**RCN Feb 2017**

**Warren Daley**
Thank you Amanda. How ironic; Warren Daley happy talking about restorative practices. I used to work for the Aboriginal Justice Centre; that was closed down unfortunately. Welcome to my country. I’m very happy to be here today at this Restorative Communities Network event, restorative practices and gendered violence to represent my people and welcome you to this Ngunnawal place. I think it’s a good thing that we continue to take a look at what’s working well and what needs to change in this area of responding to family violence and sexual offences.

I’ve been aware of the restorative justice process for many years, and it’s been a successful model in working with my mob. I believe that it is important for victims of crime to be given a voice and where possible to use that voice to inform people who have caused harm to yarn about what’s happened, who’s been affected and how and what needs to happen to put things right. Here we are together in Canberra, a special Ngunnawal place that has been used for thousands of years as a meeting place, a place for all people from all over to come together and learn and share just like you’re doing her today.

You’re the ones that can make a difference in this space. Collaborations is key for solving challenges we face, and it’s great to see you coming together to establish partnerships and explore solutions. I’d like to pay my respects to the traditional owners and elders past and present, to Aboriginal people and non-Aboriginal people here today, welcome. May the spirits of my ancestors support you in your learning and share while you’re on Ngunnawal land ...(indistinct)... We’re meeting together in Ngunnawal country, we acknowledge and pay respects to the elders. Walk through this day, look at the earth, the sun, the ...(indistinct)... this pathway to our ancestors is alive, welcome to Canberra, birthplace of my mother Rachel, great grandmother ...(indistinct).... Enjoy the day, thank you.

[Applause]

**Amanda Lutz**
Thank you Warren. I’m a little disappointed we couldn’t secure an Aboriginal and Torres Strait Islander speaker today. So the voices of indigenous women are being heard more and more in this space. As a way of bringing those voices into the room today in your handout is a copy of Kerry Arabena’s review of three key studies in 2015 and from this a summary of what indigenous women would like to see happening in response to gendered violence.

So thank you all for coming today to hear our international, interstate and local speakers who will all share their related special knowledge either about what is happening in this space generally, what gaps exist and what innovative responses are currently happening or being imagined. To test out whether whatever is happening or what is being constructive is restorative in nature either at an individual, group or institutional level, we can run it by the Kay Harris Restorative Practices checklist, and you all have Kay’s green card, a printout of the checklist.

So when we’re looking at a program or a behaviour, is what we are practicing respectful? Does it distinguish behaviour from the person? Is it fair? Does it engage with explanations and clarification of expectations? Is it restorative by repairing harm and relationships? Of course understanding that in matters of gendered violence there should be no hidden agenda that would promote women reconciling with an abuser; restoring a victim survivor’s dignity or the integrity of a victim survivor’s relationship with herself or with other family members may be a more appropriate goal. Does the practice develop empathy through reflection, insight and learning? Does it enhance responsibility and accountability? Finally does it promote positive behavioural change?

After our first three guest speakers we’ll have time for a little question and answer session. If there are people in the audience who’d rather write a question to be read out for them, just raise your hand during the speakers and a facilitator will bring you some paper and a pen and will pass your question onto the front to be read out. I think you’ve got some little index cards there that questions can be written on too, they can be popped in a box at the back and then they can be brought tout for the question and answer session following the third speaker. After that we’ll have a panel of three speakers and then a panel of four speakers in the final session. We are hoping to break around two o’clock; we’ve started a bit late so that may be pushed out, and we certainly understand if some people need to leave a little bit early if their work commitments are pressing.

So our key note speaker today is Gale Burford, Emeritus Professor at the University of Vermont and distinguished visiting scholar of restorative justice at Vermont Law School. Until his retirement in 2014 he was Director of the University State Child Welfare Training Partnership, and Principal Investigator for the Vermont Community Justice Consortium. He is a member of a team supporting the development of an International Learning Community based on the Restorative Approach to Peaceful and Sustainable Societies Alliance initiated by colleagues at Dalhousie University, Nova Scotia, Canada. Today Gale will discuss the possibilities and challenges of using restorative justice to respond to matters of gendered abuse. Would you please make welcome Professor Gale Burford.

[Applause]

**Gale Burford**
Thank you Amanda, and thank you. I see so many familiar faces in this room of people who have been generous with their time and their resources since January 11th when I came here. I want to thank the people at RegNet for making this possible, and to you Amanda, you and your staff have been so generous with helping me get to know people around here, and of course for this day on this special ground here and I thank you for helping us position ourselves respectfully to the land that we’re standing on here, thank you.

This is a real thorny topic and I don't feel that I can wade into it without getting some background and some acknowledgement for the people who’ve helped us get here because I don't think we’d even be able to have this conversation here today if the International Women’s Movement had not succeeded in the shelter movement, in getting laws that actually got us to the point where it was against the law to abuse a woman, and we have to think about that as a part of a successful history that’s got us here. And it’s still very scary when we put the words restorative justice and domestic violence or interpersonal violence and other forms of violence in the same sentences to a lot of people who toiled on those fields for so long to get us here.

So I’m going to make some comments here to position myself first and about this topic of gender violence, by which we still mean, as far as I’m concerned, an overarching pattern of physical, sexual, economic and emotional violence at all levels of society and state, not just family members, intimate partners et cetera, but girls and women are still being killed, so there is this overall need for us to pay attention to the fact that an awful lot of violence is gendered, more women get killed by male partners, but it’s also left us in a very awkward position now.

The anti-violence movement in the United States, and especially as its been exported to other countries, now looking back on it has contained some of the seeds of colonial practices that are child welfare practices or youth justice practices and other forms of colonialism have taken. United States has spent a lot of money to go to other countries to push this response of women’s groups lining up with a punishing justice response, and it’s now being walked back by leaders in the United States in one recent excellent book on international violence by Leigh Goodmark and Rashmi Goel. They start with apologies to the rest of the world for the collective damage that this tight alignment with a justice regulation response has wrought.

Part of the key message was there that if you’re white and if you are privileged and you can afford a lawyer, that system did work pretty well for women, but underneath it still has the same seeds of silently presuming that white heterosexual middle class Christian able-bodied US born English speaking people needed the protection. So it wasn't just an over reliance on a criminal justice system, we need to take a look at models now that challenge the very notion of the state’s involvement as a partner that impedes seriously looking at the material conditions contributing to violence at multiple levels including state sponsored violence.

I just want to mention two people’s work in this that have been very influential to me, and it’s about how crime logic has and is failing to achieve safety, accountability, empowerment and healing through the Dance of the Carceral Creep that Mimi Kim calls it, and I also want to talk about what is crime logic, how’s it infused into our thinking about domestic violence, and why is it still such a problem for those of us who want to embrace restorative justice and responsive regulation to have to come to grips with the crime logic that infuses the work. By crime logic Donna Coker means that the law wants to have a culpable individual, somebody who's guilty, a perpetrator, that's the way the law works versus collective accountability.

They reject social explanations of behaviour and don’t like getting at the cause of the causes, and that’s pretty much what restorative practitioners are about; we want to widen the circle out to look at what are the underlying causes, structural inequalities, poverty et cetera, that contribute to the oppression of people in communities and families, women included, and courts don't like that. Courts need a narrative that feature guilty criminals, innocent victims, and what we like to see in restorative justice circles are narratives where men, women, children, communities, people who don't identify as either gender, LGBTQ people who can band together and work for safety in communities without having to, here’s what the research has called attention to, calling the police and calling the child protection authorities when there’s violence going on in your family is so often a sure fire ticket to losing control of the definition of your situation that we need to pull back and take a look at what are we really getting for that.

Mimi Kim’s work which she calls the Dane of the Carceral Creep is based on the idea that if you’re going to go team up with a justice response and say that what we want is the kind of safety that that response gives us, that police can give us, that child protection workers or youth justice workers can give us, that's what we're going to get, we're going to get a focus on immediate physical safety and that English common law solution of separate people. We don’t want them talking to each other, we want people talking for them and coming up and making it a problem that’s between the lawyers and the state. So the questions that it leaves us with is what have we got after all these years of putting the word mandatory in front of child reverse reporting?

Our systems for child protection are absolutely awash with more referrals than they can do anything responsible about, and mandatory reporting has partly brought that in, and the backlash to that to women who both want privacy in their own homes but also want the safety of people outside their homes when they need it, puts them in a crushing situation where they have to face the possibility of losing their children if they report their own lack of safety. What have zero tolerance for policies around bullying brought us in schools? School suspensions internally now people are saying, "We've bought in zero tolerance for bullying, we've introduced harsh responses to this", how do we now stop school suspensions? Mandatory arrests, mass incarceration, criminalizing deficient parenting. And especially top down enquiries when something goes wrong.

Our very structure of these enquiries into child deaths, into a murder and abuse that goes on that hits the media that ends up with a top down judicial enquiry that isn’t based on learning. We can cut and paste the conclusions that come out of these in our respective countries, they all say the same thing, "Ah people failed to exchange important information, somebody didn’t pay attention at the right time", et cetera, you probably know all that language. What do we get out of all these things? We get more regulatory formalism, more rules, more messages that say, "This is how we keep people safe" and an increasing disbelief about that.

I’ve got three slides here and I'm going to leave these for you to look over, but the connection between domestic violence, child protection and youth justice just simply has to be made. In our restorative community or state or province efforts we simply have to figure out ways for these groups to come together. In your own state the stats show that you’re very much like most places, that most young people who get charged with their first offence commit that while they’re customers of the state child protection agency. They’ve been brought in for their own protection from a family or a parent, they react and start ratcheting up their behaviour and they get charged with an offence and suddenly they’re a customer at a young offenders network. Internationally the stats on that range from about 60 to 75 percent of young people have their first offence while they’re in the system; that’s unconscionable.

So I’ve put here a slide about rethinking the problems of domestic violence, child protection and youth justice which I’m not going to dwell on except to say that in our rethinking of this we have to put the whole thing on the table here and talk about community and cultural safety, accountability, healing and empowerment, and talk about how can we de-centre these regulatory bodies of the state out of such high levels of power where we put all our investment and resources into those responses, and end up with a lack of the exact kind of thing that I suspect most people in this room would agree, people who have community organizing and going out and building networks in their portfolios, they actually get paid to do that.

This individual culpability system of child protection and domestic violence doesn't actually have any job descriptions for people to go out and do that, to go out and bring together the network of people for whom this is a lifetime issue, who have a lifetime investment in these relationships, and let's find out from them what kind of programs they'd like to see happen, what would their designs look like, what would the evaluations of these programs – and could we have community run programs? There aren't any job descriptions like that. Five minutes, alright.

There are a wide range of programs, this slide I'm leaving you, it looks at all the programs wrapped around the judicial system, the justice system, that we now see proliferating around the world under the banner of diversion, early intervention, restorative justice, precharge/postcharge, and there's some pretty good data on each of these beginning to build a solid evidence base that we can infuse these practices any place into the system and give people more voice and choice if we have people and policies that allow that to happen. But what we don't have much of is on the prejustice end to go out and do those community development pieces that need to be done.

So what are the sources of power for safeguarding principles of justice that support these things? I still contend that we need to have gender inclusive womens leadership within and outside the restorative justice dialogues, we need to have our regulatory bodies go out and find out who are these public interest groups, non-government agencies, citizens that can be brought together and do this work, but we're going to need to have the people who have been victimised and are continuing to be at risk for being victimised sitting at the table in leadership positions. And by gender inclusive womens leadership I mean people who are willing to talk about the whole range of violence and not just that all violence is men against women. That has created an us-them thing that leaves out all these other expressions of violence.

We need to engage with people doing the harm through the authority of the community and connections of care. There are so many interesting programs around the world now that go out and make contact with the abuser, try to engage them, see if there are other people in his or her life that they can bring together to see if they're actually interested in doing anything about their own behaviour, and that ought to be at the front end before all hell breaks loose with mandatory charges and people losing control of their lives.

Our regulatory bodies need to shift their roles to steering, and there's so much research right up the hill at RegNet about this, steering and coordinating these efforts rather than being the ones with the only funding to go out and put in punishment policies. And we need to have a continuum of family centred services that increase access to things that people need. We need to front end load the child protection, police, youth justice entry points with relational responsive connections. And I’m going to give you one little quote from Patti Smith that I just picked up recently that I think stimulates my imagination, and tell you who my current hero is in the United States. If you don't know Elizabeth Warren she's one of my favourite politicians because she's defying the environment protection folks and she's a person who gets these things. I am leaving these things for you along with a list of references for you to look at. Thank you for your attention. Am I on time?

[Laughter]

[Applause]

**Amanda Lutz**
Thank you Gale. Next up we have two Victorian speakers who have made their way to Canberra to discuss the implementation of some of the recommendations of Victorian Family Violence Royal Commission which includes the trialled Family Violence Problem Solving Courts, the role of the Neighbourhood Justice Centre and aligning programs of youth justice group conferencing with interventions to address adolescent family violence in the home.

First up we have Alikki Vernon who has worked as an independent consultant in dispute resolution and restorative practices for over 20 years. Her professional practice includes managing workplace conflict, improving the governance of community and government organisations, supporting mental health case management, and identifying effective responses to institutional abuse and family violence. She is also Vice President of the Victorian Association for Restorative Practices. Please welcome Alikki Vernon.

[Applause]

**Alikki Vernon**
Thank you. It's wonderful to be here and it's quite an honour. I thought it would be useful to talk through some of the work that I'm doing at the moment in Victoria, so bear with me, it's very Victorian centric but I hope that there are obvious crossovers and useful bits of information for people here. Just as a back story, David Moore and I have been providing training in group conferencing, called Transforming Conflict into Cooperation, for a number of years. It’s a three day professional development course. I say that because it will make sense with some of the things I’m just about to share with you.

Since 2013 I’ve been struck by a steady stream of counsellors and advocates from centres against sexual assault and centres against violence who have enquired about attending the training that we offer in group conferencing, a process informed by restorative practice principles. In each case these service providers were seeking to explore another way to address abuse and violence among family members whether in intimate partnerships, between parents and children, and as well as for other victims of sexual abuse. They were seeking a process that may help address not only individual trauma, suffering and safety issues, but also the relationship breakdown that so frequently is associated with family violence and sexual offending.

These organisations were responding to requests from their clients, their victims and survivors, wanting to organise a meeting to discuss what had happened to them with people who mattered in their lives, and/or to address a current situation where they needed support in doing something more than the counselling to address issues that they were facing in order to make a difference to their lives now. The service providers were having to deal with different types of requests, from their clients such as:

1. To meet face to face with members of their family and estranged relatives who may have known about a situation of abuse and violence but didn’t do anything at the time.

The purpose for this victim was to discuss the historical matters that had been kept secret or not spoken about but had caused conflict within the family, for people to drift away or no longer speak with each other or see each other.

1. To meet face to face with the perpetrator or the offender who had already been jailed, served a jail sentence or who was elderly or dying and no longer a threat to them as such.

1. To meet with particular officials or members of an organisation who had a duty of care at the time of the victim’s abuse and who may be able to answer the questions that the victim didn’t know because they were too young, couldn’t obtain records about the incident, couldn’t adequately recall the sequence of events at the time, or couldn’t understand why those that they thought were there to help them didn’t believe them at the time.

Or,

1. To meet with their partner with others in the room to stop the abuse because they did not want to go to court, did not want to end the relationship, did not want to move out of their home, but they did want something done about the escalating violence, whether it was verbal or psychological, economic, or physical.

These service providers were having to respond to their clients wanting reforms to the current system of addressing family violence and sexual abuse. Being at the coalface at service delivery, these workers (and their managers) needed to support this victim initiated request for change.

I experienced a similar sort of situation in the mid '90s when working in mental health in a residential psychosocial recovery program, where people experiencing serious mental health issues were seeking to be involved in decision making processes that affected their lives.

They were wanting to discuss not only their medical issues but the breakdown in relationships, the type of abuse that they had experienced, the social stigma of their diagnosis, and the poor treatment that they had received by others.

When trying to advocate for consumers to have an active role in their treatment or in the processes addressing disputes and conflicts that they faced, there was concern, from clinical services, the judiciary, dispute resolution practitioners, even carers, that the person may not have the capacity to participate or may not have the insight into their problems. Or, that the duty of care of the professional may be compromised in the event that the person may make decisions that put themselves or others at risk.

In my other area of work at the time, which involved teaching and facilitating processes in dispute resolution and conflict management, the general view in the field was that mediation was considered inappropriate for people experiencing mental health issues. They were perceived as unsuitable or unable to participate in their own negotiations. Part of the explanation for this perspective included a concern that the power imbalances could not be addressed adequately or would disadvantage or put at risk the consumer.

At the time, I was struck by the discrepancy between clients who wanted to participate in processes, whether it was in clinical meetings, in tribunal meetings, or in mediations, for that matter, and those facilitating those processes who were not able to accommodate clients to actively participate in them.

Some of the issues raised then in mental health are similar or relate to some of the matters raised by the family violence and sexual assault frontline workers and their managers who were asking these similar sorts of questions in our workshops - “How can we support victims to be actively involved in decision making processes that affect their lives and the lives of those that matter to them?”

“How can we offer processes to support clients’ involvement, and those who support them, that are safe, effective, and that can minimise and address risks?”

And, “How can we maintain our duty of care to that person and to others who may be harmed or at risk?”

Ultimately these frontline workers wanted to provide a way to address the harm caused in the past as well as to prevent further harm.

Family violence and sexual assault service providers were asking these questions because they wanted to be able to respond to the safety needs of the women and children that they were working with, *and* to hold perpetrators of violence accountable for their actions.

What we’ve been able to do in those restorative practice training workshops is to open up a dialogue between people interested in restorative practices, convenors and family violence service providers. We are sharing our understandings of the issues at hand and discussing ways we could work together more productively.

Where there was initially some scepticism in considering restorative practices, what has transpired is an ongoing dialogue with experienced conveners and these centres in order to discuss both program and process developments to accommodate victims’ requests. The important thing about this dialogue is it’s a learning action process. We are learning from each other about what potentially can be effective responses. Restorative practice isn’t “the answer” to family violence and sexual assault, but it certainly provides an important and useful additional therapeutic and effective intervention.

Of course, there are other service providers in the formal justice system who have also been developing and refining their systemic responses to family violence including the judiciary, police, corrections, child protection workers and so forth. They have acknowledged that there are legislative and practice obstacles to them being able to perform their tasks effectively.

The Victorian Royal Commission into Family Violence identified the limitations in the current responses to family violence. Some of the things that the Commissioners identified are i) the assumption that women will leave their home when family violence occurs, ii) the lack of coordination across services that a victim might need at different times including different points of crises and beyond, iii) that there’s a tendency for victims to have to repeat their stories multiple times, iv) there’s confusion for referral agencies and even service providers due to the different types of service delivery models and principles which can create barriers to service integration, collaboration and innovation; v) that there is too little effort devoted to preventing the occurrences of family violence in the first place and therefore intervening at the earliest possible opportunity to reduce the risk of violence or its escalation; and, vi) that there’s not enough focus on helping victims recover from the effects of violence and to rebuild their lives.

Advocates and victims have also commented on other shifts that are required. In the words of Rosie Batty, we need to move away “from expecting a victim to keep herself safe or to leave or to report breaches or to testify, to requesting that in this case perpetrators take responsibility for that violence, and that an effective intervention is applied” or at least offered.

One of the 227 recommendations from the Victorian Royal Commission is of particular note and interest for this audience.

It states that the Department of Justice and Regulation, in consultation with victims, representatives and experts in restorative justice, actually develop a framework and a pilot program for the delivery of RJ options for victims of family violence. It also outlines that the framework and pilot program should have victims at their centre, incorporate strong safeguards, be based on international best practice, (and I’m assuming national as well), and be delivered by appropriately skilled and qualified facilitators. This is to happen within a two year period, which takes us up to basically the end of 2018.

The Department of Justice and Regulation is undertaking this actual task of consultation right now in order to provide a framework for the delivery of RJ options within the courts as their primary focus. However, as it happened with the Centres Against Violence and Sexual Assault (CASA), situations arise within courts and justice centres that require a more immediate response, while policy and frameworks are still being developed.

Like the CASA Centres, The Neighbourhood Justice Centre has also had to respond to their clients seeking additional ways to address harmful, violent or abusive situations. Those involved at the Centre include police, lawyers and social services who are wanting to do something more than what is currently on offer at the court.

The Neighbourhood Justice Centre opened in March 2007, so it’s celebrating its 10th anniversary. It was the initiative of the then Attorney General, Rob Hulls. One of its distinctive features is that you have a multijurisdictional court that has only one Magistrate sitting that oversees a number of different types of cases.

The court is also collocated within the Neighbourhood Community Justice Centre. The Magistrate operates under a specific Act, the *Courts Legislation (NJC) Act* (2006). The Magistrate, who happens to be a man, can seek any information he requires and hear from those who will aid him in the process of problem solving and sentencing. The Act also requires that all court staff have knowledge or experience of restorative justice and therapeutic jurisprudence. In addition to the court, the Neighbourhood Community Centre staff provides a series of different types of services and programs for the community and has a governance model that includes community members. So, the NJC aims to do what Gale was talking about, that is, bring the community together to talk through things and to be a part of governing how things are done.

The reason why I’m raising this, in the two minutes I have left, is because the NJC Director asked me to provide some expert advice to the Centre on offering group conferencing for family violence cases. The NJC may be considered as a site for a pilot project for a restorative program, however, no decision has been made as yet. I am consulting with the NJC’s Manager of Community Conferencing and court staff to produce a report to submit to the Department’s (DoJR) working group. The report will outline some recommendations for establishing a restorative program for family violence cases as well as what might be some of the process requirements.

An example of the type of family violence cases the NJC’s Magistrates’ Court could consider for diversion, or to be dealt with according to the Sentencing Act, are incidents that involve intimate partnerships, are between adult children and parents as well as adolescence and parents, and violence between siblings. Referrals for these matters may also come from the Centre’s other service providers.

Just quickly, in terms of process requirements, we are focussing on how we can support the readiness of those who are willing to participate in a group conference. We are considering the best ways to get the right network of people in the room at the right time to discuss the right things in the right sequence. We are using case notes and current program evaluations and research to reflect on program and process requirements.

There are situations where a person causing harm is able to acknowledge the violent incident presented to the court as ‘undisputed harm’, for instance, a son agreeing that he has assaulted his mother. But in the initial intake sessions, he may not be able to acknowledge that there have been any other violent incidents or issues with his mother, whereas the mother may identify a longer period of escalating violence. As convenors, we may be dealing with those causing harm that are at a ‘pre-contemplative’ stage in terms of acknowledging a cycle of violence.

There are a number of lessons we are learning so far. The need to develop a typology of case types so that from any program working with family violence will firstly allocate enough preparation time to better understand the complexity of the situation and to be mindful that the presenting issue may not be the only issue. There may be a number of issues involved which the victim needs to have addressed and the program needs to accommodate this. Secondly, there may not only be one group conference that’s required, but, rather, a series of group meetings to support a family to be ready to talk together. It may be, for example, that the parent and the adult child may not come together at the first group meeting. Rather, a group meeting may need to occur among the person causing harm and other family members as a way to assist them in identifying family interactions that have been tolerated, even accepted, but reflect patterns of abuse and/or acceptance of abuse. At this meeting, the family network can work through what’s been happening and how they can assist both the parent and the person causing harm by becoming a community of care which provides support and oversight.

So, some of the important program requirements are i) for it to be flexible enough to offer more than one group process, that there is an emphasis on the readiness of all the parties to participate, including the victim, the person causing harm and their network of care, and ii) there is adequate time provided to prepare people to understand the purpose of the meetings, their roles and responsibilities, and what they are addressing in a group conference.

There is little that the victim is currently offered at court to keep them safe and to involve them in the outcome of a situation, nor little to support the person harming to change their behaviour. There is no effective ‘circuit breaker’ and this is what providing a well facilitated group conference can do – to help name the problem, to address the safety issues, and to deal with the situation with the families affected and with an extended network of support and oversight.

So that’s some of the examples, and David will fill in the rest.

 [Applause]

**Amanda Lutz**
Thanks Alikki. Our next speaker Dr David Moore was at the forefront of researching and developing effective models of restorative justice in Australia throughout the 1990s. He specialises in conflict management and constructive communication, and facilitates high performance outcomes for work groups and executive teams. He’s currently an Associate at Latrobe University School of Law, and has previously taught and published with multiple universities in history, politics and law. David cofounded Transformative Justice Australia, and is President of the Victorian Association for Restorative Justice. Please welcome Dr David Moore.

[Applause]

**David Moore**
Thanks Amanda. It’s a pleasure to be here and again I feel among friends, there are people in this room we’ve been working with for quarter of a century now; that dates us. One of the reasons both Alikki and I are excited to be here is that, at the moment it, seems to us Victoria and the ACT are at the forefront of some of the most exciting developments in this area. We have been fortunate to be involved with this quite remarkable state based Family Violence Royal Commission in Victoria where one of the phenomena that we were struck by was that there was no sense of opposition or adversarial debates going on but rather the mindset that Gale was talking about: the fact that we’ve gone down a path of trying to punish and arrest our way out of complex social problems, and that is pretty much a dead end and while we don't want to get rid of reforms that have been won, there’s a whole different mindset required now to address some of the complex problems that we’re dealing with.

Given the short amount of time I’ve got it might be useful to leave with you some of the ways we’ve found really useful to think about the process that Alikki was talking about there: the group conferencing or community conferencing process which we trialled in Australia - just down the road. And Professor John Braithwaite was involved in that from the outset since we were basically testing the theory that he had put forward in the book that many people in this room will have read, “Crime, Shame and Reintegration”, and found it essentially right and we modified it slightly in terms of the shift in focus to social factors - which is appropriate - given you’re a sociologist! So the idea that what we’re looking at here is a mechanism, and applied across the probably 20 different domains that were up on your last slide there Gale - a mechanism for bringing together a *social network* with a *professional network* and getting the best available outcomes for the people involved.

A distinction we find more and more useful to make is between the different elements of terminology we use when we’re talking about these approaches. We hear people using the terms “model”, “program”, “process”, and “principles” fairly synonymously and you may have noticed at the end there that Alikki was talking very distinctively about the program arrangements, so: “what type of cases do we take and what sort of outcomes are we supposed to deliver?”, and the process involved. I’m looking for instance at Dymphna Lowrey and Anthony Melican here who were involved in the Defence Abuse Response Taskforce for Restorative Engagement Program which is flowing on now into a number of other important *programs* nationally because the Taskforce is an example of where we had all the program guidelines for what we would do to help people who had experienced traumatising experiences while they were serving with Defence, but we yet didn't have a *process*.

One of the things that that program did particularly well was design a process from first principles, “from scratch” and get it right. So, the roughly 700 people who went through one of these “*restorative engagement”* processes over the last several years reported profound therapeutic effects - like those people, who for instance have participated in *victim offender conferencing* post-sentence. So, given I’ve only got a few minutes, I thought I’d leave with you what we find the most useful principles for designing the sorts of approaches that Gale Burford was talking about, and the sort of thinking that’s going into the work that Alikki is currently doing at the Neighbourhood Justice Centre with the facilitators there, who are beginning to take cases - referred by the magistrate - of family violence, much like what is going to happen here in the ACT next year.

But we’re currently getting cases, and we have to do something with them - so we’re doing the right thing with them. So we talk about the principle of restorative justice, and Gale made a very important point that we’ve traditionally thought about these processes purely in terms of “victim meets offender”. Now, those of us working in this field moved beyond that as the sole application about 20 years ago but that’s still largely how “restorative justice” is understood. So I just want to take you through this distinction. That notion is really about the principles that apply when we use these group processes in a *criminal justice* setting; it’s not the only principles that apply. So these are the important *restorative justice* principles when you use a process like group conferencing in *criminal justice* applications.

However, the more powerful generic principles that we’ve found apply across the board - wherever you’re using these what are largely called “restorative justice processes” are that (i) we’re *working with* people rather than doing things to or for them - which were core points that Gale Burford was making, (ii) that *we’re doing no further harm*, which was a guiding principle for instance of the Defence Abuse Response Taskforce, and (iii) we’re *restoring right relation -* and again Amanda Lutz made this very clear, that means: restoring right relations with yourself such that your thoughts, feelings and actions are aligned. It can mean breaking destructive relationships; it doesn't mean everyone, all the time, has to get on together, it means working out what is working and what isn't. And it also means healing *between groups.* So whatever collectively it means in a specific case, there is real meaning behind that term, it’s not just a fridge magnet and a placard.

So we distinguish between *principles* and a *program*, and the program questions that have to be answered - regardless of where you’re working, whether it’s in policing or child protection or anything else where we have a frontline service responsibility to work with people and make things better - these program questions are: “What types of case do we manage?” “From which referral points?”, so for instance in the justice system, “Is this a diversion program, is it part of pre-sentencing on referral from the Magistrate’s Court or are we running these interventions post-sentencing?” “What types of outcome are we looking to achieve, with what processes and in collaboration with which *professionals*?”

So until fairly recently, the idea of using these sorts of approaches in any case that was labelled “sexual” or “family violence” was considered anathema. Now with a growing number of requests from the actual people who are living with these experiences, we’re having to say, “Okay, which professionals are already working in this field? Let’s work with their knowledge”. But the facilitator brings another skill set to that, and that’s the capacity to, at the right time in the right place, run one or more meetings that allow us to do something we couldn’t do otherwise. I’ll just finish with this slide. This is our current understanding of group conferencing, and it’s not wildly different from how we understood it back in the Riverina in the early 1990s John but its subtly different in an important way. And I think this will be pretty consistent with the view of the world that is articulated by the ANU’s RegNet.

So this is a mechanism for *responsive regulation*, in other words a way of working *with* people so as to do no further harm, but to enable decisions to be made that couldn’t be made elsewhere. So: expand the network of people who can provide insight, support and oversight, because essentially in these meetings, what we do is reach a shared understanding which none of us individually had had previously, and then at an appropriate time we work out what we need to do. So there are essentially two stages of these meetings: the “truth telling” stage, which can include sometimes explaining things *to yourself* that you haven't previously explained because you haven't previously had the circumstances to formally talk this through as a chronological cause and effect narrative, and then problem solving in a way we couldn’t previously do because we didn't have everybody there who could help us solve these problems.

We use this phrase, “transforming conflict into cooperation”. And again this is not just a fridge magnet! One of the things that struck us very on early on, and we’ve seen repeated time and time again in well-run conferences is that if you give a group of people a carefully prepared and structured opportunity to talk through what happened and what the impact was, that group actually reaches a point of both thinking *and feeling* that we want to try and fix this. So we’re not fighting, fleeing or freezing, we’re trying to fix things up. And again, without being provided with the formal opportunity to go through that process people may never reach that point.

When you do reach that point, and the general sense is, “All right. I’m exhausted - but I’d like to work out how we can fix this” there are essentially three questions we answer: (i) How can we respond with appropriate authority to the harm that’s being caused? (ii) How can we prevent further harm? and also - this often gets overlooked, (iii) what do we need to do *proactively*? What is the way of being that we need to promote, so that it’s far less likely that people will be harmed - and that in doing things that way, we are in effect preventing harm, because we’re promoting the good?

In a sense whether or not you use the terminology of “restorative this” or “restorative that”, the group conferencing process as a mechanism for working with people essentially allows us to coordinate - and again this is consistent with the point Gale was making when he gave that example of at least 20 different areas of application here - it allows us to coordinate *official resources* and “unofficial resources”, everybody who normally isn't necessarily involved in a formal response because they’re seen as one or two or three steps removed but they are actually part of the social network. What these sorts of carefully designed, carefully structured, careful sequences, run at the right time, in the right place, with the right people allow us to do is have the state not doing things *to and for people*, but provide a process that allows *people to work together* and then safeguards it where we need to safeguard it of course with police and other public officials.

So again, we find this framework a useful way of thinking, where we have to go back to first principles or to join the dots between lots of tested programs, but do something that hasn’t necessarily been done previously across a whole jurisdiction - which is what Victoria’s currently trying to do with the 227 Royal Commission recommendations. This framework enables us to say “There are mechanisms for doing this; they have been tested: they’ve been very carefully tested - more than most processes! and it turns out they work. If you embed them within a carefully designed *program* we will get much better outcomes for communities.” That’s where I sign off.

[Applause]

**Amanda Lutz**
Thank you David. So at this point I think we might throw it open for some questions and answers. We’ve got a roving microphone I believe, who are the keepers? Okay, so if anybody would like to ask a question of either Gale Burford, David Moore or Alikki Vernon at this stage could you raise your hand.

**John Braithwaite**
I’ll ask it to Alikki but others might have something to say. I was pleased Alikki that you raised the example of the son assaulting the mother. Essentially as a society one of the good things with down in this place is that we’ve changed consciousness so the women who are assaulted by the partners will not be so dominated in the relationship that they’re afraid to talk to other people about it and moving on to that happening ...(indistinct)... relationships as well.

But when it comes to mothers speaking up about being assaulted by their sons, which I think is a massive problem in our society but it doesn’t seem that way because there’s so little open speaking about it, how can we do better at achieving the cultural change in that mother/son space as a starting point to moving onto all this stuff? It’s all very well to think about what we’re going to do at the back end, but if we’re not even getting to know about where the problems are we’re not getting to first base. So how do we get more people talking about the abuse factor?

**Alikki Vernon**
The tricky thing is that people actually don’t want to speak about these matters because it’s considered ‘family business’, and can think that the issues need to be dealt with within the family. Even with the convenors going to talk with the family members involved in a situation brought to court, there is initially reluctance to speak of abusive behaviour as ‘family violence’. Family members can initially talk about the issues as personality problems or problems caused by drug or alcohol use. But, as more questions are asked in these intake meetings, they recall more of what’s been happening in the family over time, and they begin to see a different picture forming -that there are a whole series of problems in the family and a pattern to them.

If the intake (or preparation) session is well done, and family members are reflecting on past incidents, what took place, and gaining a better understanding of the purpose of the group meeting, then we may receive responses such as “I’ve always wanted to do something about the poor relations between my sister and her son but I’ve never known what to do about it”. Or, “I’ve never thought I could go to a particular service to ask for help because if I did that might expose a risk to my sister and my nephew in terms of child protection or other issues”. So, this is a longwinded response to why people don’t talk more about their problems. There are scared of the repercussions if they do. We have heard similar things from some services working with the Children’s Court, people are frightened to expose what’s going on in the family as it risks their family being put under the state, so it’s better that they don’t actually reveal anything.

It is important for any program working with these matters to be able to offer some confidentiality, even when the matter is court referred. There are outcomes that need to be reported to the court, but there is a lot of what is discussed – that is, ‘family business’ that can be contained within these group discussions. This doesn’t mean not involving the right professional service providers. What we can support are some changes happening for each of the family members, where they are prepared to potentially seek assistance with other service providers that they weren’t ever going to do before. So if we can minimise the risk of potentially the family being broken up or punished for being truthful, then a family may be more prepared to address a number of issues. It is fundamentally important how we respond at any particular referral point and that we actually work *with* the people from first principles, rather than them fearing we are going to do something *to* them or *for* them.

**Amanda Lutz**
Thanks Alikki. I might just pause in the Q&A just briefly. We have a special moment to share with you all. Professor Burford in his role as a founding member of the Restorative International Learning Community has a special message and presentation for the ACT’s Attorney General Mr Gordon Ramsay. I’ll just ask Mr Ramsay to make his way up to the stage.

**Gale Burford**
So this is a pretty special moment when Canberra signed on as a restorative city. I doubt you in this room what kind of ripples went out across to the rest of us who have been toiling along this idea of restorative cities, restorative states, restorative provinces, restorative organisations for so long, and part of the reason is that you may not know it but we all look to you as a little hub of good practice in this country where it seems just that some of the practices that you’ve used here for a long time are finally blowing back into the countries where I come from where our laws and practices have exported that have caused so much damage. So that coupled with the research capacity that you have here in RegNet, the partnerships you have around, I get to be the person who says something about this.

The genius behind forming this International Learning Community is Jennifer Llewellyn. She’s written quite a letter here, I’m only going to read the last couple of paragraphs but you’ll be able to read it online. What we want to do is present a gift to you on behalf of the International Learning Community, and you’ll find that one’s already been put into Leeds, England, Hull, England, Nova Scotia, we’re going around and planting these things, and I’ll show you in just a minute but I do want to read this paragraph to you first and we’re going to ask you to accept it on behalf of the restorative initiative here in Canberra.

So Jennifer says, “The orb that Gale has presented or is about to present today is a visual reminder of the significance of the circle of restorative community we seek to build and sustain. It’s also a reminder of the wider international community of which you are a part as you do this work. We are committed to encircle, to orbit one another to offer influence and on occasion gravitational pulls in this work and to marvel at the beauty of what you and we are doing with each other. The International Learning Community is intentional in its commitment to be of mutual support and assistance and to stay connected to this work. Similar orbs are displayed in Hull, Leeds, Halifax, Vermont and now Canberra as reminders of our connections and commitments to one another. So from snowy Halifax on the other side of the globe I send my gratitude for the warmth of being connected to your incredible restorative learning community in Canberra.”

[Applause]

We hope you’ll put it somewhere where it can be seen by people as a reminder of our connections around the globe.

**Gordon Ramsay**
Thank you so much. Thank you Professor, deeply moving and very kind, very generous of you and of Jennifer. As I start I do want to acknowledge that as we are thinking through issues of restorative practices, of restorative city and of matters of reconciliation and relationship, I always acknowledge that we have so much to continue to learn from the first peoples of nations around the world, and in particular we here in Canberra learning from our first peoples, and so I acknowledge the traditional owners of the land that we are gathering on today, the Ngunnawal people, pay my respects to their elders past and present and emerging, acknowledging the way that they have not only cared for this land but they have nurtured the community in this state for many, many a year, and I acknowledge the presence of Aboriginal and Torres Strait Islanders amongst us today, and commit myself to ongoing acts of reconciliation with our nation’s first peoples.

It’s an absolute honour to receive the gift from the International Restorative Learning Community and I do so with great humility. It’s very kind of you to talk about the fact that people around the world are seeing what is going on here in Canberra, thank you for that, but at the same stage I accept that with humility and also with a deep sense of gratitude. A lovely symbol of the fact that there is light and as the light is going to hit that it’s going to shine in different ways. One of the things that we will notice is as we are working on restorative, on matters that are drawing us together in that encircling way, we actually find that light strikes us in different ways and we begin to see things in different ways, and I think that’s one of the great things here is that as we are gathering together almost all ...(indstinct)...in our seating structure, the chance to see each other in different ways, see the community in different ways and see the future in different ways.

There’s certainly a significant body of work that is underway to help make Canberra a restorative city, and I have really enjoyed the honour of being as part of this community over the last couple of years as well, so it’s nice to be able to continue to carry that work through in my new role. I’m also aware that it’s a whole of government approach, in fact it’s broader than a whole of government, it’s a whole of community approach, but it’s certainly not something that I’m just trying to carry through from the perspective of Attorney General. Obviously strong commitment right across the ACT government but in particular I want to pay due acknowledgement to the Deputy Chief Minister, the Minister for Prevention of Domestic Violence Yvette Barry who’s leading the way.

I’m obviously strongly involved and working very hard and the Minister for Justice Shane Rattenbury who’s taking the lead role in the areas of restorative justice. It’s nice to be able to have more and more excuses to work across the portfolios to work in ways that we use the language that join up the holistic approach. To me we work the way that people live which is across the entirety of people’s lives. So I think the importance is making sure that we provide victims survivors of gender violence with safe and effective justice and reconciling ways. It can’t be overestimated, it is so fundamental to us. We are learning more and more about the importance, we’re probably scratching more and more off the crusted up nature of the way the community has looked at matters for too long, and we are I think hopefully being able to head deeper into the reality of lives and to bring about significant change.

I’m certainly committed to building a Canberra community that is safe, that is strong and connected and they’re key parts of it. I’m looking forward to the ongoing ways. My apologies that I’m not able to sit in for the entire time; I was able to sneak in and have part of the conversation with the Q&A, I’ll be able to keep being here for a little while. There’s fun things that are called annual reports hearings going on at the moment just down the corridor from here. Let me tell you, if there was a choice between annual reports hearings and restorative practices - but there are important responsibilities as well as part of that. So I’m looking forward to the ways that we will continue to discover and to develop new possibilities that the restorative practices can reveal for us, and that this particular community of people and this particular approach can become something that can help lead new ways right across the Canberrian community.

So thank you to our speakers, thank you to the members of the audience today. Thank you for bringing your openness, your ideas, your creativity for us to continue to explore how it is that we can take the next step and the next step and the next step. I’m going to be looking forward to hearing more of the things that I haven’t actually been able to hear firsthand today. Thank you again Professor for your generosity of time, for your generosity of your words, for the generosity of the gift, but most importantly today for the generosity of your wisdom in being and sharing with us today. Thank you so much, thank you everyone.

[Applause]

**Amanda Lutz**
Thank you Mr Ramsay and thank you also to Gale for that wonderful gift. I think we might just continue the Q&A, we only just started that. We had an arm up over in that corner?

**Charles Foley**
Our brothers and sisters from Victoria have talked about people not wishing to bring things to the law. In the ACT it is my understanding that whether you want to or not, whether you want to withdraw charges or not, the police in the ACT are required to prosecute on your behalf for you and instead of you, and you cannot withdraw that. My question is, is that a help or a hindrance, is that a benefit or a detriment to the use of restorative justice in family violence situations?

**Amanda Lutz**
Are you directing your question to any particular speaker?

**Charles Foley**
Somebody who could answer.

[Laughter]

**David Moore**
It’s a very important question because I don't think we wanted to imply that restorative justice is an *alternative* to the formal legal system. Many of the cases we’re talking about are on referral from courts so the model in that instance is that the Magistrate – these are slightly different laws, but in Victoria the 2010 sentencing provisions of the Sentencing Act say essentially a Magistrate or a Judge can pretty much refer any case to a facilitator who can run a meeting and then come back to Court, as is now practiced nationally in New Zealand, with a response. So I think what will happen over time is we’ll get the evolution of this approach.

Initially this is with the cases before the Court where people are prepared to say, “Yes, we’d rather try and negotiate something with professional assistance rather than simply having a decision imposed on us”. But at the same time, and in fact at the Neighbourhood Justice Centre where Alikki is consulting at the moment with a couple of colleagues of ours who are professional facilitators, Victoria Police are saying, “Can we go out into communities where we know there are big issues, complex issues, we know in some instances there’s a degree of cultural acceptance of violence or whatever, and run meetings?” – of the sort that we’ve been experimenting with - for instance in Canada and the States for many years with 30-40 people in the room. So we’re involving people who might otherwise have found themselves before the courts - with the “assistance” of the police at some point - but in fact it’s Victoria Police in this instance who are *proactively* saying, “Can we go in and work with families, schools and the like and actually start a conversation about how we can work together to try to address some of these issues?”

So it’s certainly not “either/or”, and we don't have the all the answers at the moment -but what we do have - and again it’s striking and I think it’s quite similar in Victoria to here in the ACT is the willingness to say, “We’ve got some mechanisms now that we didn't previously have”. The ACT is lucky in having the Restorative Justice Unit with a number of experienced facilitators at one site, in one place, where you could *potentially* say: “There are various ways we can accept these referrals”. Let’s experiment safely and see whether the bulk of them are going to be on referral from the court, or don’t actually necessarily go to court at all, but are referred by working collaboratively with police and/or other agencies.

**Female Speaker**
So in short the police can be a great help.

**Amanda Lutz**
I would just clarify, the situation here in the ACT is that the Restorative Justice Unit is embedded in the criminal justice system, it takes referrals only from criminal justice entities. We have no intention to undermine policies that uphold the seriousness of domestic violence and sexual offences. What we aim to do is to provide an extra justice experience for victims who can get together, if safe and appropriate to do so, with an extended community of care and awareness about what’s happening for them.

So it’s a voluntary scheme, it will be taking place with the close collaboration of victims advocates agencies and other agencies to ensure that risk assessment is really stringent, to ensure that people coming to it are coming to it for the right reasons, and that there’s a reality behind the outcomes that they’re striving to achieve. Always highlighting it’s the accountability on perpetrators of violence and making sure that they understand the impacts of that violence on victims, women and children, and the ripple effect of other community members. Gale, did you want to speak to that or Alikki or would we move onto the next question? Okay, we’ve got one down the back there.

**Female Speaker**
There are a lot of issues obviously and many of them we’ve heard ad nauseam over many years, but I’m just wondering, it seems to me at the moment that one of the things we need is community education and an addressing of community expectations which at the moment generally seems to be for punitive measures rather than other. So it seems to me that restorative justice would be enhanced if the community knew more about it and it was seen to be as important as it is. Are there any views about that?

**Amanda Lutz**
Raising community awareness about what restorative justice has to offer is one of the big challenges that we face, so in bringing people together in forums like today, in conducting focus groups, in developing a website with testimonials, there are many strategies that we need to put in place that will raise community awareness. I think that when we’re applying restorative justice to matters of gendered violence in phase three and we’re working really carefully and we’re working in the interests and needs of victims, that we’ll have outcomes that then speak for themselves and that will be where the proof of the pudding is. So in the meantime it’s really about building capacity, building expertise, engaging with other agencies to make sure that we’re working on this together. We’re not going in naively, we’re going in being very mindful of some of the vulnerabilities that we’ll be facing.

**Female Speaker**
Can I just add one thing to that; New South Wales has had youth justice conferencing in courts for quite some time but it’s generally still now seen as the soft option and until the community considers otherwise it’s not going to be as effective as one would hope.

**David Moore**
Can I speak to that? Because I was involved in the New South Wales reforms as well as those in Victoria, and that’s a really important point that goes to the previous one. So essentially what happened in New South Wales was that the legislation allowed for referrals to youth justice group conferencing from both police and the courts, and - I think John Braithwaite’s made this point - they’ve tended to be associated with fairly lower order types of crime, and so that dichotomy of “well there’s *tough on crime* or *soft on crime*, which the Murdoch Press is still running, and some of us are still *reading it*! –

[Laughing]

I remember 20 years ago when I was working in the Queensland State Cabinet office being asked to brief by the Premier, “He’s going into parliament tomorrow and he’s going to get this rubbish about soft on crime”... And I prepared the briefing note, “Why don't you say: we’re over that debate about soft versus tough, we’re interested in *what works as against what doesn't* and here’s the evidence on what works”. And fortunately, in Queensland, that reframe got the issue off the front page of the *Courier Mail* for about two years - by just changing the terms of the debate. So one of the things we need to do is quite strongly offer an alternative to “soft versus tough” and talk about *what is effective*. We were lucky in Victoria in one sense that the decision was made only to have cases that would attract a fairly serious tariff going to group conferencing.

So, for better or worse, in Victoria, police have not been able to refer cases to the formal group conferencing program. It’s only been for a court referred cases, and what’s happened then is that, on each occasion when the party that was reading the Murdoch Press more seriously looked at group conferencing, and was trying to abolish it, they also actually looked at the program *evaluations,* and then *expanded* funding to the program, and *then* amended the legislation to take more serious cases.

So it is really important how we frame this discussion about what we’re offering here. It’s certainly not an intervention simply for minor matters, and again, as John Braithwaite’s – I’m just speaking on behalf of you and the ANU, John, but you’re taking it very well – has made the point repeatedly: the large scale evaluations showed that the strongest impact on offending behaviour was in cases involving violence. So conferencing is certainly not an intervention for “minor matters”.

**Amanda Lutz**
I’m just a bit mindful of the time. We’ve got one question over here and then we will have lots more time for questions and answers down the track, but we do have a lot of speakers to get through. So we had one over here who had her hand up for a long time.

**Female Speaker**
My question is for Professor Gale. The reason I’m asking is that many times when we are not talking about referrals which go in very severe cases where police is involved or courts are involved, are there any practical best practices where community members who don't want to go to the police to report it, but want to have some kind of resolution. If you can share some of the international best practices that perhaps you have studied from somewhere else, these other kind of models that can be operated in criminal justice ...(indistinct)... system, that state is not involved directly through courts or police, but still there is a mechanism that community members can go to report it and then get some kind of resolution to move forward?

**Gale Burford**
Yes there are, and they go back to the question that was asked earlier about what’s the relationship between the justice system and the community. Who safeguards people’s rights in these processes if we’re to have a truly community based network of people who can address a woman’s concerns about violence without it being thrown in in some mandatory way into other people making the decision. There are some really exciting programs internationally right now that are looking at ways to do that, and I will presume to speak for Australia – I’m so excited by the report from Victoria, the Royal Commission and I’ve shared it with everybody at home, in fact I have the first violence against women funded grant that just started January 1st to look into a survey of practices of restorative justice and domestic violence that they’ve ever given any money for.

The Violence Against Women Act has been around since 1994 and every cent that they’ve spent is on toughening up the punishment response to offenders, getting in this language of perpetrators and rapists and batterers into all conversations, and the blowback now is from women, especially poor women, women of colour who say, “We don't want to be dragged into systems where our family members are constructed that way from the get go. We want to define our situations as conflict and we want to solve those conflicts around economics – we just want to be safe.” So it does raise this question of mandatory reporting because in order to get that law legal people in the United States had to construct women as helpless battered people who were so at the mercy of an abuser that they couldn’t make decisions for themselves, and that’s what’s being walked back from at this point.

Tons of research have come up in the last 10-15 years that show even women who are being battered in their own homes do things every day and every moment to keep their children safe, preoccupied with it, they shouldn’t have to do that. So yes, they are walking back and there’s a lot of interesting programs. The reading list that I’ve left for you, the name Mimi Kim, Leigh Goodmark and Donna Coker are all people who are experimenting with programs that bring together networks of people at the community level to try and work with networks that reach out to abusers, to work with them to see if they can get their cooperation. Interestingly so many of them are cultural groups, lesbian groups who don't feel safe at all calling the authorities.

One of the most inspiring ones I’ve seen is in the Netherlands, where I got to visit a few times years ago, where a large study showed that younger women weren’t coming to the shelters for battered women, and they did a survey to find out why and the message was, “Because you only want us to separate from our husbands, that’s not culturally appropriate, we want you to go out and work with them, we don't want divorces, we want safety” and they’ve shifted their entire program to one of reaching out, doing counselling. When was the last time you heard the words couples and counselling and domestic violence stuck in the same sentence? Those are some of the programs that are starting to happen. The short story is that it’s got to be managed by groups of people who are made up both of victims and of people who well understand domestic violence.

...(indistinct)... in Canada is an example of a community that work with the authorities that said, “We want the opportunity over here to work with families and communities” – I’m taking too much time here, that’s why I left the reading list. There is encouragement out there, yes.

**Amanda Lutz**
Thank you Gale. We have one last question, Fiona Tito Wheatland and then we have to move on to our speakers. Thanks Fiona.

**Fiona Tito Wheatland**
It’s actually not a question Amanda, it’s an announcement. The Attorney has given the Law Reform Advisory Council a reference on restorative practices and we’re going to be coming out and talking with the community about all sorts of things that people are interested in and how they see the restorative practices extending beyond where it is at the moment. So it’s the beginning of an opportunity for that. Thank you.

**Amanda Lutz**
Thank you. Okay, so we’re going to move onto our local speakers now who have their fingers on the pulse of what is happening right here where we live. Again, we’ll have time for a question and answer session before our break, which is looking like it might blow out a little bit past two, but for those who need to go at two we will certainly understand. So again, if any of you need to write a question down raise your hands, facilitators will assist you. Any questions that go unanswered we’ll answer on the Restorative Practices Network, the community network and I’ll make sure we’re certainly answering everybody’s curious questions.

The first of our next panel of three speakers is Mirjana Wilson, instantly recognisable as the Executive Director of the ACT’s Domestic Violence Crisis Service. Mirjana is also the inaugural ACT Violence Prevention Woman of the Year. More and more we hear a call to move beyond the immediate crisis and ensure supports are in place early and in particular to address post-crisis needs. Please welcome Mirjana to discuss exciting new developments at DVCS.

[Applause]

**Mirjana Wilson**
Thank you Amanda. I’d like to acknowledge the traditional custodians of the land upon which we are meeting today, I’d like to pay my respects to their elders past, present and emerging, and also acknowledge any Aboriginal and Torres Strait Islander people that are with us here today. I found this a really challenging thing as I sat down to write down on what on earth it is how I encapsulate the thinking and the journey that DVCS has been on for the last 29 years, and it has been a journey and it’s a journey that we actually can’t afford to stop. So in speaking with you this afternoon I wanted to share some thoughts and ideas that DVCS has been grappling with now for decades really, as well as describing some of the service delivery options that we’re moving into which in many ways has really evolved.

Like many organisations working in this sector, we’re really still trying to understand and respond to the gendered violence so that we end up doing really what reflects what people are telling us that they need. We have a domestic violence system that has built up through the grassroots works of refuges and women leaving, and a lot of DV policies and programs have been based on that and we’re now trying to grapple with actually it has to be a bit more than just women leaving their homes, because this is what women are telling us is not the only option. So the longer that DVCS has worked in the area, the more open we’ve actually become to the complexity of domestic and family violence.

If you’d asked us why domestic violence occurs two decades ago, even a decade ago we would’ve answered it very differently to how we are actually going to answer it now. Years ago we would’ve said that it was entirely about male abuse of power and control. Predominantly and overwhelming we think in most relationships where there’s violence and controlling behaviours there are issues of male abuse of power and control ,but we also think this is a really narrow story that can lead to a really narrow response. We think that if we see every situation as the same then we’re not really listening to the individual people that we’re working with. Every story is different and therefore requires an individualised response, and it is this individualised response that we have been grappling with over the last 29 years.

Men who use violence in their relationships can be as varied as the women who are living with violence. We need to be careful that we don't stick people in boxes and believe that we know what is best for them because we are not the experts of their lives and their experiences, they are. For example years ago we would also have said that violence always gets worse and that the only thing that would ultimately make it okay for the woman and her children is for them to leave. Many, many women tell us every day that they don't want to leave their partner, that they just want him to change his violent or abusive or controlling behaviour. Some of these women will at some point decide to leave because they no longer hold any hope that he will change. Some will stay and the violence will continue, and in some relationships the man will stop using violence.

DVCS really believes in the possibility of change and people having the capacity to make that change. If we were to lose the hope of people having the ability to make the decision to change their lives, I don't really know where that would leave us and how we would keep moving forward. But despite the hope that we hang onto, and the last two years has been really very challenging and it’s probably been the most challenging for the work that our organisation has done in its 29 year existence, so our new working landscape can best be described as we no longer work in and within anonymity as domestic and family violence suddenly got thrust out there into the mainstream. We used to do our work in the shadows and in secret.

This is in part due to our 2015 Australian of the Year Rosie Batty, and in part the deaths that have occurred not only in our community here but in many communities all over this country. We now have ads on primetime television highlighting the issue inviting us all to engage and do something as a community, and here locally DVCS continues to combine forces with different parts of the media to highlight the issues that our community and service system are wrestling with. The unprecedented increases in demand upon our services, yet still needing to have the issue out there and promoting our service offerings, really creates some ongoing dilemmas. How do we ensure that our awareness raising does not set people up with the expectations of support that we then can’t meet? What’s the next step now the public’s awareness is almost saturated with images of women being killed by those that should love and respect them the most, what do we do with that?

So for 29 years DVCS has been through an extensive process of change. We no longer engage in the language of victim and perpetrator, we instead talk about people that are subjected to violence and people that are using violence, except of course when we hang out with our stakeholders like the police and the courts and then we flip over into that language, but internally within the organisation that’s the language that we use. In the first eight to 10 years of operation we made very few changes. We are now an organisation that continually monitors, values and implements change as it’s required to ensure that we’re always aiming to provide the best service we can to our clients and to the broader ACT community.

At best I would like to say that our changes reflect the changing ideas from the community and we are guided by experiences of working with both people subjected to domestic violence, and with people who use violence in their relationships. Within this we recognise the vast majority of people who are subjected to domestic violence are women and children, and the vast majority of those using violence in their relationships are men. But there are also significant challenges and other stories that aren't being told in quite the same way. There are significant numbers of Aboriginal women facing unimaginable levels of violence that are normalised because violence is so widespread in some communities. Similarly we know that women with disabilities experience violence at appalling rates in their homes and institutional settings and when trying to access support.

Transgender women experience increased rates of intimate partner violence and abuse in daily life, and contentiously perhaps we need to better understand men as victims of violence and have conversations about male victims. The priority of DVCS was and remains safety. Changes to our organisation have significantly changed how we work and what we now offer to our clients around issues of safety, both in the immediate and the long term. We’ve made a commitment to the ACT community to do our work in a more all-inclusive way. We now offer services and interventions to all members of the family that experience domestic and family violence. The last 12 to 18 months has been about exploring how do we do that? It’s a mantra many of our clients have voiced in the past, that they want us to be there for their partners and their children, they want the violence to stop and they don't want their relationship to end. In order to respect and really hear what women were telling us they were wanting, and given that the considerable number of women actually stay in their homes often with their partner, it’s crucial that we had to find ways of engaging respectfully with these men.

DVCS’s crisis intervention arm continues to be the primary gateway for our other service offerings. We provide legal and court advocacy, support and outreach to children impacted by having lived with and/or having experienced violence, a range of support groups for women and men as they take steps to heal. We’ve exceeded all expectations considering how much demand’s been placed on us and how much we’ve been able to deliver, but this year we’ll be further evolving as an organisation so we can better meet the needs of the Canberra community. And all eyes are upon us for this one because we are entering into an area where we didn't quite expect that a domestic violence service that was born out of supporting women who were subjected to violence was going to move into an area of supporting men who use violence and/or controlling behaviours and who are seeking different pathways in their lives. Because for us working with men to reduce their violence and controlling behaviours works to increase the safety options for women and children, and it’s that experience that we’ve had for 29 years of working with women and children that we can carry the voices of those women and their experiences into our work with men.

We will also be assisting women and their children who choose to remain in the home after violence with a raft of enhanced wraparound services that previously didn't exist. In the past women that chose to leave the family home would go into a refuge in a supported environment where they would access services around that. In the ACT we’ve had legal responses that have allowed women to stay in their own home but the existing support mechanisms have not been there. So part of that goal is to work with the men with the things that they need to work on and would like to address, but it’s also about giving women the space and the time that they need to stay in the family home and receive that support.

The solution to ending men’s use of violence against women needs to be coordinated, it needs to be long term and collaborative. This is no longer just women’s business or solely the job of crisis services, refuges or governments, and there are no quick or easy fixes. And it’s actually no longer good enough to look at others for these reasons or solutions. Of course we need long term funding for well resourced services that are specialised in experience in working with women, families and communities impacted by violence and trauma. We have an incredibly stretched support system that has had to fight for decades for adequate funding, and continues to be undervalued and under pressure. But this is only part of the answer.

The long term solution is intergenerational change that requires all men and women to commit to challenging gender inequality and violence supportive attitudes, but we also need to keep learning and listening to those that are affected. Their stories are not all the same. When these stories sound the same then we are placing ourselves as experts on people’s lives which can include knowing what is best for them. At DVCS we hold that the root cause of gender based violence is gender inequity, but we consistently work with every client, every man, woman and child as an individual and with recognition for their individual story. As an organisation that embraces change and reflection on practice we look forward to further challenging ourselves in this complex work. We actually have to keep doing this and until we’ve taken significant steps to ending men’s use of domestic violence against women I don't really think we can afford not to.

[Applause]

**Amanda Lutz**
Thank you Mirjana. Our next speaker, Codie Bell, is a comedian and social media dynamo who is active in both the Canberra comedy and feminist scenes. She’s taken part in a Fearless Funny Women panel hosted by literary collective Feminartsy and has organized January’s Women’s March in solidarity with our sisters against misogyny and gender abuse in the US. She’s here to talk about responses to campus rape culture. Please make welcome Miss Codie Bell.

[Applause]

**Codie Bell**
Good morning everybody. So my name is Codie Bell, I’m many things; comedian, activist, feminist, but I am here today to talk to you about what campus rape culture looks like and the place that restorative practices have in dealing with gender based violence at university specifically. A brief warning; I am a survivor of sexual violence and intimate partner violence and I will be discussing my experiences today, so if anybody feels the need to step outside for a breather, get some water, go to the toilet, I won’t be offended, not even a little bit.

So about me first; I graduated from ANU last year after five years of studying Chinese literature and linguistics. I have neither a law background nor a gender studies background but I have a lot of experience being a feminist, and a very outspoken feminist as well. I’ve written extensively about my experiences being a victim of sexual violence on campus, and I’m unapologetic about taking my fellow students to task when they express outdated or uninformed opinions on how the world works for men and women. Because I’m so public about my experiences and beliefs I’ve been entrusted with a lot of women’s stories and I’ve been welcomed very warmly into the community of survivors that is here at ANU and in Canberra, and the slogan “If you’re not angry you’re not paying attention” rings particularly true to me.

So my activism has moved offline most notably by organising the Canberra Women’s March which is how today’s organisers found me. I’ll be honest, when Amanda first approached me to talk about the topic of today’s workshop I did a little bit of Googling on restorative justice, as I said law not my background, and it sounded like a terrible idea. It sounded like a chance to sit down in a room with my abuser and let him say all the things to me that he would say when we weren’t at court. It sounded like a chance for him to minimise what he’d done, to say he was very sorry but it didn't happen the way I said it was, for him to direct the conversation about his sad sorry childhood and take the focus off me once again.

Thankfully Amanda knows a lot more about restorative justice than I do, weird, and when we started talking about it she let me know that because the restorative process, especially in the ACT relies on an admission of guilt from the perpetrator first, they give up the right to a direct conversation about their crime and when I realised that restorative justice would look a lot more like me telling my abuser what I thought what he had done and what I thought about what he did, I came around to the idea quite quickly. There’s a few people from ANU here and they know that I love to tell people what I think.

So I’m going to talk a bit about my story, my story specifically with sexual violence and reporting it to the university, I’m going to talk about what we can learn from restorative justice, and then I’m going to talk about an example that I found that some of the academics in the room might’ve heard – a case of sexual harassment at Dalhousie University that was dealt with using restorative practice. So when I did a bit more research after I discovered that I hadn’t Googled everything there was to know, in the criminal legal system that we have at the moment if somebody commits a crime, even though they assault another person or sexually harass another person or murder another person, they don't actually commit that crime against that person, they commit the crime against the state and so they are responsible to the state, and that’s the basis of what we understand criminal justice to be.

And universities operate kind of in the same way. So if a student commits a misconduct they commit misconduct less against the person and more against the university. So it’s much easier to be expelled from university for plagiarism than it is for sexual assault. When I told a senior administrator at my university that I was sexually assaulted, she basically told me she doesn't have the power to investigate sexual assault, which is true. But the truth of the matter is I was sexually assaulted while I was a student at the university, and for many rational reasons that lots of people in this room will understand I didn't want to go to the police. I wanted a response from her, I wanted very specific things from her, and the way that I was treated made me feel more like a legal risk, a defamation risk, a PR risk than I was a person.

So in no particular order I’ll just tell you a few things about what happened when I decided to go to the university. Overwhelmingly my response from the many different university administrators that I spoke to was not, “How can we make this right?” but, “Why are you making me deal with this?” So even though the administrator who I spent most of my time speaking to was paid very handsomely ostensibly to deal with things like this, she even had an EA for this purpose, I was the person who was responsible for emailing, for calling, for organising meetings, to follow up everything about it. That’s ridiculous to follow up on my own experience of being sexually assaulted. Even though I had explained the story to this administrator’s employee in an email, still the first thing that she asked me when I got into the room was, “Alright, can you tell me the entire story from the beginning again.”

There was no acknowledgement of what a privilege it is to be entrusted with a survivor’s story. At no point did anyone acknowledge that it was a significant personal sacrifice on my part to tell a group of unsympathetic strangers about the worst thing that had ever happened to me. Even though I attached my personal mobile number to the end of every email that I sent, I was never called to talk about what happened, I was responded in a number of business days as I’m sure was appropriate to her processes with emails that were full of legalistic and technical jargon when really she could’ve just said, “No we won’t help you.” Most strikingly when I went with my advocate to the first meeting, we went up in the elevator, and

I’m not sure if many of you have been to ANU but one of the features of that interior design of that university is they have lots of walls with inspirational quotes from various thought leaders from different walks of life, and as we were going to this meeting and we went into this lobby I was approached with a very large quote that said, “If you’re not failing every now and again there’s a chance what you’re doing is not particularly innovative – Woody Allen.” Thanks Woody. So everyone in this room knows that sexual assault is scary for universities. Even though according to the administrator’s own policy I didn't have to prove to her that I’d been sexually assaulted, according to her policy all I had to prove was that I’d been harassed or victimised. I only told her that I had been sexually assaulted because that was the truth, and somehow telling the truth makes you more suspicious in situations like that.

I was left re-traumatised by the entire experience, I was left exhausted emotionally, I was left really tired and I felt like justice hadn’t been done, but it doesn't have to be that way. So when I did a bit more research on what restorative justice could look like I found this example of Dalhousie University. How am I going for time? Well? Okay. The case of Dalhousie University is probably a bit more typical, my case is definitely something a bit more extreme. But at Dalhousie University they have a dentistry faculty, in 2015 they started a new dentistry class, had 40 people in it, 20 men and 20 women, and four of those women filed a sexual harassment case because they discovered that some of the men in their class had been posting hateful sexually aggressive and demeaning things about them in a private Facebook group.

At Dalhousie University, very far away from the dentistry faculty is Jennifer Llewellyn, one of the world’s foremost restorative academics, and because of that at Dalhousie University if you allege that sexual harassment has happened restorative practice is one of the options available to you. So rather than going through that punitive measure having the men expelled, instead the entire class, the faculty of the dentistry school, members of the community, members of the dentistry professional organisation went through a really intensive restorative practice process. the entire report is fascinating, I would really recommend anybody who is interested in this sort of field to look at it, it’s so inspiring. As I read it I found myself really ready to cry angry tears.

I’ll talk another day about how unwilling universities are to deal with online harassment specifically, but what I was really struck by was how the administrators at Dalhousie were so ready to take immediate investigative action, they were so invested in the students and they were so available to students, male and female, victim and perpetrator. They were really committed to having the best response, and that means the most just response. It doesn’t mean letting the men off the hook but it does mean working with the men to move forward. To end, obviously there are differences of degree in nature between my case and what the Dalhousie women went through, but this was never an option available to me, and by demanding that my university take my sexual assault seriously, I was the one committing a form of misconduct against the university and in the university’s eyes that made me almost as bad as what my rapist had done to me.

So I’ll end with a quote from the women of Dalhousie dentistry cohort 2015. What they wrote after the entire process was, “Restorative justice provided us with a different sort of justice than the punitive type most of the loudest public voices seem to want. We were clear from the beginning to the people who most needed to hear it that we were not looking to have our classmates expelled as 13 angry men who understood no more than they did the day the posts were uncovered. Nor did we want simply to forgive and forget. Rather we were looking for a resolution that would allow us to graduate alongside men who understood the harms they caused, owned these harms and would carry with them a responsibility and obligation to do better.” Thank you.

[Applause]

**Amanda Lutz**
Thanks Codie. Our next speaker was Canberra Citizen of the Year in 2015 and provides a strong voice for women and the disadvantaged in our community. Disability advocate Sue Salthouse has served on boards for the ACT Domestic Violence Prevention Council, ACT Disability Expert Panel advising on the National Disability Insurance Scheme, and Women with Disabilities ACT. Sue is keen to keep a spotlight on the challenges facing people with a disability in the ACT and will discuss this in light of today’s topic of gendered violence. Please extend a welcome to Sue Salthouse.

[Applause]

**Sue Salthouse**
Thank you for the honour of being here but also I’d like to acknowledge the Ngunnawal people and that we meet on their land today, and to acknowledge the continuing contribution they make to the life of the ACT community, and especially as we say respect to their leaders past and present, and to their emerging leaders. When I say that I think really very strongly too about how in the disability community we do need emerging leaders as well because the capacity of women with disabilities to be able to take their place in society at the moment is still really reduced, and I think that plays into when we’re thinking about restorative justice, how people need to have a certain amount of consideration of their own self worth in order to be able to say to an organisation that they are able to take up or that they would like to take up this form of justice.

By the same token I really want to convey how excited I am because we are on the cusp of another great social reform, and you know that in rolling out the National Disability Insurance Scheme we are really looking at having a more inclusive society and a society that is able to understand and include people with disabilities, and particularly women with disabilities. So I see that then if we look at restorative justice, it’s another facet of us being able to develop a supportive community that is able to support people who have undergone in this case domestic or family violence. So in saying that I will say well where are we about being inclusive? It’s a small bug bear of mine that when I look around the room I only see me.

Now alright, I’m the one with the visible disability, but I wonder when the invitation went out, did it say anything specific that would mean that an excluded community was able to be included. Did it say there’s a hearing loop? Did it say we’ve actually put this invitation in a Word document as well as a PDF that you can’t read. Did it say just let us know what you need to participate. Because we will have to do that for quite a few years until an excluded community begins to know that it’s safe for them and that it’s worthwhile for them to go along and be included, and I think that’s part of what we need to think about when we’re thinking about community as a real part of how we approach restorative justice, and when are we going to build that community that’s actually able to support women with disabilities?

So I think when you do the Googling and you look at restorative justice in the domestic and family violence space, there is an admission that this is a much harder space than other parts of restorative justice, and that restitution takes a longer time. I want us then to think about that people coming to restitution have cognitive impairment, and that cognitive impairment has really affected their vulnerability or their being in a risk situation for domestic or family violence, or community violence, and that therefore when they come into this process the way that we support them has to be very different – no not very different but an expansion of understanding as to how we support those people who come into this process who don't have cognitive impairment.

I think it’s dangerous territory because I was thinking about in some of the things I read how they would say, “This can be used in the simpler cases”, and where is the line for the simpler case of cognitive impairment? Is it an IQ of 70 or is it an IQ of 30? In fact the convention on the rights of persons with disabilities says that we must assume capacity for everybody, that’s legal capacity as well. So I think that means that when we are looking at setting up systems that are able to offer a restorative justice restitution for everybody, that we will have to have systems that assume capacity even in situations where we would say without experience this will never work because they don't have capacity. I think Mirjana mentioned power imbalances and I see that there are very large power imbalances that affect women with disabilities, and that’s in the perpetration or the offence being perpetrated in the first place.

I’m sorry that word’s still in my language but it’s very firmly there. I’m looking at when we undertake a restorative justice process we will have women with disabilities whose self-worth is below floor level, and how are we going to have a supportive system that doesn't make her agree to things that we would not think would be agreeable because she has such low self-worth. We know that in domestic violence or violent situation there is an erosion of self-worth, even in a situation where a man does a lot of mansplaining, even in that situation you can be in a partnership where self-worth becomes eroded over time. So I think we need to think very much about that.

We also need to pay attention to current cultures around disability. I work in 60 group houses in the ACT and the people who are working in those houses don’t have a culture of restorative justice, they don’t have an understanding of the figures that say that women with disabilities are two to 10 times more likely to experience domestic family violence or street violence. Because they don’t have that understanding, they’re not seeing it in front of their own eyes, and I’m not seeing it. I go into houses for an hour at a time, I’m not seeing it. But I think we know that it’s there. I think we need a lot of training, and the training that we’re working on does -[audio feedback] – what did I do?

The reason I’m unwilling to turn off the microphone, I don’t know but if there’s anybody in this room that’s using the hearing loop, they need me to use the microphone. We can’t just say, “I won’t use it now because there’s a bit of feedback.” So it’s that sort of understanding when we’re looking at inclusiveness that we need to have in our heads all the time. However that’s an aside, the microphone having a bit of feedback. So I think when we’re looking at who would we go to for supports in the community, we really need to look at those people who are working as support workers, and we need them to have their awareness raised.

I think this is where the restorative justice process introduces people to listening to both sides, and I think that is a culture that we need to really train people and introduce within the disability sector, but then permeating out to the community because at the moment we find if women with disabilities do get into the justice system, so often their experience is trivialised. I think that’s what you touched on Codie, and the hurt that happens from that, and the withdrawal that happens from a trivialized experience is something that’s very common in the disability sector, and that women who have experienced sexual assault within their homes, and it may be from somebody who may be a support worker or a co-resident, if they report that then it’s marked as abuse, it’s not assault it’s just abuse, or some other word is used.

I don’t know if people can recall the programs last year about the abuse that was being experienced by one perpetrator at Uralla who was shifted from house to house as he continued with this practice, and that women who had no cognitive impairment but significant speech impairment because of their cerebral palsy had that experience negated and trivialized, and that’s something that we need to put into our community practices so that that doesn’t happen.

Alikki, you talked about that great need to look at the issues in play around that situation, and it made me think of a case that was in the ACT a few years ago of a woman with mild intellectual disability, and one of the issues around the situation for her was that she was very poor because of her disability, she was actually the offender and what she did was to receive money for allowing somebody that she’d met in a pub to take pornographic pictures of her daughter. I think of the issues around that situation that the presence of intellectual disability meant she was excluded from society, the presence of intellectual disability meant that she never had proper work or proper remuneration, she was poor, and that she was also somebody of extremely low self-worth, and I’m actually fabricating a bit here, that when she meets somebody who takes an interest in her and also has a suggestion of how they could make money, then the whole situation develops because of the background issues.

They’re the sorts of things that we want to restorative justice to be able to address in our society and through our legal system, and I think referrals will come in the ACT situation, but that if we could address those situations sympathetically and with understanding, and looking at all the issues at play, that in fact we know, everybody in this room, that our society is better off. So I think that checklist, that’s no different for women with disabilities, that we want to know who’s been hurt and focus on the harm that’s done. And when we look at their needs we want to have a good full understanding of their needs, and looking at those causes and issues. And also looking in the wider community at who has a stake in the situation and the solution.

I don’t think that I want to say anymore around that. I think that in the ACT we’re moving in the right direction, and I really need to acknowledge the support that women with disabilities get from our DVCS and from our Canberra Rape Crisis Centre who are dealing with scarce supports with women with cognitive impairment all the time, and we need to recognize that this is an intensive situation and that all our understanding needs to increase and embrace it. Just another plug; let’s all of us in this room, when we run a meeting try and run it that it’s an inclusive meeting, and it might be in a vacuum for a couple of years, but by the time we’ve all done it for a bit we’ll find that I’m not the only person in the room with a disability because we’re 17 percent of the population of women in the ACT. Thanks.

[Applause]

**Amanda Lutz**
Thank you so much. Thanks to all our speakers, and I just want to honour the courage that it takes to be talking about doing something different in a contested space, to be speaking from the heart about somebody’s own personal experience of victimisation, and really to be reminding us about what we need to do to be genuinely inclusive, so thank you. Now’s the time to throw it open again to some questions, and I think that some of the speakers have raised some really good questions already. Helen, do we –

**Helen Watchirs**
Thanks. Helen Watchirs, I’m the President ACT Human Rights Commission. I just wanted to ask Sue about the Law Reform Advisory Council’s last references on guardianship, the recommendation to the attorney is that we now have a new system of supported decision making and is that what we need to do in the restorative justice space?

**Sue Salthouse**
Sorry yes, I did have that, supported decision making, and that relates to this article 12 on the legal systems for people with intellectual disabilities, that one of the reasons that self-worth is eroded is that people with disabilities have decisions made for them or substitute decision making, and under the ACT now we have mechanisms in place, not only legally but with support and help for supported decision making. And that’s another thing that will take time – although I shouldn’t assume that it will take time because in fact I have seen with the NDIS people with significant intellectual disabilities suddenly being given the ability to make their own decisions and taking the baton and running with it.

So I shouldn’t assume that, and thanks Helen for reminding us that that is one of the ways we want to operate, that everybody has capacity and that with the right supports they can exercise that capacity, and that includes people who we would say describe as non-verbal because nobody is.

**Debbie Evans**
I’m Debbie Evans from ...(indistinct)... Justice. I just want to say thank you for raising the concerns about cognitive dissonances. I work with a lot of Aboriginal people who are both perpetrators and also victims of family violence in many forms. What also concerns me is the fact that we are dealing in our community with a lot of people who’ve got neurological brain damage and that is something that makes their behaviours out of the scope of controllable by them by them as well.

So my concerns are the evaluation of appropriate cases for the restorative justice process as well as the cognitive dissonances as well, because I think they are critical. We need people to be able to understand the message first of all and be able to assimilate that into their thinking at a level that they are capable of doing, which is what I think you’re saying, and I quite agree, but we also need to look at the other aspect of very lengthy histories of alcoholism and drug damage, and that impairs people so horrendously to the point where I have concerns about this process, more from the risk management and from the referral process.

**Amanda Lutz**
I might take the opportunity to answer that. So there are eligibility requirements and one of those is that the person does have capacity to understand the process, the potential and the limitations of participating. So certainly that is something that is assessed. But we don't like to assume that a person doesn't have capacity, we like to fully explore case by case to make sure that we’re not taking away an opportunity from someone who might not otherwise be empowered by that.

**Michael**
My name’s Michael, I’m from Menslink. That organisation is to try and get young fellas ...(indistinct)... down the track. I speak from someone who’s walked on both sides of the divide. In family violence I experienced it when I was a young fella and I was a perpetrator, and one of the things I found as a perpetrator was it was important for me to I think come across that line always to understand why I chose violence as a way to do this, and then to learn how to use other tools to do it. I guess my question goes to the model we were talking about before with David; we hear a lot about perpetrators and a lot of vocal supports on victims that might be so but I think as he said where we do need to have support services in place for perpetrators ...(indistinct)... to try and get guys who don't understand any other means than the one that they’re using, other options that they have to violence whether it be physical, emotional or financial.

**Alikki Vernon**

That’s a really good question and it ties in with what you were saying about the importance of the group conferencing process, that it is to support everyone who is participating, including the young person who is harming others in the family. In some cases, an alcohol issue may be acknowledged and we can provide support. When a person doesn’t feel that he’s got a problem in terms of his violence as such, we need to work with the person and with his family members to share stories so that the person who is causing harm may potentially see the impact of their action not only on, say their mother, but on the whole family. The focus can be taken off just the mother having to explain what’s been happening in that sense and can be shared and described by other family members.

Once the family has a collective picture of what’s been happening and agree that ‘something needs to be done’, we can then start to discuss what needs to be done to change and improve the situation. In so doing, family members can start to talk about what things could be helpful including linking up with support services that the family might require. Additional support need not only be “official” services, as David was saying, but also come from within a person’s own community, from those people that matter to the person. It can make a greater impact to have those people that he cares for, and whom care for him, to be part of that process of talking through what’s happened, and to discuss together what he feels he might need, as well as have family members offering suggestions. So all the important people need to come into the room at some time in the right sequence to provide safety and effect change.

**Michael**
It is a very important piece because we get a lot of young fellas that come to us and say, “I get very angry but I don't know – how do I manage my anger?”

**Alikki Vernon**
Often that young fella can be actually angry about other issues that have happened in the family. Similarly, there are other past issues of abuse that go beyond just what’s going on between him and his parent and these need to be addressed too.

**Codie Bell**
Thank you for your question and all the work that you do. Just from my personal experience as a victim and the relationship that I was in was that I found overwhelmingly me and other people were always concerned about my abuser. He had very serious mental health problems and would talk about them constantly, and I didn't talk about it in my piece but he would emotionally terrorise people with threats of suicide. Often there is an idea that there’s a willingness to always want to hear both sides of the story when it comes to perpetrators in domestic violence, and sometimes that is genuine and sometimes the response that we need, and sometimes it’s a way to perpetuate this awful untruth that women can’t be trusted when they talk about their experiences.

So I think that absolutely it’s important to talk about perpetrators, but at the same time a lot of perpetrators are all manipulating that process extensively to take the attention away from their behaviour and the people who suffer from their behaviour.

**Shoba Varkey**
My name’s Shoba Varkey and I’m Vice President of Prisoners Aid. I just wanted to thank David for raising the issue because a lot of people who are incarcerated might be there possibly because of foetal alcohol syndrome, and that’s a very high percentage of why people behave in certain ways. I just wanted to thank Codie and Sue for their very heartfelt giving us their personal details. I just feel that Codie, I feel somehow that on your behalf that justice hasn’t been done, and I was just wondering would it help in any way if the ANU actually offered you an apology, and the way the administrator treated the whole case is totally disgusting. Surely wouldn't they connect you with DVCS or - the community in Canberra is fantastic and I think the majority of people in this room, you’re preaching to the converted, and the people out there, why isn't anyone from the prison being represented here, I don't see anyone? Can someone raise their hand if you’re a representative of the AMC?

**Male Speaker**
I work for the AMC.

**Shoba Varkey**
Yeah but you’re not in that capacity are you?

**Male Speaker**
I’m here with ACT Corrective Services.

**Shoba Varkey**
Yeah that’s different, but anyway there’s one person, there should be a hell of a lot more people here. So I’d like to see more restorative justice and maybe training done within the AMC. It’s a huge vast area. Sue Salthouse mentioned about the power imbalances, it’s ginormous. The issue about mental health, the issue about alcohol and other drugs, these are not taken into account. We shouldn’t be locking people up, we should be dealing with the community. What Gale said is 100 percent accurate. We are the community, we are the compassionate ones, we need to be having drug courts, we need to be having mental health courts, we need to have the community which we have here in this room, we could solve all the problems. We are here, this is it, you have critical mass here.

So if all of us decided – Sue knows all about people with disabilities, I’ve worked with people with disabilities, I’ve worked with the NDIA, I’ve worked as a justice and community safety person, as a parole officer, I’ve worked with New South Wales community services. So we have the services here, we just need to link it up in the right way and restorative justice is the way to go, the way the community can fix things. So my answer to Codie and Sue, can you please meet us after so that we can maybe work through it. Thank you.

**Codie Bell**
Can I speak on that one?

**Amanda Lutz**
Absolutely.

**Codie Bell**
You’re absolutely right that there are amazing services in Canberra which the university attempted to link me up with, but I was already there basically. But I can imagine a woman in my position who didn't have the knowledge that I do and the friends that I do could go to a meeting like that and think oh actually yeah maybe it wasn't that big a deal, maybe I am making too big a deal about this, maybe there isn't anything that can be done. So ultimately I’m very – and maybe I won’t always be like this – but I’m very suspicious of institutions and the results that institutions can give us. For me it’s always been women and women’s organisations that have done the work, if that answers the question.

**Amanda Lutz**
I would just add to that that there’s a very vast spectrum of offence and gendered offences, and so locking someone up might be actually the appropriate thing in some cases. So we’re not about decriminalising or saying that nobody who’s perpetrating gendered violence should go to jail. What we are looking for is a deeper sense of accountability through restorative justice processes, so we’re looking at people coming to a process genuinely making the effort to understand why they’ve done what they’ve done. We’re not about soft options, we’re about men making restitution with an other-centred approach, not a self-serving, self-centred approach that looks at all of the reasons that might justify why they’ve done what they’ve done.

We’re looking at processes that help them realise how they may have talked themselves into those kind of behaviours, they haven't invented them, the culture promotes that. So we need to look at that level as well, and we need to look at men coming to realisations that victims don't owe them forgiveness, victims don't owe them anything really. If a victim comes to a process it’s because they feel that they might benefit, they’ve got something that they want to say about the impacts and helping others to understand that, and having a community of care witness their experience and their validation of vindication.

**John Braithwaite**
I hate in a meeting like this to have to speak twice, but I do want to apologise to Codie on behalf of all of us from ANU, and there are a number of ANU people here and I look at them and I know them and I know all of them would agree with my saying that. And your experience Codie is not unique in our institution and it’s such a bitter disappointment to us that – it’s also an apology from us that we’ve been so ineffective in bringing about change so close to home within our own institution, and we will go back and raise your story.

**Female Speaker**
I was just thinking while I’ve been listening to all of this about how does this translate the restorative justice processes, is anything being looked at into starting with these sort of processes at school level for children at all, and if that’s the case how it’s working because listening to everybody speak today kind of made me think about a horrible experience that my daughter had at school and how unsatisfactory the resolutions were and how very satisfactory they could’ve been had this process and system actually been applied at that Year 9 level that she found herself in when she experienced being in that sort of situation. So just curiosity, are we looking right at the very beginning at child level to raise them in this sort of concept and understanding?

**David Moore**
I’ll just give a short answer now but I think we can provide you with lots of information. The short answer is yes, quite extensively - but in a patchy way. So you’ll get different responses from schools within the state system, the Catholic (parish) school system and the independent school system, but we do have very good examples of schools from K to 12 conceiving of this approach as “relationship management”, with a specific teachable skill set. Again that is not about what is “done to the students”, but an approach where, from very early on they have circles within classrooms and are taught skills of relationship repair when harm’s caused.

Often what’s required is quite different at junior and senior primary from what happens at Year 8, 9, 10 when kids go through that whole experience of asking “What group am I in and what’s my status within the group?” and that question often being answered in really unhelpful ways, then *amplified* through the internet. But we certainly train a lot of teachers in this area who then pass that onto students, and there are some great examples of schools doing this really well and comprehensively. And generally the terminology they use now is “relationship management”, so that’s a skill set that’s woven through the way we relate to each other across the school

**Alikki Vernon**
I just wanted to respond too in terms of what universities can be doing. I’m involved as an external consultant on the University of Melbourne’s Resident Colleges Fair Treatment Program. The program is set up to deal with all types of issues that relate to fair treatment – for instance, harassment, assault, discrimination. There is an external advisory panel that provides independent assistance to students or staff in the residential colleges and to help them to work with any issues that arise. There is ongoing training for residential contact persons as well as the fair treatment coordinators located in each of the residential colleges. I’ve just completed all the training this year for the fair treatment personnel. At present, one of the processes offered through this program is conciliation, a form of assisted negotiation. However, what we’re planning to introduce is a group conference process to deal with issues of harm, including involving more people who have been affected by a situation and to better address the harm that has been caused.

**Maurizio Vespa**
My name’s Maurizio Vespa, I’ve actually driven down today from Sydney to be a part of this and can I first of all say just what a wonderful initiative this is and it’s great to hear such wonderful things taking place. If I can respond to your question:

I’m a practitioner and I do a lot of my work in schools and there are as David was saying a number of schools right across the country who are really embracing restorative practices because I believe very strongly that we need to break away from creating learning environments that have a very punitive and retributive approach to misbehaviour and to kids who make inappropriate decisions or are involved in behaviour that is antisocial. I’m a big believer that if you experience behaviour that is unacceptable that you need to replace it with behaviour that is, and therefore the best way to communicate that is actually by having really wonderful skilled role models who can engage young people in a process that, as David said earlier, builds resiliency and also contributes to wellbeing and doesn't further enhance hurt or harm.

I’ve travelled to Canberra many times to work with a number of schools here, I do a lot of work across the country, and one of the barriers is the time because if you want to do something really well you have to invest the time. Restorative practices is not a quick fix, it requires preparation because we’re working with people. If we are really keen on providing unlimited support you can’t just simply rush into something. The time that you’re investing in this case that you expressed with us, I’m sure there’s a lot of time invested, a lot of people power invested because the outcome needs to be one where there is repair to a relationship, and in some cases there may not be a relationship at all.

So the whole idea of restorative approach is to enhance learning to bring about an insight into what is happening for people. So yes there is a lot happening, sadly sometimes it starts with conferencing but it requires further, and I believe what schools really need to be provided with is training into what is restorative practices, what are the strategies and skill them into how can I empower myself as an educator to teach in a classroom to run this process when it happens in my room so that teachers actually have an added skill other than just a passion for their subject area. Thank you.

**Amanda Lutz**
Thank you for coming so far to have a say today.

**Maurizio Vespa**
Pleasure, really enjoy it.

**Amanda Lutz**
Simon?

**Simon Porter**
Thanks. Simon Porter, I’m the Acting Service Manager with ACT Corrective Services, probably the sole representative from the ACT possibly. But I just want to respond very quickly to say that we work closely with restorative justice, really want to support it, encourage it. We do everything we can do to encourage access and also access with community organisations about all of the ...(indistinct)... services, and certainly any opinions and viewpoints please come and see me after the break or whatever, we are always keen to support people and to support integration within the community and support enabling detainees to transition back out into the community successfully.

**Amanda Lutz**
Thank you Simon, I think that’s a great segue into actually having that break that’s really way overdue now. So please take your time, have a cuppa, still talk, ask questions, you can identify people to talk to and we’ll reconvene about 10 past.

[BREAK]

**Amanda Lutz**
Okay, thanks everyone, grab your cup of tea and take a seat and we’ll make a start on the last panel session for the afternoon here. Our final panel session continues with four more local speakers, the first of these being Dymphna Lowrey who brings 25 years experience in the criminal justice system, including seven years with the restorative justice unit managing the unit between 2011 and 2013. Dymphna will discuss restorative responses to institutional abuse from her recent years of experience as the restorative engagement manager with the Defence Abuse Response Taskforce. Please welcome Dymphna Lowrey.

[Applause]

**Dymphna Lowrey**
Thank you for the opportunity to come and speak to you today. Before I start I want to acknowledge the traditional owners of the land on which we meet today, past, present and emerging leaders, and acknowledge that in many ways circles and yarn telling and talking about matters of heart are traditionally born from Aboriginal and indigenous communities. I want to also acknowledge a couple of my colleagues in the room. I’m not sure John if I can call you a colleague but I’m going to take the liberty, Professor John Braithwaite obviously, what do we call it, the grandfather of restorative practice in Australia. I went to see the grandfather at the point of coming into the Defence Abuse Response Taskforce to set up the Restorative Engagement Program which I’ll talk about in a minute.

And another colleague Anthony Melican who’s sitting here today as well. David Moore. All who gave me different points of reference and encouragement about how to go about doing what I was about to embark on in a fairly isolated way in many ways. John sent me packing with some questions to ponder and consider if this was going to work, and Anthony turned an offer down that I made to him about being involved in this, and then was subsequently involved. I think in the middle of all of that I rang David Moore and said, “Bloody hell am I mad, can this really work?” I’m really pleased to stand here today to say that it did work and I want to talk about some of the elements of the practice that we employed that enabled it to work with the success that it did.

So the Defence Abuse Response Taskforce was established in November 2012 following the so-called Skype incident which involved a consensual act of sex between two young cadets, but unknown to the young woman at the time was being streamed live into a neighbouring room where the young man’s friends were watching. Triggered by this event the government received many hundreds of other complaints of abuse, both historical and contemporary in nature. A review into the allegations of sexual and other abuse in Defence was then commissioned by the government which recommended the scheme be established for the resolution of individual complaints through a range of outcomes.

One of these was a restorative type program, that’s all we had to work from, using core values of restorative justice and mediation. There were other outcomes recommended including counselling and a reparation payment capped at $50,000. There was also an opportunity where complainants wished to have the matter referred to a criminal justice entity, and also to the Chief of the Defence Force for administrative action for sanction of the perpetrator. A key finding of the review was that a significant number of persons who contacted the review indicated that their primary wish was for Defence to acknowledge that abuse had occurred, that it was wrong and to express regret for that action.

So I’m thinking how am I going to get perpetrators, what are we going to do to compel those who have abused their colleagues that work in this institution into restorative justice in the taskforce? It wasn't what people were saying they wanted. So the review was clearly indicating that in fact complainants need an interest with telling Defence about what had happened, and about what should’ve happened and didn't happen when they tried to report it. It’s important to establish that while the government had announced restorative justice would be an outcome provided by the taskforce, restorative justice as it’s commonly in practice in the criminal justice context was not going to be a viable outcome for taskforce complainants.

This was because the taskforce was not an investigative body, we did not engage with alleged abusers, we had nothing to compel them to come forward. We were to apply the test of plausibility to allegations of abuse which I’ll mention a bit more detail about further on. Participation of Defence in the program relied upon acceptance by the Defence that the abuse occurred without regard to usual legal or administrative processes, and that it required Defence and not the perpetrator to be accountable to complainant’s experiences.

Defence committed to the program acknowledging the importance of its role in demonstrating an effective and enduring response to complainants by addressing their concerns meaningfully and in a safe and supported environment. And in order to engage Defence we had to go to the very top and we had to work from the top down and expose Defence representatives, so three Service Chiefs, the Secretary and the CDF, in some of the early conferences to give them that experience. I think we often say or I often hear the term in restorative practice that it’s very difficult to describe what happens in a restorative justice conference, it’s something you actually feel in many ways.

The allegations of abuse reported included serious cases of sexual assault including gang rape, physical assaults or abuse resulting in bodily or mental injury, harassment and bullying and workplace discrimination. So we had a range of matters across the board. The taskforce received over 2.400 complaints of abuse from 2,554 individuals with some 1,700 complaints assessed as plausible and within the scope of the taskforce terms of reference. Complaints of sexual assault and sexual harassment made up 22 percent of all complaints. Men made up 73 percent of complainants and women 27 percent, not surprising in a male dominated institution although our data did indicate that women were more than twice as likely to be abused in Defence than their male counterparts. 81 percent of complainants were no longer serving when they participated in the taskforce.

In our first contact with complainants this had never been done before. The ACT government was drained of many of its resources in terms of getting practitioners and people from Victim Support and so on into a commonwealth agency to administer a program which hadn’t happened before. We hadn’t done an institutional response like this to abuse before. So there were lots of observations and learnings for us in those early days. In our first contact with complainants we experienced degrees of trauma and distress among them that we’d never encountered before. So essentially the whole cohort that was coming forward was affected by trauma and had long histories of living with a very sad and isolated life. Many had never disclosed their abuse, not even to loved ones or for decades until they registered with the taskforce. In determining the safest way to engage with complainants the taskforce implemented a model of trauma informed care.

We found we needed to exercise high degrees of flexibility and responsiveness in responding to complainants. Many complainants experienced some form of mismanagement during the time in Defence. In many cases complainants were unable to report abuse because the person to whom they reported was the abuser or was enabling or minimising the abuse. So a very particular kind of context in terms of Defence. So if you were to report something that’s got to happen in your chain of command, you can’t go outside your chain of command or you’re disciplined, it’s actually an offence. So for many complainants there wasn't an option to report, and for those that did they actually didn't get a very satisfactory result.

These complainants expressed greater anger towards those who mismanaged their case rather than towards perpetrators. The term restorative engagement, which has become a bit of a household name amongst some of the institutions grappling with building programs of redress, was adopted by the taskforce to reflect the application of restorative conferencing in that setting. It also distinguished the use of restorative practice in this context as different to that of restorative justice. In this context the application of a restorative based approach was considered more appropriate in its capacity to respond to the personal harm arising from abuse than that of a dispute resolution or mediation process. In this setting the allegations and impacts of abuse were accepted and not in dispute.

The key objective for the program was to provide complainants an opportunity to tell a senior Defence leader their personal account of abuse to the extent they wanted, and with careful preparation, and its impact on their lives, where Defence leaders could respond meaningfully through acknowledgement of the harm. Restorative engagement conferences allowed for recognition and validation of complainant’s experiences and accountability of the institution’s failures in relation to this. Participation of Defence in the program also provided valuable insights into the effects of abuse where systems and structures enabled abuse to occur. Often a senior Defence leader will come to a preparation session with a facilitator and say, “But we’ve got all the best policies and processes in place, I can’t believe we allowed this to happen” and it was those very failures that those Defence reps needed to hear and understand in order to make change.

Now I’ve lost where I’m up to. So key objectives; the impact on their lives to the extent they wanted. Restorative engagement conferences allowed for recognition and validation – said that sorry – participation of Defence in the program provided this valuable insight into the effects of abuse and where systems and structure had enabled abuse to occur. Participation of Defence leaders in the program undoubtedly provided very meaningful and important lessons for Defence in informing cultural change. There were consistent presentations among the complainant population that were unique to the institutional context we’re operating in.

Complainants spoke of having joined Defence with very high expectations of the organisation, and of a particularly strong sense of joining something larger and of hoping to work for the greater good. Some joined seeking the security of the Defence family, the camaraderie and teamwork that comes with being in Defence. Some described the shame and embarrassment they had bought to their families as a result of their discharge or premature departure from Defence, particularly those who’d come from families with long service histories in Defence. A consistent theme has been that these expectations and hopes were not met, and complainants were left with a sense of now not belonging anywhere. Many carried a deeply felt shame, betrayal and loss.

The Restorative Engagement Program was guided by the core principles of restorative practice with the overarching principle of the work of the taskforce being to do no further harm. Allegations of abuse were assessed against a number of criteria and had to pass a threshold test of plausibility, that the allegations had the appearance of reasonableness based on all the information available to the taskforce. The key features of the program included that senior leaders of Defence met with complainants. That allegations of abuse were not disputed by Defence. That Defence representatives attended a mandatory induction session about the program and their role in it prior to being considered for a conference. That complainant interests and privacy were paramount to their engagement in the program.

That each conference process was conducted by a facilitator accredited and engaged by the taskforce. That each conference participant met with the facilitator prior to the conference process for careful preparation. The provision of a reparation payment was entirely separate to the Restorative Engagement Conference. Complainants were supported in preparation for, throughout and after the conference, and a range of program integrity strategies were employed to enable oversight of the delivery of the program, that it was being implemented as intended and also to support facilitators in their work and to collect and report on feedback of participants. I’ve gone over. I told you I’d need longer.

Essentially complainants were motivated to participate in restorative engagement and for Defence to hear and understand their stories so no one else would go through what they did. The secondary wound being Defence’s failure to prevent abuse and respond properly when it did occur was more important to many complainants than seeing their abusers brought to justice. As one complainant put it, and I’ll end on this, “My dream was to take another person through my journey, letting them appreciate the suffering without having to pay the awful admission price I paid to get the same knowledge, the goal being to make goodness out of badness, to improve the future. We achieved that. That now makes surviving something valuable.”

[Applause]

**Amanda Lutz**
Powerful stuff, thank you Dymphna. Our next guest speaker, Chrystina Stanford, is the CEO of the Canberra Rape Crisis Centre. The Canberra Rape Crisis Centre opened as part of the global movement to address sexual assaults in the 1970s. It is the last surviving rape crisis centre in Australia and the second oldest continually operating service for victims of sexual abuse. So Chrystina is here to discuss gendered violence and young people. Please make welcome Chrystina Stanford.

[Applause]

**Chrystina Stanford**
Hi everyone. I don't know how much of today, though I did hear a little bit from – sorry Codie from the ANU, so I’m not sure how much of today has been focused around sexual violence. It’s a pretty hard barrow to push, particularly even within the violence against women space. In the last few years as we’ve started to have a more national focus on gendered violence we’ve talked initially about domestic violence and sexual assault, then domestic violence and family violence, and over the time I’ve watched sexual violence almost drop off the agenda, aside from initiatives such as restorative justice. I guess there are some similarities between domestic and family violence and sexual assault, but there are also some differences and part of the difference is the overwhelming sense of shame that is inherent within all survivors of sexual assault, and it’s also the greatest opportunity for the community to begin to change the response to sexual violence.

So we still sort of have it over here and it’s a little bit difficult. We hear the statistics of one in three girls and one in six boys who will be sexually assaulted by the age of 18 and we play around a little bit with the statistics involving adult women, whether it’s one in four or one in five or six, yet if I bought somebody up here and said that this person that say we all knew and trusted, “This person’s a sex offender”, regardless of the statistics and the knowledge base that we have nation and worldwide around sexual violence, there’d still be just that response of going, “No, it couldn’t have been that bad” or, “It couldn’t have been that serious” or, “This person that we all know and trust couldn’t have done it.” Sexual violence is different in that it can happen anywhere to anyone and that’s not usually a statement I make publically because it leaves everyone feeling they’re not safe anywhere.

So today when I was thinking about restorative justice and I was thinking about the type of clients we have coming in to rape crisis, I was thinking about where does it actually fit, because everybody has a role to play and if we stomp out different initiatives, what happens is that people get almost too afraid to do anything. So we live in a country where sexual violence and the laws that surround sexual violence are actually pretty good, you can go to jail for a long time. The reality is people don't often go to jail for a very long time for sexual assault because we have that whole disbelief system and we have juries made up of community members who, although being really well-meaning, aren't trauma experts.

So when I think about restorative justice I’m trying to think about where does the role of empathy, which is what we’re trying to do through the role of restorative justice, we’re trying to almost build an empathy base for the victim, where does that intersect with the impacts of trauma? And Dymphna, I was interested to hear what you were just saying because a lot of the issues that you talked about with the victims in the DART review are the most common reasons broader victims of sexual assault try to seek justice. So they don't want it to happen to somebody else, they want to ensure that structures and systems and institutions and policies create a place where harm to this extent can never happen to somebody else.

I’m always amazed when I hear victims go through, and I use victim because I’m talking about victim of a crime recognising that people identify a range of different ways depending on where they are in their healing I guess, but I’m always amazed when I hear people talk about, “I just want to make sure that this doesn't happen to somebody else” and I think your life has been harmed in this way through Skype incidences that we still couldn’t really because we didn't have the right legislation call something much more serious for the impact it had on that young woman’s life. So how do we make it all fit together because we have sexual assault victims from all across their life who are over-represented in our prisons, our mental health services, our homelessness services, our juvenile justice systems, how do we make it all safer?

I don't know that I really have the answer for all of that, but to focus on young women and young men, in rape crisis young women and young men now make up a third of say the 10,000 calls we had to our crisis line in the last six months. So that’s a rapidly changing statistic because 10 years ago there would’ve been one, two, three children and maybe a couple of hundred young people. Of the 85 people waiting for counselling on our waiting list in the largest waiting list we’ve ever seen for counselling, young women particularly involved in learning institutions make up a third of that group. In the intake appointments, which there were 300 of those in the last six months, young people are almost half of those. So we’ve got to change in help-seeking behaviours in that because of all the community movement that we have around sexual violence and particularly the good work of the universities, we’re shining a light more on what can happen to younger people.

Now of all of those young people who are accessing us we have many of the young women who have already been sexually assaulted as children. So we have this legacy of child sexual assault, the most prolific type of sexual violence, that lends itself to a vulnerability of young people and adults later on in life to be victimised. There’s a significant link that we’ve found again nationally through the work of Anne Rose that talks about the link between child sexual assault victims and women who are in violent relationships later on in life. The reason I’m saying all of this is because I think we have a really good opportunity to intervene earlier in a way that is effective, and I do want to say trauma informed but I’m a little bit worried about that, and that’s not a thing Dymphna, it’s a little I guess hangover of the Royal Commission and when that commission was announced everyone decided they were trauma informed.

We have this saying at Rape Crisis which is trauma informed is more than being told that there was a trauma somewhere in someone’s life, you’ve actually got to think about and understand the long lasting impacts of sexual violence on a person’s life. Given the stats are that they are, we don't see all of the people in Canberra who have ever been sexually assaulted. We see the people whose lives have been devastated by it, yet their access to justice is - for all the women who have been raped in domestic violence, they’re trying to navigate justice systems where they can talk about being beaten because it’s too hard to talk about being raped, and they know that if they mention being raped their access to justice is lessened.

This was going to be about young women, and it is about young women because we need to think about the value that we place on people and the value that we place on young people, and also the value that we place on children because I can never understand myself why the response isn't better than it is because the young people that we’re talking about today will be the leaders of our country tomorrow and we’re all somehow attached to children I’m sure, we’d never want anything bad to happen to them but we also would want to know that we’ve left the world in a slightly better place. I don't know whether we’ll do that, I hope we do. I think the restorative justice framework has a really good opportunity with young people, including those who exhibit problem sexualised behaviours, because we have a significant place within the developmental age to be able to intervene and perhaps assist some young people to grow some empathy which then saves the community as those people go into adulthood because there’s a greater chance of us being able to reduce those sexualised behaviours that then become sex offences.

There’s a greater opportunity to change attitude with young people as Rape Crisis has seen through all of our work with the Sexual Assault Primary Prevention Program in high schools that we had funding for for four years, and during that time what we were able to see was heavily evaluated. We were able to see that attitudes changed in six weeks, young boys went from asking - and not all young boys but some young boys went from asking, “But if she’s really drunk and unconscious and I get six of my mates, is that still sexual assault?” to a place where within six weeks they were able to say to their other mates, “Hey don't say that, it’s really disrespectful.” The problem with that sort of a program is that it’s never funded long enough to change culture, and all of us here today in whatever way we’re trying to do it are talking about a change in culture, and we’re talking about a change in culture where more value is placed on those who perhaps don't speak loud enough or have access to a voice or are excluded as Sue was talking about.

I can think of a lot of the clients who come to Rape Crisis who are excluded because they’ve been sexually assaulted, so they’re not included in broader society because of the impacts of shame. So when we come to these discussions I think about how all of those pieces fit together. We have great opportunities in new initiatives. No one initiative can solve the issue of violence or the issue of the fact that where power can be abused it may well be. Have I really? Really? I’ve got so much more to say, there’s the bottom half of this sheet. So I think it’s a place for all of us to come together. Canberra Rape Crisis cannot solve sexual violence, we can assist those who are brave enough to speak out and who are able to, who have access to do that because it’s not always about bravery. I think with the university drive we have this amazing group of young people all across the country, and the world, who are trying to address sexual violence and I think that we have a responsibility to support that.

[Applause]

**Amanda Lutz**
Thanks Chrystina. Our next guest speaker, Alexandra Faulkner, has worked with Relationships Australia Canberra in region for over 10 years. She’s the manager of one of the early intervention services which provides relationship counselling and group programs. Alexandra has been involved in establishing and delivering the Men’s Behaviour Change Program and used it at Relationships Australia called Taking Responsibility for Respectful Relationships. Please make welcome Alexandra Faulkner.

[Applause]

**Alexandra Faulkner**
Thank you. I tend to speak with my hands so this is going to be interesting, I’ll have to remember to hold the mic still. I also want to acknowledge the traditional owners of the land on which we meet, the Ngunnawal people, and pay my respects to the elders past and present and also to those of the future. At Relationships Australia we’ve always seen working in the area of gendered violence as part of our core business in terms of the work we do in our counselling programs with individuals, with men and women and with children, and also in our couple counselling - there it is, couple and counselling and domestic violence all in the one sentence – and the process around that ensuring that it’s safe, and also in our family dispute resolution programs again where we’re always assessing the appropriateness or otherwise of proceeding with mediation with regard to safety.

But also with our Men’s Behaviour Change Program Taking responsibility for Respectful Relationships, and I want to share with you elements of that program that support the holding of men accountable for their behaviours. It’s a 12 week group that runs for two and a half hours each week. Prior to the group the men take part in an assessment process which is individual interviews with the facilitators. There’s possible additional individual sessions as required throughout the course of the group, and we’re always providing options for further work at the end of the group which may be again further individual counselling or couple work or more group programs or parenting. So when a participant engages in our Men’s Behaviour Change Program they engage in a fairly reasonable chunk of work, as it should be. We’re engaging with men in respectful ways and seeking to understand their experiences whilst not minimising their use of violence and control.

The program is a mix of psycho education, narrative approaches and reflective practice encouraging men to think about the kind of man and partner and father that they want to be, and to think about where they’re at now with regard to that in terms of values and attitudes and behaviours, and how to bridge that gap. From a restorative practice framework we know that often change occurs from a place of genuine understanding of individuals and their needs rather than through imposing rules and regulations. So there’s a parallel process that is going on if you like in the Men’s Behaviour Change Program where the facilitators are trying to genuinely understand the needs and experiences of the participants in the group, and at the same time creating a space and an opportunity for those participants to genuinely understand, as much as anyone can, the needs and experiences of their partners and ex-partners and children who have experienced their violence.

Importantly although our group is a Men’s Behaviour Change group, a key aspect of the group is that it also provides services to women and children who have experienced the violence through the wraparound support that is just an absolutely essential part of this program. RA has met the minimum standards for accreditation to deliver Men’s Behaviour Change through the Department of Justice, and that was no small feat but it’s an important thing to do. It’s an important part of holding men accountable, making sure that the services that they are accessing are also accountable, that they’re meeting adequate standards to work effectively in this area.

Just briefly I’m going to name some of those standards. First and foremost the safety of women and children must be given the highest priority. Our contact with women and hearing women’s voices in the group is a contributing factor to real accountability. Men are advised at assessment that we will be making contact with partners, any current partners, any ex-partners from within the last three years and any ex-partners that they have children with over whatever period of time. Their acceptance of that is a non-negotiable aspect of their participation in the group. That contact with occurs through our partner support workers is about seeking to ensure safety, reducing risk, providing them with information about the group, about the time and the place and the content and the process, looking at safety plan options and also ensuring that there isn't a false sense of safety, that there’s not an assumption that participation in the group is going to stop violence.

It also provides those women with a point of contact at any point throughout the group so that if a partner or an ex-partner is providing them with messages about, “I’m being told I’m fine now” or, “I’m being told it’s not my fault” that they’ve got somewhere that they can check-in. We’re also wanting to offer support in ways that meet the needs of women and children, so supporting them to access counselling of their own or groups of their own. One of the other standards is that victim safety and offender accountability are best achieved through an integrated systemic response that ensures that all relevant agencies are working together.

RA has a close working relationship with the DVCS and similar services, and also with Corrective Services. We shouldn’t be doing this work, and we couldn’t be doing this work, unless we were working in a collaborative way and sharing information and ensuring that we’re accessing appropriate services for everybody involved. The next standard, challenging family and domestic violence requires a sustained commitment to professional and evidence based practice. So we’re working from an evidence based approach and the facilitators are all trained and experienced in working in the area of family and domestic violence, in working with men and in group work.

We run this group with four facilitators, so it’s pretty labour intensive. We have two that are actively facilitating the group, always one male and one female, and the other two are observing. So they’re monitoring the group as a whole and the individuals within the group throughout the course of the group, and also monitoring for possible invitations for facilitators to collude with participants. All of the facilitators have regular supervision throughout the course of the group. The next standard is that perpetrators of family and domestic violence must be held accountable for their behaviour which seems obvious to say, and interesting that that has to be included as a standard in terms of Men’s Behaviour Change Programs. So at the assessment process we’re looking for a participant’s level of motivation to change.

We rarely get men come along saying, “Yep I know, I’ve done the wrong thing and it’s had a terrible impact and I really want it to be different.” What we need is for men to be able to say, “Something’s gone wrong and I need to do something about it or something needs to be done about it.” That then is our opportunity to invite them into a process where we can hopefully broaden their understanding of what has happened and invite them to take responsibility for their part in that. Early on we name and explore different forms of family and domestic violence, so it’s not just about physical abuse. As part of the assessment each participant completes a violence and abuse checklist which names all of the categories of family and domestic violence and different behaviours within each of those categories. So upfront they’re receiving the message that we’re looking at a whole lot of forms of violence and we’re thinking about coercion and control and power in its very many forms.

Throughout the course of the group there’s a detailed analysis of the violence that each participant has used and they are asked to unpack that and provide detail around that in front of the other participants in the group. There’s very little wriggle room for just glossing over it or minimising the extent of the abuse. One of the significant components of the group in terms of the – nearly time, nearly finished – in terms of creating that base of empathy is a process that we go through where again the participants are interviewed in front of the group by one of the facilitators in a role play where they’re asked to play the part of a partner or an ex-partner who has experienced the violence. So we’re looking for a real demonstration that they have understood the impact of their violence, and that’s often a point where we see a light bulb moment really for a lot of the men that have taken part in the group.

I could talk on and on but I won’t. I hope that’s given you a little glimpse into what it’s like to take part in a Men’s Behaviour Change Program and what I think is incredibly important work in terms of addressing this problem.

[Applause]

**Amanda Lutz**
Thank you Alexandra. Now the final speaker for today is me. I’m going to talk to you as the Manager of the ACT’s Restorative Justice Unit to give you an idea of how our unit embedded in a broader criminal justice response will provide a voluntary extra justice option for victim survivors of gendered abuse. The philosophy as we’ve heard behind restorative justice is that because crime hurts, justice responses must heal. Restorative justice also acknowledges the need to balance the power dynamics behind an episode of abuse. As we’ve already acknowledged earlier it’s really important that restorative justice is seen as dealing with an undisputed fact of harm. So an offender or a perpetrator must be taking responsibility for having caused some harm before they can be eligible to participate in a process.

So in defining it we can say that restorative justice brings together the people affected by an offence to consider what has happened, who has been affected, what have been the impacts and what needs to happen now in the aftermath. If safe and suitable to do so, this may occur in face to face circles or via a number of indirect means after an appropriate preparation phase. Restorative justice agreements are agreements that might arise out of a Restorative Justice Conference where participants have acknowledged a harm doer has an obligation to the victim to make relevant achievable reparation.

In the ACT the Restorative Justice Unit was established after years of consultation and planning, culminating in the Crimes Restorative Justice Act in 2004 which guides the eligibility, referral of offences, suitability, preparation, conferencing and following up, of monitoring any relay to restorative justice agreements. The objects of that Act are to enhance the rights of victims of offences by providing restorative justice as a way of empowering victims to make decisions about how to repair the harm done by offences. It is to set up a system of restorative justice that brings together victims, offenders and their personal supporters in a carefully managed safe environment. It is to ensure that the interests of victims of offences are given high priority in the administration of restorative justice under this Act. And it is to enable access to restorative justice at every stage of the criminal justice process without substituting for the criminal justice system or changing the normal process of criminal justice.

So in order to empower victims of gendered abuse any justice process must be trauma informed, as Chrystina has pointed out, ensuring that the practical and psychological safety of a victim is established, that they remain in control of the process and proceed at their own pace. Victims may even choose a substitute for conferencing purposes. Their decision making will be confidential and protected information. The Restorative Justice Unit had 12 very successful years working with referrals for less serious offences committed by young people, and has just reached the end of the first year of its expanded operation receiving referrals for more serious offences and adult offenders. It will begin working with gendered violence matters in 2018. Early on in the operation of the scheme guidelines for working with family violence referrals were constructed and stakeholders consulted.

The Restorative Justice Unit is now consulting and working on guidelines for responding specifically to the broad spectrum of sexual offences. Working towards managing gendered violence referrals requires a buttressing of the RJ process and an upskilling of all RJ Unit staff to ensure that the most complex and emotionally confronting matters can still be run safely and maintain integrity of the process. We’re fully aware that perpetrators of gendered violence, and sometimes victim survivors themselves, may wish to use the process for goals that are not in alignment with restorative justice principles and sometimes to the detriment of victim survivors. Most commonly perpetrators may try to shift the blame to the victim and minimise their responsibility.

In a restorative justice process this is exposed and resisted by naming and unpacking abusive practices that have impacted on the wellbeing and identity of victim survivors, so for victims of gendered violence to feel satisfied in a process they must feel validated, believed and vindicated of responsibility for their victim status. Participants and their supporters in a conference must unite in condemning the violence as unjustifiable and avoid colluding with a cultural normalisation of gendered violence. There is no place in restorative justice for self-serving apologies which are not appropriate in any process and become a dangerous component of the domestic violence cycle of abuse.

Reconciling women back into abusive relationships is not a goal of restorative justice, restorative justice must provide a service for perpetrators of gendered violence that includes naming abusive practices, understanding the political nature of abuse, understanding and naming the effects of abuse, facing shame, experiencing an ethical sense of remorse, recognising and resisting patterns of toxic and dangerous attitudes, challenging patterns of avoidance of responsibility. So for a clearer insight into how we can hold men accountable for violence against women, we have printed off some material by Alan Jenkins which takes a closer look at shame, realisation and restitution, and the ethics of restorative practice. I believe all of those articles are gone, but if you email through the network email system we’ll happily provide extra copies of those. So it’s not the intention of restorative justice to disrupt policies that uphold the seriousness of gendered violence as a problem in our culture and communities.

It’s the intention of the Restorative Justice Unit to work closely with our agency partners, to assess risk thoroughly, to strengthen responses to gendered violence while upholding the rights of individuals to strive for justice and healing in the ways that they feel are right for them. A restorative process resists telling victims what is right for them, but may not go ahead if the risks outweigh the outcomes or the desired outcomes themselves have no basis in reality. In preparation for working with sexual offences in particular, the Restorative Justice Unit bought Project Restore to Canberra in August last year to work with our stakeholders. They showed us how carefully and powerfully restorative justice can work for victim survivors. The Restorative Justice Unit will be working with key stakeholders in the lead up to 2018 to build a safe and effective alliance of shared practice for victims of gendered violence, and perpetrators of gendered harms who wish to explore restorative justice options.

So in closing now I believe that we need to envisage a justice system that listens to victims, respects, protects, informs and provides multiple options for what to do next. We can imagine a justice process that offers victims and perpetrators of gendered abuse time to have deeper conversations about where real responsibility lies for gendered violence and what real responsibility taking looks like. So finally if we can create safe access to restorative justice for all crimes, regardless of the age of the offender or the type of the offence, for those who are eligible and suitable, for those who understand its benefits and its limitations and still wish to participate in accordance with their own unique needs. Thank you.

[Applause]

**Amanda Lutz**
And we still have two minutes for a Q&A. It’s been a long afternoon, many, many speakers to listen to. If people would like and have questions that they’ve been sitting on or would like to ask now, we can certainly do that. We can also accept questions and answer your questions through the network. Does anybody have a question that they’re just sitting on and burning to ask? We have one.

**Fiona Tito Wheatland**
One of the things that we’ve touched on a little bit but seems to be not very addressed at the moment is the issue of the processes in fact that government pursues in relation to people, and I think about people who have become angry in housing disputes, a whole range of other sorts of areas where people have that, and then when bureaucrats come and meet with those people then they take an approach that’s unreasonable and the person’s angry and that sort of thing becomes this awful cycle if you like of people who are often not as well able to use their words and they then get a level of frustration which they often then take out on others around them. But the actual focus of it is really on our government processes and I wonder if anyone has experienced that with people that tend towards violence?

**Alikki Vernon**
Was that question, in a sense, wondering whether we are working with individuals and agencies to address conflicts?

**Fiona Tito Wheatland**
It was whether we as in bureaucracy have a responsibility to change the way our processes are to actually ...(indistinct)... saying they’re horrible people, they’re angry and it’s them, it seems to be we need to ...(indistinct)... as well.

**Alikki Vernon**
The short answer is yes. Bureaucracies or agencies do need to have better training in conflict management and in how to ‘work with’ people they are assisting, despite how angry or frustrated they are. We have worked with child support agencies and housing commission agencies to train frontline workers in being able to work with people, rather than doing something *for* clients or something *to* them. In addition to this, working with whole communities to address problems they are experiencing with particular agencies can be effective. This can be particularly effective if community members and service agencies are also provided training in communication skills, strategic negotiation, and learning about processes and methods that they can facilitate to effect change. This can help improve how they communicate together. One example of this was with a residential group living in housing commission who wanted to improve the services they received from the Department of Housing. They requested workshops on learning about negotiation, problem-solving and dealing effectively with disputes and conflicts. They then approached the Department to discuss the problems that were having as a group of residents.

**Shoba Varkey**
Just a quick one for Alexandra. Because the Men’s Behaviour Change say anger management AKA, at the NMC the remandees have been told, “You can’t go to anger management course because then you’re admitting to your guilt”, so is there some way we can normalise this in some way so that people can actually go into the NMC and train people how to change their behaviour without tarnishing and without having any negative consequences?

**Alexandra Faulkner**
Thanks. I can’t go past AKA anger management to start with because Men’s Behaviour Change is not anger management, and in fact we’ve moved away from anger management. There’s plenty of family and domestic violence and power coercion and control that occurs in a very calm way that doesn't involve anger. So we used to work in this area in terms of anger management and now the reason why we have Men’s Behaviour Change and minimum standards around that is for example that reason. So that’s an aside. Sorry, I was probably caught on that - the question is around men being able to enter the programs without feeling like they’re admitting guilt – which is a tricky thing because a significant part of taking responsibility is taking responsibility and admitting what you have done.

But a Men’s Behaviour Change Program that works effectively will engage men respectively and help them to realise and experience that making themselves vulnerable in that place has a greater chance of providing them with what they want, which is meaningful relationships and to be able to be a good dad to their kids and all of those things, and that that vulnerability isn't something to be feared or something that’s negative. So I’m not sure if that entirely answers your question?

**Shoba Varkey**
Could we filter it through the justice system so that they understand this and that the courses will be full and they can ...(indistinct)... and they need to be done at the remand level.

**Alexandra Faulkner**
Yes, I agree to everything.

**Amanda Lutz**
Anybody else? We’ve gone over four o’clock so I’m mindful we will have to start tidying up. Thank you also much for coming along today and participating in this conversation.

[Applause]

If you do have time to fill in an evaluation form please do so and pop it in the box near the door on your way out. Thank you so much to our guests who have come such a long way as well, Gale Burford from University of Vermont, Alikki and David who’ve come all the way from Victoria, thank you so much.

**David Moore**
It was a pleasure.

**Amanda Lutz**
And Maurizio from Sydney, thank you.