

Response to question on notice

Questions on Notice Paper No 9

5 September 2025

Question No. 553

Ms Chiaka Barry MLA: To ask the Attorney-General —

1. Why are the numbers of referrals for First Nations and culturally and linguistically diverse (CALD) participants to "restorative justice" under the Crimes (Restorative Justice) Act 2004 lower than expected and lower than for other communities.
2. Are there sufficient numbers of restorative convenors to ensure conferences are conducted at timeframes appropriate to victims.
3. What cultural sensitivity training is provided to restorative justice convenors.
4. Is the training referred to in part (3) sufficiently detailed to cover the specific cultural mores and conventions of each of the First Nations and CALD victims participating in a restorative justice conference.
5. How are domestic and family violence victims protected from further abuse or harms during the conduct of a restorative justice conference.
6. How are the cultural values of First Nations and CALD participants respected during a restorative justice conference.
7. What are you doing to address the lack of trust in the system by First Nations and CALD communities.
8. What are you doing to increase post-sentence referrals to restorative justice for First Nations and CALD offenders.

TARA CHEYNE MLA - The answer to the Member's question is as follows:

Ensuring accessibility and cultural responsiveness for First Nations and CALD participants

Restorative justice services in the ACT are delivered to be accessible and inclusive for people from diverse backgrounds, including Aboriginal and Torres Strait Islander peoples and people from culturally and linguistically diverse (CALD) backgrounds. There is no evidence to suggest that Aboriginal and Torres

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Strait Islander or CALD peoples are referred at a lower rate than other communities. For example, in 2024-25 48% of all offenders referred to restorative justice were Aboriginal and Torres Strait Islander and 6% were identified as CALD.

RJU staff complete training available through JACS including: Respect, Equity and Diversity; Cultural Awareness Training; and Aboriginal and Torres Strait Islander Cultural Awareness. They have also accessed other ad hoc training courses, including 'on country' tours. The RJU additionally meets with First Nations workers and agencies to discuss issues impacting on First Nations communities and to understand services which are available to meet those needs. Working effectively with First Nations and CALD groups is also a focus of group and individual supervision.

Being a process that actively encourages the involvement of participants' communities of support, RJU Convenors work with participants to identify who in their community can play a role in supporting them through the conferencing process, and who can assist in advising on the appropriate format and structure of the restorative justice conference. This may involve the inclusion of important community members or the observation of particular protocols. In addition to the use of interpreters, RJU has worked with a variety of community organisations to respond to the cultural needs of participants in restorative justice.

The RJU employs an identified First Nations Guidance Partner and a First Nations Convenor. The First Nations Guidance Partner functions as a culturally appropriate first point of contact for Aboriginal and Torres Strait Islander participants who may be fearful or suspicious of engaging with a government agency. The Guidance Partner works with the participant to establish safety and to link them with supports to address any unmet needs which may inhibit their ability to participate in the restorative justice process. They work with the First Nations Convenor and other Convenors to support cultural safety for participants throughout the assessment, preparation and conferencing processes. Additionally, they can work with First Nations offenders to support their compliance with agreements formed in the restorative justice process.

The RJU uses a 'Cultural Safety' lens to working with participants which understands that workers cannot possibly expect to become experts in others' cultures. Instead they must understand themselves as cultural beings and the processes they administer as cultural constructs, in order to see and navigate the cultural divide.

Domestic and family violence

In 2018, the ACT Restorative Justice Scheme was opened to victims of domestic, family and sexual violence (DFSV). The *Crimes (Restorative Justice) Sexual and Family Violence Offences Guidelines 2018* set out the ways in which the Scheme will ensure the safety of victims of those offences in the restorative justice process. Key differences in the approach for these offences include:

- Training for staff in the features, dynamics and impacts of DFSV;
- Comprehensive risk assessment and safety planning, including drawing on risk information from a variety of sources and agencies;
- The allocation of two Convenors to each matter, as well as a Case Reviewer from the RJU's management team;
- Looking for and addressing patterns of violence or coercion and control, rather than a narrow focus on the referred offence; and
- Focus on the inclusion of therapeutic supports to support offenders developing insight into their behaviours and strategies for managing the risks those behaviours pose to others.

In 2023, the AIC completed an evaluation of the Scheme's work with DFSV. The Evaluation found:

- Restorative justice provided an important mechanism for victims to seek redress in the aftermath of DFSV victimisation, and for offenders to address the factors associated with their offending;
- There was broad support for the use of restorative justice as an alternative justice pathway for DFSV matters; and

- Restorative justice met the justice needs identified by the victim, many of which fell outside the remit of the criminal justice system. These included increased feelings of safety and access to supports, feeling heard, regaining a sense of control and an improved understanding of the crime.

Resourcing

Whilst the Restorative Justice Unit has in the past had a waitlist to access services there has not been a waitlist to access restorative justice services since February 2025.

Approved for circulation to the Member and incorporation into Hansard.



**Tara Cheyne MLA
Attorney-General**

Date: 21/10/25

This response required 1hr to complete, at an approximate cost of \$115.32.