

Response to question on notice

Questions on Notice Paper No 9

5 September 2025

Question No. 564

Ms Chiaka Barry MLA: To ask the Minister for Police, Fire and Emergency Services —

1. What percentage of eligible young First Nations people were referred to Restorative Justice in 2023/24 and 2024/25.
2. Why were only 50 per cent of eligible young First Nations people referred to restorative justice in 2022/23, given 94.3 per cent of non First Nations young people were referred.
3. When did the Minister for Police become aware of the disparity referred to in part (2).
4. What action did the Minister for Police take when becoming aware of the disparity referred to in part (2).
5. When did the Commissioner of Police become aware of the disparity referred to in part (2).
6. What action did the Commissioner of Police take when becoming aware of the disparity referred to in part (2).
7. What are the reasons that young First Nations people are not being referred to restorative justice at the same rate as non young First Nations people.
8. What actions have been taken since 2022-23 to ensure eligible young First Nations people are referred to restorative justice.

DR MARISA PATERSON MLA - The answer to the Member's question is as follows:

1. In 2023-24, 50 per cent of eligible young First Nations people were referred to Restorative Justice (RJ). In 2024-25, 66 per cent of eligible young First Nations people were referred to RJ.
2. ACT Policing referred 88.9 per cent of all eligible First Nations people to RJ in 2022-23, and 94.1 per cent of eligible non-First Nations people.
3. The Minister for Police, Fire and Emergency Services was provided the Key Performance Indicator (KPI) results for 2022-23 as part of the six-monthly progress report. This

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included KPIs in relation to referral rates for RJ as set out in the ACT Purchase Agreement for policing services.

4. The Minister for Police, Fire and Emergency Services noted the Key Performance Indicator (KPI) results as part of the six-monthly progress report.
5. The ACT Policing Executive are provided updates to KPI results on a quarterly basis.
6. Given there was not a significant disparity in 2022-23, no specific action was taken in relation to Aboriginal and Torres Strait Islander referral rates at that time. In relation to 2024-25, ACT Policing Executive have requested to be briefed further on referral numbers. ACT Policing are committed to developing additional strategies to increase RJ referrals and meet its KPI obligations as outlined at [8] below.
7. ACT Policing's policy is to refer all eligible offenders including all eligible First Nations offenders to RJ and to work with Government and non-government partners to identify options for increased diversion and community-based referrals.

Referral rates can be influenced by a range of factors, including:

- Changes to the seriousness of offences.
 - Changes to persons responsible (offenders) willingness to accept responsibility for the offence.
 - Changes to persons harmed (victims) willingness to participate in RJ or their preferences to have matters proceed to court.
 - Changes in Case Officer attitudes towards an offender including inclination to change their behaviour.
 - Wait times for allocation and action by the RJU negatively impacting willingness of the victim or offender to consent and participate in RJ.
8. ACT Policing's Family Violence and Vulnerable Persons portfolio is currently working with ACT Policing Judicial Operations (JO) to develop strategies to increase RJ referral numbers. ACT Policing are implementing a number of initiatives scheduled for 2025-26, including but not limited to the following:
 - Upgrades to the Police Real-time Online Management System database including case note entries, digiflow forms for completion at point of apprehension to remind officers of RJ obligations and assessment of eligibility.
 - Enhanced training modules for recruits and local procedures courses.
 - Escalate responses regarding non-compliance by sending follow-ups from officers to Team Leaders and Officers-in-Charge.
 - Decreasing time between referral and the convening of diversionary conferences to maintain interest/motivation by offenders and victims for their participation.
 - Considering amendments to the Crimes (Restorative Justice) Act 2004 that mitigate current impediments to referral concerning the eligibility criteria applied to offenders.

As a partner of ACT Policing, the RJU is committed to providing a safe environment for First Nations clients that is responsive to their needs, employing a First Nations Convenor and a First Nations Guidance Partner who work with other staff at the RJU to help support these goals.

Approved for circulation to the Member and incorporation into Hansard.



Dr Marisa Paterson MLA
Minister for Police, Fire and Emergency Services

Date: 29/10/25

This response required 2 hrs 30 mins to complete, at an approximate cost of \$411.82.

