C O R R E C T E D V E R S I O N

LAW REFORM COMMITTEE

Inquiry into alternative dispute resolution

Melbourne — 25 February 2008

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Mr P. Condliffe, President,

Ms I. Morgan, Committee member,

Dr D. Moore, Committee member, Victorian Association for Restorative Justice.

The CHAIR — Welcome, and thank you very much for coming to the committee hearing and for providing us with material. There are a couple of formalities first. The proceedings here this morning are covered by the Parliamentary Committees Act which affords you parliamentary privilege. Whatever you say in this forum is protected, but if you say the same things outside obviously you will not have the same protection. That is the first thing. Hansard staff will be recording the discussion we have this morning, and you will be provided with a copy of the transcript. You can make minor changes but obviously not changes to the substance of what is being said.

As I said before, thank you for coming, and thank you very much for the submission that you sent and that we have had a look at. Obviously we have some questions that we have prepared that we will raise with you, but you might pick them up anyway. We have found that a useful way of going is to throw it open to you to tell us about yourselves and the work you do in relation to the terms of reference. Then we will jump in and see where we go. We have until 11.30 a.m. We are running a bit behind and we will give you a bit more time, but we will see how we go. It is over to you.

Mr CONDLIFFE — I guess the first thing to say is thank you for inviting us here today. I am the president of the Victorian Association for Restorative Justice. I am a practising barrister and mediator. The association has been going for three years. At the moment it has just over 50 members. I should advise you also that we are running our inaugural conference on restorative justice in May of this year which the Attorney is opening.

The association has as its interest the bringing together of people working in restorative justice and practices to exchange information and to provide a forum for sharing information across the sector because it is a growing sector, particularly in the education sector, probably more so than in the justice sector at the moment. Some years ago a group of us thought there was a need to bring together the various people interested. Everybody from the police commissioner down to the attorney is interested in this area, and a lot of people in between. We see our object as providing a forum for those things to happen. The other thing we have done is to produce a video for the DHS and its program for the training of conference conveners. On our committee is some of the foremost expertise on restorative justice in Australia, particularly the man on my left and Marg Armstrong who works in education, and a few other conveners of various programs who understand some of these processes intimately.

I was involved in programs in Queensland before coming here. One of the reasons why VARJ was started was because we saw that in some ways Victoria was lagging in this area and we needed to provide a focus to perhaps help move it on. We are delighted that this has happened, that you have given so much space in your discussion paper to VARJ.

The other thing from just looking at the paper, which we have responded to in depth, is that what is perhaps needed is some clear definitional philosophical approaches to what restorative justice is. There is some confusion, probably indicated by the fact of the placement of restorative justice in an ADR context in the discussion paper. That probably comes out of historical underpinnings of restorative justice which come out of victim–offender mediation, particularly in the United States of America. But restorative justice has moved a long way from those early beginnings. It is actually forming its own philosophical approaches. The association would probably ask the committee if it would consider running a separate restorative justice inquiry. It probably is a separate reference now.

There are probably two reasons for that. One is that there is some confusion about combining it with ADR, and the second reason is that restorative justice has a reach and a different feel about it to ADR, which you are concerned with. In simple terms it is concerned with dispute management whereas restorative justice is concerned with reparation and bringing together families of victims and so on into some sort of dialogue. It is a much different approach. I guess some of the confusion that may arise in definitional terms is the structural one of combining it with ADR. In our view it deserves some sort of separate analysis.

The other thing is that I want to ask David to say a couple of words by way of introduction as well. I guess RJ programs in Australia essentially so far have been centred on juvenile justice in terms of governmental responses, and Victoria has been distinguished with low recidivist rates and so on, which can lead to some complacency in policing and other responses — what do we do next; do we keep innovating; do we keep moving? — whereas the other states have had probably more imperative to move in the juvenile justice area particularly, and therefore they have moved probably quicker than Victoria has in terms of restorative justice programs, particularly for their juvenile population. So you see states like Queensland, New South Wales and Western Australia, which have case profiles of around 2000 cases a year coming out of their court systems as matters to be conferenced.

The other thing is to make sure the committee understands that conferencing is not restorative justice, and restorative justice is not conferencing. Restorative justice is a set of principles, a philosophical approach to dealing with wrongdoing, whether it be in a school situation, even an employment situation or within the context of criminal justice, and it needs to be probably seen in that light.

Having said those few preliminary things, I will just ask David if he would like to comment on anything.

Dr MOORE — Thanks again for inviting us. I think what Peter was looking for as an addition there was the developments in Victorian schools at the moment, originally under the title of 'restorative justice'. What we are currently seeing is an interesting evolution, which I think has relevance for the justice system, and that is the language in the schools over the last 5 or 10 years — and Victoria now is probably at the forefront of this in Australia — has shifted from restorative justice through restorative practices. 'Relation management' is actually now the term that is being used. Part of the reason for that is, unlike the justice system, schools are primarily tasked not so much with responding when bad things happen or preventing bad things from happening, but actually encouraging good things to happen in the form of a safe and supportive learning environment, which is the language used under their National Safe Schools framework.

In response to that federal framework, schools have actually aligned processes, such as conferencing — which, as Peter said, is to be distinguished from the principles of restorative justice, but it is also seen as the flagship process — and they have distinguished that from other techniques and other processes that can be used in schools to help students stay on track and get on with each other and with staff and with the school community. That is an interesting development, which those of us who are associated with the Victorian Association for Restorative Justice are grappling with — that is, the terminology tends to diverge depending on which jurisdiction one is working in, whether it is the criminal justice system, youth justice or education.

It is worth emphasising that, in our experience, it is particularly important definitionally to distinguish between the guiding principles of the program we are operating and the particular process or processes that we are using. Historically now it is clear why there has been that confusion because, again as Peter said, we took terminology from North America — from Canada and the States; the language of restorative justice — and aligned it up with a conferencing process that was developed essentially in Australasia. It is only running these various programs in parallel and observing them over quite a few years that we will become increasingly clear on the need for much greater definitional clarity. I am sure that has come out with the research that has been done here.

The CHAIR — Do you want to say anything, Isobel?

Ms MORGAN — No. I am an apprentice.

The CHAIR — Your submission states that there should be no age restrictions in the restorative justice programs. How do you think that adult RJ programs should operate in Victoria, and how are they different from the way we operate with young people?

Mr CONDLIFFE — The reason we make that point is that, if you ask the question: if you are a victim of crime, should you be denied access to a process because the offender happens to be an adult rather than a juvenile in terms of the criminal justice system? — does that make rational sense? Not particularly; not if you are a victim. You still suffer in many of the same ways. You still have the same repercussions and you can still benefit from meeting the offender, whether they are a juvenile or an adult.

In terms of the management of the program, I guess the management of juvenile programs and getting juveniles involved in programs which are seen to be aimed at rehabilitation and so forth has always been easier and politically less sensitive than involving adults. We seem to have this idea that they have more chance of success, but I think that is a one-dimensional view, because restorative justice is really about talking, involving community care with the offender, whatever their age. We really need to look at both aspects of offending.

If you look at the Collingwood Neighbourhood Justice Centre, it is going to extend its conferencing to 25-year-olds. It can do that under present legislation. It will be interesting to see that, and Jesuit Social Services have advocated in their research that it should be extended as an initial step to the 25-year-old grouping, which is possible under present existing legislation. I would think probably you would find that is not going to cause any real problems in administration.

Essentially the same administrative safeguards you have in place for juveniles applies to adults: is that person capable of understanding the process and being engaged in the process in a responsible, realistic way? Is there a chance of re-victimisation of the victim or the community care surrounding them, and can they engage in a productive way in a process, whether it be conferencing or some other process. The same principles apply. I guess if you do extend it to the adult population you have got a lot larger series of numbers to look at in terms of resourcing and structuring the program. That is an argument of resourcing, not an argument of principle, I think, so I do not see any major philosophical problems in extending it to an older age group.

Dr MOORE — I suppose the other point of clarification there is whether a restorative justice process, whether it be conferencing or victim-offender mediation or some other intervention, is seen as genuinely diversionary as a pre-sentence exercise, or in fact a post-sentence exercise that is essentially run independently of the whole sentencing process. So there are programs currently running in New Zealand, South Australia and New South Wales where that is the case. Those involved in a case that has actually received a custodial sentence can participate in a conference which has no bearing on the sentence. Certainly the experience in those programs has been that there has been quite a large take-up rate, with the requests coming from both the people who have been on the receiving end of crime and their supporters and the people who have committed the crime and their supporters. It is quite interesting to observe in practice from the empirical data that we have got that there is from both sides of the crime event an understanding that there is value in this exercise quite independent of what the state imposes as a sentence.

The CHAIR — Could you sketch out what it is that is valuable?

Dr MOORE — What we are finding, and it is worth saying, is that these programs have not developed with the same degree of intensity that diversionary youth justice programs, for instance, have been evaluated, where we have had randomised controlled experiments on a large scale in the UK using the conferencing program. What people consistently report as valuable: for instance, victims of crime will consistently report that it was valuable to be able to have their story heard, in a sense to be vindicated, that their experience was what they experienced, and also the confidence that they have had an impact by way of a shared understanding and probably contributed to decreasing the likelihood of recidivism. We know from the data that is actually objectively an effect of these interventions. On the current evidence the more serious the crime the more powerful the impact on lowering recidivism rates. That is reported for both the subject and objective — —

The CHAIR — Those correlations have been done, have they?

Dr MOORE — Yes. The largest research program has been overseen by Professor Lawrence Sherman from the University of Pennsylvania. He is out here at the moment and opened a policing centre in Queensland last week at Griffiths University. He oversaw the original randomised controlled trial of conferencing in the ACT, which was then scaled up to a Home Office $10 million exercise in the UK where we randomly assigned cases to conferencing or existing treatments, so called, and they have replicated the findings. Particularly for serious cases, the impact on recidivism is marked and much lower for cases that went through conferencing as against those that received whatever treatment the case would have got otherwise.

Back to the adult programs that run in parallel: in New South Wales, for instance, there is a program run by the Department of Corrective Services where they would offer conferences run by trained professionals, usually psychologists, in serious cases that have received custodial sentences. The statistical data from that, but also the anecdotal reports of participants — the direct victims of the crime and their families and other supporters, the perpetrator and their family and other supporters — is that it is a powerful process because of the symbolic and practical exercise of getting a more complete understanding of what happened and some sense of being able to move on. People use terminology like, ‘I can get on with my life now’, rather than being fixed somehow at the time of the crime.

Mrs KRONBERG — Perhaps to David, I am interested to know whether you have comparisons as to what would be post-conference dissonance on behalf of victims between pre-sentence conferencing and people who have come out of a custodial sentence and are facing up to the conferencing process.

Dr MOORE — The dissonance being — —

Mrs KRONBERG — On behalf of the victim.

Dr MOORE — If we take the cases that are in effect diverted from the system in other states or here — and we have practitioners here from JSS who might be able to give us examples if we wanted; here the situation is that the conference outcomes are taken into account by the magistrate in sentencing. On the available evidence there is a very high degree of satisfaction in the process and the outcomes. So people, including the primary victims, feel that the preparation — there are a lot of preparations that go into this in the Victorian model — was fair and gave them this degree of an opportunity to be heard, listened to and supported. One of the things that people are looking for is a genuine degree of understanding and how they were affected; not just what happened, but what affect the incident had on them.

Mrs KRONBERG — I can see that that is like a catharsis for the victim. If we look at the fact that perception is pretty much everything and 80 per cent of communication is body language, if you have a victim who perceives that the offender is not providing enough remorse, even though other people may not be picking up those things, I am interested to know what happens to the victim in that setting.

Dr MOORE — It is a very important question, and it is at the heart of the difference between victim-offender mediation as it was originally conceived, primarily in North America, and the conferencing process which, as Peter said, is much more oriented to the whole network of people surrounding the handful of people at the heart of the incident. It is crucial that there are supporters, or whatever term we give to them — people within the immediate family and other support network — for both the primary victim and the perpetrator because you are absolutely right. There are cases where people see things going on in a conference that are not going on; they are actually going on in their head and heart, so it is vital that there are other people in that conference who can continue the conversation with them afterwards to help overcome that dissonance. It is one of the reasons why that group-oriented process gets such good results. We tend not to see that sort of dissonance, which you can get when you just bring together two parties with a third mediator, in cases where there is extreme and understandable negative emotions.

Mrs KRONBERG — The people who are conveners and facilitators in these conferences are trained to be alert to how other people are perceiving things? It is an effective listening exercise to actually hear what — —

Dr MOORE — Very much so.

Mrs KRONBERG — I think we are assuming victims are quite erudite, articulate and in a normal state when they are in these conferences settings as well. I imagine it is quite an ordeal.

Dr MOORE — There is high emotion. I want to make two further points because the points you raise are crucial here. A significant part of the preparation is making sure the right people attend the conference. One of our rules of thumb is: up to a certain point, the more the better because you are gathering together a community of support in the conference. In terms of the emotional dynamic in the room when we actually bring people together, it has been consistently observed over the years in program after program that there is roughly an emotional pattern. That is one of the reasons why this process is so effective; people as a group move out of conflict.

Quite understandably they will come into the room, as you would expect, angry and fearful and experiencing all of the other strongly negative emotions associated with the crime. You would worry if people did not feel that way. But in the structure of the process — the preparation that the conveners have put in in getting a key support group around them and the structure whereby we focus on what happened; there is a thoroughly tested script here that has been put through evaluation after evaluation; there is an order in which people are asked questions as you build up a picture of what happened. We systematically work through what happened and how people were affected before we turn to what can be done, but because that is done in such a careful, systematic way you actually get an emotional shift to the point where people can give you productive answers as a group when we ask what can be done. If you ask that at the outset you will get a destructive answer, precisely because people are in a state of strong negative emotion.

There were quite a few years put into the preparation of the actual format such that by the time you are asking as a convener, 'All right. We have heard from everybody about what happened and we have heard how that has affected people' — there is opportunity given for apology and forgiveness if that is appropriate at that time; and it usually is at that time — it is quite remarkable as a participant in the room or as an observer how powerfully the mood has changed so that people are then actually as a group looking for a constructive response. How can we make sure that we, to the extent that it is possible, repair damage that has been done, and how can we make sure

this is as unlikely as possible to occur again? So we are not relying just on that event. A huge amount relies on the preparation.

Mr CONDLIFFE — Apropos of that, I think it is referred to in our submission — Heather Strang's research. She is an Australian academic. She was at ANU; I think she has just moved to England. She has done some comparative research between England and Australia, particularly focusing on victims' participation in these sorts of processes. She is particularly looking at the social costs and follow-up for victims and coming up with a couple of things. One is around victims' perception of the offender and why it happened, and there are significant changes in the victims' perceptions, which helps them understand what happened and puts it in context.

The other thing is that her early research is showing there is likely to be considerable savings for the community in terms of psychiatric health and other services for victims as a result of participation in RJ-type processes. So victims come out of it — it is a healing process for victims. A lot of focus has been put on the offender. Her research is interesting because she is focusing on victims: what do they get out of the process? That has to be a crucial part of the variable, and victims like that are getting a fair bit out of the process, from her research, but there is a way to go in that research.

Dr MOORE — But essentially it is confirming the hypothesis that chronic stress is reduced, and that is using the cohort from the randomised controlled trial of the Home Office overseas, in the UK.

Mr BROOKS — I wanted to ask about the historical practices you mentioned that are being developed in the schools, which is an interesting area. Can you go into a bit more detail about those programs.

Mr CONDLIFFE — David is probably best to comment on that.

Dr MOORE — I will try and keep this brief because it is complicated, but essentially you have a lot of interest in the state system, in the Catholic systemic schools and independent schools. A lot of this work is happening quite consciously under the aegis of the National Safe Schools Framework. Historically, again, what happened is that conferencing — this circle-based process — was first used in schools in Queensland in the mid-1990s to deal with largely bullying incidents; the sorts of incidents that were leading to suspension and exclusion. The trial there showed that when conferencing was used for those cases there was a marked decrease in the number of incidents within the school.

That was replicated in a trial program in New South Wales in the late 1990s, where we had selected schools from west Sydney, some regional cities and outer western New South Wales. So the conferencing process then has been taken up by schools in various parts of the world — North America and Ireland. But what we then found over time is that less and less emphasis is put on that large-scale intervention when bad things have happened and more emphasis on using techniques — facilitators' techniques and some of the principles behind what is being done in trying to prevent those things from happening in the first place. In fact increasingly now, as I said — and that is part of the reason for this shift in language from restorative justice to restorative practices in schools and now to relationship management — the emphasis has gone primarily from the response to bad things and preventing bad things from happening to: what can we do within the school community to use these techniques such that on a daily basis, an hourly basis, we are making the school a safer and more supportive learning environment?.

We are seeing an emergence now of a philosophically coherent set of practices, and we have been doing this work here in Victoria, again in all three sectors — independent, state and Catholic — of working with teachers to improve the way they give feedback to students. This feedback is based on international research to increase intrinsic motivation, teaching staff and students techniques of constructive conversations so that they do not actually fall into the trap over time of relationships going sour; helping or giving staff frameworks or templates so that they can on the spot, in 5 minutes, sort out an issue that would previously have led to them escalating it by sending it to the assistant principal.

When all that is in place they tend then to use a circle-based intervention largely for productive exercises like, in the junior school, a daily discussion on how things are going at the start of the day and the end of the day. So they are doing far less than remedial intervention and in fact not conceptualising what they are doing so much as prevention but as much more positively encouraging a constructive and supportive school community. There has been a really interesting evolution which is really only being articulated clearly now. But it certainly started with the process that Peter was talking about — that is, conferencing being the flagship for the shift from what historically has been called behaviour management. It is about focusing on the manipulation of the individual behaviours and just

shifting our focus to what we are managing — that is, a very complex network of relationships in the school, and thinking about what encourages that to work well. It is actually a very exciting project.

Mrs KRONBERG — Just very quickly, in terms of the power balance and the fact that we are talking about teachers, would it work better with a non-teaching person convening those sessions, like a school chaplain, for instance?

Dr MOORE — Yes. So it is a crucial political question of who runs the conference and who sits in there. In cases where staff are in some way involved in some sort of conflict they do not run the conference; they are in there as an equal participant.

Mr FOLEY — I suppose, focusing more on the aspects of our reference regarding the criminal court system, my understanding is that your organisation's view is that the referrals early in the judicial process should be mandatory pre-hearing and pre-sentencing. We have heard conflicting evidence from Victoria Police and different submissions about that and that it should be voluntary post-sentencing and custodial, et cetera. In short, why do you take that view when obviously it is a contested field? We have heard arguments, for instance, about discounted sentences and encouragement arrangements to move things along as well as trying to get good outcomes. Can you give me a summary as to why you have taken particular views on the judicial process?

Mr CONDLIFFE — I guess VARJ's viewpoint is that the victim's participation is always voluntary. In terms of the offenders, under the system at the moment their participation is basically voluntary. There are systems where it is mandatory, and I am not sure that that makes a lot of difference. In terms of where it takes place in the system, I have been involved in both post-sentence and pre-sentence processes, and in terms of the administration and set-up of the conference or process there is different work you have to do. So if you are arranging a conference between a murderer and the victim's mother, for instance, you have to do a lot more preliminary work than in the case of a burglary of a local store. In a pre-sentence type situation the scale or level of work is different.

In terms of the outcome for the offender and the victims, whether primary or secondary, you can still have good outcomes in both cases. We are talking about really not only issues of recidivism and rehabilitation; we are also talking about healing of victims and social costs to the whole community of offending. It seems to me that if you say 'We are only going to isolate this to one particular area of the criminal justice process', you have to ask yourself, 'Why does that make sense in terms of social utility in the broader philosophical sense', and I do not think it does make much sense. It can present procedural and administrative issues, but in philosophical terms you can get as much out of a pre-sentence as against a post-sentence system.

If you look around the Australian jurisdictions they are actually across the board. So in Queensland, for instance, a judge or magistrate can order a post-sentence conference in serious crimes, but also in that state you can have a pre-sentence process. Why is that the case in Queensland, and why will it not work in Victoria? Nobody has answered why in South Australia they allow sexual offenders to be considered for conferencing, but it seems to be a big no-no in Victoria. The reasons are often political and administrative, and what bureaucracy — criminal, police, corrections or otherwise — is comfortable with. In philosophical terms there is no reason why you cannot use these processes across the broad spectrum, and I go back to my initial comment that we are not talking about a process here. We are talking about a philosophical approach to managing wrongdoing in the broad sense of the word. Whether you are a policeman, a magistrate, a judge or someone working in corrections, we say your whole approach should be informed by restorative justice. Whether you are setting up a program in a community corrections centre or a program for juveniles in a local boys club or even a school, how is that informed by some of these principles? That is across the spectrum. That is our approach, if that makes sense.

Mr O'DONOHUE — You make comment in your submission about the low levels of access to restorative justice. Do you want to make a comment in relation to rural and regional Victoria?

Mr CONDLIFFE — One of the things that really horrified me when I came to Victoria was that we had three programs, and I asked myself the question why, if you lived in Warrnambool and if you were a juvenile, you did not have access to this conferencing program as compared to living in the inner city? If you are going to apply a process — whether it be restorative justice or any other type of process — into the criminal justice system, I really think the whole of the jurisdiction must be covered; otherwise you set up inherent contradictions and it will fall over.

The fundamental tenet of our system is that everybody has an equal chance, so if you are setting up a program in Melbourne you have to set it up in Mildura as well — you have to make it available. One of the reasons I think restorative justice programs in Victoria have not taken off as much is they have been placed in isolation in two ways. One is geographically: if you put one in central Melbourne and give it to the Jesuits, if you put one in Melbourne and give it to the Salvos, and if you put one in Gippsland, it has been isolated in a geographic sense. The other way it has been isolated is they have cherry picked a number of welfare-type agencies to run them. They can easily be killed off if you do not like the program, or if somebody wants to stop funding; you just kill them off pretty easily. The other thing is you have problems of communication across each of those organisations. I think that is still a fundamental problem in the way Victoria is approaching the establishment of these programs. You see that Anglicare has got the job for the community justice centre — yet another organisation with more organisational imperatives to take care of. I am not sure of the answer if you asked them, 'Why don't you run it yourselves? Why don't we have a state-coordinated system with one umbrella organisation?'. Give it to Anglicare across the whole state, if you like, give it to the Jesuits or give it to someone else. It makes more sense to me, but the approach seems to be about establishing silos here, silos there and silos over there.

I think DHS is making some efforts to coordinate the conveners in these very programs a bit better now than it was at the initial start-up, but when I returned to Victoria seven years ago it seemed that nobody was really talking a lot to everybody else; it seemed to be fairly incoherent. That is one of the reasons we started VARJ. The big systems in Australia — if you can call them big — are basically run by the state in a coherent fashion across the state with the underlying principle that if you can get it here, you can get it here and you can get it there. In those states, Queensland and Western Australia, they have large land masses and big Indigenous and other remote communities to take care of, so they are much more sensitised, in a way, to those issues and geared up, whereas in Victoria we assume that if we establish something in Melbourne, that will take care of everything. That is not the case.

Mr FOLEY — Are they sensitised or bureaucratised, because that was one of the arguments we heard?

Mr CONDLIFFE — In Queensland where I worked for a while they are really sensitised to rural politics. That is why you do not have daylight saving.

Mr FOLEY — Rural politics versus rural restorative justice.

Mr CONDLIFFE — They are sensitised to that, particularly because of their Indigenous and other communities in Queensland. But in Queensland itself — I do not want to talk about Queensland — the politicians there, I think, have a much greater appreciation of the power of the rural vote and the regional vote, because they have got fairly large regional centres. The mines are not in Queensland, are they, and the big ports are not in Brisbane; they are somewhere else. There is a lot of power in the regions. Whereas in Victoria we do not seem to appreciate that distinction as much, I do not think.

The CHAIR — Can I just come to the Koori Court and the Drug court. You did say in your submission that there is potential there to further utilise restorative justice principles in that kind of context. Could you talk a bit about that?

Mr CONDLIFFE — The comment made there was that they already do incorporate some essential elements of restorative justice principles — just the idea of the way they have been restructured in those informal senses, trying to get magistrates to come down off the pedestal and engage in some conversation and getting to understand where the offender is coming from and what impact they are having in a social sense on their own family and community. I think that is all good. Probably what I would say in response to that is, now you have set up those structures, let us go a little bit further and apply some of these principles in some of your processes so that you actually can get a bit more adventurous in the ways you are structuring some of your interaction. David briefly mentioned before there has been a carefully thought-out process of interacting with offenders and victims as part of conferencing processes so that you maximise your chances of healing in the process. Why do we not try to look at the processes that the drug courts are using to actually bring some of that into the process? Also, could we use referral out to specialist conference conveners and others in some of these courts? My view of those is they are great innovations and to be applauded, and maybe we just need to now ask: do the staff involved in those processes, including the magistrates, actually understand RJ philosophies and principles? One of the things I am saying is: you have got the structures, and they are fine; let us think about the philosophical approach to how they are running.

Dr MOORE — It is essentially a good time, really, to align philosophically, as we are also talking about some more coherent administrative oversight, because we have essentially cherry picked four programs — the Neighbourhood Justice Centre is modelled on the Red Hook court in New York; the Koori Court is modelled on projects that started in Canada, in Manitoba and Saskatchewan; the Drug Court was essentially modelled on the Michigan drug court; and then we have got conferencing as well, which was developed here in Australasia. So we have got these four very philosophically similar processes, and once you get up to that number it does seem that it is time for an audit.

Mr FOLEY — A systemic change.

Dr MOORE — An audit both administratively and systemically, and philosophically, because we have got that much alignment it makes sense to sit down and say, 'Let's look at the common features here and also to what extent they can benefit from a greater coordination'.

Mr CONDLIFFE — I use a metaphor: we have got the Trojan horses in there; are we going to take over the city or are we going to retreat?

Dr MOORE — Or go on a long odyssey.

Mr CONDLIFFE — It had to end on a classical Greek reference!

The CHAIR — It did indeed. Also, I guess, that is why this committee has got this reference at that particular point historically. Could I thank you on behalf of the committee for your very interesting contribution and also for your reference. You will get the Hansard transcript, and if there are other things, I hope you will not mind Kerryn or Kate getting in touch with you, because there are lots of other things we could move through, but time has beaten us, I am afraid.

Witnesses withdrew.