unsupportive criminal justice system. Expanding the scope of the restorative justice system offered in Canberra affords us the opportunity to support victim-survivors and amplify their voices that have so often gone unheard.” says Dr Paterson in support of her motion.

Meredith Rossner, Professor and Deputy Director of the Research School of Social Sciences at the Australian National University echoes Dr Paterson's call: "There is a strong international evidence base that restorative justice can help in the aftermath of sexual harm. There is increasingly a recognition that, in order to best meet victim survivors' needs, restorative justice programs need to be available in a range of contexts, including for victim survivors who choose not to pursue a formal criminal justice path."

Canberra can pride itself on being a 'restorative city' based on the principles of 'restorative practice' according to the 2019-2020 ACT Restorative City Vision. Since becoming one of the first Australian jurisdictions to introduce a form of restorative justice in 1994 the ACT has become a national and international leader in codifying its restorative justice system with the passage of the Crimes (Restorative Justice) Act 2004. The system has made fantastic progress, with the Justice and Community Safety Directorate's Restorative Justice Unit opening up to referrals for family violence and sexual violence offences in November 2018. According to the 2021-22 JACS Annual Report, 202 victims of these offences had been referred to restorative justice since that time." . We can do so much more to follow on from these improvements and ensure that restorative justice is permanently open to more people.

There is a clear call for greater access to and eligibility for restorative justice in the ACT. Dr Paterson's motion aims to expand the restorative justice system offered in Canberra in line with community expectations.

Holly Northam, Canberra Restorative Community Director and University of Canberra Associate Professor states: "The Canberra Restorative Community strongly support the proposed motion and see this as a vital step forward to build on the powerful work of restorative justice that sees Canberra as an international leader in this area. This supports the global evidence supporting the use of restorative justice to provide positive outcomes for communities.

Dr Paterson's motion will call on the ACT Government to consider possible reforms to the ACT's restorative justice system. The motion calls for this study to explore: expanding current qualifying criteria, options for restorative justice as an official alternate justice pathway, and the potential for community-based restorative justice services in the ACT.

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