

A restorative city for New South Wales – Could Newcastle be a model?¹

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There is growing evidence that the experiences of restorative cities around the world, such as Hull UK, Oakland USA and Whanganui New Zealand, have been positive for their citizenry. In implementing interdisciplinary restorative practices and restorative justice measures across a range of systems including education, justice, child welfare and health, restorative cities have achieved transformational change in the culture and social fabric of their communities. The focus has been on children and youth as potential future community leaders, although also being amongst the most vulnerable in these communities. In this article, the evidence for restorative practice is examined through vignettes of the existing models and experiences of international restorative cities before considering the suitability of Newcastle, New South Wales as a candidate for a restorative city. Lessons learned may advance the current process of urban renewal in Newcastle through developing strategies for social, cultural and economic change to address enduring forms of harm and pockets of disadvantage. A blueprint is devised for Newcastle to move towards being a restorative city.

I Introduction

The city of Newcastle in New South Wales has faced significant challenges in the last two decades due to the erosion of traditional industry and employment opportunities. Across the city there is now growing evidence of much needed urban renewal. There is a pressing need for this to be accompanied by developing and implementing strategies for social, cultural and economic renewal to address various forms of harm and pockets of disadvantage. Some residents, including young families, continue to be disadvantaged by a lack of suitable employment opportunities, and education, housing, child welfare, and criminal justice systems that do not adequately address harms and hardships, with the potential to exclude these residents from a variety of opportunities open to others. Social, cultural and economic renewal could be furthered by Newcastle becoming a restorative city.

A handful of restorative cities around the globe – Hull and Leeds in the UK, Oakland in the USA, Whanganui in New Zealand and Canberra, ACT – are on the path to successfully implementing strategies to promote community renewal. Restorative cities implement interdisciplinary restorative practices and restorative justice measures across a range of systems including education, justice, welfare, child protection and health to achieve positive results for residents, particularly the most vulnerable members of the community, such as children and youth. Ultimately, these cities are working towards, and achieving, a transformational change in culture and the social fabric of their cities by using mediations,

¹ This article has been developed from a presentation made by the authors with Mary Porter AM at the Australasian Institute of Judicial Administration Second International Conference on Non-Adversarial Justice held in Sydney, NSW 6-8 April 2017. Thanks to the conference delegates who attended the presentation and contributed through their comments and questions, which have been very useful in revising our paper for publication. Thanks also to Ryan McGowan for his valuable research assistance, which was generously funded by the Nurturing Evolutionary Development (NED) Foundation Inc. <<http://ned.org.au/>>.

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conferences and relationship-building exercises to encourage the resolution of disputes and disagreements through productive communication, to address inappropriate and harmful behaviours, and to promote community wellbeing in a caring and inclusive culture. In this article, we examine the evidence for restorative practice and provide vignettes of the existing models and experiences of restorative cities around the world. We assert that with the right support and careful planning, we can take the lessons learned from existing restorative cities, to enhance Newcastle's potential as an inclusive and thriving urban city.

II Restorative City

A restorative city is one in which restorative justice and other restorative practices are widely implemented throughout the life of a city. Restorative cities introduce restorative justice and restorative practices into one or more key social systems, including the criminal justice systems, child welfare systems, education systems, and the workplaces of people who live in the cities. Across the various restorative city projects in the world, there are many models and approaches, and each model aims to result in positive experiences for each citizen who encounters restorative practices in the assorted community settings.

Most restorative city projects focus on children and young people; restorative practices are used predominately by organisations that work with children to encourage better outcomes for these children and young people, including schools. The goal is to ensure that, by the time these young people grow up and move into leadership positions within the cities, restorative practices have become second-nature. Restorative cities go further than just the introduction of restorative justice and restorative practices: they involve a transformation of or a cultural change in the social fabric of the city. The concepts of restorative justice and restorative practice are integral to the development of restorative cities and these are examined in the following discussion.

(i) Restorative Justice

Restorative justice is 'a process whereby all the parties with a stake in a particular offence come together to resolve collectively how to deal with the aftermath of the offence and its implications for the future'.² The key themes of restorative justice include 'healing ... , moral learning, community participation and community caring, respectful dialogue, forgiveness, responsibility, apology, and making amends'.³ Restorative justice can be captured under the umbrella of non-adversarial justice: a movement away from the traditional adversarial methods of the law towards more therapeutic, collaborative and rehabilitative practices.⁴

The first implementation of restorative justice is commonly thought to be vandalism offenders meeting with their victims to arrange restitution or compensation in Ontario, Canada in 1974,⁵ although it has been argued that restorative values and processes have been the norm for many cultural and indigenous groups for millennia.⁶ In the last few decades,

² Tony Marshall, 'The Evolution of Restorative Justice in Britain' (1996) 4(4) *European Journal on Criminal Policy and Research* 21, 37.

³ John Braithwaite, *Restorative Justice and Responsive Regulation* (Oxford University Press, 2002) 11.

⁴ Arie Freiberg, 'Non-adversarial Approaches to Criminal Justice' (2007) 16 *Journal of Judicial Administration* 205, 207.

⁵ Michael King, et al, *Non-Adversarial Justice* (Federation Press, 2nd ed, 2014) 43.

⁶ Allison Morris, 'Critiquing the Critics: A Brief Response to Critics of Restorative Justice' (2002) 42 *British Journal of Criminology* 596, 598.

restorative justice techniques have increased exponentially, with many jurisdictions around the globe introducing them into their justice systems. Countries such as Australia, New Zealand, the United States of America, and the United Kingdom have all introduced some form of restorative justice into their criminal justice system, most often targeted towards juvenile offenders. While restorative justice principles and practices have been predominately used in relation to juvenile offenders and less serious adult crimes, there is evidence to suggest that restorative justice can be effective in repairing harm caused by serious criminal behaviour.⁷

The principles of restorative justice are applied through methods such as victim-offender mediation, restorative justice conferencing, and re-integrative shaming. It is commonly stated that there is no single correct method to deliver restorative justice, and that restorative justice can take many forms as long as the process is underwritten by restorative principles.⁸

These methods position crime as a violation of relationships between offenders and victims, and recognise the harm caused to the community through offending. An offender is required to acknowledge and take responsibility for their behaviours and the resulting harm, encouraging a restoration of relationships and addressing the underlying causes of criminal behaviour. Victims can meet with the offender, explain their feelings and the impact of the crime, ask the offender questions, and have an input into deciding how the offender will atone for their behaviour. These models contrast with the traditional view that crime and criminal behaviour is an act against the state, and requires state-sanctioned retribution through punishment by imprisonment or non-custodial options, such as fines or good behaviour bonds. For this reason, Monterosso argues that the concept of restorative justice has yet to be accepted by the public and mainstream media, who hold that the retributive nature of the criminal justice system is essential.⁹ This perspective is often demonstrated by populist ‘tough on crime’ politics and public support for mandatory imprisonment and harsher sentencing. However, Gromet and Darley have published results that indicate people are interested in satisfying multiple justice goals, such as the goals of both punishing an offender, and restoring and rehabilitating the offender, victim and community.¹⁰

Research into restorative justice has delivered encouraging results and supports the continued implementation of these principles into criminal justice systems. Restorative justice programs are generally evaluated from the perspectives of effect on recidivism, and victim and offender satisfaction with the process.

The effect of restorative justice programs on recidivism rates overall is uncertain, with some studies finding a decrease in recidivism, but others finding no significant difference in

⁷ See, eg, Heather Strang, et al, ‘Restorative Justice Conferencing (RCJ) Using Face-to-Face Meetings of Offenders and Victims: Effects on Offender Recidivism and Victim Satisfaction. A Systematic Review’ (Report, The Campbell Collaboration, November 2013); Jane Bolitho and Karen Freeman, ‘The Use and Effectiveness of Restorative Justice in Criminal Justice Systems Following Child Sexual Abuse or Comparable Harms’ (Report, Royal Commission into Institutional Responses to Child Sexual Abuse, March 2016) 31-33.

⁸ Morris, n 6, 600.

⁹ Stephen Monterosso, ‘Restorative Justice: A New Paradigm?’ (Working Paper No 07.01, Curtin University of Technology, February 2007) 13.

¹⁰ Dena M Gromet and John M Darley, ‘Punishment and Beyond: Achieving Justice Through the Satisfaction of Multiple Goals’ (2009) 43(1) *Law and Society Review* 1, 26–27.

recidivism. Meta-analyses have found a small to moderate reduction effect on recidivism.¹¹ Some studies support a lasting effect on recidivism rates. Bergseth and Bouffard, for example, conducted a follow-up study on youth referred to restorative justice programs in the USA, with data available for up to four years for some of the sample.¹² They found that youth referred to restorative justice programs had better outcomes than a comparative group referred only to court processes. When compared to the group referred only to traditional court programs, those referred to the restorative justice program had less contacts with the justice system, and of those who did reoffend, the offences were less serious, and the time to the first re-offence was longer.¹³ However, this result contrasts with other studies that have found a negative correlation between length of time to follow-up and recidivism rates.¹⁴

In response to the uncertainty that flows from these studies of recidivism, Morris argues that restorative justice is primarily concerned with holding offenders accountable and repairing harm: this, in theory, should result in less reoffending, but if it does not, restorative justice remains a worthwhile approach.¹⁵ Choi, Bazemore and Gilbert take this position further, arguing that restorative justice should be a dialogue-driven process and not an outcome-based process. Focusing too much on recidivism rates and offender outcomes may lead to victims feeling unsatisfied with the process, and may result in a loss of focus on the importance of restoring relationships and repairing community harm for the various programs.¹⁶ Ward and Langlands argue that restorative justice may be most effective where it is combined with other rehabilitative measures.¹⁷ Rather than measuring recidivism rates based only on restorative justice interventions, these interventions should be the catalyst for further rehabilitation programs, such as specific treatment programs or social services, which are aimed at solving the underlying causes of offending and may result in lower recidivism rates than restorative justice alone.¹⁸

When participants are surveyed about their experiences in restorative justice programs, the results show that most victims feel included and are highly satisfied with the process.¹⁹ There is also evidence supporting the healing and therapeutic effects of restorative justice processes.

¹¹ William Bradshaw, David Roseborough and Mark Umbreit, 'The Effect of Victim Offender Mediation on Juvenile Offender Recidivism: A Meta-Analysis' (2006) 24(1) *Conflict Resolution Quarterly* 87, 93–94; Jeff Latimer, Craig Dowden and Danielle Muise, 'The Effectiveness of Restorative Justice Practices: A Meta-Analysis' (2005) 85(2) *The Prison Journal* 127, 137; William Nugent, Mona Williams and Mark Umbreit, 'Participation in Victim-Offender Mediation and the Prevalence of Subsequent Delinquent Behaviour: A Meta-Analysis' (2004) 14(6) *Research on Social Work Practice* 408, 414; Lawrence Sherman et al, 'Are Restorative Justice Conferences Effective in Reducing Repeat Offending? Findings from a Campbell Systematic Review' (2015) 31 *Journal of Quantitative Criminology* 1, 10–11.

¹² Kathleen J Bergseth and Jeffrey A Bouffard, 'The Long-Term Impact of Restorative Justice Programming for Juvenile Offenders' (2007) 35 *Journal of Criminal Justice* 433.

¹³ Bergseth and Bouffard, n 12, 448.

¹⁴ William Bradshaw, David Roseborough and Mark Umbreit, 'The Effect of Victim Offender Mediation on Juvenile Offender Recidivism: A Meta-Analysis' (2006) 24(1) *Conflict Resolution Quarterly* 87, 94–95.

¹⁵ Morris, n 6, 606.

¹⁶ Jung Jin Choi, Gordon Bazemore and Michael Gilbert, 'Review of Research on Victims' Experiences in Restorative Justice: Implications for Youth Justice' (2012) 34 *Children and Youth Services Review* 35, 39.

¹⁷ Tony Ward and Robyn Langlands, 'Repairing the Rupture: Restorative Justice and the Rehabilitation of Offenders' (2009) 14 *Aggression and Violent Behaviour* 205, 209–210.

¹⁸ Ward and Langlands, n 17, 210–211.

¹⁹ Strang et al, n 7, 40–41; Paul Wagland, Bianca Blanch and Elizabeth Moore, 'Participant Satisfaction with Youth Justice Conferencing' (Contemporary Issues in Crime and Justice No 170, NSW Bureau of Crime Statistics and Research, June 2013) 9; Ministry of Justice (NZ), 'Restorative Justice Victim Satisfaction Survey' (Report, Research and Evaluation, September 2016) 10.

Experiments in Canberra and the UK measured victims' desire for revenge, and found that those who had undergone restorative justice processes were much less likely to state that they wanted to harm their offenders if they got the chance, compared to victims who had only participated in the justice system through court processes.²⁰ Victims also report less fear, and more sympathetic feelings towards the offender following a restorative justice conference.²¹ Victims are generally willing to recommend restorative justice to others who find themselves in similar situations.²² Similarly, offenders feel satisfied with their inclusion in restorative justice programs, satisfied with the outcome, and feel that the process was useful.²³

King observes that where participants are dissatisfied with their experiences of restorative justice, this often follows a failure within the process, 'such as failure to resolve some issues, failure to complete conference agreements, lack of notification about reports concerning the mediation or disagreement with how the mediation was facilitated', rather than being caused by inherent problems with the principles of restorative justice.²⁴

(ii) Restorative Practices

Restorative justice is predominately used in the criminal justice system, but practices which employ the principles of restorative justice have also been adopted elsewhere in the legal system and in the community. These new approaches adopt the term restorative practices rather than restorative justice, which connotes a criminal justice perspective. Restorative practices aim to strengthen relationships, increase effective communication skills, and repair harm and inappropriate behaviour in settings including education, workplaces, the local community and the sporting field.²⁵

Restorative conferencing is a common restorative practice which is used as a disciplinary tool to bring together those harmed and those involved in the harmful action—and people significant in their lives—to take responsibility, understand the harm caused, and work on solutions to repair the harm and promote broader healing in the community.²⁶ A less formal disciplinary practice is known as corridor questioning. This utilises the same principles and methods as conferencing but can be used in more informal settings to efficiently manage less serious conflict.²⁷ Circle time is also a prominent restorative practice, which involves students, co-workers, or other groups of people coming together into a circle to talk to each

²⁰ Strang et al, n 7, 42.

²¹ Heather Strang et al, 'Victim Evaluations of Face-to-Face Restorative Justice Conferences: A Quasi-Experimental Analysis' (2006) 62(2) *Journal of Social Issues* 281-306, 296, 298.

²² Ministry of Justice (NZ), 'Restorative Justice Victim Satisfaction Survey' (Report, Research and Evaluation, September 2016), 17.

²³ Paul Wagland, Bianca Blanch and Elizabeth Moore, 'Participant Satisfaction with Youth Justice Conferencing' (Contemporary Issues in Crime and Justice No 170, NSW Bureau of Crime Statistics and Research, June 2013), 9; Joanna Shapland et al, 'Restorative Justice: The Views of Victims and Offenders. The Third Report from the Evaluation of Three Schemes' (Report, Centre for Criminological Research, University of Sheffield, June 2007) 36–38.

²⁴ Michael King, 'Restorative Justice, Therapeutic Jurisprudence and the Rise of Emotionally Intelligent Justice' (2008) 32 *Melbourne University Law Review* 1096, 1107–1108.

²⁵ Simon Green, Gary Johnstone and Craig Lambert, 'What Harm, Whose Justice?: Excavating the Restorative Movement' (2013) 16(4) *Contemporary Justice Review* 445, 450; Ted Watchel, 'Defining Restorative' (International Institute for Restorative Practices, 2016) <www.iirp.edu>.

²⁶ Peta Blood, Submission to Standing Committee on Education, Training and Young People, Legislative Assembly for the Australian Capital Territory, *Inquiry into Restorative Justice*, May 2005, 4.

²⁷ Blood, n 26, 5.

other and develop relationships.²⁸ This practice allows for the development of social and emotional skills within the group, as well as helping to foster a sense of cohesiveness and community spirit.

Whilst restorative justice has developed as a reactive process, restorative practices are employed in a proactive manner. Such practices not only restore the harm caused by actions, but also seek to develop relationships and culture, and encourage open and productive communication to avoid problems before they occur.²⁹

Restorative practices have also been successfully implemented in child welfare and family support settings. In child protection contexts, Family Group Conferences bring family members together to talk about problems and issues faced by the family and work out plans and solutions to move forward. All members of the family, including parents, children, and extended family members, may participate and can express their views and feelings. Child welfare organisations and other social services are also represented in these conferences, allowing information to be shared, concerns to be raised, and plans to resolve issues affecting the family to be formulated.³⁰ Family members involved in these conferences frequently report feeling empowered, included, and satisfied with their experiences.³¹ In NSW, mediations and family group conferences are used in child protection matters. Evaluations of these conferences revealed that parents felt included, supported, and satisfied during the process, and understood what was occurring.³² The conferences frequently resulted in the formulation of a parenting plan, or at least the narrowing of issues in dispute.³³

(iii) Models and Experiences of Restorative Cities

(A) Hull

Hull is located on the eastern coast of Great Britain and has an estimated population of 258,995.³⁴ The city has a long tradition of fishing and shipping industries, which have

²⁸ Blood, n 26, 5.

²⁹ Joshua Wachtel, 'World's First "Restorative City": Hull, UK, Improves Outcomes of All Interventions with Young People, Saves Resources' (Report, International Institute for Restorative Practices, 19 January 2012) <<http://www.iirp.edu/news/1981-world-s-first-restorative-city-hull-uk-improves-outcomes-of-all-interventions-with-young-people-saves-resources>>.

³⁰ Paul Adams and Susan Chandler, 'Responsive Regulation in Child Welfare: Systematic Challenges to Mainstreaming the Family Group Conference' (2004) 31(1) *Journal of Sociology and Social Welfare* 93, 102.

³¹ Elaine Walton, et al, 'Strengthening At-Risk Families by Involving the Extended Family' (2003) 7(4) *Journal of Family Social Work* 1, 10–11; Jackie Sieppert, Joe Hudson and Yvonne Unrau, 'Family Group Conferencing in Child Welfare: Lessons from a Demonstration Project' (2000) 81(4) *Families in Society* 382, 388; Sally Holland, et al, 'Outcomes in Family Group Conferences for Children on the Brink of Care: A Study of Child and Family Participation (Final Report, Wales Office for Research and Development in Health and Social Care, March 2003) 32; Hayley Boxall, Anthony Morgan and Kiptoo Terer, 'Evaluation of the Family Group Conferencing Pilot Program' (Research and Public Policy Series Report No 121, Australian Institute of Criminology, 2012) 36.

³² Anthony Morgan, et al, 'Evaluation of Alternative Dispute Resolution Initiatives in the Care and Protection Jurisdiction of the NSW Children's Court' (Research and Public Policy Series Report No 118, Australian Institute of Criminology, 2012) 87; Hayley Boxall, Anthony Morgan and Kiptoo Terer, 'Evaluation of the Family Group Conferencing Pilot Program' (Research and Public Policy Series Report No 121, Australian Institute of Criminology, 2012), 34.

³³ Morgan et al, n 32, 78 and 81.

³⁴ Kingston upon Hull Data Observatory, *Total Population* (2017) <http://109.228.11.121/IAS_Live/dataviews/tabular?viewId=1&geoId=5&subsetId=>>.

suffered from gradual decline in the past few decades.³⁵ This gradual industrial decline, coupled with continuing poor performance on national social, economic and educational assessments inspired Hull to transform itself into a restorative city. While the city was investing in urban renewal projects to transform the physical environment of the city, restorative practices were also being introduced to transform the social and cultural environment. The successes of these programs led to Hull focusing on becoming the world's first restorative city.

In Hull, the concept of the restorative city has not just centred on the implementation of restorative justice within the criminal justice system, but also the utilisation of restorative practices in education and community services, and the restoration of the city through investment in the community and renewal of urban, commercial and tourist locations.³⁶ The restorative city project has the support of Hull City Council and is enshrined in Hull's city plan.³⁷

The vision is centred on children and young people, ensuring that all community services utilise a restorative language, which will inspire the children and young people to become empowered adults when they eventually fill leadership roles and direct the future of the city.³⁸ To achieve this vision, the restorative city project invests heavily in the children and young people in the city. The project aims to have every organisation that works with children and young people engaging with restorative practices. These include schools, education services, youth organisations, and the criminal justice system.

Restorative practices were first introduced into Collingwood Primary School. The introduction of restorative practices had an instant effect on the school, taking it from the lowest ranking to the highest on the national school assessment.³⁹ The school also experienced a decrease in exclusions of students and an increase in attendance and punctuality.⁴⁰ Following Collingwood's lead, restorative practices were implemented in other schools, and progressed throughout the community. In the Hull school community, the Families Project seeks to identify children experiencing difficulties in behaviour, attendance and achievement. Circles are held with the family of these children and teachers to work out strategies to improve social and academic outcomes for the children.⁴¹

The restorative city project has also introduced restorative justice into the Hull juvenile justice system. In Hull, each of the city's police officers have undergone training in restorative justice and restorative practices, and some have received advanced training to gain competency in facilitating restorative conferences.⁴² A triage system has been introduced

³⁵ Green, et al, n 25, 447.

³⁶ Green, et al, n 25, 447.

³⁷ Alistair Doxat-Purser, 'Hull's City Plan (2013-2023): Providing the City Council's Strategic Direction' (Report, Hull City Council, 1 May 2013) 9.

³⁸ Green, et al, n 25, 447.

³⁹ Hull Centre for Restorative Practice, *Background: Where We Started* (2017) <http://www.hullcentreforrestorativepractice.co.uk/?page_id=326>.

⁴⁰ International Institute for Restorative Practices, 'Findings from Schools Implementing Restorative Practices' (Report, International Institute for Restorative Practices, 2009) 29.

⁴¹ International Institute for Restorative Practices, n 40, 29.

⁴² Laura Mirsky, 'Hull, UK, on Track to Becoming a Restorative City' (Report, International Institute for Restorative Practices, 12 January 2009) <<http://www.iirp.edu/pdf/Hull.pdf>>.

which involves an initial police assessment.⁴³ For first-time minor offences, restorative conferences are used before judicial processes are invoked.⁴⁴ Even where a young person enters the court process, a restorative ‘challenge and support’ intervention is used to support the young person through the justice system and provide services designed to prevent further offending.⁴⁵ The introduction of restorative practices into the youth justice system in Hull has greatly improved the outcome for children and youth in the city. There was a reduction of first-time entrants into the youth justice system of 48.7% in 2009/10 due to diversionary and restorative pathways.⁴⁶ The rate of young people incarcerated per 1000 population also dropped from 1.55 in 2012 to 0.50 in 2014.⁴⁷

Hull’s social work practitioners in the areas of fostering, adoption and residential work have also undertaken restorative practices training.⁴⁸ Family group conferencing is widely used throughout Hull. Conferences are used within social services, such as child protection and fostering, as a decision-making tool where all parties involved can have their say.⁴⁹ Parents and foster carers can self-refer to the conferencing service to proactively discuss matters affecting their families before any issues escalate.⁵⁰ Restorative maintenance meetings are convened where a fostering placement is at risk of ending abruptly.⁵¹ At these meetings, the child, their parents, foster carers, and relevant professionals meet to discuss the placement, how the needs of the child can be met, and how to avoid the breaking down of the placement.⁵² A further meeting can be held if the placement does break down so as to further consider the needs of the child.⁵³ In children’s residential care facilities, all staff members have undertaken introductory training in restorative practices, with some staff members trained in conducting circles and facilitating other restorative practices.⁵⁴ Evidence suggests that this training has led to fewer incidents of bullying, fewer serious violent incidents and reduced police involvement in Hull’s children’s homes.⁵⁵

(B) Leeds

Leeds is the third-largest city in England located in the north of the country in the county of West Yorkshire. It has an estimated population of 801,660.⁵⁶ The restorative city project in Leeds is focused on children and youth in a similar fashion to Hull, and aims to transform Leeds into a child-friendly city. Child friendly cities is an initiative of the United Nations

⁴³ Roger Smith, ‘Re-Inventing Diversion’ (2014) 14(2) *Youth Justice* 109, 115.

⁴⁴ Mirsky, n 42.

⁴⁵ Smith, n 43, 115; Alan Mackie, et al, ‘Evaluation of the Challenge and Support Program’ (Report, Department of Education, 2011) 15.

⁴⁶ Smith, n 43, 115.

⁴⁷ Kingston Upon Hull Youth Justice Service, *Annual Plan 2015-16* (Report, Kingston Upon Hull Youth Justice Service, 2015) 11 <<https://cmis.hullcc.gov.uk/cmis/Portals/0/2015-2016%20Hull%20Youth%20Justice%20Annual%20Plan.pdf>>.

⁴⁸ International Institute for Restorative Practices, n 40, 29.

⁴⁹ Hull Children and Families Service, *Hull Fostering: Foster Carer Handbook* (Hull City Council, 2011) 227.

⁵⁰ Hull Children and Families Service, n 49, 227

⁵¹ Hull Children and Families Service, n 49, 232.

⁵² Hull Children and Families Service, n 49, 232.

⁵³ Hull Children and Families Service, n 49, 233.

⁵⁴ Hull Centre for Restorative Practice, *Children’s Homes and Looked After Children* (2017) <http://www.hullcentreforrestorativepractice.co.uk/?page_id=21>.

⁵⁵ Hull Centre for Restorative Practice, n 54; International Institute for Restorative Practices, n 40, 29.

⁵⁶ UK Population 2017 <<http://ukpopulation2017.com/population-of-leeds-2017.html>> (viewed 16 August 2017).

International Children's Emergency Fund (UNICEF). This initiative encourages cities to embody the UN *Convention on the Rights of the Child* by providing children the opportunity to be involved in decisions, participate in family, community and social life, have access to all social services, and be provided with a safe, child-friendly and healthy environment.⁵⁷ The Child Friendly Leeds program was borne out of a poor assessment of children's services in Leeds. The UK Office for Standards in Education, Children's Services and Skills determined that the responses of local authorities to child protection referrals did not ensure that children were adequately safeguarded and left the children at potential risk of serious harm.⁵⁸ Leeds City Council considered this assessment unacceptable, and set into motion a plan to transform Leeds into a child-friendly city. The overarching goal is to turn Leeds into the best city in the UK, achieved by making Leeds the best city for its children to grow up in.

To achieve its transformation into a restorative city, Leeds has introduced restorative practices into its child protection and education systems. The introduction of these practices has produced stunning results, including an increase in attendance at schools across the city,⁵⁹ an increase in academic performance,⁶⁰ a decrease in the amount of child protection plans,⁶¹ and a decrease in youth offending rates.⁶²

Leeds has the goal of introducing restorative practices as the default option in child protection matters, and of working with children and families, instead of doing things to them or for them.⁶³ Leeds has introduced a policy of looking into the child's kinship group first for temporary and permanent placements, and engaging with family group conferencing to empower parents, children, and their extended families to gain information about their matter, and help to produce a plan that addresses all child welfare concerns.⁶⁴ The widespread use of family group conferencing has led to an increased number of placements with extended family and kinship carers.⁶⁵ In March 2015, 48% of all children in care in Leeds were in a placement with a kinship carer.⁶⁶

The Child Friendly Leeds initiative has addressed the initial concerns from the original poor assessment of children's services. Most areas of priority action were addressed by 2011,⁶⁷

⁵⁷ UNICEF, 'Building Child Friendly Cities: A Framework for Action' (Report, International Secretariat for Child Friendly Cities, UNICEF Innocenti Research Centre, 15 March 2004) 1.

⁵⁸ Heather Brown, *Annual Unannounced Inspection of Contact, Referral and Assessment Arrangements within Leeds City Council Children's Services* (Office for Standards in Education, Children's Services and Skills, 19 August 2009) 3 <<https://reports.ofsted.gov.uk/local-authorities/leeds>>.

⁵⁹ Lucinda Yeadon and Nigel Richardson, *Leeds Children and Young People's Plan 2015-19: From Good to Great* (Report, Leeds City Council, June 2015) 17 <<http://www.leeds.gov.uk/docs/CYPP.pdf>>.

⁶⁰ Yeadon and Richardson, n 59, 17-18.

⁶¹ Yeadon and Richardson, n 59, 18.

⁶² Yeadon and Richardson, n 59, 18.

⁶³ Yeadon and Richardson, n 59, 4.

⁶⁴ Leeds City Council, *Kinship Care (Family and Friends) Policy* (Report, Leeds City Council, June 2014) 9 <<http://www.leeds.gov.uk/docs/Leeds%20Kinship%20Care%20Policy%20FINAL%20June%202014.pdf>>.

⁶⁵ Office for Standards in Education, Children's Services and Skills, 'Inspection of Services for Children in Need of Help and Protection, Children Looked After and Care Leavers, and Review of the Effectiveness of the Local Safeguarding Board' (Report, 27 March 2015) 29 [99].

⁶⁶ Office for Standards in Education, Children's Services and Skills, n 65, 29 [99].

⁶⁷ Neil Penswick, *Annual Unannounced Inspection of Contact, Referral and Assessment Arrangements within Leeds City Council Children's Services* (Office for Standards in Education, Children's Services and Skills, 16 February 2011) 1 <<https://reports.ofsted.gov.uk/local-authorities/leeds>>.

and a further report in 2015 noted that ‘[t]here have been significant improvements in every part of the local authority’s arrangements for safeguarding children and young people’.⁶⁸

(C) Oakland

Oakland is a city in California, on the western coast of the USA. It has a population of approximately 420,000, and is a highly diverse city, with 34.5% of the population being white, 28% African-American, and 16.8% Asian.⁶⁹ A racial disparity exists in the way Oakland’s citizens are treated by law enforcement agencies,⁷⁰ and in the education system.⁷¹ Oakland’s restorative city project focuses on introducing restorative justice into schools, and is championed by Restorative Justice for Oakland Youth.

Cole Middle School was one of the first schools to introduce restorative practices in Oakland, as a response to zero-tolerance discipline policies.⁷² These policies mandated suspensions and expulsions for a wide range of student misbehaviour, including defiance, disruptions, possession of alcohol or tobacco, fights, and dress code violations.⁷³ Zero-tolerance policies aimed to make schools safer, but did not achieve that aim.⁷⁴ Instead, these policies led to young people being removed from the learning environment, and frequently resulted in children and young adults encountering the juvenile justice system: known as the school-to-prison pipeline.⁷⁵ In Oakland, and across the United States as a whole, these policies disproportionately affected African American and Hispanic/Latino youth.⁷⁶

Cole Middle School primarily used circles in its restorative practices program. These circles were used multiple times throughout the day to build community values, deal with issues affecting the school, and to respond to misbehaviour and disciplinary problems.⁷⁷ In community development circles, students would speak about things they were grateful for, and things happening for them both within and outside the circle.⁷⁸ In disciplinary circles, students ‘presented their perspectives and attempted to reach a common understanding about what had happened, why it had occurred, and what would repair the harm’, often resulting in apologies and agreements to change attitudes and behaviours.⁷⁹ As students became familiar with restorative practices and the circle, they would often seek out restorative justice leaders to convene a circle to proactively avoid imminent conflicts.⁸⁰ The introduction of restorative

⁶⁸ Office for Standards in Education, Children’s Services and Skills, n 65, 3.

⁶⁹ United States Census Bureau, *QuickFacts: Oakland City, California*, <<https://www.census.gov/quickfacts/table/PST045216/0653000>>.

⁷⁰ Rebecca Hetey et al, *Data for Change: A Statistical Analysis of Police Stops, Searches, Handcuffings, and Arrests in Oakland, Calif., 2013-2014* (Report, Stanford University, 23 June 2016) 178.

⁷¹ Sonia Jain, et al, *Restorative Justice in Oakland Schools Implementation and Impacts* (Report, US Department of Education, September 2014) 2.

⁷² Michael Sumner, Carol Silverman and Mary Louise Frampton, *School-Based Restorative Justice as an Alternative to Zero-Tolerance Policies: Lessons from West Oakland* (Report, Thelton E Henderson Centre for Social Justice, 2010) 10.

⁷³ Sumner, et al, n 72, 7.

⁷⁴ Thalia González, ‘Keeping Kids in Schools: Restorative Justice, Punitive Discipline, and the School to Prison Pipeline’ (2012) 41(2) *Journal of Law and Education* 281, 282.

⁷⁵ Sumner, et al, n 72, 7.

⁷⁶ Sumner, et al, n 72, 7; González, n 74, 283.

⁷⁷ Sumner, et al, n 72, 11.

⁷⁸ Sumner, et al, n 72, 12.

⁷⁹ Sumner, et al, n 72, 12.

⁸⁰ Sumner, et al, n 72, 13.

justice into Cole Middle School resulted in a dramatic decline in the amount of suspensions by 87%, and resulted in zero new expulsions.⁸¹

Following the successes at Cole Middle School, restorative practices were introduced throughout the Oakland Unified Schools District.⁸² This restorative program operates at three tiers: the first tier involves community and relationship building within classrooms and the school, and utilises restorative conversations and circles; the second tier responds to disciplinary issues and utilises harm circles, mediation, and family-group conferencing; and the third tier ‘supports successful reintegration of youth following sustained absence such as incarceration, involuntary transfer, or suspension, through 1:1 conversations or re-entry/welcome circles’.⁸³ These initiatives have resulted in a number of positive outcomes for schools in the Oakland Unified Schools District. These schools have displayed a decrease in absenteeism, suspensions, and drop-outs, and an increase in academic performance and graduations.⁸⁴ Additionally, students and staff who were interviewed acknowledged that restorative practices had a positive effect on the culture of the school, and that relationships between teachers and students had improved.⁸⁵

Following the successes in the education system, Restorative Justice for Oakland Youth set about introducing restorative justice into the city’s juvenile justice system,⁸⁶ resulting in the use of restorative justice principles by the Oakland Police Department.⁸⁷ The project has support from the City Council, which declared the third week of November to be Restorative Justice Week, and November 15 as Restorative Justice Day, to encourage community participation in restorative practices and to celebrate the achievements of the city.⁸⁸

(D) Whanganui

Whanganui⁸⁹ is a city located on the western coast of the north island of New Zealand with a population estimated in 2016 to be 43,800 people,⁹⁰ making it the smallest restorative city. Since its founding, Whanganui’s economy has featured mostly agricultural, manufacturing and shipping industries.⁹¹

New Zealand has a rich history of engaging in restorative justice and restorative practices. It was one of the first jurisdictions to legislate restorative justice conferencing, with the *Children, Young Persons, and their Families Act 1989* (NZ) introducing family group

⁸¹ Sumner, et al, n 72, 31.

⁸² Jain, et al, n 71, 8.

⁸³ Jain, et al, n 71, 8.

⁸⁴ Jain, et al, n 71, 56–57.

⁸⁵ Jain, et al, n 71, 42.

⁸⁶ Alameda County, *Restorative Justice Strategic Plan* (Report, Alameda County, August 2009) 7.

⁸⁷ Oakland Police Department, *Strategic Plan 2016* (Report, Oakland Police Department, December 2015) 34.

⁸⁸ David Yusem, ‘Restorative Justice Week in Oakland’ (Press Release, 10 November 2016)

<<https://content.govdelivery.com/accounts/CAEDUOUSD/bulletins/171acc8>>.

⁸⁹ Whanganui is also spelt as Wanganui, due to the way Europeans recorded the name based on its pronunciation in Māori. Both spellings of the name are acceptable when referring to the city: see Whanganui District Council, *Whanganui or Whanganui?* (23 August 2016) <<http://www.whanganui.govt.nz/our-district/spelling/Pages/default.aspx>>.

⁹⁰ Statistics NZ, *Subnational Population Estimates: At 30 June 2016* (21 October 2016)

<http://www.stats.govt.nz/browse_for_stats/population/estimates_and_projections/SubnationalPopulationEstimates_HOTPAJun16.aspx>.

⁹¹ Visit Whanganui, *History of Whanganui* (2016) <<http://visitwhanganui.nz/history-of-whanganui/>>.

conferencing for child welfare and juvenile justice matters.⁹² Restorative justice is recognised in New Zealand's criminal legislation. Prior to sentencing, an adjournment may be sought in the District Court to enable a restorative justice conference to occur,⁹³ if the victim wishes for one to be held.⁹⁴ Offenders can also be diverted by police into restorative justice processes.⁹⁵ These processes are theoretically available for most crimes; however, they may be deemed inappropriate or require careful management for more serious offending, or other special circumstances.⁹⁶ Restorative justice processes are only available if both the victim and offender consent to participate in these processes.⁹⁷

The inspiration for Whanganui undertaking its restorative city project was the successes of these restorative justice initiatives.⁹⁸ The Whanganui Restorative Justice Trust is the provider of restorative justice services in the city. These services were evaluated in 2005, with findings of high levels of victim and offender participation and satisfaction,⁹⁹ effective promotion of restorative values,¹⁰⁰ but no significant difference in reoffending rates.¹⁰¹ The Whanganui Restorative Justice Trust wished to expand its work into the wider community, and so the Whanganui Restorative Practices Trust was established in 2012 to facilitate this goal.¹⁰² The Trust offers restorative practices training to workplaces and organisations, and has introduced community circles, which engage with community members and offer an opportunity to discuss the kind of community that participants would like to live in.¹⁰³ These circles also promote belonging and wellbeing, and foster connections between members of the community. The restorative justice project has the support of the Whanganui District Council,¹⁰⁴ and the Council has adopted restorative practices throughout its organisation.¹⁰⁵

The New Zealand Ministry of Education is supportive of restorative practices, and has established the Positive Behaviour for Learning program, which involves extensive use of restorative practices.¹⁰⁶ In Whanganui, schools across the city are being supported in their adoption of this program, including the High School, City College and Girls College. This program involves three core components: restorative essentials, which apply restorative principles to everyday conversations to resolve problems; restorative circles, which involve

⁹² King et al, n 5, 43.

⁹³ *Sentencing Act 2002* (NZ) s 24A.

⁹⁴ *Victims' Rights Act 2002* (NZ) s 9.

⁹⁵ Ministry of Justice (NZ), *Restorative Justice: Best Practice in New Zealand* (Report, Ministry of Justice, 2011) 7.

⁹⁶ Ministry of Justice (NZ), n 95, 25–26.

⁹⁷ Ministry of Justice (NZ), n 95, 12.

⁹⁸ Anne-Marie Emerson, 'Restorative City Push Picks Up Pace' (20 August 2012) *Wanganui Chronical* (online) <http://www.nzherald.co.nz/wanganui-chronicle/news/article.cfm?c_id=1503426&objectid=11072264>.

⁹⁹ Judy Paulin, Venezia Kingi and Barb Lash, *The Wanganui Community-Managed Restorative Justice Programme: An Evaluation* (Report, Ministry of Justice, 2005) 41–42.

¹⁰⁰ Paulin, et al, n 99, 58.

¹⁰¹ Paulin, et al, n 99, 50.

¹⁰² Whanganui Restorative Practices Trust, *The Whanganui Restorative Practices Trust* (Restorative Practices Whanganui) <<http://restorativepracticeswhanganui.co.nz/trust/>>.

¹⁰³ Whanganui Restorative Practices Trust, *Community Circles Connect!* (Restorative Practices Whanganui, 21 March 2016) <<http://restorativepracticeswhanganui.co.nz/community-circles-connect/>>.

¹⁰⁴ Wanganui District Council, *10-Year Plan 2015-2025* (Report, Wanganui District Council, 30 June 2016) 51.

¹⁰⁵ Wanganui District Council, *Annual Report For the Year Ended 30 June 2016* (Report, Wanganui District Council, 2016) 116.

¹⁰⁶ New Zealand Ministry of Education, *Positive Behaviour for Learning Restorative Practice Kete: Book One Introduction* (Report, New Zealand Ministry of Education, 2014) 3.

classes coming together in a circle to build relationships, resolve conflict, and support each other; and restorative conferences, which apply restorative principles to repair harm and restore relationships following misbehaviour.¹⁰⁷ At Whanganui City College, the adoption of restorative practices has resulted in a notable decline in suspensions from school.¹⁰⁸

(E) Canberra

Canberra is the capital city of Australia, located inland on the eastern side of the continent, between Sydney and Melbourne. The Australian Capital Territory (ACT) Treasury estimated the 2016 population of the ACT, which is heavily concentrated in Canberra, to be 406,403 persons.¹⁰⁹

Australia has been recognised as a world-leader in restorative justice, especially with the introduction of conferencing models.¹¹⁰ Canberra's Re-Integrative Shaming Experiments (RISE) are key to this recognition, together with current legislative and governmental approaches to restorative justice. The RISE experiments were based on the police models of conferencing developed in the nearby country town of Wagga Wagga.¹¹¹ They delivered positive results in terms of victim and offender satisfaction, and reduced recidivism.¹¹²

The ACT Government supports restorative justice, and has established a Restorative Justice Unit. It operates under the *Crimes (Restorative Justice) Act 2004* (ACT), and provides young offenders with the opportunity to engage in restorative justice conferences.¹¹³ A 2016 legislative amendment expanded the program to allow adult offenders to participate in restorative justice conferences.¹¹⁴ From 2005 to 2014, the scheme convened over 1000 conferences, and resulted in total reparation of \$143,000 paid by offenders to victims, and over 7000 hours of work by young offenders benefiting their victims and the broader community.¹¹⁵ The Restorative Justice Unit has also introduced an indigenous guidance partner, who assists indigenous people to engage in restorative justice conferences by giving support and advice, and participating in the conferences.¹¹⁶ The position was created to

¹⁰⁷ New Zealand Ministry of Education, n 106, 10–11.

¹⁰⁸ New Zealand Education Review Office, *Wanganui City College* (23 September 2014) <<http://www.ero.govt.nz/review-reports/wanganui-city-college-23-09-2014/>>.

¹⁰⁹ ACT Government Treasury, *Estimated Resident Population: December Quarter 2016* (26 June 2017) <http://apps.treasury.act.gov.au/__data/assets/pdf_file/0008/644813/ERP.pdf/_recache>.

¹¹⁰ Kathleen Daly and Hennessey Hayes, 'Restorative Justice and Conferencing in Australia' *Trends and Issues in Crime and Criminal Justice No 186* (Australian Institute of Criminology, February 2001) 1.

¹¹¹ King et al, n 5, 44.

¹¹² Heather Strang et al, *Experiments in Restorative Policing: Final Report on the Canberra Reintegrative Shaming Experiments (RISE)* (Report, Regulatory Institutions Network, Australian National University, November 2011); Lawrence Sherman, Heather Strang and Daniel Woods, *Recidivism Patterns in the Canberra Reintegrative Shaming Experiments (RISE)* (Report, Centre for Restorative Justice, Australian National University, November 2000).

¹¹³ Justice and Community Safety Directorate, *Restorative Justice* (ACT Government, 3 October 2012) <http://www.justice.act.gov.au/criminal_and_civil_justice/restorative_justice>.

¹¹⁴ *Crimes (Sentencing and Restorative Justice) Amendment Act 2016* (ACT).

¹¹⁵ Simon Corbell, 'New Research Confirms Restorative Justice Benefits Victims, Offenders and the Community' (Media Release, 14 February 2014) <http://www.cmd.act.gov.au/open_government/inform/act_government_media_releases/corbell/2014/restorative-justice-success-story>.

¹¹⁶ ACT Government Justice and Community Safety Directorate, *Indigenous Support* (11 October 2012) <<http://www.justice.act.gov.au/page/view/3356/title/indigenous-support>>.

address the low rate of engagement in restorative justice among indigenous youth compared to non-indigenous youth.

Restorative initiatives have not been confined to the criminal justice system in Canberra. The education system has also introduced restorative practices. One of the first schools to experiment with restorative practices was Charnwood Primary School. The introduction of restorative practices into the school community resulted in a noticeable increase in academic performance, less classroom conflict and an improvement in the relationships between students and teachers.¹¹⁷

The successes of these pockets of restorative practices led to Canberra comparatively recently consolidating its approach under the banner of a restorative city.¹¹⁸ The Canberra Restorative Community was established to oversee the project, and features prominent members from education, law enforcement, the academy, government, and community services.¹¹⁹

III Newcastle as a Restorative City

(i) Demographics and crime rates

Newcastle is Australia's seventh largest city, with a resident population of 155,411 as measured in the 2016 census.¹²⁰ It is the largest city in the Hunter region of NSW, and is situated on the coast 160 kilometres north of Sydney. It has many locational and natural advantages, including the international shipping port, coastline and beaches, which contribute to the region's tourism industry, and an increasing residential population. The Newcastle local government area is bordered by many similarly composed councils within the Hunter region, including the Port Stephens, Lake Macquarie, Maitland and Cessnock local government areas. Indeed, Newcastle and Lake Macquarie are often combined for statistical purposes due to their proximity, similarity in populations, and borders which traverse suburban streets.¹²¹

The age profile in the Newcastle local government area closely mirrors that of NSW, with slightly more persons in the 20-29 year age group (17% compared to 13.5% in NSW) and slightly fewer persons aged 60-69 years, and 10-19 years (11% compared to 12% in NSW).¹²²

¹¹⁷ Standing Committee on Education, Training and Young People, Parliament of the Australian Capital Territory, *Restorative Justice Principles in Youth Settings – Final Report* (2008) 40. See also Lyn Doppler, 'Restorative Practice and Enhanced Student Engagement', unpublished paper dated 21 June 2017, for an evaluation of a similar initiative using restorative practices at Rozelle Public School in Sydney, NSW.

¹¹⁸ Simon Corbell, 'Improved Outcomes in Restorative Communities' (Media Release, 20 July 2015) <http://www.cmd.act.gov.au/open_government/inform/act_government_media_releases/corbell/2015/improved-outcomes-in-restorative-communities>.

¹¹⁹ Canberra Restorative Community, *A Restorative Approach*, <<http://www.canberrarestorativecommunity.space/restorative-justice>>.

¹²⁰ The City of Newcastle *Social Atlas* <<http://atlas.id.com.au/newcastle>>.

¹²¹ The Australian Bureau of Statistics (ABS) includes the Newcastle and Lake Macquarie local government areas into a single Statistical Area Level 4 (SA4). See <http://stat.abs.gov.au/itt/r.jsp?RegionSummary®ion=111&dataset=ABS_REGIONAL_ASGS&geoconcept=REGION&datasetASGS=ABS_REGIONAL_ASGS&datasetLGA=ABS_REGIONAL_LGA®ionLGA=REGION®ionASGS=REGION>.

¹²² ABS, *Census 2016 QuickStats* <http://www.censusdata.abs.gov.au/census_services/getproduct/census/2016/quickstat/LGA15900?opendocument>.

Newcastle's Gross Regional Product (GRP) is estimated at \$15.4 billion, representing 35 % of the region's GRP of \$44.4 billion, or 3% of the \$538.5 billion GRP of NSW.¹²³

The key industries in Newcastle are health care and social assistance, manufacturing and retail trade, education and training and professional, scientific and technical services.¹²⁴ The workforce of Newcastle and the Hunter region, like that of the nation, is rapidly changing as jobs decline in the traditional high value-add manufacturing and mining sectors and grow in the service sector and knowledge based industries. In June 2017, the unemployment rate for Newcastle and Lake Macquarie was 5.7% slightly above the NSW rate of 4.8%.¹²⁵ This followed a peak in unemployment rates in March 2015, when rates reached 10.3%, primarily the result of a wind back in mining related capital investment, having a large impact on manufacturing, wholesale trade and professional and technical employment within the region. From March 2015, the region has staged a recovery adding 31,000 jobs many of which were in business and administrative services, professional services and finance and insurance, with a large number being part-time. Manufacturing declined by 30% over the period from August 2013 to June 2017, driven by the high Australian dollar, increased international competition and the wind-back in mining investment. The city's employment profile reveals that the largest occupational groups are professionals (23% compared to 25% of NSW) followed by clerical and administrative workers (18% compared to 13% in NSW), technical and trades workers (10%) and managers (10% compared to 14% in NSW), community and personal service workers (10%) sales workers (9%) and labourers (8%). The Hunter Region has a growing service sector with a well developed University and health research cluster.

The city's median weekly household income was below the state median in the 2016 Census at \$1368 compared to \$1486 in NSW. Interestingly, although household income is lower, Newcastle has a significantly higher proportion of residents having completed University or other tertiary education with 25.6% compared to only 16.2% in NSW.¹²⁶

Looking at family composition in Newcastle in 2016, there are slightly more one parent families than in NSW (18.4% compared to 16%) and slightly fewer couple families with children (41.1% compared to 45.7%). It also has more couple families without children at 38.4% compared to 36.6% in NSW. One family households comprise most of the region's families at 64%; only 6.8% of people within the region are group households.¹²⁷ The Hunter New England regional health district also has a higher rate of children in out-of-home care than the average for the state, and a higher rate of children and young people involved in significant risk of harm reports than the state average.¹²⁸ In the Hunter New England area,

¹²³ REMPLAN analysis Newcastle Council, <<http://www.economicprofile.com.au/newcastle/economy/gross-regional-product>>

¹²⁴ ABS, *Labour Force Survey*

<http://www.abs.gov.au/AUSSTATS/abs@.nsf/DetailsPage/6291.0.55.003May%202017?OpenDocument>

¹²⁵ Australian Government Department of Employment, *Labour Market Information Portal*

http://lmip.gov.au/default.aspx?LMIP/LFR_SAFOUR/NSW_LFR_LM_byLFR_UnemploymentRate

¹²⁶ ABS, n 122.

¹²⁷ ABS, n 122.

¹²⁸ NSW Government Department of Family and Community Services, *Family and Community Services Statistical Report 2014-15* (Report, NSW Government Department of Family and Community Services, 2015) 43. Newcastle is the largest city within the Hunter New England regional health district of NSW – see <<http://www.health.nsw.gov.au/lhd/Pages/default.aspx>>

there are 18 children in out of home care per 1000 population, compared to the State rate of 10 children in out of home care per 1000 population.¹²⁹

Most Newcastle residents own their own home with a mortgage (31.3%), which is closely in line with the NSW rate (32.3%), and 29.9% of Novocastrians own their home outright compared to 32.2% of NSW residents. More people are renting in Newcastle with 35.5% of the population compared to 31.8% in NSW.¹³⁰ Of those renting, just over half (57%) rent from a private landlord, while 14% rent from the state housing authority, which closely aligns with the overall NSW rate of 13%.

English and Australian are the most commonly cited ancestry by residents according to the 2016 Census data. Most of Newcastle's residents speak English only at home (84.8% compared to 68.5% in NSW). In 2016, 3.5% of Newcastle residents identified as either Aboriginal or Torres Strait Islander, slightly above the NSW rate of 2.9%.¹³¹

In an analysis of recorded crime statistics for 2016, the Newcastle region ranks notably above the state average for motor vehicle theft, stealing from a motor vehicle and robbery with or without a weapon. Also, stealing from retail stores and dwellings plus malicious damage to property offences showed a significant increase in the trend data for the 24-month period from January 2015 to December 2016.¹³² Overall, the statistical data demonstrates that there is a disturbing upward trend in violent property-related offences. The rate of crime overall per 100,000 population in Newcastle is higher than the state average for all major offence groups, apart from murder.¹³³ In the latest statistical update, a significant increase in indecent assaults is apparent in the 24-month trend data to March 2017.¹³⁴ The rate of domestic violence related assaults remains consistently above the state average, so that in general there is a significant problem with violent crimes against women in the region. Indigenous people were significantly overrepresented in domestic violence-related assaults, with 22% of offenders being Aboriginal or Torres Strait Islander (73% were non-indigenous and the indigenous status of 5% of offenders was unknown).¹³⁵

Newcastle has faced economic and social adversity in the last few decades. The city has traditionally been characterised as working-class, with a range of heavy industry employing many people from the region. Newcastle has suffered the gradual erosion of some of this traditional industry, with the closure of steelmaking concerns and other heavy industry. Further, Newcastle's population is concentrated in the outer suburbs, away from the central business district. Such a layout resulted in the migration of key businesses and services from downtown Newcastle to more easily accessible suburbs. This led to stagnation in the CBD, with many buildings becoming vacant. The Newcastle CBD has undergone urban renewal in recent years, with the growth of boutique and specialty operations in the CBD, the development of a new state justice precinct, the closure of a heavy rail corridor and planned

¹²⁹ NSW Government Department of Family and Community Services, n 128, 43.

¹³⁰ ABS, n 122.

¹³¹ ABS, n 122.

¹³² Derek Goh and Jessie Holmes, *NSW Recorded Crime Statistics 2016* (2017, NSW Bureau of Crime Statistics and Research), 20.

¹³³ Goh and Holmes, n 132, 27.

¹³⁴ NSW Bureau of Crime Statistics and Research, *NSW Recorded Crime Statistics Quarterly Update March 2017* (2017), 13.

¹³⁵ NSW Bureau of Crime Statistics and Research, NSW Local Government Area Excel tables 2016 - http://www.bocsar.nsw.gov.au/Pages/bocsar_crime_stats/bocsar_lgaexceltables.aspx.

development of a light rail network, and the revitalisation of the city's university campus. Other projects have advocated for the short-term and medium-term use of vacant buildings for boutique stores, artistic and cultural projects, and community groups, until more permanent redevelopment occurs, to breathe life into the city.¹³⁶

While urban renewal is occurring, more needs to be done to renew the city's social and cultural fabric. Such renewal could occur through the implementation of restorative practices and the transformation of Newcastle into a restorative city.

(ii) Restorative Justice and Non-Adversarial Justice in Newcastle

Many restorative cities have experimented with restorative justice and restorative practices prior to their transformation into restorative cities. Newcastle is similar in this respect, with several restorative and non-adversarial programs already operating in the local area.

In NSW, juvenile offenders may participate in a youth justice conference under the *Young Offenders Act*.¹³⁷ These conferences are built on restorative principles,¹³⁸ and involve the bringing together of the young offender, their family, victims, and the community to discuss the impact of the offending, allow the young offender to take responsibility for the offending, and propose solutions to repair harm.¹³⁹ Magistrates of the Children's Court of NSW overwhelmingly support this restorative program, but are of the belief that conferences are under-utilised.¹⁴⁰ Transforming Newcastle into a restorative city would involve the promotion of more youth justice conferences being facilitated for local juvenile offenders, and would generally encourage a restorative approach to juvenile justice.

The nearby suburb of Toronto is the seat of the Hunter Drug Court, which services the entire Hunter region, including Newcastle. The Drug Court operates in three locations in New South Wales, and is a problem-solving court that uses the principles of multidisciplinary collaboration and therapeutic jurisprudence to solve an offender's drug dependence, with the aim of overcoming their criminal offending.¹⁴¹ An evaluation found that offenders who progressed through the drug court program were significantly less likely to be convicted of further drug, property or violence offences in comparison to offenders who progressed through the normal court process.¹⁴²

A similar therapeutic program operates in the Local Courts of Newcastle and the Hunter Region. The Magistrate's Early Referral into Treatment (MERIT) Program allows eligible offenders to undertake a three-month rehabilitative treatment program, and successful

¹³⁶ See Renew Newcastle, *Annual Report 2014* (Report, Renew Newcastle, May 2015)

<<http://renewnewcastle.org/wp-content/uploads/2015/06/2014-Renew-Newcastle-Annual-Report.pdf>>

¹³⁷ *Young Offenders Act 1997* (NSW) s 36.

¹³⁸ *Young Offenders Act 1997* (NSW) s 34.

¹³⁹ *Young Offenders Act 1997* (NSW) s 47.

¹⁴⁰ Kelly Richards, Lorana Bartels and Jane Bolitho, 'Children's Court Magistrates' Views of Restorative Justice and Therapeutic Jurisprudence Measures for Young Offenders' (2016) *Youth Justice* 1, 8.

¹⁴¹ NSW Government Department of Attorney-General and Justice, *A Guide to the Drug Court of New South Wales* (February 2013).

<http://www.drugcourt.justice.nsw.gov.au/Pages/dc_publications/dc_publications.aspx>.

¹⁴² Don Weatherburn et al, 'The NSW Drug Court: A Re-evaluation of its Effectiveness', Report No 121, *Contemporary Issues in Crime and Justice* (NSW Bureau of Crime Statistics and Research, September 2008) 11–12.

completion of the program can be taken into account at sentencing.¹⁴³ Newcastle and the Hunter Valley was one of the first areas to take on the MERIT program following its trial in 2000.¹⁴⁴ Evaluations of the program reveal a reduction in reoffending by those having undertaken the program compared to those who do not undertake the program.¹⁴⁵ Health outcomes for those undertaking the MERIT program have also been positive. At the program exit, participants reported less drug use, less psychological distress, and improved physical and mental health, compared with reports at entry to the program.¹⁴⁶

The NSW Government also conducts its therapeutic ‘Youth on Track’ program in Newcastle, which seeks to identify young offenders who have a real risk of serious involvement in the criminal justice system, and diverts them away from criminal proceedings and into therapeutic support programs for a range of issues, including drug and alcohol services, mental health services, and employment services.¹⁴⁷ Under this program, police officers have the ability to refer young offenders to support services. These support services work collaboratively with each other throughout the life of the program to provide therapeutic support across a range of areas affecting the life of the young person. Newcastle and the Hunter region was chosen for this program due to its comparatively high numbers of youth at risk of serious future involvement in the criminal justice system.¹⁴⁸ Data from the program indicates that 71% of participants lowered or stabilised their risk of reoffending, and that the rate of offending among the participant cohort decreased in the 12 months following referral, compared to the rate at the time of referral.¹⁴⁹

(iii) A suitable aspirant

The demographics, crime data and restorative-type programs already operating in Newcastle make it a strong candidate for transformation into a restorative city. Newcastle has pockets of disadvantage in relation to unemployment, income, education, housing, child welfare, and criminal justice. It has recently faced challenges due to the erosion of traditional industry and employment opportunities in a similar way to other cities which have been transformed through restorative practices. While plans are underway for urban renewal in the city’s CBD, Newcastle is also in need of social, cultural and economic renewal. A significant contribution to this broad renewal could be made through Newcastle becoming a restorative city as demonstrated in comparable cities, particularly Hull.

Newcastle is of a similar size and population to other restorative cities around the world with proximity to a larger city and a range of available services. The smaller population and concentrated geographical area makes Newcastle ideal to implement pilot programs and

¹⁴³ Rohan Lulham, ‘The Magistrates Early Referral into Treatment Program: Impact of Program Participation on Re-offending by Defendants with a Drug Use Problem’, Report No 131, *Contemporary Issues in Crime and Justice* (NSW Bureau of Crime Statistics and Research, July 2009) 2.

¹⁴⁴ Attorney General’s Department of NSW, *Magistrate’s Early Referral into Treatment Annual Report 2004* (August 2006) 10.

¹⁴⁵ Lulham, n 143, 11.

¹⁴⁶ Mark Howard and Kristy Martire, *Magistrates Early Referral into Treatment: An Overview of the MERIT Program as at June 2011* (Report, NSW Government Attorney General and Justice, May 2012) 4.

¹⁴⁷ NSW Government Department of Attorney General and Justice, *Youth on Track: Need and Service Analysis* (Report, 4 September 2012) 2.

¹⁴⁸ NSW Government Department of Attorney General and Justice, *Youth on Track: Potential Participants* (Report, 6 July 2012) 4–5.

¹⁴⁹ NSW Government Department of Attorney General and Justice, *Youth on Track Snapshot: 1 July 2013-31 December 2016* (Report, December 2016) 3.

investigate outcomes. In the long-term, the transformation could be extended to the neighbouring Lake Macquarie area, as well as throughout the Hunter Valley, transforming the area into a restorative region.

IV Blueprint for the future

The transformation of Newcastle into a restorative city is an ambitious project that will require significant commitments of time and effort to garner the community support needed for this social and cultural transformation. The initial step in the transformation of the city will be to identify key stakeholders who will be able to assist with this process. From those stakeholders, a smaller task force will be established to drive the project and maintain a forward moving momentum. The transformation will only be realised through the gradual introduction of restorative justice and practice initiatives into the community, coupled with related efforts to change the culture of Newcastle into a restorative culture.

Key stakeholders will be identified and engaged to form part of the committees tasked with developing restorative policies, and will also work from within the community to transform their policies and practices. Inspiration can be sourced from other restorative city projects to help identify and select appropriate stakeholders to include in the Newcastle project.

The Canberra project utilises a restorative justice network comprised of practitioners and other key stakeholders. Stakeholders are engaged from community services such as schools, health, corrections, juvenile justice, police, human resource management, and Aboriginal services. Key actors within the ACT Government also comprise a key part of the network. The presentation held by the ACT Legislative Assembly entitled *Towards a restorative community* included several key stakeholders who contributed a speech. These included leading academics in the restorative justice field, the Attorney-General of the ACT, the ACT Chief Police Officer, and a Canberra school principal.¹⁵⁰ The audience included stakeholders such as the Chief Magistrate of the ACT Magistrates Court, the Human Rights Commissioner, the chief executive of Relationships Australia, and the Victims of Crime Commissioner.¹⁵¹

The Hull Centre for Restorative Practice has engaged with a wide variety of organisations and stakeholders to work towards the goal of transforming Hull into a restorative city. These organisations and stakeholders include primary, secondary and further education, childcare and family centres, residential, housing and homelessness services, the police and youth justice services, probation and prison services, victim support organisations, government departments, organisations within the healthcare system, aged care organisations, and private businesses.¹⁵² Hull as the City of Culture in 2017 is hosting a world conference showcasing the creation of a restorative community in their city together with workshops to present and provide training in the latest restorative practices and experiences from across the globe.

¹⁵⁰ Ross Peake, 'Children Can Help Canberra Become a More Caring City', *The Canberra Times* (online), 24 July 2015, <<http://www.canberratimes.com.au/act-news/children-can-help-canberra-become-a-more-caring-city-20150720-gigijp.html>>.

¹⁵¹ Peake, n 150.

¹⁵² Hull Centre for Restorative Practice, *Restorative Practice: Hull* (2017) <<http://www.hullcentreforrestorativepractice.co.uk/>>.

The University of Leeds hosted an international conference entitled *Restorative Practices and Justice: Leeds – Towards a Restorative City* in 2015.¹⁵³ The key stakeholders involved in discussions included academics, the Director of Children’s Services in Leeds, the Director of an organisation called Transforming Conflict, the Chief Executive of the Restorative Justice Council, school principals and educators, and police and law enforcement representatives. Importantly, restorative cities have gained the support of their local governments and councils to assist with city-wide implementations and culture changes.

In Whanganui awareness of restorative practice has been raised through the marketing of the project, using conversations, presentations, and newsletters. It has also been noted that sharing the successes of the project is effective in eliciting community excitement about the project.¹⁵⁴ As the project gains momentum, it will be important to engage the community about the introduction of restorative practices, measuring the impact of the restorative practices and then communicating any successes that these programs are achieving.

The key stakeholders identified for the Newcastle project include key academics from the University of Newcastle, visiting academics from other universities, and representatives from the criminal justice system and the education system within the community. Representatives from community organisations that work in child welfare and victims’ rights will also be included along with a representative of the local indigenous community. It is important to gain insights into how this project could assist Aboriginal and Torres Strait Islander people living within the city and how to address their specific needs through restorative practices. Further, the Newcastle City Council will be approached for support and assistance, which will provide the opportunity for the Lord Mayor or a member of the council responsible for youth matters to join a restorative city Task Force. Further, both the state and federal governments will be approached for support, which may result in the inclusion of local members of parliament in the Task Force.

An important component of restorative city projects is that they invest in, and focus on, the children and young people that live in their cities. Newcastle will follow the example set by these restorative cities by developing a strategy that initially considers the implementation of, or enhancement of existing, restorative justice and restorative practices in the juvenile justice system, education system and community welfare settings. The introduction of restorative justice into the juvenile justice system in Newcastle will likely utilise the already existing youth justice conferencing model under the *Young Offenders Act 1997* (NSW). The project will investigate the potential to expand the use of conferences and introduce restorative practices more generally into the city’s juvenile justice system.

To introduce restorative practices into schools in the Newcastle community, the Task Force will work with key members of the education system in Newcastle. This will include representatives from the public education system, the Catholic education system, and other independent educational institutions. The Task Force will work with these representatives to train educators in restorative practices, and further initiatives for the introduction and use of restorative practices in schools, such as circles and conferences. Morrison, Blood and

¹⁵³ <http://www.law.leeds.ac.uk/events/2015/restorative-practices-justice-leeds-towards-a-restorative-city>

¹⁵⁴ Lydia O’Hagan and Chris Marshall, ‘The Present State and Future Direction of Restorative Justice Policy in New Zealand’ (Occasional Papers in Restorative Justice Practice No 1, Victoria University of Wellington, 2015) 10.

Thorsborne have developed an implementation model for bringing restorative practices into schools.¹⁵⁵ This model requires, first, the identification of a need for restorative practices; then the development of a shared vision; followed by training, support and resources for the school; a management plan for the transition into restorative practices; and, finally, the use of restorative practices within the school environment.¹⁵⁶ Other restorative practices may build upon initiatives in the community welfare and child protection systems that have a focus on the wellbeing and growth of children and young people.

A symposium is planned to be held in Newcastle on 14-15 June 2018 with an array of pre-symposium workshops on 13 June 2018. This symposium will showcase distinguished international speakers who are experts in restorative justice and restorative practices, and have been involved in other restorative cities around the world as well as local champions from Newcastle and Canberra. Restorative justice experts will also be involved in training members of the Newcastle community in restorative justice and restorative practices at the pre-symposium workshops. It is anticipated that through the symposium, insight and support will be gained from these international guests, public interest and support will be spawned, and discussions will be generated about the opportunity for Newcastle to join the network of restorative cities.

V Conclusion

The development of, and achievements attained by, restorative cities internationally has highlighted the significance of restorative processes prioritising healthy family and community relationships in underpinning a strong and cohesive social and cultural fabric. The city of Newcastle, NSW is at a crossroads in its urban renewal and its various social and economic features clearly present the city as a suitable candidate for being the first restorative city in the state. The lessons learned from other restorative cities will be instrumental in moving this project forward in the years ahead to achieve positive results and transformational change in education, justice, welfare, culture and health. Through this restorative city project the ongoing urban renewal of Newcastle will progress and expand into all aspects of the life of the city.

¹⁵⁵ Brenda Morrison, Peta Blood and Margaret Thorsborne, 'Practicing Restorative Justice in School Communities: The Challenge of Culture Change' (2006) 5 *Public Organization Review: A Global Journal* 335, 344.

¹⁵⁶ Morrison, et al, n 154, 344.