



7 May 2024

Australia Law Reform Commission

By email:

Dear Ms Neave and Colleagues,

**Re Australian Law Reform Commission Review of Justice Responses to Sexual Harm**

We are writing to provide a submission in relation to the Australian Law Reform Commission review of justice responses to sexual violence and thank you for the opportunity to have met with your team recently, and for your consideration of our submission.

**A submission in support of restorative and healing just responses to sexual abuse and related harm**

“...how do we hold people accountable for wrongdoing and yet at the same time, remain in touch with their humanity enough to believe in their capacity to be transformed?”

— bell hooks

**Transforming Justice Australia** provides restorative justice and healing responses for people harmed by sexual abuse, those responsible, their families and community. Our restorative processes are survivor-centred, trauma-informed and intersectional (meaning we provide bespoke services to meet diverse individual identities). We place value on voice, dignity, accountability, choice and hope.

We offer services in the community, and in some instances, alongside criminal and legal system responses. In addition to our free practices in the community we provide consulting, learning and knowledge, research and advocacy services in accordance with our organisational purpose .

We **attach** to this submission a summary of policy, research and practice (both in Australia and internationally) which might help support this inquiry.

We note the important recommendations regarding restorative justice that Transforming Justice is implementing, contained in:

1. [National Consultation on the Draft Plan to End Violence Against Women and Children](#)
2. [Victorian Law Reform Commission Report on Responses to Sexual Violence](#) and
3. [Victorian Royal Commission into Family Violence](#)

These reviews and other commissioned research in NSW and nationally, has made specific and extensive reference to the suitability and recommended utility of restorative justice processes to address sexual and family violence.

In contrast we note that the vast majority of the questions in this review have focused on conventional adversarial justice – being criminal justice responses to sexual harm. This is at odds with the known rates of reporting, uptake and attrition of cases of sexual abuse in the criminal justice system (latest statistics reported in NSW by BOCSAR here: [https://www.bocsar.nsw.gov.au/Pages/bocsar\\_media\\_releases/2024/mr-attrition-sexual-assaults-BB170.aspx](https://www.bocsar.nsw.gov.au/Pages/bocsar_media_releases/2024/mr-attrition-sexual-assaults-BB170.aspx)).

We are a national service and just one of three community based organisations providing restorative justice practices in response to sexual harm in the community nationally. We are the only service in NSW.

Transforming Justice is **entirely unfunded** by either State or Federal Governments, in spite of many years of advocacy, outreach, requests for support and endorsement.

We are grateful for the support of our private funders including Westpac, Snow Foundation, NED Foundation; and the in-kind support of our auspisor, Community Restorative Centre. We would also like to express our gratitude for the support we have from many parts of the community – from people with lived and learnt expertise, and from those who have been profoundly harmed, impacted and responsible for sexual abuse.

We are grateful for this opportunity to respond to the questions on restorative justice.

#### **Question 45**

*If you are a victim survivor, how do you feel about restorative justice? Is it an important option to have? If so, what do you think should be the approach to restorative justice in responding to sexual violence?*

Our organization works with, is supported by, and founded by people with lived and learnt expertise of sexual abuse. We were founded in 2022 by Thea Deakin-Greenwood and Jane Bolitho after many years of consultation in the community, work in the field of trauma informed responses to sexual violence and both academic scholarship and legal practice with people harmed by and responsible for, sexual abuse, their families and communities.

Our community survey indicates that most survivors of sexual abuse disclose to counsellors, friends and family members; and that Police and lawyers are the people survivors would least likely disclose to. This data aligns strongly with the Personal Safety Survey and the data collected by the Australian Institute of Family Studies, and BOCSAR that demonstrate that Police reporting is an option only pursued by less than 20% of survivors across their lifetime, and that even within this cohort of where justice is traditionally thought to be done, the attrition of cases through the criminal justice system is over 90% with less than 8% of reported harm resulting in a prosecution.

Yet this review pays particular attention to legal avenues for justice, which are usually a small but important avenue for justice, but one only likely to serve the needs of a small proportion of the population.

In contrast to the constraints offered by legal processes - in restorative processes, our starting point is to ask the person harmed what justice would mean for them, what their needs are and what accountability would look like. For many people, being heard, asking questions, getting answers; being validated and supported and for the harm not to recur are their expressed justice needs.

We support the right of survivors' to choose the response and justice pathway that best meets their needs, from a range of justice options – and our work at Transforming Justice is providing an important choice not otherwise available across much of Australia.

Our internal community survey (*"Restorative justice in response to sexual violence"* unpublished, Transforming Justice Australia) indicates the primary reasons for someone wanting to participate in restorative justice are:

- To be believed, validated and acknowledged
- To hold the person responsible to account and
- To feel empowered and in control

Participants who have experienced restorative justice processes with Transforming Justice Australia have commented:

*"...being part of the restorative justice has been empowering for me and empowering for other women as well..."*

*I'm so proud of myself in making the community safer for other women in the future. I know that this has been the biggest part for me, and I'm setting boundaries for my relationships which is such a change for me... I'm like a magnet at the moment - other women are contacting me and asking me how I am able to do things at the moment and I feel so strong..."*

(A person harmed by sexual abuse after participating in a restorative justice process with Transforming Justice Australia, survivor of child sexual abuse, intimate partner violence and adult sexual assault, and parent of a survivor of child sexual abuse).

*"It has helped me to gain a sense of relief from the stress of not knowing what to do about has happened and what can be done to help the person harmed..."*

*The preparation for the conference, the feeling of being respected even though I was on the side of the harm caused, and the clarity around the process and the trust that was given to me made me feel safe to take part fully. I felt I could be open and be myself, and not conform to some idea of how someone should behave in my role. My own understanding around the harm caused by sexual violence has grown a lot, as has the cultural conditions for it..."*

(A person representing an organisation responsible for harm,  
who participated in a restorative justice process)

Our view is that restorative processes can meet a number of important needs for survivors and in the responding to sexual harm including:

- offering a meaningful justice pathway for survivors to identify, support, and have their justice needs met alongside or outside of the criminal justice process
- an important opportunity for those responsible for harm to learn about the harm and impact caused by their behaviour and actions
- for accountability to be realized in ways that meets the needs of the person harmed, and supports the person responsible to learn and grow
- A space for family members, support people and community members to be part of the healing, support and justice process
- For family members, including parents to speak about the harm in flexible and safe ways that support their healing and ability to be available for their family and the harmed person
- For Family members of those responsible to also understand support and learn from the process, to help mitigate or prevent future harm.

- To create community safety and reduce the risk of future harm occurring
- To create safe, supported and fair processes for all participants

The current lack of choices for those harmed by sexual abuse means that pathways for justice look constrained, are not trauma responsive, intersectional, or survivor-centred and in our experience and observed expertise – participation in criminal justice processes often cause further harm to all parties, usually most to the person harmed. Not only this, many people harmed are not wanting the form of justice offered by the criminal justice system. Our organizational position is that survivors should have a suite of options on the justice menu, restorative justice being an important one.

Restorative justice in response to sexual harm, and should align with principles of trauma responsive practice such as:

- transparency
- flexibility
- choice
- voluntary participation
- trust and
- specialist expertise

We endorse the summary and good practice principles in the Victorian Royal Commission into Family Violence, and point to the adoption of principles such as utilized by Project restore in New Zealand and endorsed as standards by the New Zealand government.

### **Previous Consultation processes**

We draw your attention to the *Consultations on the Draft National Plan to End Violence Against Women and Children* which noted and we quote directly so as not to misquote we extract and produce this part of the Report at page 191 in full:

There was support during the consultations for offering restorative justice processes to victim -survivors of family, domestic and sexual violence as a mechanism that allows them to be heard while avoiding the re-traumatising effects of the formal justice system. Restorative justice was seen as offering a way to ‘take the heat out’ of the response so that it is removed from the polarised, adversarial context of a courtroom. As one stakeholder explained:

*I think, again, a serious brokered meeting where the perpetrator doesn't have all the power, and that to me is part of what a restorative justice system would look like, can be a really powerful tool. Because if you've got someone authoritative saying, 'You can't do this,' or a perpetrator having to explain, not to someone who is totally emotionally dependent on them, but to someone they trust as an objective and partial but powerful authoritative outsider, but someone who's listening to them, you can't justify yourself that way in the same way you can in the home to someone who's oppressed. And I think it's got to be explored as part of the armoury.*

The importance of the victim-survivor voice in determining appropriate system responses to violence was highlighted – for those who do not wish to be involved in the criminal justice system, this means the opportunity to be heard and to be valued for their views. The primary concern raised by stakeholders during the consultation was that victim-survivors need to be empowered to make their own choices. As one stakeholder explained:

*I think restorative justice, we need to look into different models for that, but we have to really focus on choice because we know that restorative justice mechanisms are going to be something that's a positive pathway for some people, and they're going to be incredibly dangerous and damaging for others.*

At the same time, however, stakeholders noted that simply having restorative justice as an alternative option for victim-survivors does not offer them 'a true choice if the justice system itself isn't safe'. That is, the justice system must become more trauma-informed and culturally safe at the same time as alternatives such as restorative justice are offered.

To achieve this dual aim, both approaches require proper resourcing and attention.

#### **Question 46**

*What reforms have been implemented in your state or territory? How are they working in practice? How could they be improved? Have things changed? What is working well? What is not working well?*

There are only two services using restorative justice explicitly in New South Wales – the Restorative Justice Unit at Corrective Services (this is a very small service running about 10 matters a year focused on adult offenders in prison) and our practice, Transforming Justice Australia. For young people, Youth Justice Conferencing provides youth justice conferences pursuant to the Young Offenders Act 1997 – however neither of the Government provided practices offer a specialist service in relation to sexual harm.

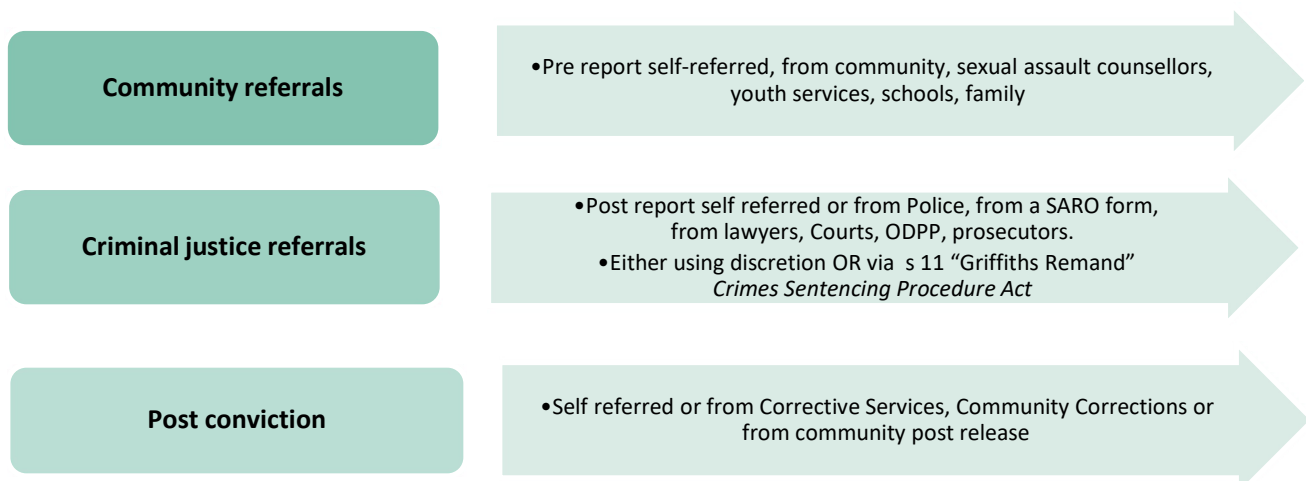
Based on this, Transforming Justice is the only specialist restorative provider in New South Wales offering trauma responsive, intersectional and restorative approaches to sexual harm in the community.

Restorative justice services in NSW are largely non-existent compared to Victoria, ACT and Queensland - where a recent commitment was made by Government to significantly expand services specifically including after sexual violence.

#### **Practice model**

Our process is flexible, survivor-centred and free in the community – so access is made possible for participants wherever they are, whatever their means, cultural background and relationship to the harm.

We accept referrals from any of the following pathways:

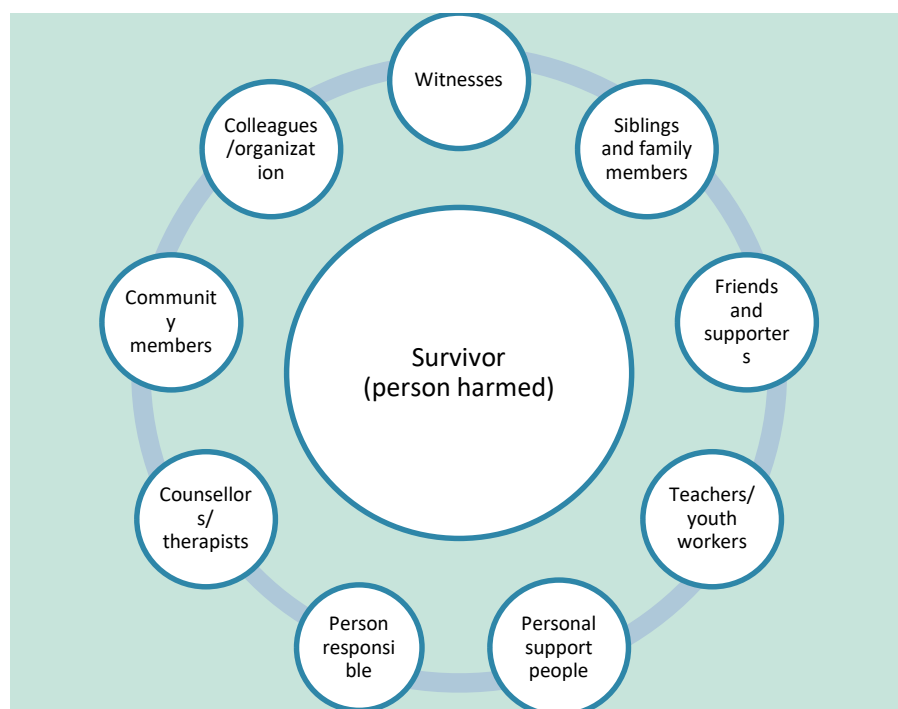


We provide a variety of restorative opportunities, including:



### Who can participate?

Any person who is important to the survivor can be part of a survivor-led restorative justice process. It could be the person responsible for causing harm or other people, such as support people. Sexual abuse impacts survivors in many ways - including on their relationships with family, friends, community and others. People invited to participate in restorative justice can fulfil support or accountability or healing roles. People close to a survivor may have said or done things which were unhelpful or even harmful, and in our practice we adopt a flexible and individual approach to each case.



## **How does Transforming Justice work in practice? How could they be improved? Have things changed? What is working well?**

Our approach is modelled on good practice from New Zealand and North America and we receive debriefing, supervision and mentoring from comparable community practitioners in Australia and Canada. In 2022 we established an *Oceania Network of Community based Restorative Practice in Response to Sexual Harm* and in 2023 this network has grown to now include practitioners, policy makers and researchers embedded in community and statutory settings providing restorative responses to sexual harm whether court, police or community referred. We are a mobile and agile service – without a fixed office location and with practitioners based on many lands across New South Wales and Northern Territory so are able to build our practice to respond to the great in the community, if only we were properly supported by Government to do so. We currently rely solely on philanthropic and private funding to implement our practice.

## **What is not working well?**

We are unfunded by Government and rely upon the voluntarily time of our practitioners, research team and facilitators – and the good will of our auspicious Community Restorative Centre.

We are all consultants to the practice and no one is fully employed. This is the most pressing challenge for Transforming Justice and constant threat of running out of resources severely limits our long term viability and creates significant stress for the staff, Directors and supporters of our practice. There has been complete disinterest from New South Wales Government for restorative justice or in our work, we are tired of advocating for funding and for restorative justice in New South Wales and nationally and yet, we know that the needs of the community, of survivors, of those responsible is best served by organisations such as ours using our leverage and influence to remain engaged with those in power – and to continue to contribute to the body of knowledge about the importance and effectiveness of restorative justice – a commitment that we know is necessary for affecting long term sustained changes. However, this advocacy gets in the way of our focus on service delivery which is the heart of our purpose and mission.

It is not a dramatization to state that the greatest risk to our work and is our immediate, pressing need of financial resourcing. We are implementing the recommendations in the National Plan to End Violence Against Women and Children and would like to expand to have a greater suite of focused programs for others impacted by sexual harm including:

- non offending parents
- those responsible for sexual harm
- children in out of home care and
- as well as a more integrated response for young people in a pilot which would be implemented alongside the NSW Children's Court
- family and community healing models

Even with our scant resourcing, we are currently fulfilling an important role in the community and have an active case load, practice and training program. We operate as a social enterprise in that any revenue made from our fee for service work is reinvested to ensure that our community practice remains free and accessible.

There are particular needs especially for harm doers that remain crucial to attend to, as part of improving survivor and community safety – so we hold the needs for support of all participants as key considerations in our processes – and actively work with those responsible to support their participation in therapy, support and counselling programs. We currently carry these costs as part of our case load, costs which should clearly be covered by a public health setting.

### Question 47

*What are your ideas for implementing restorative justice as a way of responding to sexual violence?*

#### **Our approach at Transforming Justice Australia**

We support legislation, practice standards and training for the sector as a pathway to supporting safe, clear and defined restorative practices to be delivered.

However, we note the caution Braithwaite and others offer in relation to the constraining nature that can come from legislation and the professionalization of restorative approaches – and note that one of the key aspirations of restorative approaches is to address and re-dress power imbalances, and the emphasis on centralized, western and professionalized personnel can undermine the values of redistribution of power and decision making to those directly impacted by the harm.

Our ideas for implementing practice have been realized over the past 5 years, and our vision from 2019 of community based survivor centred practice with an agile, flexible and accessible service model that can accept referrals from any point in a survivors justice journey, have now been realized with the Transforming Justice Australia practice model that reflects these values, and is guided by the following principles:

1. **Survivor-centred:** we are led by survivor's voice, choices, hope and wishes.
2. **Trauma informed:** We recognise the impact of harmful events on individuals and communities, We seek to provide trauma competent services; to enable safe participation for all people.
3. **Accountability:** We create invitations to accountability. We practice accountability and transparency in our work, processes and organizational structure.
4. **Do no harm:** We prioritise safety and well-being for all participants.
5. **Narrative approach:** we use dialogue and storytelling as mechanisms to address harm and language that promotes accountability, hope and future planning.
6. **Strengths-based and community-based:** we recognise people are experts in their own lives and draw on solutions and capacities of the community.
7. **Restorative process:** we ensure the restorative process is voluntary, consent-based, participatory and flexible to meet the survivor's needs.

Our ideas for the future include:

- Funding for community -based trauma-informed, intersectional and restorative and healing alternatives to respond to family, domestic and sexual violence. We note that restorative and alternative models should facilitate opportunities for victim-survivors to choose the path most suitable for them while supporting victim-survivor healing and recovery.
- Greater resources and funding to support investment in capacity building and allow communities to develop their own alternative justice system responses.
- Funding for community-based accountability programs, practices and services for those responsible for harm, their families and communities.

The omission of restorative justice or alternative justice pathways in New South Wales, and other states in Australia presents a clear deviation from the recommendations in the National Plan and are at odds with not only the National Consultation process, but also commissioned Government research. The failure of current Governments to adequately engage with the literature on restorative justice, fund practice or support community justice models such as Transforming Justice ignores the views of some victim-survivors and their advocates as well as organizations that work with both those harmed and those responsible, whose thoughtful submissions to the National Plan Consultation have been overlooked. To omit reference or regard for the



evidence based which support restorative practices in response to sexual assault isolates Australia from its comparable democratic friends such as Canada, North America, UK and New Zealand and is one of the few United Nations signatories without a strategic direction on restorative justice or a clear appreciation on the evidence, Australia is at risk of lagging behind current and established research and evidence supporting best practice in response to sexual abuse.

### **The evidence base for restorative justice**

As noted by the Victorian Law Reform Commission and elsewhere restorative approaches are currently and increasingly used as valuable and appropriate mechanisms for addressing harm – and operate within, alongside and outside of the criminal legal system. In practice, restorative processes include those whereby all the parties with a stake in a particular offence come together to acknowledge the impacts and resolve collectively how to deal with the aftermath of the offence, including the implications for the future.

In New South Wales, current and past statutory applications of restorative include Youth Justice Conferencing, the post-conviction conferencing provided by the Victims Support Unit (within NSW Corrective Services), Forum Sentencing, the Defence Abuse Response Taskforce and the ongoing Direct Personal Response allowed by the National Redress Scheme (in response to the Royal Commission into Institutional Response to Child Sexual Abuse); however there remains no commitment at a policy level for the application of restorative practice in relation to sexual abuse either for young people or adults.

Restorative justice has many decades of evidence-based effectiveness and meets the needs of survivors and their families in ways in which traditional justice cannot; while holding those responsible to account in ways that are meaningful and specific to the needs of the survivor.<sup>1</sup>

Evidence drawn from national and international practices<sup>2</sup> supports the application of restorative practices and justice in response to gendered harms; either in the community as standalone interventions or to augment a formal criminal justice response<sup>3</sup> and we note that survivor-oriented practices provide a framework for referrals pre-report (community referrals); post report (from Police); pre plea (from courts and ODPP); and post sentence – which aligns with best practice for sexual assault matters.

Importantly, we draw attention to the the Victorian Royal Commission into Family Violence and the Victorian Law Reform Commission report into response to sexual offences, **both of which have recommended adoption of restorative justice initiatives to address sexual and family domestic violence**. We note the VLRC report made extensive recommendations in relation to the principles and practices which best support restorative justice and the Royal Commission found:

*"The Commission is persuaded that, with robust safeguards in place and as an additional option for (not a substitute or precondition for) pursuing action through the courts, a restorative justice process should be made available to victims who wish to pursue such an option. Restorative justice processes have the potential to meet a broad range of victims' needs that might not always be met through the courts and to help victims recover from the impact of the abuse they have suffered.*

*The development of a restorative justice approach should proceed cautiously. In consultation with victims' representatives and experts in restorative justice, the Department of Justice and Regulation should develop a framework and pilot program for the delivery of restorative justice options for victims*

---

<sup>1</sup> Jülich, Shirley, and Fiona Landon. "Achieving justice outcomes: Participants of Project Restore's restorative processes." *Restorative Responses to Sexual Violence*. Routledge, 2017. 192-211

<sup>2</sup> Koss MP. The RESTORE Program of Restorative Justice for Sex Crimes: Vision, Process, and Outcomes. *Journal of Interpersonal Violence*. 2014;29(9):1623-1660. doi:[10.1177/0886260513511537](https://doi.org/10.1177/0886260513511537)

<sup>3</sup> Strang, Heather, and John Braithwaite, eds. *Restorative justice and family violence*. Cambridge University Press, 2002.

*of family violence that are victim driven, incorporate robust safeguards, are guided by international best practice, and are delivered by suitably skilled and qualified facilitators...”<sup>4</sup>*

The Victorian Law Reform Commission noted that restorative justice can and should supplement existing responses to sexual violence, and that the use of restorative justice is supported by evidence, has strong support, gives survivors more choices, can be part of healing and importantly – holds those who are responsible to account. It recommended the establishment of a restorative justice scheme in legislation which would apply to all offences, as is the case in New Zealand.

The VLRC recommended that the following principles should guide restorative justice for sexual violence in the restorative justice scheme:

- voluntary participation
- accountability
- the needs of the person harmed take priority
- safety and respect
- confidentiality
- transparency
- the process is part of an ‘integrated justice response’
- clear governance

The VLRC found, and we support that the:

*“...restorative justice scheme should be adequately resourced to ensure: a. victim survivors and people responsible for harm have independent, professional support throughout the process b. participants have access to independent legal advice... Aboriginal communities should be supported to design accredited restorative justice programs for Aboriginal people...”*

The correlation between **victim satisfaction** and **desistence in the context of restorative justice** within an Australian setting may be best demonstrated by the KPMG review<sup>5</sup> of the Queensland Youth Justice Program which found that high number (91%) of offenders and ALL victims and families reported high levels satisfaction with the program; AND that young people who participated in the program were less likely to re-offend in the following 12 – 24 months and for every \$1 invested, \$1.20 was saved in the immediate and short term.

The evidence base support the proposition that informed, consent based voluntary processes ‘empowers’ prospective participants to make decisions about their potential involvement in an environment of high support, high information provision, sensitivity and confidentiality and where applied within carefully delineated parameters, evidence also supports the proposition that those responsible participate in active accountability taking and remain engaged in treatment and therapy.

### **Implementing a restorative response to support accountability for people responsible for harm**

We welcome the expansion of Safe Wayz and New Street Services for young people age 10 – 17 who are responsible for harmful sexual behaviour. However, this commitment does not go far enough and fails to appreciate the reality that the majority of people in NSW who have experienced sexual abuse, will never report to the Police or encounter the legal system; which consequentially indicates the overwhelming majority of people responsible for sexual abuse live and work in our communities, and currently have no pathways to community accountability such as treatment, therapy and support.

---

<sup>4</sup> <https://www.lawreform.vic.gov.au/project/improving-the-response-of-the-justice-system-to-sexual-offences/>

<sup>5</sup> KPMG Review on the Youth Justice Conferencing Program prepared for Department of Youth Justice Queensland, 2010 (unpublished, released under freedom of information

[http://old.jss.org.au/files/Docs/Programs/justice%20and%20crime%20prevention/Final\\_Group\\_Conferencing\\_review\\_full\\_report.pdf](http://old.jss.org.au/files/Docs/Programs/justice%20and%20crime%20prevention/Final_Group_Conferencing_review_full_report.pdf)

Very often those harmed by sexual abuse have a simple wish – for the harm not to recur to anyone else. Given this, appropriate responses to sexual violence should not only strengthen justice responses (for those who wish to participate in traditional justice); but to also provide support and assistance to those responsible for harm in the community. Failure to do so, ignores the wishes of victims-survivors (regardless of their access to the criminal legal system) and presents a key public health issue, a justice concern, and a community safety concern. No doubt attention to this priority engages number of key Government agencies – which could be remedied through cooperation and collaboration, especially given the recent unification of such portfolios.

There are no public or community-based health settings providing treatment, education or support for those who have used, or are at risk of using sexual violence; and that currently this support is provided entirely by the private sector placing this out of reach of most people in the community.

Access to private providers is fraught with barriers including opportunity of access; appropriate means, visibility (or lack) of such services; cultural appropriateness and accessibility as well as the limiting psychological barriers such as shame and stigma.

An absence of safe treatment services misses an important opportunity to provide accountability pathways for those who are motivated to access such treatment. Evidence from other jurisdictions supports the proposition that provision of such therapy reduces reoffending,<sup>6</sup> improves individual and psychological wellbeing (a key factor in desistance) and in many instances, those response are motivated to remain involved in such support services.

Examples of such practices could include:

- establishing treatment centres such as SAFE Network Auckland which provides community-based support to those responsible for sexual abuse<sup>7</sup>
- funding culturally competent and appropriate services to provide education, mentoring and therapy to those responsible or at risk of offending, such as are provided by Community Justice Initiatives Ontario, Canada
- funding Circles of Support and Accountability as provided by Community Transitions, Adelaide and supported by evidence<sup>8</sup>
- A specific commitment to investment and support for community-based treatment and education programs for those responsible for sexual violence in line with best practice

Thank you for considering our response and of course we would be open to contributing further information about our practice model, intake and referral pathways and organizational model with any interested party.

Yours faithfully,

Thea Deakin-Greenwood, Director Practice and Advocacy  
Dr Jane Bolitho, Director Research and Strategy  
**Transforming Justice Australia**  
Contact. 0493 552 653

---

<sup>6</sup> Daly K and Curtis-Fawley, S “Justice for victims of sexual assault: court or conference?” published in Heiner K and Kruttschnitt C (eds.) Gender and Crime: Patterns of Victimization and Offending (pp.230 – 65) New York: New York University Press, 2006.

<sup>7</sup> <https://www.safenetwork.org.nz/what-we-do> Safe Network provides specialised therapeutic services for individuals who have engaged in concerning, problematic, or harmful sexual behaviour. The service has operated the largest of three community-based specialised clinical assessment and intervention services in New Zealand. Safe Network has been successfully providing therapeutic services to the upper North Island for over 25 years.

<sup>8</sup> Community-based approaches to sexual offender reintegration (Research Report) / Richards et al. Sydney : ANROWS, 2020. Pages ; 30cm. (Research Report, Issue 07/2020) <https://www.anrows.org.au/project/community-based-approaches-to-sexual-offender-reintegration/>

# Transforming Justice Australia

## Restorative justice in response to sexual abuse

### Summary of current research and practice in Australia

Updated August 2023

#### About us

**Transforming Justice Australia** is a community-based organisation providing restorative practices for people harmed by sexual abuse, those responsible, their families and community. Our restorative practices are survivor-oriented, trauma-informed and we place value on voice, dignity, accountability, choice and hope. We accept referrals from the community as well as alongside legal system responses.

Our restorative justice approaches are survivor-oriented and trauma-informed; safety is fundamental to our work as is our commitment to do no further harm, and work only where parties voluntarily engage with us. Our work is informed by best and emerging practice approaches and by established evidence and research on restorative approaches that have been implemented in Australia and internationally.

As a survivor-oriented practice - we also support and advocate for the needs of those responsible for causing harm, and for community-based treatment, therapy and support for people responsible.

Our Expert Advisory panel bring deep experience, knowledge, skill and wisdom about how to prevent and respond to sexual abuse and other harmful behaviours and include people with lived experience as well as those who work with people harmed by, and responsible for, sexual violence. Our restorative justice team are located across the country and have many decades of experience providing restorative justice approaches in response to sexual abuse. As well as restorative justice, we also provide training and specialist advisory, consulting and program evaluation services on a fee for service basis.

For comment, research or practice inquiries contact [Transforming Justice Australia](mailto:info@transformingjustice.org.au)  
[info@transformingjustice.org.au](mailto:info@transformingjustice.org.au)/0493 552 653

#### Table of contents

<b>Table 1: Best practice standards and guidelines for the use of restorative justice .....</b>	<b>2</b>
<b>Table 2: Evaluations of existing practice: restorative justice in response to sexual abuse.....</b>	<b>2</b>
<b>Table 3: Studies concerning restorative justice within criminal justice systems: by area of impact .....</b>	<b>6</b>
<b>Table 4: Existing restorative justice programs and practices in Australia.....</b>	<b>6</b>
<b>Table 5: Specialist survivor led (victim centred) restorative justice programs for sexual abuse .....</b>	<b>9</b>
<b>Table 6: Recent developments in restorative justice policy and reform in Australia.....</b>	<b>10</b>

**Transforming Justice Australia** is a community-based survivor-oriented restorative justice practice for sexual abuse. We work with people harmed by, and those responsible for sexual abuse, their family and community.

[www.transformingjustice.org.au](http://www.transformingjustice.org.au)

[info@transformingjustice.org.au](mailto:info@transformingjustice.org.au)

*Transforming Justice Australia is auspiced by Community Restorative Centre.*

**Table 1: Best practice standards and guidelines for the use of restorative justice**

Report	Application	Key findings/ recommendations
United Nations, <a href="#">Basic Principles on the Use of Restorative Justice Programmes in Criminal Matters</a> (24 July 2002) E/RES/2002/12	A human rights-based framework	As a Member State the existing work of the United Nations should shape any discussion of RJ within the criminal justice system in Australia.
United Nations, Office of the Special Representative of the Secretary-General on Violence Against Children <a href="#">“Promoting restorative justice for children”</a> 2016	Rights framework for use of restorative justice for children and young people	As a Member State the existing work of the United Nations should shape and inform discussion of how restorative justice can be applied to child protection policy approaches.
Mercer, Vince; Sten Madsen, Karen; Keenan, Marie; Zinsstag, Estelle, <a href="#">“Doing restorative justice in cases of sexual violence: A practice guide”</a> , European Commission (2011)	There is now a growing body of research evidence which supports the application of Restorative justice (RJ) in cases of severe harm, such as sexual violence (SV). RJ offers an additional approach which can be moulded to the needs of the individual victims.	The focus of this practice guide is on creating safety in practice for victims of SV who wish to meet with their offender, including guidance on how to engage with the parties to RJ in SV cases safely and in a manner that meets the psychological and emotional needs of all, most especially of the victims and offenders.
<a href="#">Professor John Braithwaite, Setting Standard’s for restorative justice (2002).</a>	A conceptual framework that supports human rights and can work alongside jurisdictional obligations	A framework that supports the process of RJ within a human rights lens with upper limits eg on sanctions.
<a href="#">Restorative Justice: Best Practice, New Zealand</a>	National Standards for the use and application of restorative justice in New Zealand	The need for guidance on the use of restorative justice processes is recognised. Basic principles adopted by the United Nations in 2002 encourage States to develop guidelines and standards to govern the use of restorative justice programmes.
New Zealand, National Standards <a href="#">Restorative justice standards in sexual offending cases, 2013</a>	National Standards for the use and application of restorative justice in response to sexual offending in New Zealand	Restorative justice in response to sexual offending is conducted by accredited providers, currently the only provider is Project Restore, NZ.

**Table 2: Evaluations of existing practice: restorative justice in response to sexual abuse**

Australian papers		
Bolitho J; Freeman K, (2016), <a href="#">The use and effectiveness of restorative justice in criminal justice systems following child sexual abuse or comparable harms</a>	Royal Commission into Institutional Responses to Child Sexual Abuse	Most recent published synthesis of existing evidence base domestically and internationally of existing RJ practices after child sexual abuse & sexual assault more broadly. Important for canvassing programs outside of the criminal justice system (or alongside) as well.

<a href="#">Centre for Innovative Justice (2014) Innovative justice responses to sexual offending – pathways to better outcomes for victims, offenders and the community. RMIT Commissioned by the Australian Commonwealth Attorney General's Government.</a>	Australian government commissioned report into restorative justice, sexual abuse and criminal justice	This report is an excellent summary of existing research and outlines a number of ways forward. It specifically aimed to: "identify innovative justice processes that have the potential to meet more of the needs of victims of sexual offending; to address public interest concerns; and to prevent reoffending in ways that the conventional justice system has limited capacity to achieve" (pg6)
<a href="#">Daly (2011) Conventional and innovative justice responses to sexual violence. Australian Centre for the Study of Sexual Assault</a>	Australian government commissioned report into restorative justice, sexual abuse and criminal justice	An earlier report similarly canvassing existing evidence domestically and internationally for approaches that may support survivors of sexual violence, specifically looked for ways "to improve criminal justice system efficacy (e.g., conviction rates) and victims' experiences in the aftermath of sexual assault—both within and outside the legal process" (p2). This paper is important for the concept of a 'menu' of options and pathways to justice approach.
<a href="#">Braithwaite and Ivec (2021) Listening and Learning, and Collaborating through an inclusive National Framework for Protecting Australia's Children</a> —	Review of the principles and areas for improvement to the National Framework for Protecting Australia's Children, a vision of restorative practices for the 2021 – 2030	Paper identifying the need for explicit reference to theoretical model of restorative practice in order to strengthen the principles and community engagement for the coming decade
<a href="#">KPMG Review on the Youth Justice Conferencing Program prepared for Department of Youth Justice Queensland, 2010</a> (unpublished, released under freedom of information	Comprehensive review of use of restorative justice in youth conferencing matters.	<b>Reoffending:</b> "Analysis shows that restorative justice conference reduced offending magnitude across all cohorts of young people. In fact, the likelihood that offending magnitude will reduce as a consequence of a RJC process is 78%... RJC appeared to have a strong effect in reducing reoffending magnitude that court processes in all cases except public order offences..." <b>Satisfaction:</b> The report found that high number (91%) of offenders and ALL victims and families reported high levels satisfaction with the program; that young people who participated in the program were less likely to re-offend in the following 12 – 24 months and for every \$1 invested, \$1.20 was saved in the immediate and short term.
<a href="#">Restorative Justice Program 12-month Evaluation</a>	Queensland Government Review of Youth Justice Conferencing	Found that participation in therapy and treatment, victim and family satisfaction was high, and a positive impact on reoffending rates: » 59% of all distinct young people who completed a conference between 1 July to 31 December 2017 did not reoffend within six months of their conference (41% reoffending rate) » 7% showed a substantial decrease in the magnitude of their reoffending » 11% showed a slight decrease in the magnitude of their reoffending » In total, 77% of young people either did not reoffend or showed a



		decrease in the magnitude of their reoffending.
<a href="#">Loff et al. (2019) A community-based survivor-victim focussed restorative justice – a pilot.</a> Report to the Criminology Research Advisory Council	Review of South Eastern Centre for Sexual Assault pilot program for sexual assault and associated harms using restorative justice in the community	A community-based evaluation of restorative justice program in the community, completed through the South Eastern Centre for Sexual Assault and Monash University.
Daly K and Curtis-Fawley, S (2006) <a href="#">“Justice for victims of sexual assault: court or conference?”</a> published in Heiner K and Kruttschnitt C (eds.) Gender and Crime: Patterns of Victimization and Offending (pp.230 – 65) New York: New York University Press, 2006.	Young people age 14 – 17 years old Court referred; Alongside criminal legal system; Involves victim and offender in direct dialogue; Sexual violence	Met the needs of victims; offenders engaged in therapy/programs; re-offending reduced after 5 years follow up.
<a href="#">Daly (2011) Conventional and innovative justice responses to sexual violence. Australian Centre for the Study of Sexual Assault</a>	Australian government commissioned report into restorative justice, sexual abuse and criminal justice	An earlier report similarly canvassing existing evidence domestically and internationally for approaches that may support survivors of sexual violence, specifically looked for ways “to improve criminal justice system efficacy (e.g., conviction rates) and victims’ experiences in the aftermath of sexual assault—both within and outside the legal process” (p2). This paper is important for the concept of a ‘menu’ of options and pathways to justice approach.
Jacqueline Joudo Larsen (2014) <a href="#">“Restorative justice in the Australian criminal justice system”</a>	Australian Institute of Criminology report capturing the available statutory programs in Australia	The purpose of this report was to describe and provide an overview of restorative justice programs in Australia in order to build on Heather Strang’s 2001 review and provide an assessment of current and future issues facing restorative justice practice. Concluded that <i>“where restorative justice is done well, it goes beyond what traditional responses can achieve and as a result, the potential impact upon individuals, communities and society is substantial... it is about more than traditional notions of justice—it is about repairing harm, restoring relationships and ultimately, it is about strengthening those social bonds that make a society strong.”</i>
<b>International papers</b>		
<a href="#">Jülich, Shirley, and Fiona Landon. "Achieving justice outcomes: Participants of Project Restore's restorative processes." Restorative Responses to Sexual Violence. Routledge, 2017. 192-211</a>	Adults 18+; Court referred, prison referred, community referred matters; Involves victim and offender in direct dialogue; sexual violence	Met the needs of victims; 70% of offenders engaged in ongoing treatment and programs

<a href="#">Koss MP. The RESTORE Program of Restorative Justice for Sex Crimes: Vision, Process, and Outcomes. <i>Journal of Interpersonal Violence</i>. 2014;29(9):1623-1660.</a>	Court referred victim offender dialogue; pre sentence; program for restorative conferencing.	Comprehensive study of restorative justice interaction with criminal process (court referred), found high rates of victim satisfaction, sustained engagement and reduction in offending of accused.
<a href="#">Hudson, B. (2000) Restorative justice and gendered violence: Diversion or effective justice? <i>British Journal of Criminology</i>, 42(3), 616-634.</a>	A feminist conceptual underpinning	A cogent theoretical piece discussing the potential of RJ in the sphere of power-laden contexts such as gendered and sexual harm.
<a href="#">Restorative Justice Council UK Paper</a> , November 2011	Cost benefit analysis of restorative justice using three control sites in the UK,	<p>Professor Shapland found clear evidence that, using Home Office standard measures, restorative justice conferencing provides value for money.</p> <p>The Home Office standard measure for the cost of crimes was used (this combines the cost to victims plus the costs to the Criminal Justice System of particular crimes). The overall cost of re-offending is therefore a combination of frequency of reoffending and severity (more serious crimes cost more to both victims and the CJS). The cost savings provided by RJ reducing the frequency of offending can then be compared with the cost of delivering restorative justice. In this research, the JRC RJ conferencing sites all showed a significantly lower cost of convictions versus the control groups at all their three sites (London, Northumbria and Thames Valley).</p>
<a href="#">Sherman, L. and Strang, H., 2007. <i>Restorative justice: The evidence</i>. Smith Institute.</a>	The aim in this Report was to bring together the results of RJ trials in order to set out a definitive statement of what constitutes good-quality RJ, as well as to draw conclusions both as to its effectiveness with particular reference to reoffending and as to the role that RJ might play in the future of Britain's youth and criminal justice systems.	The evidence is far more extensive, and positive, than it has been for many other policies that have been rolled out nationally. RJ is ready to be put to far broader use and could be lead by "restorative communities".
Lawrence W. Sherman, Heather Strang et al. <a href="#">"Are Restorative Justice Conferences Effective in Reducing Repeat Offending?"</a> Findings from a Campbell Systematic Review	This paper synthesizes the effects on repeat offending reported in ten eligible randomized trials of face-to-face restorative justice conferences (RJCs) between crime victims, their accused or convicted offenders, and their respective kin and communities.	Meta-analysis found that, on average, RJCs cause a modest but highly cost-effective reduction in the frequency of repeat offending by the consenting offenders randomly assigned to participate in such a conference. A cost-effectiveness estimate for the seven United Kingdom experiments found a ratio of 3.7–8.1 times more benefit in cost of crimes prevented than the cost of delivering RJCs. Concluded that RJCs are a cost-effective means of reducing frequency of recidivism.



**Table 3: Studies concerning restorative justice within criminal justice systems: by area of impact**

Indicator	Child sexual abuse	Adult sexual abuse	Comparable harms
<b>Reoffending</b>	Couture, Parker, Couture & Laboucane (2001); Daly, Bouhours, Broadhurst & Loh (2013)*; Goodman-Delahunty & O'Brien (2014); Butler, Goodman-Delahunty & Lulham (2012); Pennell & Burford (2002) & (2000)	Koss (2014); Rugge, Bonta & Wallace-Capretta (2005)* Stewart, Sapers & Wilton (2013)	McMasters (2014); Kingi (2014); Department of Human Services Review of the Youth Justice Group Conferencing, Program Final Report (2010)
<b>Victim satisfaction and sense of procedural fairness</b>	Julich, Buttle, Cummins & Freeborn (2010); LeJeune's (1996)*; Bolitho (2015); Gang, D., Loff, B., Naylor, B., & Kirkman, M (2021) Opening Pathways to restorative justice: analysis of parliamentary debates on sex crime law reform in Victoria Australia, in Trauma, Violence and Abuse, 22, 1, 186-190	Koss (2014); Rugge, Bonta & Wallace-Capretta (2005); Umbreit, Vos, Coates & Amour (2006); Roberts (1995)	Strang, Sherman, Woods & Barnes (2011); Gal & Moyal (2011)* (mixed); Gal (2011); Strang, Sherman, Angel, Woods, Bennett, Newbury-Birch & Inkpen (2006); Sherman, Strang, Angel, Woods, Barnes, Bennett & Inkpen (2005); Strang (2002); Campbell, Devlin & O'Mahony (2006); Kingi (2014)
<b>Victim experiences of restorative justice</b>	Daly & Curtis-Fawley (2006)*; Daly (2002); Loff, B., Bishop, L. (2017), When conventional justice fails, in Law Institute Journal, Vol. 91 (1), pg 24	Koss (2014); Umbreit, Vos, Coates & Amour (2006); Roberts (1995)	Gal (2011); Strang, Sherman, Angel, Woods, Bennett, Newbury-Birch & Inkpen (2006); Sherman, Strang, Angel, Woods, Barnes, Bennett & Inkpen (2005); Strang (2002); McMasters (2014); Kingi (2014)
<b>Victim needs</b>	Julich & Landon (2014); Bolitho (2015)	Rugge, Bonta & Wallace-Capretta (2005)	Strang (2002)
<b>Motivation for participation</b>	Bolitho (2015)	Umbreit, Vos, Coates & Amour (2006); Roberts (1995); Rugge, Bonta & Wallace-Capretta (2005)	Campbell, Devlin & O'Mahony (2006)
<b>Offender attitudes (to experience or outcomes)</b>		Koss (2014)*; Rugge, Bonta & Wallace-Capretta (2005)*; Roberts (1995)	
<b>Post-traumatic stress symptoms</b>		Koss (2014); Gustafson (2005)	Angel, Sherman, Strang, Ariel, Bennett, Inkpen, Keane & Richmond (2014)

**Table 4: Existing restorative justice programs and practices in Australia**

Jurisdiction	Program/Practice	Application
<b>Australian Capital Territory</b>	Restorative Justice Unit <i>Crimes (Restorative Justice) Act (2004)</i>	Available alongside the criminal justice system. In the most serious cases, restorative justice

		<p>can only occur after the person responsible has been charged and has pleaded or been found guilty. Outcomes may be considered in sentencing.<sup>[11]</sup></p> <p>In less serious cases, if the person responsible participates in restorative justice, the police may decide not to file charges.<sup>[12]</sup></p>
New South Wales	<a href="#">Transforming Justice Australia</a>	Auspiced by an NGO, the Community Restorative Centre, TJA is a community- based program. Accepts court and community referrals in sexual abuse cases. A community-based survivor-oriented practice developed by the community and lead by lead be a research and practice team drawing on best evidence, research and practice nationally and internationally.
	<a href="#">Victim Support Unit, Corrective Services NSW</a>	Post sentencing program for some adult offences. Usually towards the end of custodial sentence, victim-survivor principles.
	<a href="#">Youth Justice Conferencing Young Offenders Act (1997)</a>	Established pursuant to the <i>Young Offenders Act</i> , requires acceptance of guilt and court referral for non-serious offences (excludes serious persistent offending, homicide and all sexual offences)
Northern Territory	<a href="#">Restorative Justice Conferencing Youth Justice Act (2005)</a>	Pilot scheme for young people under 18 years. Heavily scripted process which doesn't require victim to participate. Referrals from Police or Court, no serious offence types.
Victoria	<a href="#">Open Circle</a> , Centre for Innovative Justice	Attached to RMIT, accepts court referred and community referred sexual assault cases. Based on best evidence and practice with an emphasis on research and practice.
	<a href="#">Department of Justice and Community Safety, Victoria, Family Violence Restorative Justice Service</a>	Available alongside the criminal justice system. Cannot be used instead of a criminal prosecution or other civil justice processes. Accepts family violence and sexual violence matters when referred from court.
	<a href="#">Department of Justice and Community Safety, Youth Justice Group Conferencing</a>	Offending by people aged 10 to 18 years; not available for homicide, manslaughter or sexual offences.
	<a href="#">Restorative Engagement and Redress Scheme for Victoria Police employees</a>	Supporting Victoria Police employees, former and current, who have experienced workplace sex discrimination or sexual harassment.
	South-Eastern Centre Against Sexual Assault and Family Violence (SECASA), Victoria	Community referred – sexual assault counselling service. Some interaction with the criminal justice system can occur. RJ possible even if there has not been a report to police. Was evaluated by Monash University but is no longer operating.
Queensland	<a href="#">Youth Justice Conferencing Youth Justice Act (1992)</a>	Referrals from Police and Children's Court, able to accept referrals in sexual abuse matters and has been evaluated by KPMG. Participants can

		be referred for treatment in the community – previously offered by Matr Health, now provided by Bravehearts. No community referrals into RJ possible.
	<a href="#">Restorative Justice Conferencing</a>	Court referred model for criminal matters, exploring sexual offences in 2023.
<b>South Australia</b>	<a href="#">Community Transitions</a>	An NGO which accepts court referred and community referred sexual abuse cases; provides Circles of Support and Accountability for people responsible for sexual abuse (custodial referrals only). This is the only CoSA offered in Australia. <sup>1</sup>
	<a href="#">Family Conferencing, South Australia</a> <i>Young Offenders Act (1993);</i> <i>Courts Administration Act (1993)</i>	State-wide coverage from its base in Adelaide. Family Conferences occur when a youth (a young person of ten years or older but under the age of eighteen years) admits the commission of an “offence”. Referrals are made to the Conferencing Unit by the Police and occasionally, by the Youth Court. Family Conferences are able to be flexible where they are held and the times they are listed, to suit the parties.
	Port Lincoln Aboriginal Conferencing Program	Conferencing Unit and Aboriginal Programs. Aboriginal Conferencing held at Port Lincoln Magistrates Court involves members of the Aboriginal community and victims in a conference, which enables the defendant to have a greater awareness of the harm resulting from their offending. (unsure if still operating)
<b>Tasmania</b>	<a href="#">Community Conferencing</a>	Referrals for young people under 18 years of age, are made to the Community Conferencing by the Police or the Court. Generally, offences which are considered by the Police to be significant enough to warrant an enforceable outcome are referred to Community Conference, but serious offences including sexual offences cannot be referred.
<b>Western Australia</b>	<a href="#">Youth Justice Conferencing</a> <i>Youth Offenders Act 1994</i>	Governed by legislation and available for young people under 18 years of age, matter adjourned for 8 weeks to enable a referral and restorative conference to take place.
<b>National</b>	<a href="#">National Redress Scheme, Direct Personal Response</a>	Enables a restorative process between the victim and a representative from the relevant institution if registered with the Redress Scheme

<sup>1</sup> Richards, K., Death, J., & McCartan, K. (2020). Community-based approaches to sexual offender reintegration (Research report, 07/2020). Sydney, NSW: ANROWS. <https://www.anrows.org.au/project/community-based-approaches-to-sexual-offender-reintegration/>

**Table 5: Specialist community based and survivor led restorative justice programs for sexual abuse**

Community based and survivor oriented restorative justice		
Victoria	<a href="#">Open Circle</a> , Centre for Innovative Justice	Attached to RMIT, accepts court referred and community referred sexual assault cases. Based on best evidence and practice with an emphasis on research and practice.
New South Wales	<a href="#">Transforming Justice Australia</a>	Auspiced by the Community Restorative Centre, TJA is a community- based program. A community-based survivor-oriented practice developed in the community and drawing on best evidence, research and practice nationally and internationally. Accepts survivor-led referrals from pre report, post report (pre sentence) and post-conviction in sexual abuse cases.
Institutional and Government led/legislated restorative justice programs for sexual abuse		
National	<a href="#">National Redress Scheme, Direct Personal Response</a>	Enables a restorative process between the victim and a representative from the relevant institution if registered with the Redress Scheme. Has been developed in the wake of the Royal Commission into Institutional Responses to Child Sexual Abuse.
	<a href="#">Defence Abuse Response Taskforce</a>	This program is designed to support a person harmed to tell their personal story of abuse to a senior representative from Defence in a private, facilitated meeting—a Restorative Engagement Conference. The conference provides the opportunity for Defence as an institution, to acknowledge and respond to their personal story of abuse.
Australian Capital Territory	Restorative Justice Unit <i>Crimes (Restorative Justice) Act (2004)</i>	Available alongside the criminal justice system. In the most serious cases, restorative justice can only occur after the person responsible has been charged and has pleaded or been found guilty. Outcomes may be considered in sentencing. In less serious cases, if the person responsible participates in restorative justice, the police may decide not to file charges. Has been expanded recently to include sexual assault cases.
Victoria	<a href="#">Department of Justice and Community Safety, Victoria, Family Violence Restorative Justice Service</a>	Available alongside the criminal justice system. Cannot be used instead of a criminal prosecution or other civil justice processes. Accepts family violence and sexual violence matters when referred from court.
Queensland	<a href="#">Youth Justice Conferencing Youth Justice Act (1992)</a>	Referrals from Police and Children’s Court, able to accept referrals in sexual abuse matters and has been evaluated by KPMG. Participants can be referred for treatment in the community – previously offered by Matr Health, now provided by Bravehearts. No community referrals into RJ possible.

	<a href="#">Restorative Justice Conferencing</a>	Court referred model for criminal matters, exploring sexual offences in 2023.
--	--	---

**Table 6: Recent developments in restorative justice policy and reform in Australia**

Report	Context	Key findings/recommendations
<a href="#">National Plan to End Violence Against Women and Children</a>	<p>The <i>National Plan to End Violence against Women and Children</i> was launched in October 2022 following months of community consultation.</p> <p>Specific commentary and recommendations on restorative justice have been included in the National Plan, in recognition of the views of survivors and their advocates.</p>	<ol style="list-style-type: none"> <li>1. Restorative justice as a response to sexual abuse and family violence was endorsed in the Plan and it was noted could compliment existing processes:</li> </ol> <p><i>"...responses should seek to accommodate the different needs and interests of victim-survivors and employ, where appropriate and safe to do so, different forms of accountability for perpetrators. These might include community sanctions and restorative processes, alongside legal sanctions and perpetrator interventions..."</i></p> <ol style="list-style-type: none"> <li>2. Restorative justice processes should also be available where appropriate to young people and children who have experienced violence.</li> <li>3. The Plan noted that RJ can promote healing and provide victim-survivors with a validating engagement with the justice system.</li> <li>4. RJ should be delivered by trained specialist services skilled in trauma-informed restorative justice processes.</li> <li>5. Accountability can be realised through a restorative justice process:</li> </ol> <p><i>"...Perpetrator accountability may include restorative justice, mediation, family dispute resolution, and community courts are available, contextually specific, and meet the individual needs of victim-survivors" (page 65)</i></p>
<a href="#">NSW Sexual Violence Plan 2022 - 2027</a>	The NSW Government has released a five year Sexual Violence Plan to guide responses, policy and reform in response to sexual violence. The draft Plan was open for public consultation and the final Plan was released in last 2022.	<p>Recommendation in relation to restorative justice noted a commitment to:</p> <p><i>"Explore the use of restorative justice practices in sexual offending cases."</i></p>
<a href="#">Victorian Law Reform Commission (2021) Improving the Justice System Response to Sexual Offences: Report</a> ISBN: 978-0-6452812-0-0	Victorian Government report into sexual assault and related offences in the justice system.	This report recommends adoption of restorative justice in sexual assault matters and referral pathways through both community and criminal justice pathways. Should be guidance for policy reform nationally to recognise the rights of survivors to trauma-informed justice responses.
<a href="#">Royal Commission into Family Violence (Victoria)</a>	Final report and recommendations arising from the Victorian Royal Commission into Family Violence	The Commissioners' were persuaded that a restorative justice process should be made available to victims who wish to pursue such an

<a href="#">Final Report, Summary and recommendations, March 2016</a>		option. In doing so, the Commissioners noted that “restorative justice processes have the potential to meet a broad range of victims’ needs that might not always be met through the courts and to help victims recover from the impact of the abuse they have suffered...” (page 33)
<a href="#">Motion moved in ACT Parliament by Labor MP Dr Marisa Patterson</a>	Moved and passed without objection on 28 June 2023.	<p>The motion called on the Government to consider possible reforms that would include: amending the qualifying criteria to access restorative justice; options for expanding restorative justice services as an alternative pathway to the criminal justice system; the potential for community-based restorative justice services; options for developing survivor-led and survivor-oriented restorative justice practices for sexual violence; and opportunities for greater awareness and education around access to restorative justice, what it means, and victims’ rights in the ACT.</p> <p>Support for the motion was expressed by all parties in the Assembly. The motion was passed without amendment.</p>
Report by KPMG and Centre for Innovative Justice, RMIT. <i>“This is my story. It’s our case, but it’s my story”</i> <a href="#">Link here</a>	Report commissioned by the Department of Communities and Justice to examining justice system experiences of complainants in sexual offence matters. Published August 2023.	This new report published August 2023 recommended for the NSW Government to: <i>“Explore the development of a sexual violence Restorative Justice Service to deliver restorative approaches in sexual offence matters.”</i> The report noted that this service could be modelled on Government or non-Government models from other jurisdiction and could sit alongside traditional legal processes to enable victim-survivors to pursue a justice response that suits their experience and recovery. This could include having an opportunity to tell their story experiencing recognition of what had occurred, receiving information about relevant events, and receiving apology and reparations.

For comment on any of the information listed here, media or other inquiries, please contact  
Transforming Justice Australia by emailing [info@transformingjustice.org.au](mailto:info@transformingjustice.org.au)  
For all practice related inquiries or referrals: EMAIL [info@transformingjustice.org.au](mailto:info@transformingjustice.org.au) or  
CALL our intake line on 0493 552 653