

**Hon Mark Burton**  
**Minister of Justice**



**15 September 2006**

**Speech**

## **Opening of the AUT Restorative Justice Centre**

**Address by Minister of Justice Mark Burton**  
**AUT Conference Centre**  
**Ground Floor, Wellesley Street, Auckland**  
**3pm, Friday 15 September 2006**

Your Excellency Anand and Susan Satyanand, Members of the Judiciary (Judge Fred McElrea), Whaia Naida Glavish (Ngati Whatua), Deputy Vice Chancellor (AUT) Professor Philip Sallis, Professor Shirley, Police Commissioner Howard Broad, and distinguished guests.

I am very pleased to have the opportunity to speak to you all on this auspicious occasion. It gives me particular satisfaction to be here at the opening of the new Restorative Justice Centre.

The Government has recently announced plans for the criminal justice sector, which include greater use of restorative justice approaches at all stages in the criminal justice system. Hence, the opening of the centre is particularly timely.

Today represents both a great opportunity to mark the contribution this centre will make to expertise and excellence in practice; and to reinforce the importance of restorative justice within the Government's goals for the justice sector.

The development of good quality training and academic programmes is a key factor in the ongoing effectiveness of restorative justice, and work is currently underway in the Justice Ministry on developing and implementing standards of practice in restorative justice.

Today I want to talk briefly about the broader context for the Government's plans for the development of restorative justice.

Our policy programme for the justice sector sees a society and an economy, where all families, young and old, are safe and secure, and are able to reach their full potential and prosper.

A key component of the package is initiatives that offer alternative approaches to dealing with offenders, and real opportunities for victims and communities to have their voices heard.

As you will all know, the use of restorative justice has shown success in meeting the needs of many victims of crime.

As a government we are committed to further addressing the needs of the victims of crime.

## **The growing prison population**

As I've already noted, in August the Government announced the Effective Interventions policy initiatives for the criminal justice sector.

The objectives of these initiatives are to reduce and prevent crime, address New Zealand's growing prison population, and take genuine steps to help build safer communities.

As I'm sure you are all well aware, the issue of the growing prison population is a significant challenge facing both the justice sector, and our broader society as a whole. We have an increasing prison population that is at odds with the fact that we have the lowest recorded crime levels in two decades.

From a peak of 7,610 inmates in March 2006, forecasts indicate that the prison muster could be nearing 9,000 within five years. We now have the fifth highest imprisonment rate in the OECD.

Twenty years ago there were fewer than 3,000 prisoners, and in 1996 the number was about four and a half thousand. In addition to the obvious high social costs, this increase has put significant pressure on the Corrections system. I believe that many New Zealanders share my concerns about the burgeoning social and economic consequences of imprisonment. This does not reflect the spirit of our nation – I know we can do better.

Importantly, this increase has occurred within the context of decreasing crime: The number of crimes recorded in 2005 was 15 percent lower than in 1996. The reduction is even more striking if we factor in population growth: by that measure the recorded crime rate fell by 22 percent over the same period.

## **Effective Interventions**

The reasons for the growing numbers of prisoners are complex. The Effective Interventions package is the outcome of a significant amount of work carried out by a number of agencies led by the Justice Ministry over the past nine months.

This work sought to help determine and understand the reasons for the increase, and importantly to develop options for addressing both its causes and impacts.

The resulting range of strategies is designed to reduce both criminal offending and the prison population on a number of fronts.

They can be grouped into three broad themes:

- Earlier interventions to prevent crime;
- Using alternatives to prison where this is appropriate; and
- Adopting smarter uses of prison resources.

As you would anticipate, the enhanced use of restorative justice sits within the theme that focuses on the appropriate use of alternative approaches to prison.

## Restorative Justice

Due in no small part to the efforts and energies of many of those in the room, New Zealand is internationally recognised as a leader in restorative justice – and the New Zealand Government has strongly supported the use of restorative justice processes in the criminal justice system.

The Ministry of Justice currently funds 32 community-based programmes to provide restorative justice processes upon referral from the criminal court.

The Ministry's court-referred restorative justice pilot was one of the first fully evaluated tests of the use of restorative justice in cases of serious offending by adults.

The pilot, which was established in 2001 in the Auckland, Waitakere, Hamilton and Dunedin District Courts, built upon the Youth Justice System's Family Group Conferences, and on existing community-based restorative justice programmes.

The pilot was evaluated in terms of its effectiveness in:

- increasing the resolution of the effects of crime for victims;
- increasing victim satisfaction with the criminal justice process; and
- reducing re-offending.

Its evaluation was completed last year and the results were encouraging.

Many of you will be aware of the details but I think it's worthwhile to consider the results again.

Most victims who participated in a restorative justice process found it a positive experience. Three quarters of participants reported that taking part in a conference was a real benefit in their overcoming the impacts of crime.

The statistics are important but it's really only when you look at the individual stories of those who have participated in the restorative justice process that you get the full impact of just what this approach can achieve.

I read one such experience in an Auckland newspaper recently. The story focused on a home invasion victim who said that coming face to face with her attacker has helped to get her life back on track. The process also helped her forgive the man who broke into her home.

Consider these comments: "I didn't want to take part in restorative justice at first, but I had been told he wanted to see me and apologise."

She continues: "My fear had manifested itself into this huge thing that was eating away at me and I didn't want it to take over my life."

She then went on to meet with him at a church in Mt Eden. Victim Support and members of the families of both the victim and offender attended the meeting.

Here's how she described the process: "I went in there feeling so heavy and I felt so light when it finished."

She continues: "It was important to give him that responsibility for his actions. I had been carrying it around and I didn't deserve it."

"By facing him and giving him the responsibility of the event. I was able to move on.

"It gave me back my self respect and my confidence."

"It gave me hope, that people can turn their lives around."

After the meeting the victim recommended that her attacker receive rehabilitation and counselling.

One of the most heartening comments was this one: "Just sticking him in jail will not fix his problem with alcohol."

To most of you this story will seem very familiar. For most New Zealanders however, the restorative justice process is not well understood. This is why most victims of crime, I believe, approach the process with the fear and trepidation that the person did in this case.

I believe that the changes planned for the use of restorative justice will help build a stronger understanding of restorative justice and its effectiveness among the wider community.

### **Effective Interventions – Restorative Justice**

Four proposals in the Effective Interventions package will expand the availability of restorative justice processes at different stages of the criminal justice system.

The first of these will extend provision of restorative justice processes in cases of less serious offending, as part of the Police Diversion process.

The second is for the staged extension of the successful pilot of restorative justice in cases of serious offending - where an offender has pleaded guilty and admits responsibility, and the offence is serious, so diversion is not an option, and imprisonment is a possible outcome.

The third proposal is a positive new development that will use restorative justice when offenders are in prison, and as part of the process of reintegrating them into the community.

The fourth proposal very relevant to our purpose here this afternoon, is a cornerstone for the expansion of restorative justice, and will provide a performance framework to ensure safe and high quality practice that meets the needs of the criminal justice system, victims, and offenders.

Restorative justice processes provide a safe and controlled environment for offenders to face their victims, take steps to redress the harm they have caused to those victims, and to the community, and to address the causes of their offending.

These four proposals will increase significantly the opportunity for victims to have a

real say in the criminal justice system and have real input into the outcomes for those who have harmed them through criminal offending.

### **Concluding remarks**

Clearly, the Government will not and cannot progress these and the raft of other Effective Interventions developments working alone.

The Justice Ministry will be working with many people and organisations from within the community, as well as other justice sector agencies, the judiciary and the legal and other professions to progress these developments.

And so as I said earlier, I warmly welcome this new Centre for Restorative Justice and I am pleased that the Justice Ministry has been able to be part of its development. I hope that this will continue to be a close relationship.

I am sure that the Centre will enhance and support the theory and practice of restorative justice in New Zealand and in turn contribute to the Government's broader goals for change in the criminal justice system.

In closing, I commend the Auckland University of Technology and your staff, the judiciary, government agencies, school representatives, restorative justice practitioners and others who have all contributed to this development, and I wish you well in this important work.

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**Mark Burton's statements can be found at [www.beehive.govt.nz/burton](http://www.beehive.govt.nz/burton)**