

**Restorative Justice and Re-offending:  
The impact of the Juvenile Pre-Court Diversion  
Scheme on the re-offending of juveniles in the  
Northern Territory of Australia**

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## **Abstract**

The Juvenile Pre-Court Diversion Scheme (JDS) was introduced in the Northern Territory in August 2000. The major objective of the Scheme was to divert juveniles from the court process and to use restorative justice practices and processes to prevent further offending (Waite, 1992). To achieve this aim, the Scheme provided juveniles with the opportunity to take responsibility for their offending behaviour, and allowed their families and communities key roles in assisting and supporting them in doing this. In both restorative justice practices and the JDS, the emphasis was therefore on adopting an inclusive and consultative approach to addressing juvenile offending. This thesis examines the first five years of implementation of the Scheme in relation to its success in preventing juvenile re-offending.

The analysis used data from the Police Online Realtime Management Information System (PROMIS) to examine demographic, geographic and offending characteristics of more than 3 500 juveniles over the five year period. Several types of statistical analysis were used to examine re-offending patterns, and to identify “at risk” groups of juveniles. To provide further insight into what impacts on re-offending, interviews were conducted with police officers, probation and parole officers, and other juvenile justice practitioners.

There were several key findings from the research. First, demographic, geographic and offence characteristics of offenders showed that the majority were younger Indigenous males who committed a property offence and were apprehended in regional centres or on remote communities. This finding is indicative of the level of over-representation of Indigenous juveniles in the criminal justice system in the Northern Territory, and is consistent with research elsewhere in Australia which also found such levels of over-representation.

Secondly, over three quarters of juveniles did not re-offend within the first 12 months after their initial event. An important conclusion to be drawn from this finding is, given that the great majority of juveniles did not re-offend, exposing them to a court process would have been an unnecessary and damaging experience for them and an unnecessary use of time and resources for the legal system.

A third finding was that offenders who had been given diversion were less at risk of re-offending than those who had an initial court appearance. This current research has therefore concluded that, in the Northern Territory, juveniles who were at greatest risk of re-offending were those who went to court. Additionally, offenders in some demographic groups were at twice the risk of re-offending than those who received a diversion—particularly if they were younger Indigenous males. Importantly, juveniles who had been diverted and re-offended took longer to re-offend compared with those who went through the court process.

The fourth important finding of this research related to the age of offenders, a factor which had the greatest impact on the extent of re-offending over the five year period. In the Northern Territory, although a greater percentage of juvenile offenders were 15-17 years of age, the analysis revealed that *younger* groups of juveniles were at risk of re-offending to a greater extent and more quickly after their first intervention, than older groups of juveniles, and that this finding was particularly applicable to those juveniles who had made a court appearance. This finding highlights the importance of identifying children at risk of offending from an early age and, for some children, certainly before the age of ten.

Finally, the qualitative analysis provided some evidence to support the statistical analysis. Respondents stated that diversion was an appropriate and much preferred way of reacting to their offending than court for the majority of juveniles, particularly given that most of them did not re-offend. They also emphasised that the restorative process successfully prevented re-

offending because offenders were given the opportunity to take responsibility for their behaviour, and because those affected by offending were included in providing a solution to that behaviour. Furthermore, respondents stressed that a critical factor in preventing a cycle of offending and re-offending, was to develop strong families by teaching parents skills necessary to provide safe and nurturing environments for their children.

Overall, the findings demonstrate that a number of factors are necessary in order to successfully address and prevent the cycle of re-offending by juveniles. These factors include that the individual has to be able to take responsibility for their offending behaviour; the community has to be part of the solution in changing the environment which led to offending; the victim, family members and others affected by the offending behaviour have to be included in the process, and that there has to be a whole of government approach to the issue. The thesis argues that policy processes needed to achieve such outcomes should be undertaken in a way which promotes inclusion, consultation, cooperation and trust, encompasses all areas of government and decision-making bodies, and includes a long term commitment to achieving policy objectives.

The thesis concludes that, in order to significantly improve the lives of people affected by crime and anti-social behaviour, there must be in place a process which is inclusive and which provides people with the opportunity for their own voice to be heard and, importantly, for that voice to be truly “heard” and respected by governments and the wider community.

## **Declaration**

The work contained in this thesis has not been previously submitted either in whole or part for a degree at Central Queensland University or any other tertiary institution. To the best of my knowledge and belief, the material presented in this thesis is original except where due reference is made in the text.

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

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## **Publications and Presentations**

### **Publications (refereed)**

Cunningham, T. (2007) "Pre-court diversion in the Northern Territory: Impact on reoffending" *Trends and Issues* no. 339, Australian Institute of Criminology, Canberra.

### **Online Publications (not refereed)**

*Restorative justice and its impact on the reoffending of juveniles in rural and remote Australia: A Northern Territory perspective*,  
<http://www.ruralfutures.une.edu.au/rurcrime/proceedings.htm>  
Also at Restorative Justice Online,  
<http://www.restorativejustice.org/resources/docs/cunningham/view>

### **Presentations**

Cunningham, T. (2006) *Restorative justice and its impact on the reoffending of juveniles in rural and remote Australia: A Northern Territory perspective*, paper presented at the conference on Crime in Rural Communities, November 30-December 1, University of New England, Armidale.

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