

Submission to the ALRC inquiry into Justice Responses to Sexual Violence

June 2024

Contents

Contents.....	2
Jesuit Social Services: Who we are and what we do	3
Summary.....	4
Summary of recommendations.....	4
Our experience	6
Prevention and early intervention	6
Modelling Respect and Equality (MoRE).....	7
At-Risk Youth Program (ARYP)	7
Stop It Now!.....	8
Worried about Sex and Porn Project (WASAPP)	9
Police responses to reports of sexual violence	9
Enabling Justice Project.....	11
Post-release support for perpetrators.....	11
ReConnect.....	12
Perry House.....	13
Maribyrnong Community Residential Facility	13
Restorative justice responses.....	14
Youth Justice Group Conferencing (YJGC).....	15
RESTORE	16

For further information, contact:

Julie Edwards, CEO, Jesuit Social Services

T: 03 9421 7600

Jesuit Social Services: Who we are and what we do

Jesuit Social Services has been working for 47 years delivering support services and advocating for improved policies, legislation and resources to achieve strong, cohesive and vibrant communities where every individual can play their role and flourish.

We are a social change organisation working with some of the most marginalised individuals and communities, often experiencing multiple and complex challenges. Jesuit Social Services works where the need is greatest and where we have the capacity, experience and skills to make the most difference.

Our services span Victoria, New South Wales and the Northern Territory where we support more than 57,000 individuals and families annually.

Our service delivery and advocacy focuses on the following key areas:

- **Justice and crime prevention** – people involved with the justice system
- **Mental health and wellbeing** – people with multiple and complex needs including mental illness, trauma, homelessness and complex bereavement
- **Settlement and community building** – recently arrived immigrants and refugees, and disadvantaged communities
- **Education, training and employment** – people with barriers to sustainable employment
- **Gender justice** – providing leadership on the reduction of violence and other harmful behaviours prevalent among boys and men, and building new approaches to improve their wellbeing and keep families and communities safe.
- **Ecological justice** – inviting discussion on what practices, policies and actions can be taken by governments, individuals, organisations and the community services sector within Australia, to build an ecologically just society.

Research, advocacy and policy are coordinated across all program and major interest areas of Jesuit Social Services. Our advocacy is grounded in the knowledge, expertise and experiences of program staff and participants, as well as academic research and evidence. We seek to influence policies, practices, legislation and budget investment to positively influence people's lives and improve approaches to address long term social challenges.

We do this by working collaboratively with governments, business and the community sector to build coalitions and alliances around key issues, and building strong relationships with key decision-makers and the community.

Our Learning and Practice Development Unit builds the capacity of our services through staff development, training and evaluation, as well as articulating and disseminating information on best practice approaches to working with participants and communities across our programs.

We acknowledge the Traditional Custodians of all the lands on which Jesuit Social Services operates and pay respect to their Elders past and present. We express our gratitude for their love and care of people, community, land and all life.

Summary

Jesuit Social Services welcomes the opportunity to contribute to the Australian Law Reform Commission (ALRC) Inquiry into justice responses to sexual violence. We understand and appreciate that the ALRC is interested in responses that address the Inquiry's Terms of Reference without responding to specific questions in the issues paper.

We also note the Inquiry is considering the Victorian Law Reform Commission's (VLRC's) *Improving the Response of the Justice System to Sexual Offences Report (2021)*. Jesuit Social Services' contribution to the VLRC consultation emphasised primary prevention, early intervention and restorative and alternative justice models. Our submission can be found here: [Submission to the Victorian Law Reform Commission's Consultation on Improving the Response of the Justice System to Sexual Offences](#).

Our submission to the ALRC emphasises:

- the need for a strong focus on, and significant investment in, sexual violence prevention and early intervention
- the need to ensure police and other justice system professionals have a strong understanding of the nature of sexual violence; are appropriately trained and equipped to respond in ways that are trauma-informed, culturally safe; and are able to identify when independent specialist support is required
- the importance of support for perpetrators when they exit prison to reduce reoffending and build safe communities
- the value of, and need to consider, restorative approaches to dealing with sexual violence.

Summary of recommendations

Recommendation 1: Jesuit Social Services recommends the ALRC advocates for increased investment in ongoing public education, primary prevention and early intervention programs. In particular this could include:

- an early intervention service for children and young people who have engaged in or are at risk of engaging in harmful sexual behaviours
- the development and implementation of an evidence-based deterrence campaign to prevent child sexual abuse.

Recommendation 2: Jesuit Social Services recommends the ALRC advocates for investment across all jurisdictions in increasing the capacity of the justice system, including police, to respond to sexual violence in ways that are consistently timely, accountable, culturally safe and trauma-informed. This should include:

- regular and ongoing training for all police which assists them to adequately facilitate justice for victim-survivors, perpetrators and their families
- independent specialists who can respond to the unique needs of diverse groups
- ensuring widespread availability and use of Independent Third Persons (for people with a cognitive impairment) and other intermediaries to support victim-survivors, perpetrators and families in police interviews, and help them navigate a complex system.

Recommendation 3: Jesuit Social Services recommends that the ALRC advocates for investment in the provision and expansion of intensive housing and transition services for sex offenders exiting prison, to improve rehabilitation prospects, increase community safety and reduce recidivism.

Recommendation 4: Jesuit Social Services recommends the ALRC advocates for restorative justice approaches to responding to sexual violence, noting that a carefully implemented continuum of responses is critical. Exploration should examine and build on outcomes in

jurisdictions successfully using restorative justice approaches for sexual offences, such as the ACT.

Our experience

Jesuit Social Services has been working with boys and men for 47 years. This includes work with boys and men involved in the criminal justice system, including those leaving prison; establishing Victoria's first dedicated counselling service to work with young people struggling with concurrent mental health and substance abuse problems; and the *Support After Suicide* program, which provides free individual and family counselling to people bereaved by suicide and runs a specialist men's group.

Some of the boys and men we work with use violence, and we see many of them hold harmful attitudes towards girls and women. Our work with men who have committed serious violent and sex offences seeks, upon their release from prison, a successful transition back into the community to lower the risk of recidivism and improve community safety. We recognise the most effective way to reduce the recurrence of sexual violence is to stop it from happening in the first place.

Prevention and early intervention

The ideal response to sexual violence is to stop it before it starts - and this requires a combination of prevention and early intervention. Justice system responses to sexual violence must occur in parallel with, and be integrated with, prevention and early intervention.

Men are almost always the perpetrators of violence: 95 per cent of victims of violence – whether women or men – report experiencing violence at the hands of a man. Similarly, 25 per cent of men and 53 per cent of women have experienced sexual harassment during their lifetime, overwhelmingly because of the behaviour of men.¹

In 2017, Jesuit Social Services established The Men's Project, seeking to develop new ways to support men and boys to live respectful, accountable and fulfilling lives free from violence and other harmful behaviours.

The work of The Men's Project is informed by landmark research (*The Man Box*) we published in 2018, 2020 and 2024 which tracks the links between attitudes to manhood and harmful behaviour and outcomes among boys and men. *The Man Box* was the first Australian study to explore the association between attitudes to masculine stereotypes and men's behaviour. These studies found a strong link between adherence to strict and outmoded gender norms (such as "Men should use violence to get respect if necessary," "A man shouldn't have to do household chores," or "A gay guy is not a real man") and perpetration of violence (including sexual violence), worse mental health outcomes, problem gambling and alcohol or other drug use.²

Our *Unpacking the Man Box* report expands on the first Man Box findings, delving into how attitudes towards masculinity influence behaviour. It reveals that adherence to Man Box beliefs significantly influences behaviours such as violence, sexual harassment, and mental health, surpassing factors like education, location, or cultural background.³ The Man Box 2024 study, which included additional survey questions on men's attitudes towards, and use of, violence – in particular violence against women - found that men who most strongly agreed with Man Box beliefs were more likely to have perpetrated violence, hold violence-supportive attitudes, and have consumed violent pornography.⁴

¹ Australian Bureau of Statistics (2023) Personal Safety Survey, Australia, 2021-22.

² The Men's Project & Flood, M. (2024) *The Man Box 2024: Re-examining what it means to be a man in Australia*. Melbourne: Jesuit Social Services, p. 12. [Weblink](#).

³ The Men's Project & Flood, M (2020), *Unpacking the Man Box: What is the impact of the Man Box attitudes on young Australian men's behaviours and wellbeing?* Jesuit Social Services: Melbourne.

⁴ The Men's Project (2024) *The Man Box 2024*. Melbourne: Jesuit Social Services. [The Man Box 2024 - Jesuit Social Services \(jss.org.au\)](#)

Identifying and understanding child sexual offending behaviours and attitudes among Australian men, released by The Men's Project in partnership with the University of New South Wales, is largest study of its kind ever undertaken globally. It measures the prevalence of child sexual abuse offending behaviours and attitudes of a representative sample of 1,945 Australian men aged 18 to over 65. The study found that around one in six (15.1%) Australian men reports sexual feelings towards children. Of the men who have sexual feelings, nearly one third (29.6%) of them want help with these feelings, which is 4.5% of Australian male population.⁵

Based on these findings, the study recommended early intervention services, such as Stop It Now! for men with sexual feelings towards children who have not offended, and undetected offenders who want help to prevent further offending.

Part of prevention and early intervention is building a society that understands sexual violence and talks openly about it. When a person discloses sexual violence, or thoughts about sexual violence, they often don't get a supportive response. This restricts opportunities to prevent sexual violence.

The Men's Project (Jesuit Social Services) has designed and is delivering a range of evidence-based, best practice programs focussed on:

- preventing sexual violence via the promotion of healthier masculinities and gender equality (through delivery of attitudinal change and early intervention work with men and boys through schools, sports clubs, workplaces, construction sites and other settings)
- preventing perpetration of child sexual abuse (through delivery of Stop it Now! and Worried About Sex and Porn Project (WASAPP)). Our Stop it Now! and WASAPP programs were developed in response to the fact that some people can self-identify their risk of offending and want help to avoid offending. However, there is limited investment in support options for this cohort.

Further detail on these initiatives is set out below.

Modelling Respect and Equality (MoRE)

The MoRE program was developed by The Men's Project (Jesuit Social Services) in 2019 to complement and support the existing Respectful Relationships whole-school approach that has been taught in schools since 2015. MoRE is an innovative program for adults who are in roles that present opportunities to positively influence boys and men, including teachers, social workers, sports coaches and leaders in faith communities. The program is offered by The Men's Project and aims to build people's skills and knowledge to help them create change in their community around issues of respect and equality, particularly among boys and men.

The program runs for six months. It involves participation in an intensive two-day training workshop followed by ongoing support as participants contribute to positive social change in their community, at work, in sports clubs, and among friends and family.

A recent evaluation of the MoRE Victorian Schools Pilot found that staff and MoRE champions reported increased confidence, skill and intention to challenge unhealthy masculinities in their school. In May 2024, the Victorian Government announced funding to expand the MoRE program from 100 to 240 schools over the next four years.

At-Risk Youth Program (ARYP)

The ARYP is an early intervention pilot designed by The Men's Project to reduce the use of violence. The program targets at-risk young people aged 12-25 who are showing early signs of violence or are exposed to risk factors that make them more likely to use violence. Program content includes emotional literacy and regulation, non-violent problem solving, gender roles and

⁵The Men's Project & UNSW. 2023 *Identifying and understanding child sexual offending behaviours and attitudes among Australian men*. Jesuit Social Services: Melbourne.

inequality, healthy relationships, and bystander intervention. The pilot is being delivered and evaluated between 2023 and 2026 across a range of settings including flexible learning schools, sporting clubs and other recreational settings.

Stop It Now!

In 2017, we began advocating for a Stop It Now! style program in Australia to prevent child sexual abuse and launched a scoping study in 2019. Stop It Now! was highlighted as part of the [National Strategy to Prevent and Respond to Child Sexual Abuse](#) in September 2021 to address a gap in preventative interventions for potential perpetrators which had been identified by the 2017 [Royal Commission into Institutional Responses to Child Sexual Abuse](#).

In 2020, we received philanthropic funding to develop and pilot the program. In 2022, we established Australia's first child sexual abuse offender prevention service, working with police, victim-survivor groups, technology companies and academics.

The key features of the service are an anonymous helpline, chat service, and online resources for adults worried about their own or someone else's sexual thoughts and behaviours. The helpline is staffed by highly skilled practitioners and provides an anonymous space for people to talk about their concerns and get the help needed to prevent child sexual abuse.

We work closely with professionals and victim-survivors of child sexual abuse to ensure their knowledge and voices help shape the service and the response. We also advocate for systemic change and work with the wider community to build knowledge and skills to prevent child sexual abuse. Stop It Now! was founded in 1992 in the US and has since been successfully implemented in a number of other countries.⁶ The program also engages with international advocacy efforts to increase the effective prevention of child sexual abuse.

Our pilot is being evaluated by the University of Melbourne. An interim evaluation completed in December 2023 found that the program is having its intended effect of working with individuals to address risk factors and increasing protective factors for people concerned about their own thoughts and behaviours, and is successfully supporting friends and family to keep children safe.⁷

The federal government has committed to funding a national offender prevention service and we are awaiting the outcome of a related tender process managed by the National Office of Child Safety.

Stop It Now! plays an important role in engaging with help-seeking offenders and potential offenders (as well as their family/friends/colleagues), however there is scope to reach a much larger group through an evidence-based deterrence campaign. While Stop It Now! is largely operating at the secondary prevention level, broader deterrence work would promote prevention at both the primary and secondary levels.

A public deterrence campaign could go some way to addressing key gaps in the prevention child sexual abuse, in particular by elevating the topic in the national discourse, addressing some of the misunderstandings including regarding the illegality of certain behaviours, and highlighting help that is available to bystanders, victims, and those at risk of perpetrating the abuse. Such a campaign would seek to reach people who are offending but not yet arrested, and importantly those who are at risk but have not yet started. The aim is to stop the problem at its source and protect children.

⁶ Van Horn, J. et al. Stop It Now! A Pilot Study into the Limits and Benefits of a Free Helpline Preventing Child Sexual Abuse. *Journal of Child Sexual Abuse*, [s. l.], v. 24, n. 8, pp. 861–867, 2015..

⁷ McKibbin, G., Kuruppu, J. & Humphreys, C. (2023). Stop it Now! Australia: An action research evaluation. Evaluation research report. Melbourne, Victoria.

Worried about Sex and Porn Project (WASAPP)

WASAPP is an action research collaboration between the University of Melbourne and Jesuit Social Services that commenced in 2018 and aims to work with young people concerned about their sexual thoughts and behaviours. It developed alongside advocacy work between the two organisations to establish the Stop it Now! program in Australia.

The recent Australian Child Maltreatment Study (Matthew et al., 2024) indicated that child sexual abuse carried out by another young person is the most common form of child sexual abuse in contemporary Australian society (for adults aged under 24 years old). Although there are a range of well-established services that respond to harmful sexual behaviour, there are currently no national secondary prevention services in Australia that work with children and young people who are worried about their sexual thoughts or behaviours. Some progress has recently been made internationally, such as the UK (<https://shorespace.org.uk/>) US (<https://www.whatsok.org/>; <https://www.helpwantedprevention.org/>). This gap in early intervention services was highlighted by the Royal Commission into Institutional Responses to Child Sexual Abuse (2017).

WASAPP aims to address this service gap by establishing and refining an early intervention service for children and young people who have engaged in or are at risk of engaging in harmful sexual behaviours. WASAPP aims to synthesise current evidence and generate new evidence about intervening early in problematic or harmful sexual behaviour, and to apply that evidence to the codesign of an online early intervention service for children and young people worried about their sexual behaviours. This will include:

- exploring pathways to onset of harmful sexual behaviour.
- designing an online early intervention service for children and young people worried about their sexual thoughts and behaviours, including pornography use.
- implementing and refining an online early intervention service for children and young people worried about their sexual thoughts and behaviours, including pornography use.

We have published research with children, young people, professionals and experts in the field to help inform the service. Currently, we are interviewing children and young people who have displayed harmful sexual behaviours to listen to their voices on the kinds of early intervention resources they would find helpful and engaging. These findings are being collated into a scoping study which will guide our service our development and implementation of a secondary prevention service for young people concerned about their sexual thoughts and behaviours. Without funding and investment, the options, scale and sustainability of this service will be significantly limited.

Recommendation 1: Jesuit Social Services recommends the ALRC advocates for increased investment in ongoing public education, primary prevention and early intervention programs. In particular this could include:

- *an early intervention service for children and young people who have engaged in or are at risk of engaging in harmful sexual behaviours*
- *the development and implementation of a evidence-based deterrence campaign to prevent child sexual abuse.*

Police responses to reports of sexual violence

Most instances of sexual violence happen without ever coming to the attention of police or legal systems. Some people don't want to report sexual violence, and some individuals and communities do not trust the justice system or see it as a source of support. When people do decide to inform police of sexual violence, they need to feel confident that their needs and experiences will be responded to. Safe and appropriate police responses are critical to a system that supports and achieves justice for victim-survivors and their families, and accountability for perpetrators.

Jesuit Social Services acknowledges the pressure on police when responding to reports of sexual violence, who are often dealing with resourcing, time and workload pressures. We also recognise that responding to serious offences, especially when victim-survivors are traumatised and where there are overlapping and complex issues at play, police can experience a heavy set of expectations beyond the scope of their role and training. Police cannot be expected to function as social workers psychologists in addition to performing their law enforcement duties. Nevertheless, police responses to reports of sexual violence are frequently inadequate, pointing to the need for systemic changes and significant investment in the resourcing and equipping of police.

Jesuit Social Services staff who support people disclosing both recent and historical sexual violence have reported delays in police responses and sometimes a lack of any response – including from the Sexual Offence and Child Abuse Investigation Team (SOCIT). This means that serious cases of sexual violence, including against children, go unaddressed by the justice system. Our staff have also reported bias from police, who may have had experiences with the victim-survivor in another context, such as where they are alleged to have committed a crime. This can influence police willingness to respond, and whether they respond sensitively or appropriately in a particular circumstance.

The experience of victim-survivors in reporting and providing evidence of sexual violence often highlights a lack of validation, support and safety, including cultural safety. Physical health checks are often not undertaken in ways that are appropriate to people who are traumatised. Moreover, communication and documentation can be overwhelming, and information is not presented in ways that are easy to understand or interpret. This can present even greater challenges for people with cognitive disabilities or Acquired Brain Injuries, or for people who speak a first language other than English, all of whom are over-represented among victims of sexual violence. Interpreters are often not available. People are frequently left feeling unsupported and unable to navigate a complex and frightening system. This can mean many cases don't progress through the justice system.

In the experience of our staff, few cases of sexual violence reported to police progress through the justice system. Sometimes investigations stop because the victim-survivor does not want to proceed. This can be due to an experience of shame related to culture or faith, or victim-survivors and/or their families not wanting to go through a process, particularly when it is widely known how difficult it is to get an outcome. In many cultures, when sexual violence has been committed against a male person, there can be an additional layer of stigma or shame that disincentivises the victim-survivor or their family from pursuing or maintaining contact with the justice system.

For people to feel safe to come forward and seek justice, wraparound support is needed for individuals and their families. Professionals across the whole of the justice system, including police, must be equipped to respond in ways that are more trauma-informed and appropriate to victim-survivors, families and perpetrators.

There is a need to ensure people working in the criminal justice system understand sexual violence, and that the requisite specialist skills are available. This should include:

- a balance between improving training for all police, and recruiting specialists to work in sexual violence cases
- training for all police in order for them to have a grounding in the dynamics of sexual and gender-based violence, cognitive bias, child-safe practice, trauma-informed practice and cultural safety
- training for police in how to identify when someone may need additional support to navigate the justice system
- ensuring people are not disadvantaged by processes that were not designed to meet their physical, cultural or communication needs
- the availability of specialists, for example in trauma-informed and child-safe practice

- responses to First Nations individuals and families which are informed by the foundational violence, structural violence, cultural breakdown, intergenerational trauma, dispossession and disempowerment experienced by Aboriginal people, with responses to be led and developed in partnership with Aboriginal controlled organisations and communities⁸
- specialists who can respond to the needs of multi-faith and culturally diverse communities, and of people with cognitive impairments
- widespread availability and use of independent third persons⁹ and other intermediaries who can provide support to people and families in police interviews, and help them navigate a complex system.

Enabling Justice Project

In 2011, Corrections Victoria reported that 42 per cent of men and 33 per cent of women, in a sample of the Victorian prison population, had been diagnosed with acquired brain injury (ABI); this compares with just two per cent across the general population. While these statistics were not specific to sexual offending, the extraordinary overrepresentation of people with ABI in Victorian prisons reflects a broader failure of the criminal justice system to recognise and respond to the needs of people with ABI.

Jesuit Social Services and RMIT's Centre for Innovative Justice developed the Enabling Justice project to address these challenges, recognising that doing so in a meaningful way would require the involvement of people with ABI and lived experience of the criminal justice system. We point the ALRC towards the [Enabling Justice Report](#) which includes a range of recommendations relevant to the current inquiry, including in relation to:

- improving communication and translation of documents
- appropriate training for police
- improving the structure and resourcing of the Independent Third Persons Program
- mandatory trauma-informed training for custodial and community corrections officers.

Recommendation 2: *Jesuit Social Services recommends the ALRC advocate for investment across all jurisdictions in increasing the capacity of the justice system, including police, to respond to sexual violence in ways that are consistently timely, accountable, culturally safe and trauma-informed. This should include:*

- *regular and ongoing training for all police which assists them to adequately facilitate justice for victim-survivors, perpetrators and their families*
- *independent specialists who can respond to the unique needs of diverse groups*
- *ensuring widespread availability and use of Independent Third Persons (for people with a cognitive impairment) and other intermediaries to support victim-survivors, perpetrators and families in police interviews, and help them navigate a complex system.*

Post-release support for perpetrators

People who have committed sexual offences have specific needs when they are released into the community. Many have spent long periods in prison. They may have few social networks and experience social stigma. They might need support with housing, independent living skills and to develop social connections. If these needs are met, they will be less likely to reoffend.¹⁰

⁸ Jesuit Social Services (2019) Submission on Northern Territory Sexual Violence Prevention and Response Framework, Melbourne: <https://jss.org.au/submission-on-northern-territory-sexual-violence-prevention-and-response-framework/>

⁹ [Independent Third Persons - Office of the Public Advocate](#)

¹⁰ Kelly Richards, Jodi Death and Kieran McCartan, Community-Based Approaches to Sexual Offender Reintegration (Research Report No 7, ANROWS Australia's National Research Organisation for Women's

Therefore, the provision of support, including transitional facilities, for people leaving prison is critical to reducing reoffending and building safe communities. This includes ensuring that individuals do not exit prison into homelessness or unsuitable or unsafe housing, and addressing intersecting needs including in relation to mental health, alcohol and other drugs, or an acquired brain injury. However, there continues to be a significant gap between the need for, and availability of, after-prison support services – especially the provision of transitional housing and assistance to access suitable and stable longer-term accommodation.

For example in 2023 the Australian Institute of Health and Welfare found that “almost half (48%) of prison discharges expected to be homeless (including in short-term and emergency accommodation) once released.”¹¹

Responding to these significant service gaps, Jesuit Social Services delivers a diversity of transitional and supported housing programs that are effective in assisting vulnerable adults and young people involved with, or exiting, the justice system. Examples of these programs are ReConnect, the Maribyrnong Community Residential Facility and Perry House, which are described below.

Jesuit Social Services reiterates that the scale of these programs is not commensurate with the overall need. Therefore, we continue to call for increased investment in the provision and expansion of intensive transition services for the range of cohorts of vulnerable people exiting prison.

ReConnect

ReConnect is delivered across Melbourne’s north-west metropolitan region as part of the Corrections Victoria Reintegration Pathway. The aim of the program is to support high-risk and high-profile men and gender-diverse people transitioning from prison, and part of this cohort includes those who have committed serious violent offences and/or sex offences. Referrals to ReConnect are usually made by a Corrections Victoria worker located at a Victorian prison (excluding Ravenhall).

ReConnect works through:

- Assessment of those who need transitional support – initial needs and risk assessments of men exiting prison are conducted, usually in the custodial setting, to determine the type of transitional support we will provide.
- Provision of tailored, flexible support to those exiting prison – our case managers create and implement individual transition plans. These plans address participants’ housing and material supports, family reunification, referral to needed specialist health and wellbeing services (e.g., drug and alcohol and mental health services), pathways to economic and social participation, connection to community and culture, and compliance with parole conditions and/or community orders. This empowers participants to overcome the legacy of negative experiences in their lives.
- Collaboration with others to reduce re-offending – we work collaboratively with Corrections Victoria and other community-based agencies to provide a network/continuum of care.
- Co-located nurses who do outreach and work with participants in the community. They provide basic health care, health education, medication maintenance/management etc referrals to specialist services. They support case managers and provide secondary consult.

Safety, March 2020) 14, 21–2 <https://www.anrows.org.au/project/community-based-approaches-to-sexual-offender-reintegration/>

¹¹ <https://www.aihw.gov.au/reports/prisoners/the-health-of-people-in-australias-prisons-2022/contents/socioeconomic-factors/homelessness>

Participant experiences of ReConnect

"It's the best support I've ever had in my life. When I found out I'd been offered the house it was awesome. It made me cry because I've never had so much good support like that. Honestly, I wouldn't be where I am today if it wasn't for them."

"They helped me with the practical things that I needed in order to live my life and move forward. Being out of jail – it does show you all of the things that you missed. Life is too short to be in places like that."

"Self-esteem. Just leading me the way – I've never had a social worker or anything like that and so the encouragement and support was really important."

"My personal wellbeing – basically having a secure place over my head and helping me getting back in touch with friends, and better mental health."

"Living in society without using drugs and alcohol – I used to be a fairly heavy drinker and now I'm not. Linking me in with my [recreational club] – I really enjoy it. You can't [engage in an activity] when you're drunk. Finding people with common interests [...] I needed to find people that were interested in doing similar things to me – without using drugs and alcohol."

Perry House

Young people with intellectual disabilities face significant and complex barriers to successfully transition back to the community from custodial settings. Perry House provides a residential-based living skills program for justice system-involved young people with an intellectual disability who are at risk of, or are experiencing, homelessness and require support. It provides a residential-based living skills program for up to four participants at a time for up to 12 months¹², and a further four months supported in an outreach capacity once they have left the house, assisting them to develop independent living skills and engage in activities. Perry House provides the support and stability these young people need in order to address the issues that contributed to their offending, and to build a new and flourishing life. The house is a safe and welcoming place with 24/7 on-site support that enables young people to:

- develop the necessary skills to live independently in the community
- address their mental and physical health issues
- engage with education, training and employment
- connect with pro-social activities within the community
- manage risk-taking or criminal behaviour
- find suitable long-term housing in the community.

Maribyrnong Community Residential Facility

The Maribyrnong Community Residential Facility (MCRF) is a pilot initiative funded by the Victorian Department of Justice and Community Safety and was established in response to the COVID-19 pandemic. The facility houses men exiting prison who are at high risk of homelessness. Jesuit Social Services has been engaged to deliver this transitional support.

People who are eligible to reside at the facility are assessed for risk based on their offending history and behaviour. Residents agree to a code of conduct, which includes agreeing to engage with support services while living at the accommodation, and agreeing to a curfew. Residents stay

¹² This number is likely to change soon.

at the facility for three to four months while they develop the skills and strategies to successfully move into independent accommodation in the community.

While MCRF does not accept sex offenders, Jesuit Social Services believes a similar model of facility providing specialist transitional support for perpetrators of sexual violence would offer significant benefits for rehabilitation and reducing the risk of reoffending.

Recommendation 3: *Jesuit Social Services recommends that the ALRC advocates for investment in the provision and expansion of intensive housing and transition services for sex offenders exiting prison, to improve rehabilitation prospects, increase community safety and reduce recidivism.*

Restorative justice responses

A just outcome doesn't always mean a judicial response. In general, Jesuit Social Services advocates for a restorative approach, rather than a punitive approach, in the response of the justice system to a range of behaviours across the offending continuum (and in prevention and early intervention efforts outside the justice system). The VLRC's 2021 report *Improving the justice system response to sexual offences* also noted that, to respond to people's different needs, the range of options offered by the justice system should be expanded and strengthened. This report stated that "the time has come for restorative justice in Victoria".¹³ This is no less true in the other states and territories across the country.

Restorative justice programs come in many forms, however they are underpinned by a common theory or framework for addressing harm caused by crime through the use of restorative practice.¹⁴ There is currently limited research that has evaluated restorative justice processes for sexual violence matters. We point the ALRC to the Australian Institute of Criminology's 2019 process and outcome evaluation of the ACT Restorative Justice Unit's Restorative Justice Scheme Phase Three.¹⁵ This evaluation provides insights and lessons that may serve as a guide for informing the development of future restorative justice programs.

In the context of sexual offending and sexual offences, restorative justice responses need fidelity to a set of principles and practices, but a continuum of carefully implemented restorative justice programs is critical. Several factors should be considered when dealing with sexual offences by different cohorts. We also emphasise that careful assessment is required to determine the appropriateness of any specific response in each individual sexual offence case. The factors that require consideration include:

- The context of the offence – including, for example:
 - the relationship of the offender to the victim-survivor
 - the nature and severity of the offence
 - the age of the person who has committed the offence and of the victim-survivor
 - the cognitive capacity of the parties involved (i.e., whether there is any cognitive impairment and, if so, the nature, extent and implications of the impairment)
 - the risk indicators for reoffending.
- The perspective and wishes of the victim-survivor – in particular, the victim-survivor's willingness to participate and the availability of appropriate support beyond the conference program itself as required.

¹³ Victorian Law Reform Commission (2021) *Improving the justice system response to sexual offences*, p.xxv: [VLRC Improving Justice System Response to Sex Offences Report web.pdf \(lawreform.vic.gov.au\)](https://www.lawreform.vic.gov.au/VLRC-Improving-Justice-System-Response-to-Sex-Offences-Report-web.pdf)

¹⁴ Australian Institute of Criminology (2019) *Restorative justice conferencing for domestic and family violence and sexual violence: Evaluation of Phase Three of the ACT Restorative Justice Scheme*, p.8.

¹⁵ Australian Institute of Criminology (2019) *Restorative justice conferencing for domestic and family violence and sexual violence: Evaluation of Phase Three of the ACT Restorative Justice Scheme*.

- That different responses are needed for children and adults – this is especially the case where the victim-survivor is a young person and is also a perpetrator (e.g., in the context of out-of-home care).
- The need for a diversity of programs that respond to the continuum of offending and range of needs and vulnerabilities of those involved (i.e., perpetrators and victim-survivors).

Jesuit Social Services emphasises that, in establishing and expanding any justice responses to sexual offences, there is also a need to ensure:

- provision of adequate training for all relevant staff in trauma-informed and restorative practices
- availability of expert clinical support and resources (i.e., clinical oversight and governance).
- access to stable and safe housing for those who have committed offences, especially when exiting prison
- provision of wrap-around services that are flexible in intensity and duration
- appropriate, adequate and integrated information sharing between the various stakeholders in custodial and community settings
- that all programs rolled out have been trialled, evaluated and found to be effective
- comprehensive funding and evaluation of any pilots or trials of new programs that appear promising.

Jesuit Social Services is experienced in delivering effective restorative justice group conferencing programs to young people involved in the justice system in Victoria and the Northern Territory through Youth Justice Group Conferencing (YJGC) and RESTORE, which are described below. It is important to bear in mind that processes like group conferencing involve highly verbal social exchanges that require higher-order cognitive skills and are challenging for people with impaired language-processing abilities,¹⁶ which are disproportionately evident and also often undiagnosed among people involved in both the youth and adult justice systems. This does not mean that everyone with some level of cognitive impairment should be denied access to group conferencing. Rather, it highlights the critical need for careful assessment of suitability for participation in such a program.

Youth Justice Group Conferencing (YJGC)

YJGC is a statewide legislated program for which Jesuit Social Services is the provider in metropolitan Melbourne. It is a restorative justice program that enables dialogue between 12-18 years old offenders in the Children's Court, their victims and the wider community, and brings together those involved or affected to discuss how the young person can make amends for the harm done. Referrals to the program can be made by a Magistrate in any of Victoria's Children's Courts, under Section 414 of the *Children, Youth and Families Act 2005*.

In Victoria, the YJGC commenced as a small pilot in 2002-2003, and expanded statewide from 2006. Jesuit Social Services has also been delivering the program in Darwin, Palmerston and Katherine in the Northern Territory since early 2017. Using a problem-solving approach based on restorative justice principles, the YJGC is designed to:

- address issues that contribute to the young person's offending behaviour
- divert the young person from more intensive supervisory outcomes, and
- involve family members, significant others, community members, the police, and victims in the decision-making process, thereby enhancing their satisfaction with the justice

¹⁶ Snow, Pamela C. (2019). 'Speech-language pathology and the youth offender: Epidemiological overview and roadmap for future speech-language pathology research and scope of practice.' *Language, speech, and hearing services in schools*, 50(2), https://pubs.asha.org/doi/pdf/10.1044/2018_LSHSS-CCJS-18-0027.

process, as well as increasing the pool of people who can assist the young person to address their offending.

YJGC is for young people aged 10-17 years at the time of offending who have:

- pleaded guilty, or have been found guilty, of an offence(s)
- committed offences serious enough to warrant an order or custodial sentence
- consented to participate in the program, and
- been assessed as a suitable participant, based on their:
 - acceptance of their role in the offence(s)
 - level of remorse
 - victim awareness, including level of empathy toward the victim
 - safety and/or special needs, including intellectual functioning, substance abuse and cultural values, and
 - interpersonal skills, and how these affect their participation in the group conference.

In 2022, Swinburne University's Centre for Forensic Behavioural Science conducted research on YJGC. A report prepared for the Children's Court of Victoria outlined the following key findings:

- Group conferencing was associated with substantial reductions in the likelihood of ongoing recidivism.
- Reductions were consistent across person-based crimes, including serious violent crimes.
- Conferences without victim attendance were as effective as conferences attended by a primary victim.
- Recidivism reductions were further enhanced when conferences were attended by an investigating police informant and secondary victims (individuals indirectly harmed by the crime).¹⁷

RESTORE

RESTORE was piloted based in the Melbourne's Children's Court between September 2018 and November 2022 and trialled restorative approaches to working with young people who perpetrate family violence. It offered a Family Group Conference to help the young person and their family develop practical solutions that will keep people safe and prevent further violence occurring at home after an intervention order (IVO) has been lodged. The RESTORE program responded directly to Victoria's 2016 Royal Commission into Family Violence (RCFV), which recommended:

The Victorian Government trial and evaluate a model of linking Youth Justice Group Conferencing with an Adolescent Family Violence Program to provide an individual and family therapeutic intervention for young people who are using violence in the home and are at risk of entering the youth justice system.¹⁸

In 2018, Jesuit Social Services commenced RESTORE as one of two new pilot projects trialling restorative approaches to working with young people who perpetrate family violence. It was developed in response to an identified absence of interventions for adolescent perpetrators in the Family Division of the Children's Court. RESTORE intervenes at a later point in the cycle of violence – that is, after an IVO has been lodged in the Family Division of the Children's Court. By engaging the family in a restorative conferencing intervention at this point, RESTORE aimed to

¹⁷ Bonett, R.J.W., Lloyd, C.D., & Ogloff, J.R.P. (2022). Group Conferencing Effects on Youth Recidivism and Elements of Effective Conferences. Centre for Forensic Behavioural Science, Swinburne University of Technology, Melbourne Australia.

¹⁸ Royal Commission into Family Violence Summary and Recommendations (2016), Recommendation 128, p.80: <http://rcfv.archive.royalcommission.vic.gov.au/Report-Recommendations.html>

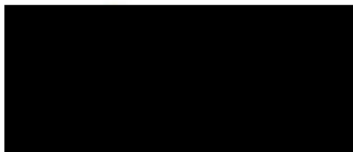
reduce the risk of the young person being criminalised for breaching their IVO. The program sought to address the ensuing harm caused by the violence and prevent future harm from occurring.

The RESTORE program was initially funded by John T. Reid and later by the Lord Mayor's Charitable Trust. The University of Melbourne conducted an evaluation of the RESTORE program in 2023. The evaluation found that RESTORE filled a significant service gap and provided a way to rebuild relationships, skills, strategies, and a sense of hope. The evaluation recommended continued investment in options for families experiencing adolescent family violence, including early intervention options. It also asserted that, given the positive outcomes reported by families who participated in RESTORE, there is merit in continuing funding for RESTORE to be able to further test its integrated therapeutic intervention in matters of serious harm associated with adolescent family violence.¹⁹

Recommendation 4: Jesuit Social Services recommends the ALRC advocates for restorative justice approaches to responding to sexual violence, noting that a carefully implemented continuum of responses is critical. Exploration should examine and build on outcomes in jurisdictions successfully using restorative justice approaches for sexual offences, such as the ACT.

Thank you again for the opportunity to contribute to this inquiry.

Yours sincerely,



Stephen Ward, Acting CEO, Jesuit Social Services



¹⁹ Johns, D & Tambasco, C (2023) Restorative Responses to Adolescent Family Violence – Evaluation of the 'RESTORE' adolescent family violence program: Final Report for Jesuit Social Services. School of Social & Political Sciences, The University of Melbourne, Parkville.