

CHAPTER 2: FAMILY GROUP CONFERENCES

The Family Group Conference has been variously described as a process of diversion, cautioning, mediation, restitution or reconciliation. Certainly, the process shares features with other processes that bear these various titles. As it operates in the Wagga model, the family conference process does indeed divert victims and offenders from the court system. It does proceed within the common law and statutory legal framework of cautioning for young offenders at the discretion of police. It is superficially similar to mediation insofar as the two major parties to a dispute are helped towards a mutually acceptable resolution by a third party. That resolution often includes material restitution for the victim, and generally achieves some degree of reconciliation between victim and offender. Nevertheless, all of these terms are inadequate as alternative names for both the process of family conferencing and for the model in which that process is employed. The model aims to achieve more than diversion or cautioning. A degree of reconciliation between victim and offender is only one of the outcomes achieved during or after a conference. The legal and moral basis of family conferencing is quite different to that of traditional mediation. So the terms "diversionary conferencing" and "victim-offender reconciliation" each tell only part of the story, while the term "mediation" confuses the issue.

The term "diversionary cautioning" appeals to those concerned with systemic efficiency, or to those who believe that the court process is inherently damaging to the offender. Diversion offers to save taxpayers' money, to avoid the stigma of a court appearance, and to avoid the possibility of an offender acquiring a stigmatic criminal record. The diversion nevertheless involves some sort of formal cautioning in order to register that an official intervention has occurred.

The term "victim-offender reconciliation" generally appeals to a different constituency. It is most attractive to those with faith in the transformative power of forgiveness. The philosophy underlying victim-offender reconciliation programs holds (correctly) that forgiveness offers benefits to both parties, relieving them of the burden of anger, shame, fear, distress, and disgust. The main aim of a victim-offender reconciliation program is to offer both parties a means of escape from these negative affects. Proponents of the goal of victim-offender reconciliation have, however, questioned whether such programs can operate within the boundaries of a criminal justice system that is built on notions of punishment and retribution administered by the state. Furthermore, a program bearing the title "victim-offender reconciliation" runs the risk of alienating or offending victims, because the title suggests that the problem is theirs. It suggests that they need to be reconciled with the person who offended against them.

The term "mediation" appeals to a broad constituency. Like the term "diversionary cautioning", "mediation" offers to reduce costs and provide an alternative to court. It also offers to produce the reconciliation which is the central aim of "victim-offender reconciliation" programs. The term "mediation", then, apparently applies to a process that offers diversion, cautioning, *and* reconciliation. Accordingly, some observers have applied the term "mediation" to family conferences. This is a mistake. Mediation and family conferencing are not synonymous. Superficial similarities between the two processes should not obscure the fundamental differences.

Mediation proper occurs when two or more parties each have an acceptable claim to some social good. The mediator enables those parties to "meet half way". The parties are guided towards an optimal solution through conciliation, cooperation and compromise. The important point to note here is that the parties to a process of mediation entered that process from a position of rough moral equivalence. The starting point for a family conference is fundamentally different.

A family conference is convened when a contest between victim and offender has already occurred - on the offender's terms. One goal of the process may be to begin a longer process of restoring the moral equality of participants. The incident has clearly transformed those affected into an offender or a victim, and both major parties attend the conference in one of those roles. Yes, in the longer term, the labels of "victim" and "offender" may gradually be removed. However, the conference is convened, in the first instance, to address the consequences of an incident. The immediate goal is to repair material and emotional damage, and to minimise further harm. These are the processes of *reparation* and *restitution*. As this process nears completion, so the moral status of the offender should be restored. Likewise, the status of the other party as victim should come to seem less important than that party's ordinary moral status as a citizen. This is a process of *restoration*. Thus, as reparation, restitution, and restoration near completion, so the moral status of the two parties may approach the state of equivalence that existed prior to the act of victimisation. At the start of a family conference, however, the moral status of the two parties is profoundly unequal with regards to the act at issue. To see "mediation" and "family conferencing" as synonymous is to overlook the fundamental moral differences between the two processes.

In sum, then, diversion, cautioning, reconciliation, mediation, and family conferencing all share some features, and yet they are all different processes. They differ, in turn, from the central process of modern criminal justice systems - appearance in court before a judge and possibly also a jury. And these differences serve as a reminder that any criminal justice system consists of diverse institutions and practices - institutions and practices with differing origins and with goals that may diverge or conflict. The values underlying any practice or process within that system will be influenced by several factors. One factor is the goals of those who originally designed and implemented the process. Another factor is the nature and position of the department with responsibility for it. Yet another factor is the goals of those officials who now have responsibility for the process. The goals of these officials may diverge from the goals of their employing institution, and from the goals of those who implemented the process.

The goals of institutional and individual players in criminal justice systems have varied considerably. They have included: punishment as an end-in-itself; punishment as a demonstration of power (of the state and/or the punisher); punishment as a form of deterrence (both for a given offender and for other potential offenders); punishment as a means of atonement - on the part of the offender - to the victim, the community, or the state; punishment as a means of demonstrating to the victim that the state condemns the victimising act; deprivation of liberty on grounds of public safety; therapy and rehabilitation; the provision of material restitution to the victim.

These various goals have been listed here along a spectrum ranging from the authoritarian to the therapeutic. Public policy relating to criminal justice in modern states has oscillated between these two poles. All the listed options share two features. First, they involve treatments administered by the state. Second, the involvement of victims is never more than symbolic or rhetorical. The state determines whether accused and accusers are, in fact, offenders and victims. The state then punishes offenders on behalf of victims. Where a victim's voice is heard, it is to enable the state to choose a tariff for an offender that is deemed more appropriate. Under these arrangements, the victim can never be more than a means to an end.

Given these fundamental rationales, proponents of "victim-offender reconciliation" and related alternative programs have wondered whether any practical restitution process can operate within modern criminal justice systems. The goal of victim-offender reconciliation is simply not a concern of modern criminal justice systems. The assumption that victims desire vengeance is built into the central institutions of the system. Mainstream criminal justice then deals with material negotiations rather than emotions - other than righteous anger. Goals such as the restoration of trust, the reduction of social conflict, or the transformation of social relations are thus generally outside the purview of criminal justice systems as they are currently constituted.

Nevertheless, the experience of programs in North America and Western Europe that have pursued goals such as victim-offender reconciliation suggests that it is possible for such programs to retain their integrity. Experience suggests that they are most likely to retain their integrity if located at the point where criminal and civil law intersect. This is, in effect, where the process of family conferencing has been located in the Wagga model. The origins of that model have been described in the previous chapter. The process is convened by police who, as a function of their threefold historical mandate, act as gatekeepers of the criminal justice system. Yes, police are responsible for law enforcement, but they are also responsible for the broader task of "keeping the peace" and for the provision of miscellaneous and emergency services. Constabular discretion is employed in the event of conflict between law enforcement and the other elements of this threefold police mandate.

In the Wagga Wagga police patrol, both the Patrol Commander and the officer in charge of the Beat Police came to the conclusion that more thought needed to be given to this gatekeeping role. In particular, they thought, the approach by their colleagues to the problem of juvenile offending needed to be changed. The current approach was fulfilling the technical requirements of law enforcement, but was actually working against the spirit of their broader "peace keeping" mandate. Other members of the local community agreed. The Wagga model was developed in response to this perceived problem. Under the new model, the law is invoked in response to an act of victimisation, but the damage arising from that act is addressed within a model of peacekeeping rather than law enforcement. That is to say, the institutional position of the process is at the point where civil and criminal law intersect; criminal law is invoked to give a legal basis to proceedings and to put a legal safeguard around participants. Outcomes, however, are achieved not through the adjudication of state officials. Rather, they are achieved by civil cooperation in the spirit of "peace keeping".

Case studies have been provided here in order to convey to the reader some feeling for how such outcomes are achieved. Several case studies from Wagga Wagga have already been published elsewhere, but few details of the proceedings are included with those case studies. Detailed dialogue from conferences is provided here in order to illustrate the dynamics of the family conference process as it operates within the Wagga model. Of course, even with a complete transcript of proceedings, the full emotional "flavour" of conferences is still not adequately conveyed. The emotional engagement of all participants is a significant aspect of conferences, and that engagement is only hinted at in the participants' choice of words. Nevertheless, the words chosen by participants, the sequence in which they speak, the nature of their moral reasoning - all of these factors are also significant. These transcripts illustrate such factors well. The transcripts also indicate the path by which groups move towards some acceptable resolution of the problems created by the original offence.

The dynamics of this process are vitally important to participants. Comments made at these and other conferences - and in subsequent interviews - confirm the findings of related research into popular perceptions of the law. Such research has suggested that people tend to be at least as interested in the way decisions are reached as they are in the details of those decisions. Most people are particularly concerned that the processes by which decisions are reached are fair, and are seen to be fair. And one of the notable features of these transcribed conferences is how frequently participants choose to comment on the fairness of the proceedings.

The order of proceedings followed in these conferences is essentially the same as that described in the *Conference Coordinators Manual*, a publication prepared a few months after these conferences were recorded. By that time - the middle of 1993 - the model had been evolving for some eighteen months. A standard basic format had been developed. Participants, coordinators and observers seemed satisfied with that format. (The manual is reproduced in the second appendix to this report.)

The fourteen conferences discussed below were convened by Terry O'Connell in blocks of three or four conferences. Apart from the choice of coordinator, the conferences were chosen at random to be recorded, and were recorded with the agreement of all participants. They are reproduced here in chronological order. (Details of research methodology are provided in the first appendix.) Names and some minor details have been changed in order to protect the privacy of participants. Transcriptions are otherwise accurate.

As discussed in the previous chapter, the format of these conferences clearly owes much to the original New Zealand Family Group Conference. It was also influenced by crime prevention workshops run by members of the beat policing unit in Wagga as part of a school liaison program. Part of that program involves an exercise in which students are asked to imagine themselves in the position of people affected by crime. Their responses are written up on a board and discussed at length. In the early stages of developing an effective cautioning scheme based on the New Zealand experience, Terry O'Connell and colleagues had considered adapting this pedagogical method as part of the conference process. The idea would be to ask offenders how they thought the victim(s) of their behaviour might feel, to record those responses, and then to ask the victim to join proceedings and compare notes, as it were. This idea was discarded

for several reasons - it would seem rather obviously stage managed, over complicated, potentially melodramatic, and could be seen to be using the victim as a means to an end. There was no need for the mediation of a whiteboard. The alternative was simply to devise an appropriate sequence for the first contribution of each participant and to follow that sequence. "Keep it simple!" became a cardinal rule. After a small amount of trial and error, a sequence was arrived at that seemed consistently to encourage dignified proceedings ending in mutually satisfactory agreements. The sequence was as follows:

- * The coordinator invites participants into the conference room. The victim(s) and their supporters enter and are seated on one side of the circle of seats, to the left of the coordinator. The offender(s) and their supporters then enter and are seated to the right of the coordinator, who then opens the conference and introduces participants. The coordinator then requests the following to relate their version of events before, during and/or since the offence:
- * The offender (If there is more than one offender, each is requested to relate their version.),
- * The parents/guardians of the offender(s),
- * Siblings of the offender(s),
- * The victim,
- * Supporters of the victim.

A general discussion follows, the sequence of which is effectively determined by participants. Each stage of the conference is characterised by strong emotions. The coordinator may prompt the shift towards a resolution by asking the victim what they had hoped to see as a result of the proceedings. The final stage of the conference follows. It involves negotiating a collectively suitable agreement, and this negotiation generally takes about ten minutes.

The conferences discussed below follow this basic format. Nevertheless, debate was continuing on the issue of which types of case were or were not appropriate to be dealt with by way of conference. The question of who should or should not attend also remained open. The outcomes of these conferences actually provided some answers to such questions

CASE ONE: LARCENY AS BAILEE

This is an unusual offence and was a very complicated case. There was far more to it than came to light in the conference - as was made clear in a subsequent interview. In essence, however, the unapproved sale of a horse by the daughter of the owner was brought to the attention of the police by the owner of the horse. The gentleman who bought the horse was well known to local police for various other reasons. As soon became clear, however, the question of who owned the horse was not the real issue in this case. In fact, the conference developed on lines closer to those of a traditional mediation. The question of who was a victim and who was an offender was not entirely clear cut. What was clear was the degree of painful estrangement between family members. The conference resolved some of the outstanding issues, and the outcome proved acceptable to all participants.

The conference began with the usual greeting and introduction of conference participants. The coordinator then offered the following observation:

From the outset, I really should say that this is a very complex matter. We need to have a forum to resolve a lot of the issues. You know what I'm talking about.

The person in the middle of this is Detective Senior Constable Will P_____ who's had a hopeless task. What is really different about this is that the complainant in the matter is the father of the offender. I don't want to use any more technical terms. What we really want to do today is to talk about what happened. I talked to Will about this and because of the unique circumstances I am less inclined to treat this as a formal caution, but nonetheless we still want to try and resolve a lot of the issues.

Since the daughter was technically the offender in this case, she was asked to speak first. She provided her version of the circumstances that led to confusion about who owned the horse:

A few years ago we went droving and seen a stock horse over at Colin V_____'. So he went over and bought it and he said it was a male horse, and so I just virtually thought it was my horse, I could do what I liked with it, and a few months later if I didn't treat the horse right he'd say, "I'll take it off you and I'll sell it and it won't be yours anymore". Dad and I used to get paid \$200 a week, so I saved up \$200 a week to make \$800 I paid that \$800 for the horse and Dad went over and told Colin that the horse was mine, legally mine. I said to Colin, I said, "At any time would I be able to get a receipt, like if Dad ever says that the horse was his?", and he said yes. As far as anyone knew, that horse was always mine.

The coordinator emphasises that this is not a trial, and that Libby is not being interrogated. Nevertheless, he is curious to know why she went to Colin - the alleged receiver of a stolen horse - when she was confident that she owned the beast. Was she not confident?

No, I had the horse then and I just wanted a receipt. No I don't know why I got it. I just wanted it. So I went over and got it and Will kept it and he said "Would I be able to get a statement from you?" and I said "All right". So I told him how I got the horse, and how it was mine and how I paid for it.

Some confusion about statements and interviews is cleared up with Will - the investigating officer - who says that Libby's story now is indeed the same as the version she had given earlier. The coordinator then asks her how she felt when she heard that her father had accused her of horse thieving:

He was a real arsehole, to put it polite. I don't really like him much at all, and I sold the horse.

Libby explains that she gets on well with Colin - to whom she sold the horse - but has had a falling out with her parents. The coordinator acknowledges that this affair must have been very difficult for Libby's parents. He then asks her father, Doug, to give his version of events leading up to the sale of the horse:

As she said, it started off...I'll change the story a bit. I bought the black horse originally for myself. He's a good horse, handy on cattle, good buckler there and she kept pestering me, "Dad, why don't you let me ride him?", and I said to her one day, "Well, he will buck and I'm scared you'll get hurt", and then I said, "No, alright, ride him and he's your horse until such time that you cannot handle that horse. He is never to be sold and he must come back to me if he's too strong for you that you feel you've got to get rid of it". That's the statement I made.

As far as my daughter sitting there and saying that she bought him, that she would have to pay me for him! If she only realised that I would die for her, you know, whether it involved police, or whatever. It would not worry me, because I love her that much, you see. That is the difference between me and her. For her to sit there and say that - she can try and do it, but she can't hurt me, that's it.

But quite clearly, of course, she had hurt him, and she had hurt her mother, too. Her mother was asked what she thought:

Well I think it's shit, putting it politely, because she knows what we feel about her. We give her everything and anything, and everything she wants. Probably one thing we didn't give her was a bit more chastising. There's other things she never got. Everything she seen in the shops she got because we loved her that much, but that no one could ever replace and she should know that.

Did her father think she resented being taken out of school to go droving, as she claimed? He thought not, and gave plausible reasons why. And what did he think of the man to whom she sold the horse?

Well I wouldn't have minded if she rung me about the black horse and she got a fair deal on it. I wouldn't have minded if she sold whatever she had, but she let us down and let us get ripped off.

An argument emerges, shifting from whether Libby was ripped off, to whether the horse was a good horse or a bad horse, a wild horse or a docile horse:

I don't want to start arguing. I had it on my video bucking - you know our kids had their Christmas presents out there and they bring the horse up what we bought for them - it's wild. Popped the top rider, put him in intensive care and jumped all over the Christmas presents. That is that quiet horse!

And from there to whether the possibly wild, possibly docile, possibly worthless, possibly valuable horse had been captured on video misbehaving...Libby dissents:

I call that a lie because you never seen the video.

From there the argument leads back to the issue of what happened to the horse, what money changed hands, and why a receipt was necessary if ownership was not in dispute. It all proves baffling to the investigating officer:

So forgive me if I'm lost, but as I understand it we have now got three versions from you on what's taken place, is that right? First of all, you paid Colin for the horse back in 1991, or some time back in the past. Then the other day when you came up and when you were interviewed by me you told me that your father bought the horse off Colin. Now you're saying you paid Colin for the horse recently - or when?

Libby says she gave different versions of events because she wanted nothing to do with the case. Being uncooperative was, in effect, a way of punishing her father for dragging her into the whole business. The coordinator shifts the focus at this point to Libby's de facto supporters - her boyfriend and his parents, with whom she is currently residing. Libby's father is asked about his perception of the whole affair, and how he came to be involved in it:

We moved here about eighteen months ago, right. As far as I know - like my son, when he's cranky with me he'll say things that he doesn't mean. I have not seen Doug hassle my kid, right. I've never seen him do the wrong thing. He always seems to get a fair go. The story with the horse when we come here, as far as I know - as far as everyone knows - and this is not putting you down, Doug - I'm telling you what I know and that's it. The horse belonged to Libby, that Doug bought it for her, that Libby paid her Dad back through droving.

I'm only getting it from Libby, but I've been led to believe that all the time - everyone in Riverside has been led to believe that story. Colin V____ used to feed it. Old Jim H____ used to do it too - for nothing - to help Libby out. As I said, I'm an innocent bystander. I don't know the full story of the horse, but I think the whole crux of the matter boils down to Doug - and I want to be honest - the horse isn't the problem. It's friggin' V____. This is my opinion. If you've got a problem with V____, bewdy! You work it out with V____, but I don't want to be dragged into everything, and I don't think Libby doesn't, Raelene doesn't, and Simon doesn't.

LILA: For starters, we didn't drag you into nothing. This only concerns Libby.

But Libby's boyfriend's father disagrees. The incident has affected relations between him and his son, so it is certainly his business. This leads him onto the general problem of family tensions, and he suggests a conciliatory rather than an adversarial approach. His words are addressed to Libby's father:

If we can't sit here and work it out instead of people back-biting - like Libby says she hates your guts, but you know damn well she doesn't mean it. You know that. The same as Simon said it to me and I know he doesn't mean it, but in my outlook the horse is just a minor thing to get even with. You work it out the best way..

COORDINATOR: Sean, also there is an emotional problem with Libby in this.

SEAN: She's crossed between two sides, I think.

COORDINATOR: Yes, okay. You think about Will's position in this.

The coordinator uses this opportunity to address the tension between Libby's boyfriend and the investigating officer, who has been treated with contempt. The contempt, the coordinator suggests, is aimed at police in general, rather than at Will. Simon had told the coordinator he simply disliked police:

COORDINATOR: Simon, I'd like to [clarify] that one - you don't like coppers?

SIMON: No, I don't

RAELENE: Sorry, my kids have been brought up with quite a few of them and I don't know where he's got that attitude from.

Nevertheless, Simon had told the coordinator that he thought it was a good idea to try to sit around and "talk it out". So what did he have to say about all of this? What were his thoughts? How did he want it resolved?

It's all a load of shit./ I don't care, I just want it finished.

His mother asks him how he feels about the affair:

I don't feel real good.

Simon's mother, Raelene, then delivers a lengthy speech, saying how much it hurts her to see parents turn on their kids. She talks of how Barbara had once got on so well with her parents. The suggestion that Libby has been rejected by them, however, brings a sharp response from Libby's mother, Lila. She loves her daughter, and furthermore, she has done everything in her power to ensure that Simon did the right thing by his parents. This leads to escalating claims:

LILA: Even Simon. I've told him when he was living at home, "Ring your parents, speak to your parents", haven't I, Simon? So don't put me down.

RAELENE: My son's like me, he's very proud.

LILA: Not half as proud as what I am!

RAELENE: And I didn't expect my son to come back and speak to us in a hurry because he's like me. It's not an easy thing to do.

LILA: I will tell you what: If you loved him as much as I love her, you'd continuously ring. You'd try and be there. That's love and devotion. I have put everything into..

RAELENE: If she doesn't want nothing to do with you, why hassle a child? Why not leave the child alone and let the child work it out?

Suddenly, the argument turns to an exchange of nostalgia for the time when Raelene, Sean, and Simon first arrived in town, and how well they had got on with Lila, Doug, and Libby. Raelene suggests that the relationship deteriorated over issues to do with horses. The same is true, she suggests, of Libby's relationship with her father:

That's why she sold [the horse], so you wouldn't harass her any more because she was scared you were going to take her horse and you were going to shoot him and do away with him to deprive her of him.

LILA: I tell you what, you exaggerate a lot for a woman!

RAELENE: No, I've never exaggerated in my life.

LILA: Well you have done a good job of it now.

Again, the coordinator shifts the focus slightly, reminding Sean - Libby's boyfriend's father - about an earlier conversation they had had:

Sean, when I was talking to you, you expressed some concerns about Simon and Libby in terms of living together.

Sean is not happy with them living together. Raelene feels she can do nothing about it. Doug had been worried about their legal status, since Libby had not turned sixteen when she moved in with Simon. But Doug has nothing against Simon, nor has Lila. So that issue is resolved as much as it is likely to be. Sean turns to legal matters. He feels sorry for Will - the investigating officer - who has had to make sense of an extremely confusing issue. Sean raises the issue of what may yet happen with Colin V____. He and Will begin a discussion, but the coordinator suggests that any such discussion may simply confuse matters further, while not contributing to the resolution of the issue at

hand. Simon agrees that it's all very complicated. So the coordinator offers a summary of the issues to date:

COORDINATOR: Yes, it's tricky, isn't it? Libby, have you got a better understanding from what's been happening here? I'll tell you what I make of it. It's really clear to me that here we've got a group of people who have got some regard for one another, okay. You don't hate one another. There's a daughter involved and there's a son involved, and you can live with that.

That's not a problem because you've got a regard for all of them. There's a horse. The horse has become a means to an end. I know what you've said. You think that Doug's trying to get at Colin. I don't know, but I don't think it matters. Why we needed to come together was to make some sense of it so that we could stop the tension so you people can get on and live your lives. I'd like to see Libby reconcile some of her differences with her parents.

Whether you accept it or not, it is obvious they do love you. It is very obvious. Simon, it's no good being angry about things all of the time. These people have regard for you too. You have obviously got lots of regard for them all. You people have got lots of regard for one another - none of it makes much sense, does it? So in terms of this caution, I have spoken about this. We are not interested in making a record of this per se, but we are interested in doing is bringing people together so that you can start to get on. What are your thoughts on that, Doug?

Neither Doug nor Lila have any difficulties with that outcome. But Lila adds that she has been greatly hurt by Libby's attitude to her and Doug. That sparks another angry and distressing exchange:

LILA: How can you sit there and hurt your Dad?

LIBBY: How can you sit there and call me into this room?

LILA: You put yourself here?

COORDINATOR: I think we can go on. We don't want anyone to get hurt any more and it's been very difficult for you. what I'd like to see you do is to go away and agree to come back together, not with me involved, but at a time where you can work out some of these differences. How do you feel about that, Doug?

Each of the participants are asked in turn whether they are happy with that outcome. They are, they thank the coordinator, and the matter is resolved. Subsequent interviews suggested that participants were impressed by the process, despite the complexity of the case. Some of their responses are discussed in chapter 4.

CASE 2: MALICIOUS DAMAGE

This case involved the sort of unthinking vandalism with which police regularly have to deal. The perpetrators were aged ten and eleven. The conference reached an agreement for reparation which all participants found acceptable.

The conference begins with an introduction, and a reminder that people are here to find out how this incident has affected others. Nadia - the younger of the two - says that she and Jason were simply walking along, saw a car, and scratched it. Jason pays more attention to the immediate consequences of their actions:

We were coming back from the playground. We were walking past and scratched the car. Then this person took us in and went into a couple of rooms and then the police came and they were asking us all these questions and they took us to the police station and they rang our mums.

Both Nadia and Jason had discussed the issue at home, but not at school:

COORDINATOR: Did you talk to your mates at school?

JASON: No.

COORDINATOR: Why?

JASON: Because I felt funny. It wasn't the sort of thing you talk about.

COORDINATOR: No it is not. Since then we have discovered there is a whole lot of people affected. Let's find out what happened to Ms Johnson, the victim. You must have been shocked?

MS JOHNSON: I was. I was devastated, to be honest. I only had the car two months. I was quite proud. I still am. I worked hard to get a nice car. And to leave it for five minutes at a registry office in the middle of the day - if it was a Saturday night in the main street maybe you could expect something like this - but older people, not children.

The victim then asks Nadia a series of questions: Where did she get the knife? Did they do any other damage that day? Her affirmative answer provokes an angry response:

What about them poor people? You didn't get caught. Maybe you didn't think you'd get caught with when you done my car. You wrote me a letter and told me how sorry you were. You had never done anything like this before. Now we find out you have done another car! How many other cars did you do? My friend has been good enough to drive me around. It is a bit hard to ask somebody at half past six in the morning to come and pick you up.

The coordinator asks Ms Johnson's friend about the incident, and the effect it has had on her. She doesn't mind the effort, helping out a friend. But it has been a trying time. It has also been very difficult for Nadia's mother:

I mean, she had never done anything like that before in her life. She's usually good. She's always been good, reliable, trustworthy, you know. She doesn't do anything wrong.

The coordinator asks her how she feels. He asks Nadia's father how he feels. He is baffled. He "couldn't understand it". A family friend speaks on behalf of the parents:

It is probably harder on the parents. They are probably feeling, probably more and hurting more than what the kids probably are. We are parents. We know what it's like.

So how do Jason's parents feel? His mother speaks first:

Very upset. Couldn't believe it at first. I still can't adjust to the fact that he's done something like that because he's never shown - he is a typical boy. I'm not saying that he is the perfect child or anything, but he's never done anything to his brothers or sisters. He's usually pretty good with them. We just couldn't believe it.

Jason's brother and a family friend offer some comments. Nadia is asked what she has learned so far:

Never to touch other people's property.

COORDINATOR: So it was a dopey thing to do, was it?

NADIA: Yes.

COORDINATOR: For someone who is considered by Mum and Dad as a pretty good kid, it was a dopey thing, really.

A similar exchange takes place with Jason. Then the victim is asked why she wanted to attend the conference. She's concerned about a \$300 dollars in insurance costs. A sequence of apologies is offered. The apologies are accepted. Then the substantive issue of costs is addressed. The bulk of the \$1100 costs are to be borne by the insurance company. Given the age of the offenders, the parents agree to split the burden of the remaining \$300. The coordinator finalises agreements, and concludes with a a summary of the issues:

I really didn't hear them say that Nadia is a bad kid or didn't say that Jason was a bad kid. What they said was they are good kids. They normally wouldn't do anything like this I can't understand why. Do we understand that? We all want to be friends out of this, don't we? Okay. We want to be able to park our car and come out and think we can get into it and it is in the same condition when we left it. Do we understand that?

Both Nadia and Jason agree that they do. An agreement is signed, participants are thanked, and the conference concludes.

CASE 3: STEALING AND TRESPASS

This case involved the theft of clothes from a backyard clothesline. The three people affected had earlier been the victims of a more serious burglary. Furthermore, since the case in question, they had had other clothes taken from their clothesline. They had good reason to feel annoyed. So after the introduction, the coordinator sets the parameters:

It's important that we focus on what Troy did, okay? In other words, what I think we will find is we don't like the behaviour, but we will probably find that Troy would not be a bad sort of young fellow. I'm sure that will come through. But on my right here are people who are directly affected by it, and we will discover in what way. Hopefully, Troy, at the end of this you will understand that when you do something that's inappropriate and unacceptable, that you realise it affects a whole lot...can we just hang on? It sounds as though we have got two more additions. You're a friend of the family?

Troy's uncle enters the room. He is greeted and seated. Troy begins the story of how he came to be at the scene of the crime. Troy's father then appears at the door of the conference room. He is greeted and seated. The story continues:

And I was with a friend and he said, "Oh, nice tank top that he had, nice t-shirt!", and I said, "Do you want to swap for it?", and he said no., and I said, "A pair of jeans?", and he said, "Yeah". And then we walked past this new pair and I said, "Would those there ones be good?", and he said, "Yeah, they'll probably fit me. Get 'em and I'll swap you". So I went and pushed me bike up against the fence, got on the bike, jumped on it and I jumped over and got it and there was a t-shirt with it, purple t-shirt, and I grabbed that

there and I jumped back over the fence and I saw someone looking out from the back of the fence or something and so...I don't know what it was, so I gave my bike to him and said, "Get on out of here". And then I was walking, and I started to run with the clothes, because I didn't have my bag. I got up to the corner and I put them in my bag and I started running, and then next door, you know where the lane is?

The story continues, with some pauses as Troy stops to confirm that the coordinator and the victims know exactly what corner, what fence, what shop he is talking about. The otherwise excited retelling ends with "They came and got me":

Who was that, the police?

TROY: I don't know who it was. I forget. There's a young fellow, and they took me. Did I say that?

Troy is asked how things have been at home since the incident, whether he has talked to friends about it, and what he had thought about since. The answers, respectively, are not good, not much and not at all. So one of the three victims is asked what she felt about the whole affair:

JENNY: Pretty surprised to think that you couldn't even leave your own clothes on your own clothes line.

COORDINATOR: Were you annoyed about that?

JENNY: Yeah, because we had only been broken into about a month before at another place, and we moved so we could feel safe again.

Jenny's flatmate, Sam, is asked about his involvement in the incident. He had actually chased Troy when he saw him jump the back fence with clothes from the line. He describes the chase, being sworn at by Troy's colleagues, finding the police as they apprehended Troy:

The police got in the car and took off, so I just went home and sort of...the after-effects were worse because once I had actually sat down and thought about what happened, myself and Jenny sat down and we were sort of pretty upset and couldn't believe it had happened. As it was we were at the stage where every noise that was made outside we were sort of checking it out and having a look outside because of the break-in prior to that, but since that little incident with the clothes we were more so - listening for the back gate with a sort of paranoia.

JENNY: We sort of would sit out there and watch the washing dry.

SAM: The girls won't put out any washing any more because they are just afraid that it's going to go, because shortly after that incident, actually, another pair of pants and a shirt went missing off the line. We didn't report that. We sort of just left it and took it on the chin, sort of thing, but since then the girls haven't been hanging the washing out on the clothes line. We have been putting it in the shed to dry, and it's an inconvenience as well for us to feel that we can't have the use of our own backyard...

Andrea, who wasn't there at the time, has also been affected by the compounding effect of one burglary and two thefts, of which this was the first. She describes some of the effects this is having on her time spent at home. The coordinator then asks Troy's mother how she has been affected by the incident and its aftermath:

At first I was shocked, because he's never gone and done anything like that. I think I have coped pretty well with it. I mean, he was grounded and that. He's suffered. Everyone in the family has suffered, but most of all I think he has, and he has learned his lesson. He knows he is not to steal, and I hope by being here today he has learned his lesson.

COORDINATOR: When you say the family suffered, what do you mean by that?

TROY'S MOTHER: We had our ups and downs. We couldn't let him go anywhere, He's been grounded.

COORDINATOR: What's happened? There's a question of trust there?

TROY'S MOTHER: Yes. I don't trust him like I did before. He knows that. He has betrayed my trust...

Troy's mother explains how she's working with Troy to restore some of that lost trust. she is also trying to deal with some of the attitude she feels he's picked up from "rough boys". The coordinator turns to Troy's sister:

COORDINATOR: How is the sister, Sarah, going?

SARAH: Ashamed!

COORDINATOR: It's been hard for you, has it?

SARAH: Yeah. I can't believe he would steal from anyone. I can't face anybody.

TROY'S MOTHER: It's most hard because I can imagine how they feel, having their property taken. It's happened to me. I mean, brand new jeans that I hadn't worn, things they had taken, so I could understand how they feel, how bitter they are. But they are lucky they caught the person, or know the person, or know the person who did it. I never had no proof. I had my suspicions but I just couldn't prove it, so in a way I know what you are going through to have stuff taken from you.

And Troy's father?:

FATHER: I was a bit upset. I wanted to flog him. I was going to get stuck into him.

COORDINATOR: He's not a bad kid, is he?

FATHER: Only when he started knocking about with them. He started playing the clown because of them.

Troy's uncle is asked what he thinks about the incident. He doesn't seek to apportion blame. He is simply shocked. This is quite out of character. Molly, a friend of the family, agrees:

When Sally came around to our place Sally was upset and then...Troy was like a member of the family, and I was shocked. I couldn't believe it. It was so out of character for Troy. I just couldn't believe he had done it. Since the event he's spent most of his time with my young son. Even after...I mean, I think it was just a one-off, and unfortunately he was in the wrong company, and he's not in that company any more, and he's basically a good kid.

The coordinator suggests at this point that everyone has done something silly in their time. He raises the issue of personal responsibility, however, since three people in a row have now portrayed Troy as a victim of circumstances, led by the wrong people. He had clearly thought about what he wanted to do, hadn't he? Yes. And decided to do it because he wanted to? Yes. So what has he learned from the experience?:

That I should go to the family about things sometimes.

Troy and the coordinator discuss some related issues, then Sam asks - without accusing - whether Troy knows anything about the more recent theft under similar circumstances. He doesn't. So is there anything else that those affected by the incident wanted from the conference?

JENNY: I just wanted to know what sort of person did something like this.

COORDINATOR: How do you feel about Troy now?

JENNY: He seems nice enough, but it's hard when you can't put a name or a face to a person because they are just a total stranger.

COORDINATOR: What about you?

ANDREA: Just to let you know how we felt, how other people are going to feel if he does it again. You just don't do those sort of things. I mean, he wouldn't like it if he had a good pair of jeans on the line and we knocked them off.

SAM: That's what I was going to say.

ANDREA: Yes, and he comes running back to his mother and says, "Mum, someone's knocked me jeans off". He wouldn't like it. That's exactly how I feel.

JENNY: Exactly.

COORDINATOR: What did you want to say?

SAM: I just basically wanted to meet Troy. Like Jenny said, put a name to the face. I just really wanted to see what sort of boy he was, and I think it took a lot of guts for Troy to come down here, and I think this is part of life, facing up to your responsibilities and learning from your mistakes, and not doing it again, because it's just going to get much worse.

Troy extends apologies to all present. The clothes have already been returned. Is there anything else that the victims want from the conference?

SAM: No, not really. I would just like to say thank you all for coming down.

FATHER: I would just like to say I'm sorry for what my son put you through.

MOTHER: It must be terrible because when I had my jeans stolen, my window was just there, and the clothes line was right next to it. It happened in broad daylight. It's just disgusting to think that you can hang clothes out on the line and someone goes and takes them!

JENNY: The worst feeling was because we had already, previously, been broken into, and that time they went right through the place, and that just topped it off. If it was just that, on its own, it wouldn't have been so bad, but we were already jumpy, as it was - and trying to settle in and feel comfortable where we were.

COORDINATOR: We want to try and keep this in context. It's not as though Troy has actually gone and knifed anyone. As I said, we all do some dopey things...

Everybody is thanked for their attendance. An agreement form is signed. It simply acknowledges the attendance of participants, and the fact that an apology was extended and accepted. Each participant is given a copy of the agreement. The conference concludes.

CASE 4: BREAK, ENTER AND STEAL

The actual incident in this case was fairly clear cut, and was technically a minor matter. The victims had nevertheless driven for over an hour, wanting to contribute to the conference and feeling that the police initiative deserved support. The course of the

conference was complicated by the involvement of a youth worker and a representative from the Police Citizen's Youth Club, both of whom had had considerable social contact with the two young offenders. The two professionals may have confused their personal and professional roles, influencing the conference dynamic in the process.

The coordinator acknowledges the presence of his colleagues during his introduction:

I have taken particular...licence, I guess, to invite Frank and Rod, because this isn't the first occasion that a few of us have been here together, and we want to address some of those issues during the night.

The introduction concludes with a familiar distinction between unacceptable behaviour and the people responsible for it. The coordinator reminds participants that the emphasis is on the consequences of that behaviour. Dion is asked to open proceedings by explaining why he and his colleague had broken into the car:

I was just walking around. I wanted some money to buy some smokes. We only had four bucks so we broke into a car to get some more money so we could buy smokes.

The circumstances of and motivation for the offence seem fairly clear:

COORDINATOR: Did you think the car belonged to anyone?

DION: Yes.

COORDINATOR: Did that matter to you?

DION: No.

Chris's insouciance is equally impressive. So what did they think about coming to the conference tonight? Dion didn't think about it. Chris admits to being a little bit worried, a bit frightened. So he agrees that the incident may have caused the victims some concern:

COORDINATOR: Do you think it was only the window that worried them? - because we are going to discover in a moment what they felt about it. Do you think it was only the window?

CHRIS: No, I think probably they would have probably felt a bit cheated because we were destroying their property without proper reason.

But before asking the victims whether they were, in fact, put out, the coordinator asks Chris who else might have been affected. His mother, his brother, himself. He dwells on that. Dion laments the after affects of the incident on himself - he was worried that he might be placed in the remand centre. And his mother has been upset by the whole affair. Did Dion really think about the victims? His mother answers for him:

We spoke about that. We did discuss it. I said to Dion, "How'd do you feel? How would they be if they had a baby in the car? You don't know whether they've got kids and got to travel back in the cold wind blowing on them". We had a big discussion about that. I done most of the talking. I got a bad temper, as these kids know.

So how did the victims feel? The coordinator asks them:

BARRY: Well, we came out of the Commercial Club. We'd just been to a function there, we were pretty happy. We roll up to our car and then discover that it's been broken into. Not a very nice feeling. Maybe when you get your car one day, you might - I hope you don't but you might...It's not a very nice feeling to have anything of yours broken into or defiled in any way by someone else. I guess in a way we were thankful that was all that was taken. I suppose it could have been worse, but the fact remained that apart from the inconvenience, it's the fact that something of yours has been broken into by someone that you don't know. Just the fact that...I suppose the callousness of it, if you like, just no thought for our property, I guess. Just the fact that we tried to go out of our way to do the right thing by everyone else, and it's sort of disappointing a little bit, and I guess the fact that we are here is because hopefully it will make a difference to Dion and Chris in the future. They won't make the same mistake again. That's basically how I feel about it.

COORDINATOR: Diane, did you get a shock?

DIANE: I did. I found the broken window, and my first concern was that there was a...some people in the car next to us, and I thought maybe they had a similar problem, and I first thought it may have been a stone. Once we got into the car and Barry noticed some things were missing, it made me feel a bit sick. Probably when we drove off I felt that feeling that people only tell you about when those sorts of things happen, or when their home has been broken into, the fact that someone has been in there and you don't know who they are, and they have no right to be there. I suppose the inconvenience, later on, of organising, replacing and different things is a bit annoying, and took up my time and our finances to repair it. We discovered that we were a bit annoyed, weren't we?...I certainly was...

So how does Diane feel now that she is sitting face to face with the two people responsible for spoiling her and Barry's evening?

Like many of us we react to the situation, and our reaction is a normal one. On learning about this process this evening, I thought twice about coming. The second time, realising that it was an opportunity that might help - I didn't know what the process might be - but if it's going to help and prevent a court...It might have an effect on the boys, that they might feel...That's why we decided to come.

The coordinator reflects on this publicly. Here are two victims of a thoughtless act of vandalism and theft who, when asked why they are here, say they want to do the people responsible a favour. Is Chris impressed? Yes. Dion? Yes. But they must already have discussed these matters? Chris's mother replies:

Yes. On the night we talked well into the morning about it, and about why it happened, and why they were out in the street at that hour in the first place.

COORDINATOR: Does it matter what Mum thinks?

CHRIS: Yeah, because Mum and I used to be pretty close, and things were starting to get to the stage where Mum wouldn't trust me, and I'm only just starting to get that back, and when Mum thought something was wrong, then I'd sort of feel bad about it and I would try and sort of fix it up. But it does matter to me what Mum thinks.

Chris agrees things are difficult, but says that he is making an effort to improve relations with his mother. Dion's mother says she is finding things difficult at home. Dion's stepfather is frustrated and angry. He doesn't need prompting to say so:

When a person goes out Tuesday night to this place where they all go down town, and doesn't return to the following night, and no-one knows where he is, it starts to get worrying. I'm telling you now. This is supposed to be the place where they are going to. As far as I am concerned they must be a pack of idiots, the whole lot of them down there, when he didn't return home...Cooked him a nice, good hot meal last night, didn't return home...

Rod, the youth worker, is familiar with these domestic circumstances. He also feels his youth group has been attacked by Dion's stepfather, and he now comes to the defence of the group:

And we talked about this last Tuesday night, about people's perspective and what [the Youth Group] is about, because of the things that you do...It doesn't worry me greatly what people say about or think about it because I know what [the Youth Group] is about. What concerns me is the behaviour that the young people do get involved...

DION'S MOTHER: ...Exactly!

But the matter won't rest there. Dion's step father is actually very frustrated and very angry. Rod is calm and secure in defence of the goals of his youth group. A clash of cultures follows - between the antagonistic and the therapeutic:

DION'S STEPFATHER: I'm telling you, I'm starting to get upset!

YOUTH WORKER: You are allowed to be upset.

Chris and his brother confuse the issue with a rambling argument about who was where, at what time, and how intoxicated they were. Chris's habit of raising his eyebrows in response to negative affects has the effect of antagonising Dion's stepfather:

DION'S STEPFATHER: I've had a gut full of it. Don't raise your eyebrows. I'll raise them for you. I'll put them over the back of your head.

Dion's mother says she's been complaining to the police about the boys for nearly three years. They drive around drunk, without a licence. They buy alcohol although too young to do so legally. Dion disputes this technicality. Rod decides it's time to return to the key issue of personal responsibility, within the framework of his individualist-rationalist world view. He soon finds an ally:

YOUTH WORKER: What I'm saying is really, they are very special people - because I believe everybody is, in reality. What they are doing is extremely unacceptable.

DION'S MOTHER: That's right. That is so true.

YOUTH WORKER: That's the difference. The only one that has the power to bring about the change is...

DION'S MOTHER: Themselves.

YOUTH WORKER: The individual!

Rod and Dion's stepfather discuss problems of discipline and democracy. The coordinator suggests that some of their concrete proposals might form part of an agreement arising from the conference. One of the enduring problems for Chris, Dion and their circle of friends is a woman who seems to offer them free lodgings. Her name has come up in several other conferences. Chris's mother says he's broken that association:

CHRIS'S MOTHER: He's out of that and back home.

DION'S MOTHER: Well, I'm glad youse are, because I tried to tell youse ages ago, youse kids, and you won't listen. I'm her age. I had it out with her myself. She has all the young kids up there, and that's not right. They've got homes of their own to go to, parents that sit up all night worrying. You just don't realise.

CHRIS'S MOTHER: It's a nightmare when you ring somewhere and you're blocked by somebody else...

DION'S MOTHER: That is so true!

CHRIS'S MOTHER: ...from getting your own kids.

DION'S MOTHER: I've had it. I have had it with the government. I went down to see you one day. They said, "Have you got something to do..."

Dion disputes some minor details. Others enter the dispute. There is an argument about who attends the Police and Citizens' Youth Club. The coordinator decides to remind participants of their reasons for being at the conference:

COORDINATOR: Can I make a point here? Regardless of how good or bad individuals are, ultimately Dion and Chris make decisions. None of these people were round the other night. In fact, the only people there were Chris and Dion. Chris and Dion decided to do something that was totally inappropriate. I understand what you are saying about unacceptable influences and all of that, but at the end of the day, if Dion doesn't want to change anything, he won't.[...] The argument was that you should have been before the court. I'm pleased that it didn't happen that way, because I actually happen to like you Dion, okay? I hate what you are doing. I'm like your Mum, your Dad, Rod, like everyone. We are trying to work out what way we can assist you to help yourself; that 's the difference. If you don't want it, if you want to cop out, that's fine. Everyone of us at some stage have got to have some sort of boundaries. We can't live in an organised world unless we have some sort of boundaries that govern what we can and cannot do.

Chris's brother suggests that the general situation has taken a turn for the better. He says that Chris, Dion and their circle of friends are trying to cut their alcohol consumption. They are offering each other support. The brothers are trying to encourage Chris and Dion to spend less time together. Rod makes a long speech about family dysfunction and the setting of positive goals. The coordinator feels obliged to mention personal responsibilities again. At the end of the day, he reminds participants, parents and guardians continue to be hurt. But back to the victims. What did they want out of today. There was the cost of replacing the window. Their money and torch had been replaced. What else did they want. Barry answers first:

I wanted basically to find out who broke into the car, why, and again, just getting back to why we made the long trip up here was basically that maybe it would change something in these guys' lives, so they actually stopped and thought what the hell they were doing. Because maybe one day, as I said, it might happen to them. That was basically it. Might stop them from doing it to someone else.

Chris is asked whether he would like to say anything to Diane and Barry:

Yes. Although there was lots of things going on at the time, I don't think what we did really is any excuse, and we really are sorry we broke into the car. That's about it.

Dion is similarly sorry. He says he caused a lot of the arguments at home too. Frank, from the Police and Citizens Youth Club, takes this as his cue to talk about personal responsibility. He's clearly upset that Dion has continued to treat himself and others with contempt:

FRANK: When you go home tonight, stand in front of the mirror and have a yarn to that other person, and just see if that person is totally happy with what they are doing, because the reality is, if you can convince that person in the mirror that your offending behaviour is acceptable, you might just look in your pocket, because in your pocket you have the key to the gates of the detention centre, and you yourself will unlock those gates and put yourself in, nobody else...

It is quite a long speech, and quite eloquent, too. Whether this is an appropriate setting for its delivery is another matter. It certainly ends with a powerful flourish:

...You can think this is a load of bullshit, but the reality is there are only two people responsible for what happened that night. You can't blame your parents, you can't blame the schools, you can't blame the coppers, you can't blame anybody. You blame Dion and you blame Chris. Okay? That's it. Full stop.

In fact, that's not quite it. Both Chris and Dion are asked, as part of the agreement, to attend a program at the Police and Citizens Youth Club. This is a last resort. Their behaviour has been a continuing source of anguish for their parents, and the victims of their various offences. They each owe thirty dollars to the victims, and this is paid - with further apologies. They accept the other terms of the agreement. Dion's mother has the last word, before the session is closed:

DION'S MOTHER: You know, we might seem hard to you Dion, but I used to do a lot of things when I was your age, and you know, I used to drink under age and things like that, but we never, ever hurt anyone in what we done, and youse kids just seem to hurt other people. We always went home...

CASE 5: BREAK, ENTER AND STEAL

One of the offenders was well known to the victims in this case. The continuing inappropriate behaviour of the other offender had caused his family great concern. Accordingly, they were soon to take him back to their home count in order to place him in what they considered to be a more disciplined environment.

After a short introduction, the first of the two explains the circumstances surrounding the incident:

Me and Ahmed went to school and we went up to the old house where I used to live and we were walking back down. I went over to Mrs O'Reilly's house and Mr O'Reilly's house and I knocked on the door and he goes, "Not home". Then he went around the back and opened the gate and saw the back door open and then he goes, "Dale, come in!". He was in the side and I walked in after him and he came back out with....and he ran off. Then I just walked off after him.

Dale says he then went off to school. Yes, they had both gone into the house, but he had then gone to school. Only later had he gone into town, assuming Ahmed would be there selling the jewellery they had taken from the O'Reilly's house. So what is Ahmed's version of events. It is somewhat more detailed than Dale's version - and conflicts with it:

Me and Dale got off the bus and Dale said, "I'm going to ask someone to lend me the money", and he went to Mr O'Reilly's house and he knocked on the door and no-one answered and then he said, "Let's see if the back door is open". We both went into the backyard and the door was open. He went in and I said, "I am not going in". I went to the park. He went in the house and I was waiting in the park, and he came out and he said, "I have got some jewellery and some ice cream", and he gave me the jewellery, and we both went to town. And we tried to sell the jewellery.

Ahmed didn't know the O'Reilly's, did he? No, he didn't. Then Mr O'Reilly asks Ahmed a question. Did he say the back door wide open? And yes, he did. They discuss the technical issue of the state of the door:

Because James - you know our son? - he was in bed, because he'd been in bed for three days with the flu. I went to work that morning and closed the back door. I didn't lock it. I did lock the front door. You rung the door bell, didn't you?

The coordinator asks Dale what he feels about being down here today, and who this has affected. And Ahmed - why was it that he had not been keen to go into the house?:

Because I used to do this...and I got caught. After that I didn't do it any more. He went into the house. He came back out and got some ice cream and some jewellery. Then we walked to town together. He gave me some jewellery. Then he gave it to me and I tried to sell it. And after that I don't know what he did then. I met my Mum at town.

COORDINATOR: Did you tell your Mum?

AHMED: No.

COORDINATOR: Why?

AHMED: Because she would think that I stole it.

COORDINATOR: Which would have been pretty right wouldn't it?

AHMED: Yes.

So how does Ahmed feel about being here tonight and meeting the victims? He doesn't know. How do the victims feel? Mrs O'Reilly offers her version:

I didn't know much about it really until the policeman came and said to me, "Do you own this watch and this jewellery?". I said, "Oh dear, I do". I didn't miss it really. But I knew there was somebody in the house because the drawers were open and James must have been...he was home with the flu. He was sleeping. I said, "James, did you hear anybody in the house?", and he said, "I thought I heard somebody, Mum, I thought I heard somebody". But anyway, I didn't miss anything until the police came and said "Do you own this jewellery?". And I said, "Oh, yeah, that's my watch!". I didn't miss it until then.

So she hadn't noticed that anything had been taken. But was she upset when she found out?:

MRS O'REILLY: Well, watches are handy to have because I would have...I wear it to work and I missed it when I went to Mass. I would have missed it going to work and that and putting it on at the weekend. Other than that, I wouldn't have missed it, probably because I just noticed it was missing.

Mr O'Reilly's story is much the same. When the goods were returned, he and his wife were most upset to find out who was responsible:

We probably realised somebody had been there. I got the shock of my life when I found out who one of the boys was, in fact...

COORDINATOR: I bet you were disappointed.

MR O'REILLY: Yes, very disappointed in the boy.

COORDINATOR: Because Pam had given him biscuits?

MRS O'REILLY: Yeah. They are good little friends of ours.

MR O'REILLY: Yes, we have been, you know...I have played cricket with Tom [Dale's father] for years. For quite a few years we played indoor cricket in the same team. I have nothing against them. It was just a bit of a let down. The boys used to come there and Pam used to give them biscuits or we might give them fifty cents if he wanted to go and buy a book. Would that be right, Dale?

Dale agrees. Mrs O'Reilly emphasises that they are upset rather than angry. But Dale's mother and father are angry. Dale hadn't told them it was the O'Reilly's house. His answer to the question why is inaudible. Was Ahmed's brother aware of what had happened? How much has their mother been told?:

The first day my mother heard about it, she didn't exactly know what was going on when the police were talking to her. She kept on asking him but he wouldn't tell her properly because he is trying to protect himself. Even until now I didn't know what was going on, didn't know why he had to come here. I was really embarrassed to see these people like this. But we were puzzled ourselves.

Ahmed's mother had chosen not to come. Ahmed's brother explains how disappointed his mother is, and how they have tried to make his younger brother understand what others feel when he steals from them. So will that go in one ear and out the other, asks the coordinator.

I don't know. My parents, only my mother is here. Because of what he's doing here we are going to take him overseas and try to put him into a school where he will be stable and try to get something done..

The coordinator asks the victims what they would like to see come out of tonight's conference. Mr O'Reilly replies first:

All we want is an apology, that they are very sorry they went in the house. We don't want them to come back again. If they do come back, they can always come to the front door and knock when somebody is home. We will always talk to you, Dale. We are not going to treat you like an outcast. If you come to the house and you ring the door bell, if we are home by all means but don't go around the back and try and do the same thing again. You can come here. Same with your brother. If you come past, if there is somebody home, we will always say "G'day" to you. Don't try and violate other people's property. We have given you biscuits. You had your Halloween night. We gave you treats. It's been good...

Dale's father is angry. It's embarrassing to be here. It is not right, he says, that something like this has happened to people he knows. The O'Reilly's seek to calm him:

MRS O'REILLY: It is not the end of the world.

MR O'REILLY: We will always be friends. Don't completely take it out on the boy. Friendship is a bit more than that. I ask you just as friends, right. I know everybody is going through trauma. So don't...he's going all right. I know how you feel yourself. I just want to make sure we all end up happy, right. It is a bit of a bummer.

The coordinator asks Ahmed's brother how he feels:

It is humiliating being here. My brother in your house without your permission and touching all your belongings. I can only apologise on behalf of him.

MR O'REILLY: That's alright. We are here to help.

COORDINATOR: This will wrap it up. Basically, what I will do, I have a form which says - it is just an agreement form - basically, it says that you have agreed to a personal apology and that's all there is to it. There is no compensation sought. This finishes the matter. Fellas, if you're doing it tough and you want to have a yarn, then come and see us. Not too many people that can have their house broken into and their property taken can still say to you, "Come and knock on the front door, we will give you a biscuit".

MR O'REILLY: If we are home, yeah, for sure.

The agreement is signed, and the coordinator promises to send copies to each of the participants. This concludes the conference.

CASE 6: POSSESS CANNABIS

This is one of three cases among the fourteen presented here which involves possession of cannabis. This is an unusually high proportion. During the period covered by this study, less than one official caution in thirty was for possession of cannabis. The proportion of these case studies dealing with possession of cannabis is, in contrast, greater than one in five. That is simply the luck of the draw with a randomly chosen small sample. These cases are, nevertheless, of considerable interest. They raise several ethical issues. Possession of cannabis for personal use is a victimless or consensual crime. There has been considerable debate among those involved with the effective cautioning program about the merits of addressing the issue of illegal substance possession in a family group conference. Terry O'Connell's position in the debate has been that cannabis use is currently illegal in New South Wales, and whether or not police agree with that law, they are required to acknowledge it. Furthermore, whether or not people are significantly harmed by using *cannabis sativa*, they are certainly harmed by current official responses to its use. Since the practice of family conferencing is guided by a philosophy of minimising harm, dealing with possession in a conference has seemed appropriate. Accordingly, the coordinator's introduction to this case included the following explanation:

This is an unusual one in the sense that the whole concept behind this is to bring offenders and victims together, as a diversion from the court system, and we are talking about doing this with young offenders under eighteen years of age. On this occasion, we

have a young offender. People would argue that we haven't got a victim. I disagree with that, and you will start to see the reason why. I guess what we are here tonight about is to look at the implications of what Richard did. We are dealing with his behaviour, which was unacceptable, not whether Richard is a good or bad guy. I suspect he's probably not a bad guy. It is very important to concentrate on that, and that's where the distinction is made.

The coordinator introduces participants, who include a colleague from the Police and Citizens Youth Club. The latter has a particular interest in the problem of substance abuse, and that interest reveals itself early. Richard has begun to explain that he had procured the ganja in the big city, but that this was the first time he had used it. The coordinator's colleague interjects:

PC: Curiosity killed the cat. When I was a kid it used to be getting behind the toilets, smoking a cigarette.

COORDINATOR: I never did anything wrong when I was a kid. Tell me, what did you think of it?

RICHARD: Not much. Not much at all.

COORDINATOR: How did you feel when the police came along.

RICHARD: Didn't feel much really. Just...I didn't worry.

COORDINATOR: Since then, what have you thought about it?

RICHARD: Just thought to keep away from it, because I know some people that do it, and I just stay away from it.

COORDINATOR: Have you worked out who this incident has actually affected?

RICHARD: Me and my parents.

So had he thought much about coming down here tonight? Not really. But his mother had:

Well, when I got that call from that policeman, I nearly died. My legs all went to jelly.

COORDINATOR: Did it surprise you?

MOTHER: Sure did.

COORDINATOR: Why was that?

MOTHER: Well, he sat down and told me that he'd never touched the stuff.

COORDINATOR: What sort of kid is he?

MOTHER: He's a good kid, really. Can't fault him, really good kid.

COORDINATOR: What did Dad think?

FATHER: Idiot!

Richard's sister offers a response that sits half way between her mother's concern and her father's anger:

I didn't believe it. I thought it's just a joke. I was in Queensland and I came back and someone told me and I just went, "Yeah, yeah, right, sure!" - couldn't believe it.

Richard's father says he's seen too many consequences of drug abuse, and he has made his feelings very clear to Richard. The coordinator suggests that the incident should be kept in perspective, it's not as if Richard has actually attacked anyone, and he clearly has the support of those closest to him. Perhaps the investigating officer could provide some official perspective? He doesn't have anything to say, so he's asked whether the evasive behaviour of Richard and his friends was unusual.

It's not that unusual, no, although they'd obviously been caught out, so you think someone would own up along the line. I don't know whether Richard took the blame for the rest of them or not. It looked that way. Three others in the car at the time.

An interesting point. Have the others thanked him since? They have not. The coordinator asks the investigating officer another general question:

Do you find much of this around?

INVESTIGATING OFFICER: I suppose it's fairly common these days amongst the younger generation in particular.

COORDINATOR: Some would argue that it's a health issue rather than a police issue.

Many would agree. However, the coordinator potentially confuses that very issue by asking his colleague, who does treat substance abuse as a health issue, to give a personal perspective on the matter. Before this, however, the coordinator makes it clear that, for official purposes, the conference is treated as a caution. Richard will not acquire a criminal record. However, the coordinator's colleague is determined that Richard will acquire a knowledge of the psychotropic aspects of cannabis:

I just want you to focus on the fact - if you think it's hard to give up nicotine, which is a pretty powerful drug, the drug that's actually in marijuana - very, very long, shortened down name is THC - that I'll give you a pamphlet on, no doubt you've seen them - it is seven times more addictive, and four times more harmful than nicotine. People will say it's a recreational drug, just a party drug. You sit in the car with the windows up and everybody is using drugs, whether they are smoking it themselves, or getting it in passively through their nose, or whatever, but I know a bloke well who not long ago buried his son, and he said that whenever we got the opportunity to talk with young people, we should read them a little poem.

Whether to honour the promise to his friend, to deal with his own sadness and anger about what he's seen over the years, or because he thinks he's doing Richard a favour - for whatever reason, the coordinator's colleague reads the poem. Then he tells the story of a young woman who turned to prostitution in order to support a heroin habit. He makes the general link between the need for money to buy illegal drugs and the rates of theft, burglary and assault in the inner cities. So Richard and his friends, the argument goes, have inadvertently become part of a much wider problem:

Like you guys now have to make a decision, the people in your generation have to make a decision what sort of life and world do you want to leave to your kids. If you want people to grow up in a crime-ridden, drug-ridden world, that's fine, you make that decision and you stick by it, but sure as hell I don't want my grand kids to grow up in that same world, okay? Drugs, I've got to be honest with you - it really pisses me off...

The coordinator tries to restore the local perspective on this business, which his colleague has sought to replace with a global perspective. He asks Richard if there's anything else he'd like to say. There isn't, but his parents make a final comment. His mother emphasises her support:

COORDINATOR: Mum want to say anything?

MOTHER: I hope he doesn't do it again, that's all.

COORDINATOR: Dad?

FATHER: He knows what will happen from me if he does. I told him I'll back him for anything but drugs. No way will I back anybody that has anything to do with drugs.

The coordinator emphasises the support that has been shown for Richard. A "contract" is signed between him and "the victims" - his family. The coordinator then asks that participants put the experience behind them and that Richard get on with a difficult year in school. Everybody is thanked for their attendance, and the conference concludes.

CASE 7: ASSAULT

This was a potentially difficult case. Both victim and offender were fortunate that the incident had not produced more serious physical injuries. Certainly, it had drawn a strong bureaucratic response. The offender was expelled from school under the terms of a ruling from the Minister for Education that had come into force on the day prior to the incident.¹ As a result of this ruling, all discretion to decide on the educational future of the offender had been removed from the school principal, since the incident involved a weapon - in the form of a piece of wood. The issues of concern between victim and offender were resolved at the conference. However, the educational-bureaucratic issues arising from the incident remained unresolved six months later, and this despite the efforts of conference participants to seek some resolution in that area.

The coordinator begins by emphasising that the victim, the offender and the parents of both were keen to have the issues dealt with by way of family group conference. All the participants are introduced. The introduction continues:

COORDINATOR: I guess what we really need to think about today is what happened and we want to deal with what clearly was inappropriate, that's the behaviour, and not get mixed up on whether or not Jim's a good or a bad kid, because I suspect he's a good kid. I guess

what we've got to discover with Jim today is who's been affected, and just at this point, one of the things that Jim's mum was very keen on was trying to have this matter resolved quickly, and I'm sure I was hearing the same thing from young Robert's family. Jim, just tell us what happened, mate, what led to the incident?

It takes a while to get Jim started. He seems still rather angry, and perhaps somewhat embarrassed. The coordinator asks a few technical questions: Where had they been playing touch football? What time was it? What did he hit Robert with? A picture gradually emerges. So when exactly did Jim hit Robert?:

COORDINATOR: It was ten minutes after you left the footy field, was it?

JIM: Yeah, or something like that.

COORDINATOR: You were obviously very angry?

JIM: Yeah.

COORDINATOR: Why?

JIM: Because he started me up.

COORDINATOR: What do you think now, do you think it was the way to go or what?

JIM: He was always pushing me around all the time.

¹ "Govt bid to stem school violence", *Sydney Morning Herald* May 11, 1993

This was not the first altercation between the two. The question and answer form continues for a while, until it sounds more like a conversation. There had in fact been two incidents. Jim had clearly been very angry - angry beyond control - at the time. He says he hasn't thought much about the things that make him most angry. Thinking about them, it seems, rekindles his anger. But he remembers going home afterwards:

COORDINATOR: What were you going to do?

JIM: Hit him again.

COORDINATOR: What, so he wouldn't report it?

JIM: I don't know, I was wild.

COORDINATOR: You were wild?

JIM: Yeah.

COORDINATOR: You were suspended, how long for?

JIM: [unclear]

COORDINATOR: What did you do, did you go home? And what did you say to your mum?

JIM: Just told her what happened.

COORDINATOR: So are you still wild?

JIM: No.

Robert's account of the incident flows rather more smoothly than Jim's:

ROBERT: I got the ball, was running up, and Jim kneed me in the stomach, so I grabbed him, threw him away, I run the ball again ... He attempted to tackle me and he never tackled me, and the siren went, and we went up there and someone said that he was going to get me. So I just went up to assembly, and I seen him walk through the canteen and he come back with a stick, and I was just standing up there with a mate, after the assembly, on the seats, and he run towards me and hit me over the head twice, and I turned me head and he missed, hit me in the lower back ... he swung a third time, but I put my arm up and blocked it, and I had a big cut all down there and then he threw the stick and run. So I went and grabbed the stick and Daniel M___ stopped me from going chasing him and then I went, I was looking for him, but couldn't find him, so the deputy principal come out and told me to go down the office, and I went down the office, and sat in there - you know, in the office - and Jim come in with broom stick and tried to hit me again, but some of me friends held him back and I just sat down, and that's about it. Oh yeah, I went back to class, had a headache and the bell went, and I was walking down to the last period, then I just collapsed and went to hospital.

The incident left him quite unwell. He was concussed and had to wear a neck brace briefly. Jim says he hit Robert only once, and he didn't know about the cuts on the arms. Richard's father was very upset by the whole affair:

FATHER: I was upset, because what they said at the hospital, like if it had have been a little bit higher, or a little bit lower, like you're looking at, it could have killed him. If it fractured the skull, it could have made him a paraplegic. They took about thirty x-rays of the kid.

ROBERT: If it had have been lower, about that much lower, it would have broken me neck.

FATHER: It's only a matter of inches you're talking about, and that's, you know, I wasn't angry at two kids, you know, having a go at each other. I understand that goes

on all the time. It's just with bits of wood, and stuff like that, it's not on, you know. I wouldn't expect this bloke...It could have been really, you know, a sick episode.

COORDINATOR: You were worried too, weren't you?

MOTHER: Sure was, I was worried when the ambulance came, they had him in a neck brace and on a stretcher, and he could hardly talk.

COORDINATOR: Had you had a run in with Jim before?

ROBERT: Yes.

COORDINATOR: What was that over?

ROBERT: Just gets turkey sometimes.

COORDINATOR: What do you mean by being turkey?

ROBERT: Makes smart remarks.

COORDINATOR: What, gives you a mouthful, did he?

ROBERT: Yes.

The coordinator ascertains that Robert is one year ahead of Jim at school. Jim confirms this. Back to Robert:

COORDINATOR: Did you know he was really angry, after the football game?

ROBERT: Not really, just walked off laughing.

COORDINATOR: Kate, you were in the canteen?

KATE: Yeah, I didn't see it happen, only Diane came over and said that Robert had been in a fight and that he was standing at the tuckshop. I just said to her, "Just keep an eye on him", when he come back to the next class, because he had been hit on the head. That's when she went and checked up on him in the next class, came running up and said "Mum, quick, Robert's fallen down". That's when I just went down, we caught Mr J____, he actually came up, and they called the ambulance. These boys were...I think, you actually seen it, didn't you - the fight? So I actually didn't see it happen, I only went when Robert collapsed down, Diane went and checked up on him.

The coordinator asks Kate's daughter, Diane, about her perception of the incident. Yes, she was very upset by it. She describes seeing Robert on the ground after he had collapsed with concussion. A friend of Kate's - who describes herself as "a friend of all of them", agrees that the incident was upsetting, and explains why:

JILL: Yes, it is. Kids fight every day of the week, but, you know, you can't get batons and them sort of things and hit people ...

Several of the boys who had been involved in the football match give their version of events. They were all more concerned than angry. The coordinator asks Jim's mother how she felt:

JENNY: I was angry at first...suspensions...and there he was walking in the door again saying "I'm suspended again", first thing, like I just said, "Not again Jim", and he was crying and Lila is there trying to explain to me and - or whatever his name is, or something like that anyhow - and he come in and explained to me what happened and I went to see how Robert was ... in the state Robert was. I've never seen Robert before, I've never even - I've heard the boys talk about him, because they're playing football together... just boys talk. When he settled down, I sort of found out the full story, what

had happened. He told me he picked up the wood. It was the first time I've known him to pick up anything, he's always in fights, and that sort of thing, but, like I said, he's no angel, but I was very concerned about Robert and Jim, because Jim's looking at expulsion from school, and I still haven't heard nothing about that yet. I'm glad Robert's okay, but...Jim, too. Like there's nothing much I can do about it at the moment...Anyway, and where this school business is concerned, it just happened, and him and Robert clash every time they run into each other. It's already gotten out of hand ... I understood they had just had a punch up, that's just natural ...

Jenny has been surprised to hear that Jim tried twice to attack Robert. Her story also gives the lie to Jim's claim that he hadn't thought about the incident. He clearly had, and it had upset him:

COORDINATOR: When you got home. So you had already thought a lot about it, hadn't you?

JIM: Yes. ... Avoiding him.

JENNY: He was, I don't know whether it was just because he was too angry or what, he realised what he had done, I'm not sure, because I can't work him out myself sometimes, but I know he was upset.

Jim is upset for several reasons. One is that this is not the first time he's been suspended from school. The ramifications now are considerable:

JENNY: I'm still waiting to hear from the minister. I don't even know if he'll be allowed back to school or not, and that's not only just here, that's any school in New South Wales, he's looking at expulsion.

COORDINATOR: Is this the first time he's been suspended?

JENNY: No ... something happened at school before.

COORDINATOR: He was suspended?

JENNY: Yeah. He had been suspended a couple of times in F_____, but it was not the same...just fighting after school, but because he was still in school uniform, he was automatically suspended.

The coordinator discusses the issues with Jim. He likes school, although he's been struggling. It doesn't make matters easier when several weeks of school are missed. What does Robert think about the incident. Does he think Jim is actually sorry - as Jim has just suggested he is? Robert thinks so, yes. And his father?:

FATHER: Yeah, I think that's fair enough, as long as the both of them realise that, you know, I really hope that Jim gets back to school, I do, fair dinkum, that they can both get their act together, and what have you, and not have to - as long as they can have a game of footy without worrying about what other kids say to youse, and things like that, you know, if you do come together again. You've got to think of yourselves and each other, and your families, before anyone else eggs you on, mate, you know, just take it from there.

Jim's mother agrees, and she and Robert's father discuss the issues with civility. Robert's mother agrees. She just wants them all to get on with each other. Robert's

father would like to see the two of them put any animosity behind them. But the problem of Jim's expulsion from school remains:

COORDINATOR: What about Robert, what about Jim and school? What are you doing with this?

JENNY: Waiting for a letter from the minister.

COORDINATOR: From the minister?

JENNY: Minister for Education.

FATHER: I didn't know anything about that. I knew Jim had been suspended, but I didn't know anything about...

JENNY: ... Expulsion, automatic expulsion. Barry's ...

FATHER: Yeah, I heard that on the news, it's only really recent, too, isn't it ...

JENNY: They come out the day before Jim and Robert actually...

COORDINATOR: I wonder whether or not you might like to go with Jim's mum, actually go around to the principal about this matter?

Robert's parents are prepared to do that. But, as Jim's mother reminds those present, the final word now rests with the Minister. Robert's father asks Robert if he finds it acceptable that his parents approach the school Principal on this issue. He does. Jim's mother is bemused by the officialdom. Her sense of helplessness encourages cooperation from other participants:

JENNY: Of course, if there's so much violence in the school...Like the law was there all the time, I was told, it's just now they're being a lot stronger with kids because there's too much ... mostly in Sydney, the outer suburbs, but it's enforced in schools in New South Wales now. There's nothing much I could do about it.

FATHER: I would be willing to do that, I'll contact Mr D_____ tomorrow, yeah.

JENNY: And I would like to see Robert and Jim walk out here and shake hands too, if that's possible.

The coordinator suggests that they might do so now, if they want to. Jim and Robert stand and meet each other in the centre of the circle of participants. They shake hands. Jim says he's very sorry about what has happened. Robert's father says he will do what he can to help get Jim back to school:

JENNY: And I would like to say sorry to Robert's parents for the trouble that he had at school.

FATHER: That's okay, kids will be kids.

JENNY: I really understand how you feel, because I was upset myself about it.

FATHER: Were you down at the hospital that day it happened?

JENNY: Well, I tried to call.

FATHER: I thought someone did go down, somebody said that you inquired or something.

JENNY: Yeah, I tried to get through, but there was some trouble. I just left ...

FATHER: Appreciate that anyway, thanks.

The coordinator asks if anybody else would like to say something. Kate, who works at the tuckshop, offers some advice on resolving conflict. Jim's mother agrees:

JENNY: You've got to learn to solve an argument, you use your mouth.
KATE: Yes, use your mouth, keep your fists and everything else to yourself.
COORDINATOR: The other thing you've got to learn - learn to tackle better!

Robert's father laughs, but agrees. They know they're not supposed to tackle during lunchtime football games. Jim's mother reminds them that that is no excuse for her son's behaviour. The coordinator then suggests that they might finalise proceedings. Part of the agreement involves arranging to visit the Principal. Jim's mother notes his absence:

JENNY: He probably would like to be informed of what is happening.
FATHER: If he wants to see us both, we can get in touch.
JACKIE: I thought he might have come actually. He was talking about it.
FATHER: Was he?
JACKIE: I wasn't sure, but I thought he might have come.
FATHER: He might have been tied up.
COORDINATOR: I actually didn't get in touch with him.
JENNY: Being the long weekend too, he could have had plans to go away.
FATHER: Most people do.
JENNY: Not like us, staying home.
FATHER: Hanging around the police stations!
COORDINATOR: All right, so more or less well that does finalise it, okay. Just the notation made, the fact that you got a caution, you know, you haven't got a record, as such. If you want a hand at any stage, drop in to see us, okay?
JIM: Yeah.

COORDINATOR: I'll give you something to flog, a punching bag or something, okay?
But yeah, that sort of finalises it, okay?
JIM: Yeah, that's fine.
COORDINATOR: Thank you for coming, for all your support. You boys pass the word out that touch is touch - at least for the first three minutes anyhow.

The conference concludes with the interpersonal issues resolved, but the bureaucratic problems yet to be fully addressed. In retrospect, the conference provided a valuable lesson. The Principal, it turned out, felt that he should have been invited to the conference. As a victim of circumstances arising from the incident, he should have been there for personal reasons first. He was understandably angered and saddened by what had happened. Secondly, in his professional capacity, he may also have been able to help resolve the remaining bureaucratic problems.

CASE 8: STEALING (FOUR COUNTS)

This case provides a good example of how honest a group of three boys can be when given an appropriate forum in which to discuss the consequences of their behaviour. It also provides another illustration of the trauma experienced when a family member goes missing or is in trouble with the law. The circumstances surrounding the theft at issue were rather complicated. Nevertheless, the focus on the harm caused to the victim of the theft was not lost.

The coordinator introduces the participants, reminds people that they are here to consider an act of unacceptable behaviour, and asks the boys to tell their story:

GREG: Andrew come up to me and said, "Oh, I'm not going to school today" and said we should come up with him as well and then he ... Andrew said, "We'll wag it" and he goes, "Do you want to come?" and I go, "Oh, yeah, I suppose" and then I went with them and we just stayed near French's Field, near there, and stayed there for about an hour and we seen some clothes on some clothes lines and Andrew went in and grabbed them while we ran away, we think, and we went in these bushes and put them in our bags and then we went towards down town...we went towards down town and went - no, yeah - we went to this other house where, near a church, but it wasn't a church - it was kind of like a church, but it wasn't - and there was a house next door to it and Andrew jumped over that fence and got those clothes, too, and then we went down towards down town.

Greg continues with his story when asked what happened next. Both Sam and Simon add some details. The fourth member of their group is not there to elaborate. The coordinator asks where he is:

GREG: He's in a remand home - a remand centre.

COORDINATOR: Why? Why is he in a remand centre?

SAM: Because ...

COORDINATOR: Did you like Andrew?

SAM: No.

COORDINATOR: Why?

GREG: I don't know, because he used to pick on us and that all the time and used to bash Simon up and I didn't like it, you know, because me and Simon were friends and O___ used to grab Simon and punch him in the legs and give him dead legs and that.

COORDINATOR: Did you like him?

SAM: No, he's an idiot.

COORDINATOR: So when he said, "Let's go and go to Sydney, let's get a bit of stuff", you three decided that was the way to go?

SAM: Mmm.

They agree that this doesn't make much sense. The coordinator confirms that they'd planned to head to Sydney, and that they had each got around \$25 after breaking into a car:

COORDINATOR: What have you thought about since this, Greg?

GREG: Not to do crimes again.

COORDINATOR: But who has it affected?

GREG: Me and our friends and the person I done it to.

COORDINATOR: I wonder what the other person, how the other person would have felt when she came to her car and found that money was missing. I wonder what she felt. What do you reckon?

GREG: Bad, like, "Who's took my money? What am I going to do?".

COORDINATOR: What about the people who owned the clothes, Sam?

SAM: They wouldn't have felt very happy and they would have been angry and would have been looking for who it was took the clothes.

COORDINATOR: So who has it affected in your life?

SAM: Myself and the victim.

COORDINATOR: And who else? Of course, I know who else it's affected.

SAM: The family, friends.

Simon agrees he has been worried about coming to this conference. Sam says he's been trying to work out why he got involved in the whole affair. Has he worked that out?:

SAM: I just thought it was a big adventure and found it a little stupid and that.

COORDINATOR: What was the most exciting part? Deciding to go to Sydney?

SAM: Yeah, like, just thinking about: we're going to be out there on our own and no-one's going to be sort of like on our backs or anything. It will just be us four, and that's it.

COORDINATOR: So it was like freedom, was it, Greg?

GREG: Kind of thing, yeah.

The coordinator suggests that it might be time to find out what the incident meant to the victim of the theft. Mary-Helen, he emphasises, has come to the conference even though today is a public holiday. She is clearly still upset:

MARY-HELEN: Well, my first reaction was anger and then...because the fact is the money wasn't mine - it was a collection for two people at school that had a baby, so it was not only me involved. It was a few of the other teachers had put in for it and the first thing I had to do was go and tell the boss and explain to him that this money was gone and then I had to feel like I had to find it myself because it's not my money. It's other teachers' money for a present and I felt really angry because it didn't only affect me. We still hadn't bought the presents for the two teachers who have had the babies and including me thinking...the persons who had done it...and they're the consequences that it was affecting other people as well and myself and also my handbag. Probably the main thing was the address book, because then you've got to go backtracking and things like that, and I was thinking, "Not again!". You know, it's very hard to collect addresses. But the main thing was probably the money not being my own and ... I sort of think, "I've lost it ... it's a lost cause!", but as it was other people's, you know, I was responsible that I had to still find that money.

COORDINATOR: How about the thoughts of someone getting in the car?

MARY-HELEN: That was a big thought, too, because the fact is the car could have gone as well and, you know, getting in. I was thinking - I didn't actually think about it until I got home because I had been down to the shops just to get - I was in the shops virtually five to seven minutes - sort of ducked in, had to get a couple of things because I was having people over for tea - and I didn't really think about my handbag because I had to go out to the car and get it and when I went out I was thinking, "Hang on, my handbag's gone", and after a while I was thinking...because the money actually wasn't in a handbag, it was in a calico bag - a school bag. And the next morning it went through my mind...

I got to school and I was thinking there was a calico bag there with the money and I just felt sick because I had to go and tell - well, get the Dutch courage, I suppose - to go and tell the boss and then, I suppose, tell the other teachers involved and also the fact of people getting into the car. I was thinking, I know it was an error on my part, as I ducked in and out to the shop and there I was then and you learn how - you sort of don't put trust in people at all because the fact is I ducked in and out and someone spoke to

me and I don't know if the person - if it was this Andrew O___ - that as I was going into the shop, someone actually, someone said, "Oh, hello. Cold night, isn't it?", and I said, "Oh, yes, cold night" and kept walking into the shop and I was with a couple of other people and then next morning when I realised that money had gone...I suppose my trust in people has really gone down. The thing is, too, looking at these three boys, they're only a little bit older than lots in the school I work in, so there's problems like someone getting into my car and whatever. I suppose the car could have been taken for a joyride and that probably could have been a worse...you know, to replace the car. I felt violated and ...as I said, then had to backtrack and tell people about it - all about it.

She continues with the story of how she was preoccupied with the incident through the next day, how she had reported the matter to the police, how the wallet had been found. The police and the gardener who found it had been very helpful. About \$100 was missing from the bag. Sam says their first expenditure was a cab fare - there were no buses running that time of night. The coordinator turns to Mary-Helen's colleague, Karen, who has come along as a supporter:

COORDINATOR: Karen, you've come today. I guess Mary-Helen was going to find this...I really wanted you to come, anyhow.

KAREN: I couldn't see her doing it by herself. It's scary.

COORDINATOR: She was obviously very upset by it all, was she?

KAREN: She was, yes. It was terrible - an awful thing to happen to you. This takes you by surprise. You don't expect things like that to happen.

COORDINATOR: She was very angry at the time, can you recall that?

KAREN: Yes, she was...

MARY-HELEN: Not that night because the fact is, what had slipped my mind was I knew I had my wallet with me which was the thing...And the next morning as soon as ... driving to school, I had this thought ...and sort of thumped the steering wheel and I thought, "Oh, no!" - a sinking feeling.

Mary-Helen explains that she had the money because it is no longer possible to leave cash on the school premises - the school has been repeatedly broken into. The coordinator turns to Simon's father. What has happened in the family since the incident?:

FATHER: It's sort of been a bit hard. I sort of never expected anything like this from Simon, so it's ... the family ... nephews and nieces. It was just hard to believe when it happened - a few lies ... when he came home he said ... and he said, "What money?" ... In a situation where his lies weren't going to do him much good, to get himself further and further in. But still, I still will never ever have one hundred per cent trust in him again, that's for sure. It's just pretty hard to say that.

That's just the fact. He's got a long time to go before he'll ever prove himself to me. He'll have to just apologise to every one of the victims...for his actions and we're just going to be ... I will finalise that, but how Simon is going to pay me back, we are just not sure about that yet. It's just the shock, that's all. Just, we never expected anything - never expected anything at all.

Simon's mother describes the circumstances of that evening. The family live out of town on a farm. Her friend reminds her that Simon was brought home at half past ten:

It was ... we will just stop and have a rest for a while and then John said, "We will go and see where they were" and he went. It was so amazing ... it was just the relief of the face - a bit of anger at the time, but relief to see them all there and it was ...

We went home and as we walked in the door, next thing: "Take all your clothes off, Simon! - to see if you have any money on you" ... He didn't have no money on him ... I said, "Well, what about the other money?" He said, "That was a lie". I said, "Well, what did you do with it?". He said, "I spent it on tea ... and we sort of sorted it out"...

COORDINATOR: So you were the sort of teeth extractor, weren't you?

FRIEND: Yes...I don't want to go through it again, that's for sure. If I came around and caught him ...

MOTHER: What he did want to run away from was pressure, the sort of the pressure at home, and that's why Simon wanted to run away - pressure. His father gets him to do a bit of work, and he just doesn't want to work, so there's better things in town.

FRIEND: ... And all that sort of stuff and that's what the pressure was for him, just pushing him too hard, he reckons...every weekend, all his mates are running around ...

The coordinator asks Simon's older brother to give his perspective on the evening's entertainment:

COORDINATOR: You were pretty upset with him?

MIKE: Not really.

COORDINATOR: Right. Oh, well, you had it under control. How do you get on with Simon?

MIKE: I don't really know, actually.

COORDINATOR: Just like a normal brother?

MIKE: Yes, but he acts a lot different now than what he used to.

COORDINATOR: In what way?

MIKE: Well, he's changed. Like, he was an idiot before, but he's changed since. Every time I come home, every weekend, just changes.

COORDINATOR: So, changing as you get older?

MIKE: Yeah.

FRIEND: I tell you, I notice Simon said very - they are all so honest. They've been very honest - I think - these three boys, and Simon said he was the one who made the suggestion to go into Sydney. He just said that. That was good.

MOTHER: I think they all went so far and then were all too frightened to do anything. I know Sam was too frightened to come back home.

Sam's mother is asked about her experience that evening. She gives a lengthy description of how she found out about her son having run away, how she had arranged for a car and a search party, and how she had received help from several quarters. She saw more of the town that night than ever before. Sam's brother was out leading the search, his sister was home ready by the phone. It was Sam's brother who found the boys. Sam's mother explains what happened when they all finally made it home in the early hours of the morning:

Then I tried to explain it to Sam, although he was only young, how it felt from my point of view when we were on holiday. We got home and we had our brand new telly and video ripped off and how it felt when people had been through our things, that you feel violated. You feel dirty somehow because people have been through your personal things and I tried to explain to him how that felt and that's how people will feel whose clothes have been pinched, whose money has been pinched and, as I said, we've discussed it a lot. It ended up, he was grounded straight away. I...his father, the

following night, his father was very angry with him and told him that, you know, he's got to pull his head in and act like a responsible person, type of thing, you know, and in coming here today, it felt awful. You know, the thought...I kept thinking, "Oh, God, I wish I didn't have to go there", you know, because it's not a nice feeling at all. I mean, it would have been worse if we had gone to court, but I mean, the thing to come here and, you know, sit with everybody else and knowing how Mary-Helen feels.

COORDINATOR: In what way would it have been worse then for you in court?

MOTHER: I don't know. I have never been to court, except for maintenance, the whole of my life. I don't know. I honestly don't know. I mean, I went to court to get maintenance - child support - and I felt as though I could have jumped up and said, "I'm guilty!" to anything. I found it very intimidating to go to court, but I find this nearly as intimidating as sitting in the courtroom because, I mean, I have never had anything to do with sort of anything like that.

Kate, who is a friend of the family, describes how she drove around that night, playing her part in the search. She suggests that the boys didn't realise what they were getting into:

I'm sure they've got no idea of how dangerous it is, particularly if they were going to go to Sydney. They probably wouldn't have survived two days then and there. It's not a very nice place at all, being on your own, and I don't think they went ahead enough to think about how they were actually going to survive when they got out, but it's very worrying. I sort of feel you worry what's going to happen to them. It's never crossed their mind. It's not very nice, people out there in the real world. You start walking around at night on your own. It's very dangerous. So anyway, I was down there about 6 o'clock and I didn't get home until seven in the morning. I think Sam has learnt a lesson. I think these three here will perhaps all benefit from their misadventure and I think they all have to stop and think what they do to other people, not just to themselves.

KAREN: Poor Mary-Helen, not being her money, I think she probably got that feeling, "Will they think it's me that's done it?".

MARY-HELEN: It was telling the boss and then he said... and I said, "What will I do?", because at that time I didn't know that any of the boys had been caught or anything like that and then, when I got called in in the afternoon and when they said "Yes, they've caught them"... because being a teacher, I was thinking, "Has it been someone I have taught?", you know, because I've been teaching here in Wagga now for about twelve years and through that time you do come to know a lot of people and thinking, you know, you walk down the street and you think, just...and it could have been someone I have taught, not just anything like that, but someone I had taught. I suppose being in the teaching game and being involved with kids, it is interesting ... that people have been affected and it's not just me. Because you do see a lot of children just come from different situations ... and I think this makes it more real than sort of like... Just as a classroom teacher, I know that there is a lot of problems out there and there is a lot of peer pressure, but you have got to be responsible for what you do, and when you do it you have got to face the consequences.

Sam's brother was one of the people affected, and he now describes the search for the boys from his perspective. It is another lengthy - and animated - tale. Another person hurt by their behaviour is Nick, a worker from the refuge where Greg had been staying at the time of the incident. He describes how he and his colleagues felt when they found out about the incident:

To me and all the refuge workers it was just a slap in the face.

Greg's foster mother and her partner have been upset by the whole affair, and wonder whether the worst is now behind them:

It just goes on and on, and everyone gets affected. It was just luck it was your car. To think you can't trust people enough to leave your car open for two minutes!

But Sam's mother defends Greg's behaviour since the incident. She and everyone else had been touched by his honesty. Mary-Helen agrees. She too has been impressed:

The police said the boys were quite honest. They didn't tell stories. They told the truth.

The support for the boys from all present is clear. The coordinator turns to the question of how to deal with the material consequences of their behaviour. How much money is outstanding, and how is it to be repaid. They agree that about \$95 is missing, and they round that up to \$100. Sam has already thought about this:

SAM: I reckon I should earn the money, not me Mum.

COORDINATOR: It's a bad time of year for mowing lawns...

The question of celerity is solved by an agreement whereby Mary-Helen is paid on the spot with money that the boys agree to pay back over time to their parents or guardians. Sam's brother thinks they're probably getting off to lightly. Everyone else seems satisfied with the outcome. Mary-Helen certainly is:

Thankyou. I work with kids, and to come up here...You've got something good about you - and that's not being patronising.

There is a round of apologies. The last word here goes to Greg, who turns to Nick from the refuge with a sheepish grin:

Sorry for slapping you in the face!

Nick accepts the apology, which raises considerable laughter. The coordinator thanks participants, and the conference concludes with people breaking into smaller groups and talking.

CASE 9: POSSESS PROHIBITED DRUG

This is probably the smallest family group conference on record. The issues and outcome are otherwise similar to those in case 6 above. Only Gary, his mother, her partner, and the coordinator are present:

COORDINATOR: From the outset, what we are dealing with are two offences which this State has seen as fairly serious: possess prohibited plant and administer prohibited drug. What we are dealing with...I know we are dealing with what is the inappropriateness of what Gary has done, okay, not whether or not you are good or bad. I suspect your parents have probably got some good stories to tell about what they think, okay?

MOTHER: Some.

The coordinator asks Gary how he came to be wandering around near what turned out to be a small plantation. Gary gives an implausible explanation. The coordinator simply asks him about the technical aspects of drying the lucky find in the microwave. As often seems to be the case, Greg was with two friends at the time, but he is the only one of three to be charged. One of them is technically an adult, the other is not - nor was Gary at the time of the police intervention:

COORDINATOR: Just tell me about how you came under police notice.

GARY: When we got busted?

COORDINATOR: Yeah.

GARY: Well, they come up to the house about some stolen goods or something, and then they just came in and I was in my room, I was asleep, it was about 2:30 in the morning, and then I woke up and there was all these cops around and that, or there was two, and then they come in my room, found the sachet, and just like asked me if it was mine, and I said, "Yeah", and they said, "You're under arrest".

COORDINATOR: What was the worst thing about being busted?

GARY: I don't know, the chance of me going to court and getting fined and that.

COORDINATOR: What did that all mean to you?

GARY: Probably meant me losing my job, if me employers found out about it, and if my friends found out about it, or friends of the family and all that, they would all disown me.

COORDINATOR: What about mum and dad?

GARY: Oh yeah, mum and dad, I thought they'd disown me too.

COORDINATOR: Has that happened?

GARY: No, well they're here.

COORDINATOR: Is that important to you?

GARY: Yeah.

The coordinator asks Gary what he has thought about since the incident. He then asks Gary's parents for their views on the matter. How did Gary's (step)father feel?:

STEPFATHER: Shocked. I find the idea of the plant at ... a bit hard to take, but that's the story.

COORDINATOR: His luck was in that day.

STEPFATHER: That's fair.

COORDINATOR: Who knows, yeah, but I don't think we ought to get hung up on the details.

STEPFATHER: No, no.

COORDINATOR: What was mum's reaction to it?

MOTHER: Got a phone call and I thought, "Oh no, what's he done this time?", and ... went through a bad patch there ...but come out the end.

COORDINATOR: When you say a bad patch?

MOTHER: Oh, we didn't think Gary would ever get to eighteen, is what I mean by a bad patch, I suppose. He's been a challenge to bring up ... I thought he'd come out in the end, I guess, and I thought he had more brains, because I sort of ...it's a fairly stupid thing to do.

Gary's mother describes her concern about him living away from home. How does Gary feel about that? It's all true, he says, but he is coping away from home. He likes it:

COORDINATOR: Do you see mum and dad occasionally?

GARY: Yeah.

MOTHER: When he wants something.

GARY: I've seen them a few times.

COORDINATOR: You still like your mum and dad?

GARY: Yeah.

COORDINATOR: That was without question, you still like your mum and dad?

GARY: Yeah.

MOTHER: I think he's one of the few seventeen or eighteen year olds that greet their parents in the supermarket and wrap his arms around you and place a kiss on your cheek, there's not too many around, so that's nice.

COORDINATOR: Sure sounds nice anyhow. How does dad feel?

STEPFATHER: If tonight results in something positive, then I guess tonight seems to me a positive thing. You can't undo the past, we all make mistakes, but I think what I would be hoping for out of the night is, I guess, some realisation of the seriousness of anti-social things.

MOTHER: I think there is enough legal drugs in this world without dabbling in illegal ones.

The coordinator agrees, and emphasises that no one here wishes to set upon Gary. There was one issue though:

COORDINATOR: What was the story you told me when we first met?

GARY: I can't remember, that was too long ago.

COORDINATOR: Street kid, then?

GARY: That wasn't me, that was Alan, he made that up. It wasn't me.

COORDINATOR: That wasn't a real mean encounter, was it?

GARY: No.

COORDINATOR: I just remember, that tale - the old yarn about the chance happening. I guess the bottom line is you can have a lend of me, and I go home and have my tea, but you are having yourself on, you know. Don't you agree?

GARY: It's the truth.

COORDINATOR: Of course it's the truth, I never doubted it for a minute, I didn't want to get hooked up on the details. What's come out of tonight for you, mate?

GARY: Chance to get it all talked out and stuff.

It's been a good opportunity to discuss a few things with his parents, he says:

COORDINATOR: So seeing your parents is pretty special still, eh?

GARY: Yeah, it is.

COORDINATOR: Maybe you need to be a bit more conscious of that and make a bit more effort. Then again, it's a two-way stream, isn't it. It'd be good to think that out of this tonight there was a little bit more reconciliation, because it's clear there is a few tensions there, even though people have got really high regard for one another.

MOTHER: We've had three goes at this. I've heard more in this night in 15 minutes than I have heard in three visits.

COORDINATOR: Is that right?

GARY: Two goes, three, yeah, three.

COORDINATOR: What we normally do at the end of these sort of conferences is we actually get those involved to enter into undertakings, in other words, they agree to do certain things. There are lots of agreements include community work and repaying victims, all that sort of stuff. I just wonder whether or not one of the conditions might

be to impose a "penalty" on you of having to compulsorily go home and see your parents once a week for the next six months. How does that sound?

GARY: That's fine by me.

COORDINATOR: I know it sounds corny, but would you be happy with that?

GARY: You guys know where I live, but. It's not just a one way stream, I mean, you guys know where I live.

MOTHER: Yeah, but we've invited you around for dinner and you haven't shown up.

GARY: Yeah, well I've either had work or I've been sick, it's not as if I've just sat there and gone, "No, I'm not going to go to mum's tonight".

COORDINATOR: What about dad, what do you think of that?

STEPFATHER: Anything that opens a chain of communication is a good thing.

COORDINATOR: It is no good me coming up with these really wonderful ideas, Gary, if you are not going to feel ... or you don't want to be involved.

GARY: It's just that, like it's fine for me to go home and see Mum and Colin, but they know where I live, it's not just a one way stream.

COORDINATOR: Okay, so I'll come up with a counter-proposition. You go home three weeks and they will come and visit you on the fourth week. How does that sound?

GARY: That's okay.

Gary and his parents engage in a half-serious debate about whether that means coffee or a major meal. Does that arrangement seem fair? Gary thinks it does.

COORDINATOR: I don't think I've heard anything as horrible as someone having a condition imposed where they've got to go and see their mum and dad once a week, and I'm actually going to get you to agree to that.

Gary's mother suggests that he mow a friend's lawn. The coordinator says that's for them to work out. The agreement here is for a weekly visit. He reminds Gary and his parents that this is registered as a caution - there is no criminal record as such. Technical and procedural issues aside, one issue remains:

COORDINATOR: I was going to ask you, do you feel you owe an apology to your parents?

GARY: Yeah.

COORDINATOR: Do you want to do that?

GARY: Sorry.

MOTHER: We love you remember.

COORDINATOR: Well, is there anything else you want to say?

STEPFATHER: I'd like to ask one question, I suppose. If Greg had committed this offence, if it was another month or two - eighteen - what would have been the repercussions of that?

COORDINATOR: It would have been uncomplicated, it would have put him before the court.

GARY: What, charged or something?

COORDINATOR: That's right.

MOTHER: Wouldn't be such a nice penalty.

GARY: Nup.

COORDINATOR: You wouldn't have got to hear what your mum and dad think.

GARY: Yeah, I know.

MOTHER: Communication-wise it happened at the right time.

COORDINATOR: You happy with that?

GARY: Yeah.

There is some final discussion, and an agreement to call back in six months to confirm that all is well. The coordinator thanks the participants, and is thanked in return.

CASE 10: ENTER ENCLOSED LANDS/ATTEMPT STEAL TENNIS NETS

This case involved "corporate" or "institutional" victims. Two young men scaled the fence surrounding the courts at their local tennis clubs and threw nets around. The offence in question was a minor prank that was unlikely to have occurred had the two boys been sober at the time. Representing the club as victims were the secretary and caretaker. Neither of them seemed angry with the offenders who, when asked to explain the circumstances surrounding the incident, began as follows:

STEVE: Do you want the whole night or just what happened?

COORDINATOR: Just a brief summary of what happened during the night.

STEVE: We were watching a video at a friend called Jim's and then we left there and then we went to a party and then after the party we walked across to where there was basically another party but we got there too late. So we were walking home to Joe's and we got down to Bolton Park and we climbed the tennis court fence and we went right in and threw the nets around and when we were jumping out two police grabbed us and arrested us.

COORDINATOR: So Warren, what have you got to add to that?

WARREN: That's about all that happened.

COORDINATOR: So what were you going to do with the nets?

WARREN: We just left them there and we weren't going to do anything with them. We sort of just, like we jumped in and we were running around and there was nets and we threw them around and then we just jumped over the fence and were going to go back to our friend's house.

COORDINATOR: What were you thinking at the time, Steve?

STEVE: I don't really know. Just stupid. I wasn't really knowing what I was doing.

COORDINATOR: Why was that?

STEVE: Because I was under the influence of alcohol.

Warren agrees that they both had had a good deal to drink. The coordinator asks them about the circumstances under which they were more commonly at the club. Both explain how they had played competition grade tennis. But back to the incident - the coordinator asks them a few questions about what fence they climbed, and just what they had planned with the nets. There is a touch of the absurd in what followed:

COORDINATOR: So when the police announced who they were, what happened then?

STEVE: I don't know, just as soon as I hit the ground I just got crash tackled. That was it.

COORDINATOR: By whom?

STEVE: I don't know. A policeman. I don't know who he was.

COORDINATOR: What happened with you?

WARREN: I wasn't sure who it was at first. I thought I was getting mugged. And then I saw the police out on the ground and I just thought that, I don't know, they were going to send us back over to roll the nets back up and put them away and, you know, we were just standing there and they were calling for assistance and stuff.

COORDINATOR: One of them actually sat on you, didn't they? Were you aware that two of the police got hurt, hurt themselves?

STEVE: By jumping on us?

COORDINATOR: Yes, were you aware of that.

STEVE: Yes.

COORDINATOR: There was a female officer twisted her knee. Since this event what's happened in your life, Steve?

STEVE: My social life is sort of restricted, as punishment.

COORDINATOR: What else?

STEVE: That's about it. Just lost a bit of trust.

Warren's story is similar. He is still grounded, and has been unnecessarily reminded of the incident by his peers at school. Had he told them about it?:

WARREN: No, my friend, he was at the...we were going to go to his house - see, I had to go over to his house later that night to pick up my stuff and he knew about it and then it kind of got around. Steve and I didn't want anybody to know. And then by recess on Monday most of our group already knew and they were still trying to get us hassled out a bit. But you know, that doesn't really bother me, just a bit of my own conscience and that, a bit worried that, you know, having a record and stuff because, you know, I want to join the army and that sort of stuff. The first few nights I was a bit worried.

Both Warren and Steve discuss the affect the incident has had on their families. They also express doubt, when asked, that they would accepted back at the tennis club in future. The coordinator asks the club caretaker whether their concerns are valid:

KERRY: Obviously they are two young guys that had been drinking. Drink does a lot of stupid things to you, as you obviously found out. You obviously didn't know what you were doing. Both being tennis players or ex-tennis players you understand...the reason I ask why you jumped the fence, the gate is always open. We have an honesty system there. The nets are there for people to play tennis any time of the day or evening if anyone is down there. Why did you jump the fence, or even go near the fence, when there is no obvious use for them for either of you? As I said, I think you had a great night out that tragically turned to what you did. It is very foolish.

COORDINATOR: How do you feel, Sandra, when you know that there are incidents of - I guess this doesn't quite amount to it, but it could have - damage?

SANDRA: Well, nets are very expensive to replace. They get damaged. They are nearly 200 dollars each. And like Kerry said, it is an honesty system and we leave eight or ten nets out. They are covered in a barbecue area for people to play. And when they are both tennis players, and I have never had an ounce of trouble with their team, they have been excellent, for what, the last three comps, Steve? And I never had to find them players and they are a really good bunch of kids. I think it is just one of those unfortunate things. I hope they learn from it, I really do.

COORDINATOR: Steve's dad, what did you think about all of this?

STEVE'S FATHER: Well I was totally surprised when the police came to the door, because up to that point Steve had behaved very, very well. Throughout his life he has been a very good kid. He's a very sports-minded kid; he likes to get into competition. And he plays Aussie Rules, he plays tennis, he plays indoor cricket, he plays this, he plays that. He loves his sport. And when the police told me that it was the tennis courts I was in a state of shock. I thought, well, that would be the last place I thought he could

get into trouble. And well, you know, the only thing I can put it down to - I know Warren is a nice young fellow, I've seen him over my house a lot of times - and the only thing I can put it down to is that they have had too much to drink and they have just acted completely out of character. I think the merits of each of the lads is in the fact that they are here now and they are quite willing to try to make amends in some way in respect of some labour at the courts or something to make up for what they have done to the courts. Since this incident happened things have changed a lot at home. He comes straight home from school. Before he was getting the later bus and spending a bit of time with his friends. All that's gone. He has got a nice young girlfriend; he can take her out, as long as he comes home at a respectable time. Beer is out; there's just no more beer as long as he stays with me, that's all there is to it. And he has willingly complied with all these directions. So he is back behaving well again. I sincerely hope it doesn't damage his sporting life in Wagga. He loves Wagga and he loves the sport in Wagga and I sincerely hope it doesn't damage his chances of going back to another tennis competition or whatever.

Steve's older brother, Mike, is equally forgiving - albeit from a different perspective:

Being only a couple of years older than Steve I've seen a lot of people do a lot of stupid things around that age and they, first time, start and like to have a few drinks. Without going into detail, I've probably done a few silly things myself. But that's what I put it down to, just a rash action that was out of character, something I just wouldn't expect him to do but something he did and that was pretty...simply just stupid.

Warren's mother agrees that it has been a difficult time for the family. When asked what she thinks of the whole affair, she supports many of the points that have already been made:

The same with Kerry. Warren has excelled at sport and, you know, he's got the same... The keys were taken away from him; he is still grounded. And it is the drinking, the rash things that are said, you know, "You are not allowed to drink at home", virtually, or "Don't start drinking until you are eighteen" and all these things.

There have been repercussions for everybody, she says. People don't realise the trouble that excessive drinking can bring. Warren's father feels much the same way. He is asked what the incident has meant for him:

WARREN'S FATHER: Shock. I echo everything that Kerry says, but I think probably the only good thing that's come out of this, if it could be called a good thing, it shows how close he can come to ruining his whole life in one stupid action. If he did get charged and it went on his record - as he mentioned before, Warren wants to join the army as an army officer - that would never come about. We explained to him he wouldn't be employed by any public body if he had a record. He's got that stigma right through life, the same with Steve, and at this time of life, too, you have to have everything going for you. I think it is showing them how one little incident can ruin your life.

STEVE'S FATHER: Did you say "stigma"?

WARREN'S FATHER: You know, obviously people talk and you read the paper every Monday about people getting charged for different offences and all that and it obviously gets around a small town like Wagga and you have got to live with this. But it has, it's put a bit of a strain on the family, and we couldn't really believe it when we first heard it about the news and then we got rang up - we thought he had been in an accident. We

were called in the police station at 2 o'clock. It was a shock for everybody, I think, the whole family. And also for Tom [Warren's brother], too. It is a valuable lesson for Tom, too, I think.

COORDINATOR: So what do you think, Tom?

TOM: Now I know that, yes, what alcohol can do to people and that. Like I have learned a lesson.

COORDINATOR: I would hate to think you are going to blame the alcohol, though, Tom, at the end of the day. You know, Warren and Steve have got to accept responsibility and, sure, alcohol is a factor. But there really are a lot of positives come out of today, I guess, what we have heard, that not only is it out of character but Warren and Steve are good young kids. I don't think that's in dispute.

At this point, the coordinator explains that there will be no charge recorded against either of the boys. He raises the question of formal apologies.

Warren, Steve, arising out of all of this, how do you think? What do you think needs to be done? Do you think there is an apology needs to be forthcoming?

STEVE: Yes, an apology, and me helping them out or something to make up for the damage we did.

COORDINATOR: So you would like to apologise here to the club?

STEVE: Yes, I would like to apologise to the tennis club.

COORDINATOR: What about you, Warren?

WARREN: Yes, I say I'm very sorry for the stuff that we have done and the time we have taken up and the honour system. I hope we don't wreck it for others, the honour system and stuff, and we can come down some time in our holidays, maybe, and help out somehow.

Both boys also apologise to their parents. Now that they have also raised the issue of some sort of work at the club, in order to make amends, the coordinator asks Kerry whether such work might be available. Yes, says the caretaker, there is plenty of work. Furthermore, this is the school holiday period:

KERRY: And I'd really appreciate your help. It is not a matter that you have to do these things. I'd rather see you down there playing tennis every day than having to work.

Both Warren and Steve would be happy to do some work at the club. They discuss possible times. The coordinator seeks to maintain a sense of proportionality:

COORDINATOR: You know, just in terms of how long, I would hate to see you there in three weeks' time, you know. It is not three weeks' hard labour.

KERRY: No, as I said, it won't be hard labour, Terry. I'd rather see them down there playing tennis.

COORDINATOR: Let's size this in terms of how many hours you would feel comfortable with. What's your suggestion, fellows?

STEVE: What work needs to be done?

KERRY: I could give you twelve months! I've got a couple of picks and shovels down there on Sunday. I'd say a couple of hours would sort you out fairly quick.

WARREN'S FATHER: Warren can work Sunday and Monday, say four hours on the Sunday and four hours on the Monday.

KERRY: Monday, I'd rather him down there on Monday.

COORDINATOR: Is that all right?

WARREN: Yes, Monday.

Work hours are negotiated. The coordinator suggests they have negotiated a longer lunch break than he gets under the terms of his award! Sandra's main concern is that the boys start to play competition tennis again. The coordinator notes that all of this comes at a difficult time of the school year. Finally, does anyone else wish to say something else? Are they happy with the agreement?:

STEVE'S FATHER: That's suitable, yes, no problems, no problems. If I could just say briefly, I'm very happy with the proceedings. I'm very happy that this has eventuated like this rather than the kids being thrown in the children's court and dealt with in that manner.

COORDINATOR: I guess I make this comment. It is not the end of the world. What the boys have done, we don't have to tell them about it, though, they have felt what they have done. But importantly I guess it is to discover what the ramifications are and to provide you people with a forum to deal with lots of those issues. Is there anything you want to say at all?

WARREN'S MOTHER: No, I would just like to reaffirm Warren's apology to the rest of the family. We are really sorry for what's happened to the tennis club and thank you that you have taken your time out in coming too, you know.

STEVE'S FATHER: I think it is great. I've never been involved in this type of thing before but as Kerry said, I think the law gets a little bit out of hand in the children's court with boys that are obviously not bad. I think it could be the opposite to what it was meant to be. You get in there and it is not the best place to ever to be, in any court. I think something like this would teach them more than being subject to the cold courtroom. I don't know whether you have been as a school group or not, but it is not a pleasant place to be - just as an observer without being involved in it. I think it is a credit to Mr O'Connell. I think the boys should thank him for what he's done to them. A great man!

STEVE: Yes, thanks, Mr O'Connell.

WARREN: Thanks, Mr O'Connell.

The coordinator thanks participants for attending. He reminds people about keeping these issues in perspective. Warren's brother didn't feel he was on trial did he? Well, he had felt a bit nervous, but not any more. And Sandra, the club secretary? She has said all she wants to, and just hopes the boys learn from this experience. The coordinator finishes by wishing both boys all the best with their exams later in the year.

CASE 11: MALICIOUS DAMAGE BY FIRE

The two offenders in this case were very young. They displayed the fascination with fire common to many children of their age. Not infrequently, when that fascination is acted out as arson, the victim is an institution. So it was here, with the damage occurring at a building site. The company responsible for work on the site was represented by its local manager.

After the usual introduction, the coordinator asks Tanya to explain what happened. She describes "walking around" with Shane, and then lighting some paper in a building site toilet. There are several confusing points, here. They happened to have a cigarette lighter. They happened to have a tin of insect repellent. But neither had anything in mind. Shane's story is much the same as Tanya's. Two friends of the family join the

proceedings at this point. Tanya continues, after they have been introduced. The coordinator is still confused about the aerosol can:

COORDINATOR: So did you know there were Aerogard cans down there?

SHANE: No, we found it when we were walking.

COORDINATOR: And so what did you do, you actually got the papers in the toilet and...

SHANE: ...with the ...we sprayed some Aerogard on them and then we lit them up with the cigarette lighter.

COORDINATOR: But you lit them in the toilet, didn't you? Did you think about what was likely to happen to you?

TANYA: No.

COORDINATOR: Did you, Shane?

SHANE: No.

COORDINATOR: What happened then? You say you threw some dirt on it.

SHANE: Yes, we threw some dirt on it and it went out and just kept smouldering and we thought it was all right then so we just walked away and kept walking around.

COORDINATOR: And then what happened, Tanya?

TANYA: Nothing, we were just walking around and then the police came.

But what happened in the meantime? Shane says they ran away. The coordinator wonders what frightened them more - the fire or the police. Tanya says she simply didn't know what was happening. Shane was frightened by the police car. But they also saw the fire brigade arriving. Shane explains that he heard a police officer calling out to him. That's when he stopped running:

COORDINATOR: And when you came back, what did you think when you saw the toilet burnt?

SHANE: I was just frightened and wondered what happened.

COORDINATOR: And what was the worst thing for you? What really frightened you more than anything?

SHANE: The fire.

COORDINATOR: Since then, what's happened for you at home? Who has this affected? Tell us a little bit about that, Tanya.

TANYA: I don't go around there much where it happened.

COORDINATOR: And what happened at home? Did you talk about what had happened?

TANYA: Yes, we just talked about how silly it was, lighting fires and that.

COORDINATOR: And who do you think it has affected?

TANYA: The people who own the toilet.

COORDINATOR: And who else?

TANYA: Me, really.

COORDINATOR: And who else?

TANYA: Parents.

COORDINATOR: And who else?

TANYA: I don't know.

COORDINATOR: Friends?

TANYA: Yes.

COORDINATOR: Lots of people. What about you, Shane?

SHANE: When I got home I got in lots and lots of trouble and I just wasn't allowed to do a lot of things after. I was sort of like grounded, and ever since I've been in a lot of trouble, fair bit of trouble.

COORDINATOR: Who do you think it upset and affected?

SHANE: All the people that own the toilets, me and my parents and my brother and all the friends.

COORDINATOR: Have you been telling everyone at school what you did?

SHANE: A few people. Some of my classmates.

COORDINATOR: What did they say?

SHANE: They just didn't care much.

COORDINATOR: But other people here care a lot, don't they? What about you, Tanya. Have you been telling anyone at school about it?

TANYA: Just one person, my close friend.

COORDINATOR: So you probably thought it wasn't the sort of thing you'd talk about at school?

TANYA: No.

COORDINATOR: Why was that?

TANYA: I didn't want everyone to know about it.

Both Tanya and Shane have clearly felt embarrassed by the incident. The coordinator asks the building site manager how the incident affected him and his colleagues:

JIM: It was a big impact. It created a bit of chaos in that we have got an obligation to the company that we hired it to and we guarantee to provide this facility. It was a real pain. And the time that I wasted that I could have used on other things, cost to the company, loss of you know, we hire equipment. That's the way the company makes their money. We lost money, as well as the capital cost, the driver's wages, the use of the vehicles to transport the old one back to the depot to replace it with a new one. You could say it would be at least...And now on top of that I have to do an incident report to the company following insurance claims, phone calls to Sydney. It would be a good, probably, two man days lost, without covering the cost of the equipment.

So yes, he was angry about the wasted time and effort. His wife, Jane, confirms this:

He was annoyed. He was also very concerned because he said with the chemicals that are in the system, that they are lucky that they didn't blow themselves up. You know, it is just thinking ahead. And he was annoyed being called out late at night. Plus I think he was a bit shocked, you know.

JIM: Yes, I didn't expect that they would burn.

JANE: He was quite surprised by it all. He wasn't happy about it, that's for sure. But you know, the danger was what our family sort of discussed more than anything, you know, how silly because of what's in them. They don't work on a water system, there's chemicals, and you just don't know how..I don't even know how they react to it.

Jim explains the production how toxic fumes are produced when fibreglass ignites. The chemicals within the unit are also flammable. Jim and Jane had given a lot of thought to what might have happened. The coordinator asks Tanya's mother how the incident affected her. She too was shocked. For a start, this was quite out of character. She explains how Tanya's older brother - who's away on business - was also shocked. Like so many parents. she had thought that Tanya had been involved in an accident when the police first came to the door. It was the next door neighbour - a good friend of the family's - who had phoned the emergency services:

SARA: Well, I've known the K____ family for about twenty two years, so I've known Tanya all her life, before she was born sort of thing, waiting for the birth, and Tanya as

far as I've been associated - we've been fairly closely associated all her life - has always been a very obedient and polite and well mannered girl. It was a big shock, you know, to find out that she was involved in anything like this.

COORDINATOR: Barbara and Gail, you are also friends?

BARBARA: Yes, been a friend of Mr and Mrs K_____ for about nine years and close to five years and yes, I'm surprised that it's happening to Tanya because I've always known her as a polite, always accompanied by her parents, never allowed out late. It comes as a total shock.

COORDINATOR: And I guess from the outset I talked about dealing with the inappropriate behaviour, and what I am hearing is that this is a surprise, that Tanya is not a bad kid, you know, and...

SARA: What surprises me a little is that she's saying "we". She knows what she did, but she knows what she did was wrong.

COORDINATOR: What about Shane's mum?

SHANE'S MOTHER: I ran the whole gamut of emotions from furious to I was absolutely ropeable - because Mr K_____, we'd actually, I'd just phoned them. I was on the phone wondering where the children were and I think that Mrs K_____ said to me, "There's someone at the door now" and I said, "If it's Shane, would you send him straight home?" and the phone rang again and it was Mrs K_____ saying how... Actually when I first got to the police station I couldn't even speak to Shane, I was so angry with him, I was angry, because I'd heard, or Nick had heard, the fire engine and made some comment and I just sort of dismissed it, I didn't even think, because we can't see precisely from our home, and I guess then when I saw him and his hair was singed ... I think then it sort of...what might have happened came and when we got home we talked about the fact that there was probably methane gas in the toilet and both the kids were very lucky that they weren't injured, if not killed. But it still took me two days to be able to talk to him about...From his head, basically, I wanted to shake him. In fact I did shake him, "What a stupid thing to do" and "Why did you do it?". Of course he didn't have an answer to that. I guess what I wanted was an answer, you know, an ... answer ...So dangerous...

Tanya's mother suggests that it is very difficult to understand why they did it, and Shane's mother agrees. The coordinator asks Shane's father what he thought of the whole affair:

SHANE'S FATHER: It took a lot of restraint to not flog him something chronic, and really, actually very shocked, and I took that different approach. Rather than flogging him, I sat down and tried to explain the real danger of it, how bloody stupid it was. I was always brought up to believe that in the end somebody's got to pay and we went right through the whole system explaining exactly what's happened and I tried to explain to him what Jim said, that it is not just the toilet they destroy but it was the man hours, because I knew there would be all sorts of reports have to be done and a lot of associated work and I sort of really tried to work hard on that with him rather than - if I flogged him it would have made me feel better but I don't think the point would have got across real good, you know. And it took me quite a few days to talk to him after that, you know, have a sane conversation. I said what I wanted to say and then I shut up about it for a couple of days. But I'm very, very surprised, because Shane's a model sort of kid, really. I just couldn't believe it. I won't elaborate on that.

COORDINATOR: What does big brother think about it?

SHANE'S BROTHER: I wasn't shocked.

COORDINATOR: You weren't shocked?

SHANE'S BROTHER: No.

COORDINATOR: Just tell us about that.
SHANE'S BROTHER: He's been a little fire bug.
COORDINATOR: He has, has he?
SHANE'S BROTHER: Not really.
COORDINATOR: He likes fires?
SHANE'S BROTHER: Yes ...
COORDINATOR: So there was really no surprise with Shane, was there, in terms of the lighter?
SHANE'S BROTHER: I'm not surprised with that.

Shane's brother says it was all a bit of a nightmare - thinking of how much worse the incident could have been. He was not as upset as his parents, though. A close family friend gives his perspective on how the incident affected the family. He too suggests the behaviour seemed out of character. Like the others, he is, above all, relieved that no one was injured:

PAUL: I've been a friend of the A_____ family for about eight years and I find it very hard to believe, actually, because I didn't know the full story about it until I came here this evening, and Shane, he always looked after my little fellow and my little bloke is only four years old and to me he was very responsible, a very good kid, but like I say, it shocked me, actually. I can't understand why he would do something like that. But I suppose we've all done something stupid when we were kids and lived to regret it afterwards. He's just lucky he wasn't injured, by the sound of it. Unknown chemicals, those things, you don't know what they'll do.

Sara, the friend of Tanya's family who had phoned the emergency services, is asked what she thinks of Shane:

SARA: Well, I've known him since he was a baby, too, because we live in the same street and Barbara and Ron live around the corner, but I knew Barbara and Ron long before they moved in around the corner, and I've known Shane since he was a baby and as far as I've seen, he's a good kid, you know, there hasn't been a problem with Shane. I think maybe he was trying to impress the girl, you know, to show what a...you know, like a boy trying to impress a girl, "Look what I can do, look at my trick". I'm not sure, but that's just the feeling I had, and I think, you know, they are too young to realise about the chemicals, they just thought they were making a bit of a show how smart they were but they didn't realise the dangers involved.

So what do Tanya and Shane make of all that? Tanya says it was scary that there were chemicals around, and she's sorry for all the people who've been affected. Shane says he doesn't touch lighters any more. Tanya apologises to Jim and Jane. And Shane? He and Tanya respond with remarkable maturity in the negotiations that follow:

SHANE: I'm sorry to the people I've hurt ... I'm not going to do anything like it again and I'm really sorry for my stupid actions and I just don't know what I can do to repay what I've done.
COORDINATOR: What about mum and dad, Shane?
SHANE: Yes, I'm sorry that I was so stupid ...
COORDINATOR: What about the question of compensation?

JIM: I think it is covered by insurance. I've filed a claim through my head office. My head office looks after it from here. As I understand it, it is insured and there will be no further action from my company.

COORDINATOR: What's your view on the issue of compensation? Tanya, do you think you should do something or should repay something?

TANYA: If there's any way I could do it, repay them.

COORDINATOR: From what I can hear, in all of the circumstances it sounds very, very generous on the part of the company, for the shareholders to say it is covered by insurance. I know Shane indicated that he would like to do something and I know Tanya has indicated that. Is there anything at all that the company could, any sort of work at all, opportunities to do a few jobs at all, Jim?

JIM: There's always plenty of work to do down there. I'd have to inquire through my boss just to find out the procedure.

COORDINATOR: How would you feel about that, Shane?

SHANE: Well, I think from my actions that's only fair.

COORDINATOR: And what do mum and dad think about that?

FATHER: Terrific idea.

SHANE'S MOTHER: We feel that he should give something to fully realise the consequences of their actions.

There are several issues to consider now. There may be some problems with supervising work for two young people on a building site. Friends of both families suggest more general community work. And there is also the question of written apologies to the company. Yes, that will be formally agreed to. The parents and friends give some specific examples of community work they have in mind:

SARA: I reckon a letter to the company apologising first, that would be appropriate, too.

COORDINATOR: Has anyone got any ideas?

SHANE'S MOTHER: As far as community service goes?

COORDINATOR: Well, we'll call it that, for the want of another name.

SHANE'S MOTHER: I sort of thought that either as ...doing some work for under-privileged or elderly, or Shane has been involved with the Police Boys Club doing karate down there and maybe sort of, I know that occasionally they want help doing things down there.

SARA: What about old people's homes?

PAUL: ...Down there doing a charity run at the moment with 2WG. They are going up certain streets knocking on doors asking for blankets and things like that.

SHANE: We can do that through the school, too.

PAUL: But to do it with the Smith family themselves, not on a freelance basis.

COORDINATOR: There's a couple of issues. One, we need to be clear prior to leaving here what's expected. The other thing is I'd like to see someone supervise - actually outside the family - and I'm looking at Sara, who is going to take on another role if she's quite agreeable to it. Would you like to look after that?

SARA: Yes, so I've got to organise them to do something?

COORDINATOR: Yes, and I guess what we can do is - let's talk about how many hours.

SARA: See, I thought, too, as we are all in the same community, the Home of Compassion is in our community and maybe there'd be some work Tanya could do there to help them.

BARBARA: Some washing up or...

SARA: Yes, taking the people's afternoon tea around or that sort of thing, or a few little things, or a bit of shopping the old people want done.

COORDINATOR: I was going to put an offer of twelve hours up. How does that sound?

PAUL: I think we should ask the gentleman from [the building company], actually.

COORDINATOR: Absolutely. That's why I put a bid of twelve hours.

JIM: I'd second that. I was just thinking perhaps, you know, I was saying about the equipment and such down there. I work on various Saturday mornings and when I work down there I'm the only person there and there's no one moving around the yard with equipment and such. One Saturday morning if they came in, as I say, there's plenty of tasks around the place, cleaning up and different things there that could be done, and cleaning, washing down some odd equipment and that sort of stuff perhaps could count toward the hours.

The definition of "community" is shifting here. The first proposals for community service involved Shane and Tanya working for the "voluntary and public welfare sector". Now Jim is suggesting that the two might indeed perform some restorative work for the community of people most affected by their actions. Tanya and Shane like this idea of mixed-mode community service:

SHANE: Yes, well I mean old people don't get many visitors and I think that'd be nice for them and that'd be a cool way to pass, like, to do our service and our service to [the building company].

BARBARA: They seem to respond very well ... very young and the very old.

COORDINATOR: I think it is very thoughtful of Shane, eight hours. So you'll do four hours with [the building company]. I wonder, in terms of arranging that...

JIM: 7.30 Saturday week - morning.

The agreement is recorded for participants on the usual form. The coordinator asks whether anybody would like to say something further. Shane's father takes the opportunity:

I'd just like to let Shane realise that - thanks very much - the insurance company have picked up the bill, but the insurance company isn't a bottomless pit and that those costs get passed on down the line and that Jim's insurance input might be affected by it. That's what he's got to think about. And everybody's premium goes up because of stupidity. Whether it is fraud on the part of claimants in motor vehicle accidents or whatever, but in the end the people in the community pay, eventually.

PAUL: Somebody pays.

BARBARA: I think, too, with the doing some community service or whatever, it's not just paying a penalty, it's hoped that the young people will benefit something by it and get more depth to their own character and be more understanding and more thoughtful in themselves.

SARA: And also to make them more responsible towards themselves.

BARBARA: Yes, I think that's the big point of it. I know compensation has a point, too, but I think for them to benefit themselves - for their future life.

That seems like a good point at which to make a concluding speech. But there is still more to be said. Some remaining issues need to be laid to rest:

JANE: Can I just say something to them too, that I work with both of them so nothing from tonight will go out of here at all.

TANYA'S MOTHER: I nearly fell off the chair when you were here.

JANE: But I see them at school, and like I don't want them to feel guilty every time they look at me. Because that's over with once you've done your things, okay?

So Tanya won't be given extra homework? Good, now it may well be time to conclude. The coordinator reads out the terms of the agreement, to ensure that it is acceptable to all participants. Jim agrees to pass it on to senior staff of the building company. Still there is more to be said. Shane's father would like to comment on the process by which they have arrived at this agreement:

SHANE'S FATHER: I believe that this is a fantastic way of doing this sort of thing. Cluttering up the court system is crazy with this sort of misdemeanour. This is a tremendous way. It makes the kids realise what sort of damage that they have done. It's good. I don't think either of them will do it again.

PAUL: I'm sure that this will be the worst thing that they have ever done, I really do.

SHANE'S FATHER: Yes, I know this little bloke has never done anything like this.

COORDINATOR: And I guess it is important to keep it in some sort of context. Whilst the parents and friends are all very shocked that this sort of thing happens, we have all done silly things.

BARBARA: Yes, we live just across and I felt ever so sad when I saw the poor old toilet off on the back of a truck. I thought "Oh God!".

COORDINATOR: You actually felt for the toilet!

Jim and Barbara talk about the sad state of the portable toilet. The coordinator suggests that they are perhaps all fascinated by fire - he certainly is. Shane's mother explains how a young friend of their's was badly burnt in a property fire a year earlier, and that that had affected Shane. The coordinator finalises the agreement with Shane, Tanya, and Jim. The participants break into smaller groups as the conference concludes.

CASE 12: BREAK, ENTER AND STEAL

This was an unusually complicated case, and an unusually long conference. The offender had given several versions of the event, and the exact details were not clear even at the end of the conference. The other alleged offenders were not present, and so could not correct any misrepresentations of their role, nor provide any missing details. The victim, the offender, and their respective supporters were nevertheless satisfied with the outcome of proceedings.

The coordinator begins by asking Alan to explain how he came to be involved in the incident:

Oh, well, I had a group of friends at that time, two other persons, Doug V___ and Dale F___ who were friends of mine. And we were involved with a Squadron leader Col P___ out there, and I don't know the circumstances entirely with...but Doug and Dale were staying with the Squadron Leader, and something went on, and they felt wronged, and they decided to, I suppose, get back at him - and they weren't very good characters anyway. So they kind of broke into the RAAF base on a number of occasions, and as I was their friend I went along with them.

There is some confusion about who had the key to the office that was broken into, and what had since happened to that key. So what exactly was stolen? Here, again, Alan's memory recall seems less than adequate:

ALAN: As far as I know, it's a laptop computer, and a quantity of cash, a typewriter, and various other small items - a white computer sort of thing.

COORDINATOR: Was there an embossing machine?

ALAN: I don't know. As far as...

COORDINATOR: I guess what's made this difficult is that it's taken three occasions on which you were interviewed in relation to this, and we in fact got three different stories. I guess I can understand that in the circumstances we are all a bit reluctant to talk too freely about a lot of things, but why was it that it took three occasions to get a version?

ALAN: I don't know. I was just sort of protecting my friends a bit.

The coordinator makes it clear that there was little point in proceeding if there was any uncertainty that Alan had been involved in the theft. He has now removed that uncertainty - but does he then know what happened to the stolen goods? Well, he's not certain, but he assumes that they are still in Doug's possession. Has Alan not seen him lately?:

ALAN: I've disassociated myself with these two people.

COORDINATOR: What else?

ALAN: Not a great deal. I've been discharged from the Air Force.

COORDINATOR: Under what circumstances was the discharge?

ALAN: Well, I kind of sought discharge on my own request. It was granted.

COORDINATOR: And were you happy out there, or was this a significant factor in it?

ALAN: Mmm.

COORDINATOR: It was. And what else has happened?

You've been concerned about this matter being resolved.

ALAN: I was hoping that the things, like the statements I'd given, at least would be able to resolve it.

Was he hoping that by reporting the offence he would ensure that the others were dealt with? He doesn't know, he hasn't seen them, he hasn't thought about it. Well, has he thought about who owned the property? Yes, he knew that, and was hoping that his two colleagues would be caught with the evidence. The coordinator asks his colleague, Jill, what she made of all this confusion during her investigation. Unfortunately, she says, every statement made seems to contradict the last one. So it has been a frustrating investigation?:

Yes, well, it has, because like Alan's come forward and, you know, you've admitted your involvement in the ones that you've said. And I can't see any reason why you wouldn't tell me about another one, if you owned up to these ones, and yet somebody else has involved you in another one. You know, this is what it was like the whole investigation, so it's...you know, I'm sure there's more than one involved, and at this stage you're the only one that's really come forward with anything, like any admissions.

The coordinator makes clear to Alan that neither he, nor his colleagues, nor the other participants hold Alan solely responsible for what has occurred, but that he has hampered the investigation, and damaged his own credibility by his inconsistency and

evasiveness. That is why the coordinator asked his colleague Jill for her perspective. Now he asks Malcolm, the owner of the stolen computer, for his perspective:

I instruct apprentices. Up until this stage I hadn't instructed Alan's course, but I was going to take part in the bivouac which his course is part of. I got to work, I was informed that the section had been broken into, went to my staff room, noticed that the computer was missing, and that other people then also started noticing things were missing. so we did a thorough check of what was there and what wasn't there to the best of our abilities. We called the civil police in. However, it was left in their hands, and then we proceeded on the bivouac with his course, not knowing who was actually responsible for it.

So during the process of the bivouac I made it known, and everybody else made it known, that it was my computer that was stolen. So Alan was with us in the bush, under a training situation. So, you know, he was well aware who the computer belonged to the right from the onset, right from the first day that it was discovered that it was stolen.

Malcolm explains how he had borrowed the money to pay for the computer, and was still paying it off. It had been stolen some twelve months after he bought it. He says he "kissed it goodbye" when it had not been returned after a week - but it is hard to kiss something goodbye when one is still paying for it. Malcolm's wife, Val, was upset by the incident, and her husband had, indeed, been very angry:

He was, he was very. More so than what I was, because it was something he was using and the children were using. And, you know, it's something...I mean computers are really his job. He loves his computers, and we thought it was pretty safe where it was, because it wasn't insured. I mean, we have got contents insurance, but it didn't cover anything out of the house. And we thought being on the base would have been safe, but it's just one of those things that happened, you know...

I mean, I'm not here to, you know, judge this young man, because, I mean, obviously from what he was saying there was two other people involved as well. And, you know, it's just one of those things. I mean, he's very lucky his parents are behind him to support him as well, and I am just sorry it had to happen. His career is down the drain as well, because for something, you know...I mean, he was obviously in a group. He was...they were all badly influencing each other, and his career paid for it. I am sure his parents are very upset about it too.

But yes, she and her husband were upset, and frustrated. There doesn't seem much they can do to get the computer back, so they don't talk about it. But its absence affects the children's school work. The coordinator asks the children how much they had used the computer. Nadia used it a lot, and misses it. The coordinator now asks Malcolm's colleague, Greg, whether he had had a fair bit to do with Alan. Yes, he says. He explains how the theft had a corrosive effect on people's trust at the base:

Like any RAAF base, rumours fly thick and fast on practically anything.

The coordinator asks Greg to explain just why trust is so important to him and his colleagues:

Well, we in the RAAF - a lot of our lifestyle is based upon trust. Pilots trust us to do our job so they live. If we don't do our job right, they will die in an aircraft. So our

entire work style and lifestyle is developed on trust, trust with the people we work with. And a lot of our operations are based on trust. In other words, we run little shops of things like that, where you buy drinks or pie for smoko later, and we let guys sign it up. We trust them that they will pay it pay day. We are pretty open. Like we don't lock rooms up. If they want to use part of the RAAF equipment to repair their car, we let them do it. I don't know any company that does that.

So a lot of it's based on trust, and when we find their trust is broken, it affects every member in the RAAF. And especially if it's a member that you work closely with, who's in your section, it just destroys the trust, and it takes a lot of time to rebuild that trust again.

Greg goes on to explain how everyone is presented with temptations that are best avoided, and how he felt sorry for Alan when he discovered what he had done. Indeed, he felt so sorry for him that he went out of his way to help him. Greg says he'd like to think that people might do the same for his kids one day, if they need help in the same way. But the help, it seems, was to little avail:

And after Alan admitted what he did, a deal was sort of struck that he'd be kept in the Air Force, and he'd keep his job, and stuff like that. And I went home to my wife - it's one of those rare times in my RAAF job that I said, "I think I helped someone today". And I felt pretty good about it, and then we heard a rumour about a day or two later that the RAAF police had caught Alan doing something else. I went, "Why bother?", you know.

Nor does Greg's tale end there. He says he had been a bit of a loner at school, and empathised with Alan. He explains how he got where he is today by effort and determination. In a sense, he still feels sorry for Alan. The coordinator turns to Alan's father. It has not been an easy time for him, has it?:

It's been a very difficult and disappointing situation, not only...especially for Alan, and of course, the victims. To understand why some of it occurred, you really have to know the lad and his predicament from a long way back. The other people that were associated with him in this crime had been fairly long time friends of his, and his superiors in the Air Training Corp, and he was quite used to following these people. And...not that that absolves him of any blame, but I think that's one of the reasons how he came to follow along with them. Probably one of the major reasons.

Alan's father explains that when he first heard about the incident, he assumed his son may have known something about it, not that he had been involved. Only later, after Alan had made a statement to his work authorities, did his father suspect that something had been kept from him. Alan's father asked Alan to sit down and tell him the truth. Jill suggests that this explains the first change of statement. Alan's father agrees. Then he continues:

As things unfolded, it became obvious that he was involved, so we had to sort out how much he was involved. And from what I know of it, he did assist these people to do this. He was actively, he actively assisted them. I believe the other two parties are the culprits. Alan was actively assisting them. That's more or less the situation.

He explains how his son had been given a second chance, and how he blew that chance almost immediately:

Personally, I am very disappointed for Alan. He's thrown away a very good career over this. He's been subsequently unemployed since. And incidentally, he's been the victim of crime himself since, so he has seen it from both sides now. I can only relay my regrets to the victims. There isn't a lot more I can say about it, apart from that. I appreciate the efforts of the RAAF. I think Alan does too. He has difficulty saying these things, but at the moment there it is, he's unemployed, and he's thrown away a good career over quite a silly thing - a silly thing to do, I mean.

The coordinator asks Alan's father whether they have discussed the incident since he was forced to leave the base. And how has his son been?:

Alan's a good lad. He's quite an intelligent boy. He gets good marks, or did get good marks at school. He's always been very good at science, that sort of stuff. He's very - he's quite intelligent, however, he lacks social graces. He's a product of a single parent family. I raised Alan since he was about, what, eleven or twelve. Although that in itself is no excuse, but it probably...I probably as a single parent family, it's very hard to devote a lot of time to your children.

More biography follows. He describes his son's twelve months on the job, how he had been progressing well until things suddenly began to go wrong. He had encouraged his son to come clean about his involvement in the theft. It's time for him to start again somewhere, else, says his father. The coordinator asks Alan's sister whether she had been aware of all of this:

Well, see, I didn't really know much about it, so I didn't, you know, ask him any questions or anything. So...but I'm really disappointed in him, because I didn't think that Alan would do it, as my brother. Like I thought he was a lot, you know, smarter than that. But you know...So that's it...

She describes how much her father had been upset by the whole affair. He had other problems, so he didn't need that. Does Alan's father's partner, Sue, feel the same way?:

Alan's pretty good, but he did cause his father a lot of worry and sleepless nights over that. But usually he's pretty honest and that.

Having addressed the question of who has been affected by the incident, the coordinator raises the ongoing problem of locating the stolen goods. Jill reminds participants that her investigation is continuing, but without much success. Alan, meanwhile, is looking for work. So what would Malcolm like to see out of this confused affair?:

Well, what am I going to get, yes? Well, I mean, both myself and Corporal N___ were involved with Alan, the day he was told to put in his discharge. We got in a room with him, and that's when the story came out. We showed him his options, told him what his options were, that the Air Force had just had enough of him, they wanted him to put in a discharge. It wasn't a matter of, you know, it wasn't his decision any more. The Air Force wanted him to sign for discharge on his own request.

As Greg said, we...well we felt a bit sorry for him. Even though I'm a victim, you know, I thought, well, okay, he indicated to me that there were two other people who were more guilty than what he was, and maybe we could help him out. If he could come

clean, tell the whole story, we may be able to get enough on these other two guys to incriminate them, and get them what they deserve. But of course, after that, I mean, the lies just kept on coming. You know, we thought we'd sorted him out, then we hear the next day that he's been caught siphoning petrol. And the Air Force just gave up on him. So obviously I gave up on him too.

What I want out of this is, I want what's mine. Now no doubt the computer's either lying on the bottom of the Murrumbidgee River, or in Sydney being flogged off to somebody else. I am still paying for something that I haven't got, that somebody else is either using or the fish are eating. I would like something to show for all this money I am spending, or if not, then I want my money back. Now I see that as the only fit and just thing from my side of it. I don't really care who stole the computer. I just want the people involved in it to return what's mine.

Now whether a guy acts as a look out, or whether he actually picks it up in his own hands, I believe that all is guilty. I mean, a crime is a crime, whether you just help somebody do it, or whether you do it or you're the main instigator. You're still just as guilty as each other. And I'm sorry, but I just can't say, "Oh, he's not a bad boy, he didn't really mean to do it, he only held the door open for them." To me, he was part of the crime, and he's just as guilty. That's how I feel. So if his other two mates can't be caught, then he's going to take the whole responsibility for it.

How does Alan feel about that? He understands what Malcolm is saying. Malcolm underlines what he has just said, recounting the cost of the computer and the outstanding debt. Does he want an apology? Well, says Malcolm, the time for apologies is past. He had ample time to own up and apologise once he knew who the victim of the theft was. He had to be shown the immediate consequences for his career before he even began to tell the truth, and even then, each version conflicted with the last. He's had months now to apologise. All this has been very hurtful, suggests the coordinator:

That's hurt me a fair bit. I was responsible for their, for...The bivouac was a training session to give them a chance to think for themselves, to show what they are made of. You know, we had a series of objectives to meet, and we assisted them to meet those objectives, showing them the hard way, or the easy way. So we were there to give them moral support, to give them our knowledge, our training, to build character, and not a word was mentioned, you know.

He knew I was...He knew the computer was stolen from me, because that was the conversation every night for five nights - about my computer that was stolen. So he knew who the victim was straight away. So I think long gone are the days for apology. He knew from day one who was responsible.

What does Alan make of all this?

Well you've got to understand also that these people were long time friends of mine, and well, it is fairly hard to come out and say, well, I've committed a crime.

Yes, the coordinator can understand all that. But Malcolm is concerned about the cost of his computer - that is the bottom line. What does his father think?:

I agree with most of what you say. I feel Alan did well and truly know things and did betray trust, and kept things to himself when it would have been far wiser to admit them first up. I believe he is at least partly responsible for some form of recompense. I believe that he has, albeit at a much later date, he has been the one who has ultimately

come around and given evidence, and stated it as best he can. It may have taken a long time, but we did...he did, in the end, more or less come clean.

I believe that he obviously was in on it, and he should be partly responsible for it. I am not too sure that it's the right thing to do is to grab the one guy who's actually turned evidence, and say, "Okay, you know, you've earned your part of it, you must be guilty for the whole lot", and claim compensation from him. I think it's an ongoing investigation.

JILL: Can I just say there that the main reason the other two haven't been charged is because of the fact that Alan would be a very unreliable witness, considering that he's given at least three other statements before, and that was our main problem. Like we couldn't possibly take the other two to court on Alan's evidence, because they'd just laugh it out of court.

FATHER: Of course, I appreciate that...

JILL: And that was our main problem with the whole investigation.

Alan, in other words, has painted himself into a corner over the course of the last six months. Finding it difficult to balance loyalty and honesty, he appears to have made the wrong choice on every occasion. So yes, Jill is making further inquiries, but they are unlikely to lead anywhere. Unless the others make statements of their own volition, little will change. Alan has rendered himself an unreliable witness, and the person most affected by that is himself.

The coordinator asks Malcolm what he has to say about all of this. He has realised early that the matter could not proceed to court - once Alan had produced his third inconsistent statement. At the time, Malcolm's main concern had been to see that Alan did not ruin his career. Val says she understands how difficult it is today to make ends meet. She talks about parenting:

Because of the job circumstances outside, to get into something like that. I think what's more so, even my husband was - we try to bring our children, I mean, in line, sort of, in our house. More so for the older ones it is really a no no. I think for the first time last year, my daughter lied to me once, and it took me months to believe her again. Because it's one of those things, you know, you have to trust your children.

And in the police as well. I understand exactly what they are going through. They've had three different statements from Alan. I know, okay, Alan was trying to protect his friends, which I think a lot of young people these days do - they stick by their friends. But look what's come out of it. He has the whole blame, which sort of in one way is understandable as well, because who else have they got? You know, he's had three different statements, and the thing angers my husband more - because he's tried to keep Adam in, because he has been doing well in the Air Force. And because he's wanting to protect his friends, he's the one that's lost out of it.

FATHER: There's no doubt about it, him changing statements like it has, more or less, left it in the situation where he's the one holding the baby. I mean, it's not...Even though there may have been other people implicated, it's your own, by your own misadventure that, you know...You're the one who's going to have the ultimate responsibility, even though you have, as far as we know, come clean and told the truth.

COORDINATOR: Which is very important to remember, that what you did, you know, is the only fair and just thing to have done.

Alan argues that he made an effort to find out what happened to the computer, and that that should suffice. The coordinator notes that it hasn't been found, and Malcolm is still out of pocket. But Alan simply doesn't have any money. Alan's father reminds

participants that his son is still looking for work. Perhaps in the future, if he's fortunate enough to find some, he might be able to make some recompense then. He asks his son how he would feel about that:

ALAN: Well, I wouldn't be happy at all, because I've come forward and made my admissions, and these other two are getting off scot-free.

FATHER: Yes, I can see that too, son., but nevertheless it still doesn't change the fact that, at the moment, you're the only one that has been shown to be involved.

JILL: Alan, I might just point out there too, that it's not only the computer that's gone missing. There's also an embossing machine worth \$1200, so, you know, \$3000 is just part of it anyway. So you know, there's just one thing I'm looking at here. There was \$20 cash, there's power cords, there's disk drives, you know, just...

COORDINATOR: The story goes on...

Indeed it does. Malcolm reminds people about an earlier break-in in which several hundred dollars was stolen from the same office. The culprits have not been identified. Jill confirms this. Val wants to make it quite clear to Alan's father that he should not feel any sense of vicarious guilt, even though he is understandably ashamed of his son's behaviour:

VAL: I mean, what I would like to point out here too is, I mean, I don't want Alan's father thinking, once we get out of here, we are thinking...to think that we're blaming him, because we are not blaming the father whatsoever. I mean, even though he's from a single parent home, that's got nothing to do with it these days, because, as we know, we've got children ourselves. You could have the best upbringing for your child, and, I mean - and it's not always the parents. I mean, you know, it happens, you know, I'm hoping to God it never happens with our children. But he's lucky he's got his father behind him, because a lot of kids these days...That's why there's so many homeless children, the parents just couldn't be bothered, and they throw them out on the street. You know, it's really, really sort of, it's very sad to see too.

So I don't want Alan's father - I am sort of disappointed with Alan for what's happened, because I know Alan's saying he shouldn't take the whole blame. But then I look at it too, Alan, you've had three chances to sort of really come out clean, and you're saying you shouldn't get the whole blame. I mean, if you don't want to have the whole blame, why didn't you speak to the police and let everything out that you know, because obviously you were still keeping a lot inside?

And I mean, I'm not, you know, police or anything, not trying to do anybody's job, but just by talking to him here for a few minutes...And his father, I mean, you know, his father's confused too, as well. You know, I mean, you brought up your son all these years, and all of a sudden, you know, I mean he's lied to you as well. And it's very hard to believe your own child after a while, too.

Val is distressed on behalf of Alan's father. He says how true that all is. There are aspects of the whole story that are still very unclear to him. Malcolm, for instance, says he advised Alan to resign. No, says Malcolm, I had a direction from above. Alan had no choice. The advice concerned the technical problem of filling out a resignation form! The coordinator asks if he might intervene at this point. He reminds participants that they had been talking about a sum of money, and how it might best be replaced. He would like to see Alan leave here knowing that the matter has been resolved, and that he has certain obligations flowing from that resolution. Malcolm responds:

MALCOLM: Can I ask Alan one question? It might sound a bit callous, but what was your final payout when you were discharged from the Air Force?

ALAN: About \$ 700.

MALCOLM: So you got \$700 to leave the Air Force. Why didn't you offer that to me then and there as part compensation? I can understand that you don't want to pay for it, because you don't believe you're responsible, but surely you must take some responsibility because you were involved.

ALAN: I had a previous obligation to my father for an amount for that much, so I had to pay it to him.

COORDINATOR: I don't think there's any doubt that Alan sees that he's responsible. I guess the thing he's really coming to grips with is the enormity of what he sees to be the responsibility. And if Jill hadn't mentioned it, I certainly wouldn't have...

The coordinator is probably correct - the early mention of a large sum of money appears to have stunned Alan into an intransigence. Once again, Alan is doing his own cause no good. "Is there some possible interim arrangement?", asks the coordinator. Alan's father explains their predicament eloquently and at length. He had been guarantor of a vehicle that Alan bought while still on a decent wage. Alan has also had an accident in another car - part of the separation pay went towards those expenses. Then Alan has been a victim of crime himself, having had several hundred dollars stolen. Nevertheless, he says - turning to his son - the consequences arising from this affair have to be faced. He sums up the situation accurately and with economy:

You were involved, you did take part in it, and you did inadvertently protect other people and yourself, by not relaying the truth up front. So you have to admit your responsibility, and make some effort to, you know - for recompense. You may not agree that you have to take all responsibility, but nevertheless, because you changed your opinion so many times, you've lost all credibility. And again, it's up to you to build that back with a lot of people.

But there we have it. He has nothing.

So what are his financial circumstances. He is receiving unemployment benefits, and living in a flat. The coordinator provides a brief summary of the situation of the two major parties, based on information they have provided in the course of the conference. Would repaying Malcolm over time seem fair?:

Over a time, I suppose, that would be only fair.

How might it be possible? Alan's father suggests a nominal payment of perhaps twenty dollars per fortnight until Alan finds work. Malcolm actually considers this fair - he wouldn't like to see Alan impoverished. But the mechanism for payment needs some consideration. Perhaps the money ought to be paid into an account run by his father. It could then be repaid to Malcolm in increments. The coordinator suggests a suitable size lump sum. Val emphasises that they would not like to see Alan without any money. Malcolm argue in support of his proposal:

I think he needs a commitment, and to put it in a bank account in his father's name, that way stops him touching it, it might teach him a bit of a lesson. His father can control the money, and pay me in lump sums.

Alan's father says he is quite willing to oversee such an account, and assures Malcolm that the money will be paid. If he gains employment, he can make a loan, and expedite payment of the balance. Malcolm is satisfied again. But he wishes to make very clear the reasoning behind his proposal:

...The reason I suggested that you keep the bank account - I suppose I'm still trying to help Alan a bit, and maybe give him and you a better chance to get some trust back. I mean, I've got no trust now. I am sorry, but I couldn't just ever trust you again, Alan.

FATHER: Well, who could blame you really.

MALCOLM: But I am not related to you, and I've got nothing to do with you. However, I can see that if you keep the bank account, you've got some control over it, and something good may come of it. And other than me getting twenty dollars a fortnight, which is most probably going to get wasted, if I can get it in lump sums, then I may be able to use that money effectively.

Malcolm discusses the technical details of these arrangements further with Alan's father. The coordinator suggests that all of this be written into the final agreement, which he would like now to prepare. Is Alan happy with the arrangement? Yes, it seems fair. And Malcolm?:

I mean, I would be only too willing to come to other arrangements if the other two people were caught. I would like to see those two other people pay for the lot. I mean, I do believe Alan's statement when he said that he was only an observer, he held open the doors. But again it's like what I said right at the beginning, if you're there while the crime's committed you're just as equally guilty.

But as Val says, the police have done their best. Circumstances may change. Who knows, says Malcolm, one of the others may grow a conscience - though that seems highly unlikely. Jill suggests that the burden of the payment may work as an inducement to find further information about the case. Unfortunately, says Val, Alan has been a good friend, but his loyalty has not been reciprocated. Alan is painfully aware of that, says his father. Anyway, says Malcolm, if circumstances change, he is more than happy to come to some alternative arrangement. The coordinator asks Alan whether he wanted to say anything else. He doesn't, but his father does - if only briefly:

Oh well, look, we've arrived at a solution, and that was our objective.

The coordinator agrees. He then explains that, for official purposes, this conference is recorded as an official caution. He reminds Alan that what the participants didn't like was Alan's behaviour. Alan's father says that, yes, a theft has occurred, but the one Alan really robbed was himself. That's what the victims have been saying, suggests the coordinator. Yes, says Malcolm, he has lost an invaluable career opportunity. Val hopes that Alan has learned from the experience. She then reiterates a point made by the coordinator:

I don't dislike the boy, you know. And I'm sure he's had a good upbringing, but then at the same time I suppose we all have to pay, you know, for the mistakes.

FATHER: Of course, yes. Yes, we've all got to face responsibility somewhere along the line.

With the agreement finalised, the conference concludes. Alan's father thanks the other participants. Alan and his family leave the room. Val, Malcolm and their children stay behind briefly to talk to the coordinator and his colleague. Malcolm was impressed by the process, and says so. Val suggests that the process was worthwhile for their own children:

At the same time, what the police are doing here is bringing the families together, if you've got children. I mean, it's making our children realise as well, even though they are young - and Nadia she's older - to realise...

MALCOLM: ...what consequences really can be, what ideas you may have to do against one person can have such widespreading consequences about other people. You don't even know, I think. But the whole thing has been proved today.

Malcolm suggests that Alan has actually been lucky that he is not being pursued by his former employers for the cost of replacing other stolen goods and damaged property. Malcolm and Val prepare to leave, but not before one technical issue has been confirmed:

MALCOLM: Righto, thank you very much. I am quite pleased with the outcome. I came here not expecting much, and I am going away with at least maybe a promise.

VAL: Yes, thank you very much.

COORDINATOR: Good on you.

MALCOLM: I just want to make it clear that I presume this agreement is not really binding, and if they decide not to carry on with it...

COORDINATOR: No, the agreement's alright. Can I say that almost all of the agreements that are reached in these forums are in fact honoured.

MALCOLM: Yes, but not actually binding legally. If they wanted to stop...

COORDINATOR: Absolutely.

MALCOLM: There's nothing to stop them stopping straight away, is there?

COORDINATOR: No, and you need to understand that.

MALCOLM: Yes.

COORDINATOR: And you need to be under no misapprehension about that.

MALCOLM: Yes, I gathered that.

COORDINATOR: But having said that, you know...I think that the father is fairly genuine.

VAL: Yes.

MICHAEL: I think that's why I wanted him to pay to his father, to at least...If he was paying it to me, and he stopped paying it to me, there's nothing I can do. But if his father keeps him honest, I may get the majority of it.

COORDINATOR: Alright, thanks for that.

CASE 13: SELF-ADMINISTER PROHIBITED DRUG

This case was complicated by the fact that the officer involved is the brother-in-law of the offender. The conference provided an opportunity for all parties to deal with the issues that arose as a result of the incident.

The conference begins matter-of-factly. The coordinator offers a short introduction, then asks Sally to tell the other participants about the incident. She says she was smoking drugs and was caught. That's it. So had she been smoking for long before she was caught?:

SALLY: Not really that long. I was smoking for about six months - started this year.

COORDINATOR: Did you like it?

SALLY: Yeah, I did like it.

COORDINATOR: Did you ever fear getting caught?

SALLY: Yeah, I did.

And the fears were realised when she was caught? Yes. So what has happened since then? Well, it has sometimes been difficult living under the same roof as her parents. And it has affected one particular police officer. The coordinator asks Sally about that officer:

SALLY: My brother-in-law, I love him, you know. He's a great bloke, and being up at that house, and seeing Todd at the door in his uniform, you know, it was really scary.

So Todd was affected by the incident. And what else has happened. Her father is upset that she has been using drugs. Her performance at school has just started to recover. The coordinator asks Sally's mother how this incident has affected her. She sees some good coming out of the police intervention:

MOTHER: I was very upset.

COORDINATOR: Devastated, were you?

MOTHER: Yes, I was, yes, most upset. It might be a good thing. Hopefully some good will come out of it.

COORDINATOR: What was the single worst thing for you, for the mother?

MOTHER: Todd was the one that busted her.

And since the incident, she and Sally have been getting on well. Sally's father likewise sees some good arising from the police intervention, although it has been a difficult time since then:

Yes, it has been actually. When it came to a head - I'd suspected it actually, and discussed it with Sally - but when it finally came to a head, certainly the feeling of devastation was very strong, but looking down the road two or three years is what was concerning me, how she was going to finish. It was a great relief really that she got busted actually, in the finish. I was very pleased that it did happen, and I was quite pleased that Todd was there to look to her welfare while he was doing it. I just hope that she's going to turn the corner. I think she will. I've got a fair bit of confidence in her. She's a pretty stubborn girl, but she's not lacking in intelligence, and I've got every confidence in her. The fact that we love each other very strongly, and as a family we've been very close, and I think that will stand us in good stead too.

Yes, we've got to pick up that trust again, and that's hard. You can't take anything on face value, and I think Sally has got to get the idea out of her head that she's being cross-examined every time we ask her something about what her plans are, or when she's going to go anywhere, this defensive mechanism comes into play, which makes it very difficult to communicate at times. She confuses taking an interest with cross-examination really at times.

But, he adds, he and his wife are quietly confident in their daughter. She's a wonderful person - if a bit easily led by her friends at times. The coordinator asks Sally's big sister - who's holding her hand - what she thinks of it all:

SISTER: Well, I was just worried about what Dad said, you know, two or three years down the track, in a gutter somewhere, when she's got so much potential. Yes, I just didn't want to see her throwing her life away over a stupid thing like drugs.

SALLY: I would never have let that happen to myself, though.

MOTHER: That's what they all say.

FATHER: You don't realise it is happening until it's too late.

SALLY: That's true.

MOTHER: Tell him about how you were starting to walk, and starting to go down then.

FATHER: You are starting to lose your dignity when you do that. You don't realise you are doing that until it's too late. Then it's hard to get back.

The coordinator takes the issue of dignity as a cue to ask Todd how he dealt with the dilemma of having to intervene when a relative is involved:

It was very hard to go knock on that door, and see what happened inside. Go there looking for some stolen property, and finding Jenny had heaps of drugs, like an esky full of drugs, and seeing a type of a bong. It was very hard to go and knock on that door.

COORDINATOR: What were the issues for you there?

TODD: Just what people would say about Sally and me, with Sally there, and offences taking place. Like, the bosses would say did I do my job correctly, and all that sort of stuff. Was I biased? or can I be trusted?, and just things like that.

It was indeed a difficult situation. Sally's father elaborates. They had some electrical equipment at their place, which the people at Simone's place had asked them to look after. Yes, Todd says, local police had received information about a stolen video recorder. Sally's father continues:

So it was hard for everybody, because we were aware that Sally was going to be possibly put in a compromising situation immediately after the police left our home, and the temptation to get on the phone was very strong, but we felt that if it was going to happen, it was going to happen, and we also couldn't put Todd in a compromising situation as well. It was a very difficult time, while we waited, and something I feel none of us would like to go through again - knowing that Sally was up there at that home, and hoping against hope that she was going to be a "clean skin", so to speak, when the police did arrive. And knowing that Todd was involved in the actual going to the home was a very difficult time for us all, but to Todd's credit, he handled it well. We, as parents, we bit the bullet, and sat down and had a cup of coffee, and waited, and didn't touch the phone, and I could quite easily have rang and said to Sally, "Get out of there". It was a very anxious time for us.

That took a fair bit of courage, the coordinator suggests. Sally's mother agrees. The coordinator addresses some of the other complicating factors - particularly those relating to his colleague, Todd. Under the circumstances, suggests Sally's father, complications are inevitable:

Well, when you consider how close we all are, and you know, our family has always been close together - I suppose the social structure of today has made us that way, but we always have been a very close-knit family - and Todd has become part of that family, and it was a nasty situation, and Todd handled it very well. We couldn't

compromise Todd's future on the gamble that maybe Sally had compromised hers. It was difficult for us to make that decision, but fortunately, Todd handled it very well.

SALLY: I was glad Todd was there.

The coordinator comments on some of these issues, then reminds participants that this conference is registered only as an official caution. He makes it very clear to Todd that this decision has nothing to do with him as a police officer. Todd is pleased with that reassurance. The coordinator then praises Sally's family for providing her with so much support. The only formal agreement the coordinator would like to see is a pledge from Sally to her parents not to use illegal drugs for the next twelve months. Is that acceptable? It is. And she doesn't need to apologise to him, says the coordinator:

SALLY: I'm just sorry to my family. I love them.

FATHER: And sorry for yourself that you did it. That's what you want to be sorry for.

Apologise to yourself first, love.

SALLY: Sorry that it came to this.

The coordinator reminds people to keep a sense of perspective. It's not the end of the world, but it has been a difficult time. Sally agrees. The conference concludes.

CASE 14: BREAK, ENTER AND STEAL

There was an interesting slant to this case of three boys who stole money from a legal firm - the victim had worked as a duty solicitor in the Children's Court system. He chose to make a comparison between the court and conference processes, from the perspective of a forgiving victim. As always, of course, there was a good deal of discussion preceding that part of the conference.

The coordinator asks each of the boys to give their version of what happened on the night in question. Philip, who is seated closest to the coordinator, speaks first:

I went around to Kevin's house on Sunday afternoon, and Warren wasn't there at that time, so we gave him a ring, and he wasn't home, so he rang us back, and then he came over. Then we had some tea, and then we just went for a walk down the street, and came back. Then we got some drink - fizzy drink - and then went down the street again. I bought a pizza for us three at Pizza Hut, and then we went down to, I don't know the name of the place, but down to F____ Street, and Warren went looking for the key, and couldn't find the first key, and then just looked around, and then found another one.

Warren is asked how he came to know where the spare key to the legal firm was hidden. He explains how he had seen people using it - without mentioning the family connection. He then describes what happened afterwards - how they took the money and went to Kevin's place. Yes, they were a bit frightened at that stage. Kevin explains how they then walked over the main hill and the nature reserve at the south end of town. Philip explains how they were stopped by police, who asked for their names and addresses. It was already after one in the morning, and yes, the boys were nervous. The coordinator asks why the police may have wanted to know what the boys were up to:

They were particularly interested in you boys because of what you were carrying, was that it?

KEVIN: Yeah, well, we were wearing dark clothes.
PHILIP: We were wearing black, that's why they pulled us over.
COORDINATOR: You were wearing black, and what were you carrying?
PHILIP: Well, I had one knife on me, a fishing knife, because it was in my jacket at the time when I was going over to Kevin's
COORDINATOR: What did you have, Warren?
WARREN: Yeah, similar stuff, a knife, and a pair of cutter things.
COORDINATOR: Cutters, and what else?
KEVIN: I had two knives, a pair of cutters, and some screwdrivers and a hacksaw blade.
COORDINATOR: You were wearing black?
KEVIN: Yes.
COORDINATOR: You were out at half past one in the morning, and you had this arsenal, knives...Who had the hacksaw blades?
KEVIN: I did.
COORDINATOR: What's happened to you since this incident, Warren?
WARREN: I've learned a lot. I learned that it makes other people think...worried.

Kevin has learned to think carefully before he does "certain things". He simply has to think more, he says. Philip has learned to listen to his parents - they had asked him not to go down the street that night. Philip's father explains just what was said that night. Both of Philip's parents had asked him not to go down the street after dark. All three boys have been worried since that evening about what might be said at school. The coordinator asks Warren what has been particularly difficult about the case for him. He needs a bit of prompting to acknowledge that, by stealing from his mother's place of employment, he has made life difficult for her. What has worried Kevin since the incident? He's been concerned about himself. Anyone else? His parents. Philip says the same. The coordinator now asks Warren whether he has considered how people at the firm may have felt, knowing that someone had been through the premises? No, he hadn't. Philip says he had thought about how hard it would be for the people who worked there:

PHILIP: Yeah, I thought about the people who worked there, and all that, and I thought that it was going to be hard for them. Like, this was after it happened.
COORDINATOR: What happened, Andrew, when you realised what had happened?
ANDREW: We were looking for who borrowed the petty cash actually. I mean, a few of the girls were sort of thinking, "Well, who's borrowed the petty cash", and then it got back to the situation where we realised that something had happened, because the petty cash had been cleaned out in total. It was a case of really looking to see what else had been taken, and that's probably about the extent of it.

Andrew then explains at length how there was initially a search among employees for the person who had taken the missing cash. Then they realised it must have been taken by an outsider, since everything had been removed from the petty cash. Actually, people in the office were thankful that nothing else was taken and that there was no property damage. He explains that there was nevertheless some concern that the personal legal files of clients may have been read or tampered with. Part of the difficulty, suggests the coordinator, was knowing that the spare key had been used - so that someone connected with the firm was implicated. Andrew agrees:

Yes, I mean, I certainly don't lay any blame on Jill or Dave at all. I mean, it's a situation where it's just disappointing that Warren sort of abused the trust of knowing where the key was, and which...As you well realise, there are no keys there now, but it certainly was disappointing that Warren knew where the key was, and then chose to show others where it was.

The coordinator asks Warren's mother, Jill, how this incident has affected her. She was shattered, she says. So what happened when the police rang?:

I just woke up in the morning, and I immediately thought somebody had been killed, or injured, and when they said they had my son down there, and he was out, he'd been caught in dark clothing - he didn't say anything about where they'd been, just that they'd picked them up on L___ Road - and I just thought probably he was lucky the police picked them up, and not other people who are also out at that time of the night. So when we got down there, and they told us they had been into my office, I was quite devastated and didn't really know what to think then. I was quite scared as to what they might have actually done. I pictured an office full of disarray, and I was quite anxious to get there in the morning.

Warren's father also thought someone had been killed when the police first called. After he and his wife were called down to the station, his greatest concern was how this would affect her at work. He was also hurt by their son's betrayal of trust. And yet, the coordinator says, people have many good things to say about Warren. What does his big brother make of the whole affair?:

I didn't find out until twenty eight hours later, or something like that. I didn't really sort of believe it at first, because I didn't get the whole story either. I just heard they had been caught. I didn't know they had broken in or anything, and I just thought that it could have happened, because I know Warren sometimes carries knives, like if we go on holidays or anything, he'd take them, and he usually sort of plays out around the house and that.

COORDINATOR: So he's got an attraction to knives, has he?

KERRY: I suppose you could say that.

COORDINATOR: So I thought he probably would have had them on him at the time, so I didn't know what to think about it.

COORDINATOR: You were a bit disappointed, were you?

KERRY: Well, everybody has stuff like this happen to them, so I sort of thought he'll learn from this.

Warren's cousin, Monique, says she thought it was fair enough that he and his friends were picked up by the police at that hour of the morning. It was only later that she had found out about the theft of the money - and she was shocked by that. The coordinator turns to Kevin's mother and asks her what happened on the night. She too was shocked - but above all by the fact that he was out at night - she had gone to sleep confident that the boys were in the room they used when others were sleeping over. Kevin's father says he could have wrung his neck when he found out. The coordinator asks Kevin's older brother what he thought when he was asked to attend this conference:

Well, I really didn't know what to think. It's only now that I've sort of heard the full story. All that I'd sort of been told was that they had been picked up at three o'clock in the morning, and he was down at the police station, and that was all I sort of knew

really. I didn't really know what happened. We just heard "breaking and entering" or something, so exactly what had sort of taken place, I was a bit vague as to what happened there, but upon hearing everything now - that they were walking around with knives and hacksaw blades - I can't believe they were so stupid, you know, like the age that they are at, after going through high school and everything, they must have thought they were in some fantasy land or something, or some cloak and dagger mission or something. It's really unbelievable. There had obviously been a bit of planning sort of gone into the thing, and they must have thought they were on some secret mission or something, I don't know, but it's reality now I think for them, and as you said before, the consequences of each and every action that you do, and this is it here now, so I hope they realise what they've done affects everybody, not only the place that the crimes, or whatever they did, the action that they do - but also their family, and their friends, and everybody really.

Philip's parents were also surprised by the whole incident. It all seems out of character for the boys to behave this way, says Philip's father - though they had previously made jokes about Kevin dressing in black and looking suspicious! Philip's mother describes her anger at the way he had betrayed her trust. Philip's father feels much the same way:

I've had a lot to say to him about it. I thought actually I'll shake him up a fair bit about it, and he will be shaken up for a while about it afterwards too. When all this is finished, he'll still get ribbed about it for a while, until I can wake him up. That knife - he was told three months ago to get rid of that. That's for when he was fishing, and he's using it as a fishing knife. I said to him, "Get rid of it!". It's the only thing, I know he has a knife. I told him three months ago, "Get rid of it" - and going out the hour he did. He was working with me in building a greenhouse in the backyard, and he's paying for it out of his own money from what he's earning, and he's paying for everything - timber, the whole lot - and I was working with him, and I said to him - because I heard Lisa say that he could go to Kevin's, as long as, you know, he's home by dark - and I said the same thing while he was working with me in the backyard. So he's virtually taken my trust, and he broke all the rules. I've told him he's grounded. He's not going to go anywhere now for a good while. He'll be lucky to get into town after work. It will be straight home.

Philip's older brother is asked what he has thought about the incident. He too uses the words "stunned" and "shocked". The coordinator makes an observation which draws a confessional response from Philip's father:

COORDINATOR: I guess it's important to keep some sort of perspective. I know you are all sort of a bit devastated by this.

FATHER: The thing is, I think, you can't really blame one kid or the other. You can't blame one family or the other. They've done it, and I just hope the whole three of them realise what they've done, and make it the last. It should never happen again in their lifetime, if they take notice of what's going on, and this should shake them up. Look, I'll personally say it happened to me when I was fifteen, and I've got six children, as you realise. I'm one of six, and the eldest of six, and it happened to me, and shook me up, and it's never happened to me again since. I just hope it happens the same way for these kids, that they realise what's happened, and that's it - it can never happen again in their lifetime.

Like Kevin's older brother, Philip's father sees the incident as an opportunity from which to learn. The coordinator now raises the issue of compensation. About fifty dollars was taken.

some quick calculations are done. Andrew is asked, on behalf of all his colleagues at the firm, what result he would like to see from the conference. Combining his personal and professional perspectives, he shows as much interest in the process as he does in the result:

ANDREW: Actually, I'm delighted to see cautioning, and in fact, I can say this, that we've all got kids here, and I certainly don't blame any parent, because I've got kids, and I know what I was like as a kid. We've all been a little bit wayward, and we've been easily led, but I think you boys are lucky that you've been given the chance of a cautioning situation, because I do all the criminal law in the office, and I see them coming before the courts. The boys and girls come in, and they come in from the best families in Wagga, and you just think, "Gee, what are they doing here?", and it gets back to a situation where you just haven't thought, you've been led by the three of you. The parents have pointed you in that direction, and you guys have decided to go that direction, and that's no slight upon the parents. As parents, we can only point you in the right direction, and hope you go that way, and I'm probably happy for the three of you, the fact that you get this opportunity of having a caution, because once you go before the court, you are then tainted. You've been given this opportunity not to be treated as a criminal, and unfortunately, by breaking and entering, that's what you are - a criminal. You might be on the lower scale of it, but you have been given the opportunity, and it won't be something that is going to be affecting you for your future, as far as job prospects. I think you are probably lucky that you've all been able to come to this tonight, and have it disposed of this way, and I believe that's the way it is going to be disposed of, from the officer's point of view.

I've got seven partners down there, and I can say that we are more than happy for it to be dealt with by way of just a caution. I'm over in court there every Monday, and knowing a couple of the sets of parents here, I know that there is direction there, and I don't expect to see you blokes over there on a Monday. I think you've probably learned a lot from this, and we are more than happy with all of you coming out and saying your piece, and learning a good lesson. I sound like a lecturer, but if any of your mates are going to get into trouble, you've just got to say, "I'm going home", and that's it, because you only get one chance, and this is it. So that I can say that we are quite happy that the matter be disposed of right here.

COORDINATOR: It's probably a little bit harder than going to court, do you think?

ANDREW: I think it probably is. The courts probably can sometimes be a bit easier because your parents are there, but they are in the back of the court, and you've only got one person getting stuck into you, and that's the magistrate. And if you walked out of court, you'd walk out with a bond, or something like that. So I think this is certainly a better procedure.

The coordinator asks Warren whether there is anything he would like to say? Warren apologises to Andrew for abusing his trust. He says it will take some time to get back his parents trust. Philip offers his apologies to all the people at the office, to his parents, and to the other people affected by the incident. The coordinator asks whether any parents wanted to say anything else? Philip's father is just glad that they have been given this opportunity to really understand how the incident has affected people. The coordinator raises the issue of a formal conference agreement. All three boys think that writing formal letters of apology to the firm would be a good idea. Philip's father suggests that his son go to the front desk of the firm at the end of the week and pay back his share of the money that was taken from the firm. Andrew says that this is a good idea - he will advise the receptionists that Philip is coming. The agreement is signed. The coordinator asks the boys whether they might be able to break the

fascination with the knives, the dark clothes, and the late night wandering. His colleagues, he admits, are inherently suspicious, but they are also concerned that, on the streets at that hour in dark clothes, the boys are in danger of being hit by a car:

So just think about those things, fellas. That finalises everything. Again, thanks for coming. We feel it's a far more civilised way of dealing with these sorts of matters. Whilst, from the outset, it was going to be difficult, I think that when you reflect back on the process, I think it is far more positive than the courts.