



STANDING COMMITTEE ON JUSTICE AND COMMUNITY SAFETY

Mr Peter Cain MLA, Dr Marisa Paterson MLA, Mr Andrew Braddock MLA

Inquiry into Community Corrections
ANSWER TO QUESTION TAKEN ON NOTICE
17 February 2022

Asked by Peter Cain on 17/2/22: Lorana Bartels took on notice the following question(s):

[Ref: Hansard Transcript [DATE] [PAGE #]] N/A

In relation to: **Expansion of restorative justice (RJ) to federal offences**

Professor Lorana Bartels, on behalf of the Justice Reform Initiative

The answer to the Member's question is as follows:—

We are unable to provide details on how many potential offences would be affected by the expansion of RJ to federal offences. We also recognise that the interplay between ACT and Commonwealth laws is complex.

However, there is absolutely no reason in principle or legislatively why RJ could not be used for federal offences, from a range of investigating bodies. For example, offences of dishonesty that are investigated internally or jointly with the Australian Federal Police (AFP) by many Commonwealth government agencies may be suitable. There is also evidence that the Australian Competition & Consumer Commission has undertaken RJ conferences in the past, without any statutory mandate.¹

The way the RJ conferences would be run would be identical to the way that they are currently run by the Restorative Justice Unit (RJU) in the Justice and Community Safety Directorate, when referred by ACT Policing.

Such an approach would of course have funding implications for the RJU, but would potentially avoid more costly prosecution by the Commonwealth Director of Public Prosecutions (CDPP). Research and consultation would need to be undertaken, including with the RJU, AFP and CDPP, to find out how many offences, and across which and how many agencies, might fall into the RJ category.

Thank you for the opportunity to provide this information to the Committee.

¹ See Parker, C (2004). Restorative justice in business regulation? The Australian Competition and Consumer Commission's use of enforceable undertakings. *The Modern Law Review* 67: 209-246.

Approved for circulation to the Standing Committee on Justice and Community Safety

Signature:

Date: Response received 24/02/2022

By Lorana Bartels