



## BEFORE SIGNING A RJ AGREEMENT YOU SHOULD:

- > Be aware you can seek legal advice about the proposed agreement
- > Know that you do not have to sign the agreement if you don't want to
- > Understand the agreement and what it means
- > Have the ability to do what is in the agreement
- > Know when you need to have the agreement completed by

It is your responsibility to fulfil the terms of any agreement that you sign. For this reason it is very important to ensure, before you sign an agreement, that you have capacity to complete any agreed tasks within agreed timeframes in order to achieve full compliance.

The convenor must give a copy of the RJ agreement to you, the person harmed and the agency that referred the offence, e.g. the police, courts, etc.

Agreements may only be changed if there has been a change in circumstances beyond your control that prevents you from completing the original agreement.



## WRITING A LETTER

A letter is a way of telling everyone that you are taking responsibility for what you did and that you are sorry. Sometimes this letter may be written before you meet the person harmed to show that you understand that you have done the wrong thing. This may help them to decide whether to meet you or not.

A letter may be requested after a conference to show that you have understood the impact your offence had on the participants of the conference. Your letter should always be in your own words, and may include telling people 'how you feel about what you did' now that you have gone through RJ and 'what you are doing with your life now'. It is not always easy to write a meaningful letter and it can be useful to get some further feedback from the convenor or a support person.



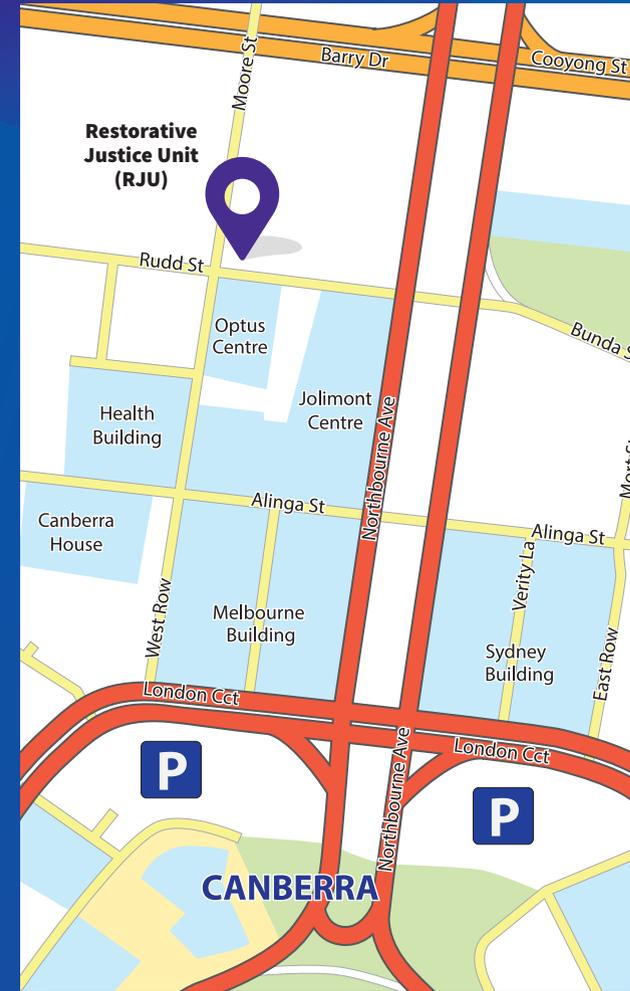
## INDIGENOUS SUPPORT AND CULTURAL SENSITIVITY

The RJU has an Indigenous Guidance Partner and Convenor who can ensure that Aboriginal and Torres Strait Islander clients have a good understanding of the restorative justice process, are supported to achieve positive outcomes and have opportunities to be referred to other relevant support agencies. For more information on how Indigenous people can be supported in the RJ process, please contact the office on 6207 3992 to talk to an Indigenous worker.



## CULTURAL SUPPORT

The RJU is committed to providing a culturally safe space for all participants where responses are appropriate and sensitive, interpreters are used when needed and specific cultural supports can be sourced and included in the process.



**Location:** Ground Floor, 12 Moore St, Canberra ACT 2601  
**Postal:** GPO Box 158, Canberra ACT 2601  
**Phone:** 02 6207 3992  
**Email:** [restorativejustice@act.gov.au](mailto:restorativejustice@act.gov.au)  
**Website:** [www.justice.act.gov.au/restorative\\_justice](http://www.justice.act.gov.au/restorative_justice)



**ACT**  
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Justice and Community Safety



**ACT**  
Government  
Justice and Community Safety

*repair the harm*  
**support** make things right  
**responsibility**  
*truth* explain why? **regret**  
**restorative justice**  
*make amends* **apologise**  
**sort it out** **say sorry**  
*healing* **fix things**

AN EXPLANATION OF  
 RESTORATIVE JUSTICE  
 FOR PEOPLE WHO HAVE  
 BEEN **CAUTIONED,**  
**CHARGED OR CONVICTED**  
**OF A CRIMINAL OFFENCE**



## WHAT IS RESTORATIVE JUSTICE (RJ)?

RJ is an exchange of information between the people most affected by an offence – the person you have harmed and yourself. It gives you an opportunity to accept responsibility for the offence and to repair the harm caused where possible.

The process provides the person/s harmed with an opportunity to talk about how they have been affected by an offence and a chance for them to address any unresolved questions or needs they might have as a result of the offence.

Information can be exchanged either directly through a face-to-face meeting or indirectly through a series of letters or messages.



## WHAT HAPPENS IN A RJ PROCESS?

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?** You will be asked to talk about what led up to the offence and what happened during and after the offence<sup>1</sup>. You will also be asked how you think others were affected.
- 2. How were people affected?** Starting with the person most harmed, people answer questions about the impacts, which will help you fully understand the ways in which they were affected.
- 3. How to make things better?** The convenor asks everyone what they think needs to happen to make things better. This may result in an agreement between you and the person harmed about what you need to do to repair the harm caused by the offence.

*Everyone, including you, makes sure that what is in the agreement is fair and reasonable.*



## WHO CAN PARTICIPATE IN A RJ MEETING?

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

- > You and people you care about - for example, your family and friends
- > The person harmed and people who care about them
- > Other people who were involved with the offence like the police officer, a teacher, a witness or a responder
- > Professional workers who can offer further emotional and psychological support



## THINGS YOU SHOULD KNOW ABOUT BEFORE AGREEING TO TAKE PART:

There are some things you should think about if you are going to do RJ:

- > You don't have to do it if you don't want to. You can pull out at any time
- > You can talk to a lawyer at any time about doing RJ
- > Accepting responsibility for the purpose of RJ does not mean you have to plead guilty in court for a summary offence<sup>2</sup>, for example, if you believe the specific charge or parts of the statement of facts to be incorrect
- > Depending on the seriousness of the offence, RJ can happen at different points in the criminal justice system:
  - Instead of going to court (summary offences only)
  - As well as going to court
  - Once the court has sentenced you
  - As long as you are serving any court-imposed order
- > If you decide not to take part in RJ or you pull out once the process has started, the court must not consider this when sentencing you
- > You don't have to sign an agreement if you don't want to



## WHY WOULD YOU DO IT?

There are many good reasons for you to take part:

- > Feel better about yourself
- > Explain your reasons for what happened
- > Help the person harmed feel better
- > Tell people how you feel about things now
- > Take responsibility for what happened
- > Give the person harmed and other people who were hurt by what happened a chance to talk about it
- > Help to work out how to make things better for the people harmed by your actions (including yourself)
- > Make plans to ensure you don't repeat the offending behaviour



## WHAT IS A RJ AGREEMENT?

Participants in a RJ meeting may reach an agreement whereby you agree to do some things to repair some or all of the harm caused by the offence. Agreements for some matters will include a cooling off period. An agreement must:

- > Be fair, measurable and within your capacity to achieve
- > Not be unlawful, degrading or humiliating to you or anyone else
- > Not cause distress to you or anyone else
- > Not be for a term longer than six months from the date the agreement is made or if a later starting date is chosen, the later date
- > Be in writing and signed by you and the main person/people affected

**An RJ agreement may include one or more of the following:**

- > An apology - either verbal or written
- > A work plan for the benefit of the person harmed
- > Financial reparation
- > A plan to address your offending behaviour
- > Anything else that would help repair the harm



## TASKS IN RJ AGREEMENTS

Tasks in RJ agreements usually include things that help repair the harm and facilitate positive behaviour change.

Examples of things that people have done to make amends include:

- > Writing letters of explanation and apology, or a progress report about your journey to a more responsible life
- > Paying money for losses or costs incurred
- > Doing unpaid work for the person harmed, their charity of choice or the general community

Examples of things that people have done to strengthen their commitment to positive changes:

- > Reconsider attitudes that lead to harmful acts
- > Increase positive social activities
- > Agree to avoid risky situations
- > Get counselling for emotional management
- > Look for employment or do work experience
- > Participate in relevant community programs or activities
- > Participate in self development or education courses
- > Agree to talk to a trusted person/mentor when feeling at risk

<sup>1</sup>Family violence, sexual offences and highly violent matters will exclude detail that would be insensitive to those harmed.

<sup>2</sup>Summary Offences are less serious offences such as minor theft, rides motor vehicle without consent, less serious assaults, unlawful possession of stolen property, etc.