

PANEL: Restorative
justice programs
responding to harm
caused by young
people in Australia

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ACT Restorative Justice Scheme

- Legislated [*Crimes (Restorative Justice) Act 2004*] and commenced in 2005, building on scheme administered by Australian Federal Police during the 1990s
- Initially responded to offending by young people (10+) and grew to include adults in 2016
- All ACT offences involving a victim eligible for referral
 - including domestic, family and sexual violence (DFSV) since 2018 (additional processes/protections in-place)
- Referrals can come at any stage of the criminal justice system
- Less serious offences eligible for diversion, more serious offences after a guilty plea or finding
- Does not provide conferencing unless victim consents to participate (or nominates a proxy)
- Services provided by Restorative Justice Unit:
 - including 7x Convenors (including identified role), 2x Senior Convenors and a First Nations Guidance Partner.
- Evaluations:
 - Reintegrative Shaming Experiments (RISE – randomised controlled trial of AFP program in 1990s)
 - 2018: 10 year evaluation of the scheme, finding reduced re-offending and high levels of participant satisfaction)
 - 2023: Evaluation of work with DFSV finding safe and delivering benefits for victims that are difficult to deliver in other parts of the criminal justice system

NSW Youth Justice Conferencing



- Administered by Youth Justice NSW under the *Young Offenders Act 1997*. Commenced in April 1998
- It is both a restorative justice process and a diversion scheme, aiming to divert young people from the criminal justice system.
- Referrals are from Police (diversion) and Court (pre-sentence)
- 2023-24FY – received 1392 referrals and conducted 1101 conferences
- Only specific offences are eligible for referral:
 - Excluded: offences resulting in death, sexual offences, some DFV offences, some drug offences, serious children's indictable offences
- Not 'pure' restorative justice as conference can proceed without a victim
- Convenors facilitate the preparation and conference
 - Appointed under an Instrument of Appointment
- The conference results in an outcome plan which must be completed for process to conclude
- BOCSAR studies and reviews (most are over 10 years old) cover:
 - Participant and victim satisfaction
 - Cost-effectiveness
 - Reoffending

Jesuit Social Services – Diversion and Youth Justice Group Conferencing

Jesuit Social Services developed and piloted the Youth Diversion Pilot Program (YDPP) in 2015

Following YDPP success, it was integrated into Youth Justice and renamed the Children's Court Youth Diversion (CCYD) service and expanded across the state (2016) - Diversion conferencing was later endorsed as an option within a diversion plan (2022).

- Assessment at court, holistic plan developed that may include a group conference - Multiple process options available
- Mandated attendees – Young person and legal representative (no endorsement or resourcing to engage direct victims)

Jesuit Social Services - funded Provider in legislation to deliver YJGC program across Metropolitan Melbourne, since 2003

- Young People aged 10-17 at the time of the offence(s), have plead guilty to offence(s) warranting any Youth Justice supervisory order or custodial sentence (excluding the offences of murder, manslaughter and sex offences)
- **Rob Bonnet thesis - Group Conferencing Effects on Youth Recidivism and Elements of Effective Conferences** (Centre for Forensic Behavioural Science, Swinburne University of Technology, Melbourne Australia) – now peer reviewed and published 2024
- Comparison Study - 24% lower likelihood recidivism & Variation Study – 41% less likely post conference 2 years

Future of justice system for young people - Children Youth and Families Act 2005, changed to the Youth justice Act 2024 - Expanded Restorative options that includes, cautioning (police referred) – diversion – YJGC – post sentence/ parole.

Legal Services Board – Jesuit Social Services has been awarded funding to pilot a three-year project working with schools to integrate restorative practices. Supporting a shift away from behaviour management to relationship management approaches. Addressing the education to custody pipeline in schools/ areas of high disadvantage (*JSS - Dropping off the Edge Report 2021*)

QLD – Department of Youth Justice and Victim Support

- Restorative Justice in Queensland covers offences committed by young people aged 10 – 17 inclusive. It has been available statewide since 2003. There are no restrictions to the type of offence that may be referred for conference. The process is voluntary for all participants; however, one referral type is a Restorative Justice Order (RJO) and if a young person does not comply with the conditions of an RJO, a non-compliance process is initiated.
- Prerequisites apply to any referral: An admission or finding of guilt and the young person must indicate a willingness to comply with the referral. Referrals are either Diversionary or Sentence and referred under sections 22, 24A, 164, 165 or 175 of *Youth Justice Act 1992*. Part 3 of the *Youth Justice Act 1992* deals with Restorative Justice Processes.
- Service delivery to all parts of Queensland, challenges in remote communities which requires a whole of community response with cultural considerations for First Nations participants, a well-respected member of the Aboriginal and Torres Strait Islander community must be considered to the conference process. The use of RJ in Qld aims to reduce overrepresentation of Aboriginal and Torres Strait Islander children in the justice system by diverting children from court to restorative justice conferences.
- The complexity of referrals include increased seriousness and harm, complex nature of young people, victims and victims support person, mental health, substance misuse, neuro-disabilities.
- Victim focus vs Young Person focussed – how do we balance this and provide effective and meaningful services to both groups

Panel Discussion

Questions?

Thank you