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Dear Professor Foley

**Submission in response to the ACT Law Reform Advisory Council's June 2017 Issues Paper: 'Canberra – becoming a restorative city'**

Thank you for the opportunity to provide a submission in response to the ACT Law Reform Advisory Council's (LRAC's) June 2017 Issues Paper 'Canberra – becoming a restorative city' ('the Issues Paper').

The ACT Human Rights Commission ('the HR Commission') welcomes this inquiry into how to realise the ACT Government's commitment to making Canberra a restorative city – that is, a city where individuals and relationships are valued and respected, where local communities feel safe and connected and where there is a range of creative and restorative processes available to deal with shared problems.

With the ACT being one of the two Australian jurisdictions that give statutory protection to a broad range of human rights (under the *Human Rights Act 2004* (ACT) ('HR Act')), and with a number of restorative practices already in place in the ACT, Canberra has strong foundations upon which to build to become a restorative city. However, as will be addressed in this submission, there are a number of areas of ACT public life where the absence of, or lack of support for, restorative practices is felt and where more creative, collaborative, inclusive, and transparent approaches to social problems are required.

Given the overlap and synergies between restorative practices and values, human rights, and our mandate and work at the HR Commission, we are committed to working with LRAC, key stakeholders and the broader ACT community to identify and take the steps required to make Canberra a restorative city.

**The ACT Human Rights Commission**

The HR Commission is an independent agency established by the *Human Rights Commission Act 2005* (ACT). Its main object is to promote the human rights and welfare of people in the ACT. The HR Commission includes:

- The President and Human Rights Commissioner;
- The Public Advocate;
- The Children and Young People Commissioner;
- The Disability and Community Services Commissioner;
- The Discrimination Commissioner;
- The Health Services Commissioner; and
- The Victims of Crime Commissioner.

The HR Commission and its Commissioners have functions under a number of statutes that give effect to, support, or are otherwise relevant to restorative practices and principles. For example, the HR Commission handles complaints and conducts alternative dispute resolution (ADR) in relation to disputes about discrimination, health services, disability services, and services for children and young people and older people provided by both public and private entities. These accessible and inclusive processes contribute in a significant way to the ACT's existing restorative practices framework.

### **Our understanding of restorative practices, principles and values**

Because it is most relevant to the work we do and our statutory functions, this submission focuses on how Canberra and the ACT can become more restorative at a government and institutional level. Accordingly, the description provided in the Issues Paper of how restorative cities can be created and maintained through government and institutional actions is particularly useful and will be used as the touchstone for the concept of restorative practice in this submission:

where government and government agencies interact with citizens – having compassionate and respectful processes and communications; providing early and full access to necessary information so people can be involved in decisions which affect them; ensuring there are fair and transparent processes where decisions may affect someone; ensuring people are assisted to understand what is happening and what their options are; making sure that people have real rights to be heard and involved in decisions that affect them; and where a matter must be determined by an independent body, ensuring that people can access these in a fair and equitable manner; and

where other institutions interact with citizens – providing complaints processes where people can be heard and have their voice affect any resolution; and providing processes which are respectful and compassionate.<sup>1</sup>

Many aspects of the above summary are concisely distilled by Professor John Braithwaite's four necessary prerequisites for a practice to be restorative:

- non-domination through the correction of power imbalances;
- empowerment of all parties to speak and express themselves;
- respectful listening; and
- ensuring all stakeholders have an opportunity to tell their stories about the effect of the injustice and what should be done to make them right.<sup>2</sup>

The Issues Paper usefully summarises the values underlying Braithwaite's four prerequisites as being "equity and value in relationships, reciprocity, equal opportunity, fairness, respect, inclusion, and a focus on repair and healing in the context of justice."<sup>3</sup> Further, ACT Attorney-General Gordon Ramsay has summarised restorative principles as including, "participation, accountability, fairness, inclusion and shared problem-solving."<sup>4</sup>

### **The intersection between human rights and restorative practice principles**

Restorative practices and values have significant overlap and connection with human rights principles and law. The human rights regime is based on the premise that all human beings have inherent dignity, value,

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<sup>1</sup> ACT Law Reform Advisory Council, *Canberra – becoming a restorative city*, Issues Paper (2017) 11.

<sup>2</sup> John Braithwaite, 'The fundamentals of restorative justice' in Sinclair Dinnen, Anita Jowitt and Tess Newton (eds), *A Kind of Mending: Restorative Justice in the Pacific Islands 2010* (ANU Press, 2010) 37.

<sup>3</sup> ACT Law Reform Advisory Council, above n 1, 10.

<sup>4</sup> Ibid 6.

and freedoms by virtue of being human; an idea that dovetails nicely with the values underlying restorative practice. Many of the human rights protected under the HR Act promote and give effect to restorative practices and values including, but not limited to, the right to equality,<sup>5</sup> the right to freedom of expression, which includes the right to seek, receive, and impart information;<sup>6</sup> the right to take part in public life and the conduct of public affairs;<sup>7</sup> the right to a fair hearing;<sup>8</sup> and the entitlements of children to all the human rights in the HR Act, including the rights specifically mentioned here.<sup>9</sup>

A society in which individuals' human rights are formally recognised and protected, where individuals have access to alternative dispute resolution and accessible tribunals for the resolution of complaints about breaches of human rights, and where a human-rights culture is effectively promoted in government and other public institutions and authorities is more likely to be a society in which:

- individuals are respected and treated fairly and equally;
- people are given access to information and are able to participate in processes and decisions which affect them;
- the processes of government and public authorities are transparent and accountable;
- people feel safe and comfortable to express their views and contribute to public discourse; and
- power imbalances in various areas of public life are corrected or regulated.

In our view, implementing a best practice human rights jurisdiction in the ACT, complete with access to dispute resolution for breaches of obligations under the HR Act and a strong human rights culture at the government and institutional levels, is the most important step to be taken in efforts to make Canberra a restorative city. It would also allow the ACT to ground restorative practices and values in an established and substantial framework.

### **Our approach to this submission**

In this submission, we have identified various areas relevant to our mandate, functions and work which could benefit from more restorative practices or where greater support is required for people to use existing restorative practices. In raising these issues, we are not attempting to provide an exhaustive coverage of the gaps in the ACT's restorative practices framework and the changes required to make Canberra a restorative city, but rather are providing some key examples that are relevant to, or have come to our attention in the course of, our diverse work across areas including human rights, disability and community services, services for children and young people, health services and victims of crime.

Several broad themes and ideas for reform can be seen as arising from the specific examples we have used: the need for greater access to dispute resolution processes for areas of our work where such mechanisms are insufficient or absent; the need for greater support for, and the removal of barriers to the success of, existing restorative practices; and the need for greater promotion of a best practice human rights culture at a government and institutional level through training in human rights and restorative practices and policies explicitly referring to and engaging with human rights obligations.

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<sup>5</sup> *Human Rights Act 2004 (ACT)* s 8.

<sup>6</sup> *Ibid* s 16.

<sup>7</sup> *Ibid* s 17.

<sup>8</sup> *Ibid* s 21.

<sup>9</sup> *Ibid* s 11(2) and Note 1 to s 11.

## The need for greater access to dispute resolution processes

### *Human Rights: access to alternative dispute resolution processes and ACAT for human rights disputes*

The HR Act provides statutory protection of a range of human rights. One of the ways it provides such protection is by making it unlawful for public authorities to act in a way that is incompatible with a HR Act right or, in making a decision, to fail to give proper consideration to a relevant HR Act right.<sup>10</sup> People who have been, or would be, victims of contraventions by public authorities of their obligations under the HR Act are able to initiate proceedings in the Supreme Court of the ACT.<sup>11</sup> However, there is no access to ADR processes such as conciliation for complaints concerning breaches of the HR Act, a limitation which is shared by Victoria. While people with complaints about the conduct of public authorities may be able to raise their concerns with bodies who have jurisdiction to handle complaints about misconduct and maladministration, such as the internal complaints and review mechanisms of some public authorities and the ACT Ombudsman, these bodies do not have the mandate to deal with complaints about breaches of human rights specifically.

In our view, amendments to the HR Act and the *Human Rights Commission Act 2005* (ACT) should be made to provide access to ADR as the first level of redress for HR Act complaints, with the exception of matters which raise sub judice concerns. ADR would provide an efficient, informal and accessible forum for people to seek resolution of their human rights complaints. It would also significantly enhance the restorative potential of the human rights jurisdiction in the ACT by providing all parties to human rights complaints the opportunity to meet in a relatively informal setting outside of court which neutralises power imbalances; communicate with and listen to each other; and, where possible, work together to negotiate a mutually acceptable outcome that addresses the complainant's loss or harm. Remedies negotiated outside the court process have more potential to be innovative and tailored to the situation, further enhancing the restorative potential of the process.

As the ACT's independent human rights statutory authority with a range of functions under the HR Act, and the body that currently provides conciliation for a broad range of complaints, including complaints under the *Discrimination Act 1991* (ACT), the HR Commission has both the expertise in human rights law and the ADR experience to conduct conciliation for HR Act disputes.<sup>12</sup> With additional resources from the ACT Government, the HR Commission could readily incorporate HR Act disputes into its current complaint-handling and dispute resolution framework. In our view, the dispute resolution model for HR Act complaints should be based on the current model for the resolution of discrimination complaints.

Further, complainants under the HR Act do not have access to the ACT Civil and Administrative Tribunal (ACAT); their only avenue for redress is the Supreme Court – a forum that is more formal and expensive and less accessible and efficient than ACAT. This may be one reason why, in comparison to Victoria, there has been a modest body of proceedings brought under the HR Act. In our view, legislative amendments should be made to clearly allow human rights complainants to initiate proceedings and seek remedies for breaches of the public authority obligations in ACAT. In addition to being a more accessible, affordable and efficient forum than the Supreme Court, ACAT members are more experienced and familiar with self-represented complainants. As such, raising human rights concerns and seeking remedies in ACAT is much more likely to be a restorative experience for human rights complainants than litigation in the Supreme Court.

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<sup>10</sup> Ibid s 40B(1).

<sup>11</sup> Ibid s 40C.

<sup>12</sup> Similar arguments were made by the Victorian Equal Opportunity and Human Rights Commission in its June 2015 Submission to the Eight-Year Review of the *Charter of Human Rights and Responsibilities Act 2006*.

### *Child protection: access to external merits review for certain non-reviewable child protection decisions*

As was identified in the 2016 'Report of the Inquiry: Review into the system level responses to family violence in the ACT' written by Laurie Glanfield AM ('the Glanfield inquiry report'),<sup>13</sup> some important Child and Youth Protection Services (CYPS) decisions which can have significant impacts on the lives of children and their families, and which are externally merits reviewable in some other Australian jurisdictions, are not currently externally merits reviewable in the ACT.<sup>14</sup> Key examples are decisions made by CYPS about children for whom the Director-General of the Community Services Directorate (CSD) has parental responsibility, including decisions regarding the content of and amendments to care plans made under the *Children and Young People Act 2008* (ACT) ('CYP Act').<sup>15</sup> Care plans cover highly important matters such as contact arrangements between the child and her or his family members and other significant people, where and with whom the child will be placed, and the services provided to the child.<sup>16</sup>

A case study provided by ACT Legal Aid in its submission to the Glanfield inquiry provides an example of a significant decision that is currently not reviewable in the ACT: the variation of a care plan by CYPS to reduce the contact between children under a care and protection order and their mother from three times a week to once a year.<sup>17</sup> The mother sought written reasons for this decision from the CYPS caseworker, but he declined to provide anything in writing.<sup>18</sup>

Amending the CYP Act to make these decisions reviewable by ACAT would improve accountability and promote high quality evidence-based decision-making by CYPS in these important areas, thereby correcting power imbalances and reducing any feelings of powerlessness and lack of control experienced by people affected by these decisions. Such a change would also make the system more restorative by providing people affected by such decisions with a forum to participate in the process and feel heard. The Glanfield report recommended that:

a review should be undertaken of what decisions made by CYPS should be subject to either internal or external merits review. The review should have regard to the position in other jurisdictions and be chaired by the Justice and Community Safety Directorate.<sup>19</sup>

To the best of our knowledge, this recommendation has not yet been implemented. In light of the link between restorative practices and values and access to review for important decisions that have significant impacts on families, in our view it is highly important that this recommendation be implemented as soon as possible. In addition to this review being undertaken, we consider that CYPS should make restorative processes such as group conferencing available where such significant decisions are made in order to provide a forum for CYPS to explain the reasons for the decisions, for those affected by the decisions to express their views, and, where possible, for conflicts and misunderstandings to be resolved.

*Access to ACAT for health, children and young people services, disability services and older persons services disputes*

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<sup>13</sup> Laurie Glanfield AM – Board of Inquiry into System Level Responses to Family Violence in the ACT, *Report of the Inquiry: Review into the system level responses to family violence in the ACT* (2016).

<sup>14</sup> *Ibid* 74.

<sup>15</sup> *Children and Young People Act 2008* (ACT) s 839, in conjunction with Table 839.1A, provides the list of care and protection decisions that are reviewable by ACAT. Decisions made by CYPS about children for whom the Director-General has parental responsibility, including decisions regarding the content of and amendments to care plans, are not included in the list of reviewable decisions.

<sup>16</sup> *Ibid* s 455.

<sup>17</sup> Legal Aid ACT, Submission to Inquiry into *System Level Responses to Family Violence in the ACT*, 30 March 2016, 3.

<sup>18</sup> *Ibid*.

<sup>19</sup> Laurie Glanfield AM, above n 11, 78.

As outlined above, the HR Commission has jurisdiction to handle complaints and to conduct conciliations in relation to disputes about discrimination, health services, disability services, services for children and young people, and services for older people. However, of the complaints that the HR Commission handles and conciliates, the HR Commission only has the power to refer discrimination disputes to ACAT in circumstances where the matter is not appropriate for conciliation, unlikely to be successfully conciliated, or where the dispute is not resolved through conciliation; the HR Commission does not have the power to refer complaints about health services, disability services, and services for children and young people and older people to ACAT in these circumstances. In our view, amending the *Human Rights Commission Act 2005* (ACT) to provide the HR Commission with the power to refer complaints in these areas to ACAT would not only provide complainants with further options for resolving their disputes, but would also encourage participation in the restorative ADR processes conducted by the HR Commission in the early stages of the dispute. Further, as is currently the case for discrimination matters, conciliation agreements made in relation to complaints in these areas should be enforceable as if they were ACAT orders.<sup>20</sup>

*Victims of crime: restorative engagement processes for complaints about the treatment of victims of crime in the justice system*

While there are sophisticated restorative justice processes available and in use in the ACT for victims of crime to face and resolve problems with the perpetrators of crimes against them (made available under the recently expanded provisions in the *Crimes (Restorative Justice) Act 2004* (ACT)) restorative practices are not currently available for victims of crime to resolve any complaints or concerns about their treatment by various institutions involved in the administration of the justice system. In our work with victims of crime, common concerns raised by victims include that they are not kept informed about matters relating to them, they are not involved in decisions concerning them, and they feel their complaints are not investigated thoroughly or appropriately.<sup>21</sup>

*A recent case study from our work with victims of crime*

A woman who had been the victim of an assault, which she had reported to ACT policing, told one of our Victim Support ACT case managers that she had not been provided updates from the police as to the status of the police investigation. The woman had been informed by police when she made the report that she would be kept updated about the investigation and any criminal proceedings and would be given the opportunity to make a victim impact statement. When the case manager contacted police for an update, the police informed him that the first court hearing for the matter had already passed, and that the accused had pleaded guilty and been sentenced on the first hearing date. The woman had not been informed that court dates had been set, and had not been provided an opportunity to make a victim impact statement as police told her she would be. She expressed dissatisfaction with how she had been treated by police, most notably the inconsistency between what she was told would happen and what actually happened, and the fact that she was not kept informed about the progress of the matter.

Where victims of crime have complaints or concerns about the way they are treated by agencies involved in the administration of the justice system, the avenues for addressing these concerns are limited. The ACT Ombudsman's office and the Australian Federal Police (who provide policing services for the ACT) share

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<sup>20</sup> See *Human Rights Commission Act 2005* (ACT) s 62(4).

<sup>21</sup> See section 4 of the *Victims of Crime Act 1994* (ACT) for the governing principles which are, as far as practicable and appropriate, to govern the treatment of victims in the administration of justice.

responsibility for investigating complaints about ACT Policing, and the Victims of Crime Commissioner has limited jurisdiction to “try to resolve” any concern raised with the Commissioner by a victim about prescribed forms of conduct by an agency involved in the administration of justice.<sup>22</sup> If the Commissioner receives a formal complaint, he must refer the complaint to a complaints entity, such as the Ombudsman or another statutory office holder within the HR Commission.<sup>23</sup> However, complaints and concerns victims have about their treatment in the justice system can sometimes fall within the gaps of the complaints-handling jurisdictions of these entities or, in other cases, victims may prefer more restorative processes to deal with such concerns, where they can meet or communicate with the individual officers or workers involved and be provided with an explanation for their conduct. In our view, the ACT would greatly benefit from the introduction of restorative dispute resolution processes for complaints made by victims of crime about their treatment by police and other institutions involved in the administration of the justice system. The innovative restorative engagement program developed by the federal Defence Abuse Response Taskforce could serve as a useful model for the form and operation of these processes.<sup>24</sup>

### **The need for greater support for, and the removal of barriers to the success of, existing restorative practices and forums**

#### *Child protection: supporting Aboriginal and Torres Strait Islander families to use family group conferencing as an alternative to formal CYPS intervention*

In the area of child protection, we consider it highly important that Aboriginal and Torres Strait Islander families not only have access to culturally appropriate restorative practices to try to prevent formal CYPS intervention, but also that carers of children under placements organised through these processes are provided the financial support they would have otherwise been entitled to if the placement had been made under a care and protection order. Vulnerable families should not be placed in a position of having to decide between using restorative family group conference practices on the one hand, and having placements within the extended family or kinship group adequately financially supported after formal intervention by CYPS on the other hand.

CYPS is in the process of developing a 12 month pilot program of ‘Family Group Conferencing’ for Aboriginal and Torres Strait Islander families with the aim of reducing the number of Aboriginal and Torres Strait Islander children in care and providing families a greater role in the decision-making process in relation to their children.<sup>25</sup> This model appears to be a restorative and culturally appropriate way of preventing formal intervention by CYPS, and is consistent with the cultural rights of Aboriginal and Torres Strait Islander peoples recognised under s 27(2) of the HR Act. However, our understanding is that, where arrangements are made through family group conferencing for children to be placed with other adults in their extended families or kinship groups, the new carers are not provided with ongoing financial support from CSD.

Conversely, if the children were placed with the same family members after formal CYPS intervention and under a care and protection order, the new carers would receive ongoing financial support. In our view, where placements of children are made through family group conferencing, it would be appropriate for CSD to provide the new carers with financial support equivalent to that which would have been provided

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<sup>22</sup> *Victims of Crime Act 1994* (ACT) s 12(1).

<sup>23</sup> *Ibid* s 12(4), s 12(6).

<sup>24</sup> See, eg, Australian Government Defence Abuse Response Taskforce, ‘Restorative Engagement Program Framework’ (27 March 2014).

<sup>25</sup> ACT Government Community Services Directorate, ‘Family Group Conferencing pilot: Aboriginal and Torres Strait Islander children in care in the ACT’ (Information sheet, July 2017) <[http://www.communityservices.act.gov.au/\\_\\_data/assets/word\\_doc/0003/1091118/ATSI-infosheet-family-group-conferencing-pilot.doc](http://www.communityservices.act.gov.au/__data/assets/word_doc/0003/1091118/ATSI-infosheet-family-group-conferencing-pilot.doc)>.

if the placement was formally made under a care and protection order. This amendment to the model will support the viability, success and sustainability of placements arranged through restorative practices.

### **Promoting a restorative human rights culture at the government and institutional levels through training in human rights and restorative practices and policies engaging with human rights obligations**

*Public housing: engaging public housing clients to help them address issues before their tenancy becomes at risk*

Housing ACT (HACT) has developed a number of policies which provide a framework for a fair and transparent public housing system with dispute resolution processes which prevent or address disputes at an early stage, provide all parties with an opportunity to express their views and concerns, and assist people to maintain their housing. For example, HACT have a client service visits policy which aims to, among other things, develop good working relationships between HACT and tenants, enable tenants to voice any concerns they may have with their housing or tenancy, and allow HACT to identify and address any potential problems that might lead to disputes or housing instability at an early stage.<sup>26</sup>

However, despite HACT having these and other commendable policies in place, there are some indications that HACT workers may not always apply these policies nor use restorative practices to the extent available to them in their work. The operation of the HACT rental rebate system, which provides subsidies for eligible applicants to meet the cost of renting public housing, is an area where disputes often arise. Rental rebates are usually granted for periods of six or twelve months, with HACT conducting regular reviews to ensure that the tenant receives her or his entitlement based on current assessable household income. If a tenant does not submit necessary documentation for the purpose of having her or his rental rebate reviewed by the date requested, the rebate can be revoked, resulting in an increase of rent to the market rent rate. As such, the maintenance of rental rebates is an area where proper engagement and effective communication between public housing tenants and their HACT housing managers is often critically important. Other areas of public housing where restorative practices and approaches are likely to be important include situations where public housing tenants become incarcerated during the course of their tenancies and situations where public housing tenants die and their loved ones or relatives who have been living in the house with them wish to take over the lease and become tenants of the property.

The facts of the recent ACAT case *Miller v Commissioner for Social Housing (Administrative Review)* [2017] ACAT 10 (*Miller*) provide an example of a situation where more effective engagement and communication between a public housing tenant and her housing manager may have prevented a problem regarding a rental rebate from escalating to the point that the tenant was at risk of eviction proceedings for rental arrears. The applicant in *Miller* applied for merits review of a decision by the Commissioner for Social Housing (the respondent) to refuse to backdate the commencement of a grant of rental rebate to a date some four months prior, when the applicant's previous rental rebate had been revoked. The applicant's previous rental rebate had been revoked when she failed to provide necessary income information to HACT, after her Centrelink payment had been cancelled and Centrelink stopped providing income information for the applicant directly and automatically to HACT. After the revocation, the applicant's rent was increased to the market rent rate and the applicant fell into rent arrears of approximately \$6,500. However, it was open to HACT, with the appropriate information from the applicant, to calculate the applicant's rental rebate on the basis of a deemed income instead of Centrelink statements. In regards to the communication between the applicant and her housing manager about these important issues, the Tribunal found:

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<sup>26</sup> ACT Government Community Services Directorate, *Client Service Visits Policy* <[http://www.communityservices.act.gov.au/hcs/policies/client\\_service\\_visits](http://www.communityservices.act.gov.au/hcs/policies/client_service_visits)>.



There was no evidence from the respondent which may have assisted the Tribunal to understand why no action was initiated by the applicant's Housing Manager during the conversations in May 2015 or September 2015 or October 2015 or December 2015 to advise the applicant about how she might satisfy the respondent's request for income information. The applicant should have been advised about the Program and, in particular, subclause 11(3) which provided for the respondent to deem her as being in receipt of Newstart Allowance. This should have enabled her rental rebate to be processed.

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The applicant did, however, attend a meeting with a Regional Manager and a Senior Manager of the respondent in the respondent's office on 30 November 2015 and the record of that meeting makes no mention of rental rebate, or of deeming her income or of market rent being charged, notwithstanding that the applicant's Housing Manager's Homenet note states that the meeting on 30 November 2015 was "scheduled...to discuss arrears, expired rebate, and high level of complaints."

*Miller* also provides an example of a situation where, on Tribunal's express findings, in arriving at the decision that the applicant's rental rebate should not be backdated, the Commissioner for Social Housing and its representatives had acted incompatibly with the tenant's human right not to have her home unlawfully or arbitrarily interfered with,<sup>27</sup> and had also failed to meet its procedural obligation under the HR Act to give proper consideration to this right in the decision-making process.<sup>28</sup>

The facts of *Miller* support the contention that, notwithstanding that HACT policies already provide the framework for and promote the use of restorative practices, HACT staff could benefit from training in effectively engaging public housing tenants, listening to tenants and properly recording and utilising relevant information tenants provide them about their circumstances, identifying potential problems that put tenancies at risk at an early stage, and proactively and collaboratively assisting public housing tenants to address them. Further, in our view, HACT policies would better support restorative practices and approaches if they expressly referred to and engaged with the human rights obligations of HACT as a public authority under the HR Act.

## Conclusion

While there are already a number of laws and processes in place to support Canberra to realise its goal of becoming a restorative city, there are also areas of ACT public life where the absence of, or lack of support for, restorative practices is felt and where more creative, inclusive, accessible and collaborative approaches to social problems are required. Using examples and case studies from, or related to, our work, we have recommended a number of reforms in this submission which, in our view, would address some of the existing gaps in the ACT's restorative practices framework. These reforms include:

- the introduction of ADR processes and access to ACAT for human rights disputes;
- access to external merits review for certain non-reviewable CYPS decisions;
- greater support for Aboriginal and Torres Strait Islander families to use family group conferencing as an alternative to formal CYPS intervention with equitable financial support post decision-making;
- the introduction of restorative engagement processes for complaints about the treatment of victims of crime in the justice system;
- enabling the HR Commission to refer health services, children and young people services, disability services and older persons services disputes to ACAT; and
- greater promotion of a human rights culture at a government and institutional level through training in human rights and restorative practices and policies explicitly referring to and engaging with human rights obligations.

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<sup>27</sup> Ibid [123]-[124].

<sup>28</sup> Ibid [117].

Given the strong connection between restorative practices and values and our mandate and work at the HR Commission, we are committed to working with LRAC and the broader ACT community to identify and implement the necessary reforms to make Canberra a restorative city.

If you have any questions or would like more detailed information on any of the issues raised in this submission, please do not hesitate to contact us on (02) 6205 2222.

Yours sincerely



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President and Human Rights Commissioner

Victims of Crime Commissioner

Public Advocate and Children and Young People Commissioner

Discrimination, Health Services, and Disability and Community Services Commissioner

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