8. Tasks in RJ Agreements

Tasks in agreements usually include things that help repair the harm caused by the offence and to try to stop the offender from getting in trouble again.

Examples of things that offenders have done for victims include:

- Writing letters of apology or update letters
- Paying money for costs incurred by the victim
- Paying money to a charity nominated by the victim
- Doing unpaid work for the victim or community

Examples of things that offenders have done to make sure they don’t get in trouble again:

- Make a promise to increase school attendance
- Abide by a curfew
- Get counselling for anger management issues
- Get counselling for drug and alcohol issues
- Look for employment or do work experience
- Agree not to have contact with people they get into trouble with
- Participate in programs e.g. Police Citizen’s Youth Club (PCYC) Programs or defensive driver training
- Participate in courses e.g. education courses like CIT or TAFE
- Participate in community activities e.g. join a group or club like a sporting group or drama/art club

9. Before Signing a RJ Agreement Participants Should Know:

- Participants can seek legal advice about the effect of the proposed agreement
- Participants do not have to sign the agreement if they don’t want to
- Participants understand the agreement and what it means
- Offenders are able to do what is in the agreement
- Offenders understand and can complete the tasks in the agreement by the due dates
- Agreements may only be amended if there has been a change in circumstance that does not allow the offender to complete the original agreement. They may only be amended after the convenor has discussed the change with the victim and the offender.
- The convenor must give a copy of the RJ agreement to the victim, the offender and the agency that referred the offence to RJ i.e. AFP, DPP, courts etc.

10. Monitoring of RJ Agreements:

The convenor can do anything reasonable to check whether the offender is doing what they agreed they would do in the RJ agreement.

If the convenor is satisfied that the RJ agreement has been completed, they must report that to the agency that referred the offence to RJ.

If they are not satisfied that the RJ agreement has been completed, the convenor must report that to the agency that referred the offence to RJ.
1. RESTORATIVE JUSTICE IN THE ACT

The Crimes (Restorative Justice) Act 2004 and the formation of the Restorative Justice Unit within the Justice & Community Safety Directorate is an ACT Government initiative. The underlying principals of the Act are to:

- Enhance the rights of victims of offences by providing RJ as a way of empowering victims to make decisions about how to repair the harm done by offences.
- Set up a system of RJ that brings together victims, offenders and supporters in a carefully managed and safe environment.
- Ensure that the interests of victims of offences are given high priority in the administration of RJ under the Act.
- Enable access to RJ at every stage of the criminal justice process without substituting or changing the normal process of the criminal justice system.
- Enable agencies that have a role in the criminal justice system to refer offences for RJ.

2. WHAT IS RESTORATIVE JUSTICE (RJ)?

RJ is an exchange of information between the victim and people most affected by an offence – the victim and offender. It aims to provide:

- The victim and people close to them – family and friends an opportunity to talk about how an offence has affected them.
- Offenders an opportunity to accept responsibility for the offence but is not required to reduce their sentence as a result.
- Other people who were involved with the offence like the police informant, a teacher or a witness.

3. WHAT HAPPENS IN A RJ MEETING?

RJ is co-ordinated by a person called a convenor. A convenor prepares everyone for RJ and helps everyone to talk to one another. The convenor takes participants through three stages:

1. What happened? The offender will be asked to talk about what led up to the offence and what happened during and after the offence. They will also be asked how they think others were affected.
2. How were people affected? Starting with the victim, the convenor asks everyone what they thought when the offence happened and how they feel now. The offender will find out how people were hurt by what happened and will probably find out some things about the offence that they didn't know.
3. How to make things better? The convenor asks everyone what they think needs to happen to make things better. This may form an agreement between the victim and the offender about what they need to do to repair the harm caused by the offence. Everyone who participates makes sure that what is in the agreement is fair and reasonable.

4. WHO CAN PARTICIPATE IN A RJ MEETING?

The convenor will talk to everyone about who they would like to participate in the process. It usually involves:

- The victim and people close to them
- Family and friends

5. THINGS PEOPLE SHOULD KNOW ABOUT BEFORE AGREEING TO TAKE PART:

There are some things people should think about before agreeing to take part in RJ:

- Consider whether they have accepted responsibility for the offence but is not required to reduce their sentence as a result.
- On previous occasions the court has often taken into account the fact that an offender has done RJ.
- If the offender decides not to take part in RJ or pulls out once the process has started the court must not consider this when sentencing.

6. AGREEMENTS MUST BE:

- Be fair and reasonably able to be carried out by the offender.
- Not be unlawful or require the detention of the offender.
- Not be degrading or humiliating to the offender or anyone else.
- Not be for a term longer than 6 months from the date the agreement is made or if a later starting date is stated the later date.

- An apology - either verbal or written.
- A plan to address offending behaviour.
- A work plan for the benefit of the victim or the community.
- Financial reparation.
- Anything else that would help repair the harm caused by the offence.

7. AGREEMENTS MUST BE:

- Be fair and reasonably able to be carried out by the offender.
- Not be unlawful or require the detention of the offender.
- Not be degrading or humiliating to the offender or anyone else.
- Not be for a term longer than 6 months from the date the agreement is made or if a later starting date is stated the later date.

8. AGREEMENTS MUST BE:

- Be in writing and signed by the victim and offender.
- Not be for a term longer than 6 months from the date the agreement is made or if a later starting date is stated the later date.