



# Adult Restorative Justice Conferencing

DISCUSS  
NEGOTIATE  
RESOLVE

Dispute Resolution **Branch**



Queensland  
Government

# Guide for today

- What is Restorative Justice?
- history of Adult Restorative Justice Conferencing (ARJC) in Queensland,
- where ARJC fits in the overall structure of criminal justice and dispute resolution,
- the ARJC process,
- the benefits of ARJC for
  - people harmed by crime,
  - people responsible for crime,
  - the broader community,
- accessing ARJC,
- how we consider safety and risk, and assess suitability for conferencing,
- restorative outcomes

# Test your knowledge of Restorative Justice

- Adult Restorative Justice is new to Queensland
- Restorative Justice is mediation
- Restorative Justice is only suitable for low level crimes
- Restorative Justice is available across Queensland
- Restorative Justice is available at any point in the justice system
- Victims and Offenders are required to meet





# Repairing harm

Watch Carmen and Roman's  
restorative justice experience



- [Repairing harm – Carmen and Roman's restorative justice experience](#)

# Restorative Justice in Queensland

- Crime Reparation Project and 'Victim-Offender Mediation'
- Youth Justice
- Justice Mediation
- Adult Restorative Justice Conferencing
  - Changes to Eligibility
  - Diversionary, Pre-Charge, Post-Charge, Post-Sentence, Self-Referral
- Queensland Department of Justice
  - [Dispute Resolution Branch](#)
    - Adult Restorative Justice Conferencing
    - Court Ordered Child Protection Conference
    - Mediation
    - Training in Dispute Resolution

# Adult Restorative Justice Conferencing

- crime viewed as more than the breaking of a law – it harms people as well as the wider community.
- focus on what happened, who has been impacted by the harmful actions and how, and what is needed to make things right or start to repair the harm done.
- designed around needs and wishes of person harmed/victim.
- requires person responsible/defendant to be accountable.
- Guiding principle of 'do no further harm' to any participant.
- Voluntary
- Confidential
- Privileged

# Restorative Justice is not:

- A quick way to get money
- An easy way out of criminal charges/'soft option'
- Negotiating responsibility for harm
- Negotiation for settlement
- Only suitable for minor offences. The greater the harm the greater potential for positive impact and satisfaction with process
- Reaching a compromise to make the charge go away
- Just getting in a room and saying 'sorry'



# What are the benefits? Person harmed

- Influence over outcomes
- Telling their story
- Choice about what is or isn't discussed
- Receive an explanation/apology
- Reduce fear of re-victimisation
- Better understand causes of criminal behaviour
- Hold defendant to account
- Material and emotional repair and reparation



# What are the benefits? Person responsible

- Significant involvement determining outcomes
- Understanding of the impacts of their actions
- Telling their story (explanation)
- Less stigmatisation (focus on behaviour not person)
- Take responsibility for their actions
- Opportunity to understand own actions and consider how to avoid re-offending.
- Apology/forgiveness
- Diversionary – life impact

# What are the benefits? Community

- Involvement in process of response to crime
- Better understanding of the causes of crime
- Better understanding of the broad impact of crime
- Provide support for those involved
- Reduce caseloads for Courts
- Increased satisfaction for defendants and victims
- Increase compliance with outcomes
- Reduce recidivism

# What our clients say

"That I got to clear the air of toxicity. Good to move forward"

"It was very confronting and stressful, however I feel like this is what I should have faced."

"I liked that we could look at on another in the eye and see the true emotions – and hear her raw side of the story"

"I felt like I was listened to, felt good to be heard"

"The stress, emotions and confronting nature of it."

"I think it was really helpful. It's a good way to sort out problems"

"The restorative justice conference offered me an opportunity to express my situation and help me to put my life back on track"

"Being able to personally say sorry"

"I was able to assess whether the apology was meaningful and sincere in person"

"Being able to talk and apologise to the victim. Also hearing the victim's account and impacts help drive home the incident and why we agree to our terms"

"The convenors made things very easy for me to understand and made me feel a lot more at ease with the whole situation"

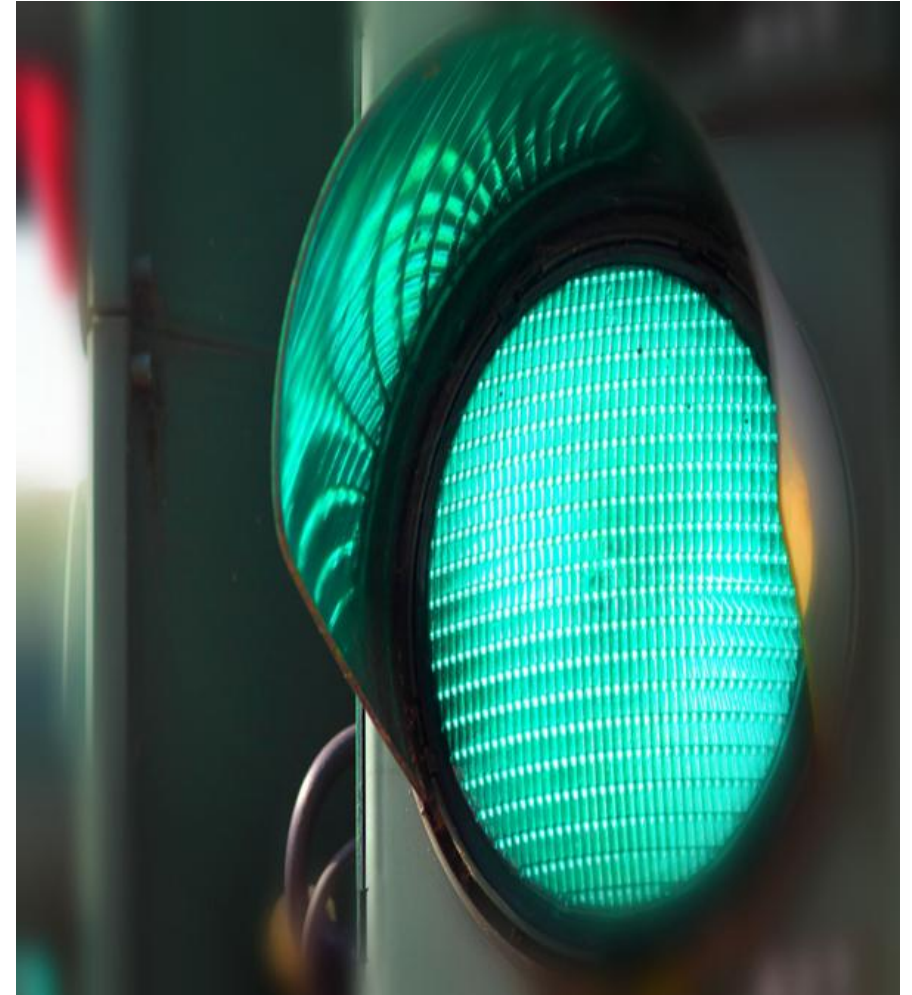
# What types of matters can go to Restorative Justice?

- **Choose all that apply:**
  - Assault occasioning bodily harm
  - Fraud
  - Sexual Assault
  - Common Assault
  - Wilful Damage
  - Theft
  - Burglary
  - Rape
  - Domestic Violence
  - Serious Assault (person over 60, person with a disability)
  - Grievous Bodily Harm
  - Going Armed so as to Cause Fear



# Eligibility

- Offence against a person which has caused some kind of harm
- That the referral is received:
  - from a justice agency (including Queensland Police Service, prosecuting authorities, courts, the Department of Corrections or other justice agency);
  - from a person harmed; or
  - under a formal agreement with the referring agency.
- That the referral and the parties involved can be reasonably serviced by ARJC from our current locations
- Both parties consent to the referral.



# High Risk Matters

- ARJC accepts referrals for sexual and domestic violence offences
  - Appropriate supports should be in place for parties to participate
  - ARJC provides a sexual consent psycho-education session for persons responsible for sexual harm
- ARJC accepts referrals for children harmed
  - Must have appropriate representative for the child & consent to referral
  - Must be able to represent the child's perspective and interests without causing further harm
  - Clear understanding of Child Safety involvement and contact for officer
- These matters may take additional time due to their complexity.

# Expansion of ARJC – now a statewide service

- Convenors now located in Brisbane, Gold Coast, Toowoomba, Mackay, Rockhampton, Townsville and Cairns.
- Extensive use of Microsoft Teams for intake appointments, and conferences where appropriate.
- Also able to travel to other sites on occasion for in person appointments and conferences, typically utilising space at a Magistrates Court.
- This expanded capacity means we can accept referrals from anywhere in Qld.



# What makes a situation suitable?

- Consent of all parties to engage with Restorative Justice
- Similar enough stories (no arguments about the facts)
- Person responsible being accountable for their behaviour/actions
- Enough harm for people to want to engage and invest their time in our process
- Person responsible is willing to take action towards repairing harm
- Parties ready for healing and dialogue



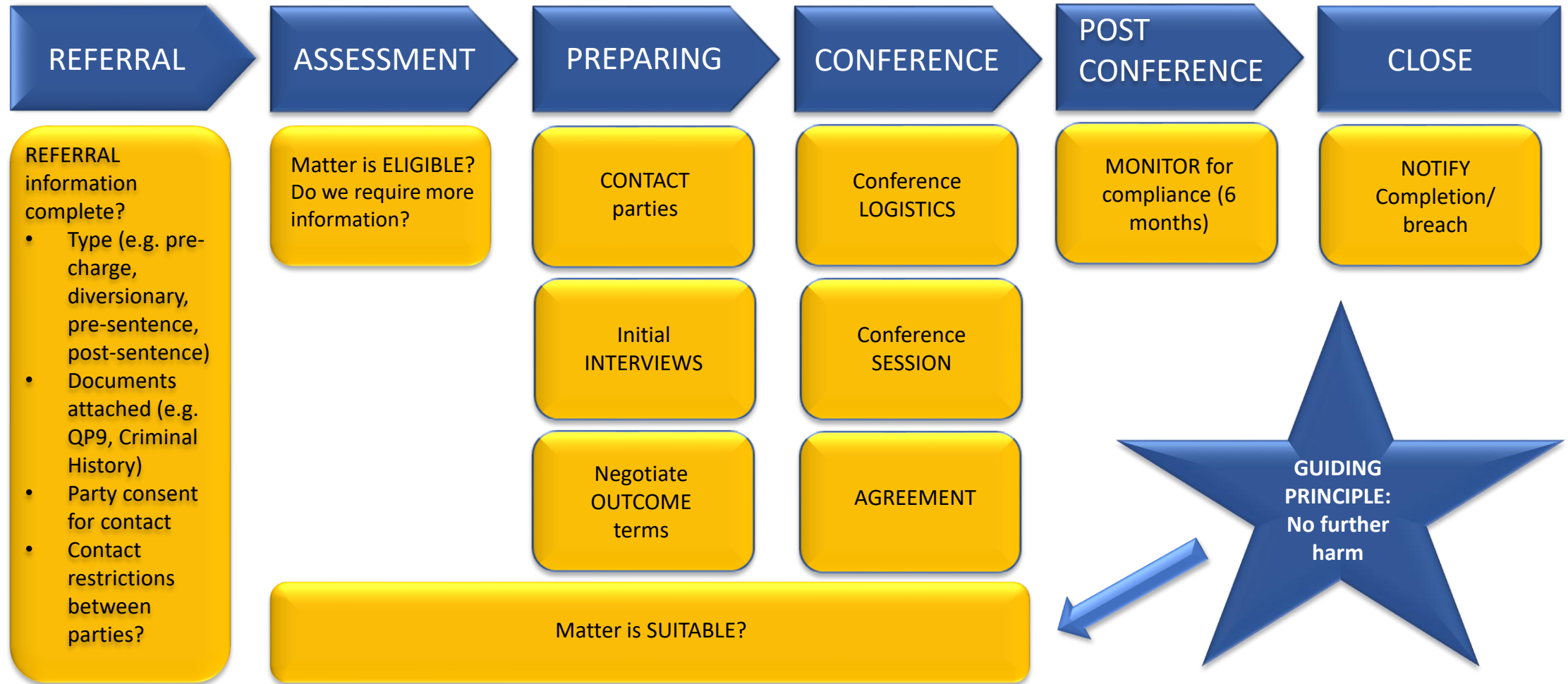


# Not Suitable - Risk and Harm

- Parties don't want to participate or are not participating freely
- Insufficient agreement on what happened
- Not enough or appropriate support for parties to participate
- Person responsible is not accountable
- Person responsible is not willing to repair the harm or meet the needs of the Person harmed
- Person harmed is seeking retribution
- Person harmed is looking for more
- Power dynamics can't be managed
- Safety Concerns
- **Any risk of further harm**

# What we do

*Empowerment... confidentiality... voluntary... listening... accountability... impartiality... equal concern for all... respect for human rights... restoration (property, emotion, dignity)... compassion... support... honesty... forgiveness... apology.*



# Possible outcomes

- Written and/or verbal apology/statement of remorse
- Commitment not to reoffend
- Financial Compensation  
(based on VOCA)
- Financial Restitution  
(based on actuals)
- Donation to charity
- Counselling/rehab/course/program etc
- Something else meaningful to the parties



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# Guidelines on financial outcomes

- Compensation is benchmarked against special assistance payments from Victims Assist Queensland eg. \$6 000 for AOBH, \$9000 sexual assault, \$15 000 rape
- For violent and sexual crimes, restitution also guided by *Victims of Crime Assistance Act* eg. Loss of income up to \$20 000
- Restitution can be past and/or future out of pocket expenses, such as future counselling, medical, dental, corrective surgery etc
- Substantiation for restitution - receipts, treatment plans, quotes, payslips, letter from therapist, etc



# What happens in a Conference?

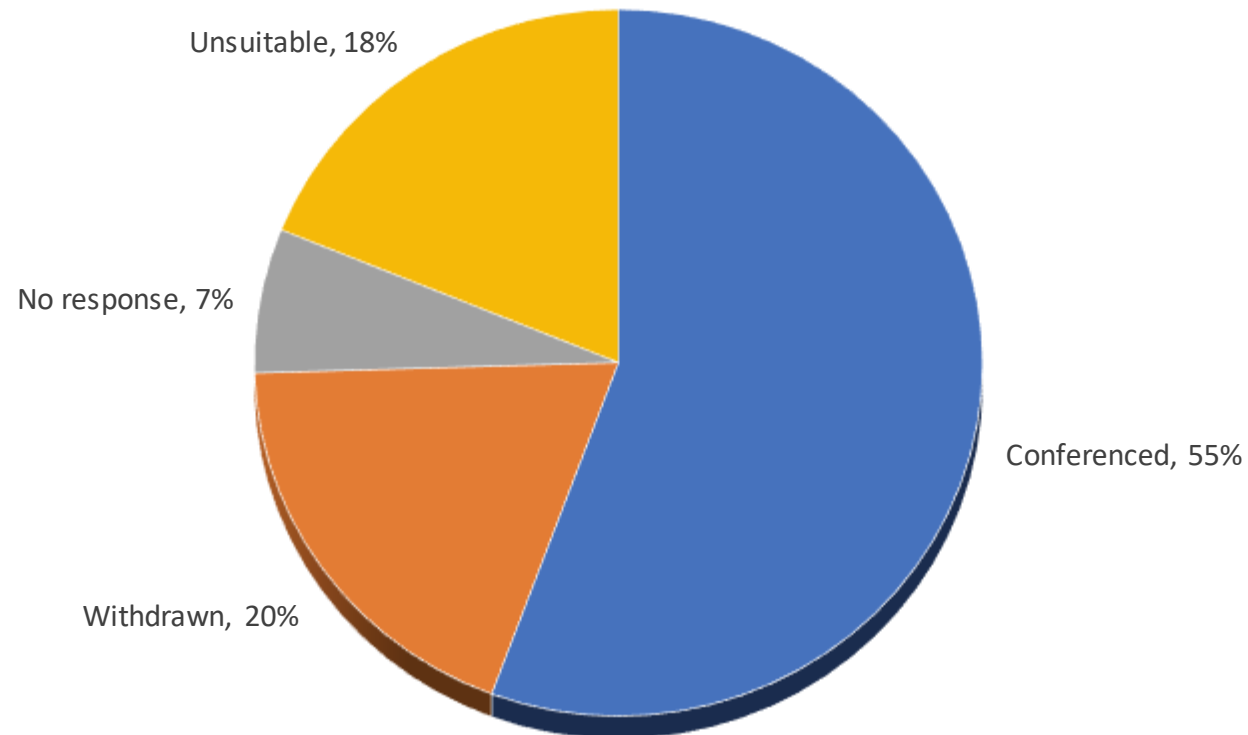
What happens during a face-to-face restorative justice conference?



- Process is designed in response to/tailored for the needs of the person harmed and the circumstances of the harm.
- There are many possible variations: face to face; telephone; Teams; shuttle; victim impact statement; support people; single or co-convenors; speaking order & what is or isn't discussed.
- Agreement recorded in Restorative Outcome Plan. ARJC monitors compliance with tangible outcomes for up to 6 months.

# Statistic 2023/2024

2023/24 ARJC Stats



■ Conferenced ■ Withdrawn ■ No response ■ Unsuitable

**Across Qld**

**454 referrals  
275 conferences**

**Agreement rate 99%**

**Compliance 98%**

**Satisfaction 98%**

# How Community Legal Centres can support clients in ARJC

Support a person harmed to:

- make a self-referral - Contact ARJC directly
- speak with Police or Prosecutions about a referral to ARJC

Support a person responsible to request a referral to ARJC through Police, Prosecutions or ODPP

Prepare a person responsible to participate in Restorative Justice

- Take responsibility, Repair Harm

Duty Lawyers can assist with referrals

# Questions





Please subscribe to the ARJC newsletter for updates and our stakeholder information kit



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