AUSTRALIAN INSTITUTE OF CRIMINOLOGY

trends & issues

in crime and criminal justice

No. 186

Restorative Justice and Conferencing in Australia

Kathleen Daly and Hennessey Hayes

This paper outlines recent Australian developments in restorative justice and conferencing. Restorative justice encompasses a variety of practices at different stages of the criminal process, including diversion from court prosecution, actions taken in parallel with court decisions, and meetings between victims and offenders at any stage of the criminal process.

Apart from the Australian Capital Territory and Victoria, all Australian jurisdictions have introduced legislation incorporating conferencing in their responses to youth crime. All but one of the statutory-based schemes favour non-police-run conference models. Australia and New Zealand are world leaders in the use of conferencing as a form of restorative justice.

When used as a diversion from court prosecution, conferences involve a young person who has admitted to the offence, his or her supporters, the victim, his or her supporters, a police officer and a conference convenor coming together to discuss the offence and its impact. The conference then moves to a discussion of the outcome that the young offender is expected to complete. The sanctions or reparations may include an apology, paying some form of monetary compensation, undertaking work for the victim or the community and attending counselling sessions, among others. The outcome is legally binding.

Research from around Australia is reported in this paper.

Adam Graycar
Director

The idea of *restorative justice* burst onto the international stage in the 1990s, capturing the imagination of those working in government, criminal justice systems, family welfare agencies and community groups. Its modern antecedents are the informal justice movement and victim–offender mediation programs of the 1970s and 1980s. Australia and New Zealand are world leaders in experimenting with one form of restorative justice: conferences. This paper reviews the varied forms that conferencing takes in Australia and what has been learned to date from research.

What is Restorative Justice?

Restorative justice is not easily defined because it encompasses a variety of practices at different stages of the criminal process, including *diversion* from court prosecution, actions taken *in parallel* with court decisions, and meetings between victims and offenders *at any stage* of the criminal process (for example, arrest, pre-sentencing, and prison release). Restorative justice may be used not only in adult and juvenile criminal matters, but also in a range of civil matters, including family welfare and child protection, and disputes in schools and workplace settings. For virtually all legal contexts involving criminal matters, restorative justice processes are applied only to offenders who have admitted to an offence. Although less frequent, one also sees the term associated with the resolution of broader political conflicts such as South Africa's Truth and Reconciliation Commission.

February 2001

ISSN 0817-8542
ISBN 0 642 24207 0

Australian Institute
of Criminology
GPO Box 2944
Canberra ACT 2601
Australia

Tel: 02 6260 9221
Fax: 02 6260 9201

For a complete list and the full text of the papers in the Trends and Issues in Crime and Criminal Justice series, visit the AIC web site at:

http://www.aic.gov.au

Advocates disagree on what should and should not be considered restorative justice. One popular definition is that those with a stake in a crime (or dispute) come together to discuss it with the aim of repairing the harm. Others suggest that this definition is too narrow because it includes only face-to-face meetings; they argue for including any action that "repairs the harm caused by crime", including, for example, services to victims even when an offender has not been caught (Bazemore & Walgrave 1999, p. 47–8). Another way to understand restorative justice is to compare it with traditional forms of courthouse justice. Three elements emerge: restorative justice places greater emphasis on the role and experience of victims in the criminal process, it gives lay and legal actors decision-making authority, and it permits more of a free play of discussion between all parties involved. Many argue that restorative justice differs from traditional courthouse justice because the aim is to repair the harm caused by crime, not punish the crime. However, here too there is debate (Daly 2000b).

Emergence of Conferencing in Australia

Unaware of New Zealand legislation that introduced family group conferencing in 1989, John Braithwaite wrote *Crime, Shame and Reintegration* (1989), arguing for the development of criminal justice processes that increase the likelihood of reintegrative shaming, rather than stigmatic shaming of offenders. The link between Braithwaite's concept of reintegrative shaming and New Zealand conferencing was initially made in 1990 by John MacDonald, who was then adviser to the New South Wales Police Service. MacDonald proposed that New South Wales adopt features of the New Zealand conference model, but that it be located within the police service. A pilot scheme of police-run conferencing was introduced in Wagga Wagga in 1991 to provide an "effective cautioning scheme" for juvenile offenders (Moore & O'Connell 1994, p. 46).

Intense debate arose in the early 1990s about the merits of police-run (Wagga model) and non-police-run (New Zealand model) conferencing. In addition to New South Wales, other States trialed police-run conferencing, including Tasmania, the Northern Territory and Queensland. Also during this period, parliamentary inquiries were established in Western Australia, Queensland, New South Wales and South Australia to address the perceived problem of increased juvenile offending, and to consider more effective approaches to juvenile justice (Alder & Wundersitz 1994, p. 1). Legislated approaches, which incorporate conferencing as one component in a hierarchy of responses to youth crime, emerged first in South Australia in 1993. Since then, all other Australian jurisdictions, except the Australian Capital Territory and Victoria, have introduced legislation, with all but one of the statutory-based schemes rejecting the Wagga model in favour of non-police-run conference models. In other parts of the world where conferencing has been introduced (for example, the United States, Canada, England and Wales) an opposite trend is occurring: these jurisdictions use the Wagga model and, depending on the jurisdiction, conferences are used in place of a formal caution (that is, as a "caution plus") or as another form of diversion from court prosecution. (An exception is recent legislation in England and Wales, the *Youth Justice and Criminal Evidence Act 1999*, which provides for automatic court referral of selected cases to "youth offender panels", which are to have reparative elements.) The Wagga model differs from the New Zealand model in two ways: it is facilitated by a police officer, and it draws heavily on the theory of reintegrative shaming. Practitioners in jurisdictions with the New Zealand model are more likely to say that reintegrative shaming is one of several theories structuring their practice, or that restorative justice, not reintegrative shaming, is the theory structuring their practice.

What are Conferences?

Although there is considerable jurisdictional variation (see Table 1), conferences take the following form when used as a diversion from court prosecution. A young person (who has admitted to the offence), his or her supporters (often a parent or guardian), the victim, his or her supporters, a police officer, and conference convenor come together to discuss the offence and its impact. Ideally, the discussion takes place in a context of compassion and understanding, as opposed to the more adversarial and stigmatising environment associated with the youth court. Young people are given the opportunity to talk about the circumstances associated with the offence and why they became involved in it. The young person's parents or supporters discuss how the offence has affected them, as does the victim, who may want to ask the offender "why me?" and who may seek reassurances that the behaviour will not happen again. The police officer may provide offence details and discuss the consequences of future offending. After a discussion of the offence and its impact, the conference moves to a discussion of the outcome (or agreement or undertaking) that the young offender is expected to complete. The sanctions or reparations that are part of agreements include verbal and written apologies, paying some form of monetary compensation, working for the victim or doing other community work, and attending counselling sessions, among others.

Jurisdictional Variation in Conferencing

Diversionary conferencing differs between jurisdictions in:

- the kinds of offences that are conferenced;
- the amount of time allowed to complete outcomes, and the upper limits on outcomes; and
- the degree to which a jurisdiction is engaged in high-volume activity.

Table 1: *Conferencing in Australia*

Jurisdiction and area covered	Statutory basis	Date introduced, run by	Organisational placement	Referring body, conference purpose and numbers	Jurisdiction features
Australian Capital Territory (Canberra)	None	1995, police officers	Australian Federal Police units, 1995–present	Police referral as diversion from court; 200–250 conferences per year	Refers adults to conference; sole jurisdiction using Wagga model exclusively; during portion of RISE project (1995–97), conferenced drink-driving cases
New South Wales (State-wide after introduction of the Act)	1991–97, non-statutory; *Young Offenders Act 1997*	1991–94, police trials; 1994–97, mediators; 1998, conference convenors	Police Service, 1991–94; network of Community Justice Centre mediators, 1994–97, under aegis of Attorney-General; after proclamation of Act, Dept. of Juvenile Justice	Police and court referral as diversion from court or as sentencing option; 1,500–1,700 conferences per year	Has legal advice hotline; actively checks police referrals; has permanent staff of 17 administrators and large pool of 500 trained convenors
Northern Territory (State-wide)	*Juvenile Justice Act 1997*, as amended in 1999 and 2000; Police Administration Act, Part VII, Division 2b, as amended in 2000	1999, conference facilitators; 2000, police officers (uses police and non-police personnel)	Two sites: Community Corrections within the Dept. of Correctional Services ("post-court" conference) and NT Police (diversionary conference)	Court referral upon conviction of juvenile repeat property offender subject to mandatory sentence (15–17 yrs old); 8 "post-court" conferences in 1999–2000. Police referral to diversionary conference (10–17 yrs old).	Has both statutory-based scheme of "post-court" conferences as one of several programs in lieu of mandatory 28-day detention sentence and Wagga model conferences as diversion from court
Queensland (Brisbane metro area, Southeast Qld, Cairns after introduction of the Act)	1995–96, non-statutory; *Juvenile Justice Act 1992*, as amended in 1996	1995–96, planned police trials; 1997, conference convenors	Shifted from Dept. of Justice (1997) to Families, Youth and Community Care Qld (1998)	Police and court referral as diversion from court; court referral for pre-sentence; 180 conferences per year	Has no scheduled offences; uses two convenors; conducts pre-conference interviews with victim and offender; permits victim veto of conference referral
South Australia (State-wide)	*Young Offenders Act 1993*	1994, youth justice coordinators	Courts Administration Authority	Police and court referral as diversion from court; 1,500–1,700 conferences per year	Has no scheduled offences; longest running, high-volume, statutory-based scheme in Australia
Tasmania (plan to be State-wide)	1994–99, non-statutory; *Youth Justice Act 1997* (proclaimed in 2000)	1994–99, police trials; 2000, conference facilitators	Police service; after proclamation of the Act, Dept. of Health and Human Services	Police referral as diversion from court; court referral for sentence; too early to make estimate of number of conferences per year	In transitional arrangement, with both police conferences (as caution plus) and facilitator conferences, based on police assessment of need for "more serious format" or not
Victoria (Children's Court, Melbourne and metropolitan areas)	None	1995+ (pilot program continuing); conference convenors	Anglicare Victoria, Victoria Police, Dept. of Human Services, Dept. of Justice and Victoria Legal Aid	Court referral only as an alternative to a Supervised Order; about 40 conferences per year	Uses conferences for offenders with prior court appearances (not minor offences)
Western Australia (State-wide after introduction of the Act)	1993, non-statutory; *Young Offenders Act 1994*	1993, pilot of juvenile justice teams; 1995, conference coordinators	Ministry of Justice	Police and court referral as diversion from court; reliable statistics not available, but estimated 1,400 conferences per year	Uses Juvenile Justice Teams composed of coordinators and police officers in seven areas of Perth; has part-time Aboriginal supporter workers for conferences requiring support; handles large number of traffic offences

Sources: Bargen (1996, 1998), Daly (2000a), published reports and contacts in jurisdictions.

At one end of a continuum is Western Australia, which has a list of offence types that may not be conferenced. That State tends to conference a high volume of less serious cases (including traffic offences) with a relatively short period of time for offenders to complete outcomes. At the other end is South Australia, which has no specifically prohibited offences (although the *Young Offenders Act 1993* states that conference offences are those that "can be dealt with as a minor offence" because of the "limited extent of the harm", among other reasons). While South Australia conferences a high volume of cases, it conferences serious offences (including sexual assault), has the highest maxima of community service hours (300) and the longest period of time to complete an undertaking.

While all jurisdictions prefer that the outcome be reached by consensus, they vary on which people, at a minimum, must agree to it (or have a "veto"). For example, in South Australia the young person and the police officer must, at a minimum, agree to the undertaking; in New South Wales (a jurisdiction where a police officer need not be present) the young person and victim (if present) must agree to the outcome plan; and in Queensland the young person, victim, and police officer must approve the outcome. In all jurisdictions the outcome is a legally binding document.

Table 1 lists jurisdiction features, which are unique qualities of the conference process and its organisation in each State or Territory. While some people may desire greater uniformity in legislation and practices, we see strength in experimenting with a variety of practices. For example, New South Wales has introduced an innovative method for providing legal advice to young people: a free telephone hotline. In light of criticism that conferencing promotes coerced admissions, coupled with concerns by the defence bar (especially in Queensland) for the disclosability of pleas to some offences, the hotline is an effective means of legal access. In Queensland, which currently convenes conferences only in the State's south-east and has a relatively small number of conferences per year (about 180 during 1999–2000), more resources can be put into preparation for each conference, including pre-conference face-to-face interviews with the victim and young offender. In the Australian Capital Territory, contrary to the usual focus on juvenile offending, adults were conferenced for drink-driving offences between 1995 and 1997 as part of the Re-Integrative Shaming Experiments project. Knowing how conferences vary in process and organisation is crucial to comparing results from research in different jurisdictions.

Research on Conferencing

Conferencing was first researched in New Zealand (Maxwell & Morris 1993, 1996). While the New Zealand research has been important to the development of restorative justice initiatives around the world, this paper focuses on recent evaluations and research in Australia. Of six jurisdictions with studies of conferences (Queensland, New South Wales, Western Australia, the Australian Capital Territory and South Australia for diversionary conferences; Victoria for pre-sentence conferences), the first three focus mainly on participants' perceptions of fairness of the process and on their satisfaction with the process and outcome. These studies provide some evidence of participants' views on the conference process, but they are constrained by government demands on researchers for a quick evaluation of conferencing and insufficient resources to conduct more in-depth research.

Studies in these three States show that conferences receive very high marks on the fairness and satisfaction variables. In Queensland, Palk, Hayes and Prenzler (1998) analysed survey data collected by the Department of Justice over a 13-month period. Of the 351 offenders, parents (or carers) and victims interviewed, 98 to 100 per cent said the process was fair, and 97 to 99 per cent said they were satisfied with the agreement made in the conference (p. 145). To statements such as "I was treated with respect", "I got to have my say" and "the conference was just what I needed to sort things out", 96 to 99 per cent of participants agreed (p. 146).

In New South Wales, Trimboli (2000) gathered data from 969 victims, offenders, and offenders' supporters across all State regions during 1999. Overall, 92 to 98 per cent of the groups said that the conference was "somewhat" or "very fair" to victims and to offenders, with more detailed procedural justice variables (such as "you were treated with respect" and "the conference respected your rights") showing similar results (pp. 36–40). Across the three groups, 80 to 97 per cent agreed that they were "satisfied with the conference outcome plan" (p. 45). The study goes beyond the fairness and satisfaction variables in asking questions about the degree of information participants had about the conference and what they expected would happen, and what they viewed as the best and worst features of the conference process and outcome.

In Western Australia, following passage of the *Young Offenders Act 1994*, Cant and Downie (1998) conducted an evaluation of family meetings and the Act. In the Perth portion of the study they interviewed 265 offenders, their parents and victims who participated in family meetings during 1996–97. For fairness of the process, 90 to 95 per cent felt that they (or their children) were treated fairly (pp. 45, 51, 58). For global satisfaction on "how the juvenile justice team dealt with" the case, 90 to 92 per cent of offenders and their parents were satisfied (pp. 47, 52); however, fewer victims (83 per cent) were satisfied (p. 58).

In Tasmania and the Northern Territory, conferencing has only just begun under statutory-based schemes. Tasmanian police have been running conferences since 1994, but there is no research on those

conferences. With the proclamation of the *Youth Justice Act 1997* in 2000, a research study of conferencing is now under way. Except for a study of Wagga model conferencing in Alice Springs (Fry 1997), there is no research on conferencing in the Northern Territory. The Territory's 1999 legislation includes conferencing as one of several court-ordered diversion programs from a 28-day minimum period of detention; unlike other statutory schemes, conferencing in the Territory is used as a diversion from mandatory detention, not court. However, since September 2000, the Territory has focused attention on diverting juvenile cases from court with a variety of mechanisms, including police diversionary conferences for 10–17-year-olds. The Territory is the first Australian jurisdiction to have introduced a legislative basis for police-run conferencing, with changes made to the Police Administration Act (Part VII Police Powers, Division 2b, assented November 2000).

During a small pilot project in 1995–97, Victoria used court-referred conferencing. The project (which is still running) targets young people who have been in trouble before and who are deemed eligible for an alternative to probation. Markiewicz (1997, p. vii) reports that "victims found the process helpful and healing" and "young people [said] that the conference had a beneficial impact on them" and that it was "preferable to probation".

RISE and SAJJ

Canberra's Re-Integrative Shaming Experiments (RISE) project is important for its research design of randomly assigning RISE-eligible cases to court or conference. Assuming a sufficient number of cases, random assignment ensures that the two groups are equivalent on both known and unknown variables. When using this design, any post-treatment differences between the groups can be attributed to the treatment rather than to general characteristics of the individuals making up each group. There is no other project with a randomised design in the region, and just one other in the world (McCold & Wachtel 1998). RISE began in 1995 and set out to measure the impact of "restorative policing" on offenders' and victims' perceptions of procedural justice and on offenders' post-conference behaviour. Researchers also plan to compare the monetary costs associated with going to court and conferencing. The RISE project will test Braithwaite's (1989) theory of reintegrative shaming which, in a nutshell, argues that individuals will be most effectively "shamed" for their behaviour by those close to them and that the *act,* not the actor, should be the target of shame. Reintegrative shaming presumes elements of Tyler's (1990) theory of procedural justice, which emphasises respect, decision-maker neutrality, being treated fairly, and having a say.

RISE gathered data on the following offences: drink-driving, juvenile property crime (personal and organisational victims) and juvenile violent crime (including adult offenders up to 29 years old). While there remains a mass of data to be analysed and reported, preliminary highlights include the following:

- offenders report greater procedural justice (defined as being treated fairly and with respect) in conferences than in court;
- offenders report higher levels of restorative justice (defined as the opportunity to repair the harm they had caused) in conferences than in court;
- conferences more than court increased offenders' respect for the police and law; and
- victims' sense of restorative justice is higher for those who went to conferences rather than to court—for example, recovery from anger and embarrassment (Strang et al. 1999; Strang 1999, pp. 194–5).

The South Australia Juvenile Justice (SAJJ) Research on Conferencing project asks whether elements of procedural and restorative justice are present in conferences, whether judgments of their presence vary by participant group, and how conferences affect participants in the future (Daly et al. 1998). SAJJ researchers gathered observational and interview data during 1998–99 on 89 conferences and 172 offenders and victims. Only violent and more serious property offences were studied. Police officers and coordinators completed surveys for each conference; victims and offenders were interviewed in 1998 and again in 1999. SAJJ differs from RISE in that it analyses conferences run on the New Zealand model rather than the Wagga model, and does not compare court with conferences. Below are highlights from preliminary analyses:

- conferences receive high marks by members of the four conference groups (police, coordinators, victims and offenders) on measures of procedural justice, including being treated fairly and with respect, and having a voice in the process, among others;
- compared to the high marks for procedural justice, there is *relatively* less evidence of restorativeness—for example, positive movement between the offender and victim and their supporters during the conference;
- although it is possible to have a process perceived as fair, there appear to be limits on offenders' interests to repair the harm and on victims' capacities to see offenders in a positive light;
- conferences reduce victims' anger and fear;
- for victims who attended conferences there is an increasing positive orientation toward the offender over time; and
- despite the fact that similar proportions of victims felt negative as positive toward offenders, one year later the majority said that the conference was worthwhile, that they were satisfied with how their case was handled, and that they had fully recovered from the incident.

Conclusion

Restorative justice rose to international popularity in the 1990s. It builds on developments in the 1970s and 1980s to divert cases

from the justice system and find more meaningful and constructive ways to respond to crime. Australian and New Zealand experiences are of great interest to overseas researchers and policy-makers, who want to learn about how conferences work and the variety of ways they are organised and legislated. The most consistent finding across all the research studies to date is that conferences are perceived as fair and participants are satisfied with the process and outcomes.

At present there exist many more questions than answers about this emerging form of justice. Are the rights of young people protected? Is the process responsive to cultural differences? Are victims used as props in a largely offender-centred process? Do outcomes meet standards of consistency and proportionality? Are some conference models better than others? Do conferences produce major changes in people? Does diversion have system effects on reducing rates of incarceration? Two core assumptions are evident in the literature: offenders and victims are interested in repairing the harm, and when they are brought together in a restorative process, they will know how to act and what to say. To the contrary, there is little in popular culture or day-to-day understandings of justice processes that prepares victims, offenders and their supporters for restorative ways of thinking and acting. The most fundamental challenge to restorative justice, then, lies in awakening new cultural sensibilities about the meanings of "getting justice" and of "just" responses to crime.

Disclaimer and Acknowledgments

Information is current as of November 2000. Space limitations preclude a detailed review of legislative contexts, administrative and procedural rules, and jurisdictions' plans for change. Also, because of space limitations, we were obliged to cut material on New Zealand. This information is presented in greater detail by the authors in a forthcoming paper on restorative justice in Australia and New Zealand. We are grateful to the following people for reading early drafts and helping us get the information correct: Jenny Bargen (NSW), John Jones (WA), Gabrielle Maxwell (NZ), Gail Pollard and Jason Kidd (Qld), Jeremy Prichard (Tas), Declan Roche (ACT and NSW), Heather Strang (ACT), Grant Thomas (SA), Graham Waite (NT) and Glenys Wilkinson (Vic), plus referees used by the AIC.

References

Alder, C. & Wundersitz, J. (eds.) 1994, *Family Conferencing and Juvenile Justice: The Way Forward or Misplaced Optimism?,* Australian Institute of Criminology, Canberra.

Bargen, J. 1996, "Kids, cops, courts, conferencing and children's rights: A note on perspectives", *Australian Journal of Human Rights,* vol. 2, no. 2, pp. 209–28.

Bargen, J. 1998, "Update for 1996–98", unpublished, on file with senior author.

Bazemore, G. & Walgrave, L. 1999, "Restorative juvenile justice: In search of fundamentals and an outline for systemic reform", in G. Bazemore and L. Walgrave (eds.), *Restorative Juvenile Justice: Repairing the Harm of Youth Crime*, Criminal Justice Press, Monsey, New York.

Braithwaite, J. 1989, *Crime, Shame and Reintegration*, Cambridge University Press, Cambridge.

Cant, R. & Downie, R. 1998, *Evaluation of the* Young Offenders Act (1994) *and the Juvenile Justice Teams*, Social Systems and Evaluation, Perth.

Daly, K. 2000a, "Restorative justice in diverse and unequal societies", *Law in Context*, vol. 17. no. 1, pp. 167–90; http://www.gu.edu.au/school/ccj/kdaly.html.

Daly, K. 2000b, "Revisiting the relationship between retributive and restorative justice", in J. Braithwaite and H. Strang (eds.), *Restorative Justice: From Philosophy to Practice*, Dartmouth, Aldershot, England; http://www.gu.edu.au/school/ccj/kdaly.html.

Daly, K., Venables, M., McKenna, M., Mumford, L. & Christie-Johnston, J. 1998, *South Australian Juvenile Justice (SAJJ) Research on Conferencing, Technical Report No. 1: Project Overview and Research Instruments,* School of Criminology and Criminal Justice, Griffith University, Brisbane, Queensland; http://www.aic.gov.au/rjustice/sajj/index.html.

Fry, D. 1997, *A Report on Community Justice Program: "Diversionary Conferencing"*, Northern Territory Police, Alice Springs.

Markiewicz, A. 1997, *Juvenile Justice Group Conferencing in Victoria: An Evaluation of a Pilot Program, Phase 2 Report,* Anglicare Southbridge Youth Services, Moorabbin, Victoria.

Maxwell, G. & Morris, A. 1993, *Family, Victims and Culture: Youth Justice in New Zealand*, Social Policy Agency and the Institute of Criminology, Victoria University of Wellington, Wellington.

Maxwell, G. & Morris, A. 1996, "Research on family group conferences with young offenders", in J. Hudson, A. Morris, G. Maxwell & B. Galaway (eds.), *Family Group Conferences: Perspectives on Policy and Practice*, Federation Press, Sydney.

McCold, P. & Wachtel, B. 1998, *Restorative Policing Experiment: The Bethlehem Pennsylvania Police Family Conferencing Project;* http://www.realjustice.org.

Moore, D. & O'Connell, T. 1994, "Family conferencing in Wagga Wagga: A communitarian model of justice", in C. Alder & J. Wundersitz (eds.), *Family Conferencing and Juvenile Justice: The Way Forward or Misplaced Optimism?,* Australian Institute of Criminology, Canberra, pp. 45–86.

Palk, G., Hayes, H. & Prenzler, T. 1998, "Restorative justice and community conferencing: Summary of findings from a pilot study", *Current Issues in Criminal Justice*, vol. 10, no. 2, pp. 138–55.

Strang, H. 1999, "Recent research on conferencing: The Canberra experiments", in A. Morris & G. Maxwell (eds.), *Youth Justice in Focus: Proceedings of an Australasian Conference held 27–30 October 1998*, Institute of Criminology, Victoria University of Wellington, Wellington.

Strang, H., Barnes, G., Braithwaite, J. & Sherman, L. 1999, *Experiments in Restorative Policing: A Progress Report on the Canberra Reintegrative Shaming Experiments (RISE)*, Australian Federal Police and Australian National University, Canberra; http://www.aic.gov.au/rjustice/rise/progress/1999.html.

Trimboli, L. 2000, *An Evaluation of the New South Wales Youth Justice Conferencing Scheme*, New South Wales Bureau of Crime Statistics and Research, Sydney.

Tyler, T. 1990, *Why People Obey the Law*, Yale University Press, New Haven.

Dr Kathleen Daly is Associate Professor, School of Criminology and Criminal Justice, Griffith University, and Director, Emergent Program on Restorative Justice, Key Centre for Ethics, Law, Justice and Governance. Dr Hennessey Hayes is a Lecturer at the School of Criminology and Criminal Justice, Griffith University.

General Editor, Trends and Issues in Crime and Criminal Justice series:
Dr Adam Graycar, Director
Australian Institute of Criminology
GPO Box 2944
Canberra ACT 2601 Australia

Note: Trends and Issues in Crime and Criminal Justice are refereed papers.