

CORRECTED VERSION

LAW REFORM COMMITTEE

Inquiry into alternative dispute resolution

Melbourne — 25 February 2008

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Witnesses

Reverend J. Chambers, Senior Chaplain, Anglican Criminal Justice Ministry,

Mr P. Thompson, General Manager, Community Programs, and

Mr M. Longmuir, Manager, Community Services, Anglicare Victoria.

The CHAIR — Good morning and welcome. I am sorry to keep you waiting for a few minutes. We were a bit late in starting, so we are trying to catch up the time with each of the witnesses.

I will go through some preliminaries. You will probably be aware that the discussion that is occurring this morning operates under the Parliamentary Committees Act, and that affords you parliamentary privilege for anything you say in this hearing, but which will not be extended if you say the same things outside this meeting. Hansard staff will be recording the conversation we have this morning. You will receive a transcript of that, and we ask you to make any slight amendments to that just clarifying what you said but obviously not substantive or substantial changes to it.

Thank you very much for sending your submission. That has been read. We have a whole stack of stuff to talk you about, but the way we have found it useful to work is we throw it open to you to set up and say whatever things you think are important for us to know and to have on the record in relation to the terms of reference, and then we will hop in with any issues that we want to focus in on. We have technically got until about 10.30, but we will run a bit over to make sure that you get your full money's worth and we do too.

Rev. CHAMBERS — Thank you for the opportunity. I will just introduce us and explain what we do. Mark is the manager of the program, the juvenile justice conferencing program, or youth justice conferencing program in Gippsland. He has been looking after that for some years now. Peter Thompson is our general manager for community programs at Anglicare. Peter has more recently joined the organisation. He is not going to be able to talk about the experience, if that is okay. I am Jonathan Chambers. I am the senior criminal justice chaplain, which means that I work for the Anglican Church, so that for the last seven years I have been looking after the chaplains in each of the prisons around Victoria. Also I have just taken responsibility for the young adult restorative justice program at the Neighbourhood Justice Centre as Anglicare has just won the contract for that, so that is just under way now. I think most of what we wanted to say is in the submission that we put in, but I guess there are some particular things that seemed to be important. I have prepared those and I will run through them in note form.

In talking about restorative justice — I guess that is our particular area rather than the general area of alternative dispute resolution — our experience is this is a bit different to dispute resolution, because when you get to restorative justice, there is no dispute. If in fact you have got a person who is pleading guilty and two parties who are willing to enter into a conference, the business is actually about the reparation rather than how to resolve a dispute. Clearly there is a place for the courts to be dealing with the issues about guilt or not, but the value of restorative justice we see is about healing and restoration. That is the key value of it.

This is based on our experience of what we have seen in running the program in Gippsland and also when we ran the pilot program in the metropolitan area as well. My experience and the experience of my chaplains in prisons over the years is that there really are some issues about offenders who would like to talk to their victims at times, and I do not think necessarily about any sort of malicious sort of business. But in actually dealing with the issue and being able to move on, there is a place for how healing can be done, and the current system really does not provide any great provision for that at all. Our feeling is that there would certainly be a better outcome for both victim, offender and community, and the evidence would suggest that there is a greater satisfaction with the justice system, particularly for victims, when they know they have been heard. I think this has been quite evident, as we have seen, with the whole 'sorry' business — the fact that there has been an acknowledgement that harm was done and that the person says they are sorry. I think the great value of restorative justice is that it moves out of the area of just compensation or retribution or, 'If you do the crime, you do the time', to doing something that actually says, 'How do we heal this?', and in fact Anglicare, with its roots as a Christian organisation, sees the difference between what justice has become, which is about meting out punishment, and in biblical terms where justice is about restoring right relationships.

That is the key that we see to the whole restorative justice process, that it will help to restore right relationships and which the current process really does not do because it keeps people at arm's length, and people tend to then only know the stereotypes of, 'These people who have done this to me', whether they are a housebreaker or whatever the stereotype, and that gets in the way of both healing communities and it helps with the alienation that we see in our community, I think, as far as people seeing that justice is somehow the responsibility of the courts, the government, the police and corrections, and nothing to do with them — and, 'How are you going to keep us safe from these people?'. It is because of that separation that people do not actually know people as people. There is no place for that. The court does not provide the sort of place for people to be able to hear their stories, and that was one of the key things.

If I can digress for a minute, I was in Canada two years ago on a study tour looking at one of these programs where they got together victims and offenders of a similar type of crime in a prison and where both parties were willing to get together. It was actually run by community chaplaincy, and the objective was not about forgiveness or whatever. It was about healing through truth telling, and I think that is almost the same sort of thing as the truth and reconciliation stuff in South Africa. By hearing the stories, that seems to make a difference. We believe that community participation is important and this is facilitated by community groups — and this is not just a plug for Anglicare or other NGOs being involved, but our experience certainly in Gippsland has been that in approaching both victims and offenders to say that, ‘We are from Anglicare and we would like to facilitate a conference if you would be willing to take part’, we seem to have what we think would be a much more ready acceptance of that than if the person comes from the police or from the court or whatever.

The advantage is, as I said, that it starts to bring the community into the process much more. People are not then labelled quite so easily as they actually hear the stories of the people concerned. We believe it is important that the government sets standards for the facilitation of conferencing and that resources are available for training, but it is important to be able to train good local people rather than to over-professionalise the function, if you like — for example, I think it would be a great pity if you had somebody, say an elder in an Aboriginal community, who could actually be trained up as facilitator of conferences but if it became over-professionalised and perhaps run by lawyers it would then lose the value of the people feeling as though we are involved in the justice process and we understand. I think a lot of the dissatisfaction with the justice process is because people feel as though they have not been heard as individuals.

I think it is really commendable and great encouragement that we are seeing this committee asking the questions, and the movement we are seeing into the criminal justice area with the Neighbourhood Justice Centre. Certainly to develop restorative justice would seem to be consistent with the Brumby government policy of community building — and of the Bracks government too, obviously — and also the federal government as far as the community inclusion stuff is concerned, because it really does build on that whole idea of how we bring people together rather than separate them into all these different groups which the justice system seems to facilitate.

I guess the final thing is related to that: whether there is actually a place for the government to help to educate the community because of the alienation that tends to happen with our justice system. My experience is that I have been involved in seeing victims in prison over many years. I find it very difficult when I read the tabloid press and see the stuff that is in there compared to my experience with people I meet in prison, and it almost seems that the only voices out there about the justice system are really what we read in the papers.

I think this is detrimental to healing. It sets up this adversarial feeling the whole time and so there is really silence. I would suggest that if we are really going to make restorative justice work, involve the community and break down some of the barriers so that we can build community, it would actually be worthwhile putting money into an ad campaign, in the same way as we have with the Transport Accident Commission and domestic violence, to actually help to change and educate the community about the value of restoring both victims and offenders. I do not think people understand that we will actually end up with safer communities if we try to restore people rather than just hurt them in order to pay the price.

The public do not actually understand that it does not make sense to keep people in until the end of their parole, because they actually have no supports when they get out as opposed to gradually letting them back in again. Canada works on the basis that they have a conditional release that is automatically available after a person has completed two-thirds of their sentence. It is a gradual release that goes from a minimum security prison to a Judy Lazarus-type halfway house situation, to a placement in the community with regular reporting to their parole officer, with supports all the way through. I do not think the public is actually aware that this might be a good thing because the only voices they hear are what is in the *Herald Sun*. I think that people need to understand that it will actually help social cohesion and that it will lead to a safer community. Even from an economic point of view it has to reduce the costs in terms of police, the legal system and prisons, which are substantial.

Finally, we believe it is in everybody’s interests not just to administer justice, which is generally seen as punishment, but to enable healing and reparation, and that will help to make the justice system appear to be much more effective.

The CHAIR — You have put up a very compelling case that I think all of us would probably agree with wholeheartedly.

Rev. CHAMBERS — I thought I was preaching to the converted, by the way.

The CHAIR — You are to some degree, but we are charged with the responsibility of probing as well. The retort that comes to mind when you speak in the way you have is, yes, but at the end of the day it is a soft option, and on the data that we have, yes, victims might feel better and offenders might feel better and there is the capacity to improve the restorative processes for offenders who are imprisoned. All of that is true. The data on recidivism is not strong. It is feelgood stuff, but in the end it does not help. What is your response to that — from your experience?

Mr LONGMUIR — From our experience I think that is one of the issues that tends to come through, that it seems a soft option. I can tell the committee that from the offender's point of view, I think in the beginning some of the offenders think it is a bit of a soft option too, but I can assure you that through the process of the group conference and the lead up to it, I think the process is anything but a soft option for the offender. I think it takes real courage to participate in the process, to front up to the victim, to be honest with them about what was going on and in a sense to apologise and make reparation. We have found that that process is not a soft option. It is not easy. In fact for some of the young people it is much easier to get probation or something like that. I think the offender has to accept a lot more responsibility for what they have done by fronting up to the victim than if they were just going through the normal court process.

The CHAIR — How do you know that? How does that work on the ground?

Mr LONGMUIR — I suppose we get lots of feedback from the young people themselves about just how difficult the process was in terms of having to participate in that particular process. Again, as I stressed before, some think it is a soft option, but by the end of it is anything but that for them.

The CHAIR — So when they get to that point where there is a transition from thinking, 'Yes, this is easy to sit around the room for a few hours and chat for a while', and then when you counsel them and start talking through what is going to happen and all the rest of it, what do you see happening to them as they make that transition? Do their pupils dilate when they suddenly realise that this is something a bit more than what they had thought it was?

Mr LONGMUIR — Yes.

The CHAIR — How do you register that?

Mr LONGMUIR — Often there are some very explicit emotions. Often there are tears — more often than not. You have some very tough kids who are reduced to tears when they actually understand the impact of what they did on the victim.

Rev. CHAMBERS — If I could just throw in there, I know certainly the effect in prison when offenders get to read their victim impact statement. It often has a significant effect on offenders when they understand something, and if they did not see that they would have no idea.

The CHAIR — How does that manifest itself?

Rev. CHAMBERS — It manifests itself in remorse and really quite often they had no idea. I guess the system tends to make it all depersonalised, and when they actually hear the story and what somebody said, often our chaplains find they need to give significant support to people who have just read the victim impact statement for the first time.

The CHAIR — When you deal with a prisoner like that and they read the victim impact statement, do they say to you that they would like to meet the victim?

Rev. CHAMBERS — At times. And I guess we are always very dubious about that without any proper processes for setting that up.

The CHAIR — Sure.

Rev. CHAMBERS — But yes, there are. We tend to have again a stereotype of what the people in prison are like because it is what we read in the papers, and really they are a small proportion. It is only the ones who have done something bad enough who actually get into the papers.

Mr FOLEY — Julian Knight's attempts to contact his victims being the stellar case recently.

Rev. CHAMBERS — Yes, and that is the sort of template that then gets put over anybody who wants to do it, I am afraid. That is not a fair judgement.

Mr BROOKS — I was just going to ask about the specific program that you run and, in particular, if you could give us just a general overview of what sorts of offences you would generally deal with.

Mr LONGMUIR — The history of group conferencing is that it is a diversionary program, so it is at the lower end of the offending scale. We would be looking at a lot of property crime, some crimes against the person. Again, it depends on the circumstances. I think Anglicare would say that group conferencing has a role across the whole offending spectrum, with exceptions around serious sexual offences and those sorts of things. At the moment it is at the lower end of the spectrum. It could range from kids putting railway sleepers on tracks and the inherent risks of that; property theft a lot of time; criminal damage and those sorts of offences. We spend about 30 hours in the preparation for the conference. The conference is the culmination of a whole lot of work that goes on, both with the victim and offender. There is an outcome plan out of every conference. Once that outcome plan is developed it goes back to court, and the magistrate generally lets it sit, as is.

Mr BROOKS — Just two quick follow-up questions: one is, to come to that point of outcome plans, in your own experience, are they completed and do the offenders stick to them in the majority of cases? That is the first question.

Mr LONGMUIR — What we need is a lot more data around outcome as opposed to output. I suppose one of the limitations of the program is that we do not have an ongoing role with the young person past the development of the outcome plan and it going back to court. Although by the nature of Anglicare being in the community, we sort of have contact with these kids on an ongoing basis. Our experience is that we would say about 98 per cent of the outcome plans are finalised, but in terms of the long-term impact, we are a bit unclear about that. One of the things that we would be saying is that there needs to be a lot more empirical research and longitudinal research into the impact of restorative justice programs, basically.

Mr BROOKS — That follows into the next question, which was just to follow-up the point the Chair made previously about needing to have some data around the rates of reoffending or recidivism, and your view on whether there is data out there or whether you support the need for some research into that.

Mr LONGMUIR — I do not know whether Paul Grant from the Children's Court has presented evidence yet to the committee, but there was an evaluation done of the group conferencing program about a year or two after it started. The problem was that the sample was quite small, but it indicated some positives. I cannot quote chapter and verse what the reduction in offending rates was, but it did indicate, anecdotally at least, that there was a marked reduction in offending amongst the group that had gone through group conferencing. Again, empirically it is a little bit shaky. We definitely need to see probably a lot more resources put into evaluating the program on a longitudinal basis.

The CHAIR — Because you are in a non-metro area, are there issues that are rural related that are different from urban metro?

Mr LONGMUIR — I think that group conferencing works a bit easier in the rural area than it does in the metro area. It is something about the community networks that you have probably had an opportunity to build up and slightly more cohesiveness within the community. For every plus there is a downside. There are huge resource issues around travel. We can spend up to 70 hours travelling around. Gippsland goes from Bunyip through to Mallacoota on the border, so we have got a huge area to cover and four or five courts. There are some pluses and minuses.

The CHAIR — Edward and I are both upper house members for Gippsland, so we know about that.

Mr FOLEY — I suppose this is more for you, Mark, than anyone in terms of you being at the coalface. In terms of both the qualifications and the accreditation of your staff and your conveners and the large number of volunteers you have involved, how do you see all of that contributing to some outcomes? Are there any issues there? Particularly we have heard evidence regarding the inappropriateness of some serious violence offences and the particular difficulties that they cause. We have heard from people up in the Shepparton area who related a few interesting case experiences. How do you think, practically, a group conferencing stream and the resources of your staff, the training, your accreditation, deal with those issues? Are there any matters that are appropriate or inappropriate with your staff to get involved with when it comes to a particular level of offences? Where is the line?

Mr LONGMUIR — Yes, I suppose a lot of the pressure is taken off, because in the end it is not our staff who decide whether there is a conference; it is a magistrate. And there is screening from the Department of Human Services. Although we have a big say, of course, but — —

Mr FOLEY — I would be looking for your view on your big say, I suppose.

Mr LONGMUIR — Sorry?

Mr FOLEY — What was your view on your say? When you get that opportunity, from your experience what is appropriate and not appropriate to get a good outcome from the group conferencing?

Mr LONGMUIR — I suppose one of the issues we come up against is the culture of the court system. It would be fair to say that cultural change is slow to happen, particularly in the justice system. We still have a lot of officers of the court and magistrates who are probably much more into the punitive aspect. Some members of the magistracy will embrace group conferencing very robustly, and others will not. I suppose that creates difficulties. There have been many instances on the ground where our worker in court would have thought this is a prime group conferencing kind of case, but the magistrate will not allow it to go ahead. There is not a lot of scope for there to be much discussion around that in the court, particularly from our workers' point of view. We are not recognised as an officer of the court, so we cannot necessarily stand up and say, 'We think it should'. It is not necessarily in our best interests to get on the wrong side of magistrates, either. We have to be fairly careful.

Most of the work we have to do is prior to any court case and being in court and actually working with the magistrates. Coming back to training and qualifications, it is a little bit hit and miss. From our point of view, it is not so much a qualification per se, although we want someone with certain competencies in terms of ability to make assessments, to facilitate appropriately and obviously with a knowledge of the justice system. But it is not so much an issue of qualifications; it is about certain qualities that people have to be able to manage a very complex process of bringing together the needs of victims, the needs of the offender and the needs of the community to get a positive outcome. It is fairly hard to describe the set of skills that are actually required.

Rev. CHAMBERS — We are in the business of recruiting a head convener at the moment. What we are looking for is somebody who can actually build relationships as much as anything — who can actually recognise the needs of each of the stakeholders, whether it is the victim, offender and community, or whether it is the police, the lawyers, the magistrates and everybody else in the whole scene. It is about being able to relate, I suppose.

The CHAIR — Could I just come back to some of the points that you were raising before, Jonathan, about the experience of offenders in prison. Could you talk to us a bit about whether you think there is a greater capacity or a capacity for restorative justice processes for offenders in prison?

Rev. CHAMBERS — Post-sentence?

The CHAIR — Yes.

Rev. CHAMBERS — I think the preferred pathway that has been brought in, as far as this new project is concerned, is very important, where it can be for victims and offenders. I think perhaps the other part of it is recognising the victim can also be the family — not that they are the ones who are offended against, but I think this is a huge move, because when people are in prison and are looking forward to getting out, their whole view of the world is this very fragile castle of what it is going to be like and everything is going to be wonderful, and it gets shattered so easily. Part of the reason we have the huge recidivism rates that we have, I think, is that the expectations are not very realistic. It is very hard to develop that, particularly when you only see people at visits and through phone calls. Also the family have moved on. So I think the opportunity of having a restorative justice

conference to be able to actually start to work through some of the issues, to be aware of the boundaries and what the expectations of the family and the offender are when they get out, prior to when they get out, will actually be very beneficial.

The CHAIR — What happens at the moment?

Rev. CHAMBERS — Virtually nothing. They get out and then they see how it works. There is no real provision to be able to deal with any of those issues. I have always said if I was getting out of prison I think I would expect to have post-traumatic stress debriefing, but there is no provision for any of that. People are let out at 7 o'clock in the morning with their bag and \$100-something from Centrelink to be able to cope, and that is about it, and often they do not have any family. Family relationships often get so fractured during that time. If people live in Broadmeadows and they are put in a prison at Fulham, it is almost impossible to keep that relationship going. To actually be able to get people together I think would be a great opportunity that could be made very worthwhile.

The CHAIR — So that is the family — —

Rev. CHAMBERS — That is the family.

The CHAIR — What about getting on to the tougher area as far as victims — —

Rev. CHAMBERS — The tougher area as far as victims are concerned?

The CHAIR — Yes. I am sorry, I should not have said 'tougher'.

Rev. CHAMBERS — It is tougher in terms of offences. Just picking up from what Mark said before, certainly our experience and the one from the Neighbourhood Justice Centre is that it is for lesser-type offences rather than the 'tougher' ones, if you like — sexual offences or murder or anything like that. I guess my feeling is that there will be opportunities for all sorts of offences. I do not see any reason why restorative justice should be restricted to the bottom end only, because the whole thing is predicated on the victim and offender both being prepared to engage; that is really what it turns on. One of the questions that you suggest is: should the person be forced to go into a conference or encouraged to go into a conference? I think there are limits. Obviously you do not want to encourage people into doing something that they should not, but if they are both willing to participate and you have a skilled and qualified facilitator, then I think: 'Is there any harm?'. It can always be called off. That is one of the rules of the conference; it can be called off if necessary.

Mr BROOKS — I have one very quick question, again on the Gippsland program. Part of our brief is to look at how restorative justice programs could particularly benefit marginalised communities. You have touched on it a few times but I suppose in particular Koori communities and other marginalised sections of the community, how do you see these sorts of programs working?

Mr LONGMUIR — We have direct experience within the Gippsland program with the Koori community, because as you know Kooris are overrepresented in the juvenile justice system. I would think that 20 to 30 per cent of the conferences that we do are actually with Koori kids, and I have to say that our experience has been that it has been very beneficial for young Koori kids. I think there are probably some enhancements that we could potentially look at around, again, connecting young Koori kids back into the community by bringing elders into group conferences and that sort of thing. From that point of view it has been really beneficial.

Mr BROOKS — Do you do anything different in a conference between different — —

Mr LONGMUIR — I have to say no. It is a basic human process of communication, so I think whether you are Koori, white, or from a low socioeconomic background, it is about keeping the process as simple as possible, and it seems to work for a wide variety of young people.

The CHAIR — Could you tell us a bit about your forthcoming work with the Neighbourhood Justice Centre?

Mr LONGMUIR — Over to Jonathan.

The CHAIR — When are you starting and what are you doing? What sorts of services are you providing?

Rev. CHAMBERS — It is a two-year pilot, which started in February. It has three pathways: two pre-sentence, one post-sentence. I am trying to remember, but I think it is about 20 conferences in the first year and 25 in the second is the plan. We will make sure that all of our conveners are trained. We will have one head convener who will actually be part of the Neighbourhood Justice Centre team itself, situated in Collingwood. It serves the city of Yarra only; it is for 18 to 25-year-olds. I think this is going to make it fairly restrictive, particularly when it comes to pathway 3 — finding people in prison who come from the city of Yarra, if you like. I am not quite sure how we identify these people.

The CHAIR — I did not know that the people of Yarra were so law-abiding.

Mr LONGMUIR — Just a clarification — they do not have to come from there; as long as they have committed the offence in the city of Yarra; is that right?

Rev. CHAMBERS — A close association.

The CHAIR — Now we are talking!

Rev. CHAMBERS — Yes, that is right. We have had our first meeting with the people there and I am very enthusiastic about, I guess, the feeling of the whole Justice Centre and of doing justice locally. I think this will overcome the problem that Mark raised. You were saying that in rural areas you will probably see greater community cohesion. The alienation that I was talking about before I guess is much more prevalent in the city, and the city of Yarra and having one magistrate I think will make a significant difference in people actually being able to build that sense of having the community involved. I think it will be a very exciting project. I am not sure what else you would like me to say. Are there any particular areas?

The CHAIR — No, I think that covers it.

Mrs KRONBERG — I would like to ask Reverend Chambers a question. Do you see the validity or usefulness of another Neighbourhood Justice Centre somewhere else in Melbourne? If so, where would that be — because we were talking about restrictions within a city, were we not?

Rev. CHAMBERS — Yes. I think earlier on I was suggesting that we probably ought to be having restorative justice access all over the state, but I think the way to do it would actually be locally. If this pilot works out to be effective, I think clearly it is a good way of going, because it actually does provide some sense of building community in areas that will enable justice to be done far more effectively. As to the exact location, I guess it could be Dandenong, it could be Heidelberg, it could be Broadmeadows, it could be Sunshine.

Mr LONGMUIR — One of the possibilities might be a rural pilot. We have a metro pilot. Maybe we could look at the applicability of neighbourhood justice in a rural context.

Mrs KRONBERG — Even a Gippsland context perhaps?

Rev. CHAMBERS — Certainly, I guess. One of the great advantages of having a justice centre with a magistrate on board is that part of the magistrate's mandate is to run a restorative justice-type centre. You then do not have to convince magistrates that it would be a good thing to have these people involved in a conference, which is what we need to do in Gippsland.

The CHAIR — In your submission you mentioned unmet demand in the Gippsland area. Can you talk about that a bit, about how you know that and what you would need to satisfy that demand?

Mr LONGMUIR — It is best demonstrated in the program statistics. We currently have a target of 30 conferences per year. At this stage of the year we have completed 28 and we have 5 to 6 on the go, and we have still got another four months of the financial year to go. We will, through our own resources, continue to run those conferences, but obviously we have occupational health and safety issues with our staff that we need to manage; we cannot overload them. So the demand for the program outstrips the capacity to provide it. We are about to engage with the Department of Human Services in discussions about increased funding, but they are always difficult discussions to have, so we are not sure what the outcome of that will be. Also, we think we probably still have not got the message through to everyone who we want to get it through to, so we think that once we have been able to do that — talk to a whole range of solicitors who we probably have not got to, just sort of building the program up — within the next year or two there is probably going to be even more demand.

The CHAIR — I have one more question, because we are running out of time, to do with the police referring people to a process at the diversion stage. You might have heard part of the police evidence before. Do you think there is the capacity for expansion into that, to refer people to conferencing at that stage?

Mr LONGMUIR — The short answer would be yes. I think there would be a fair bit of resistance from the legal fraternity about it. I think that defence solicitors would be saying that the young person has been disadvantaged because they are receiving in a sense a sentence that is higher than what they should get — i.e. a caution. But I think this is the problem. I do not think you can look at it strictly from a legalistic point of view. What we would say is that there would be definite beneficial outcomes for the offender very early in the piece, even at that cautionary stage, of having to participate in some sort of conferencing. So, yes, the ante would be up, so they would be in a sense receiving an outcome that is much higher than just a warning from a police person, but I think the effectiveness in terms of reducing crime, if we get at it at that very early stage — —

The CHAIR — Given what you have said some of the concerns might be, what kinds of safeguards might be set in place to protect young people in this instance?

Mr LONGMUIR — I am not sure what you could put in place.

Rev. CHAMBERS — I guess the person, by the nature of the conferencing itself, has the right to say no. There is no point in having a conference if the person is not willing to be a participant.

Mr FOLEY — I might follow up just on that line of thought, Chair. We heard some evidence from Vicpol about an encouragement for early pleading towards that conference situation, even to the point of encouraging sentence discounting as a result of that. From your experience at the coalface, how do you think that would go in encouraging participants down the path of conferencing? Would it impact resource wise, would it impact quality wise, would it impact outcome wise?

Mr LONGMUIR — I think it is going to have a big impact on resources certainly.

Rev. CHAMBERS — I would have to say this, having been an attender of some conferences but not actually doing it: if there is a degree of persuasion or a greater degree of coercion to take part in a conference, it will have an impact on the quality of the conference. If you have an offender who really is just there because they think this is going to help get them out or get off a bit easier or whatever, it will make it more difficult to actually come up with a good outcome. It could actually do harm if you had a situation where a victim did not really feel as though there was any remorse at all.

Mr LONGMUIR — I should say the rub really with referring offenders across to the group conference program at the cautioning point is that one of the current absolutes is that someone pleads guilty or that the offender pleads guilty. That is the difficult part of that. That is an absolute prerequisite to conferencing going ahead and being successful. There are some practical difficulties in referring across the group conferencing at a caution stage.

The CHAIR — Okay, we are out of time. Thank you very much.

Rev. CHAMBERS — Can I say one thing?

The CHAIR — Of course, yes.

Rev. CHAMBERS — You asked a question about whether it was a soft option. As far as where the rubber meets the road, people ask: what effect does it have on recidivism? I guess the question to ask though is: is recidivism the only measure of effectiveness?

The CHAIR — And it is not.

Rev. CHAMBERS — We need to identify other measures that really are worthwhile. In fact people's satisfaction with the justice system, I think, is important.

The CHAIR — Point well taken, thank you very much. You will be sent a copy of the transcript.

Witnesses withdrew.