
AN EVALUATION OF THE NSW YOUTH JUSTICE CONFERENCING SCHEME

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PREFACE

The passage of the NSW Young Offenders Act in 1997 attracted a great deal of interest in New South Wales and elsewhere. Over the last few years a great deal of public and academic criticism has been levelled at traditional court process for dealing with young offenders. That criticism has centred on the perceived failure of the traditional court process to deal adequately with the needs and interests of victims of crime, its failure to adequately confront offenders with the consequences of their actions and its failure to create a satisfactory framework within which to address and make restitution for the harm done by offenders.

Recognition of these problems prompted a search for alternative ways of 'doing justice'. The 'Family Group Conference', pioneered in New Zealand largely in response to Maori concerns about the traditional court process, seemed to many to offer valuable insights into how these problems might best be overcome. In place of the anonymity and formality of the courtroom, offenders, crime victims and their respective families or supporters are brought together to discuss the offence, its impact on the victim and ways in which justice might be 'restored'. The appeal of this idea has been such that family group conferencing, in one form or another, has now taken root in most States of Australia and overseas.

Proponents of conferencing have long claimed that it produces much more satisfying outcomes, both for victims and offenders, than the traditional court process. There is a growing body of evidence which supports this claim and the present study is no exception. The level of satisfaction among both victims and offenders in the NSW Youth Justice Conferencing scheme is truly remarkable, considering the hurt and anger often occasioned by an offence and the inevitable pain and guilt experienced by offenders brought face to face with their victims. The results contained in the present report provide a strong endorsement of the value of restorative justice as against reliance on punishment and retribution.

Dr Don Weatherburn
Director

April 2000

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Thanks are also due to the research team undertaking the Canberra-based Reintegrative Shaming Experiment (RISE) for providing copies of their interview schedules. The latter was the source of many of the survey questions in this study.

However, those who deserve the greatest acknowledgement are the 969 conference participants who completed questionnaires. Without their participation, a large component of this research could not have been undertaken. Their comments and participation are greatly appreciated.

CONTENTS

PREFACE	iii
ACKNOWLEDGEMENTS	iv
EXECUTIVE SUMMARY	vii
1. INTRODUCTION	1
1.1 CONFERENCING IN NSW	1
1.1.1 NSW Young Offenders Act 1997	3
- NSW Youth Justice Conferences	6
1.2 EVALUATING CONFERENCING SCHEMES	13
1.2.1 Reintegrative Shaming Experiment (RISE)	13
1.3 CURRENT STUDY	16
2. METHOD	17
2.1 SURVEY OF CONFERENCE PARTICIPANTS	17
2.1.1 Sample	17
2.1.2 Survey instrument	18
2.1.3 Procedure for conducting survey	20
2.1.4 Response rate	21
2.1.5 Data analysis	24
2.2 CLIENT INFORMATION SYSTEM	24
2.2.1 Conference attendees	24
2.2.2 Statutory time-frames	24
3. RESULTS	25
3.1 SURVEY OF CONFERENCE PARTICIPANTS	25
3.1.1 Demographic characteristics of respondents	26
3.1.2 Characteristics of conferences	28
- Number of offenders and victims attending conferences	28
- Offences for which conferences were held	29
- Victim type	30
3.1.3 Satisfaction with conferencing	30
- Pre-conference preparation stage	30
- Conference proceedings	34
<i>a) Awareness of process</i>	<i>35</i>
<i>b) Consistency and fairness</i>	<i>35</i>
<i>c) Respect</i>	<i>38</i>
<i>d) Process control</i>	<i>39</i>

- Outcome plans	44
- Overall satisfaction with conferencing	49
3.1.4 Respondent-specific issues	50
- Offender	50
- Victim	55
- Support persons of the offenders	56
3.1.5 Sub-sample of non-repondents	57
3.2 CLIENT INFORMATION SYSTEM	61
3.2.1 Conference attendees	61
3.2.2 Statutory time-frames	62
4. DISCUSSION	64
4.1 SURVEY OF CONFERENCE PARTICIPANTS	64
4.1.1 Comparison between the NSW conferencing scheme and the RISE project	66
4.1.2 Participants' suggestions for improving conferences	67
4.2 CLIENT INFORMATION SYSTEM	68
4.2.1 Conference attendees	68
4.2.2 Statutory time-frames	68
NOTES	70
REFERENCES	74
APPENDIX 1a	77
APPENDIX 1b	83
APPENDIX 1c	89
APPENDIX 2	94

EXECUTIVE SUMMARY

This report presents the results of an evaluation of specific aspects of the NSW Youth Justice Conferencing scheme which was introduced by the passage of the Young Offenders Act 1997. One aspect of the evaluation included extracting data from the Client Information System (administered by the NSW Department of Juvenile Justice) to determine whether specific statutory requirements have been met. These requirements relate to conference attendees and conferencing time-frames. A larger component of the study involved measuring conference participants' satisfaction with both the conferencing process and the outcome plans. This was achieved by conducting a State-wide survey of three types of conference participants - victim, offender and a support person of the offender. A total of 969 participants (263 victims, 353 offenders and 353 support persons of offenders) self-completed a short, structured questionnaire at the end of their conference. Where results were available, comparisons were made with the responses given by the participants of the Canberra-based Reintegrative Shaming Experiment (RISE).

Most of the victims, offenders and support persons of offenders who participated in this sample survey were satisfied with their conference. More specifically, of each of the three types of respondents:

- approximately 98 per cent stated that they had been given sufficient notification regarding the date of their conference;
- at least 96 per cent stated that they had been given either 'some' or 'a lot' of information about what would happen at the conference;
- approximately 96 per cent stated that they had been given either 'some' or 'a lot' of information about what was expected of them at the conference;
- at least 87 per cent were either 'quite satisfied' or 'very satisfied' with the arrangements made for them to get to the conference;
- at least 92 per cent stated that they understood what was going on in the conference;
- at least 95 per cent believed that the conference was either 'somewhat fair' or 'very fair' to the offender;
- at least 91 per cent believed that the conference was either 'somewhat fair' or 'very fair' to the victim;
- at least 92 per cent perceived that they had been treated with respect during the conference;
- at least 91 per cent felt that they had had the opportunity to express their views in the conference;
- at least 89 per cent felt that the conference had taken account of what they had said in deciding what should be done;
- at least 89 per cent were satisfied with the conference outcome plan;
- at least 78 per cent perceived that the outcome plan was 'fair' for the offender;
- at least 89 per cent perceived that the outcome plan was either 'somewhat fair' or 'very fair' for the victim; and,
- at least 79 per cent were satisfied with the way their case had been handled by the justice system.

In general, the majority of victims and offenders who participated in the Canberra-based RISE conferences were also satisfied with various aspects of their conference. However, compared with their RISE counterparts, a significantly higher proportion of the NSW subjects expressed satisfaction with both the conferencing process and the outcome plans.

Some of the NSW victims who attended a conference during the study period, but who did not complete the written questionnaire at the conclusion of their conference, were briefly interviewed by telephone several weeks after their conference. The majority of these victims (non-respondents) also expressed satisfaction with the process and the outcome plans. However, compared with the respondents to the written questionnaire, a smaller proportion of non-respondents were satisfied.

In addition to the fact that most of the NSW conferences in the current sample survey achieved participant satisfaction, they also observed specific statutory objectives and guiding principles of the conferencing scheme. For example, offenders were informed of their right to obtain legal advice and how to obtain such advice, accepted responsibility for their offences, felt that the offence they had committed was wrong, understood what it felt like for those affected by their actions, and understood the harm they had caused to the victim. Furthermore, conferences respected the interests of two other key conference participants. Victims perceived both that they had been given the opportunity to explain the harm and loss they had suffered as a result of the offence and that the conference had taken adequate account of the effects of the offence on them. Offenders' support persons perceived that their conference had adequately considered their concerns about the offenders' actions.

Data from the Client Information System revealed that the majority of the conferences held over a period of 17 months successfully achieved the legislation's intention of including victims and the offender's immediate family in conferences. These two types of participants attended 72.5 per cent and 87.4 per cent, respectively, of the 1,800 or so conferences held over this period.

However, only 8.1 per cent of these conferences met the statutory time periods within which conferences are to be held. These 152 conferences were held within 21 days of the date of the referral to the conference administrator and between 11 and 21 days after the offender's written notification. Nevertheless, 60.1 per cent of conferences were held within twice the statutory time period from the date of the conference referral (that is, within 42 days of the referral) and within 21 days of the offender's written notification. (In some cases, less than ten days elapsed from the date of the offender's written notification.)

1. INTRODUCTION

The Youth Justice Conferencing scheme was established by the Young Offenders Act 1997 as an alternative to court processing in New South Wales (NSW). This report describes an evaluation of the implementation of specific aspects of the scheme.

A youth justice conference is a decision-making forum in which the young offender and his/her family/support group meet face-to-face with the victim of the offence and his/her family/support group. The basic functions of the conference are to discuss the offending and the harm done to the victim, to encourage acceptance of responsibility by the offender for his/her behaviour, to negotiate some form of restitution to the victim and to reintegrate the offender into his/her family and community network. The relatively informal meeting is held in a non-threatening environment and is facilitated by a convenor specifically trained and recruited for the task.

The study described here evaluated conference participants' satisfaction with both the conferencing process and the agreements or outcome plans developed by conferences. In addition, the study determined whether specific statutory requirements pertaining to conferencing time-frames and attendees have been met.

The next section briefly describes the development of conferencing schemes in general and then the legislation which established the scheme in NSW.

1.1 CONFERENCING IN NSW

Conferencing schemes have been utilised in a number of different countries and Australian jurisdictions to address not only juvenile offending, but also a variety of other matters. For example, in New Zealand, Victoria and Sweden, conferences have been used to deal with issues concerning the care and protection of abused children (Paterson & Harvey 1991; Swain 1993; Swedish Association of Local Authorities 1997). In Queensland, conferences have been held following serious incidents in schools, such as assaults, bullying, property damage and drug-related incidents (Queensland Department of Education 1996). In Northamptonshire (England), conferences are used to respond to some adult offending (Dignan 1990); and, in Newfoundland and Labrador, family violence is the subject matter of conferences (Pennell & Burford 1994).

During the 1990s, NSW, the Australian Capital Territory, South Australia, Western Australia, Queensland, Victoria and Tasmania have all introduced some form of conferencing scheme for responding to juvenile offending. These schemes differ in a number of ways, including whether they have a legislative base, whether they operate in specific sites or across the entire jurisdiction, the offences eligible for conferencing and the agency which is responsible for the scheme's control and administration.

Despite these differences, most conferencing schemes for juvenile offending, including the NSW scheme, have evolved from New Zealand's model of Family Group Conferences. This model was created by the introduction of The Children, Young Persons and Their Families Act 1989 which established new principles and procedures for dealing with youth justice (and child protection issues) in New Zealand. As with the subsequent legislation in NSW, New Zealand's legislation encouraged police officers to adopt the least restrictive response to dealing with juvenile offending. However, the most novel

aspect of the legislation was the deliberate attempt to incorporate elements of the traditional pre-colonial dispute resolution practices of Maori people. These elements, which the NSW scheme also adopted, include the active participation of the offender, the victim and their families in making decisions regarding the offending; an examination of the reasons for the offending rather than simply apportioning blame; healing the damage caused by the offending; consensual decision-making; and, a restoration of harmony between the offender, the victim and their families. The Family Group Conference was established by the New Zealand legislation as the key mechanism for implementing these traditional restorative practices. In fact, the principles and practices of restorative justice are applied in most conferencing schemes. Bazemore and Umbreit (1994, p. 6) differentiate between retributive justice and restorative justice in the following way:

While retributive justice is focused on public vengeance, deterrence, and punishment through an adversarial process, restorative justice is concerned with repairing the harm done to victims and the community through a process of negotiation, mediation, victim empowerment, and reparation ... [R]estorative justice is concerned with the broader relationships among offenders, victims, and the community ... [R]estorative justice is neither punitive nor lenient in focus and provides a clear alternative to juvenile justice sanctioning and intervention based on retributive or traditional treatment assumptions.

Conferencing schemes have grown in popularity. In the area of juvenile offending, this growth reflects the interplay of a number of forces, including dissatisfaction with the existing juvenile justice systems, a shift in emphasis from simply punishing the offender towards holding the offender accountable for his/her actions while at the same time involving families in making decisions about their children and meeting the needs and rights of the victims of the offence(s).

A number of reviews conducted in NSW in the last decade have highlighted the inadequacies of not only the existing juvenile justice legislation, but also the philosophical underpinning of the juvenile justice system and the activities of the various agencies responsible for the operation of different aspects of the system. In an attempt to address some of these problems, a variety of pre-court diversionary schemes were trialed. One such scheme was a localised conference-based extended police cautioning scheme established in Wagga Wagga. This scheme was a precursor to the current conferencing scheme in NSW. It was introduced in mid-1991 by members of the NSW Police Service and it attempted to divert from court juvenile offenders who had committed minor offences or who were first offenders. The scheme adopted elements of New Zealand's Family Group Conferences, but combined them with Braithwaite's (1989) theory of reintegrative shaming. This theory focuses on communicating to the offender both 'disapproval of a bad act ... while sustaining the identity of the actor as good ... [and transmitting] shame within a continuum of respect for the wrongdoer' (Braithwaite & Mugford 1994, p.142). Repair work is directed at ensuring that the deviant behaviour of the offender does not become a dominant trait. Braithwaite argues that shame is structured into the conference by discussing the consequences of the crime for the victims or for the offender's family, and that reintegration is structured into the conference through the support of those who enjoy the strongest relationships of love or respect with the offender. These processes, he argues, are likely to lead to future compliance with the law, and they are the opposite of stigmatising shame which, Braithwaite argues, makes crime worse.¹ The framers of the Wagga Wagga scheme believed that the Family Group Conference provided the ideal mechanism for implementing reintegrative shaming processes and for dealing with juvenile offending within their geographical area.

In addition to the differences in the role assigned to shaming between the models operating in New Zealand and Wagga Wagga, there was a major structural difference between them relating to the agency with administrative responsibility for the conferencing scheme. In New Zealand, conferences were organised and conducted by employees of the state welfare agency, independently of the police service. In Wagga Wagga, on the other hand, conferences were convened by a police officer and were held at the local police station. The Canberra conferencing model (which will be described in more detail later) followed the example set by the Wagga Wagga model. The NSW scheme, on the other hand, did not. In formulating the Young Offenders Act 1997, a number of issues were considered in deciding which agency would have administrative responsibility for the conferencing scheme. It was acknowledged that the agency must not only be neutral and independent of specific interest groups, but it must also have an established infrastructure across NSW to enable the scheme to be effectively administered. Both the NSW Police Service and the NSW Department of Juvenile Justice meet the latter criteria. However, the NSW Attorney General's Department (1996) argued that since the police are responsible for apprehending and charging young people, and officers of the Department of Juvenile Justice are responsible for advocating the interests of young people, neither is sufficiently independent of the criminal justice process. As a result, an independent unit was established within the Department of Juvenile Justice specifically responsible for administering the new scheme. This unit is the Youth Justice Conferencing Directorate.²

The next section describes the new legislation and the conferencing scheme which it created.

1.1.1 NSW Young Offenders Act 1997³

In NSW, provisions regarding the youth justice conferencing scheme are contained in the Young Offenders Act 1997, No. 54 which became effective on 6 April 1998. This legislation provides police in NSW with alternative responses to court proceedings for young people (between the ages of 10 and 18) who commit summary offences or indictable offences which can be dealt with summarily (Young Offenders Act 1997, Part 2, Section 8, 1a-b).

The legislation attempted to establish 'an alternative scheme to the court processing of juvenile offenders [which is] part of a formal, integrated, consistent, accountable and co-ordinated framework' (NSW Department of Juvenile Justice 1994, p. 13). The legislation created a hierarchy of increasingly intensive sanctions for increasingly serious or repetitive offending behaviour. Court is the most severe response and the legislation reserves it for the most serious offences. The alternative responses to court established by the legislation are, in order of increasing intensity, warnings, formal police cautions and youth justice conferences. Each of these responses existed in some form and in some geographical areas of NSW prior to this legislation. However, by creating a hierarchy of responses, the legislation established a systematic and radically different way of dealing with young offenders across NSW. Furthermore, by ensuring that juvenile offenders were first dealt with by way of a warning or a caution, the legislation sought to avoid formal intervention in circumstances where young people are naturally likely to desist from crime (Coumarelos & Weatherburn 1995).

The application of these alternative interventions to court are guided by key statutory principles which are partially based upon New Zealand's 1989 legislation. In addition to requiring the application of the least restrictive form of sanction against a child who is alleged to have committed an offence, the NSW Young Offenders Act states that (Part 2, Section 7):

- young people are entitled to be informed about their right to obtain legal advice;
- criminal proceedings should not be used if there is an alternative and appropriate means of dealing with the matter;
- criminal proceedings must not be used solely in order to provide welfare assistance for the young person or his/her family;
- if it is appropriate in the circumstances, young people should be dealt with in their community in order to assist their reintegration and to sustain family ties;
- parents are to be included in the justice processes; and,
- victims are entitled to receive information about their involvement in the justice processes.

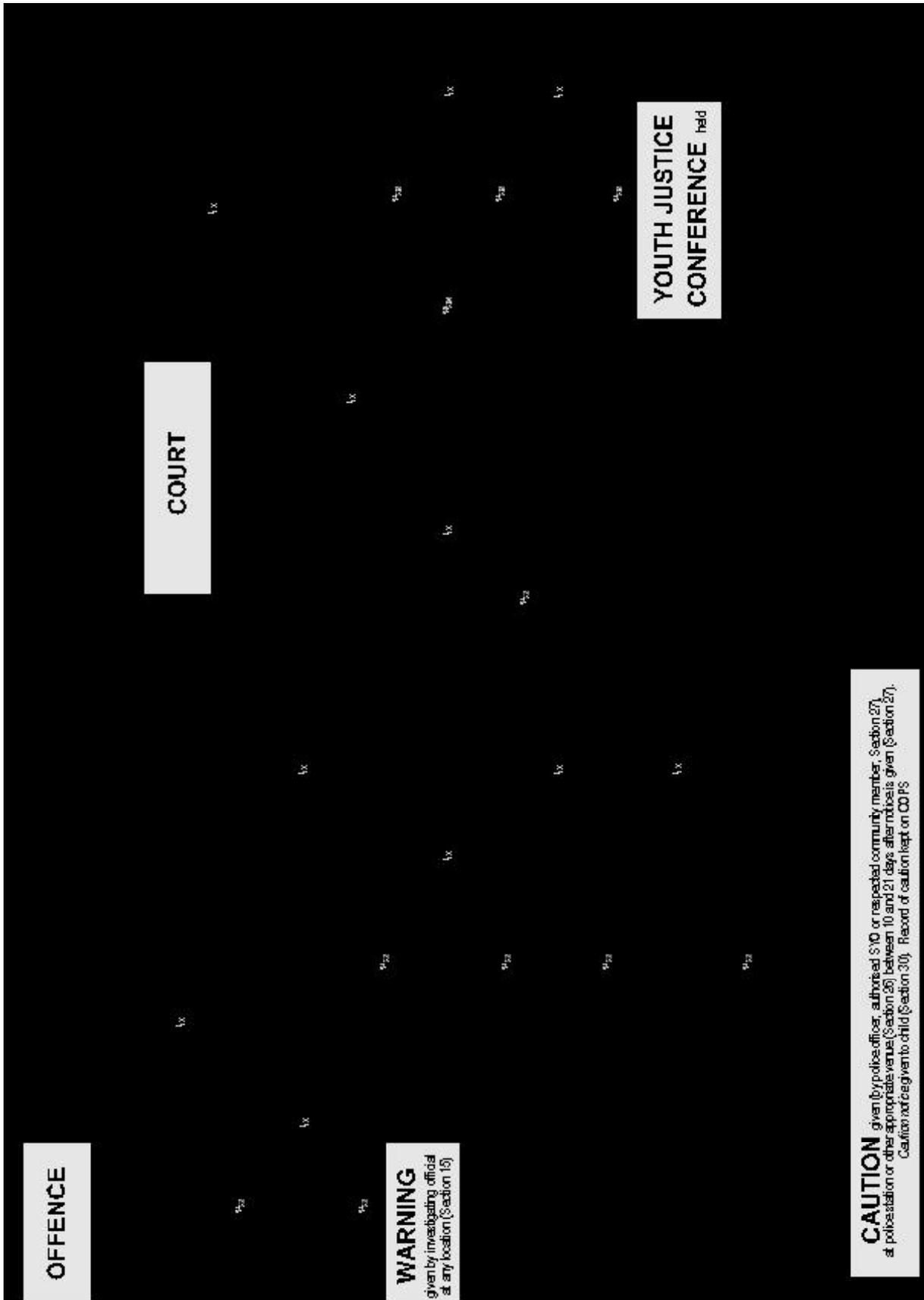
Figure 1 broadly illustrates how the hierarchy created by the legislation operates. The least restrictive form of intervention is a police warning. As Figure 1 shows, a young person is entitled to be dealt with by a warning for a summary offence which does not involve violence (Part 3, Section 14). The warning is given by the investigating official (generally, a police officer) and can be given at any location (generally, at the scene of the offence). The objective is to provide an informal, immediate and direct response to the commission of minor offences. Nevertheless, when giving a warning, the investigating official must ensure that the young person understands the purpose, nature and effect of the warning (Part 3, Sections 15 and 16). Unlike the other two court-alternatives created by this legislation, a young person does not have to admit the offence before being given a warning.

Recent amendments to the legislation require that a record of the warning be kept on the Computerised Operational Policing System (COPS) which is administered by the NSW Police Service. The record must include the nature of the offence, the time and place where the offence occurred, and the name and gender of the young person (Young Offenders Amendment Regulation 1998, No. 194, Part 3, Section 15; and Young Offenders Amendment (Records of Warnings) Regulation 1999, Schedule 1, Clause 15).

A formal police caution is next in the hierarchy of interventions. It is a more severe form of intervention for more serious offences. The development of this police cautioning scheme was guided by the need for a system 'which is simple to understand and administer, expeditious, involves interventions which are proportional to the type of offence committed, provides adequate legal safeguards for the young person and takes into account cultural considerations' (Legislation & Policy Division 1998, p. 258).

As Figure 1 shows, a young person can be dealt with by a caution if he/she has committed a summary offence or an indictable offence which can be dealt with summarily under Part 9A, Criminal Procedures Act 1986. Such offences include assault, stealing and malicious damage. The Young Offenders Act provides investigating officials with a number of criteria for determining whether a caution is the appropriate intervention in the specific circumstances. The official must consider the seriousness of the offence, the degree of violence involved, the harm caused to any victim, the number and nature of any offences committed by the young person, and the number of times the young person has been dealt with by way of this legislation (Part 4, Section 3).

Figure 1: Overview of the Young Offenders Act 1997



A caution can be given only if the young person admits the offence and consents to being given a caution (Part 4, Section 19). It is a statutory requirement that the young person admits the offence in the presence of specific persons – either a person responsible for the young person; or a legal practitioner chosen by the young person; or, if the young person is 16 years or more, by an adult chosen by the young person (Part 2, Section 10).

As the interventions become more and more severe, the legislation imposes additional requirements upon investigating officials. For example, as Figure 1 shows, prior to giving a young person a caution, the legislation stipulates the type of information which the young person must be given and the person(s) who must be present when it is given, the details to be included in the written notification regarding the caution, the time-frame within which the caution is to be given, who can give a caution, and the person(s) who are entitled to be present when the young person is given a caution. Furthermore, detailed information regarding the caution must be recorded on COPS, including the nature of the offence; the young person's name, gender, date of birth, address and ethnic background; the name of the person who gave the caution; the place, date and time when the caution was given; and, the persons present when the caution was given (Young Offenders Amendment Regulation 1998, Part 3, Section 16).

If an investigating official believes that it is not appropriate to deal with a matter by way of either a warning or a caution, he/she must refer the matter to a specialist youth officer to consider whether a youth justice conference is appropriate (Young Offenders Act 1997, Part 2, Section 9 (2) and Part 4, Section 21 (2)). This new decision-making forum is the legislation's third alternative response to court processing and aspects of its implementation are the focus of the current study. The next section describes youth justice conferences in more detail.

NSW Youth Justice Conferences

The legislatively-defined purpose of a youth justice conference is to make decisions and to determine an outcome plan regarding the young person (Young Offenders Act 1997, Part 5, Division 1, Section 34 (2)). In the second reading speech introducing the Young Offenders Bill, the Attorney General explained that (NSW Legislative Council, May 21 1997, p. 8960):

The aim of conferencing is to encourage discussion between those affected by the offending behaviour and those who have committed it in order to produce an agreed outcome plan which restores the harm done and aims to provide the offender with developmental and support services which will enable the young person to overcome his or her offending behaviour ... Conferences are not a soft option for young offenders and should not be utilised for first offenders ... [Y]oung people are required to consider and articulate what they have done, face their extended family and the victim, and actively participate in analysing and making decisions about their offending behaviour. Conferences are focused upon the young person taking positive action to put right the wrong they have done.

In NSW, offences which can be dealt with by way of youth justice conferences are summary offences or indictable offences which can be dealt with summarily and for which neither a warning nor a formal police caution is the appropriate intervention. Examples of offences which are the subject of conferences include assault; robbery; break, enter and steal; motor vehicle theft; theft or illegal use of property (other than motor vehicles); theft from retail premises; receiving or handling proceeds of crime; property damage; and, disorderly conduct. However, juveniles who commit certain offences are

not eligible for conferences and must be dealt with in court. Such offences include sexual offences, offences that result in the death of any person, certain drug offences, offences prohibited by Part 15A, Crimes Act 1900 (Apprehended Violence Orders), and traffic offences committed by someone old enough to hold a licence or a permit (Young Offenders Act Part 2, Section 8 (2)).

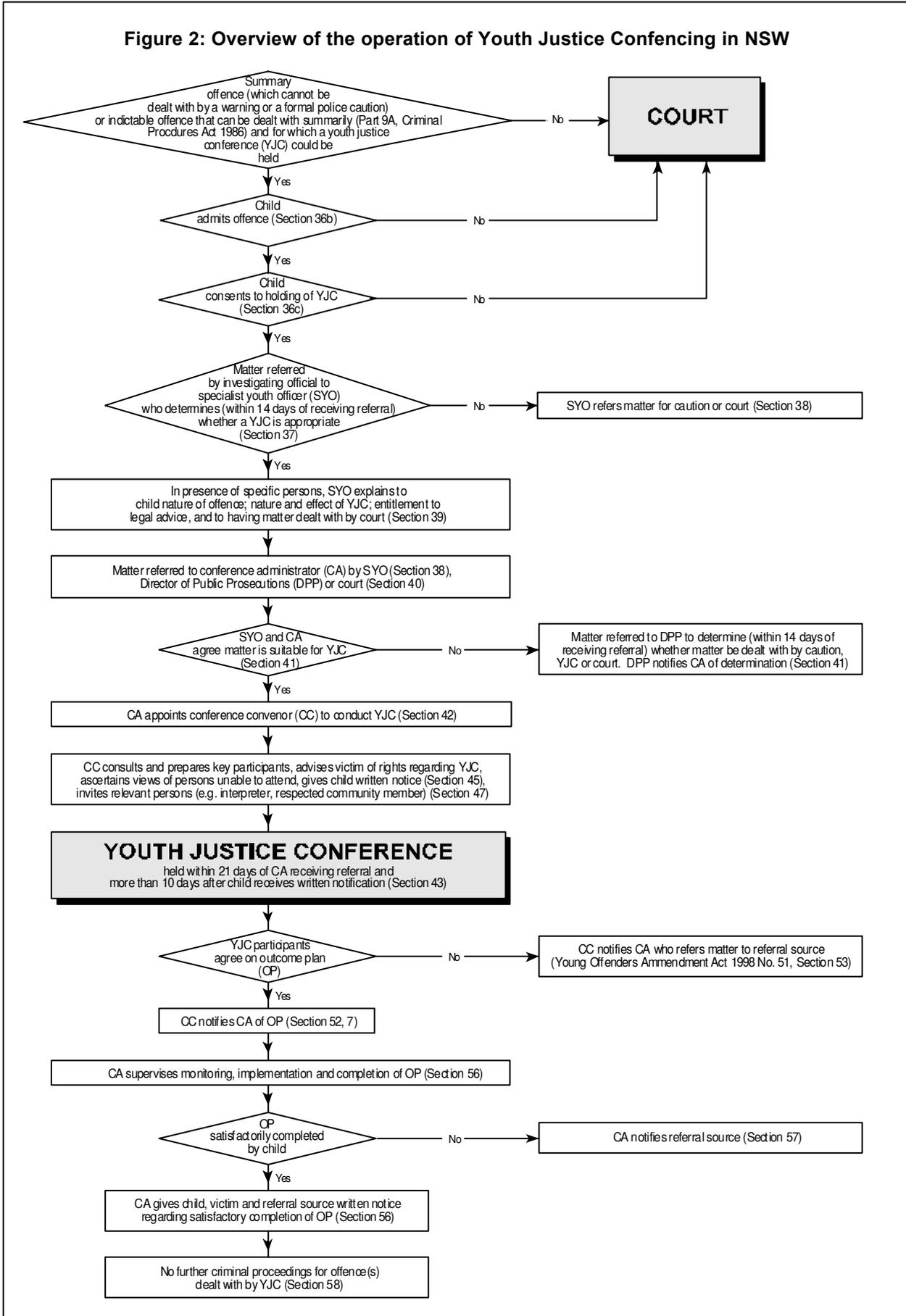
In addition to the overarching principles guiding the operation of the Young Offenders Act, the operation of conferences is guided by more specific principles (Part 5, Division 1, Section 34 (1)). The legislation stresses that the conferencing scheme is designed:

- to promote acceptance by the young person of responsibility for his/her own behaviour;
- to strengthen the young person's family;
- to provide the young person with developmental and support services which will enable him/her to overcome the offending behaviour;
- to enhance the rights and place of victims in the juvenile justice processes;
- to have due regard to the interests of any victims; and,
- to be culturally appropriate.

These principles reflect the government's recognition of the rights and needs, not only of the young offenders and their families, but also of the victims of the offences. Such recognition pervades the legislation. It is a statutory requirement to consider the rights and needs of both offenders and victims during all aspects of the conferencing process, from the pre-conference preparation stage through to monitoring of the agreements reached by conference participants. The involvement and participation of offenders, their families and victims are, therefore, integral components of the new conferencing system. In fact, as with New Zealand's 1989 legislation, by enabling their active participation in the conferencing process, the Young Offenders Act attempts to empower offenders, their families and the victims. In conferences, offenders have the opportunity to understand the consequences of their offending from the victim's perspective, to be accountable for their offences by accepting responsibility for their actions, and to make a commitment to make amends. Families of offenders are empowered by giving them a principal role in the decision-making process, encouraging them to take more responsibility for their children's behaviour, and promoting better relationships between them and their children. Unlike court procedures where victims generally have a minimal role and very limited control over what happens, in conferences, victims have the opportunity to meet the offender, express their feelings about the offence and its impact upon them, participate in the development of sanctions, and receive some form of redress.

Figure 2 illustrates how the legislation operates in broad terms in relation to youth justice conferences. As Figure 2 shows, for an offender to be dealt with by a conference, a number of conditions must be met, including the offence must be one for which a conference may be held, the offender must admit the offence, and he/she must consent to a conference being held (Part 5, Section 36). If the investigating official believes that a caution is not the appropriate intervention, the matter must be referred to a specialist youth officer for consideration. Specialist youth officers are employed by the NSW Police Service for the implementation of these sections of the legislation (Part 1, Section 4). To ensure that the offender is dealt with as expeditiously as possible, the specialist youth officer must determine within 14 days of receiving a referral whether the offender is entitled to be dealt with by way of a conference (Section 37 (4)).

Figure 2: Overview of the operation of Youth Justice Conferencing in NSW



If a specialist youth officer refers a matter for a conference, he/she is required by the legislation to explain a number of issues to the offender, namely the nature of the offence and the circumstances out of which it is alleged to have occurred; that the offender is entitled to obtain legal advice and where that advice may be obtained; that the offender may elect to have the matter dealt with by court; and, the nature of a conference and its effect (Section 39). If practicable, the specialist youth officer must give this explanation in the presence of specific persons, such as, a person responsible for the offender; a legal practitioner chosen by the offender; or, if the offender is aged 16 years or more, an adult chosen by the offender.

If a specialist youth officer refers a particular matter to a conference administrator and, following consultation between them, they fail to agree that a conference should be held for this matter, the conference administrator must refer the matter to the Director of Public Prosecutions for a decision (Section 41).

In addition to matters being referred for a conference by a specialist youth officer, matters can also be referred by a court or by the Director of Public Prosecutions (Section 40). The referral from each of these sources is sent to a conference administrator who appoints an accredited conference convenor (Section 42). The convenor is responsible for all stages of preparing for, and conducting, the conference.

Both conference administrators and convenors are employed specifically to implement the conferencing scheme. However, while administrators are public servants, convenors are recruited from the local community and are offered conferencing work depending on their appropriateness for individual conferences.

The legislation is quite specific regarding the preparation for, and the operation of, conferences (Sections 45-59). For example, the legislation directs the convenor to consult, if practicable, with a number of people prior to determining both the persons who should be invited to attend the conference and the date, time and place of the conference. The convenor must consult with the person who made the referral, the offender, a person responsible for the offender, and the victim(s). The convenor must also advise any victim of his/her rights in relation to the conference, including his/her right to attend the conference, to be accompanied by support person(s) or to be represented by a person of his/her choice. Furthermore, the convenor is required to take into account the specific needs of both the offender and the victim(s).

In addition to the offender, the legislation entitles a number of persons to attend a conference, namely a person responsible for the offender, members of the offender's family and extended family, an adult chosen by the offender, a legal practitioner advising the offender, a specialist youth officer, the investigating official, any victim or his/her representative, and support person(s) for the victim (Section 47 (1)). The convenor has statutory power to also invite other persons whom he/she believes may assist the process, for example a respected member of the community, an interpreter, a social worker if the offender is under care, or the offender's supervising officer if the offender is on probation (Section 47 (2)).

In order to facilitate their active and constructive participation in the conference, one of the convenor's primary tasks is to thoroughly prepare participants for the conference. The quality and extent of this pre-conference preparation is considered to be crucial to the success of the conference. The legislation requires the convenor to provide the offender with written notification regarding a number of issues, including the offence(s)

for which the conference is to be held; the date, time and place of the conference; the name of the convenor; the requirements to be met by the offender; and, the consequences of failing to attend the conference. Furthermore, consistent with the legislation's recognition of the offender's rights, the convenor's written notification must inform the young person of his/her rights in relation to the conference, including the right to have present at the conference a person responsible for him/her or an adult selected by him/her; the right to obtain legal advice and where that advice may be obtained; and, the right to elect to have the matter dealt with by a court instead of a conference (Section 45 (3)). During this pre-conference preparation stage, the convenor generally explains to the offender various aspects of the process, including the principles and purpose of the conference; the stages of the conference; the convenor's role in the conference; the carer's role and rights in the conference; the role of the victim and his/her support people; and, the various possible ways in which the harm can be addressed (Youth Justice Conferencing Directorate 1999, Session 2, pp. 22-24). Victims and the various support persons are given similar information, both in writing and in person.

To ensure that the process operates swiftly, where practicable, the convenor must hold the conference within 21 days of the conference administrator receiving the referral but more than ten days after the offender receives written notification of the conference (Section 43).

Although individual conferences vary depending on the participants, each conference has a number of key elements. After participants are seated in an arrangement which has been pre-determined by the convenor, the convenor begins the conference by introducing him/herself and briefly outlining the role of the participants in the process. Each participant is then invited to introduce him/herself and to inform the group of his/her relationship to either the offender or the victim. The convenor may invite the victim and the victim's supporters to introduce themselves first. In this way, the offender may identify him/herself in relation to both the victim and the offence, for example 'I'm Sally, I'm the one who took Mr Brown's wallet' (Youth Justice Conferencing Directorate 1999, Session 3, p. 11). As a result, the offender's admission and sense of responsibility for his/her actions are evident to all participants at the beginning of the conference.

The convenor then summarises the agreements which were made during the pre-conference preparation stage regarding the conference process, for example he/she provides a brief overview of the purpose and agenda of the conference; acknowledges that all participants have attended the conference voluntarily; stresses the requirements of confidentiality after the conference; and, encourages participants to both respect each other and to participate actively and constructively in the conference process.

Following this, the offender is invited to make a statement regarding the offence. The victim is then invited to make a statement regarding both the offence and the direct effect it has had on him/her and his/her family. The convenor may facilitate this phase by asking the victim questions such as (Youth Justice Conferencing Directorate 1999, p. 15):

What are the most important points you want to make to [name of offender]?

What do you hope will come from today's conference?

What were your thoughts and feelings when you discovered ...?

Who else was affected by the offence?

The other participants are also invited to describe the effect of the offending behaviour on them. The convenor may ask questions such as (Youth Justice Conferencing Directorate 1999, Session 1, p. 16):

How did you find out about ...?

What did you think when you heard about this?

What impact did this have on you personally?

The offender's supporters are encouraged to describe how the offender has behaved and felt since the offence occurred. This is intended to indicate to the victim both the offender's remorse and his/her willingness to improve. The convenor then asks the offender to describe the impact of the offence on him/herself and on others (for example, the victim, the offender's family and friends). This is intended to indicate to the other participants that the offender has thought about the effects of his/her behaviour on other people.

Following these statements from the various participants, the focus of the conference shifts to a consideration of the future and how the offender can help the victim to feel better about the offence. It is expected that, by this point in the conference, participants understand each other's needs and have more empathy. During this phase, the primary role of the convenor is to steer the group of participants towards an outcome plan that is 'achievable, relevant, allowable and positive' (Youth Justice Conferencing Directorate 1999, Session 1, p. 16). The legislation gives conference participants some guidance in making decisions regarding the offender by requiring them to consider the following issues (Young Offenders Act 1997, Section 34 (3)):

- (a) the need to deal with children in a way that reflects their rights, needs and abilities and provides opportunities for development,
- (b) the need to hold children accountable for offending behaviour,
- (c) the need to encourage children to accept responsibility,
- (d) the need to empower families and victims in making decisions about a child's offending behaviour,
- (e) the need to make reparation to any victim.

Outcome plans may consist of, but are not limited to, an apology to the victim, making reparation to the victim or the community, or the offender's participation in an appropriate program (Section 52 (5)). However, the legislation requires that outcome plans (Section 52 (6)):

- (a) contain outcomes that are realistic and appropriate and sanctions that are not more severe than those that might have been imposed in court proceedings for the offence concerned, and
- (b) set out times ... for ... implementation ..., and ...
- (c) provide for ... monitoring

The victim is asked to suggest elements which could be included in the outcome plan so that the offender can repair the harm caused. However, the offender and his/her immediate and extended family discuss their proposed plan in privacy, away from the remaining conference participants. When the offender and his/her family have reached agreement amongst themselves, their proposals are presented to the other participants, particularly to the victim. The offender is encouraged to make this presentation so that he/she is seen to be taking responsibility.

The legislation requires that, if possible, the outcome plan is to be determined by consensus (Section 52 (2)). The proposed outcome plan is, therefore, discussed by all conference participants and the victim may suggest modifications to the proposals. The convenor may facilitate this phase by asking the participants questions such as (Youth Justice Conferencing Directorate 1999, p. 18):

What will [name of offender] learn from doing this?

How is this going to help [name of victim]?

Does everyone think this is a fair and useful idea?

When the final outcome plan has been negotiated, the convenor prepares a written plan which requires signature by the offender. Since the outcome plan has no effect unless both the offender and the victim present at the conference agree to it (Section 52 (3)), both parties are invited to amend, veto or approve the plan negotiated by the participants. If a victim is not present at the conference, his/her agreement to the plan is not required (Section 52 (4)). When agreement has been reached and the plan has been signed, one or more persons are assigned to follow-up regarding the completion of the various elements of the plan. Recent amendments to the legislation require that the maximum time for the completion of the outcome plan is six months (Young Offenders Amendment Regulation 1998, No. 194, Part 4, Section 18).

Before leaving the conference venue, participants generally share refreshments and have the opportunity to talk to each other informally. This is considered an important part of the healing process.

As can be seen from Figure 2, if conference participants do not agree on the proposed outcome plan, the convenor is required to notify the conference administrator who refers the matter back to the original referral source (Young Offenders Amendment Act 1998, No. 51, Section 53).

Following the conference, the supervision of the undertaking and completion of the outcome plan is the responsibility of the conference administrator. He/she is required to provide written notification (to the offender, the victim(s) and the referral source) as to whether the plan was satisfactorily completed by the offender (Section 56). If the plan was satisfactorily completed, no further criminal proceedings can be taken against the offender for the offence(s) for which the conference was held (Section 58). If, on the other hand, the plan was not satisfactorily completed, as Figure 2 shows, a report is to be sent to the referral source (Section 57).

Given the intensive nature of the conference referral process and particularly the processes associated with preparing for, and conducting, conferences and monitoring their outcomes, a number of specific staff have been appointed to implement and operate the scheme across the State. These staff include:

- (1) 80 specialist youth officers, one for each police Local Area Command in NSW;
- (2) 17 conference administrators, one for each Department of Juvenile Justice region in NSW;⁴
- (3) approximately 480 conference convenors who are responsible for organising and conducting the conferences; and,
- (4) an independent unit (Youth Justice Conferencing Directorate) within the NSW Department of Juvenile Justice responsible for the co-ordination and operation of conferences throughout NSW.⁵

Between 12 June 1998 when the first youth justice conference was convened in NSW and 30 June 1999, 928 conferences have been held across the State. These conferences have involved a total of 1,155 young offenders (some conferences deal with multiple offenders simultaneously).

The next section compares the NSW and Canberra conferencing schemes and their associated evaluations.

1.2 EVALUATING CONFERENCING SCHEMES

Broadly speaking, evaluations of conferencing schemes dealing with young offenders have found that key participants are satisfied with conferences (Dymond, Jamieson, Coates & Couling 1992; Hayes, Prenzler & Wortley 1998; Jones 1994; Markiewicz, Lagay, Murray & Campbell 1997a & b; Maxwell & Morris 1993, 1995; Morris, Maxwell & Robertson 1993; Palk, Hayes & Prenzler 1998). Similar results have been obtained for conferences dealing with incidents occurring in schools (Queensland Department of Education 1996).

Several of the conferencing schemes implemented in Australian jurisdictions have been evaluated.⁶ However, this report only describes the Reintegrated Shaming Experiment (RISE) which is currently being conducted in Canberra (Sherman, Strang, Barnes, Braithwaite, Inkpen & Teh 1998; Strang, Barnes, Braithwaite & Sherman 1999); this is because the current study compared Canberra's model with NSW's model in terms of conference participants' satisfaction. As the following section describes, there are both similarities and crucial differences between the two conferencing schemes and the methodology of their associated evaluations. To enable comparisons between these schemes, many of the survey questions included in the current study were derived from the structured interview schedules designed for the RISE project.

The next section describes the RISE project and then compares it with the NSW conferencing scheme.

1.2.1 *Reintegrative Shaming Experiment (RISE)*

Diversionary conferences were introduced in Canberra in 1994 and, in mid-1995, the RISE project began. RISE is a large-scale field experiment which compares the effects of court processes with the effects of conferencing. It is designed to test three hypotheses:

- (1) diversionary conferences are fairer than court for victims and offenders;
- (2) recidivism will be lower in cases sent to conferences than in cases sent to court; and,
- (3) the public costs of processing cases will be as low (or even lower) in conferences than in court.

Only the first hypothesis is relevant to the current study.

The conferencing scheme which is currently being conducted in NSW and the Canberra-based RISE evaluation both require that, to be eligible to be dealt with by a conference, offenders must make full admissions about committing the offence. Other similarities between the conferences conducted in NSW and those conducted for the RISE evaluation are that they follow a similar format and involve similar categories of participants, namely victim(s), offender(s) and their supporter(s). More broadly, they both attempt to empower

and support the key participants (victims, offenders and their supporters). However, Bureau researchers did not observe conferences conducted in either NSW or by the RISE evaluation. Thus, no accurate descriptions can be provided regarding how, in practice, the conferences conducted in NSW are similar to, or different from, those conducted for the RISE evaluation.

However, there are a number of clear differences between both the conferencing models (NSW and RISE) and the methodology of their associated evaluations. Firstly, unlike NSW, Canberra does not, at present, have a legislative basis for conferencing – RISE is a field experiment negotiated between the Australian Federal Police and the Australian National University (with approval from the relevant ethics committees).

Secondly, the conferences conducted for the RISE evaluation and those conducted in NSW deal with different types of offences. As indicated earlier, in NSW, offences which are eligible for conferencing are summary offences or indictable offences which can be dealt with summarily and for which neither a warning nor a formal police caution is appropriate. In Canberra, four types of offences are eligible for RISE conferences – drink driving; property offences which involve personal victims such as burglary, theft, receiving stolen goods, vandalism, and taking a vehicle without authority (attempts at these offences are also included); shoplifting offences which are detected by security officers; and, some violent crimes, such as armed robbery, common assault, assault occasioning actual bodily harm, arson and possession of an offensive weapon (attempts at these offences are also included).⁷

Another difference between the NSW conferencing scheme and the RISE conferences is that the latter conferences are held for both juvenile and adult offenders. In NSW, conferences are held only for juveniles.

A major structural difference between the NSW scheme and the RISE conferences relates to the agency with administrative responsibility for organising and conducting the conferences. The conferences conducted for the RISE evaluation have followed the model established in 1991 by the Wagga Wagga police cautioning scheme, and are organised and conducted by Australian Federal Police officers who have received training in conducting conferences. Many conferences are also held in the headquarters of the Australian Federal Police. Conversely, in the NSW conferencing scheme, police officers do not convene conferences. Instead, conferences are organised and conducted by a convenor who is independent of the NSW Police Service and who has been recruited and trained by the Youth Justice Conferencing Directorate for the specific purpose of conducting conferences. Although the NSW legislation allows police officers to become convenors, they can only be appointed in a private capacity (Young Offenders Act 1997, Division 3, Section 60 (4)).

In addition to these differences, the evaluations of the two models also differ in a number of critical ways. One difference is in terms of their research methodology. This difference partly reflects the differing objectives of the two studies. The primary objective of the RISE project is to compare conferencing with court processing in terms of participant satisfaction, recidivism rates and processing costs. As a result, eligible cases are randomly allocated either to a conference or to court. The objective of the current study, on the other hand, was to examine participant satisfaction with conferencing. The current study did not compare conferences with court cases in any way, nor did it examine recidivism rates or processing costs.

Secondly, the sources of data for the two evaluations differ. RISE has three sources of detailed data. The first source is the observation by trained staff of cases in both court and conferences.⁸ The second source of data is a questionnaire which was designed to measure satisfaction with the conferencing process. A questionnaire is completed by the police officer facilitating the conference, the apprehending police officer and each community representative who attends the conference. The third source of data is a structured, detailed face-to-face interview conducted with the victims, the offenders and their supporters both after their attendance at either court or a conference and two years after the offence.⁹

The current study collected data from two sources. The first data source was a State-wide survey of three categories of conference participants – victims, offenders and support persons of offenders.¹⁰ The second data source was the Client Information System, a database which is administered by the NSW Department of Juvenile Justice. This database was utilised to determine whether specific legislative requirements were met.

RISE data are still being collected; however, Strang et al. (1999) report that the data collected to date support their first hypothesis – conferences are perceived to be fairer than court for victims and offenders. More specifically, the researchers report that, compared with court-assigned **offenders**, a higher percentage of conference-assigned offenders believed that they had been treated fairly by the criminal justice system in terms of procedural justice. They perceived that they had been treated impartially, ethically and with respect and politeness. They also felt that ‘they could influence what happened in their case’ (Sherman et al. 1998, chapter 5, p.123); the researchers refer to this feeling as process control. Furthermore, a higher percentage of conference-assigned offenders experienced restorative justice, perceiving that their treatment had allowed them to repay society and the victim. Strang et al. (1999) also report that reintegrative shaming is greater in conferences; and, that conference-assigned offenders have lower expectations of re-offending in the future.¹¹

Strang et al. (1999) found that, compared with **victims** involved in court-assigned cases, a higher percentage of victims involved in conference-assigned cases believed that they were given sufficient notification about their case. In addition, the majority of victims who attended conferences responded that they understood ‘what was going on in the conference’, felt able to express their views, and felt that the conference was both fair to them and respected their rights.¹²

The fundamental differences between the two conferencing models (NSW and RISE) and the comprehensive evaluation currently being undertaken of the RISE-based conferences provides an ideal opportunity to compare the two models in terms of participant satisfaction. In addition, Section 76 of the Young Offenders Act 1997 requires that the NSW scheme be reviewed. As a result of this requirement, the legislatively-established Youth Justice Advisory Committee and the Attorney General’s Department jointly requested the NSW Bureau of Crime Statistics and Research (hereafter ‘the Bureau’) to evaluate certain aspects of the NSW Youth Justice Conferencing scheme.

The next section outlines the terms of reference of the current study.

1.3 CURRENT STUDY

The Bureau was asked to conduct an evaluation of specific aspects of the NSW Youth Justice Conferencing scheme. The Bureau's terms of reference were:

- (1) whether offenders, their families and victims who participate in conference proceedings are satisfied with:
 - (a) the process; and,
 - (b) the outcomes of the proceedings;
- (2) whether children who are alleged to have committed an offence are being informed about their right to obtain legal advice and where that advice may be obtained;
- (3) whether children who are being given this information have obtained legal advice; and, at what point the advice was obtained;
- (4) whether conference proceedings lead to an acceptance of responsibility by the child;
- (5) whether the child's family, extended family and the victim attend conference proceedings;
- (6) whether time-frames specified under the Act for the holding of conferences are being met;
- (7) whether children who go to conferences have the benefit of a caution first; and,
- (8) whether the young person's parents/carers were present with the child when the child was cautioned.

2. METHOD

This section is presented in two parts. The first part deals with the method used to conduct the survey of conference participants. The second part deals with the data extracted from the Client Information System. It had also been intended to extract data from the Computerised Operational Policing System (COPS) which is administered by the NSW Police Service. However, despite numerous attempts over a period of eight months to obtain the necessary COPS data, a lack of co-operation from the NSW Police Service meant that the terms of reference pertaining to cautioning (7 and 8) could not be addressed.

2.1 SURVEY OF CONFERENCE PARTICIPANTS

This section describes the State-wide survey which was conducted with the three categories of conference participants of interest to the Youth Justice Advisory Committee and the NSW Attorney General's Department – victim, offender and a support person selected by the offender.

The survey was designed to answer the first four terms of reference of the evaluation, namely:

- (1) whether offenders, their families and victims who participate in conference proceedings are satisfied with:
 - (a) the process; and,
 - (b) the outcomes of the proceedings;
- (2) whether children who are alleged to have committed an offence are being informed about their right to obtain legal advice and where that advice may be obtained;
- (3) whether children who are being given this information have obtained legal advice; and, at what point the advice was obtained; and,
- (4) whether conference proceedings lead to an acceptance of responsibility by the child.

2.1.1 *Sample*

The goal was to survey the participants of a representative sample of NSW conferences. In order to obtain a representative sample, it was decided to sample from all 16 Department of Juvenile Justice regions, namely Armidale, Blacktown, Campbelltown, Chatswood, Dubbo, Fairfield, Gosford, Kempsey, Lismore, Newcastle, Orange, Queanbeyan, St Marys, Sydney, Wagga Wagga and Wollongong.¹³ The target sample size was at least 100 conferences where each of the three participants of interest had completed a questionnaire. During the seven-month period prior to the commencement of the current study, approximately 690 conferences had been held across the State, that is approximately 98 conferences per month. However, as will be seen in Section 3.2.1 regarding conference attendees, in approximately 27 per cent of conferences, no victim attends; and in approximately 13 per cent of conferences, no member of the offender's immediate family attends. It was anticipated that the latter category would be the potential source of the offender's support person for the completion of a questionnaire for this study. Therefore, it was estimated that, each month across the State,

approximately 59 conferences would be attended by each of the three participants of interest to the present study. Allowing for at least one participant of interest to refuse completing a questionnaire in approximately half of these 59 conferences, it was estimated that a period of at least four months would yield the target sample size of at least 100 conferences where each of the three participants of interest had completed a questionnaire. Accordingly, the target sample consisted of all conferences held between 24 March and 13 August 1999.

The next sections describe the survey instrument, how the survey was conducted, the sample survey response rate and a follow-up survey of non-respondents.

2.1.2 Survey instrument

A short structured questionnaire was designed for each of the three categories of conference participants of interest – victim, offender and a support person of the offender. The questionnaires were designed to measure participant satisfaction with both the conferencing process and the outcome plans. They were designed to be self-completed by the subjects at the end of the conference, prior to their departure from the conference venue.

The questionnaires included both closed and open-ended questions. To enable comparisons between the responses given by participants of the NSW conferencing scheme and the participants of Canberra's RISE study, the RISE study was the source of many of the current study's survey questions. The RISE researchers constructed survey questions to measure a number of dimensions. The relevant dimensions for the current study were notification of proceedings, perceived procedural justice (including consistency and fairness, awareness of process, process control and respect), the offender's self-projected compliance with the law, and satisfaction with treatment/intervention.

The questionnaire for this study was pilot tested between February and March 1999. Six Department of Juvenile Justice regions participated – Blacktown, Campbelltown, Lismore, Queanbeyan, Wagga Wagga and Wollongong. These regions were selected for two reasons. Firstly, they had conducted a large proportion of the conferences undertaken up to that time across NSW. Secondly, these regions have resident populations with different social and demographic characteristics varying in terms of Aboriginality, ethnicity, lifestyles, socio-economic status, educational attainment and population size/location (metropolitan/regional/rural). Thus, the questionnaires could be tested with different subjects.

As a result of the pilot test, some survey questions were re-phrased, some open-ended questions were partially pre-coded and the overall length of the questionnaire was decreased. As a result, the questionnaire for the main study took approximately ten minutes to complete.¹⁴

For the main study, the ordering of the survey questions reflected the chronological sequence of the conference process. Therefore, the initial questions dealt with the pre-conference preparation stage. These were followed by questions about the conference proceedings and then by questions regarding the outcome plan. The subsequent section asked a few general questions and the final section of the questionnaire sought information regarding the subject's demographic characteristics. A copy of the questionnaire for each of the three types of survey respondents is provided in Appendices 1a, 1b and 1c.

For each of the three types of respondents (victim, offender and a support person of the offender), a set of core questions was asked in the same order, thus allowing comparisons to be made across the respondent types. The core questions regarding the pre-conference preparation stage were whether the subject was given sufficient notice regarding when the conference was to be held; how much information he/she was given about what would happen at the conference and what was expected of him/her; and, how satisfied he/she was with the arrangements made for him/her to get to the conference. These questions were designed to measure the subject's satisfaction with the information provided about the conference proceedings or the dimension which the RISE researchers labelled notification of proceedings.

The core questions about the conference proceedings were how fair the subject believed the conference was to the offender and to the victim; to what extent he/she understood the conference proceedings, felt treated with respect, and was given the opportunity to express his/her views; the best and worst features of how the conference was conducted (open-ended); and, to what extent the conference took account of his/her views in determining the outcomes.¹⁵ These questions were designed to measure the subject's satisfaction with the conference proceedings, specifically their satisfaction with various aspects of procedural justice, including awareness of process, consistency and fairness, respect, and process control.

The core questions concerning the conference outcome plan were the subject's degree of satisfaction with the outcome plan; how lenient/severe he/she felt the plan was for the offender; how fair he/she felt the plan was for the victim; and, the best and worst features of the plan (open-ended). These questions were designed to measure the subject's satisfaction with the conference outcome plan.

The general questions asked of the three respondent types were to what extent the subject felt that the offender understood the harm caused to the victim, and how satisfied he/she was with how the criminal justice system had handled the case. Finally, each subject was asked about the following demographic characteristics – gender, Aboriginality, age, country of birth, mother's country of birth and father's country of birth.¹⁶

In addition to these core questions, each respondent type was asked some specific questions. These questions were included for two reasons – either to test whether specific statutory objectives of the conferencing process were achieved, and/or to fulfil other terms of reference of the evaluation.¹⁷

Thus, some of the additional questions asked of the offender related to obtaining legal advice (see Appendix 1a, questions 1-4). These survey questions were included to achieve Terms of Reference (2) and (3) and to test whether the conference convenors had fulfilled their statutory obligations towards the offenders. Convenors are required by the legislation (Young Offenders Act 1997, Section 45 (3g)) to give the offender a written notice informing him/her of, among other issues, his/her right to obtain legal advice and where that advice may be obtained.

The offender was also asked about his/her self-projected compliance with the law and the extent to which he/she accepted responsibility for his/her actions (see Appendix 1a, questions 16, 17 and 29). These survey questions were included both to fulfil Term of Reference (4) and to test whether the following objective of the conferencing scheme had been met – 'to promote acceptance by the child ... of responsibility for his or her own behaviour' (Young Offenders Act 1997, Part 5, Section 34 (1ai)).

Three additional questions were asked of the victim (see Appendix 1b, questions 11, 13 and 25). To categorise the types of victims who participated in this sample survey, the victim was asked to indicate against whom the offence was committed – the subject personally, a business which he/she owned, or a company/organisation for which he/she worked or which he/she represented. Furthermore, to test whether specific statutory objectives of the conferencing scheme had been fulfilled, victims were asked two survey questions – to what extent he/she was given the opportunity to explain the loss and harm resulting from the offence; and, to what extent the conference took account of the effects of the offence on him/her. The conferencing scheme is designed to enhance the rights and place of the victims in the juvenile justice process and to have due regard to the interests of the victims (Young Offenders Act 1997, Part 5, Section 34, (1iv and vi)). Allowing the victim to make a statement regarding both the offence and the direct effect it has had on him/her and his/her family serves a dual purpose in the conference – it gives the victim an opportunity to express, directly to the offender, his/her feelings about the offence; and, it also gives the offender an opportunity to understand the consequences of his/her behaviour from the victim's perspective.

The additional question asked of the offender's support person was how well his/her concerns were dealt with at the conference (see Appendix 1c, question 7). This survey question tested whether a specific guiding principle of the legislation had been applied in the conferencing process, namely 'that parents ... be recognised and included in justice processes involving children and that parents ... be recognised as being primarily responsible for the development of children' (Young Offenders Act 1997, Part 2, Section 7f).

The covering page of each questionnaire explained the purpose of the research, requested the subject's co-operation and stressed confidentiality of responses.

The next section describes how the survey was conducted.

2.1.3 Procedure for conducting survey

Data for the main study were collected from conferences held in each of the 16 Department of Juvenile Justice regions (between 24 March and 13 August 1999). Conference administrators and convenors were the intermediaries between Bureau staff and the subjects. As a result, each conference administrator received multiple packages of the necessary evaluation materials and was requested to distribute a package to each convenor for each conference scheduled during the study period.¹⁸ The convenors were responsible for distributing the questionnaires to the conference participants. Additional packages of evaluation materials were assembled and sent to each region as they were required.¹⁹

Each package received by the convenor included a number of items. The first item was a covering letter which introduced the research. In addition to noting the statutory requirement to evaluate the conferencing scheme, this letter requested the convenor's assistance in conducting the evaluation, listed the materials enclosed and provided names and telephone numbers of Bureau staff for further information/clarification.

The package also included three questionnaires – one for the victim, one for the offender and one for a support person selected by the offender.²⁰ Each questionnaire was colour-coded by respondent type and clearly labelled to make the distribution process easier for the convenor. Attached to each questionnaire was a reply-paid envelope. To ensure confidentiality of the subject's responses, the subject was requested to insert the completed questionnaire into this envelope and to seal it before returning it to the convenor.

Another item in the package was detailed instructions for the convenor to follow in both preparing the conference participants for the survey and in distributing the questionnaires at the end of the conference.²¹ The convenor was asked to inform participants of the research during the pre-conference meetings and to stress that their feedback was important since the scheme was new and, as yet, untested in NSW. At the conference, the convenor gave participants instructions regarding the research; encouraged their co-operation; handed each subject a pen and the appropriate questionnaire with a reply-paid envelope attached; and, collected, from each subject, the completed questionnaire sealed in its own envelope.²² The convenor was also given instructions for distributing the questionnaires to any respondents who required assistance in completing the questionnaire due to literacy problems, vision-impairment or speaking a language other than English.²³

An Evaluation Response Sheet was also included in the package received by the convenor. It was designed to be completed by the convenor. The information requested on the Evaluation Response Sheet was date and location of the conference, offence(s) which the offender was accused of committing, number of offenders present at the conference, number of victims present at the conference, whether a questionnaire was accepted by each of the three subjects, whether any subject received assistance in completing the questionnaire and the convenor's name and telephone number.

The final item included in the package was a larger reply-paid envelope so that the convenor could return the completed questionnaires and the Evaluation Response Sheet to the Bureau.

Throughout the study period, regular contact was maintained between Bureau staff and each of the 16 conference administrators, and when necessary, with the convenors.

2.1.4 Response rate

In order to calculate the sample survey response rate, each conference administrator was asked to provide information regarding the conferences which had been held in his/her region during specified periods of time. The information requested was, for each conference held, the name of the conference convenor and the date when he/she convened the conference. This information was matched against the completed Evaluation Response Sheets returned to the Bureau.²⁴

Over the 20-week data collection period (from 24 March to 13 August 1999), 452 conferences were held in the 16 regions participating in this study.²⁵ For 316 of these conferences, a questionnaire was completed by at least one participant of interest (that is, a victim, an offender or a support person of the offender). This represents a response rate of 69.9 per cent of the conferences held across the 16 regions over the data collection period. For a further 13 conferences held during this period, participants completed a pilot test questionnaire. This applied to three regions – Queanbeyan, Wagga Wagga and Wollongong.²⁶ Therefore, for 329 of the conferences held during this period, at least one participant of interest completed a questionnaire (either main study or pilot test questionnaire). However, as Table 1 shows, the response rate varied from region to region, ranging from 96.3 per cent of the conferences held in the Campbelltown region to 20.8 per cent of the conferences held in the St Marys region. Some regions (for example St Marys) had a consistently low response rate over the entire data collection period.

Table 1: Response rate (between 24 March and 13 August 1999)

<i>Department of Juvenile Justice Region</i>	<i>Response rate* (%)</i>
Armidale	81.5
Blacktown	66.7
Campbelltown	96.3
Chatswood	60.0
Dubbo	85.2
Fairfield	81.8
Gosford	62.5
Kempsey	66.7
Lismore	70.2
Newcastle	80.6
Orange	66.7
Queanbeyan	67.7 (74.2)
St Marys	20.8
Sydney	87.5
Wagga	52.8 (77.8)
Wollongong	72.7 (78.8)
Total	69.9 (72.8)

* This figure refers to the percentage of the total number of conferences held in the region between 24 March and 13 August 1999, for which a questionnaire was completed by at least one of the three participants of interest.

Note: Pilot test questionnaires were completed by participants of two conferences held in each of Queanbeyan and Wollongong and nine conferences held in Wagga Wagga. The response rate in parentheses in Table 1 includes these pilot test questionnaires.

Therefore, for 123 (27.2%) conferences no questionnaire (either main study or pilot test questionnaire) was received from any of the three participants of interest. Whenever possible, Bureau staff contacted the relevant convenors to ascertain why questionnaires had not been received by the Bureau. Various reasons were given by convenors for failing to return completed questionnaires, including the convenor did not receive an evaluation package for the conference in question, the convenor forgot to take the package

to the conference, the convenor forgot to distribute the questionnaires to the participants, and the convenor believed that it was not appropriate to distribute the questionnaires (because, for example the conference had been very emotional or very long or the participants wished to leave the venue immediately following the conference).

In order to assess whether there was any bias in the responses given to the written questionnaires returned to the Bureau, attempts were made to contact participants in a sub-sample of 79 conferences from which no questionnaires were returned to the Bureau by any of the three types of respondents of interest.²⁷ The available resources permitted contacting only one type of respondent rather than each of the three types of respondents in order to gauge their level of satisfaction with conferencing. Victims were selected for a number of reasons. While traditionally victims have been excluded from the criminal justice system, in conferencing they are specifically included as key participants in the process. Also, of the three types of respondents of interest in this study, victims would be the most likely to feel, and therefore express, dissatisfaction with conferencing. Therefore, no attempt was made to contact either the offenders or their support persons.

Of the 79 conferences in this sub-sample, a victim did not attend in 23 (29.1%) cases. Of the remaining 56 conferences, 49 victims were interviewed by telephone. This represents a response rate of 87.5 per cent. In the remaining seven cases, the victim could not be contacted for various reasons, for example the telephone had been disconnected, the telephone was not answered, the telephone number recorded on the Department's files was incorrect, or the victim had moved. However, all victims who were contacted agreed to be interviewed.

A short interview schedule was designed in order to ascertain the level of satisfaction of these victims. The interview schedule consisted of three conference-related questions, a question regarding victim type and some questions regarding demographic characteristics, namely:²⁸

- at the time of the conference, how fair he/she felt the conference was for him/her;
- at the time of the conference, how lenient/severe he/she felt the outcome plan was for the offender;
- immediately after the conference, how satisfied he/she was with how the criminal justice system handled the case;
- whether the offence was committed against him/her personally, a business which he/she owned, or a company for which he/she worked or which he/she represented; and,
- demographic characteristics – gender, Aboriginality, age, country of birth, mother's country of birth and father's country of birth.

With the exception of two additional phrases, the wording of each question in this follow-up survey was identical to that used in the written questionnaires. The additional phrases placed at the beginning of some questions in this survey were 'at the time of the conference' and 'immediately after the conference'. This was intended to encourage the subjects to recall and express how they felt at the time of the conference, not at the time of the interview. These telephone interviews were conducted several weeks, or in some cases several months, after the conference had been held. The subject's opinions about the conference may have changed during the intervening period, being influenced by, for example the failure of the relevant offender(s) to complete specific elements of the agreed-upon outcome plan.

2.1.5 Data analysis

The data from the written questionnaires were entered into a Microsoft Access database. Similarly, the data from the telephone interviews conducted with the sub-sample of non-respondents were entered into a separate Microsoft Access database.

The response categories for the closed survey questions included in both the written questionnaire and the telephone interview schedule were combined in the same way as the RISE researchers combined the response categories for the Canberra interview schedules. In this way, comparisons could be made with the data which have been published for Canberra's RISE project (Strang et al. 1999).

To test whether there were any differences in the responses given by the subjects in the current study and their counterparts participating in the RISE project, chi-square analyses were employed. Similarly, to test whether there were any differences in the responses given by the victims who completed a written questionnaire in the current study (respondents) and those who did not (non-respondents), separate chi-square analyses were conducted.

2.2 CLIENT INFORMATION SYSTEM

The Client Information System (CIS) which is administered by the NSW Department of Juvenile Justice was utilised to extract data relevant to the fifth and sixth Terms of Reference, namely:

- whether the child's family, extended family and the victim attend conference proceedings; and,
- whether time-frames specified under the Act for the holding of conferences are being met.

Data were extracted for the period from 12 June 1998 when the first conference was held to 30 November 1999.

2.2.1 Conference attendees

Information is entered onto the CIS database regarding both 'immediate' and 'extended' family members of the offenders. 'Immediate' family members are defined as 'parents and siblings including step, adopted or partial blood relatives' and 'extended' family members are defined as 'parents and siblings including step, adopted or partial blood relatives or persons considered by the offender as extended family' (NSW Youth Justice Conferencing Directorate 1998, p5). In practice, family members such as grandparents, aunts, uncles and cousins are entered onto the CIS database as 'extended' family members.

2.2.2 Statutory time-frames

As indicated in Section 1.1.1, the legislation stipulates that the conference convenor hold the conference within 21 days of the conference administrator receiving the referral but more than ten days after the offender receives written notification of the conference. To measure the time periods, the three relevant dates on the CIS database are – the referral date (the date recorded on the referral papers sent to the conference administrator); the client notification date (the date recorded on the offender's written notification of the conference); and, the conference date (the date on which the conference was held).

3. RESULTS

The results are presented in two parts. The first part deals with the results of the survey of the three types of conference participants. The second part deals with the data extracted from the CIS database, NSW Department of Juvenile Justice.

3.1 SURVEY OF CONFERENCE PARTICIPANTS

The results of the survey are presented in five sections. The first section describes the demographic characteristics of the respondents to the written questionnaires. The second section describes the conferences in this sample in terms of the number of offenders and victims attending the conferences, the offences for which the conferences were held and the type of victim involved. The third section examines the respondents' satisfaction with various aspects of both the conference process and the outcomes of the conference proceedings. Comparisons are made, where possible, between the responses given by the subjects participating in the NSW conferencing scheme and those participating in the RISE project. The fourth section examines a number of issues specifically related to each of the three respondent types. These issues addressed additional terms of reference of the evaluation and/or tested whether specific statutory objectives of the conferencing process were achieved. The last section presents the responses given by a sub-sample of 49 victims who attended a conference during the study period but who did not complete a written questionnaire. In this section, comparisons are made between the responses given by this sub-sample and those given by the sample of victims who did complete a written questionnaire.

The results for the first four sections are based on the written questionnaires returned from 391 conferences held in NSW between 24 March and 20 October 1999. Each of the 16 Department of Juvenile Justice regions participating in this sample survey distributed evaluation packages to the convenors scheduled to conduct conferences between 24 March and 13 August 1999. While some regions ran out of packages after 13 August, other regions still had packages for distribution to convenors for some conferences scheduled until 20 October 1999. Questionnaires continued to arrive at the Bureau until early November. All questionnaires returned to the Bureau were included in the Results section of this report. Hence, questionnaires from 391 conferences are included in the Results, with 316 of these conferences being held on or before 13 August 1999.

Table 2 shows the number of participants of interest who attended the conferences held between 24 March and 20 October 1999, and who completed a questionnaire.

Table 2: Number of participants of interest who attended conferences and completed a questionnaire

<i>Number of participants of interest</i>		<i>Conferences</i>	
<i>Attended conference</i>	<i>Completed questionnaire</i>	<i>N</i>	<i>%</i>
3	3	220	56.3
3	2	36	9.2
3	1	27	6.9
2	2	98	25.1
2	1	5	1.3
2*	2	4	1.0
1*	1	1	0.3
Total		391	100.0

* It is not known if the other participant(s) of interest attended the conference because the convenor did not provide the relevant information.

As Table 2 shows, for 220 (56.3%) of the 391 conferences in this sample, the three participants of interest (victim, offender and a support person of the offender) attended the conference and completed or partially completed the relevant questionnaire. For a further 98 (25.1%) conferences, only two of the three participants of interest attended and both completed their questionnaire. Therefore, for a total of 318 conferences (81.3%) in this sample, all the participants of interest who attended the conference completed their questionnaire.

In the remaining 73 conferences one or two of the participants of interest did not complete a questionnaire. In 13 of these conferences, one or two participants actually overtly refused to complete a questionnaire; this comprises 3.3 per cent of the 391 conferences in this sample. It is not known why questionnaires were not completed by the participants of the other conferences; questionnaires may have been taken away from the conference venue and not completed.

A total of 969 questionnaires were returned. Of this total, 263 questionnaires were completed by victims, 353 by offenders and 353 by support persons of offenders.

3.1.1 Demographic characteristics of respondents

The majority of both offenders and victims who participated in this survey were male (82.2% of offenders and 60.4% of victims) while the majority of the offenders' support persons were female (63.9%).

Tables 3 and 4 show the age of the offenders and the victims, respectively. As Table 3 shows, the age of the offenders ranged from 11 to 18 years, with the mean age being 15.6 years (standard deviation = 1.4 years). While 14.1 per cent of their victims were also juveniles, being aged between 12 and 17 years, approximately half of the victims in this sample were aged between 35 and 54 years and five per cent were aged 60 years or more.

Table 3: Age of the offenders

<i>Offender's age (years)</i>	<i>N</i>	<i>%</i>
11	1	0.3
12	2	0.6
13	17	5.2
14	56	17.0
15	73	22.1
16	87	26.4
17	71	21.5
18	23	7.0
Total	330	100.0

Note: Table 3 excludes 23 offenders who did not give their age.

Table 4: Age of the victims

<i>Victim's age (years)</i>	<i>N</i>	<i>%</i>
12 - 17	36	14.1
18 - 19	8	3.1
20 - 24	12	4.7
25 - 29	19	7.4
30 - 34	25	9.8
35 - 39	29	11.3
40 - 44	40	15.6
45 - 49	29	11.3
50 - 54	31	12.1
55 - 59	14	5.5
60 - 64	7	2.7
65 - 69	2	0.8
70 - 74	4	1.6
Total	256	100.0

Note: Table 4 excludes seven victims who did not give their age.

Compared with their concentration in the total NSW population, indigenous people were over-represented in each of the three respondent types in this sample. Only 1.7 per cent of the total NSW population identify themselves as Aboriginal or Torres Strait Islander (Australian Bureau of Statistics 1999). However, in this sample, 4.7 per cent of the victims and 18.5 per cent of the offenders' support persons identified themselves in this way. More notably, 24.0 per cent of the offenders in this sample identified themselves as Aboriginal or Torres Strait Islander. By comparison, of the offenders who were dealt with through court during this study's data collection period (that is, between March and October 1999) and who were of comparable age to those in this sample (that is, aged between 11 and 18 years), 17.0 per cent identified themselves as being of indigenous origin (NSW Bureau of Crime Statistics and Research, unpublished data).²⁹ However, only 2.6 per cent of the NSW population aged between 10 and 19 years is of Aboriginal or Torres

Strait Islander descent (Australian Bureau of Statistics 1999). Indigenous young people were, therefore, over-represented in both the conferencing scheme and the court system.

Australia was the country of birth for most of the offenders (90.4%), victims (86.5%) and the offenders' support persons (80.8%). New Zealand was the country of birth for a further 2.6 per cent of offenders and 3.5 per cent of their support persons. This pattern was similar for the parents of the offenders. Australia and New Zealand were the countries of birth for 78.2 per cent and 4.1 per cent, respectively, of the offenders' mothers, and 77.8 per cent and 3.6 per cent, respectively, of their fathers. These proportions are slightly higher than for the NSW population as a whole. Of the total NSW population, 72.8 per cent were born in Australia and 1.5 per cent were born in New Zealand (Australian Bureau of Statistics 1999).

While Australia and New Zealand were the birthplaces for the majority of the offenders and their parents in this sample, 6.7 per cent of the offenders and 15.1 per cent of their parents were born in a non-English speaking country, including Laos, Malaysia, the Philippines, Singapore, Fiji and Croatia. Of the total NSW population, 15.7 per cent were born in a non-English speaking country (Australian Bureau of Statistics 1999).

3.1.2 Characteristics of conferences

Number of offenders and victims attending conferences

Table 5 shows the number of offenders in relation to the number of victims who attended the conferences in this sample. As can be seen from Table 5, of the 388 conferences for which conference convenors provided the relevant information, 337 (86.9%) involved one offender. A further 41 (10.6%) conferences involved two offenders. The remaining ten (2.6%) conferences involved between three and seven offenders.

Table 5: Conference attendees: Number of offenders by number of victims

<i>Number of offenders</i>	<i>Number of victims</i>								<i>Conferences</i>	
	<i>0</i>		<i>1</i>		<i>2</i>		<i>3 - 6</i>		<i>N</i>	<i>%</i>
	<i>N</i>	<i>%</i>	<i>N</i>	<i>%</i>	<i>N</i>	<i>%</i>	<i>N</i>	<i>%</i>		
1	93	24.0	167	43.0	53	13.7	24	6.2	337	86.9
2	8	2.1	17	4.4	10	2.6	6	1.5	41	10.6
3 - 7	2	0.5	3	0.8	2	0.5	3	0.8	10	2.6
Total	103	26.5	187	48.2	65	16.8	33	8.5	388	100.0

Note: Table 5 excludes three conferences for which the conference convenor did not provide information regarding the number of attendees and he/she could not be contacted to obtain the information. All percentages in Table 5 are percentages of the total (388).

Although victims have a statutory right to attend conferences, as Table 5 shows, for 103 (26.5%) conferences in this sample, no victim attended. For the remaining 285 (73.5%) conferences, at least one victim attended, with six being the maximum number of victims attending a conference. However, of the 285 conferences in which victims participated, the majority involved either one or two victims (65.6% and 22.8%, respectively).

While multiple numbers of offenders and multiple numbers of victims attended some conferences in this sample, 167 conferences were attended by only one offender and one victim. This constitutes 58.6 per cent of the 285 conferences which victims attended.

Offences for which conferences were held

Of the 391 conferences in this sample, 265 (67.8%) were held for young persons who were accused of committing one offence only. The remaining 126 (32.2%) conferences were held for young persons who were accused of committing more than one offence and/or more than one count of the same offence.

Table 6 shows the offences which the young persons in this sample admitted to having committed and for which conferences were, therefore, held. As Table 6 indicates, the 391 conferences were held for a total of 626 offences. Almost one-third (30.4%) of these offences were theft offences, including motor vehicle theft, illegal use of a motor vehicle, receiving stolen goods and theft from retail premises. The second largest category of offences was the unlawful entry of a structure with the intent to commit an offence; this category accounted for 117 (18.7%) of the 626 offences. A further 16.0 per cent of the total number of offences in this sample were acts intended to cause injury or harm to another person; such acts included common assault and assaulting a police officer.

Table 6: Offences for which conferences were held		
Offence	N	%
Theft and related offences (<i>not involving the use or threat of force, violence or coercion</i>)		
• motor vehicle theft, theft of motor parts or contents, illegal use of motor vehicle	52	8.3
• theft from retail premises, theft from person	41	6.5
• receiving or handling proceeds of crime, <i>includes possession of stolen goods</i>	16	2.6
• not specified by the conference convenor	81	12.9
Total	190	30.4
Unlawful entry of a structure with intent/burglary, break and enter (<i>entry is forced or unforced</i>)	117	18.7
Acts intended to cause injury		
• non-aggravated assault, <i>includes common assault, assault police officer</i>	38	6.1
• not specified by the conference convenor	62	9.9
Total	100	16.0
Property damage , <i>includes malicious damage, graffiti</i>	76	12.1
Public order offences , <i>includes trespass, offensive language, offensive behaviour, criminal intent</i>	48	7.7
Deception and related offences	42	6.7
Robbery, extortion and related offences		
• aggravated robbery	13	2.1
• not specified by the conference convenor	6	1.0
Total	19	3.0
Offences against justice procedures , <i>includes false report to police, resist police officer</i>	11	1.8
Other , <i>includes road traffic and motor vehicle regulatory offences, harassment, illicit drug offences, violent disorder, weapons and explosives offences and dangerous or negligent acts endangering persons</i>	23	3.7
Total	626	100.0

Note: Table 6 is based on the information provided by conference convenors regarding the offences committed by the offenders. The offence categories in Table 6 are drawn from *Australian Standard Offence Classification* (ABS 1997).

Victim type

Each victim in this sample survey was asked to indicate against whom the offences were committed – the subject personally, a business he/she owned, or a company/organisation for which he/she worked or which he/she represented. For the conferences which victims attended, Table 7 shows the type of victim against whom the offences were committed.

Table 7: Type of victim against whom the offences were committed

<i>Victim type</i>	<i>Conferences</i>	
	<i>N</i>	<i>%</i>
Subject personally	146	57.3
A business subject owns	33	12.9
A company/organisation for which subject worked or is a representative	76	29.8
Total	255	100.0

Note: Table 7 excludes eight conferences for which the victim did not provide information regarding victim type.

As can be seen from Table 7, the victims who participated in this sample survey reported that 57.3 per cent of the offences were committed against the victim personally and a further 29.8 per cent were committed against a company or an organisation which the victim represented or which employed the victim.

3.1.3 Satisfaction with conferencing

As Section 2.1.2 describes, to fulfil the evaluation’s first Term of Reference, subjects were asked to indicate their level of satisfaction with different stages of the conferencing process, including the pre-conference preparation stage, the conference proceedings and the outcome plans developed by the conference participants. Results relating to each of these stages will be presented separately.

Pre-conference preparation stage

To determine whether offenders, their support persons and victims were satisfied with various aspects of the pre-conference preparation stage, they were asked the following four core questions regarding the notification they received about the conference:

- (1) Were you informed in good time about when your conference was to be held?
- (2) Were you given information about what would happen at the conference?
- (3) Were you given information about what was expected of you at the conference?
- (4) How satisfied were you with the arrangements made to ensure that you could get along for the conference?

Victims and offenders were asked an additional question – ‘were you given information on possible outcomes of the conference?’ Offenders’ support persons were not asked this question.

Each of these questions was derived directly from the interview schedule designed for the Canberra-based RISE project (Reintegrative Shaming Experiments, unpublished).

The RISE researchers developed these questions to measure a dimension which they called notification of proceedings. Of the categories of subjects participating in the RISE project, only victims were asked these questions. Thus, comparisons can only be made with the responses given by the victims participating in the RISE project. Thus far, RISE data have been published for only a small number of victims and for only two of the four offence categories, namely personal property offences and youth violence offences (Strang et al. 1999). In the following tables, the published results for these two offence categories have been combined. Similarly, to enable comparisons between the responses given by the RISE subjects and the NSW subjects, the responses given by the NSW subjects are combined across offences. Furthermore, where relevant, in each of the following tables, the heading 'Canberra Conferencing Scheme' is used for simplicity. The heading refers to the results which have been published thus far for the victims and/or offenders participating in the RISE evaluation.

Table 8 shows the responses given by RISE's victims and each of the three NSW types of respondents to the survey question 'were you informed in good time about when your conference was to be held?'

Table 8: Responses for 'were you informed in good time about when your conference was to be held?'

<i>Responses</i>	<i>Conferencing scheme</i>							
	<i>Canberra</i>		<i>NSW</i>					
	<i>Victims</i>		<i>Victims</i>		<i>Offenders</i>		<i>Supporters</i>	
	<i>N</i>	<i>%</i>	<i>N</i>	<i>%</i>	<i>N</i>	<i>%</i>	<i>N</i>	<i>%</i>
yes	58	74.4	255	97.3	341	98.0	335	98.0
no	20	25.6	7	2.7	7	2.0	7	2.0
Total	78	100.0	262	100.0	348	100.0	342	100.0

As Table 8 shows, approximately 98 per cent of the victims, offenders and support persons who participated in the NSW conferences (and who answered the survey question) responded that they had been 'informed in good time about when [the] conference was to be held'. This compares with 74.4 per cent of the victims participating in the RISE project. Therefore, one in four of the Canberra-based RISE victims for whom results have been published said that they had not been given sufficient notice about the date of their conference. There is a statistically significant difference between the two samples of victims in the responses they gave to this survey question ($\chi^2 = 43.38$, 1 df, $p < 0.001$).

The second survey question measuring subject satisfaction with the notification they received regarding their conference was 'were you given information about what would happen at the conference?' The responses given to this question are presented in Table 9. Again, comparisons are made with the responses given by the 65 RISE victims for whom data have been published. Subjects in both studies were asked to give a rating on a four-point Likert scale ranging from 'none at all' to 'a lot' of information. The RISE researchers collapsed the four response categories on the Likert scale into two categories – 'none at all' and 'not much' were combined as were 'some' and 'a lot' (Strang, personal communication, November 1999). For comparison purposes, data for the NSW subjects were similarly combined.

Table 9: Responses for ‘were you given information about what would happen at the conference?’

<i>Responses</i>	<i>Conferencing scheme</i>							
	<i>Canberra</i>		<i>NSW</i>					
	<i>Victims</i>		<i>Victims</i>		<i>Offenders</i>		<i>Supporters</i>	
	<i>N</i>	<i>%</i>	<i>N</i>	<i>%</i>	<i>N</i>	<i>%</i>	<i>N</i>	<i>%</i>
none at all/not much	16	24.6	6	2.3	14	4.0	9	2.6
some/a lot	49	75.4	256	97.7	336	96.0	339	97.4
Total	65	100.0	262	100.0	350	100.0	348	100.0

As Table 9 shows, at least 96 per cent of the three NSW respondent types stated that they were given either ‘some’ or ‘a lot’ of information regarding what would happen at the conference. In fact, although this is not shown in Table 9 (because the response categories were combined for comparability with the data published by Strang et al. 1999), 76.0 per cent of the victims, 72.3 per cent of the offenders and 79.6 per cent of their supporters responded that they had received a lot of information.

Of the 65 victims who participated in the RISE conferences and for whom data have been published, 75.4 per cent stated that they had received either ‘some’ or ‘a lot’ of information. Thus, about one-quarter of the RISE victims responded that they had received either ‘not much’ information or ‘none at all’. Compared with the Canberra-based RISE victims, a higher proportion of the victims who participated in the NSW conferences gave positive responses to this question ($\chi^2 = 41.37, 1 \text{ df}, p < 0.001$).

Table 10 shows the responses given to the survey question ‘were you given information about what was expected of you at the conference?’

Table 10: Responses for ‘were you given information about what was expected of you at the conference?’

<i>Responses</i>	<i>Conferencing scheme</i>							
	<i>Canberra</i>		<i>NSW</i>					
	<i>Victims</i>		<i>Victims</i>		<i>Offenders</i>		<i>Supporters</i>	
	<i>N</i>	<i>%</i>	<i>N</i>	<i>%</i>	<i>N</i>	<i>%</i>	<i>N</i>	<i>%</i>
none at all/not much	14	21.5	10	3.8	16	4.6	12	3.4
some/a lot	51	78.5	252	96.2	335	95.4	337	96.6
Total	65	100.0	262	100.0	351	100.0	349	100.0

Again, approximately 96 per cent of the NSW victims, offenders and their support persons stated that they had received either ‘some’ or ‘a lot’ of information about what was expected of them at the conference. In fact, 66.8 per cent of victims, 56.4 per cent of offenders and 71.3 per cent of their supporters responded that they were given a lot of information.

Positive responses were given by 78.5 per cent of the RISE victims. Therefore, at least one in five of the Canberra-based RISE victims stated that they were given either ‘not much’ information about what was expected of them at the conference, or no information at all. Consistent with the results obtained for the previous survey questions, there is a statistically significant difference between the NSW-based and the Canberra-based RISE victims in the responses they gave to this survey question ($\chi^2 = 24.05$, 1 df, $p < 0.001$).

The last survey question asked of each of the victims, offenders and support persons participating in this study regarding their satisfaction with the notification of conference proceedings was ‘how satisfied were you with the arrangements made to ensure that you could get along for the conference?’ Subjects in both the current study and the RISE study were asked to give a rating on a five-point Likert scale ranging from ‘very dissatisfied’ to ‘very satisfied’. The RISE researchers collapsed the five response categories on the Likert scale into two categories – ‘very dissatisfied’, ‘quite dissatisfied’ and ‘neither satisfied nor dissatisfied’ were combined as were ‘quite satisfied’ and ‘very satisfied’ (Strang, personal communication, November 1999). For comparison purposes, data for the NSW subjects were similarly combined. Table 11 shows the results obtained.

Table 11: Responses for ‘how satisfied were you with the arrangements made to ensure that you could get along for the conference?’

<i>Responses</i>	<i>Conferencing scheme</i>							
	<i>Canberra</i>		<i>NSW</i>					
	<i>Victims</i>		<i>Victims</i>		<i>Offenders</i>		<i>Supporters</i>	
	<i>N</i>	<i>%</i>	<i>N</i>	<i>%</i>	<i>N</i>	<i>%</i>	<i>N</i>	<i>%</i>
very dissatisfied/quite dissatisfied/ neither satisfied nor dissatisfied	20	34.5	25	9.6	44	12.5	23	6.6
quite satisfied/very satisfied	38	65.5	236	90.4	307	87.5	325	93.4
Total	58	100.0	261	100.0	351	100.0	348	100.0

As Table 11 shows, the majority of subjects who participated in the NSW conferences were either ‘quite satisfied’ or ‘very satisfied’ with the ‘arrangements made to ensure that [they] could get along for the conference’. Ninety per cent of the victims, 87.5 per cent of the offenders and 93.4 per cent of their supporters gave these responses. By contrast, only 65.5 per cent of the RISE victims gave these responses. Therefore, more than one-third of the Canberra-based RISE victims were either dissatisfied with the arrangements made for them to get to their conference or they gave a neutral response to this question. The difference between the proportions of the two samples of victims (Canberra and NSW) who gave positive responses to this survey question is statistically significant ($\chi^2 = 24.29$, 1 df, $p < 0.001$).

Both victims and offenders were asked an additional question to measure their satisfaction with the notification they received regarding their conference – ‘were you given information about possible outcomes of the conference?’ Table 12 shows the responses given to this question.

Table 12: Responses for ‘were you given information about possible outcomes of the conference?’

<i>Responses</i>	<i>Conferencing scheme</i>					
	<i>Canberra</i>		<i>NSW</i>			
	<i>Victims</i>		<i>Victims</i>		<i>Offenders</i>	
	<i>N</i>	<i>%</i>	<i>N</i>	<i>%</i>	<i>N</i>	<i>%</i>
none at all/not much	25	38.5	15	5.7	30	8.6
some/a lot	40	61.5	247	94.3	320	91.4
Total	65	100.0	262	100.0	350	100.0

As Table 12 shows, 91.4 per cent of the offenders and 94.3 per cent of the victims who participated in this sample survey responded that they had received either ‘some’ or ‘a lot’ of information about the possible outcomes of their conference. These responses were given by only 61.5 per cent of the 65 victims who were interviewed following their participation in the Canberra-based RISE conferences. Again, the proportions of the two samples of victims (Canberra and NSW) who gave these responses to this question are significantly different ($\chi^2 = 51.99$, 1 df, $p < 0.001$).

In summary, at least 87 per cent of the NSW conference participants in this sample were satisfied with the pre-conference preparation stage and the notification they received regarding various aspects of the conference process. They had been given sufficient notice about when the conference was to be held. They were satisfied with the arrangements made for them to get to the conference. They had received sufficient information about what would happen at the conference, what was expected of them and the possible outcomes of the conference. Furthermore, comparisons between the responses given by the victims participating in the Canberra-based RISE conferences and the responses given by the victims participating in the NSW conferences revealed a higher proportion of the latter sample was satisfied with the various aspects of the pre-conference preparation stage.

Conference proceedings

To determine whether offenders, their supporters and the victims were satisfied with how they were treated during the actual conference proceedings, they were asked nine core survey questions. Two of these questions were open-ended and developed for this study. The remaining questions were closed and were derived from the RISE project. The RISE researchers developed a number of interview questions to measure various facets of the dimension which they labelled perceived procedural justice, that is a perception, on the part of the conference participants, that they had been treated fairly by the conferencing process. In this study, survey questions were included to measure four such facets – awareness of process, consistency and fairness, respect, and process control. Each question was derived directly from the interview schedules designed for the RISE project. However, not all of the respondent types participating in the Canberra-based RISE conferences were asked the same questions. Thus, only some comparisons can be made between the NSW conferencing scheme and the RISE project.

Results for each of the four facets of perceived procedural justice are presented separately.

a) Awareness of process

Subjects in this survey were asked to respond to one statement measuring their awareness of the conference process, namely ‘you understood what was going on in the conference’. While each of the three respondent types in this survey were asked to respond to this statement, only the victims and offenders participating in the RISE conferences were asked to respond to it. Thus, comparisons between the two schemes are only possible for victims and offenders. Furthermore, for the offenders participating in the RISE project, data are combined for three offence categories only – juvenile personal property, juvenile property (security) and youth violence (Strang et al. 1999). Data for drink driving offences are excluded for the reasons given in Note 11.

Table 13 shows the responses given to this statement. Subjects were asked to indicate, on a five-point Likert scale, how much they agreed or disagreed with the statement. Again, for comparability with the RISE project, the response categories were combined for the NSW respondents.

Table 13: Responses for ‘you understood what was going on in the conference’

<i>Responses</i>	<i>Conferencing scheme</i>									
	<i>Canberra</i>				<i>NSW</i>					
	<i>Victims</i>		<i>Offenders</i>		<i>Victims</i>		<i>Offenders</i>		<i>Supporters</i>	
	<i>N</i>	<i>%</i>	<i>N</i>	<i>%</i>	<i>N</i>	<i>%</i>	<i>N</i>	<i>%</i>	<i>N</i>	<i>%</i>
strongly disagree/disagree/ neither agree nor disagree	4	6.6	10	8.5	9	3.5	28	8.0	5	1.4
agree/strongly agree	57	93.4	108	91.5	251	96.5	323	92.0	343	98.6
Total	61	100.0	118	100.0	260	100.0	351	100.0	348	100.0

As Table 13 shows, at least 91 per cent of the respondents in both the RISE project and in this study stated that they either ‘agree[d]’ or ‘strongly agree[d]’ with the statement that they ‘understood what was going on in the conference’. Comparisons between the responses given by the two samples of victims revealed no significant difference ($\chi^2 = 1.22$, 1 df, $p = 0.269$); nor did the comparisons for the two samples of offenders ($\chi^2 = 0.03$, 1 df, $p = 0.864$).

b) Consistency and fairness

Subjects in this study were asked three questions measuring their perception of the conference’s consistency and fairness:

- (1) How fair do you feel that the conference was to [the offender]?
- (2) How fair do you feel that the conference was to [the victim]?³⁰
- (3) How much do you feel that the conference respected your rights?

Victims, offenders and their supporters were asked the first two questions. However, only victims and offenders were asked the third question.

Table 14 shows the responses given by the NSW subjects and by the offenders who participated in the RISE project to the question ‘how fair do you feel that the conference was to [the offender]?’ This question was asked of the RISE offenders, victims and the supporters of both offenders and victims. However, data have been published for the offenders only.

Table 14: Responses for ‘how fair do you feel that the conference was to [the offender]?’

<i>Responses</i>	<i>Conferencing scheme</i>							
	<i>Canberra</i>		<i>NSW</i>					
	<i>Offenders</i>		<i>Victims</i>		<i>Offenders</i>		<i>Supporters</i>	
	<i>N</i>	<i>%</i>	<i>N</i>	<i>%</i>	<i>N</i>	<i>%</i>	<i>N</i>	<i>%</i>
very unfair/somewhat unfair	13	11.0	7	2.7	17	4.8	7	2.0
somewhat fair/very fair	105	89.0	253	97.3	335	95.2	342	98.0
Total	118	100.0	260	100.0	352	100.0	349	100.0

Subjects in both studies were asked to give a rating on a four-point Likert scale, ranging from ‘very unfair’ to ‘very fair’. The RISE researchers collapsed the four categories into two categories – ‘very unfair’ and ‘somewhat unfair’ were combined as were ‘somewhat fair’ and ‘very fair’ (Strang, personal communication, November 1999). Data for the NSW subjects were similarly combined.

As Table 14 shows, more than 95 per cent of each of the three NSW respondent types stated that the conference was either ‘somewhat fair’ or ‘very fair’ to the offender. In fact, although not shown in Table 14, 83.1 per cent of the victims and 86.6 per cent of the offenders’ support persons stated that the conference was very fair to the offender. Only two-thirds (67.0%) of the offenders gave this response.

Of the 118 offenders who participated in a Canberra-based RISE conference for committing either a violent crime or a property (personal or security) crime, 89.0 per cent stated that the conference was either ‘somewhat fair’ or ‘very fair’ to them. There is a statistically significant difference between the two samples of offenders (Canberra and NSW) in the responses given to this question ($\chi^2 = 5.66$, 1 df, $p = 0.017$) – a higher proportion of offenders participating in NSW conferences gave positive responses.

Table 15 shows the responses given to the second question measuring the subject’s perception of the conference’s consistency and fairness, namely, ‘how fair do you feel that the conference was to [the victim]?’ Although this question was asked of each of the NSW respondent types, it was asked only of the victims who participated in the RISE conferences.

Table 15: Responses for ‘how fair do you feel that the conference was to [the victim]?’

<i>Responses</i>	<i>Conferencing scheme</i>							
	<i>Canberra</i>				<i>NSW</i>			
	<i>Victims</i>		<i>Offenders</i>		<i>Victims</i>		<i>Offenders</i>	
	<i>N</i>	<i>%</i>	<i>N</i>	<i>%</i>	<i>N</i>	<i>%</i>	<i>N</i>	<i>%</i>
very unfair/somewhat unfair	7	11.5	17	6.5	28	8.4	9	2.7
somewhat fair/very fair	54	88.5	246	93.5	305	91.6	327	97.3
Total	61	100.0	263	100.0	333	100.0	336	100.0

As Table 15 shows, more than 90 per cent of the NSW victims, offenders and their supporters believed that the conference was fair to the victim. In fact, 71.1 per cent of the victims and 74.7 per cent of the offenders’ support persons believed that the conference was very fair to the victim. The corresponding proportion for offenders was 54.7 per cent.

Of the 61 victims who participated in the RISE conferences for the two offence categories, youth violence and personal property offences, 88.5 per cent perceived that the conference was fair to them. There is no statistically significant difference between the responses given by the victims participating in the RISE conferences and the responses given by the victims participating in the NSW conferences ($\chi^2 = 1.81, 1 \text{ df}, p = 0.178$).

Table 16 shows the responses given to the third question measuring consistency and fairness, ‘how much do you feel that the conference respected your rights?’. This question was asked of both Canberra’s and NSW’s victims and offenders. Thus, comparisons can be made between the RISE study and the NSW conferencing scheme for both respondent types. Subjects were asked to give a rating on a four-point Likert scale, ranging from ‘not at all’ to ‘a lot’. Consistent with the RISE study, the four response categories were reduced to two – ‘not at all’ and ‘a little’ were combined as were ‘a fair bit’ and ‘a lot’.

Table 16: Responses for ‘how much do you feel that the conference respected your rights?’

<i>Responses</i>	<i>Conferencing scheme</i>							
	<i>Canberra</i>				<i>NSW</i>			
	<i>Victims</i>		<i>Offenders</i>		<i>Victims</i>		<i>Offenders</i>	
	<i>N</i>	<i>%</i>	<i>N</i>	<i>%</i>	<i>N</i>	<i>%</i>	<i>N</i>	<i>%</i>
not at all/a little	7	11.5	10	8.5	16	6.2	27	7.7
a fair bit/a lot	54	88.5	108	91.5	243	93.8	322	92.3
Total	61	100.0	118	100.0	259	100.0	349	100.0

As can be seen from Table 16, at least 88 per cent of the victims and offenders who participated in either the NSW or the RISE conferences responded that the conference respected their rights either 'a fair bit' or 'a lot'. There were no differences in the responses given by either the two samples of offenders ($\chi^2 = 0.07, 1 \text{ df}, p = 0.797$) or the two samples of victims ($\chi^2 = 2.08, 1 \text{ df}, p = 0.149$).

c) Respect

In the NSW survey, victims, offenders and their support persons were asked to respond to one statement measuring respect as an aspect of perceived procedural justice – 'you feel that you were treated with respect during the conference'. Both victims and offenders participating in the RISE project were also asked to respond to this statement; their supporters, however, were not.

Table 17 shows the responses given by the subjects in NSW and the RISE study. Again, subjects were asked to indicate, on a five-point Likert scale, how much they agreed or disagreed with the statement.

Table 17: Responses for 'you feel that you were treated with respect during the conference'

<i>Responses</i>	<i>Conferencing scheme</i>									
	<i>Canberra</i>				<i>NSW</i>					
	<i>Victims</i>		<i>Offenders</i>		<i>Victims</i>		<i>Offenders</i>		<i>Supporters</i>	
	<i>N</i>	<i>%</i>	<i>N</i>	<i>%</i>	<i>N</i>	<i>%</i>	<i>N</i>	<i>%</i>	<i>N</i>	<i>%</i>
strongly disagree/disagree/ neither agree nor disagree	11	18.0	32	27.1	8	3.1	28	8.0	2	0.6
agree/strongly agree	50	82.0	86	72.9	252	96.9	321	92.0	346	99.4
Total	61	100.0	118	100.0	260	100.0	349	100.0	348	100.0

As can be seen from Table 17, most of the subjects who participated in either the NSW conferencing scheme or the RISE conferences felt that they had been treated with respect during the conference in which they had participated. Of the NSW subjects, 96.9 per cent of victims, 92.0 per cent of offenders and 99.4 per cent of their supporters either 'agree[d]' or 'strongly agree[d]' with the statement. These proportions compare favourably with the results obtained for the RISE conferences – 82.0 per cent of victims and 72.9 per cent of offenders gave these responses. In fact, compared with the proportion of Canberra-based RISE subjects, a significantly higher proportion of the victims and offenders participating in the NSW conferences gave positive responses to this question ($\chi^2 = 19.85, 1 \text{ df}, p < 0.001$ for the two samples of victims and $\chi^2 = 28.72, 1 \text{ df}, p < 0.001$ for the two samples of offenders).

d) Process control

The last aspect of perceived procedural justice which was measured in the current study was ‘process control’ which the RISE researchers define as ‘a feeling ... that [participants] could influence what happened in their case’ (Sherman et al. 1998, p. 123).

Each of the three NSW respondent types were asked to respond to two statements measuring their perception of ‘process control’:

- (1) You feel you had an opportunity to express your views in the conference.
- (2) The conference took account of what you said in deciding what should be done.

Both statements were derived from the RISE interview schedules; however, only the victims and the offenders who participated in the Canberra-based RISE conferences were asked to respond to them.

Table 18 shows the responses given by the subjects to the first statement measuring this aspect of perceived procedural justice.

Table 18: Responses for ‘you feel you had the opportunity to express your views in the conference’

<i>Responses</i>	<i>Conferencing scheme</i>									
	<i>Canberra</i>				<i>NSW</i>					
	<i>Victims</i>		<i>Offenders</i>		<i>Victims</i>		<i>Offenders</i>		<i>Supporters</i>	
	<i>N</i>	<i>%</i>	<i>N</i>	<i>%</i>	<i>N</i>	<i>%</i>	<i>N</i>	<i>%</i>	<i>N</i>	<i>%</i>
strongly disagree/disagree/ neither agree nor disagree	7	11.5	28	23.7	6	2.3	31	8.9	2	0.6
agree/strongly agree	54	88.5	90	76.3	257	97.7	318	91.1	346	99.4
Total	61	100.0	118	100.0	263	100.0	349	100.0	348	100.0

Consistent with the previous results regarding the subjects’ perception of procedural justice, at least 91 per cent of the NSW victims, offenders and their supporters perceived that, during their conference, they had had the opportunity to express their views. In fact, almost two-thirds of the victims (62.7%) and support persons of the offenders (65.2%) strongly agreed with the statement. By contrast, 43.8 per cent of the offenders gave this response.

Comparisons between the two samples of victims and offenders again reveal that a significantly higher proportion of the NSW participants gave positive responses to this question ($\chi^2 = 10.87$, 1 df, $p < 0.001$ for the two samples of victims and $\chi^2 = 17.61$, 1 df, $p < 0.001$ for the two samples of offenders).

The results for the second statement measuring process control are presented in Table 19.

Table 19: Responses for ‘the conference took account of what you said in deciding what should be done’

<i>Responses</i>	<i>Conferencing scheme</i>									
	<i>Canberra</i>				<i>NSW</i>					
	<i>Victims</i>		<i>Offenders</i>		<i>Victims</i>		<i>Offenders</i>		<i>Supporters</i>	
	<i>N</i>	<i>%</i>	<i>N</i>	<i>%</i>	<i>N</i>	<i>%</i>	<i>N</i>	<i>%</i>	<i>N</i>	<i>%</i>
strongly disagree/disagree/ neither agree nor disagree	11	18.3	38	32.2	16	6.3	37	10.8	24	7.0
agree/strongly agree	49	81.7	80	67.8	239	93.7	305	89.2	318	93.0
Total	60	100.0	118	100.0	255	100.0	342	100.0	342	100.0

Table 19 shows that approximately 90 per cent of the victims (93.7%), offenders (89.2%) and support persons (93.0%) participating in the NSW study believed that ‘the conference took account of what [they] said in deciding what should be done’. While approximately half of the victims (52.5%) and support persons (46.5%) strongly agreed with the statement, only 28.4 per cent of the offenders gave this response.

Although a large proportion of the Canberra-based RISE subjects also gave positive responses for this measure of the dimension of ‘process control’, as Table 19 shows, the proportions were smaller than for the NSW subjects. Of the RISE subjects, 81.7 per cent of the victims and 67.8 per cent of the offenders either ‘agree[d]’ or ‘strongly agree[d]’ with the statement. Compared with the RISE subjects, a significantly higher proportion of the NSW victims and offenders gave positive responses ($\chi^2 = 9.01$, 1 df, $p < 0.001$ for the two samples of victims and $\chi^2 = 29.40$, 1 df, $p < 0.001$ for the two samples of offenders).

In summary, at least 89 per cent of the subjects in the current study believed that they had received procedural justice and had been treated fairly during the conference proceedings. Subjects understood the conference process and perceived that the conference was fair to both the offender and the victim involved. Furthermore, they believed that they had been treated with respect, could express their own views and could influence the decisions made about what should be done in their case. Victims and offenders also believed that the conference respected their rights.

In addition to the closed questions derived from the RISE study to measure participant satisfaction with the conference process, subjects in this study were asked two open-ended questions:

- (1) What were the best features of the way the conference was run?
- (2) What were the worst features of the way the conference was run?

Victims, offenders and their supporters were asked both of these questions. Their responses were then coded into the categories presented in Tables 20, 21, 25 and 26.

Table 20 presents the comments made by each of the three types of respondents regarding the best features of the way the conference was run.

Best features	Victims		Offenders		Supporters	
	N	%	N	%	N	%
professionally organised/conducted	88	37.8	72	29.3	142	48.3
all participants expressed/could express their views/feelings	100	42.9	61	24.8	112	38.1
process was non-threatening/fair/respectful to all participants	55	23.6	40	16.3	68	23.1
conference was relaxed/amicable/informal	58	24.9	23	9.3	92	31.3
offender understood consequences of actions/ took responsibility for actions	34	14.6	24	9.8	25	8.5
offender was allowed to talk/was listened to/was respected	3	1.3	48	19.5	15	5.1
being face-to-face	30	12.9	9	3.7	24	8.2
presence of/constructive participation by relevant people	20	8.6	11	4.5	27	9.2
agreement was reached/problem was resolved	8	3.4	12	4.9	17	5.8
quality of conference arrangements/facilities	8	3.4	12	4.9	10	3.4
understanding/support shown towards offender	1	0.4	19	7.7	8	2.7
conference was a meaningful process	9	3.9	-	-	19	6.5
other	35	15.0	24	9.8	27	9.2
Total number of subjects reporting best features	233	-	246	-	294	-

Note: All percentages in Table 20 are percentages of the total number of subjects in that respondent type who reported *best* features. Percentages do not add to 100.0 per cent because of multiple responses in many cases.

Table 20 only includes those subjects who made favourable comments in response to the question regarding the best features of the way their conference was run. Favourable comments were made by 233 victims (that is 88.6% of all victims in this sample), 246 offenders (that is 69.7% of all offenders in this sample) and 294 support persons (that is 83.3% of all support persons in this sample). Therefore, Table 20 excludes 25 victims, 98 offenders and 57 support persons who did not answer the question. Table 20 excludes a further five victims, nine offenders and two support persons who reported that their conference had 'no good features'. Some of the comments made by these subjects included:

- not run well at all;
- nothing;
- the conference was a joke.

Despite these negative comments, as Table 20 shows, the comments made by each of the three types of respondents confirm that the conferences included in this sample adhered to the principles and objectives of the legislation. For example, of those who made

favourable comments, one of the most frequent comments made by the victims, offenders and support persons was that conferences were professionally organised and conducted. This comment was made by 37.8 per cent of the victims, 29.3 per cent of the offenders and 48.3 per cent of the support persons who noted favourable features about their conference. Another frequent comment made by each of the three types of respondents was that all conference participants were given the opportunity to express their views and feelings.

About one-quarter of the victims and 31.3 per cent of the support persons who made favourable comments noted that the best feature was that the conference was relaxed, amicable or informal. A further 12.9 per cent of the victims and 8.2 per cent of the support persons perceived that a positive feature of the conference was that the process was conducted face-to-face. However, of the 246 offenders who reported favourable features in the way their conference was conducted, only 9.3 per cent and 3.7 per cent, respectively, noted these features. By contrast, 19.5 per cent of the offenders referred to the fact that the conference participants were respectful to the offender, allowing him/her to talk and listening to him/her. Comments included:

- everyone listened to what I said;
- I got to have a say;
- I got a fair chance to talk and be heard;
- I got respect.

The understanding or support shown by the conference participants towards the offender was noted by 7.7 per cent of the offenders and 2.7 per cent of their supporters. Their comments included:

- understanding of everyone;
- everyone was nice to me [comment made by an offender];
- policeman seemed to care;
- I like the way the police treated my son [comment made by the mother of an offender].

Some of the comments included in the 'other' category were:

- having a separate conference with the support people;
- getting a chance to speak informally after the conference;
- I was provided with an interpreter;
- it was 'in your face' and no-one could avoid anything.

The subjects' perceptions of the worst features of the way the conference was run are presented in Table 21.

Table 21 only includes those subjects who both answered the question and reported worst features in the way their conference was run. It, therefore, excludes 52 victims, 111 offenders and 92 support persons who did not answer the question. It also excludes those subjects who answered the question, but stated that there were no worst features in the way their conference was run. The latter category comprised 128 victims (that is 48.7% of all the victims in the sample), 172 offenders (that is 48.7% of all offenders in the sample) and 182 support persons (that is 51.6% of all support persons in the sample).

Table 21, therefore, only includes the responses given by 83 victims (that is 31.6% of all the victims in the sample), 70 offenders (that is 19.8% of all offenders in the sample) and 79 support persons (that is 22.4% of all support persons in the sample).

Table 21: Subjects' perceptions of the 'worst features of the way the conference was run'

Worst features	Victims		Offenders		Supporters	
	N	%	N	%	N	%
structure/arrangements/pre-conditions of conference	23	27.7	6	8.6	15	19.0
negative attitude of some participants	1	1.2	26	37.1	18	22.8
facing the victim/facing the offender	9	10.8	14	20.0	4	5.1
absence of victim/police	7	8.4	14	20.0	19	24.1
quality of conference facilities	13	15.7	8	11.4	9	11.4
attitude or competence level of convenor	10	12.0	1	1.4	2	2.5
inappropriate behaviour of offender/other participants	10	12.0	2	2.9	1	1.3
excessive length of conference	7	8.4	4	5.7	6	7.6
process was unfair to victim/other participants	8	9.6	-	-	-	-
feeling uncomfortable/nervous	4	4.8	1	1.4	3	3.8
some participants unnecessary/intimidating	4	4.8	-	-	2	2.5
the outcome plan	1	1.2	3	4.3	2	2.5
discussing what happened	3	3.6	2	2.9	-	-
confidentiality	3	3.6	1	1.4	-	-
seeing the discomfort of other party	1	1.2	1	1.4	-	-
other	9	10.8	4	5.7	6	7.6
Total number of subjects reporting worst features	83	-	70	-	79	-

Note: All percentages in Table 21 are percentages of the total number of subjects in that respondent type who reported *worst features*. Percentages do not add to 100.0 per cent because of multiple responses in many cases.

As Table 21 shows, of those who reported worst features, one of the most frequent comments made by both the victims and the support persons of the offenders related to the structure, arrangements or the necessary pre-conditions of the conference. These comments included:

- there should have been an opportunity to introduce ourselves;
- the language could have been plainer so that everyone could understand;
- it's difficult for everyone to attend at a convenient time;
- set questions would encourage more response from everyone;
- the conference strayed from the point at times.

Such comments were made by 27.7 per cent of the victims and 19.0 per cent of the support persons who reported negative features. By contrast, only 8.6 per cent of the offenders referred to such features.

The comments most frequently made by both the offenders and their supporters related to the negative attitude of some participants (for example the victim or the victim's supporters) and the absence of the victim or the police from the conference. The first comment was made by 37.1 per cent of the offenders and 22.8 per cent of their supporters who reported worst features; and the second comment was made by 20.0 per cent of the offenders and 24.1 per cent of their supporters. One-fifth of the offenders also reported that facing the victim was the worst feature of the way their conference was run.

At least 11 per cent of the offenders and their supporters and 15.7 per cent of the victims who reported worst features referred to the sub-standard quality of the conference facilities. Comments in this category included:

- needed a room with complete privacy;
- the room was too close to the road and noise was a problem;
- the venue was cold and dingy;
- the room was not warm enough;
- uncomfortable seats;
- no tea.

Some of the comments in the 'other' category included:

- offender's parents took no responsibility;
- feeling the outcome would be the same without my attendance [comment made by a victim];
- being told what would happen if I broke the law again [comment made by an offender];
- putting the victim in the same room may be unsafe;
- offender may not take it seriously.

Outcome plans

To achieve Term of Reference 1(b) of the current study, the three respondent types were asked to respond to the following five survey questions designed to measure their satisfaction with the outcomes of the conference proceedings:

- (1) You are satisfied with the conference outcome plan.
- (2) Do you think the outcome [the offender] received in the conference is [lenient/severe]?
- (3) How fair do you think the outcome is for the victim?
- (4) What are the best features of the outcome plan? (open-ended)
- (5) What are the worst features of the outcome plan? (open-ended)

Only the first two of these questions were derived directly from the RISE interview schedules. The first question was asked of the Canberra-based RISE victims, the supporters of both the victims and offenders and the community representatives. Results have been published only for the victims. The second question was only asked of the offenders participating in the RISE conferences.

The remaining three questions were developed for the current study.

Table 22 shows the responses given by the NSW subjects and the Canberra-based RISE victims to the statement ‘you are satisfied with the conference outcome plan’. Subjects were asked to indicate, on a five-point Likert scale, how much they agreed or disagreed with the statement.

Table 22: Responses for ‘you are satisfied with the conference outcome plan’

<i>Responses</i>	<i>Conferencing scheme</i>							
	<i>Canberra</i>		<i>NSW</i>					
	<i>Victims</i>		<i>Victims</i>		<i>Offenders</i>		<i>Supporters</i>	
	<i>N</i>	<i>%</i>	<i>N</i>	<i>%</i>	<i>N</i>	<i>%</i>	<i>N</i>	<i>%</i>
strongly disagree/disagree/ neither agree nor disagree	18	30.0	27	10.6	31	9.0	9	2.6
agree/strongly agree	42	70.0	228	89.4	312	91.0	333	97.4
Total	60	100.0	255	100.0	343	100.0	342	100.0

As can be seen from Table 22, at least 89 per cent of the victims, offenders and support persons participating in the NSW conferences either ‘agree[d]’ or ‘strongly agree[d]’ that they were satisfied with the outcome plan. In fact, approximately half of the victims (46.7%) and the offenders’ support persons (55.8%) strongly agreed with the statement. Of the offenders, 39.1 per cent gave this response.

While most of the RISE victims also ‘agree[d]’ or ‘strongly agree[d]’ with the statement, the proportion was smaller than for any of the NSW respondent types, being 70.0 per cent. Therefore, three in ten of the RISE victims were either dissatisfied with the outcome of their conference or gave a neutral response to this question. In fact, the pattern of responses given by the two samples of victims (Canberra and NSW) differed significantly ($\chi^2 = 14.95, 1 \text{ df}, p < 0.001$).

Responses to the survey question measuring the subject’s perception of the severity of the outcome plan for the offender are given in Table 23. The RISE researchers used this question to measure the offenders’ perception of the extent to which the conference applied the principles of retributive justice.

Table 23: Subject's perception of the severity of the outcome plan for the offender

Responses	Conferencing scheme							
	Canberra		NSW					
	Offenders		Victims		Offenders		Supporters	
	N	%	N	%	N	%	N	%
much too lenient/ somewhat lenient/fair	101	85.6	248	97.6	299	87.2	322	93.9
somewhat severe/much too severe	17	14.4	6	2.4	44	12.8	21	6.1
Total	118	100.0	254	100.0	343	100.0	343	100.0

As Table 23 shows, of the NSW subjects, very few believed that the outcome the offender received was severe. Even amongst the offenders, only 12.8 per cent stated that the outcome was either 'somewhat severe' or 'much too severe'. Similarly, only 14.4 per cent of the RISE offenders gave these responses. There is no difference between the responses given by the two samples of offenders to this survey question ($\chi^2 = 0.19$, 1 df, $p = 0.662$).

Although not shown in Table 23, more than three-quarters of each of the three NSW respondent types believed that the outcome was fair for the offender. This response was given by 78.4 per cent of the victims, 79.6 per cent of the offenders and 83.4 per cent of the support persons.

The corresponding question is 'how fair do you think the outcome is for the victim'. This question was asked of each of the three NSW respondent types. RISE respondents were not asked this question. Table 24 shows the responses given by the NSW subjects. To be consistent with the reporting of the previous results, the four response categories were combined into two categories.

Table 24: Subject's perception of how fair the outcome was for the victim

Responses	NSW Conferencing scheme					
	Victims		Offenders		Supporters	
	N	%	N	%	N	%
very unfair/somewhat unfair	28	11.1	33	10.1	15	4.5
somewhat fair/very fair	224	88.9	294	89.9	320	95.5
Total	252	100.0	327	100.0	335	100.0

Table 24 shows that the majority of the NSW subjects believed that the outcome was either 'somewhat fair' or 'very fair' for the victim.

The results obtained for these three questions measuring subject satisfaction with the outcomes of the NSW conferencing proceedings indicate that victims, offenders and their supporters are satisfied with the outcome plans. They believe that the plans are fair for both of the key participants, namely the victims and the offenders.

Each of the three respondent types were asked to indicate the best features of the outcome plan. Their responses are summarised in Table 25.

As for Table 20 regarding the best features of the way their conference was run, Table 25 only includes those subjects who made favourable comments in response to the question regarding the best features of the outcome plan. Such comments were made by 213 victims (that is 81.0% of all victims in this sample), 254 offenders (that is 72.0% of all offenders in this sample) and 280 support persons (that is 79.3% of all support persons in this sample). Therefore, Table 25 excludes 45 victims, 94 offenders and 73 support persons who did not answer the question. It also excludes a further five victims and five offenders who reported that the outcome plan had no good features.

Table 25: Subjects' perceptions of the 'best features of the outcome plan'

Best features	Victims		Offenders		Supporters	
	N	%	N	%	N	%
opportunity for offender to change/improve oneself	82	38.5	73	28.7	99	35.4
opportunity for offender to take responsibility for actions/make amends	43	20.2	14	5.5	69	24.6
fair/appropriate sanctions for offence	30	14.1	49	19.3	39	13.9
apology was given/received	30	14.1	28	11.0	37	13.2
agreement was reached/problem was resolved	17	8.0	23	9.1	38	13.6
opportunity for offender to understand consequences of actions	29	13.6	9	3.5	42	15.0
opportunity for victim to contribute to outcome plan/receive compensation	33	15.5	12	4.7	21	7.5
opportunity for offender to contribute to community	18	8.5	20	7.9	13	4.6
offender not receiving a criminal record/ conference more appropriate than court process	12	5.6	27	10.6	33	11.8
specific components of outcome plan	8	3.8	33	13.0	18	6.4
offender contributes to outcome plan	4	1.9	18	7.1	10	3.6
participants determine outcome plan	6	2.8	7	2.8	18	6.4
leniency of sanctions	3	1.4	15	5.9	2	0.7
other	13	6.1	15	5.9	18	6.4
Total number of subjects reporting best features	213	-	254	-	280	-

Note: All percentages in Table 25 are percentages of the total number of subjects in that respondent type who reported *best features*. Percentages do not add to 100.0 per cent because of multiple responses in many cases.

Again, based on the perceptions of the subjects, the conferences in this sample achieved many of the objectives of the conferencing scheme. For example, of those who made favourable comments, the most frequent comment made by each of the three types of respondents was that the outcome plan provided offenders with an opportunity to change, to 'get back on track', to improve themselves by developing personal or work-related skills. This comment was made by 38.5 per cent of the victims, 28.7 per cent of the offenders and 35.4 per cent of the support persons who reported favourable features. The second most frequent comment made by both the victims and the support persons was that the outcome plan gave offenders the opportunity to take responsibility for their actions and to make amends for those actions. While this comment was made by 20.2 per cent of the victims and 24.6 per cent of the support persons, only 5.5 per cent of the offenders noted this as a favourable feature of the outcome plan. Consistent with

these comments, 13.6 per cent of the victims and 15.0 per cent of the support persons reported that the outcome plan gave offenders the opportunity to understand the consequences of their actions. Only 3.5 per cent of offenders made this comment.

Instead, of the 254 offenders who reported positive features of their outcome plan, 19.3 per cent referred to the fairness or the appropriateness of the sanctions for the specific offence(s) committed. This comment was also made by 14.1 of the victims and 13.9 per cent of the support persons.

Subjects were also asked to comment on the worst features of the outcome plan. Their responses to this open-ended question are presented in Table 26.

Consistent with the responses presented for each of the open-ended questions, Table 26 only includes those subjects who answered the question and who reported worst features of the outcome plan. Table 26, therefore, excludes 73 victims, 135 offenders and 127 support persons who did not answer this question. It also excludes those subjects who answered the question, but stated that the outcome plan had no worst features. The latter category consists of 96 victims (that is 36.5% of all victims in this sample), 162 offenders (that is 45.9% of all offenders in this sample) and 174 support persons (that is 49.3% of all support persons in this sample). Table 26, therefore, refers to the responses given by 94 victims, 56 offenders and 52 support persons.

Table 26: Subjects' perceptions of the 'worst features of the outcome plan'

<i>Worst features</i>	<i>Victims</i>		<i>Offenders</i>		<i>Supporters</i>	
	<i>N</i>	<i>%</i>	<i>N</i>	<i>%</i>	<i>N</i>	<i>%</i>
specific components of outcome plan	4	4.3	32	57.1	3	5.8
insufficient/untimely compensation for damage	22	23.4	-	-	9	17.3
lenient on offender	20	21.3	3	5.4	7	13.5
outcome plan may not be completed	14	14.9	3	5.4	5	9.6
possible difficulties in implementation/monitoring/feedback	10	10.6	1	1.8	4	7.7
restrictions on possible sanctions	6	6.4	1	1.8	1	1.9
unfair to offender	-	-	8	14.3	-	-
no input/reaction from victim because victim did not attend	-	-	2	3.6	8	15.4
going back to court	-	-	3	5.4	-	-
no guidance/research regarding suitable outcomes	4	4.3	-	-	1	1.9
offender's lack of response	3	3.2	-	-	-	-
co-offenders were not dealt with	4	4.3	-	-	-	-
outcome plan may not be an educative process	6	6.4	-	-	1	1.9
some components not relevant to offence(s) committed	-	-	-	-	3	5.8
other party would not negotiate	1	1.1	-	-	2	3.8
potential breach of confidentiality/privacy	1	1.1	1	1.8	-	-
other	8	8.5	4	7.1	7	13.5
Total number of subjects reporting worst features	94	-	56	-	52	-

Note: All percentages in Table 26 are percentages of the total number of subjects in that respondent type who reported *worst features*. Percentages do not add to 100.0 per cent because of multiple responses in many cases.

As Table 26 shows, the most frequent comments made by both the victims and the support persons who reported worst features of the outcome plan was that compensation was not commensurate with the damage caused and that the outcome plan was too lenient on the offender. The first comment was made by 23.4 per cent of the victims and 17.3 per cent of the support persons who noted worst features. The second comment was made by 21.3 per cent of the victims and 13.5 per cent of the support persons. Some of the comments in these categories included:

- I'm out of pocket;
- the cost of the stolen goods was not recovered;
- the difference between the loss and the compensation paid;
- couldn't account for the stress;
- no real punishment for such a serious offence;
- offender only had to apologise;
- repayment activity was made to appear enjoyable.

As expected, the issues of concern to the offenders differed from those of concern to either the victims or the support persons. Of the 56 offenders who reported worst features of their outcome plan, 57.1 per cent referred to specific components of the plan and 14.3 per cent referred to the outcome plan being unfair to the offender. Some of the comments made in the first category included:

- doing all those hours;
- I have to pay lots of money;
- I have to go to school.

The second category, 'unfair to the offender', included comments such as:

- I feel like being forced into the outcome plan;
- I didn't get to choose anything;
- you feel like garbage.

Overall satisfaction with conferencing

The NSW subjects were asked to respond to a general statement measuring their overall satisfaction with both the proceedings and the outcomes of conferences – 'you are satisfied with the way your case was dealt with by the justice system'. This statement was derived from the RISE interview schedule, but it was only asked of the victims. Table 27 presents the results for both RISE's victims and the NSW subjects.

Table 27: Responses for ‘you are satisfied with the way your case was dealt with by the justice system’

Responses	Conferencing scheme							
	Canberra				NSW			
	Victims		Victims		Offenders		Supporters	
	N	%	N	%	N	%	N	%
strongly disagree/disagree/ neither agree nor disagree	31	37.8	53	20.9	34	9.8	17	4.9
agree/strongly agree	51	62.2	201	79.1	312	90.2	329	95.1
Total	82	100.0	254	100.0	346	100.0	346	100.0

While at least 90 per cent of the NSW offenders and their supporters either ‘agree[d]’ or ‘strongly agree[d]’ with the statement that they were satisfied with the way their case was dealt with by the justice system, a significantly smaller proportion of victims gave these responses, 79.1 per cent ($\chi^2 = 38.85, 2 \text{ df}, p < 0.001$). Despite these differences, only 9.8 per cent of victims either strongly disagreed or disagreed with the statement; the remaining 11.0 per cent gave a neutral response, neither agreeing nor disagreeing with the statement.

Of the 82 victims interviewed following their participation in a RISE conference, almost four in ten (37.8%) either gave a neutral response or were dissatisfied with the way their case was dealt with by the justice system. Compared with the victims who participated in the NSW conferencing scheme, a significantly higher proportion of the RISE victims gave neutral or negative responses to this survey question ($\chi^2 = 9.49, 1 \text{ df}, p = 0.002$).

3.1.4 Respondent-specific issues

As mentioned in Section 2.1.2, in addition to the core questions asked of each of the victims, offenders and their supporters, subjects in each respondent type were asked questions reflecting their specific role in the process. These survey questions either tested whether certain objectives/guiding principles of the legislation had been observed during the conferencing process or addressed other terms of reference of the evaluation.

Offender

The offenders who participated in this survey were asked a number of questions regarding legal advice in the period prior to the conference. They were also asked a number of questions designed to measure whether they accepted responsibility for their actions.

To address Terms of Reference (2) and (3), offenders were asked four questions dealing with legal advice:

- (1) In the lead-up to this conference, were you told you had the right to get advice from a lawyer?
- (2) Were you told how to get advice from a lawyer?
- (3) Did you get advice from a lawyer?
- (4) At which point did you first get advice from a lawyer?

These survey questions were developed specifically for this study. Offenders participating in the RISE project were not asked any of these questions.

Table 28 presents the responses given by the NSW offenders to the first three questions. The responses to the fourth question are shown in Table 29.

<i>Survey questions</i>	<i>Responses</i>				<i>Total</i>
	<i>Yes</i>		<i>No</i>		
	<i>N</i>	<i>%</i>	<i>N</i>	<i>%</i>	
In the lead-up to this conference, were you told you had the right to get advice from a lawyer?	288	85.0	51	15.0	339
Were you told how to get advice from a lawyer?	252	81.6	57	18.4	309
Did you get advice from a lawyer?	74	21.3	274	78.7	348

More than 81 per cent of offenders in this study stated that, during the period prior to the conference, they had been informed not only that they had a right to legal advice, but also how to obtain such advice. However, only 21.3 per cent of offenders actually obtained legal advice. Table 29 indicates at which point in the process these offenders obtained advice from a lawyer.

<i>Responses</i>	<i>Offenders</i>	
	<i>N</i>	<i>%</i>
before receiving the notice to attend this conference	25	35.7
after receiving the notice to attend this conference	16	22.9
at the police station after admitting to this offence	16	22.9
other	13	18.6
Total	70	100.0

Note: Table 29 excludes four subjects who did not answer this survey question.

More than one-third of the offenders who obtained legal advice did so before receiving written notification from the convenor to attend the conference. More than two-fifths of the offenders obtained advice either at the police station after admitting to the offence (22.9%) and a similar proportion obtained advice after receiving written notification to attend the conference. The remaining 13 (18.6%) offenders reported that they had obtained advice at various other points in the process, including at court.

In order to determine whether conference proceedings led offenders to accept responsibility for their actions (Term of Reference (4)) they were asked to respond to the following four statements:

- (1) During the conference, you began to understand what it actually felt like for those who had been affected by your actions.
- (2) During the conference, you felt that the offence you committed was wrong.

- (3) What happened in the conference will encourage you to obey the law in the future.
- (4) After the conference, you/the offender had a proper understanding of the harm caused to the victim.

Each of these statements was adapted from the interview schedules designed for the RISE project. The RISE researchers developed these statements to measure a number of different dimensions. The first two statements measured perceived reintegrative shaming. The third statement measured the offenders' self-projected compliance with the law. The last statement was designed to measure one facet of the dimension 'perceived restorative justice'; Sherman et al. (1998, p. 155) label this facet reconciliation with the offender.

While the offenders participating in the RISE conferences were asked to respond to each of the first three statements, only the victims were asked to respond to the fourth statement. In this study, however, the fourth question was asked of subjects in each of the three respondent types.

Table 30 shows the responses given by both the NSW and the Canberra-based RISE offenders to the first statement measuring the offender's acceptance of responsibility for his/her actions – 'during the conference, you began to understand what it actually felt like for those who had been affected by your actions'. Subjects were asked to give a rating on a five-point scale, ranging from 'not at all' to 'felt overwhelmed by it'. The RISE researchers collapsed these response categories into two categories – 'not at all' and 'a little' were combined as were 'quite a lot', a lot' and 'felt overwhelmed by it'. The same categories were used for the NSW data.

Table 30: Responses for 'during the conference, you began to understand what it actually felt like for those who had been affected by your actions'

<i>Responses</i>	<i>Offenders</i>			
	<i>Canberra</i>		<i>NSW</i>	
	<i>N</i>	<i>%</i>	<i>N</i>	<i>%</i>
not at all/a little	43	36.4	33	9.5
quite a bit/a lot/felt overwhelmed by it	75	63.6	316	90.5
Total	118	100.0	349	100.0

As Table 30 shows, 90.5 per cent of the offenders who participated in the NSW conferences stated that, during the conference, they began to understand what it actually felt like for those who had been affected by the offenders' actions. In fact, 26.1 per cent of the offenders stated that they felt overwhelmed by it; a further 48.1 per cent stated that they understood a lot.

By contrast, of the 118 RISE offenders, only 63.6 per cent responded that they understood either 'quite a bit', 'a lot' or that they 'felt overwhelmed by it'. Thus, more than one-third of the offenders stated that they did not understand 'at all' or only understood 'a little' how it felt for those had been affected by their actions. The differences between the responses given by the two samples of offenders (Canberra and NSW) are statistically significant ($\chi^2 = 47.13, 1 \text{ df}, p < 0.001$).

The responses given by offenders to the second statement measuring the extent to which they accepted responsibility for their actions are presented in Table 31.

Table 31: Responses for ‘during the conference, you felt that the offence you committed was wrong’

<i>Responses</i>	<i>Offenders</i>			
	<i>Canberra</i>		<i>NSW</i>	
	<i>N</i>	<i>%</i>	<i>N</i>	<i>%</i>
not at all/a little	20	16.9	22	6.3
quite a bit/a lot/felt overwhelmed by it	98	83.1	326	93.7
Total	118	100.0	348	100.0

Of the NSW offenders participating in this study, 93.7 per cent stated that they felt that the offence they committed was wrong. Consistent with the responses given to the previous survey question measuring their acceptance of responsibility for their actions, 38.8 per cent of the offenders were overwhelmed by this feeling and 46.0 per cent felt it a lot.

Most of the RISE offenders also felt that the offence they had committed was wrong; 83.1 per cent responded that they felt this either ‘quite a bit’, ‘a lot’ or they were ‘overwhelmed by it’. Compared with the offenders participating in the NSW conferences, a significantly smaller proportion of Canberra-based RISE offenders gave such responses to this survey question ($\chi^2 = 12.14, 1 \text{ df}, p < 0.001$).

The responses to these two statements suggest that most of the offenders participating in either the NSW or the RISE conferences accepted responsibility for their actions and felt empathy towards the people who had been affected by those actions.

Table 32 shows the results for the statement measuring the offenders’ self-projected compliance with the law following their participation in a conference. The responses given by the offenders participating in the NSW and the RISE conferences are presented.

Table 32: Offenders’ self-projected compliance with the law following their participation in a conference

<i>Responses</i>	<i>Offenders</i>			
	<i>Canberra</i>		<i>NSW</i>	
	<i>N</i>	<i>%</i>	<i>N</i>	<i>%</i>
strongly disagree/disagree/neither agree nor disagree	21	23.3	27	7.8
agree/strongly agree	69	76.7	319	92.2
Total	90	100.0	346	100.0

At least nine in ten of the offenders participating in this study agreed that ‘what happened in [their] conference would encourage [them] to obey the law in the future’. Although not shown in Table 32, more than half (50.6%) of the offenders strongly agreed with the statement.

Most of the Canberra-based RISE offenders (76.7%) also believed that the conference proceedings would encourage them not to re-offend. However, approximately one in four of the Canberra-based offenders did not believe that, as a result of the conference, they would comply with the law in the future or they gave a neutral response to this survey question. Again, compared with their NSW counterparts, a significantly higher proportion of the RISE offenders gave such negative or neutral responses ($\chi^2 = 17.58$, 1 df, $p < 0.001$).

The results for the final statement measuring whether, as a result of the conference process, offenders accepted responsibility for their actions are given in Table 33. The responses given by the Canberra-based RISE victims and the NSW subjects are presented.

Table 33: Responses for ‘after the conference, [the offender] had a proper understanding of the harm caused to the victim’

<i>Responses</i>	<i>Conferencing scheme</i>							
	<i>Canberra</i>		<i>NSW</i>					
	<i>Victims</i>		<i>Victims</i>		<i>Offenders</i>		<i>Supporters</i>	
	<i>N</i>	<i>%</i>	<i>N</i>	<i>%</i>	<i>N</i>	<i>%</i>	<i>N</i>	<i>%</i>
strongly disagree/disagree/ neither agree nor disagree	30	49.2	57	22.3	20	5.8	29	8.4
agree/strongly agree	31	50.8	199	77.7	323	94.2	315	91.6
Total	61	100.0	256	100.0	343	100.0	344	100.0

The majority of victims, offenders and their supporters who participated in this study responded that they believed that, by the end of the conference, the offender understood the harm he/she had caused to the victim. More than 91 per cent of the offenders and their supporters either ‘agree[d]’ or ‘strongly agree[d]’ with the statement. In fact, approximately 40 per cent of each of these respondent types strongly agreed.

While most of the NSW victims also ‘agree[d]’ or ‘strongly agree[d]’ that the offender had a proper understanding of the harm caused to the victim, as Table 33 shows, fewer victims (77.7%) than either offenders or their supporters held this belief ($\chi^2 = 43.97$, 2 df, $p < 0.001$). Despite these differences, even amongst victims, only 7.4 per cent either disagreed or strongly disagreed with the statement; the remaining 14.8 per cent of victims gave a neutral response, neither agreeing nor disagreeing.

By contrast, the Canberra-based RISE victims were almost equally divided between the positive and negative responses. The differences between the responses given by the two samples of victims (Canberra and NSW) are statistically significant ($\chi^2 = 17.92$, 1 df, $p < 0.001$).

In summary, based on their responses, conference proceedings led offenders to accept responsibility for their actions. Offenders stated that, during the conference, they not

only understood what it felt like for those who had been affected by their actions, but they also felt that the offence they had committed was wrong. Furthermore, as a result of the events of the conference, they anticipated that they would comply with the law in the future.

Not only did the offenders and their supporters believe that, by the end of the conference, offenders understood the harm caused to the victim, the victims themselves believed this.

As indicated in Section 2.1.2, in addition to specific questions being asked of offenders, two specific questions were asked of the victims and one question was asked of the offenders' support persons. These survey questions reflect the role of these participants in the conference process. The next section presents the responses given to these questions.

Victim

In this study, victims were asked to respond to two statements which tested whether conferencing observed their statutory rights and interests:

- (1) At the conference, you had an opportunity to explain the loss and harm that resulted from the offence.
- (2) The conference took adequate account of the effects of the offence on you.

Both of these statements were drawn directly from the interview schedule designed by the RISE researchers for the victims who participated in the Canberra-based conferences.

The responses given by the NSW victims to the first statement are shown in Table 34. No comparisons can be made with the Canberra-based RISE victims because no results have, as yet, been published regarding this interview question.

Table 34: Responses given by victims to 'at the conference, you had an opportunity to explain the loss and harm that resulted from the offence'

<i>Responses</i>	<i>Victims</i>	
	<i>N</i>	<i>%</i>
strongly disagree/disagree/neither agree nor disagree	5	1.9
agree/strongly agree	255	98.1
Total	260	100.0

As Table 34 shows, 98.1 per cent of the 260 victims who participated in the current study (and who answered this question) felt that they had been given the opportunity to explain the loss and harm which they had suffered as a result of the offence. In fact, although not shown in Table 34, 67.3 per cent of these subjects strongly agreed with the statement.

Table 35 presents the responses given by the victims participating in both schemes to the second measure of whether conferencing observes their rights and interests.

Table 35: Responses given by victims to ‘the conference took adequate account of the effects of the offence on you’

Responses	Victims			
	Canberra		NSW	
	N	%	N	%
strongly disagree/disagree/neither agree nor disagree	14	23.3	14	5.3
agree/strongly agree	46	76.7	248	94.7
Total	60	100.0	262	100.0

Most (94.7%) of the NSW victims believed that ‘the conference took adequate account of the effects of the offence on [them]’. Only 2.7 per cent of the victims either disagreed or strongly disagreed with the statement; the remaining victims gave a neutral response, neither agreeing nor disagreeing.

While most of the Canberra-based RISE victims also ‘agree[d]’ or ‘strongly agree[d]’ with the statement, the proportion was smaller than that for NSW, being 76.7 per cent. Therefore, almost one-quarter of the RISE victims who have been interviewed so far stated either that the conference had not taken adequate account of the effects of the offence on them or they gave a neutral response to the statement. Compared with the NSW victims, a significantly higher proportion of the RISE victims gave such negative or neutral responses ($\chi^2 = 19.90$, 1 df, $p < 0.001$).

Support persons of the offenders

The additional question asked of the offenders’ support persons was ‘how well were your concerns about the offender’s actions dealt with at the conference’. Subjects indicated their response on an eight-point scale, ranging from ‘not at all well’ to ‘very well’. This question was derived from the RISE interview schedule designed for community representatives attending the conferences. It was not, however, asked of the support persons of the offenders participating in the Canberra-based RISE conferences. Table 36 shows the responses given by the offenders’ support persons participating in the NSW conferences. Results have not been published for the RISE conference participants.

Table 36: Responses given by support persons to ‘how well were your concerns about the offender’s actions dealt with at the conference’

<i>Responses</i>	<i>Supporters</i>	
	<i>N</i>	<i>%</i>
1 = not at all well	2	0.6
2	0	0.0
3	3	0.9
4	7	2.0
5	20	5.8
6	64	18.5
7	68	19.7
8 = very well	182	52.6
Total	346	100.0

More than half (52.6%) of the 346 support persons who answered this survey question stated that their concerns were ‘very well’ dealt with at the conference. A further 132 (38.2%) support persons gave a rating of six or seven on the eight-point scale. Only five (1.4%) subjects gave a rating between one and three.

In summary, the conferences in the current study fulfilled their responsibility towards most of the victims and offenders’ support persons who participated. The conferences allowed victims to explain the loss and harm which resulted from the offence. Furthermore, victims believed that the conferences had adequately considered the effects that the offence had had on them. Similarly, the support persons perceived that their concerns about the offenders’ actions had been very well dealt with by the conference.

3.1.5 Sub-sample of non-respondents

As mentioned in Section 2.1.4, telephone interviews were conducted with 49 victims who did not (for whatever reason) complete a written questionnaire although they had participated in conferences that had been held during the study period. Table 37 compares the demographic characteristics of this sub-sample of victims to the larger sample of victims who completed a written questionnaire. As Table 37 shows, the two samples were comparable demographically in terms of gender, age, Aboriginality and ethnicity. Most of the subjects in each sample were Australian-born men, with less than five per cent being of Aboriginal or Torres Strait Islander descent. The most common age group was 35 to 54 years.

Table 37: Victim samples: Demographic characteristics of respondents and non-respondents to the written questionnaire

<i>Demographic characteristic</i>	<i>NSW victims</i>	
	<i>Non-respondents</i>	<i>Respondents</i>
	<i>%</i>	<i>%</i>
Male	59.2	60.4
Aged 35-54 years	46.7	51.0
Australian-born	87.8	86.5
Aboriginal or Torres Strait Islander	2.0	4.7

Note: Percentages in Table 37 refer to the percentage of the total number of subjects in that sample who answered the specific question.

The two samples were also comparable in terms of the composition of the conference participants. Of the conferences attended by victims in each sample, more than 80 per cent were attended by either one or two victims.

Table 38 compares the two samples in terms of the types of offences for which the conferences were held. As can be seen from Table 38, while the samples were, in general, similar in this regard, there were some differences between them. Compared with the conferences attended by the non-respondents to the written questionnaire, property damage accounted for a lower proportion of the offences dealt with at the conferences attended by the respondents to the written questionnaire (24.2% and 12.1% of the total offences in each sample, respectively).

Table 38: Victim samples: Offences for which conferences were held

<i>Offence</i>	<i>NSW victims</i>	
	<i>Non-respondents</i>	<i>Respondents</i>
	<i>%</i>	<i>%</i>
Theft and related offences <i>(not involving the use or threat of force, violence or coercion)</i>	28.6	30.4
Property damage , <i>includes malicious damage, graffiti</i>	24.2	12.1
Acts intended to cause injury	18.7	16.0
Unlawful entry of a structure with intent/burglary, break and enter <i>(entry is forced or unforced)</i>	19.8	18.7
Public order offences , <i>includes trespass, offensive language, offensive behaviour, criminal intent</i>	6.6	7.7
Other , <i>includes deception, robbery and extortion, offences against justice procedures, road traffic and motor vehicle regulatory offences, harassment, illicit drug offences, violent disorder, weapons and explosives offences, and dangerous or negligent acts endangering persons</i>	2.2	15.2
Total	100.0	100.0

Note: Table 38 is based on the information provided by conference convenors. Percentages in Table 38 refer to the percentage of the total number of offences in that sample – 91 offences for the sample of non-respondents and 626 offences for the sample of respondents.

The offence categories in Table 38 are drawn from *Australian Standard Offence Classification* (ABS 1997).

As mentioned in Section 2.1.4, the non-respondents were asked three survey questions measuring their satisfaction with the conference. The first question measured the victim’s perception of procedural justice – ‘at the time of the conference, how fair did you feel that the conference was for you?’ Similar to the larger sample of respondents, subjects in this sub-sample of non-respondents were asked to give a rating on a four-point Likert scale, ranging from ‘very unfair’ to ‘very fair’. The four response categories were subsequently reduced to two categories in order to allow comparisons with Canberra’s RISE data. Table 39 presents the responses given by the NSW non-respondents. The responses given by the NSW respondents and the Canberra-based RISE victims are presented again for comparison.

Table 39: Responses given by victims to ‘how fair did you feel that the conference was for you?’

<i>Responses</i>	<i>Victims</i>					
	<i>NSW</i>				<i>Canberra</i>	
	<i>Non-respondents</i>		<i>Respondents</i>		<i>N</i>	<i>%</i>
	<i>N</i>	<i>%</i>	<i>N</i>	<i>%</i>		
very unfair/somewhat unfair	8	16.7	17	6.5	7	11.5
somewhat fair/very fair	40	83.3	246	93.5	54	88.5
Total	48	100.0	263	100.0	61	100.0

As Table 39 shows, the majority of victims in each of the three samples believed that the conference was either ‘somewhat fair’ or ‘very fair’ to themselves. However, there is a statistically significant difference between the three samples in the responses given ($\chi^2 = 6.14, 2 \text{ df}, p = 0.046$). A higher proportion of NSW respondents gave positive responses (93.5%) while a smaller proportion of the Canberra-based RISE victims (88.5%) and an even smaller proportion of NSW non-respondents (83.3%) gave such responses.

The second satisfaction-related survey question asked of both samples of NSW victims dealt with the victim’s perception of the severity of the outcome for the offender. Table 40 presents the responses given to this question by both the respondents to the written questionnaire and the non-respondents. No results have been published for the Canberra-based RISE victims.

Table 40: Responses given by both samples of NSW victims regarding their perception of the severity of the outcome plan for the offender

<i>Responses</i>	<i>NSW victims</i>			
	<i>Non-respondents</i>		<i>Respondents</i>	
	<i>N</i>	<i>%</i>	<i>N</i>	<i>%</i>
much too lenient/somewhat lenient/fair	43	100.0	248	97.6
somewhat severe/very severe	0	0.0	6	2.4
Total	43	100.0	254	100.0

As Table 40 shows, there was no difference between the NSW samples in the responses given. Only 2.4 per cent of the respondents believed that the outcome was ‘somewhat severe’ or ‘much too severe’ for the offender; none of the non-respondents selected these response categories ($\chi^2 = 1.18, 1 \text{ df}, p = 0.309$).

The last question asked of the non-respondents measured their overall satisfaction with the way their case was dealt with by the justice system. The responses given by both samples of NSW victims and the Canberra-based RISE victims are shown in Table 41.

Table 41: Responses given by victims to ‘you were satisfied with the way your case was dealt with by the justice system’

<i>Responses</i>	<i>Victims</i>					
	<i>NSW</i>				<i>Canberra</i>	
	<i>Non-respondents</i>		<i>Respondents</i>			
	<i>N</i>	<i>%</i>	<i>N</i>	<i>%</i>	<i>N</i>	<i>%</i>
strongly disagree/disagree/neither agree nor disagree	13	27.1	53	20.9	31	37.8
agree/strongly agree	35	72.9	201	79.1	51	62.2
Total	48	100.0	254	100.0	82	100.0

Table 41 shows that the majority of victims in each of the three samples stated that they were satisfied with the way their case had been dealt with by the justice system. However, there is a statistically significant difference between the three samples in the responses given ($\chi^2 = 9.52, 2 \text{ df}, p = 0.009$). Again, a higher proportion of NSW respondents ‘agreed’ or ‘strongly agreed’ with the statement measuring their overall satisfaction (79.1%). A smaller proportion of the NSW non-respondents and an even smaller proportion of the Canberra-based RISE victims gave these responses (72.9% and 62.2%, respectively).

In summary, most of the NSW non-respondents were satisfied with their conference, perceiving that the conference was fair to them, that the outcome for the offender was not too severe, and being generally satisfied with the way their case had been dealt with by the justice system. However, compared with the sample of NSW respondents, in general, fewer of the non-respondents gave positive responses.

3.2 CLIENT INFORMATION SYSTEM

3.2.1 Conference attendees

Table 42 presents the number of NSW conferences which were attended by the victim and the offender's 'immediate' and 'extended' family members. These data are for the period from 12 June 1998 to 30 November 1999.

Table 42: Number of conferences attended by the victim and the offender's 'immediate' and 'extended' family members (12 June 1998 - 30 November 1999)

<i>Attendance</i>	<i>Conferences attended by</i>					
	<i>Victim</i>		<i>Offender's immediate family</i>		<i>Offender's extended family</i>	
	<i>N</i>	<i>%</i>	<i>N</i>	<i>%</i>	<i>N</i>	<i>%</i>
Attended	1,363	72.5	1,642	87.4	343	18.3
Did not attend	517	27.5	237	12.6	1,529	81.7
Total	1,880	100.0	1,879	100.0	1,872	100.0

Note: The total for the 'victim', 'immediate' family and 'extended' family excludes 20, 21 and 28 conferences, respectively, as no information was entered onto the CIS database for these conferences.

Most of the conferences held across NSW over the 17-month period were attended by a victim of the offence (72.5%) and at least one member of the offender's 'immediate' family (87.4%). Less than one in five were attended by a member of the offender's 'extended' family, for example a grandparent, aunt or uncle.

Compared with New Zealand's Family Group Conferencing scheme (Maxwell and Morris 1993), NSW's conferences were attended by a higher proportion of victims (46% for New Zealand's conferences and 72.5% for NSW's conferences), but a smaller proportion of the offender's immediate family (98% for New Zealand and 87.4% for NSW).

3.2.2 Statutory time-frames

Table 43 shows the number of conferences held between 12 June 1998 and 28 November 1999 in terms of both the conference referral date and the date of the offender's written notification.

Table 43: Number of days to date of conference: date of referral by date of offender's written notification (12 June 1998 - 28 November 1999)

Number of days from date of referral to date of conference	Number of days from date of offender's written notification to date of conference										Total	
	0 - 10		11 - 14		15 - 21		22 - 28		29 - 134		N	%
	N	%	N	%	N	%	N	%	N	%		
04 - 21	130	6.9	116	6.2	36	1.9					282	15.0
22 - 28	112	5.9	179	9.5	127	6.7	19	1.0			437	23.2
29 - 35	81	4.3	96	5.1	72	3.8	39	2.1	21	1.1	309	16.4
36 - 42	68	3.6	77	4.1	39	2.1	30	1.6	19	1.0	233	12.4
43 - 49	38	2.0	44	2.3	40	2.1	20	1.1	35	1.9	177	9.4
50 - 56	31	1.6	38	2.0	21	1.1	15	0.8	25	1.3	130	6.9
57 - 63	13	0.7	29	1.5	15	0.8	4	0.2	24	1.3	85	4.5
64 - 70	11	0.6	9	0.5	12	0.6	5	0.3	16	0.8	53	2.8
71 - 77	5	0.3	8	0.4	4	0.2	4	0.2	20	1.1	41	2.2
78 - 84	9	0.5	16	0.8	4	0.2	-	-	15	0.8	44	2.3
85 - 241	23	1.2	25	1.3	13	0.7	8	0.4	25	1.3	94	5.0
Total	521	27.6	637	33.8	383	20.3	144	7.6	200	10.6	1,885	100.0

Note: Table 43 excludes eight conferences for which the date of the offender's written notification was not entered onto the CIS database.
All percentages in Table 43 are percentages of the total number of conferences in this data set (1,885).

Section 1.1.1 noted that the legislation requires that, where practicable, a conference be held within 21 days of the referral to the conference administrator, but more than ten days after the offender's written notification of the conference. Therefore, the period of time between the date of the referral and the date of the offender's written notification should be eleven days or less. The latter time-frame is not stipulated by the legislation. However, if the time period between the referral date and the notification date exceeds eleven days, the conference cannot occur within the required 21 days of the date of the referral.

As Table 43 shows, the statutory time-frames were not met in the majority of cases in this data set. Conferences were held between four and 241 days after the date that the conference was referred to the conference administrator. On average, 40.3 days elapsed between the conference referral date and the date of the conference (standard deviation = 24.6). Of the 1,885 conferences held during this period (and for which all the relevant details were entered onto the CIS database), only 282 (15.0%) were held within the statutory time-frame of 21 days from the date of the referral to the conference administrator. However, a total of 1,261 (66.9%) conferences were held within 42 days of the conference referral date, that is, within twice the period of time permitted by the legislation. Only five per cent or 94 conferences were held 85 days or more after the date of the referral.

Although more than ten days should elapse between the client notification date and the conference date, as Table 43 shows, 521 (27.6%) conferences were held before the stipulated ten-day period from the date of the offender's written notification, with some conferences being held on the same day of the offender's written notification. Other conferences, on the other hand, were held as long as 134 days after the date of the offender's written notification of the conference. A total of 1,020 (54.1%) conferences were held between 11 and 21 days of the date of the offender's written notification. On average, 16.6 days elapsed between the date of the written notification and the date of the conference (standard deviation = 12.2).

As mentioned earlier, no more than eleven days should elapse between the date of the referral to the conference administrator and the date of the offender's written notification. Only 615 (32.6%) conferences met this criterion. On average 23.7 days elapsed between the referral and the notification (standard deviation = 23.0). While in some cases, the offender was notified in writing on the same day that the case was referred to the conference administrator, in other cases, the offender was notified 238 days after the referral.

Only 152 (8.1%) of the 1,885 conferences met both statutory time-frames, being held within 21 days of the date of the referral to the conference administrator and between 11 and 21 days after the offender's written notification. Despite the fact that relatively few conferences were held within the legislation's stipulated time-frames, the majority of conferences (1,133 or 60.1%) were held within 42 days of the date of the conference referral (that is within twice the statutory time period) and between 0 and 21 days of the offender's written notification.

4. DISCUSSION

This study was designed to answer the following Terms of Reference which were negotiated between the Youth Justice Advisory Committee, the Attorney-General's Department and the Bureau of Crime Statistics and Research:

- (1) whether offenders, their families and victims who participate in conference proceedings are satisfied with:
 - (a) the process; and,
 - (b) the outcomes of the proceedings;
- (2) whether children who are alleged to have committed an offence are being informed about their right to obtain legal advice and where that advice may be obtained;
- (3) whether children who are being given this information have obtained legal advice; and, at what point the advice was obtained;
- (4) whether conference proceedings lead to an acceptance of responsibility by the child;
- (5) whether the child's family, extended family and the victim attend conference proceedings;
- (6) whether time-frames specified under the Act for the holding of conferences are being met;
- (7) whether children who go to conferences have the benefit of a caution first; and,
- (8) whether the young person's parents/carers were present with the child when the child was cautioned.

Terms of Reference (1) - (4) were addressed via a survey of the relevant conference participants. Terms of Reference (5) and (6) were addressed by extracting data from CIS which is administered by the NSW Department of Juvenile Justice. The last two Terms of Reference (7 and 8) pertaining to cautioning could not be addressed because the NSW Police Service did not provide the Bureau with the necessary data.

The next sections discuss the implications of the results of both the survey (including the differences in participant satisfaction between the NSW conferencing scheme and the Canberra-based RISE project) and the CIS data.

4.1 SURVEY OF CONFERENCE PARTICIPANTS

The results of the survey of NSW conference participants are very clear. At the conclusion of their conference, victims, offenders and support persons of offenders expressed positive feelings about both the conferencing process and the outcome plans. More specifically, very high proportions of each of the three respondent types:

- had been given sufficient notification regarding the date of their conference;
- had been given either 'some' or 'a lot' of information about what would happen at the conference;
- had been given either 'some' or 'a lot' of information about what was expected of them at the conference;

- were satisfied with the arrangements made for them to get to the conference;
- understood what was going on in the conference;
- believed that the conference was fair for both the offender and the victim;
- perceived that they had been treated with respect during the conference;
- felt that they had had the opportunity to express their views in the conference;
- felt that the conference had taken account of what they said in deciding what should be done;
- were satisfied with the conference outcome plan;
- perceived that the outcome plan was fair for both the offender and the victim; and,
- were satisfied with the way their case had been handled by the justice system.

Furthermore, the majority of conferences in this sample observed specific statutory rights of the offenders. Most offenders reported that they had been informed not only about their right to obtain legal advice, but also how to obtain such advice.

Most of the conferences were also successful in implementing some of the conferencing scheme's statutory objectives and guiding principles. For example, offenders accepted responsibility for their actions, reporting that they felt the offence they had committed was wrong, that they understood what it felt like for those affected by their actions, and that they understood the harm which they had caused to the victim. As a result of their experience of the conferencing process, the majority of offenders also expected not to re-offend.

Similarly, conferences respected the interests of the victims and the support persons of offenders. For example, almost all the victims in this sample reported that they had been given the opportunity to explain the loss and harm which they had suffered as a result of the offence. The majority of victims believed that their conference took adequate account of the effects of the offence on them. Most of the offenders' support persons reported that their concerns about the offenders' actions were very well dealt with at the conference.

In addition, the demographic characteristics of the conference participants in this sample demonstrates that young offenders of Aboriginal or Torres Strait Islander origin are being successfully diverted from court to conferences. Almost one-quarter of the offenders in this sample identified themselves as being of indigenous origin. By comparison, of the offenders who were dealt with through court during the current study's data collection period and who were of comparable age to those in this sample, 17.0 per cent identified themselves in this way. The higher proportion of indigenous offenders diverted to conferences compared with court resonates with the government's intention of establishing in the conferencing scheme, a court-alternative which considers the offender's race and culture. This intention pervaded not only the development of the Young Offenders Act 1997 and the legislation itself, but also the operation of the scheme. For example, of the 17 conference administrator positions in NSW, three (17.6%) are identified for Aboriginal or Torres Strait Islander people. These positions are located in the Department of Juvenile Justice regions of Armidale, Dubbo and Kempsey where relatively high proportions of the resident population identify themselves as being of indigenous origin. Although three conference administrator positions are identified for Aboriginal or Torres Strait Islander people, there are, at present, an additional two administrators of indigenous origin.

4.1.1 Comparison between the NSW conferencing scheme and the RISE project

The majority of participants in the Canberra-based RISE project also expressed satisfaction with various aspects of both the conferencing process and the outcome plans. However, in general, a significantly higher proportion of the NSW subjects were satisfied. For example, compared with the Canberra-based RISE victims, a significantly higher proportion of the victims participating in the NSW conferencing scheme stated that they were satisfied with the pre-conference preparation stage, having been given sufficient notification regarding the date of their conference; and, having received ample information about what would happen at the conference, what was expected of them at the conference and the possible outcomes of the conference. A significantly higher proportion of NSW victims were also satisfied with the arrangements made for them to get to the conference.

Similarly, compared with their RISE counterparts, a significantly higher proportion of both NSW victims and offenders expressed satisfaction with the conference proceedings, perceiving that they had been treated with respect during the conference, that they had had the opportunity to express their views in the conference, and that the conference had taken account of what they had said in deciding what should be done. Furthermore, a greater proportion of the NSW victims believed not only that the conference had taken adequate account of the effects of the offence on them, but also that the offenders had understood the harm which they had caused them.

Compared with the Canberra-based RISE victims, more of the NSW victims were satisfied with the final stage of the conference, expressing satisfaction with the outcome plan. Finally, more of the NSW victims were satisfied with the way their case had been dealt with by the justice system.

It is not clear why more participants of the NSW conferencing scheme were satisfied. Obviously, one possible explanation is that the procedures employed in the NSW conferencing scheme are more satisfactory to the participants than those employed in the RISE conferences. However, this is not the only possible explanation because both the conferencing models and their associated evaluations differ in fundamental ways.

For example, the two evaluations differ in terms of both the method and the timing of the data collection. The subjects in the RISE study were interviewed face-to-face by trained interviewers. These interviews were detailed and they were conducted some weeks after the conference had been held. The subjects in the present study, on the other hand, completed a written questionnaire on their own. These questionnaires were short and they were completed at the conclusion of the conference proceedings.

It is possible that either the different method or the different timing of data collection contributed to the differences in the responses given by the two samples of subjects. This notion is consistent with the finding that the responses given by the Canberra-based RISE victims, while more moderate than those of the NSW respondents, were similar to those of the NSW non-respondents. It will be recalled that the method and timing of data collection for the Canberra-based RISE victims were more similar to those of the NSW non-respondents than to those of the NSW respondents. Data were collected from the RISE victims and the NSW non-respondents in person (either face-to-face or by telephone) rather than by written questionnaire, and several weeks after the conference rather than immediately after the conference.

There are a number of possible reasons why delaying data collection until several weeks after the conference may have contributed to more moderate levels of satisfaction. At the end of a conference, participants may feel that the conferencing process had been a constructive turning point for the offender and they may be confident or hopeful that the agreements reached during the conference would be achieved within the negotiated time period. However, with the passage of time, their emotions may have abated, their expectations regarding the achievement of the outcome plans may not have been realised, they may not have been informed whether the offender has achieved the outcomes, or they may be aware that the offender has re-offended. Therefore, their responses, while still positive, may not be as strong as those given immediately after participating in an emotional conference. The results obtained by Morris and Maxwell (1998) lend some support to this explanation. In their evaluation of the New Zealand Family Group Conferencing scheme, these researchers found that while victims expressed satisfaction at the end of their conference, they expressed dissatisfaction later. Some of the victims interviewed by telephone in the present study (non-respondents) made similar comments.

Another fundamental difference between the two conferencing models relates to their different offence profiles. In NSW, conferences are held for offenders who commit a variety of offences. RISE conferences, on the other hand, are held for only four types of offences. These different offence profiles may have, in some way, contributed to the different findings.

Each of these differences may have, either separately or in combination, contributed to the different levels of satisfaction expressed by the respondents of the two studies.

4.1.2 Participants' suggestions for improving conferences

Although the majority of subjects in this sample survey were satisfied with their conference, the comments made by some subjects to the open-ended survey questions suggest that improvements could be made to both the way that conferences are conducted and the way that outcome plans are negotiated. Many of the comments made relate to tasks which are the responsibility of the convenors who have the statutory responsibility for organising and conducting conferences. According to some conference participants, convenors could, for example:

- make greater efforts to select a venue which is private, quiet, at a comfortable temperature and of an appropriate size in relation to the number of participants;
- encourage victims to attend the conference given that some offenders and their supporters perceived that the presence of victims would assist in both resolving the problems that led to the offence and in the healing process;
- encourage the police officer(s) directly involved in the matter, either as victim(s) or as investigating officer(s), to attend the conference personally rather than delegating the responsibility to colleagues;
- encourage all participants to be punctual, to treat the process seriously and to be fair and respectful to each other;
- protect the participants' privacy by not disclosing residential addresses to the other parties given that some participants anticipated reprisals as a result of this disclosure;
- ensure that they always remain neutral, impartial and do not advance the interests of any specific participant(s);

- more thoroughly research the feasibility of a range of appropriate options for inclusion in the outcome plan; and,
- make greater efforts to provide adequate refreshments at the conference given that some participants observed that the only worst feature of the way their conference had been run was the limited range of beverages, or the lack of sugar or fresh biscuits.

Several of these suggestions could be achieved with relatively little cost or effort on the part of the convenors. Their implementation could, however, improve the process for all participants and, therefore, make their contribution to the process more constructive.

4.2 CLIENT INFORMATION SYSTEM

4.2.1 Conference attendees

The NSW conferencing scheme has successfully achieved the legislation's intention of including in the conferencing process two key parties affected by the offender's actions – the victims of the offence and the offender's immediate family. The victims and the offender's immediate family attended 72.5 per cent and 87.4 per cent, respectively, of the 1,800 or so conferences or so held over a 17-month period.

Involving the affected parties in conferences is fundamental to achieving the scheme's statutory objectives of producing 'a community based negotiated response to offences ... [and] ... meeting the needs of victims and offenders' (Young Offenders Act 1997, Part 1, Section 3c). The attendance of the affected parties at the conference provides the necessary first step for these processes to commence.

4.2.2 Statutory time-frames

The legislation clearly stipulates the time periods within which conferences are to be held. However, in practice, these have not, in general, been achieved. In fact, 91.9 per cent of the conferences held over a 17-month period did not meet the statutory time-frames. Therefore, nine out of ten conferences did not occur both within 21 days from the date of the referral to the conference administrator and more than ten days after the date of the offender's written notification. While the process takes longer than the legislation allows, six out of ten conferences were, nonetheless, held within twice the statutory time period from the date of the referral and within 21 days of the offender's written notification. However, in some cases, the offender did not have the benefit of at least ten days' written notice. In these cases, the convenor would have arranged the specific details of the conference following close consultation with, and verbal agreement by, the offender. The written notification would then confirm these arrangements and verbal agreements.

The longer time-frames are likely to be due to the time and effort required to accomplish the numerous administrative tasks associated with organising conferences. Prior to conducting a conference, a convenor must not only locate the offender, but also identify and then locate the persons who are significant to the offender and who are, therefore, most likely to assist his/her reintegration into the family and community network. In addition, the convenor must locate the other key participants – the victim or representatives of the victim and the support persons of the victims.

With each of the parties, the convenor must:

- establish personal contact;
- develop rapport;
- discuss the significance of the conference both to the individual in question and to the other parties;
- explain the role and responsibilities of the convenor, the individual in question and every other individual likely to attend;
- explain how the conference process operates;
- identify any specific needs of the individual in question, for example language or cognitive difficulties; and,
- discuss the possible options for inclusion in the outcome plan.

When the relevant participants have been prepared, the convenor must negotiate a conference time, location and venue which is convenient to them. The convenor must then book the selected venue. If this venue is unavailable on the desired date and time, the convenor must either find and book another suitable venue or re-negotiate the conference date and time with the various participants. If applicable, the relevant social worker or parole officer of the offender must be contacted. If any of the potential participants require language assistance, an interpreter must be requested.

Given that the development of outcome plans is one of the main tasks of conference participants, prior to conducting the conference, the convenor must attempt to identify the specific outcomes which are likely to produce the most effective results for both the offender and the victim in question. He/she must also investigate the feasibility of implementing specific outcomes in a particular geographical area.

Naturally, if there is more than one offender and/or more than one victim due to attend the same conference, many of these tasks must be repeated for each offender/victim.

The various tasks are carried out by the one convenor assigned to the particular conference and, in some cases, the convenor must make more than one visit to specific individuals. In regional and rural areas of NSW, the situation is compounded by the fact that the convenor is likely to spend a considerable amount of time travelling long distances to visit the various individuals. Furthermore, if potential participants do not have the telephone connected, the convenor's time may be wasted if the individual is not at home when he/she visits.

In practice, these tasks seem to have occupied more time than the legislation allows. Based on the data regarding the conferences which have been undertaken to date, convenors appear to have given higher priority to fully completing the pre-conference tasks rather than strictly adhering to the statutory time-frames and perhaps compromising the quality of the pre-conference preparation.

NOTES

- 1 Sherman et al. (1998, p.132) explain that stigmatising shame:
 - means not only disapproving of the criminal act but also treating the offender as a criminal. It means permanent labelling of the offender. It means unwillingness to terminate rituals to communicate the wrongfulness of the criminal act with rituals to accept the offender back into the law abiding community. ...[I]t means communicating disapproval in a humiliating or degrading fashion
- 2 For more detailed information regarding the historical development of the Young Offenders Act 1997, see NSW Attorney General's Department 1996, Report of the NSW Working Party on Family Group Conferencing and the Juvenile Justice System: A Discussion Paper.
- 3 This section incorporates Young Offenders Regulation 1997; Young Offenders Amendment Regulation 1998, No. 194; Young Offenders Amendment Act 1998 No. 51; Crimes Legislation Further Amendment Act 1998, No. 149; and Young Offenders Amendment (Records of Warnings) Regulation 1999.
- 4 Initially, there were 16 conference administrators. The 17th administrator was appointed in June 1999 and was based in the Coffs Harbour region.
- 5 The Directorate's responsibilities include (Youth Justice Conferencing Directorate 1999, Session 1, p. 10):
 - selection, training, supervision and remuneration of administrators;
 - selection, training, accreditation, supervision and remuneration of convenors;
 - development of policy and procedural guidelines for the operation of conferences; and,
 - conducting a community education campaign on the Act.
- 6 For Queensland, see Hayes, Prenzler & Wortley (1998); Palk, Hayes & Prenzler (1998). For Western Australia, see Jones (1994). For South Australia, see Daly (1998). For Victoria, see Markiewicz, Lagay, Murray & Campbell (1997a & b). For Wagga Wagga (NSW), see Moore with Forsythe (1995); O'Connell (1992). For NSW pilot programs, see Power (1996).
- 7 Drink driving offences relate to a blood alcohol content of more than 0.08 at the time of arrest. The target sample size is 900 drink driving offenders of any age.

Property offences with personal victims: If more than one offender is involved in any incident, at least one co-offender must be aged less than 18 years to be eligible for inclusion in the project. The target sample size is 127 offenders.

Shoplifting offences detected by security officers: The target sample size is 99 offenders under 18 years of age.

Violent crimes: If more than one offender is involved in any incident, at least one co-offender must be aged less than 30 years. The target sample size is 65 offenders.
- 8 Each case allocated to court and conference is meticulously observed and rated by trained staff on the following 12 dimensions (Sherman et al. 1998, chapter 4):
 - the time and effort given to justice;
 - the number of persons present supporting the offender;
 - the emotional intensity of the account given of the consequences of the offender's act and the degree of the offender's emotional responsiveness to this account;
 - two facets of procedural justice – correctability and process control. Correctability is the offender's capacity to correct wrong facts (Sherman et al. 1998, p. 91). For process control, three items are rated – the degree of the offender's contribution to the disposition, how much the offender was dominated and the extent to which the offender was coerced into accepting the outcome;
 - the extent to which the offender behaves in a defiant manner, holds others responsible for his/her actions and is sullen or unresponsive during the case;
 - the extent to which the offender accepts having done wrong and is sorry or remorseful for his/her actions;

- the amount of forgiveness expressed towards the offender (in the form of, for example, verbal comments, handshakes, hugs, kisses, pats on the shoulder) and the extent to which the offender is forgiven for his/her actions;
 - discussions addressing the offender's substance abuse;
 - restorative justice which is measured on five scales – the amount of discussion about the consequences of the offender's actions, the amount of discussion about the consequences of this kind of offence, the amount of discussion about repaying a debt to the community incurred by the commission of the offence, the amount of discussion about reparation to the victim of the offence and the amount of discussion about reparation generally;
 - retributive justice which is measured in terms of the extent to which the case took into account principles of punishment, repayment to the community, repayment to the victim, the prevention of future offences and restoration of the offender's honour and esteem;
 - reintegrative shaming which is measured in terms of the degree of disapproval expressed towards the offence, the degree of disapproval expressed towards the offender's actions, the degree of support given to the offender during the conference, the degree of respect expressed towards the offender, the degree to which the offender was treated by his/her supporters as someone they loved, the degree of approval expressed towards the offender as a person and the degree to which it was communicated to the offender that he/she could put his/her actions behind him/her; and,
 - stigmatising shaming which is measured in terms of the amount of disapproval expressed in the offender as a person, the amount of stigmatising names and labels used to describe the offender, the amount of moral lecturing to which the offender is subjected and the extent to which the offender is treated as a criminal.
- 9 Both victims and offenders are sent a letter explaining that the Australian National University is conducting a survey of the justice system in the ACT and that they are invited to discuss their views about how their case had been handled. Prior to being interviewed, offenders and victims sign a consent form and are assured about confidentiality.
- If an offence included more than one victim, the one selected for interview was 'the person who appeared to be most affected by the offence' (Sherman et al. 1998, chapter 2, p. 46).
- Supporters of both victims and offenders are interviewed. To be eligible for an interview, supporters must have attended either court or conference and cohabited with those they had come to support (Sherman et al. 1998, chapter 2, p. 39). If more than one person meets these criteria, the interviewee selected is the mother or closest friend of the offender or the victim. Supporters are generally interviewed at the same time as the offender/victim.
- The interviews are conducted by staff who have undergone approximately 20 hours of training (Sherman et al. 1998, chapter 2, p. 48). An initial ('first wave') interview with a victim who has attended a conference takes approximately 35 minutes; an interview with an offender takes between 40 and 90 minutes; and, an interview with a supporter of either a victim or an offender takes approximately 5 minutes. A 'second wave' interview with a victim, offender and supporter takes 35 minutes, between 30 and 50 minutes, and 5 minutes, respectively. Prior to conducting the interviews, the interviewer has the opportunity to establish rapport with each subject.
- 10 The offender was asked to select one of the support persons present at the conference to complete a questionnaire.
- 11 These results are for three of the four RISE offence types. Drink driving is excluded for two reasons:
- in NSW, traffic offences committed by someone old enough to hold a licence or a permit are not eligible for conferencing (Young Offenders Act 1997 Part 2, Section 8 (2)); and,
 - the NSW scheme only applies to juveniles whereas the drink driving offences in the RISE project can be committed by an offender of any age. In addition, the RISE data published thus far reveal that 31.5 years is the average age of the offenders who committed drink driving offences and were assigned to conferences. On the other hand, those who committed the remaining three categories of offences are juveniles.

- 12 Strang et al. (1999) have published victim-related data for conferences dealing with two offence categories only – juvenile personal property and youth violence. Thus this section refers only to these offence categories.
- 13 Coffs Harbour was not included in the study as this region was established towards the end of the data collection period.
- 14 If a subject had literacy problems, was visually impaired or spoke a language other than English, the questionnaire may have taken longer to complete.
- 15 Each question was closed, unless otherwise specified. Responses for the closed questions were on a four- or five-point scale, ranging from the negative responses on the left-hand side of the scale to the positive responses on the right-hand side, with the neutral point in the centre.

Most of the closed questions were derived directly, or adapted, from the structured interview schedules designed for one of the respondent types in Canberra's RISE project. However, while the three respondent types in the current study were asked the same core questions in the same order, this does not apply to the various respondent types participating in the RISE project. For some questions, only one or two of the RISE respondent types were asked the same or similar questions. For example, only the victim was asked the questions regarding pre-conference preparation and how fair the conference was to the victim. For other questions, the same (or a similar) question was asked of RISE's victims, offenders and community representatives. For example, the following questions concerning conference proceedings were asked of each of these respondent types – how fair the subject believed the conference was for the offender; to what extent he/she was given the opportunity to express his/her views; and, to what extent the conference took account of his/her views in determining the outcomes.
- 16 The response categories for the three country of birth questions were drawn from the form for the 1996 Census of Population and Housing (Australian Bureau of Statistics 1996).
- 17 The latter applied only to the offender.
- 18 Each conference administrator also received a copy of the evaluation materials for his/her own information.
- 19 A total of 680 packages of evaluation materials were sent to conference administrators over the period of the main study.
- 20 Some conferences involved more than one offender. In these cases, conference administrators were instructed to randomly select one offender who was scheduled to attend the conference to complete the questionnaire. A 'back-up' offender was also selected in case the selected offender did not attend the conference. A similar procedure was adopted for randomly selecting a victim for conferences involving more than one victim.
- 21 See Appendix 2 for a copy of the instructions to convenors.
- 22 Convenors were requested to encourage subjects strongly to complete their questionnaires at the conclusion of conference proceedings before leaving the conference venue. However, some questionnaires were taken home by subjects, completed several days after the conference and then posted to the Bureau in the reply-paid envelope provided.
- 23 If a qualified interpreter had been engaged for the purposes of the conference, the same interpreter was requested to assist the subject(s) in completing the questionnaire. The Youth Justice Conferencing Directorate agreed to pay the associated costs for the additional interpreting time taken.
- 24 The convenor was asked to provide his/her name on the Evaluation Response Sheet, thus it was possible to match the information.
- 25 This figure is based on the number of conferences which each of the 16 conference administrators reported had occurred in his/her region between 24 March and 13 August 1999. Completed questionnaires continued to be returned to the Bureau after 13 August 1999; these data were entered and analysed and they are included in the Results section of this report.
- 26 The responses could not be used because the pilot test questionnaire differed slightly from the main study questionnaire.

- 27 Instead of attempting to contact the victims who may have participated in each of the 123 conferences for which no questionnaires had been received by the Bureau, attempts were made to contact victims who may have participated in only a sub-sample of 79 (64.2%) conferences. This was for several reasons. In order to complete the telephone interviews within the limited time available, attempts to contact the victims were initiated prior to 13 August 1999 which was the end of the official data collection period. Since some conferences were held after this process was initiated, they were excluded from the sub-sample. Also, for some of the conferences for which no written questionnaires had yet been received, convenors assured the Bureau that the questionnaires had been completed by the respondents and that these questionnaires would be returned to the Bureau. Given that their written questionnaires were expected to arrive, no attempts were made to contact the victims who may have participated in these conferences as this would have resulted in duplication of responses from the same individuals. However, written questionnaires did not arrive from these conferences and time did not permit their subsequent inclusion in the sub-sample.
- 28 The response scales for each question were the same as for the written questionnaires. The interviews were conducted by two officers employed by the Youth Justice Conferencing Directorate. Both officers were requested to record any additional information provided by the interviewees. In order to protect the victims' privacy, Bureau staff did not have any direct contact with the victims, nor received any personal information (that is, names or telephone numbers) regarding the victims. Instead, each conference administrator was asked to provide the name and telephone number of one victim who attended each conference which was held in that region and for which the Bureau had received no written questionnaires from any participants. This information was then sent directly to the two officers conducting the interviews.
- 29 The source of this information is the Computerised Operational Policing System (COPS) administered by the NSW Police Service. The term 'dealt with through court' comprises the legal processes by which the police referred young people to court, that is, summons, charge or Court Attendance Notice.
- 30 Sherman et al. (1998) do not specify which particular facet of perceived procedural justice was measured by this question. However, it is the converse of asking about fairness towards the offender, thus results for this question are included in this section.

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APPENDIX 1a

QUESTIONNAIRE - YOUNG PERSON

Q 1 In the lead-up to this conference, were you told you had the right to get advice from a lawyer?

Please circle one response.

- | | |
|-----------------------------|-----------------|
| yes | no |
| 1 | 2 |
| If yes, go to next question | If no, go to Q3 |

Q 2 Were you told how to get advice from a lawyer?

Please circle one response.

- | | |
|-----|----|
| yes | no |
| 1 | 2 |

Q 3 Did you get advice from a lawyer?

Please circle one response.

- | | |
|-----------------------------|-----------------|
| yes | no |
| 1 | 2 |
| If yes, go to next question | If no, go to Q5 |

Q 4 At which point did you first get advice from a lawyer?

Please circle one response.

- | | |
|---|---|
| at the police station after admitting to this offence | 1 |
| before receiving the notice to attend this conference | 2 |
| after receiving the notice to attend this conference | 3 |
| other (please specify) | 4 |

.....
.....
.....

Q 5 Were you informed in good time about when your conference was to be held?

Please circle one response.

- | | |
|-----|----|
| yes | no |
| 1 | 2 |

Q 6 Were you given information on what would happen at the conference?

Please circle one response.

- | | | | |
|-------------|----------|------|-------|
| none at all | not much | some | a lot |
| 1 | 2 | 3 | 4 |

Q 7 Were you given information about what was expected of you at the conference?

Please circle one response.

- | | | | |
|-------------|----------|------|-------|
| none at all | not much | some | a lot |
| 1 | 2 | 3 | 4 |

Q 8 Were you given information on possible outcomes of the conference?

Please circle one response.

none at all	not much	some	a lot
1	2	3	4

Q 9 How satisfied were you with the arrangements made to ensure that you could get along for the conference?

Please circle one response.

very dissatisfied	quite dissatisfied	neither satisfied nor dissatisfied	quite satisfied	very satisfied
1	2	3	4	5

Q 10 How fair do you feel that the conference was for you? Would you say that it was...

Please circle one response.

very unfair	somewhat unfair	somewhat fair	very fair
1	2	3	4

Q 11 How fair do you feel that the conference was to the victim? Would you say that it was...

Please circle one response.

very unfair	somewhat unfair	somewhat fair	very fair
1	2	3	4

Q 12 How much do you feel that the conference respected your rights? Would you say...

Please circle one response.

not at all	a little	a fair bit	a lot
1	2	3	4

A number of statements are made in the next section. We'd like you to indicate how much you agree or disagree with each statement. Please circle the response which best reflects what you think.

Q 13 You understood what was going on in the conference.

Please circle one response.

strongly disagree	disagree	neither agree nor disagree	agree	strongly agree
1	2	3	4	5

Q 14 You feel that you were treated with respect during the conference.

Please circle one response.

strongly disagree	disagree	neither agree nor disagree	agree	strongly agree
1	2	3	4	5

Q 15 You feel you had the opportunity to express your views in the conference.

Please circle one response.

strongly disagree	disagree	neither agree nor disagree	agree	strongly agree
1	2	3	4	5

Q 16 During the conference, you began to understand what it actually felt like for those who had been affected by your actions.

Please circle one response.

not at all	a little	quite a bit	a lot	felt overwhelmed by it
1	2	3	4	5

Q 17 During the conference, you felt that the offence you committed was wrong.

Please circle one response.

not at all	a little	quite a bit	a lot	felt overwhelmed by it
1	2	3	4	5

Q 18 Was an Outcome Plan decided on?

Please circle one response.

yes	no
1	2
If yes, go to next question	If no, go to Q25

Q 19 The conference took account of what you said in deciding what should be done.

Please circle one response.

strongly disagree	disagree	neither agree nor disagree	agree	strongly agree
1	2	3	4	5

Q 20 You are satisfied with the conference Outcome Plan.

Please circle one response.

strongly disagree	disagree	neither agree nor disagree	agree	strongly agree
1	2	3	4	5

Q 21 Do you think the outcome you received in the conference is...

Please circle one response.

much too lenient	somewhat lenient	fair	somewhat severe	much too severe
1	2	3	4	5

Q 22 How fair do you think the outcome is for the victim? Would you say that it is...

Please circle one response.

very unfair	somewhat unfair	somewhat fair	very fair
1	2	3	4

Q 23 What are the best features of the Outcome Plan?

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Q 24 What are the worst features of the Outcome Plan?

Please explain fully.

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Q 25 What were the best features of the way the conference was run?

Please explain fully.

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Q 26 What were the worst features of the way the conference was run?

Please explain fully.

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Q 27 After the conference, you had a proper understanding of the harm you caused the victim.

Please circle one response.

strongly disagree	disagree	neither agree nor disagree	agree	strongly agree
1	2	3	4	5

Q 28 You are satisfied with the way your case was dealt with by the justice system.

Please circle one response.

strongly disagree	disagree	neither agree nor disagree	agree	strongly agree
1	2	3	4	5

Q 29 What happened in the conference will encourage you to obey the law in the future.

Please circle one response.

- | | | | | |
|-------------------|----------|----------------------------|-------|----------------|
| strongly disagree | disagree | neither agree nor disagree | agree | strongly agree |
| 1 | 2 | 3 | 4 | 5 |

Q 30 Are you male or female?

Please circle one response.

- | | |
|------|--------|
| male | female |
| 1 | 2 |

Q 31 Are you of Aboriginal or Torres Strait Islander origin?

Please circle one response.

- | | |
|-----|----|
| yes | no |
| 1 | 2 |

Q 32 In which country were you born?

Please circle one response.

- | | |
|-------------|--------------------------|
| Australia | 1 |
| England | 2 |
| Scotland | 3 |
| Italy | 4 |
| Greece | 5 |
| New Zealand | 6 |
| Vietnam | 7 |
| Other | 8 (please specify) |

Q 33 In which country was your mother born?

Please circle one response.

- | | |
|-----------------|--------------------------|
| Australia | 1 |
| England | 2 |
| Scotland | 3 |
| Italy | 4 |
| Greece | 5 |
| New Zealand | 6 |
| The Netherlands | 7 |
| Other | 8 (please specify) |

Q 34 In which country was your father born?

Please circle one response.

- | | |
|-----------------|--------------------------|
| Australia | 1 |
| England | 2 |
| Scotland | 3 |
| Italy | 4 |
| Greece | 5 |
| New Zealand | 6 |
| The Netherlands | 7 |
| Other | 8 (please specify) |

Q 35 How old are you?

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**PLEASE CHECK THAT YOU HAVE ANSWERED ALL THE QUESTIONS,
THEN PLACE THIS FORM INTO THE REPLY-PAID ENVELOPE
PROVIDED AND RETURN THE ENVELOPE TO THE CONVENOR.**

THANK YOU VERY MUCH FOR YOUR CO-OPERATION.

APPENDIX 1b

QUESTIONNAIRE - VICTIM

Q 1 Were you informed in good time about when the conference was to be held?

Please circle one response.

yes	no
1	2

Q 2 Were you given information on what would happen at the conference?

Please circle one response.

none at all	not much	some	a lot
1	2	3	4

Q 3 Were you given information about what was expected of you at the conference?

Please circle one response.

none at all	not much	some	a lot
1	2	3	4

Q 4 Were you given information on possible outcomes of the conference?

Please circle one response.

none at all	not much	some	a lot
1	2	3	4

Q 5 How satisfied were you with the arrangements made to ensure that you could get along for the conference?

Please circle one response.

very dissatisfied	quite dissatisfied	neither satisfied nor dissatisfied	quite satisfied	very satisfied
1	2	3	4	5

Q 6 How fair do you feel that the conference was for you? Would you say that it was...

Please circle one response.

very unfair	somewhat unfair	somewhat fair	very fair
1	2	3	4

Q 7 How fair do you feel that the conference was to the offender? Would you say that it was...

Please circle one response.

very unfair	somewhat unfair	somewhat fair	very fair
1	2	3	4

Q 8 How much do you feel that the conference respected your rights? Would you say...?

Please circle one response.

none at all	a little	a fair bit	a lot
1	2	3	4

A number of statements are made in the next section. We'd like you to indicate how much you agree or disagree with each statement. Please circle the response which best reflects what you think.

Q 9 You understood what was going on in the conference.

Please circle one response.

strongly disagree	disagree	neither agree nor disagree	agree	strongly agree
1	2	3	4	5

Q 10 You feel that you were treated with respect during the conference.

Please circle one response.

strongly disagree	disagree	neither agree nor disagree	agree	strongly agree
1	2	3	4	5

Q 11 At the conference, you had an opportunity to explain the loss and harm that resulted from the offence.

Please circle one response.

strongly disagree	disagree	neither agree nor disagree	agree	strongly agree
1	2	3	4	5

Q 12 You feel you had the opportunity to express your views in the conference.

Please circle one response.

strongly disagree	disagree	neither agree nor disagree	agree	strongly agree
1	2	3	4	5

Q 13 The conference took adequate account of the effects of the offence on you.

Please circle one response.

strongly disagree	disagree	neither agree nor disagree	agree	strongly agree
1	2	3	4	5

Q 14 Was an Outcome Plan decided on?

Please circle one response.

yes	no
1	2
If yes, go to next question	If no, go to Q21

Q 15 The conference took account of what you said in deciding what should be done.

Please circle one response.

strongly disagree	disagree	neither agree nor disagree	agree	strongly agree
1	2	3	4	5

Q 16 You are satisfied with the conference Outcome Plan.

Please circle one response.

strongly disagree	disagree	neither agree nor disagree	agree	strongly agree
1	2	3	4	5

Q 17 Do you think the outcome the offender received in the conference is...

Please circle one response.

much too lenient	somewhat lenient	fair	somewhat severe	much too severe
1	2	3	4	5

Q 18 How fair do you think the outcome is for you? Would you say that it is...

Please circle one response.

very unfair	somewhat unfair	somewhat fair	very fair
1	2	3	4

Q 19 What are the best features of the Outcome Plan?

Please explain fully.

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Q 20 What are the worst features of the Outcome Plan?

Please explain fully.

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Q 21 What were the best features of the way the conference was run?

Please explain fully.

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Q 22 What were the worst features of the way the conference was run?

Please explain fully.

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Q 23 After the conference, you felt the offender had a proper understanding of the harm caused to you.

Please circle one response.

- | | | | | |
|----------------------|----------|-------------------------------|-------|-------------------|
| strongly
disagree | disagree | neither agree
nor disagree | agree | strongly
agree |
| 1 | 2 | 3 | 4 | 5 |

Q 24 You are satisfied with the way your case was dealt with by the justice system.

Please circle one response.

- | | | | | |
|----------------------|----------|-------------------------------|-------|-------------------|
| strongly
disagree | disagree | neither agree
nor disagree | agree | strongly
agree |
| 1 | 2 | 3 | 4 | 5 |

Q 25 Was the offence(s) which was dealt with by the conference committed against:

Please circle your response.

- | | |
|--|---|
| you personally | 1 |
| a business you own | 2 |
| a company/organisation for which you work or represent | 3 |

Q 26 Are you male or female?

Please circle your response.

- | | |
|------|--------|
| male | female |
| 1 | 2 |

Q 27 Are you of Aboriginal or Torres Strait Islander origin?

Please circle your response.

- | | |
|-----|----|
| yes | no |
| 1 | 2 |

Q 28 In which country were you born?

Please circle your response.

- | | |
|-------------|--------------------------|
| Australia | 1 |
| England | 2 |
| Scotland | 3 |
| Italy | 4 |
| Greece | 5 |
| New Zealand | 6 |
| Vietnam | 7 |
| Other | 8 (please specify) |

Q 29 In which country was your mother born?

Please circle your response.

- Australia 1
- England 2
- Scotland 3
- Italy 4
- Greece 5
- New Zealand 6
- The Netherlands 7
- Other 8 (please specify)

Q 30 In which country was your father born?

- Australia 1
- England 2
- Scotland 3
- Italy 4
- Greece 5
- New Zealand 6
- The Netherlands 7
- Other 8 (please specify)

Q 31 How old are you?

.....

**PLEASE CHECK THAT YOU HAVE ANSWERED ALL THE QUESTIONS,
THEN PLACE THIS FORM INTO THE REPLY-PAID ENVELOPE
PROVIDED AND RETURN THE ENVELOPE TO THE CONVENOR.**

THANK YOU VERY MUCH FOR YOUR CO-OPERATION.

APPENDIX 1c

QUESTIONNAIRE - SUPPORTER OF THE YOUNG PERSON

Q 1 Were you informed in good time about when the conference was to be held?

Please circle one response.

yes	no
1	2

Q 2 Were you given information on what would happen at the conference?

Please circle one response.

none at all	not much	some	a lot
1	2	3	4

Q 3 Were you given information about what was expected of you at the conference?

Please circle one response.

none at all	not much	some	a lot
1	2	3	4

Q 4 How satisfied were you with the arrangements made to ensure that you could get along for the conference?

Please circle one response.

very dissatisfied	quite dissatisfied	neither satisfied nor dissatisfied	quite satisfied	very satisfied
1	2	3	4	5

Q 5 How fair do you feel that the conference was to the offender? Would you say that it was...

Please circle one response.

very unfair	somewhat unfair	somewhat fair	very fair
1	2	3	4

Q 6 How fair do you feel that the conference was to the victim? Would you say that it was...

Please circle one response.

very unfair	somewhat unfair	somewhat fair	very fair
1	2	3	4

Q 7 How well were your concerns about the offender's actions dealt with at the conference?

Please circle a number.

1	2	3	4	5	6	7	8
not at all well							very well

A number of statements are made in the next section. We'd like you to indicate how much you agree or disagree with each statement. Please circle the response which best reflects what you think.

Q 8 You understood what was going on in the conference.

Please circle one response.

strongly disagree	disagree	neither agree nor disagree	agree	strongly agree
1	2	3	4	5

Q 9 You feel that you were treated with respect during the conference.

Please circle one response.

strongly disagree	disagree	neither agree nor disagree	agree	strongly agree
1	2	3	4	5

Q 10 You feel you had the opportunity to express your views in the conference.

Please circle one response.

strongly disagree	disagree	neither agree nor disagree	agree	strongly agree
1	2	3	4	5

Q 11 Was an Outcome Plan decided on?

Please circle one response.

yes	no
1	2
If yes, go to next question	If no, go to Q 18

Q 12 The conference took account of what you said in deciding what should be done.

Please circle one response.

strongly disagree	disagree	neither agree nor disagree	agree	strongly agree
1	2	3	4	5

Q 13 You are satisfied with the conference Outcome Plan.

Please circle one response.

strongly disagree	disagree	neither agree nor disagree	agree	strongly agree
1	2	3	4	5

Q 14 Do you think the outcome the offender received in the conference is...

Please circle one response.

much too lenient	somewhat lenient	fair	somewhat severe	much too severe
1	2	3	4	5

Q 15 How fair do you think the outcome is for the victim? Would you say that it is...

Please circle one response.

very unfair	somewhat unfair	somewhat fair	very fair
1	2	3	4

Q 16 What are the best features of the Outcome Plan?

Please explain fully.

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Q 17 What are the worst features of the Outcome Plan?

Please explain fully.

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Q 18 What were the best features of the way the conference was run?

Please explain fully.

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Q 19 What were the worst features of the way the conference was run?

Please explain fully.

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Q 20 After the conference, you felt the offender had a proper understanding of the harm caused to the victim.

Please circle one response.

strongly disagree 1	disagree 2	neither agree nor disagree 3	agree 4	strongly agree 5
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Q 21 You are satisfied with the way this case was dealt with by the justice system.

Please circle one response.

strongly disagree 1	disagree 2	neither agree nor disagree 3	agree 4	strongly agree 5
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Q 22 Are you male or female?

Please circle your response.

male 1	female 2
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Q 23 Are you of Aboriginal or Torres Strait Islander origin?

Please circle your response.

yes 1	no 2
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Q 24 In which country were you born?

Please circle your response.

Australia	1
England	2
Scotland	3
Italy	4
Greece	5
New Zealand	6
Vietnam	7
Other	8 (please specify)

Q 25 In which country was your mother born?

Please circle your response.

Australia	1
England	2
Scotland	3
Italy	4
Greece	5
New Zealand	6
The Netherlands	7
Other	8 (please specify)

Q 26 In which country was your father born?

Please circle your response.

- | | |
|-----------------|--------------------------|
| Australia | 1 |
| England | 2 |
| Scotland | 3 |
| Italy | 4 |
| Greece | 5 |
| New Zealand | 6 |
| The Netherlands | 7 |
| Other | 8 (please specify) |

Q 27 How old are you?

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**PLEASE CHECK THAT YOU HAVE ANSWERED ALL THE QUESTIONS,
THEN PLACE THIS FORM INTO THE REPLY-PAID ENVELOPE
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THANK YOU VERY MUCH FOR YOUR CO-OPERATION.

APPENDIX 2

INSTRUCTIONS FOR CONFERENCE CONVENOR

Only ONE of each type of questionnaire is to be handed out at each conference.

Before the conference

If **more than one offender** is scheduled to attend the conference, your conference administrator has selected the offender who is selected to complete the 'Bureau questionnaire'. A 'back-up' offender has also been selected to complete the questionnaire **only** if the selected offender does not attend the conference.

Similarly, if **more than one victim** is scheduled to attend the conference, one victim and one 'back-up' have been selected by your administrator to complete the questionnaire.

If any offenders/victims/support persons who have **not** been selected to complete a Bureau questionnaire wish to provide feedback on the conference, they can be offered a copy of the locally produced Feedback Questionnaires. Your conference administrator has provided you with multiple copies of these Questionnaires. If the latter are completed by participants, they are to be returned to your administrator, not to the Bureau; they are **not** part of the Bureau's evaluation materials.

During your pre-conference discussions with conference participants, READ the following instructions:

The NSW Attorney General's Department is conducting research on Youth Justice Conferences. The Department has prepared a questionnaire that some conference participants will be asked to complete at the end of the conference, before you go home. The questionnaire will take approximately ten minutes. The research is important because conferences are a new way of dealing with criminal matters. All answers will be confidential so everyone will be asked to answer the questions honestly. I won't see the completed questionnaires.

If an **interpreter** will be present at the conference, arrange for the interpreter to assist with completion of the questionnaire(s).

At the conference, before the conference starts

READ the following instructions to conference participants:

As I told you during our earlier discussions about today's conference, at the end of this conference, some of you will be asked to complete a short questionnaire. Because conferences are a new way of dealing with criminal matters, the NSW Attorney General's Department would like to know how well conferences are working and what people think of conferences.

Whether you complete the questionnaire is up to you. However, since conferences are new, your opinions are very important. The questionnaire should only take about ten minutes of your time. All your answers will be confidential. When you finish answering the questionnaire, you will put the form into an envelope and seal it. I won't see your answers, nor will anyone else connected with today's conference. Only the Department's researchers will ever see your answers. They will receive your responses in the mail and they won't know which conference they've come from.

At the end of the conference, I'll give you some more specific information about what to do.

At the end of the conference

- (1) READ the following instructions to conference participants:

I would like to ask [selected offender's name] and [selected victim's name] to complete a short questionnaire for the Attorney General's Department. I told you about the research earlier. The questionnaire will only take about ten minutes of your time. It is important that you complete your questionnaire NOW, before you go home. Your thoughts on the conference RIGHT NOW are important for the research.

- (2) IF the selected offender has only one SUPPORT PERSON present, also SAY:

I would also like [selected support person's name] to complete a questionnaire.

OR, if the selected offender has more than one support person present, SAY to the selected offender:

Could you please choose one of the people who is here to support you to complete a questionnaire.

- (3) IF any of the selected recipients of the questionnaires requires an INTERPRETER, also READ the following:

If you agree, [interpreter's name] will translate the questions for you and write down your answers in English on the form.

- (4) IF any of the selected recipients of the questionnaires is VISION-IMPAIRED or has DIFFICULTIES READING and WRITING, ask another person (not one already completing a questionnaire) to read the questions to the selected recipient and to write the answers on the form.

IF there is no other person who can read the questions and write the answers, YOU could undertake this task, if the participant agrees. It is important that you do not influence the responses in any way, either directly or indirectly.

- (5) Give the APPROPRIATE FORM to each selected person who agrees to complete a questionnaire. Give the blue form to the selected offender, the lilac form to the selected victim and the grey form to the support person chosen by the offender.

DO NOT substitute another offender or victim if either refuses to accept the questionnaire.

Give each person a pen and ask each of them to go to a separate part of the room to complete the form in privacy.

IF an interpreter or another person is assisting, ask him/her to write 'answers written by interpreter' or 'answers written by [person's title/relationship to questionnaire respondent]' on the questionnaire form.

Ask all those with questionnaires to place the completed forms in the envelopes provided, to seal the envelopes and return them to you.

- (6) Complete **all** sections of the Evaluation Response Sheet.
- (7) Insert the completed Evaluation Response Sheet **and** the completed questionnaires into the large reply-paid envelope provided and post it to the Bureau.

