

22 February 2016

Ms Kerin Leonard
Project Manager
Access to Justice Review
Department of Justice and Regulation
Level 24, 121 Exhibition Street
Melbourne VIC 3000

By email: accesstojusticereview@justice.vic.gov.au

Re: Access to Justice Review

Dear Kerin

cohealth welcomes the opportunity to contribute to the Department of Justice and Regulation Access to Justice Review. Our submission will respond to the third term of reference:

“Whether and how alternative dispute resolution mechanisms should be expanded so that more Victorians can make use of them”

cohealth

cohealth is one of Australia's largest community health services. We operate services across the north and western regions of Melbourne. cohealth provides an *integrated platform* of health care and social support services. This integrated platform includes: medical, dental, allied health, counselling, mental health, health promotion and prevention, youth services, community support services and other programs to promote community health and wellbeing. These services are delivered from 44 sites across 14 local government areas in the north and west of Melbourne.

cohealth prioritises people who experience disadvantaged social circumstances and are consequently marginalised from many mainstream health and other services. This includes people who are homeless or at risk of homelessness, people who live with serious mental illness, vulnerable families, Aboriginal and Torres Strait Islanders, refugees and asylum seekers, people who use alcohol and other drugs and recently released prisoners.

Western Victims Assistance Program

Western VAP (Victims Assistance Program) is operated by cohealth. As the operator of this program, cohealth has a direct partnership at the Neighbourhood Justice Centre (NJC) in Collingwood which includes the provision of a cohealth case manager who supports vulnerable clients.

cohealth.org.au

215 Nicholson Street
Footscray
VIC 3011

Western VAP provides services to victims of violent crimes. The issues these people present with are complex. These people are also often vulnerable and require assistance in navigating the criminal justice system to prepare and lodge Victims of Crime Assistance Tribunal Application. (VOCAT)

Our staff assist victims to manage and recover from the effects of crime which includes tailoring services to the individual needs of victims.

We make the following recommendations:

1. Fund a VAP contextualised Restorative Justice Conference (RJC) Program to address the ongoing post-traumatic growth needs of vulnerable victims of crime whose needs are not serviced by the Victorian criminal justice service system. A service that sits outside the criminal justice system but works in concert with the criminal justice system.
2. Implement an evaluation of the RJC pilot VAP program with reporting timeframes;
3. Provide training and education to build capacity amongst key stakeholders; and
4. Establish service protocols and MOU's with key stakeholders and VAP teams to assist with the smooth provision of this service.

Summary

In 2015, cohealth Western VAP participated with the Department of Justice service agency to engage in training as the Victims Representative at regular 'Youth Justice Group Conferencing Program' conferences.

Through the participation in the YJGC Program, VAP staff members at cohealth identified a service gap for victims of crime. This gap is that the criminal justice service system is currently unable to address post traumatic growth. Post traumatic growth in this context occurs after the initial crisis. Positive change may be experienced in the later stages of recovery as a result of the struggle with recovering from the crime committed against them. .

The Restorative Justice process could address this gap, by providing a context for interested parties to work towards a resolution. Current dispute resolution services, such as mediation, do not allow for this to occur.

Restorative Justice is distinguishable from 'dispute resolution' settlements. This is because Restorative Justice involves the parties to a dispute making the decisions in terms of the best way forward, as opposed to lawyers and or other professionals driving the outcomes. Restorative justice can positively reduce the "cycles of violence" by transforming conflict into cooperation by drawing in participants and their support networks which, in turn, creates safer communities.

Restorative justice is a collaboration between community service providers such as Juvenile Justice, Jesuit Social Services, Victoria Police, and the Neighbourhood Justice Centre. This network of support people assist the offender to keep on track and ensure the victims receives effective support, thereby reducing the “revolving door”.

The following case study is a potential participant for a VAP contextualised restorative justice group conference. Post-traumatic growth is an important part of the victim's recovery, which occurs at the end of a victim's experience of trauma, just as psych-first-aid (current practice) is recognised to be vital at the beginning of the process.

Case Study

Clients who are victims in cases of neighbourhood disputes, and where there is a lack of police support due to the insufficiency of witnesses/evidence/resources.

Very often police do not have the resources to address disputes of this nature. These cases can also consume significant court time due to the emotional involvement of participants.

This case exists because there are many unresolved disputes between parties and the VAP is limited in what can be done to support these victims. The inability of existing legal frameworks to restore issues means harm is ongoing.

For example, two neighbours in Melton.

A retired couple (Polish) in their early 70s are living next door to a family of three (Australian born). The Polish couple feel victimised due to ongoing verbal abuse and threats from their neighbours.

They have exhausted all avenues of redress and after unsuccessful attempts to resolve the situation they are left to feel powerless and unsafe. The cumulative trauma has created depression and anxiety.

A restorative justice process at this time would be invaluable in helping to restore and repair the harm from the trauma experience.

Conclusion

A VAP contextualised Restorative Justice conference could offer avenues for responding to prolonged post-traumatic stress. Such a service will have preventative aspects that positively impact and lead to a reduction in the cycles of violence by transforming conflict into cooperation.

Restorative Justice is a successful practice that is already in use within Australia and around the world. This type of program would reduce the log of cases having to appear in the courts and the demand on police and lawyers to respond to these cases once they are in the judicial system.

Yours sincerely



Dianne Couch
Executive Director - Programs, Prevention and Planning
Child, Youth, Family & Aged Care