



2018 ANNUAL REVIEW

# Centre for Innovative Justice



Shaping  
the world

Life-changing  
experiences

Passion with  
purpose



## Martin Bean

**CBE, Vice-Chancellor and President  
RMIT University**

At RMIT our purpose is to empower people – staff and students alike – to shape their futures, be their best and belong. We're proud of the Centre for Innovative Justice (CIJ) and deeply grateful for the extraordinary commitment of its people as they continue to enrich our community and uphold our values.



The completion of our Australian-first Restorative Engagement program, championed by the Centre, has been critical to our zero-tolerance response to sexual harassment and assault on campus. The hope that we can repair harm is deeply complex and it's with gratitude that we take the lead from the Centre on this sensitive work.

Whether it's feeling physically safe on campus; emotionally safe to seek help in difficult times; or intellectually safe to express unique or challenging views – it's fundamental.

There's more we can do, but with the support of experts and advocates like the people of the CIJ, we're making progress and we will not rest until every member of the RMIT community can say: I feel safe, I feel supported, I belong.

The CIJ brings innovation, determination and excellence to communities who need it the most. We share a passion for doing what's right, for speaking up, and for creating change.

When Julia Gillard spoke at the Centre's five-year anniversary, the energy in the room was electric – the sense of progress, of momentum for more still,

and the wave of support for the work of the team was overwhelming. It was certainly a highlight of 2018.

I know the CIJ team are as proud of their progress and their contribution as I am. It's a privilege to be part of something so meaningful and so truly transformative.

Because of the CIJ, lives are changed, careers are focused to areas of need, and a blueprint for something greater will become reality. My thanks to the team, on behalf of so many whose futures they are shaping for the better.

## Kathy Douglas

**Head of School  
Graduate School of Business and Law**

The world of work is changing with the acceleration of digital and other innovations affecting all professions, including the law. In engaging with this upheaval, RMIT's Graduate School of Business and Law highly values the transformative experiences provided by the CIJ to our Juris Doctor students.

In 2018 there was a successful tour of Melbourne's innovative and therapeutic courts and legal organisations through the JD Innovative Justice Study Tour.

The CIJ continued to provide clinical opportunities for our Juris Doctor students, offering real world learning experiences in legal practice.

The CIJ was also instrumental in launching the new core Innovative Justice course in the Juris Doctor, which combines an understanding of law reform, policy development and human-centred design.

The course builds on theories relating to therapeutic jurisprudence and restorative justice to engage students in designing solutions to problems in our court system and more widely in society. We promote the use of policy and law reform to take a human centred approach to innovations in our legal system.

As part of the course, students have developed innovative legal and policy responses to complex challenges such as rough sleeping and the regulation of graffiti.

The Graduate School of Business and Law also values the highly influential



research of the CIJ in exploring and recommending reforms in areas such as family violence.

The work of the CIJ provides our students with opportunities to grow as legal professionals and understand the wider impacts of law on the community. The CIJ and the school provide students with opportunities to engage with innovation and meet the challenges of a changing legal profession.

## Rob Hulls

**Director  
Centre for Innovative Justice**

Surely we are all here to make a positive difference, to leave this place a little better than we found it. In the area of justice, the CIJ sees its role as trying to create a better system – one that can be a positive intervention and influence in people's lives.

After all, a properly functioning, innovative justice system is an integral part of a thriving democracy. Whether it is the work we have done in relation to family violence, and making recommendations to better hold perpetrators to account, or our work with people with Acquired Brain Injury who come into contact with the justice system, or our partnership project to remove old and irrelevant convictions recorded against Aboriginal and Torres

Straits Islander children who were removed from their families, our aim is to improve the system for all users.

We also want to educate our students about the importance of working in a multidisciplinary environment, so as practitioners they too can give holistic support to vulnerable people with complex needs.



Universities have a responsibility to undertake cutting edge research, to educate and offer life-changing experiences to students, and to advocate for positive change.

We know that RMIT takes these responsibilities seriously, and we at the CIJ will continue to do what we can to assist the university to meet such important objectives.

## Life Changing Experiences Students



### Innovative Justice subject

80 students enrolled

### Clinical Legal Education

26 JD students placed at Mental Health Legal Centre, Law and Advocacy Centre for Women, and Young Workers Centre

### Taster placements

38 students took part in Court of Appeal, Shadow a Magistrate and Fair Work Commission placements

### Study Tour

10 students went on the Melbourne Innovative Justice Study Tour

### Field Education

7 Social Work students (working a required 500 hours each) placed at Mental Health Legal Centre, CIJ and Law and Advocacy Centre for Women

### Fines clinic

CIJ and MHLC student fines clinic established at Dame Phyllis Frost Centre women's prison. More than \$600 000 worth of fines waived or converted in first few months.



Study Tour students at the Melbourne Drug Court

## Passion with Purpose Advocacy & Engagement



### Awards

Involved in receipt of two awards, an Australian Philanthropy Award for Woer-Dungin's Criminal Record Discrimination Project, and a Victorian Disability Award for Dorothy Armstrong

### More than 40 media appearances

Including expert comment, opinion pieces and radio and TV interviews on the ABC, SBS Insight, The Age, The Australian, The Guardian, The Good Weekend magazine and international coverage with BBC radio and television

### RMIT media

Featured in the university's online and print publications

### Speaking engagements

More than 20 by the Director and other CIJ staff including keynote addresses, presentations at conferences internationally and interstate, panel discussions and forums

### Events

Five CIJ events, including a booked out event with former Prime Minister Julia Gillard to celebrate our fifth anniversary

### Social media

Active Twitter account with 1500+ followers, launched new CIJ Facebook page

### Website

Launched new website on 25 October

### Other

CIJ blog, podcasts, video interview series and bi-monthly newsletter



Rob Hulls with former Prime Minister Julia Gillard



### Submissions

Sentencing Advisory Council's inquiry into Restitution and Compensation Orders

Australian Law Reform Commission's Review of the Family Law System

Video submission (first to do so) to the Queensland Parliament's inquiry into the state's Human Rights Bill 2018

### Other publications

#### Socialising the law – multidisciplinary practice with lawyers and social workers

Stan Winford and Nareeda Lewers co-authored this chapter published in *Social Work in the Shadow of the Law* (Federation Press)

#### Reducing Family Violence by Bringing it into View

Co-authored by Elena Campbell and Rob Hulls and published in *Curing violence*:

*How we can become a less violent society* (Centre for Justice Innovation)

#### Multidisciplinary Practice at the Centre for Innovative Justice and Mental Health Legal Centre

Chapter by CIJ social worker Kat Ogilvie published in the book *Partnership with the Community: Forty-Five Years of Social Work Field Education at RMIT* (edited by Ronnie Egan and published by RMIT University)





## Shaping the World Research with Impact

### Family Violence

#### Court Support 4 Kids

Finalised and launched our evaluation of Court Support 4 Kids for McAuley Community Services for Women

#### PIPA

Report on ANROWS Positive Interventions for Perpetrators of Adolescent Violence in the Home project (PIPA) finalised and on track to be delivered in 2019

#### Perpetrator Intervention Systems

Commissioned by ANROWS & working in a collaboration led by Curtin University, the CIJ conducted case studies of perpetrator interventions and Men's Behaviour Change programs in Victoria for an edited collection to be published by ANROWS in 2019

#### Counselling Orders

Delivered final report for Magistrate's Court of Victoria to review the court's Counselling Order programs. The CIJ's recommendations were adopted by the MCV and will support the roll-out of expanded Specialist Family Violence Courts

#### Consent Orders

Commissioned by Victorian Department of Justice and Regulation to research how Family Violence Intervention Orders are currently negotiated by consent and to identify processes for safe and supported best practice model

### Restorative Justice

#### Legal Services Board

An innovative Approach to Serious Driving Offences project is completed with final report handed to the Legal Services Board in November

#### TAC

Delivered final report for phase 1 of the project and further engaged to develop the second phase to deliver restorative justice conferencing for traffic accident victims

#### Worksafe

Delivered final report to Worksafe for phase 1 and commissioned to assist in implementing restorative justice responses

#### RMIT University

Finalised pilot Restorative Engagement program for RMIT

re for  
restorative  
justice

18  
shot



Rob Hulls with Children's Court President Amanda Chambers & CIJ Associate Director Elena Campbell

### Women's Decarceration

#### New agenda

Launched new research agenda to tackle record rate of women's imprisonment

#### Women Transforming Justice

Contracted to evaluate Women Transforming Justice program run by Fitzroy/Darebin CLC, LACW and Flat Out

#### Financial Counselling

Funded by Victorian Responsible Gambling Foundation to establish a new Financial Counselling position with our partners MHLC and LACW



Rob Hulls & Associate Director Stan Winford film the CIJ's submission to the Queensland Human Rights Bill inquiry

### Systemic Reform

#### Office of Public Prosecutions

Delivered interim report to the Office of Public Prosecutions on best practice guide for communicating with victims – final report due in 2019

#### Supporting Justice

Building on our 2017 report *Enabling Justice*, we began this broader piece of work to create positive change for people with disability in the criminal justice system

#### Criminal Records Discrimination Project

Victorian Government legislates to abolish historic criminal records of Aboriginal children removed from their families

## Study Tour Observing Innovative Courts in Action



2018 Study Tour group at the Neighbourhood Justice Centre



CIJ Director Rob Hulls with Drug Court Magistrate Tony Parsons

Mid-year, Juris Doctor students taking part in our popular Innovative Justice Study Tour were able to experience the best of Melbourne's innovative and therapeutic courts and justice initiatives.

Melbourne is viewed as one of the global leaders in court innovation, with solution-focused courts now woven into the fabric of our justice system.

**“Going to the Koori Court and the Drug Court and seeing the ARC list has been an incredible experience.”**

—  
**Eliza Hew, first year  
JD and Masters of  
Social Work student**

Ten students joined our Director Rob Hulls and Student Program Coordinator Anna Howard over the week to visit and see in action the Koori Court, Drug Court, Specialist Family Violence Court, Assessment and Referral Court (for offenders who experience mental health issues and/or cognitive impairment), and the Neighbourhood Justice Centre. These are ground-breaking courts that use therapeutic approaches to have a positive impact on people's lives and on the community.

As an exercise in comparison, students also sat in on the mainstream Magistrates' Court, where Magistrates, who face daily lists of more than 50 matters, have an average of three minutes per matter to deliver justice.

Students had the opportunity to meet and ask questions of those working in the sector, including Magistrates, court staff, police prosecutors, corrections workers, lawyers and support workers, about the courts and what is involved to run them, what it's like to work within them and the outcomes they produce.

For the first time, students also participated in a simulated restorative justice conference convened by RJ practitioner Renee Handsaker and including CIJ's RJ experts Stan Winford, Nareeda Lewers and Mary Polis.

**“Seeing the law come to life, particularly in this innovative way has been really beneficial for me and has probably changed the trajectory of my legal career.”**

—  
**Liam Malby,  
second year  
JD student**

Students remarked that, although the conference was simulated, they found the experience powerful and unexpectedly emotional, and that it

helped them to understand how RJ can offer different, and often better outcomes to victims and offenders than the traditional adversarial justice system.

From what the students told us, the week was a real eye opener!

**“I would absolutely recommend the study tour to other students. It's without a doubt the best way to get a real understanding of how the alternative justice courts operate and will give you an unparalleled opportunity to get the real thoughts of the magistrates who make it work.”**

—  
**Sam Brabender,  
final year JD student**

*The 2018 Study Tour was lead by CIJ Director Rob Hulls and Student Program Coordinator Anna Howard.*



## Student placements Clinical Legal Education and Social Work Field Education



Clinical Legal Education students with GSBL's Professor Bronwyn Naylor & CIJ's Anna Howard



JD student Caitlin Jane on placement at MHLC

Our student placement opportunities continue to expand, with new offerings for Clinical Legal Education and Social Work Field Education with our partners at the Law and Advocacy Centre for Women (LACW), alongside our existing placements at the Mental Health Legal Centre (MHLC) and the Young Workers Centre.

Twenty-five law students and seven social work students took part in these opportunities across the year.

Law students on placement at the MHLC were involved in setting up a new Fines Clinic at the Dame Phyllis Frost women's prison, to help women to resolve issues around unpaid fines. In its first few months of operation, the Fines Clinic assisted more than 70 women and resulted in over \$600,000 worth of fines being waived or converted to Time Served Orders. The clinic has given meaningful real-world experience to our students, while also ensuring that women can leave prison with a clean slate rather than with infringements and warrants hanging over their heads.

Students at the MHLC were also based within the Inside Access Program, which provides support for women in prison and after their release, to help break the cycle of incarceration and recidivism. MHLC lawyers and social workers, alongside law and social work students provided support around areas such as child protection, victims of crime compensation applications, infringements, housing, tenancy advocacy, referrals for post-release support and linking with local services in the community.

This support has resulted in women having a better chance of integration into the community after their period of incarceration and fewer issues building up while they are in prison. During placement, students also gained an increased knowledge of and capability to identify systemic injustices impacting on women in prison and the links between having experienced family violence, intergenerational trauma and poverty.

**“I've been able to develop confidence in my social work skills within a professional setting and further, an opportunity to self-advocate and assert myself in a conducive manner. My supervisor has been essential in my developing skills and providing critical feedback in a constructive way.”**

—  
**Honora Crosbie,  
Social Work Field  
Education 1  
student**

These placements are particularly pertinent as it is becoming more widely understood that legal needs are often intertwined with underlying issues of health, mental health, substance addiction, family violence, and other sources of disadvantage. Certainly this is the case for the client base of RMIT's co-located legal centres, the MHLC and LACW.

There is a compelling evidence base that multidisciplinary services enhance client outcomes and satisfaction, and we are seeing a slow but steady change in focus to placing vulnerable people needing support at the centre of what practitioners do, rather than asking clients to fit in with the needs of the professionals providing a service to them. The movement towards services that look holistically beyond a single issue (known as multidisciplinary practice, integrated practice, health justice partnership and more) is gaining momentum and being recognised in sector and mainstream funding rounds now. The CIJ looks forward to further expanding its multidisciplinary student opportunities in 2019.

*Social work students were overseen by CIJ/MHLC Social Worker Kat Ogilvie, and JD students were overseen by Student Program Coordinator Anna Howard, with the assistance of the teams at MHLC, LACW and Young Workers Centre.*

## Innovative Justice subject



A graffiti artist with lived experience of the justice system was one of the guest speakers in the course



CIJ Associate Director Stan Winford took out an award for the Innovative Justice subject

We were pleased to join our GSBL colleagues to deliver the Juris Doctor's Innovative Justice course in its first year as a core subject.

To our knowledge, RMIT was the first university in Australia to make Innovative Justice a core subject, alongside the Priestley 11.

The course aims to teach students innovative justice theories and frameworks such as therapeutic jurisprudence, restorative justice, holistic law, creative problem solving and preventive law.

This year, students used the issue of regulating graffiti as a lens through which to examine innovative justice, hearing firsthand from guest speakers who are involved with this issue on a day to day basis.

**“I loved this course - I felt that a lot of thought had gone into it and the exposure we had to new solutions and approaches in the justice system was fantastic. The best aspects were our engagement with guest speakers who are actively practicing in their fields and the ability to work with a mentor in our second assignment.”**

Innovative Justice student,  
taken from anonymous  
Course Experience Survey

The speakers included magistrates, local council officers, lawyers and youth services, as well as a young former graffiti artist who had experienced both the youth and adult justice systems and offered some interesting insights into the effectiveness of some responses to youth offending, what it feels like to be sentenced by a magistrate, and what ultimately motivated him to change his behaviour.

Students also watched and participated in a restorative justice conferencing simulation. Their assessment included developing and presenting innovative and holistic solutions to this justice challenge by drawing on research and course readings, and what they heard from the guest speakers.

It was testament to the success of the course that its co-ordinators CIJ Associate Director Stan Winford and Professor Bronwyn Naylor from the Graduate School of Business and Law were honoured with a joint student experience award from GSBL.

**We are confident the course will continue to develop and enrich student experience and knowledge of the law over time.**

*The CIJ's Stan Winford co-developed and delivered this course with support from Rob Hulls and Anna Howard.*



## Taster Placements



Our students with court staff and members of the legal sector at the Court of Appeal industry lunch

Each year the CIJ offers taster placements for RMIT Juris Doctor students at the Court of Appeal, the Fairwork Commission, shadowing a magistrates and more.

The placements are a great opportunity for our law students to experience how the law is applied in the real world in different settings.

This year 15 JD students spent an incredible week observing three fascinating and high-profile appeals, including:

- ▶ the United Firefighters Union appeal against the Victorian Equal Opportunity and Human Rights Commission's power to conduct a review of the CFA and MFB's practices relating to discrimination and bullying;
- ▶ an appeal against sentence for a culpable driving matter brought by the DPP, and
- ▶ Bauer Media's appeal against Rebel Wilson's landmark defamation win.

Students were addressed by the presiding Court of Appeal judges, counsel for the parties in each of the cases and received the court documents relating to the appeals. Finally, students attended an industry lunch with a diverse range of lawyers.

We also had four students at the Fair Work Commission, and another seven Shadowing a Magistrate on the Assessment and Referral Court (ARC) list.

### Court of Appeal:

“The opportunity to see three distinct cases made the experience particularly enjoyable and beneficial. The hearings related directly to subjects we were undertaking at the time, with statutory interpretation being a central focus of our first day hearing, sentencing in a criminal trial the next, and a very high-profile defamation case on the last. I was able to immediately use what I learnt from the trials to inform my approach to my assessments.”

Alexandra Rankine,  
first year JD student

### Shadow a Magistrate:

“My Magistrate was great, he took time to talk to us about the ARC list and about the application of therapeutic jurisprudence more generally as it applies to his practice.”

Megan Beatrice,  
first year JD student

### Fair Work Commission:

“This placement showed me how the concepts discussed in textbooks come to life in the real world, and how real people's lives are affected, sometimes drastically, by the legal system we study.”

Liam Malby, second year  
OUA JD student

*Taster Placements were run by Student Program Coordinator Anna Howard.*

# Family Violence

The CIJ's family violence research advocates for a greater focus on perpetrators, and for ensuring that court processes are meaningful and effective for all involved.

## Did you know?

**1** Woman murdered every week

On average, one woman a week in Australia is murdered by a current or former partner.

**\$2 billion +**

A welcome increase in focus on family violence by state and federal governments has included a record more than \$2 billion committed by the Victorian Government to implementing the 227 recommendations of the Family Violence Royal Commission.

**95%** Male perpetrators

Both women and men are more likely to experience violence at the hands of men, with around 95% of all victims of violence in Australia reporting a male perpetrator.

## Positive Interventions for Perpetrators of Adolescent Violence in the Home



CIJ Associate Director Elena Campbell presenting on PIPA at an ANROWS conference

After two big years, one of the CIJ's most substantial pieces of research began to draw to a close this year, but not before a huge push to get to the finish line.

The ANROWS funded PIPA Project looks at the response to the use of family violence by adolescents across three states – Victoria, Tasmania and Western Australia.

Being a multijurisdictional project, much of our time this year has been spent travelling, holding public forums and focus groups, conducting practitioner interviews, and auditing hundreds of case files and client records. We've also been busy testing the preliminary findings of the project - exploring gaps and opportunities in more detail and examining the extent to which the work resonated with those working in the field.

**Our research shows that the justice system is routinely using the blunt response designed for adult intimate partner violence to impose consequences on children – often doing more harm than good.**

Our recommendations offer a more considered and consistent response, which can function as a positive intervention for young people, children and their families.

The final PIPA report “*Legal responses to adolescent family violence: systems perpetuating harm?*” will be submitted to ANROWS in early 2019, to be released publicly later that year.

We look forward to sharing our findings and shining a light on this unexamined and important issue.

*The PIPA Project team members are CIJ Associate Director Elena Campbell and Senior Adviser, Research and Advocacy Jessica Richter.*

## Court Support 4 Kids



CIJ Associate Director Elena Campbell with McAuley CEO Jocelyn Bignold & CIJ Director Rob Hulls

In October the CIJ joined McAuley Community Services for Women to launch our evaluation of the Court Support 4 Kids program (CS4K).

CS4K is delivered by McAuley, Bethany Community Support and Eastern Domestic Violence Services to offer support for children who attend court while their mothers are seeking Family Violence Intervention Orders. The program is run in a limited capacity at the Sunshine, Geelong and Ringwood Magistrates' Courts.

McAuley engaged the CIJ to evaluate the effectiveness of the program, and the extent to which it meets the needs of the women and children it supports. Our evaluation involved interviewing women who had previously attended court with their children, as well as the support workers, court staff and legal practitioners. We conducted a literature review, and produced two reports – a Needs Assessment, and the Evaluation.

Our research found that many women experiencing family violence are forced to bring their children with them to court for a variety of reasons, yet having their children present can prohibit women from fully participating and engaging in the court process.

This may mean that women do not persist with their application, or that lawyers or other court staff are unable to gain the necessary instructions or provide advice – making this an access to justice issue that has been ignored by the system and has not been well researched in the past.

We found that CS4K was a seemingly obvious, yet strangely missing, part of the equation in most Victorian courts, reinforcing the Royal Commission into Family Violence's assertion that children are the 'silent' victims of family violence. We recommended that CS4K be funded to operate at magistrates' courts across Victoria.

We were pleased to have Victorian Children's Commissioner Liana Buchanan and Deputy Chief Magistrate Felicity Broughton to launch the report at an event in Melbourne.

*The evaluation was developed and overseen by CIJ Associate Director Elena Campbell, supported by Consultant Lucy Macmillan.*

“This is not an issue of 'childcare', this is an issue of access to justice... Court Support 4 Kids is an obvious part of the equation that has been missing and a reminder of just how much the law is designed without its end users in mind.”

—  
CIJ Associate Director Elena Campbell (taken from the CIJ blog)



## Counselling Orders



The CIJ has been reviewing the Magistrates' Court of Victoria's Counselling Order programs.



Towards the end of 2018 the CIJ finalised its work for the Magistrates' Court of Victoria (MCV) reviewing the court's Counselling Order programs.

Counselling Orders are a mechanism used by Victoria's Specialist Family Violence Courts to order perpetrators of family violence to attend Men's Behaviour Change Programs. This mechanism has been in place since 2005 and is recognised and relied upon as an important part of the system's response to family violence.

In light of recommendations from the Royal Commission into Family Violence to expand Victoria's Specialist Family Violence Courts, the MCV asked the CIJ to review the Counselling Order programs, to ensure that these had kept pace with an ever-evolving evidence base and that they remain a suitable and effective way for the court to respond to family violence.

**The CIJ identified the features of, and developed a best-practice model for a single Counselling Order program, to support the roll out of Specialist Family Violence Courts across all headquarter courts, as recommended by the Royal Commission into Family Violence.**

The CIJ provided a substantial internal report to the court with practical, organisational materials to support the move to a best practice model. The MCV has committed in principle to adopting all the recommendations and materials. The CIJ will continue to provide advice to the court as it incorporates these into the broader program of work that focuses on perpetrator interventions and the rollout of Specialist Family Violence Courts.

*Elena Campbell and Consultant Rodney Vlasis were lead authors on this report, with research support from Tallace Bissett and Mary Polis.*



A review of Consent Orders was Recommendation 77 of the Royal Commission into Family Violence.

## Consent Orders



The CIJ has embarked on a new project examining another aspect of the justice system's responses to family violence.

"Consent Orders" is the term used when Family Violence Intervention Orders (FVIOs) are made through negotiation and agreement between the parties before being formally ordered by a Magistrate.

Recommendation 77 of the Royal Commission into Family Violence highlighted the prevalence of parties negotiating FVIOs by consent, but also the absence of a safe and supported, best practice approach. The Victorian Department of Justice and Regulation has commissioned the CIJ to conduct research into factors relevant to FVIOs

being reached by consent, and develop recommendations for a safe, supported negotiation process.

A team of CIJ researchers has been conducting this work in five court regions around Victoria, as well as with the support of specialist family violence women's services and specialist perpetrator services. The final report on this project will be released in 2019.

*The project team members are Elena Campbell and Tallace Bissett, with research support from Nareeda Lewers, Anna Howard, Jessica Richter and Mary Polis.*

## Perpetrator Intervention Systems



The CIJ is a partner in this national project, led by Curtin University and funded by ANROWS, to map and evaluate Perpetrator Intervention Systems across Australia.

As part of this project, the CIJ has conducted case studies of perpetrator interventions and Men's Behaviour Change Programs in the Southern Melbourne and Bayside regions, which include local government areas with the highest family violence police callouts in Victoria. These case studies will be part of an edited collection to highlight promising practices and current gaps in systems designed to engage and

retain perpetrators of family violence in programs across different Australian jurisdictions. A research report combining multiple case studies, high level system mapping and critical engagement with concepts and assumptions around perpetrator interventions will be submitted to ANROWS for publication in 2019.

*The project team members are Elena Campbell and Tallace Bissett.*

# Women's Decarceration

In 2018 the CIJ began developing a long-term research agenda concerning Women's Decarceration, in response to the record growth in women being jailed in Victoria.

## Did you know?

+100%

Over the past decade, the number of women imprisoned in Victoria has more than doubled.

42%

In 2018, 42% of women in prison were on remand (unsentenced).

Between  
70-90%

Studies indicate that between 70 and 90% of women in Australian prisons have been victims of family violence or childhood sexual abuse.

## Women's Decarceration Agenda



Figures from Corrections Victoria show that in the decade to 2018, female prisoner numbers more than doubled, now representing 7% of the overall prison population.

Most of these women had been victims of family violence or sexual abuse, and more than one in 10 female prisoners were Aboriginal.

This increase is partly a result of recent reforms designed to get 'tough' on law and order, including changes to bail, parole and sentencing options, and partly because of an increased focus on family violence.

Ironically, in some cases, an indirect result of the proactive and zero tolerance responses to family violence has been an increasing number of women misidentified by police as predominant

aggressors. Homelessness, substance abuse, financial dependence and caring duties also make the nature of women's offending complex and unique.

Understanding the causes of women's criminalisation means recognising the links between women's experiences of trauma and victimisation and their offending behaviour.

The CIJ has decided to prioritise this as an area of research, to build the evidence base needed to reverse the trend of rising women's imprisonment.

## Event



### Putting women's prisons out of business.

To kick off development of this agenda, the CIJ held an International Women's Day event, "Putting women's prisons out of business: gender responsive justice and solutions in an increasingly punitive world". The panel discussion was moderated by our Associate Director of Research, Advocacy and Policy Elena Campbell, and featured

guests Magistrate Ann Collins, LACW Principal Legal Officer Jill Prior, and Cheryl and Doddy, two women with lived experience of family violence and the justice system.

We heard accounts of how gendered violence can put women on a direct pathway from victim to offender, and the resulting repercussions that play out for the rest of their lives.

Attendance at the event, and engagement and feedback afterwards, suggested to us that the appetite for change is being felt urgently both within the sector and by criminalised women who are at the receiving end of the blunt instrument of the justice system.



LACW's Jill Prior, Magistrate Ann Collins & CIJ's Elena Campbell



## Students



Students had the opportunity to contribute to this important work through a final year research project.

To help us define our research priorities, we engaged two social work students, Alex Johnson and Crystal Lee, to fulfil their final Field Education placement by conducting a scoping review and stakeholder consultation overseen by CIJ Social Worker Kat Ogilvie. We'd like to thank Crystal and Alex for this ambitious piece of work, which we hope to release as a discussion paper in 2019.



Social Work Field Education students Alex Johnson & Crystal Lee

## Research



We also began our first piece of distinct work as part of this new agenda: an evaluation of the Women Transforming Justice (WTJ) program.

WTJ is a pilot program run as a partnership between Fitzroy/Darebin Community Legal Centre, the Law and Advocacy Centre for Women and Flat Out, to tackle the crisis of women's mass incarceration in Victoria by addressing the drivers of women's criminalisation.

WTJ provides women in custody or on bail in the community with skilled, integrated and gender-specific legal

representation and outreach-based case management, to enhance their prospects of bail and to support them once on bail to remain safe and stable in the community.

Our work on WTJ will include an evaluation and a needs assessment, which is due to be completed in early 2020.

## Service delivery



The CIJ was successful in receiving a grant from the Victorian Responsible Gambling Foundation to employ a financial counsellor to deliver services to women in the criminal justice system affected by gambling.

The financial counsellor will be seconded to LACW and MHLC to add to the existing integrated practices that already see lawyers and social workers providing holistic support to women at the Dame Phyllis Frost Centre, and to those in the community who are at the point of coming into contact with the criminal justice system.

The complex links between gambling and involvement with the criminal justice system provide a unique opportunity to offer integrated support services and to address the underlying factors that lead to women's contact with the justice system. These services seek to provide an intervention at the point of initial contact with the system, as well as support while in custodial environments.

In addition to financial counselling services, this position also provides an exciting opportunity for RMIT financial counselling students to complete their clinical placements at LACW and MHLC, overseen by the CIJ financial counsellor. These student placements will operate alongside and complement social work and law student placements. We will start recruiting for this position in early 2019.

We look forward to announcing more projects as part of our Women's Decarceration research agenda in 2019.

We hope this work will contribute to meaningful reform and the adoption of a more gender-informed approach to criminalised women.

# Systemic Reform

The CIJ's research and advocacy supports changes to the justice system to make it a more positive intervention in people's lives.

## Did you know?

**42% + 33%**  
of men of women

Up to 42% of men and 33% of women in Victorian prisons have an Acquired Brain Injury compared with 2% of the general population.

**\$120,000**  
annual cost of imprisonment

In Victoria, the annual cost of imprisonment is about \$120,000 per prisoner; the daily cost is about \$320. Community based sentences cost the community about one tenth of this amount.

**Victoria is the only Australian state or territory without a legislated spent convictions scheme.**

Spent convictions schemes allow people not to disclose old criminal convictions after a 'waiting period'. Most other Australian jurisdictions also have some form of anti-discrimination protection to ensure that people with irrelevant criminal records are not prevented from participating in their communities. Victoria does not have any such protection.

**50%**

Nearly half of Australian prisoners are back in jail within two years of release.

**700,000**  
criminal record checks

Criminal record checks are increasingly used by employers to assess prospective employees. Nearly 700,000 criminal record checks were conducted by Victoria Police last year (2016-2017).

**Members of the Stolen Generation and many non-Aboriginal Victorians were given criminal records as children when they were forcibly taken from their families and placed into state care.**

This is because the State did not distinguish between child protection and criminal matters until the early 1990s.

## Communicating with victims about resolution decisions



This research for Victoria's Office of Public Prosecutions (OPP) provides advice about communicating more effectively with victims of crime in the context of the resolution or discontinuance of criminal charges.

When prosecutors decide not to proceed with a criminal trial, or to accept a plea offer from an accused person, victims may be left feeling disappointed with the outcome or bewildered by the process.

The OPP engaged the CIJ to suggest ways in which it might build on its already significant endeavours to improve victims' encounters with the criminal justice system in these instances.

### The objectives of this project were to:

- identify and understand victims' experiences of being told about certain prosecution decisions
- identify areas for OPP improvement in managing these processes and communicating with victims about these processes and decisions

- propose best practice solutions to improve outcomes for victims, the OPP and the community; and
- identify areas for further research

The CIJ interviewed victims of crime about their experiences of being consulted by the OPP. The CIJ also spoke with social workers from the OPP's Witness Assistance Service and with OPP lawyers.

Our findings offer a much-needed insight into victims' experiences of discontinuance and plea resolution decisions and practical proposals for changes to increase victim satisfaction.

The final report will be released in 2019.

*The project team members are CIJ's Associate Director Stan Winford, Senior Adviser Research and Advocacy Nareeda Lewers and Consultant Mary Polis.*

## Criminal Record Discrimination Reform



Following the emphatic endorsement of Woor-Dungin's submission to the 49th Aboriginal Justice Forum in late 2017, the reforms the Criminal Record Discrimination Project has been advocating for took some great leaps forward in 2018.

The CIJ is a key part of this Aboriginal-led collaboration between community and legal organisations that is seeking to reduce the negative impacts Aboriginal Victorians face as a result of the unregulated disclosure of, and inappropriate reliance on, old and irrelevant criminal histories. This criminal history includes care and protection orders given to children in state care being recorded as criminal convictions, because the state did not differentiate



Professor Bronwyn Naylor and CIJ's Stan Winford

between the two. This practise disproportionately affected Aboriginal people because they were removed from their families and taken into the care of the State at a much higher rate.

In 2018 the Andrews Labor Government apologised for this past practice, and on 23 August the Victorian Parliament passed the Victims and other Legislation Amendment Bill.

This legislation will ensure that Victoria Police remove these records from the criminal record system and these records will not be released or treated as criminal history.

The reforms still fall short of Woor-Dungin's broader campaign to see a spent convictions scheme introduced in Victoria, but we are optimistic that following sustained advocacy we will see further changes on this front in 2019.

## Woor-Dungin wins!



On top of this legislative achievement, Woor-Dungin was also honoured to have this work recognised by the Australian Philanthropy Awards in the Indigenous Philanthropy category.



The Woor-Dungin team at Sydney Opera House

The Australian Philanthropy Awards recognise and celebrate extraordinary achievements in contemporary philanthropy for visionary, high-impact and transformative work.

The CIJ's Stan Winford and Professor Bronwyn Naylor from RMIT's Graduate School of Business and Law, joined the rest of the Woor-Dungin team at the ceremony at the Sydney Opera House.

Stan Winford said the award recognised the team effort behind the Criminal Record Discrimination project, which began in 2015.

**"The project represents best practice work in this space in terms of respectful relationships, working with the community and responding to their priorities," he said.**

"Woor-Dungin members highlighted the impact criminal records had on Aboriginal employment and RMIT's CIJ and College of Business provided advice, strategy, research and guidance."

This recognition highlights the role universities play in developing collaborative, evidence-based research to make a difference to people's lives and their experiences.

*The CIJ's Associate Director Stan Winford is a member of the Woor-Dungin team.*



## Supporting Justice



The CIJ is embarking on a new phase of its work with people with disability and mental ill health in the justice system.

The Supporting Justice project will build on our important 2017 Enabling Justice report, developed in partnership with Jesuit Social Services, which focused on the over-representation of people with Acquired Brain Injury in the justice system.

Included in this new phase of work, commissioned by the Victorian Department of Health and Human Services, is a project where the CIJ will work with partners Paper Giant



Oslo Davis illustration from the Enabling Justice report

to design a tool to assist courts and legal professionals to better support people who are in contact with the justice system. The online resource will help users identify and link clients with support, and help to ensure people with a cognitive impairment, autism-spectrum disorder or dual disability do not experience discrimination when they come into contact with the criminal justice system, and continue to have their human rights upheld.

This work is in its early stages but will ramp up in early 2019, when the CIJ will engage professionals from the criminal justice and disability support sectors, as well as people with lived experience of disability who have had contact with the justice system, to continue to work on achieving systemic change.

*This project's team members are CIJ Associate Director Stan Winford and Senior Adviser Research and Advocacy Anna Howard.*

## CIJ Advocate wins Victorian Disability Award



In August we were thrilled when our nominee for the 2018 Victorian Disability Awards took out the prize in her category.

Dorothy "Doddy" Armstrong, a participant in our Enabling Justice project's Justice User Group, was recognised for excellence in promoting rights, fairness and safety for people with a disability. Doddy lives with an ABI sustained through family violence and has lived experience of the criminal justice system. By bravely telling her own story and sharing her ideas for reform, she has been successfully shining a light on the experiences of women with disability who have been incarcerated.

Doddy was recognised as a rare voice in the public sphere, because intersecting experiences of disability, family violence and the criminal justice system often remain in the shadows and out of our collective consciousness.

Through her advocacy, she has highlighted that when people have needs – as a result of disability, experience of family violence or trauma – that are overlooked and unmet, there can be significant negative consequences for individuals and the community.

Doddy said she was thrilled to be recognised for her advocacy.

**"It's an honour to be recognised, especially when I learned that there are so many fabulous people doing incredible work to improve the lives of people with a disability."**

Doddy is at the beginning of her journey as an advocate, but in a very short space of time has already influenced the views



Dorothy Armstrong with Rob Hulls, Jessica Richter & Anna Howard

of people working in the criminal justice, family violence and disability sectors. She said the award has inspired her to continue her advocacy seeking fairness for people with lived experience of disability and trauma.

We would like to congratulate Doddy again for this outstanding and well-deserved achievement.

# Restorative Justice

The CIJ advocates for restorative justice to be made available alongside traditional criminal and civil justice system processes for victims of crime and other people who have experienced harm.

## Did you know?

### Restorative justice is...

...a process that focuses on the personal harm caused by a crime or other wrong rather than on the violation of a law committed against the state.

### Restorative justice conferencing is...

...where those affected by a crime, other harm or situation of conflict (such as victims, offenders, their supporters and other relevant community members) collectively discuss how to respond to the aftermath of what has happened and its implications for the future.

### It can help because...

...it can meet victims' needs such as feeling heard, finding out more about the offender and communicating directly with the offender, in ways that the traditional criminal justice system cannot.

### In New Zealand...

...restorative justice is firmly embedded in the justice system. Since 2014, all criminal matters are automatically referred for restorative justice conferencing, although parties may opt-out if they wish.

### In Australia...

...restorative justice conferencing is available in different forms across jurisdictions. In Victoria there is a well-established restorative justice program in the youth justice system, but there are no ongoing restorative justice programs that victims of offences committed by adults can access.

In contrast, in the ACT, restorative justice is available to victims for all types of offending, and at every stage in the criminal process, from arrest to post-sentencing, whether the offence was committed by an adult or someone under 18 years old.

## Restorative Engagement Program at RMIT University



An image from RMIT's "Respect Now, Always" campaign

In 2018 the CIJ finalised its collaboration with RMIT's Student Wellbeing and Inclusion Group to develop a pilot restorative engagement program for RMIT in response to historical cases of sexual assault and harassment at the university.

The program is part of RMIT's multi-faceted response to the Australian Human Rights Commission's 2017 Change the Course report, which uncovered widespread experiences of sexual assault and sexual harassment at Australian universities.

It is designed to provide a pathway for students and former students who have in the past experienced sexual abuse, assault or harassment and feel aggrieved about the university's failure to protect them and/or to respond appropriately or adequately once the harm they had experienced had been disclosed. The program provides them with an opportunity to meet with senior university representatives to explain the impact of the university's actions (or inaction) on their recovery, sense of identity, studies and careers.

As part of this model, in 2018, RMIT Vice-Chancellor Martin Bean and the RMIT executive team completed

specialist training in responding to sexual assault disclosures and restorative justice conferencing. This training was a critical step in building RMIT's capacity to understand the experiences of sexual assault survivors and inform the university's cultural change initiatives.

The program is modelled on one delivered by the Defence Abuse Response Taskforce (DART) in response to historical cases of sexual assault in the Australian Defence Force. RMIT's program is believed to be the first ever application of such a process in a university setting.

CIJ Consultant Mary Polis led this work.

## Restorative Justice Practices TAC



Nareeda Lewers and Stan Winford conducting RJ training for TAC staff

Victoria's Transport Accident Commission engaged the CIJ to develop a model of restorative justice practices to respond to the recovery needs of people involved in road traffic accidents.

The model was designed for TAC's supported recovery clients. These clients often require greater support as they may have complex injuries, persistent pain, psychosocial support needs, and face challenges navigating the service environment. Many such clients describe ongoing adverse responses to their accident.

The TAC is looking to offer restorative options as one of several initiatives it is pursuing to enhance the variety and effectiveness of services offered to clients, and to promote their post-accident restoration.

While restorative justice conferencing has been applied in response to road traffic accidents that have resulted in a criminal prosecution—both in Australia and internationally—its application as an adjunct to a statutory compensation system remains relatively novel and untested.

This project is being delivered in two stages. In 2018, the CIJ completed the first phase of the project, which was to

design the restorative conferencing model. The CIJ has also delivered workshops to TAC staff, including executives, and filmed training material for internal use on restorative justice conferencing and principles. The second stage of the work, running a two-year pilot restorative justice conferencing program, will begin in early 2019.

*The project team members are CIJ's Associate Director Stan Winford, Senior Advisor Research and Advocacy Nareeda Lewers and Consultant Mary Polis.*

## Restorative Justice Practices WorkSafe

In 2017, the CIJ was asked by Worksafe to explore opportunities for the application of restorative justice practices for injured workers involved in the authority's claims and enforcement processes.

This project's aim was to examine the potential of using restorative justice processes and practices to repair or heal harm already caused to the injured worker, and to avoid any potential harm that might arise as a result of the claims or enforcement process.

The CIJ interviewed injured workers and family members of people who had died in a workplace incident to understand their experience of the system, and their goals, needs and expectations following a workplace injury or death. The CIJ also consulted representatives from trade unions, employer associations and organisations involved in administering WorkSafe's claims and enforcement functions.

As part of this project, CIJ identified a range of ways in which restorative justice processes and practices could be applied in response to workplace deaths and injuries, including by bringing together injured workers and their employers or former employers in a controlled environment to acknowledge any harm caused to workers, facilitate apologies, and discuss what happened and why.

In August 2018 the CIJ finalised its Summary Report for Worksafe, which is now considering the findings. A summary version of the report is due to be released publicly in 2019.

*The project team members are CIJ's Associate Director Stan Winford and Consultant Mary Polis.*



## Restorative Justice Conferencing for serious driving offences



RJ conference participant Lindi Wall with CIJ's Nareeda Lewers at the Reintegration Puzzle conference, Tasmania

The CIJ's Restorative Justice Conferencing Pilot Program offered people affected by a motor vehicle collision that resulted in death or serious injury the opportunity to participate in a safe, supported conference to address what happened and its impact.

2018 saw the CIJ deliver the final phase of this project. Earlier in the project the CIJ developed strong referral relationships with organisations that work directly with people affected by motor vehicle collisions, which translated into a steady stream of referrals throughout 2018. We received 21 referrals, of which 15 cases were accepted into the program. Face-to-face conferences were held involving victims, offenders, their family members and supporters, and other community members.

Feedback from participants was overwhelmingly positive, as the following comments indicate:

**“I now know something about a person who was previously just a faceless defendant deserving of punishment. Knowing what he looks like, how he talks and how he feels helps me.”**

**“...this is probably the most positive thing that we've ever had in some ways with regards to being heard.”**

**“...saying sorry will never bring [the deceased person] back, but you gave me an opportunity to speak and not make it out that I'm like a cold-hearted person and I didn't care, when I do care and I really appreciate having this opportunity to do it.”**

It was clear that the restorative justice process was deeply meaningful for those who participated in it. Many commented that this process had met their needs in

ways that the justice system had not; for example it allowed them to feel heard, answered questions they had about the offender, and it provided a space within which their family member's life was recognised and honoured.

The pilot program concluded in September, and the CIJ reported to the project's funders, the Victorian Legal Services Board, in December. A full report on the project will be publicly released in mid-2019.

Since the pilot program ended, the CIJ has been inundated with requests to provide restorative justice services, not only in relation to serious driving offences but in a broader range of matters. The CIJ has seen firsthand how valuable restorative justice conferencing can be for people affected by serious harm, and we are currently exploring ways to make restorative justice more widely available.

*The project team members are CIJ's Associate Director Stan Winford and Senior Adviser Research and Advocacy Nareeda Lewers.*



Clockwise from top left: Melbourne Indie Voices choir performed at the event, Rob and Julia on stage, RMIT Vice-Chancellor Martin Bean with Julia and Rob, shots of Julia and Rob on stage

## Julia Gillard on Passion, Politics and Power

In August 2018 the CIJ celebrated its fifth anniversary with a booked-out event at Storey Hall featuring Australia's first female Prime Minister Julia Gillard.



With leadership turmoil unfolding in Canberra on the day we certainly couldn't have asked for a more timely event!

In front of a lunchtime audience of roughly 800 people, Ms Gillard joined the CIJ Director Rob Hulls in conversation about her childhood, her time in politics, her ground-breaking reform agenda as PM, smashing the glass ceiling and getting more women into leadership, her work in mental health, and her life after politics more generally.

We also surprised Ms Gillard by playing her video messages from some key people in her life and career, including the former Victorian Premier John Brumby (for whom she served as Chief of Staff), advocate against child sex abuse, Chrissie Foster (who told Ms Gillard she was a "hero" for introducing the Royal

Commission into Institutional Responses to Child Sex Abuse), and Sophie Deane, a teenager with Down syndrome who was just 12 years-old when she met Ms Gillard and took a now-famous photograph of her on the day she introduced the National Disability Insurance Scheme.

Despite our best efforts, Ms Gillard remained ever dignified and tight lipped on the topic of the Coalition's rapidly developing leadership problems, only saying that it was better "not to have people harping from the sidelines". She also observed that "When we see events like this in Canberra, it's easy to think this is all about Australia, it's all about us, it's all about a few personalities, but I actually think it's connected to some big trends in global politics that are worrying and need to be thought through for the future."

Ms Gillard acknowledged that it was harder now than it had ever been to build and hold a political consensus for deep-seated reforms.

**"The only thing that will ever really sustain you is that sense of purpose," she said.**

The intelligence, grace and good humour of our guest guaranteed the occasion's success and made it a fitting celebration of all we've achieved since Ms Gillard first came to launch the CIJ as Prime Minister in 2013. We'd like to thank her again for such an entertaining and inspirational afternoon. If you'd like to relive the event, you can catch the full video of it on the CIJ's website [cij.org.au](http://cij.org.au)

*The CIJ's event team were Mina Hilson, Claire Slattery, Heidi Philips and Cordelia Rice.*



## Staff profiles

### Tallace Bissett Senior Adviser, Research and Advocacy



Tallace is working on the CIJ's family violence and perpetrator interventions research. Tallace is a PhD candidate in criminology and a lawyer who's worked at the Victorian Aboriginal Legal Service and Flemington and Kensington Community Legal Centre.

### Elena Campbell Associate Director, Research, Advocacy and Policy



Elena is a policy lawyer and writer, who has worked in legal and social policy for nearly 20 years. Elena is a leading expert on family violence and perpetrator interventions.

### Mina Hilson Centre Coordinator



Mina is an accomplished administrator and coordinator with experience in the public, private and not-for-profit sectors.

### Anna Howard Student Program Coordinator



Anna has been involved in the CIJ's Enabling Justice and Supporting Justice projects. She also runs the CIJ's student placement opportunities. Anna is a lawyer with a social justice focus spanning native title, personal injury and community law.

### Rob Hulls Centre Director



Rob was Victoria's Attorney-General from 1999 to 2010. He introduced significant and lasting changes to Victoria's justice system, including establishing Australia's first Charter of Human Rights for Victoria, and setting up specialist therapeutic courts. Rob created the CIJ after politics to continue his work making the justice system a more positive intervention in people's lives.

### Nareeda Lewers Senior Adviser, Research and Advocacy



Nareeda has worked as a criminal lawyer at Victoria Legal Aid, in the community legal sector and in clinical legal education. She has a background in academic research and has published in peer-reviewed journals.

### Mark Madden Deputy Director



Mark brings to the role more than 30 years' experience in communications, strategic planning, government and public policy.

### Katherine Ogilvie Social Worker



Kat works across the CIJ and the Mental Health Legal Centre. Kat has been overseeing the multidisciplinary practice at MHLC, which includes service delivery, social work student supervision and progressing integrated practice models.

### Heidi Philips Administrative Officer



Heidi is a JD student at RMIT. At the CIJ, she provides administrative and research support as well as contributing to the design needs of the Centre.

### Cordelia Rice Administrative Officer, Research and Projects



Cordelia is a writer with a background in arts and higher education administration.

### Jessica Richter Senior Adviser, Research and Advocacy



Jessica's background is as a criminal lawyer in the community sector. Jessica has worked at the CIJ since 2014 as a coordinator and researcher on projects concerning the experience of people with Acquired Brain Injury in the criminal justice system, and improving the system's response to family violence and adolescent violence in the home.

### Claire Slattery Senior Coordinator, Advocacy and Engagement



Claire Slattery is a communications specialist with experience in journalism, the arts and the university sector. She has previously worked at the ABC, the Phnom Penh Post, The Weekly Review magazine, and the State Library of Victoria.

### Stan Winford Associate Director, Research, Innovation and Reform

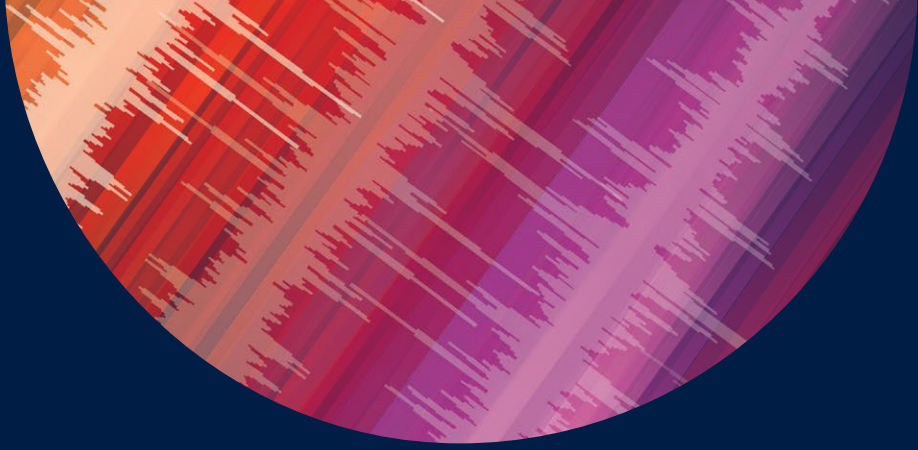


Stan is a practicing lawyer who has held senior roles in government and in the community legal sector in practice and policy development. He is also the Chair of the Mental Health Legal Centre.



CIJ staff  
celebrate a  
successful year  
at the 2018  
Xmas dinner.





[CIJ.ORG.AU](http://CIJ.ORG.AU)

