

30 October 2017

Victorian Law Reform Commission
Level 3
33 Queen Street
MELBOURNE VIC 3000

Dear Commissioners

Jesuit Social Services welcomes the opportunity to respond to the Victoria Law Reform Commission's Review of the *Victims of Crime Assistance Act 1996* and the Victims of Crime Assistance Tribunal (VOCAT).

Jesuit Social Services works to build a just society by advocating for social change and promoting the health and wellbeing of disadvantaged people, families and communities. For 40 years we have worked with people involved in the justice system including victims, particularly in our work delivering restorative justice group conferencing.

Given our expertise on this issue is grounded in our delivery of group conferencing, we will limit our response in this submission to Question 72 of the Review's consultation paper:

Should restorative justice principles be further considered as a voluntary component of a state-funded financial assistance scheme? Alternatively, should a victims' financial assistance scheme provide a more direct pathway to restorative justice practices constituted elsewhere in the justice system?

Jesuit Social Services works with young people and adults in the justice system in Victoria and the Northern Territory, using a problem-solving approach to offending that is based on principles of restorative justice.

In Victoria, Jesuit Social Services has delivered the Youth Justice Group Conferencing program since 2003, enabling dialogue between young people who have offended, their victims and the wider community. The program is grounded in principles of restorative justice, which emphasise reparation and restoration,ⁱ and aims to:

- raise the young person's understanding of the impact of their offending on the victim, their family and/or significant others and the community
- reduce the frequency and seriousness of re-offending by the young person completing the program
- improve the young person's connection to family/significant others and their integration into the community
- negotiate an outcome plan that sets out what the young person will do to make amends for their offending
- increase victim satisfaction with the criminal justice process, and
- divert the young person from a more intensive sentence.ⁱⁱ

Since March 2017, Jesuit Social Services has also delivered a youth justice group conferencing program in Darwin operating under a similar model. This pre-sentence program has already seen almost 30 young people referred. All young people referred have been Aboriginal and Torres Strait Islander, and cultural safety and ensuring a culturally strengthening process (e.g. by engaging Aboriginal elders in group conferences) has been a paramount consideration in convening group conferences. Jesuit Social Services has also conducted one pilot

group conference for a very complex adult offender which was successful in linking him in with necessary supports.

Restorative justice group conferencing is effective: a 2010 KPMG independent evaluation of young people who completed a group conference between 2007 and 2009 found that more than 80 per cent of participants had not reoffended two years later – this compared to 57 per cent for the comparison group (i.e. young people who had been placed on Probation or on a Youth Supervision Order).ⁱⁱⁱ A number of evaluations have also shown that group conferencing achieves very high rates of victim satisfaction.^{iv} Jesuit Social Services believes that restorative approaches such as group conferencing should be expanded throughout Victoria's criminal justice systems.

In the context of this Review, we reiterate the position previously raised by Victoria Legal Aid on this issue^v, that restorative justice shouldn't be automatically part of the VOCAT process given most victims want financial assistance dealt with quickly. In principle, victims should have access to financial assistance regardless of whether they wish to participate in a restorative justice conference or not.

To this end, we support the suggestion by RMIT's Centre for Innovative Justice that consideration be given to the development of an appropriate referral pathway from VOCAT to restorative justice conferences, rather than restorative justice practices being incorporated into the VOCAT process itself. We support dedicated funding to ensure that this referral pathway is made readily available.

We would welcome the opportunity to discuss these and other matters of interest in further detail, and request that you publish this submission credited to our organisation on the Victorian Law Reform Commission website.

Thank you for the opportunity to contribute to this Review.

Yours sincerely



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ⁱ Larsen, J. (2014) 'Restorative justice in the Australian criminal justice system', Research and public policy series, Australian Institute of Criminology, Report 127.

ⁱⁱ Victorian Government (2015) Youth Justice Group Conferencing factsheet, March 2015, <<http://www.dhs.vic.gov.au/for-service-providers/children,-youth-and-families/youth-justice/group-conferencing-information/youth-justice-group-conferencing-fact-sheets>>.

ⁱⁱⁱ KPMG (2010). Review of the youth justice group conferencing program: Final report. Melbourne: State Government of Victoria. http://www.dhs.vic.gov.au/_data/assets/pdf_file/0006/675564/review-youth-groupconferencing-report-2011.pdf

^{iv} Larsen, J. 2014, *Restorative justice in the Australian criminal justice system*, AIC Reports, Research and Public Policy Series 127, Australian Institute of Criminology. <http://www.aic.gov.au/publications/current%20series/rpp/121-140/rpp127.html> New Zealand Ministry of Justice, 2016. *Restorative Justice Victim Satisfaction Survey – Research report*. <https://www.justice.govt.nz/assets/Documents/Publications/20170303-RJ-Victim-Report.pdf>

^v Victorian Law Reform Commission, *The Role of Victims of Crime in the Criminal Trial Process*, Consultation Paper (2016)