First Report of the Inquiry into Crime Prevention through Social Support
Standing Committee on Law and Justice

December 1999

Chairs Foreword

This is the first report of the committee's Inquiry into Crime Prevention Through Social Support. The committee deals with a range of issues including the risk factors associated with crime, criminal statistics, the role of local councils in crime prevention, early intervention and early childhood intervention, evaluation issues and issues relating particularly to people with an intellectual disability. The material in the report reflects the majority of evidence received by the committee to date. It is anticipated that the second report of the inquiry will include issues relevant to Aboriginal people, state wards, young offenders, prisoners and recidivism.

Crime is a complex social phenomenon. No single cause can explain it, just as no quick fix solution can address it. Overwhelmingly, the evidence presented to the committee identified poverty, economic and social stress, leading to child neglect, to be the major precursors to crime.

Nevertheless, certain strategies can help to minimise or even prevent offending behaviour. The committee considered that programs grounded in early intervention can be the most effective means of achieving this. In particular, early childhood and home-visiting programs have been shown to have the best results in crime prevention.

Drawing from early intervention and home-visiting programs in particular, the NSW Government has commenced the Families First program which, it is anticipated, will have the effect of both supporting vulnerable families and reducing crime.

The committee is well aware that effective crime prevention is a long process and results are not immediate. However, those programs that have been shown to work and to be cost effective, are those which do not adopt the traditional "knee jerk" response to crime or are solely punitive. This approach is not to be interpreted as one which is "going soft on crime". Rather, it is one which, based on extensive evidence, considers that the best form of crime prevention begins at the earliest possible time rather than at the end of the criminal process.

Chapter Eight of this report concerns people with intellectual disabilities. Intellectually disabled people are one of the most over-represented groups in the criminal and juvenile justice systems, both as offenders and victims. This over-

representation is a reflection of the vulnerable and marginalised position that people with an intellectual disability hold within the wider community. The relevant recommendations in this report are designed to build on initiatives already in progress which aim to reduce unnecessary contact with the criminal and juvenile justice systems and to ultimately improve the status of intellectually disabled people within the community.

I wish to thank the Committee members for their dedication and commitment to this inquiry. The unanimity of this report demonstrates that politicians from different political persuasions can work together and reach consensus on what can often be a volatile issue. All members agreed that an effective response to crime prevention is for the benefit all people in New South Wales.

I also wish to thank the staff of the committee who worked to a tight deadline to complete this report. Committee Director David Blunt provided guidance and direction to the committee secretariat. Senior Project Officers Steven Reynolds and Alexandra Shehadie gathered, analysed and condensed all the evidence into what I believe is a document of high quality and importance. Phillipa Gately's presentation, formatting and editing of the report was of excellent standard and is greatly appreciated.

I commend this report to the Government.

Hon Ron Dyer MLC
Committee Chair

First Report of the Inquiry into Crime Prevention through Social Support
Standing Committee on Law and Justice

December 1999

Executive Summary

This is the First Report of the Inquiry in Crime Prevention Through Social Support. The Inquiry was referred to the Committee by the Hon Jeff Shaw, QC, MLC, Attorney General and Minister for Industrial Relations in 1998. The purpose of the report is to primarily stimulate interest and debate in crime prevention through social support in New South Wales.

Due to the extensive nature of the material submitted to this Inquiry, the committee considered that it would divide the report into two parts. Part One provides an overview of the major issues for this Inquiry. It includes issues relating to the risk factors associated with crime, a snapshot of crime in New South Wales and a guide to the key players in local crime prevention. Part Two of the report discusses specific target groups: children ages 0-5, local government and people with intellectual disabilities.

In the course of the inquiry the committee received 70 written submissions and heard testimony from 37 witnesses at seven public hearings. Members of the committee also made visits to Ballina, Moree and Merimbula. A conference on crime prevention in 1998, attended by over 180 participants, was also convened by the committee. Presentations were given from a range of local and international experts.

It is anticipated that further hearings will be conducted for the completion of this inquiry with further visits to rural New South Wales.

Crime Prevention in NSW

Chapter Two of the report examines the interpretation and definition of crime prevention through social support. The committee believes that spending on crime prevention has been dominated by law and order approaches reliant upon more police and, ultimately, the building of more prisons. There is a great deal of evidence that crime can be effectively prevented by investing in social supports, particularly in the first three years of life, which can reduce the likelihood of children growing into juvenile and adult offenders.

Many programs at the moment prevent crime even though their stated objectives are “to improve childhood health” or “support intellectually disabled people to live successfully in the community”, to quote two examples. The value of these

programs in reducing crime needs to be identified and recognised, and their success in preventing crime needs to be measured.

Chapter Three provides a brief overview of current crime statistics in New South Wales. It explains that the source of crime statistics is critical to their interpretation. Crime is predominantly committed by young male adults, who are also the most likely to be victims of crime. There is no evidence of a crime wave generally, nor is there evidence of a juvenile crime wave. Generally, juveniles offend only once, although some evidence suggest that this trend may be changing. Offenders and victims alike tend to be drawn from disadvantaged communities.

Risk Factors

Chapter Four examines the theories, causes and risk factors associated with crime. It also looks at those protective factors which promote resilience and which can ultimately prevent offending behaviour.

Many causes and theories have been identified as contributing to crime. However, no one single cause can explain it, nor can one single solution address it. A range of risk factors are identified as being significant to offending behaviour. Among these are poverty, disadvantage, economic and social stress, childhood neglect, including poor parental supervision, educational difficulties, negative peer influence, drug and alcohol abuse, involvement with the substitute care system, intellectual disability, Aboriginality and over-policing in certain regions.

However the committee wishes to stress that, in the words of one witness, "risk is not destiny". Included in Chapter Four is a discussion on protective factors - those factors that promote resilience in individuals, families and communities. These factors have been identified as countering the negative impacts of adverse life experiences. The earlier that protective factors are instilled in an individual, the greater the chances of preventing later offending behaviour.

Ideally, crime prevention should be about creating effective partnerships. *Chapter Five* identifies those departments and agencies which play a significant crime prevention role. Crime prevention is not just the sole responsibility of criminal justice agencies such as the Police Service, Corrective Services, Juvenile Justice and the Attorney General's Department. Human services departments such as the Department of Community Services, Ageing and Disability, Health, Education and Training, and Sport and Recreation all have important roles to play in addressing the preconditions which lead to crime. Federal agencies, such as National Crime Prevention, non-government agencies and even the private sector all have a significant role.

Early Childhood Intervention

The committee considers that early intervention and early childhood intervention is the key to effective crime prevention. Early intervention and early childhood intervention are examined in detail in Chapter Six. The US based RAND Institute found that certain early intervention and early childhood intervention strategies

can both reduce crime and be more cost effective than other more punitive measures. A number of programs are examined, including David Old's Elmira Home Visiting program, the Perry Pre-School program, child care, the Schools as Community Centres program, Parents as Teachers and NEWPIN. The committee recognises that the benefits of crime prevention programs can take time but can, in the long run, prove to be more valuable than those which have an immediate yet short-lived effect.
The chapter also includes a detailed discussion of the NSW Government's new Families First program. The committee believes the program is a welcome initiative despite some criticisms made by the non-government sector. Recommendations regarding Families First focus on the need to evaluate the effectiveness of the volunteer component of the program and the need for improved consultation.

Local Government
Chapter Seven examines the relationship between local government and crime prevention. Local government has a responsibility to contribute to the improved safety of the communities it serves, although the committee does not support a mandatory crime prevention role being imposed on councils. There is growing interest in crime prevention by local councils. The committee was particularly impressed by the holistic planning undertaken by several urban and rural councils.

Despite the excellent work undertaken by these councils and the Crime Prevention Division of the Attorney General's Department, the committee is concerned that most councils are still locked into seeing crime prevention as predominantly law enforcement. This has led some councils to pursue inappropriate strategies such as employing law enforcement officers. The committee believes there is a need for a communications strategy, driven by State Government in consultation with local councils, to promote the effective work undertaken by some councils, and stimulate further interest in crime prevention at a local government level.

The committee believes programs such as the Families First program, the Department of Education and Training's Schools as Community Centres program and the place management experiment being conducted by the Premier's Department all provide potential opportunities to enhance crime prevention at a local government level. The Government needs to examine whether an increase in resources for the Crime Prevention Division of the Attorney General's Department is required given the increasing interest in local government crime prevention. In addition a strategy is required to raise awareness of alternative sources of grant funding for one-off crime prevention initiatives at a local level.

The committee has visited two of the four areas in which the *Children (Protection and Parental Responsibility) Act 1997* has been made operational. It has been impressed with the way the Act has contributed to leading councils to holistic crime prevention planning. Night bus services operated by youth services and an Aboriginal community group have been used to reduce the need for direct confrontations with police in the implementation of the Act in Ballina and Moree.

The committee is concerned that other councils, and local Police and Community Services staff, may have rejected the model based upon misconceptions about the Act imposing a heavy handed law and order approach.

People With Intellectual Disabilities

Chapter Eight addresses issues relating to people with intellectual disabilities. People with intellectual disabilities are a group which can be particularly helped by crime prevention through social support, both as victims and as perpetrators. Almost one in five of the current prison population has a moderate to borderline intellectual disability, despite being only 2-3% of the population. This over-representation has risen over the last 10 years.

The committee notes that some improvements have been made in the co-ordination of human services and criminal justice agencies since the release of the highly critical NSW Law Reform Commission Report in 1996. However, it is concerned that witnesses were not able to provide specific examples of programs where intellectually disabled persons with challenging behaviour are enabled to live successfully in the community with appropriate supports. To remedy this the committee recommends a project which identifies such services, evaluates them and uses this as a way to advance crime prevention in this area.

The committee supports the current policy of closure of large institutions, as it believes this could reduce crimes committed against people with intellectual disabilities. However, the policy needs to be supported by a significant increase in funding of support services to avoid a continued rise in the over-representation of intellectually disabled persons in prisons. There is a risk that without adequate social supports being provided, closure of large residential facilities may simply lead to some intellectually disabled people being housed in the even harsher prison institutions.

The committee also identifies areas where support programs are currently lacking for those in the community, and the need for "risk of offending" to be a criteria for provision of services. Currently the level of disability determines service provision, where as crime is generally committed by those at the more moderate level of the disability spectrum.

The committee is concerned that police and courts may not detect a disability in many instances, and recommend increased training and use of screening tests.

Evaluation

The importance of evaluation to determine the effectiveness of crime prevention programs is discussed in *Chapter Nine*. There have been rigorous evaluations overseas which have proven that crime prevention through social support, such as preschool programs and home visiting are effective in reducing later juvenile offending. The committee believes there is a need to develop a greater body of local evaluation. While many of the recommendations of the report are to this end, the committee also recommends the Premier's Council on Crime Prevention

initiate a project to consult outcome evaluations of major funding initiatives, such as the Families First program, and programs which have potential to be expanded.

Future Work

In *Chapter Ten*, the committee identifies the areas which it anticipates addressing in a later report. These include children and young people in care and state wards, Aboriginal and Torres Strait Islander groups, policing and crime prevention, employment, housing, sport, mental illness, juvenile offending, and prisoner recidivism.

First Report of the Inquiry into Crime Prevention through Social Support
Standing Committee on Law and Justice

December 1999

Summary of Recommendations

Chapter 6 – Early Childhood Intervention

Recommendation 1
The committee recommends The Cabinet Office continue the model used in the North Coast pilot in clearly separating Family First initiatives which are funded from existing programs and those funded from the $55.6 million program. To promote transparency these plans should be publicly available.

Recommendation 2
The committee recommends that an outcome evaluation be conducted of the volunteer home visiting component of Families First. This should include use of a control group in an area not yet receiving the services. This evaluation should consider the outcomes which include whether the families increase in their relatedness to their community and the level of referrals to other services.

Recommendation 3
The committee recommends that any overall evaluation of the Families First project include the assessment of its crime prevention effect as one of the measured outcomes.

Recommendation 4
The committee recommends that the Families First program guidelines for volunteers be developed jointly by government and non-government agencies. The committee recommends that these guidelines be regularly revisited, and that in this process the capacity for training, supervision and the appropriateness of the volunteers used be examined.

Recommendation 5
The committee recommends The Cabinet Office should give increased priority to consultation with the non-government sector, seeking their input on how the Families First program is working in the areas where it is being trialed. This may require the development of formal consultation mechanisms.

Recommendation 6
The committee recommends the Schools as Community Centres Program continue to evaluate the impact of the program on children reached by it up until the transition to high school. If possible the impact should be compared with similar neighbouring schools which do not have the program. The evaluation should focus on risk factors relevant to later juvenile offending.

Recommendation 7
The committee recommends The Cabinet Office, in its planning of the Families First program in local areas, consider ways to enhance the capacity of both community and private child care services to deliver early intervention services in disadvantaged areas. This may include supplementing staff resources to allow home visiting or special needs workers.

Recommendation 8
The committee recommends that the NSW government approach the National Crime Prevention agency with concerns raised during this inquiry about the impact of changes to Federal funding of child care. In particular, concern should be expressed about the closure of centres in poor communities, the increase in multiple child care arrangements and the impact of the 20 hour a week cap on services for non-working parents. With regard to the latter, the inflexibility of the way in which hours are determined needs to be redressed.

The committee also recommends the NSW government inquire further into the benefits of funding universal preschool places for four year olds so as to offset some of the negative impacts of the Federal changes, at least so far as the transition to school is concerned.

Recommendation 9
The committee recommends the Office of Child Care of the Department of Community Services develop and implement a strategy to promote to the non-government sector the availability of Federal funding for child care targeting "at risk" children.

Recommendation 10
The committee recommends that the Department of Community Services give urgent priority to its project to work with family support services to examine the causes of the strain on family support services and to examine ways in which delivery of services can be changed to reduce this strain. The results of this exercise should be provided to The Cabinet Office to assist the development of its Families First program.

Chapter 7 – Local Government and Crime Prevention

Recommendation 11
The committee recommends that the Department of Local Government urge all local councils to consider their responsibility for preventing crime within their area. The committee recommends this be formalised by requiring councils to report in their annual report or their Social Plan on the decisions they have made regarding the need for crime prevention within their area. In making this recommendation, however, the committee does not support councils being given a mandatory crime prevention function.

Recommendation 12
The committee recommends The Cabinet Office liaise with the Local Government and Shires Associations to ensure the current role and potential future role of local government in early intervention be fully recognised in the rolling out of the Families First program.

Recommendation 13
The committee recommends the Departments of Education and Training and the Department of Community Services meet with the Local Government and Shires Associations to discuss ways of co-operating with expansion of the Schools as Community Centres project as a means of overcoming funding constraints on expansion of neighbourhood centres.

Recommendation 14
The committee recommends that the Department of Local Government urge local councils to cease current attempts to supplement police resources by funding their own law enforcement. The committee further recommends promotional campaigns by the Crime Prevention Division of the NSW Attorney General's Department include reminders of the cost and ineffectiveness of councils undertaking this law enforcement role.

Recommendation 15
The committee recommends that an assessment be made of the future funding needs of the Crime Prevention Division and its ability to meet the demand on grants funding and staff generated by increasing interest in crime prevention by local government.

If additional funding is required the committee also recommends that the Premier's Department seek other agencies, other than the Attorney General's Department, to contribute to any funding increases.

Recommendation 16
The committee recommends the Crime Prevention Division liaise with the Local Government and Shires Associations to develop a formal mechanism for improving access to information on grant funding for crime prevention projects by local communities, including councils.

To facilitate this the committee recommends the Division and the Associations meet with those responsible for the Communitybuilders project in the Premier's Department and also the NSW Office of Philanthropy Australia. The aim of this should be to ensure local crime prevention is funded from a more diverse range of sources than the Division's limited grant funds.

Recommendation 17
The committee recommends the Crime Prevention Division continues its practice of funding projects on a non-recurrent basis; however for suitable projects it should conduct evaluations as to their value as ongoing activities. If project evaluations do demonstrate the need for ongoing funding the Division should develop transition plans to ensure the continued support of the projects from relevant agencies.

Recommendation 18
The committee recommends that the Crime Prevention Division discuss with the Local Government and Shires Associations a strategy to communicate the success of the application of *Children (Protection and Parental Responsibility) Act 1997* in Ballina and Moree. This strategy should be targeted at three groups: local councils, particularly in rural areas; Department of Community Services Area managers and District Officers; and Police Local Area Commands.

In communicating with Community Services and Police the emphasis should be that the Act has to date reduced the need for frontline law enforcement in Ballina and Moree.

Recommendation 19
The committee recommends that the Crime Prevention Division in close consultation with the Local Government and Shires Associations, the Premier's Department and the NSW Police Service develop and implement a communications strategy which shares knowledge about the crime prevention activity of councils across NSW. This strategy should include sharing information about evaluations conducted so as to broaden knowledge of "what works and what doesn't." This strategy should include a mechanism to allow this sharing of information to continue as an ongoing process.

Recommendation 20
The committee recommends the Crime Prevention Division consider, either as part of or in addition to the strategy referred to above, a communications strategy aimed at local government which highlights work in Australia and overseas on successful and unsuccessful programs. The aim of this would be to deepen the knowledge base of local government on crime prevention.

Chapter 8 – Crime Prevention and People with Intellectual Disabilities

Recommendation 21
The committee recommends the NSW Attorney General's Department evaluate the success of the project of the Illawarra Disabled Persons Trust in terms of diverting intellectually disabled persons from unnecessary contact with the criminal justice system. Depending upon the outcomes of this evaluation the committee recommends the Department approach its Federal counterpart to fund a network of similar court support services for the intellectually disabled as a crime prevention initiative.

Recommendation 22
The committee recommends the Interdepartmental Committee on Intellectual Disability formally consider and respond to the findings of the current project by the Council for Intellectual Disability and the Intellectual Disability Rights Service to develop a legal, policy and community services framework to address the needs of individuals with a disability at risk of offending.

Recommendation 23
The committee recommends that the policy of devolution be supported by a significant increase in funding of support services for those living in the community. Future closures of large institutions should follow successful past models, of planned transitions for disabled persons into the community.

Recommendation 24
The committee recommends the Ageing and Disability Department and the Department of Community Services consider and formally respond to any recommendations arising from the study by the Community Services Commission on crime prevention strategies suitable for use in large residential institutions

Recommendation 25
The committee recommends that the Ageing and Disability Department establish a probity screening unit for employment of staff working with adults with an intellectual disability with a similar role to that established for children and young people through the Office of the Commissioner for Children and Young People.

Recommendation 26
The committee further recommends that, through this unit or through another mechanism, minimum standards be developed for employment and training of staff applicable to the non-government as well as government run services.

Recommendation 27
The committee recommends that the Crime Prevention Division in consultation with the Ageing and Disability Department identify a list of specific services in New South Wales which allow intellectually disabled persons with challenging behaviour to live in a community setting. The most highly regarded of these should be the subject of independent evaluation of their success in preventing intellectually disabled persons from unnecessary involvement in the criminal justice system.

Recommendation 28
The committee recommends a category of "risk of offending" be used in criteria for determining services to the intellectually disabled. The Interdepartmental Committee on Intellectual Disability should consider how services provided under this criteria can be jointly funded by human services and criminal justice agencies and which Department should administer the allocation of these services.

Recommendation 29
The committee recommends the Ageing and Disability Department consider how to liaise with other agencies to improve the provision of day programs to the intellectually disabled, particularly:

- day programs for those in unsupported accommodation;
- increased availability of TAFE courses for purposes other than job seeking;
- improved access to early childhood behaviour management programs; and
- increase in specialist health services for the intellectually disabled, particularly drug and alcohol.

Recommendation 30
The committee recommends that training at the Police Academy in intellectual disability be increased to a level more commensurate with such persons making up more than one in five of the prison population; and that regular in-service training should also be developed.

Recommendation 31
The committee recommends that NSW Police adopt and train staff in use of a screening test or other method of identifying intellectual disability during police interviews.

Recommendation 32
The committee recommends that the Interdepartmental Committee on Intellectual Disability examine the following aspects of the legal process for those with a intellectual disability charged with a criminal offence:

1. Improved co-ordination between relevant agencies in the obtaining of required reports prior to trial, so as to avoid unnecessary adjournments.

2. Review of the use of s 32 of the *Mental Health (Criminal Procedure) Act 1990*, and how greater use of the provision as a diversion can be encouraged by magistrates.

3. Review of the "fitness for trial" hearings in District Court matters as to how their current adversarial nature can be reduced.

4. Examining the diversionary strategies used in the Illawarra Disabled Person's Trust scheme for their suitability for wider application.

5. Examining the independent evaluation made of the Newcastle Court Liaison Nursing Service to determine whether a similar service could assist other courts.

Chapter 9 – Evaluation and Crime Prevention

Recommendation 33
The committee recommends that the Premier's Council on Crime Prevention develop and fund a strategy for a whole of government effort to conduct outcome evaluations of programs with potential to reduce crime which Departments either:

- invest considerable amounts in at present (Families First, family support services, child care etc); or

- consider to have potential for increased investment in the future (Schools as Community Centres, local government crime prevention)

These evaluations should examine the "before and after" impact of the program on crime compared to a similar area over the same period where the program was not introduced. The length of the evaluation should be appropriate to that necessary for the outcomes of the program to be demonstrated.

The strategy should also encourage individual programs to conduct other forms of evaluation, such as needs based studies and process evaluations, and to collect the data useful for all types of evaluation.

Chapter One
Introduction

1.1 Background to this inquiry

On 20 May 1998 the Attorney General the Honourable Jeff Shaw QC MLC referred the Inquiry into Crime Prevention Through Social Support to the Standing Committee on Law and Justice. The terms of reference of that inquiry are:

That the Standing Committee on Law and Justice undertake an inquiry into and report on the relationship between crime and the types and levels of social support afforded to families and communities, with particular reference to:

(a) the impact of changes in the social services support system on criminal participation rates;

(b) support programs that can assist in protecting people from developing delinquent or criminal behaviours; and

(c) the type and level of assistance and support schemes needed to change offending behaviour.[1]

The Attorney requested that the committee consult closely with the Crime Prevention Division of the NSW Attorney General's Department during the course of the inquiry. Recognising the very wide terms of reference, the Attorney also offered to provide clarification of issues relevant to the committee's inquiry. This took the form of a letter in which the Attorney stated:

A significant body of evidence exists, both here and overseas, to suggest that the interaction of family and community support systems, the family structure itself, and pathways for development for young people can have a major impact on the occurrence of crime within particular communities. ..... For this reason, significant attention is being paid to the unintended consequences of major welfare reform in both the United States and Britain. So far, only limited attention has been paid to these possible implications in Australia, particularly in relation to the changes being pursued by the Federal Government ..... from changes to youth unemployment schemes and educational incentives to broader changes to the delivery of support schemes in Aboriginal and Torres Strait Islander communities.

On another point, over the past few years New South Wales has developed a critical mass of research and practical knowledge about how family and community support schemes can assist in protecting young people from developing delinquent or criminal behaviour. .....The Standing Committee's inquiry would be an opportunity for this knowledge and experience to be brought together in pursuit of an important community outcome...

---

1 *Letter from Attorney General, The Hon Jeff Shaw QC MLC, 20 May 1998.*

Further, the steady development of the sophistication and extent of the government's "place management" scheme provides an opportunity for these approaches to be placed into a context in which they may be applied in a more focussed and therefore cost-effective way. In addition, the development of legislative structures such as the Young Offenders Act and the more positive aspects of the Children (Protection and Parental Responsibility) Act such as the development of Community Safety compacts, provide an opportunity to assess how social welfare and criminal justice mechanisms can positively interact.[2]

1.2 Conduct of this inquiry

In late June 1998 the committee met with the Attorney General to discuss the possible approaches that could be taken to the inquiry. Due to the committee's existing references and deadlines for completion of those inquiries, it was decided that the committee would launch the inquiry and commence public consultations towards the end of 1998, with the bulk of the work on the reference to be undertaken following the 1999 State election.

The inquiry was officially launched on 26 October 1998 with a public conference held at Parliament House. The purpose of the conference was to begin to generate community interest in crime prevention and to provide a resource to assist those preparing written submissions. The conference was co-hosted by the International Commission of Jurists (Australian Section); assistance was also provided by the Attorney General's Crime Prevention Division and the Bureau of Crime Statistics and Research. It was attended by over 180 participants. The committee brought out two speakers from the United States to share the benefits of recent research:

- Professor Larry Sherman, of the University of Maryland, spoke about the 1997 report to the US Congress *Preventing Crime: What Works, What Doesn't, What's Promising*; and

- Susan Everingham, of the RAND Institute, spoke about the results of their research into the costs and benefits of early childhood crime prevention interventions.

In total, 20 speakers from non-government and government agencies addressed the conference; a full list of speakers and participants are listed in Appendix One. The committee published the transcript of the conference in a report tabled in Parliament on 2 December 1998. A copy of the report was sent to all persons attending the conference; to all Members of Parliament and to every local council in New South Wales. A copy was also posted on the committee's website.

---

2 *Letter from Attorney General, The Hon Jeff Shaw QC, MLC, 1 June 1998.*

On 5 September 1998 the committee advertised for written submissions. The closing date for these submissions was 26 November 1998. By this date a total of 29 submissions had been received; many others indicated that they wished to contribute after the 1999 election if the inquiry was re-activated. The authors of all submissions are listed in Appendix Two.

The 51st Parliament ended with the calling of the 1999 State election, which was held on 27 March 1999. As a result, the committee and its reference ceased to exist. Following the State election the committee was re-established with new membership, under the Chair of the Hon Ron Dyer MLC, by a motion of the Legislative Council passed on 25 May 1999.[3] An additional motion passed on the same day re-activated the inquiry into Crime Prevention through Social Support.[4]

At the first deliberative meeting held on 2 June 1999 the committee decided to publish the first round of submissions in four volumes according to their themes: Volume 1: Early childhood intervention
Volume 2: Intellectual disability and the criminal justice system
Volume 3: Prisoners and recidivism
Volume 4: General

The committee also decided to re-advertise for a new round of submissions, with a closing date of 10 September 1999. By this new closing date a total of 38 additional submissions had been received, including submissions which the committee actively sought from Federal departments. The authors of the second round of submissions are listed in Appendix Two.

The committee has so far held seven public hearings. These took place at Parliament House on 17 June; 26 July; 3 August 1998; 1 October; 6 October; 25 October; and 8 November 1999. The witnesses at these hearings are listed in Appendix One. Two hearings to be held in August had to be cancelled when Parliament was prorogued on Wednesday 11 August 1999.

As part of the inquiry the committee consulted with the Crime Prevention Division of the Attorney General's Department to develop a program of regional visits. A member of the committee the Hon Peter Breen MLC accompanied Mr Chris Shipway from the Division for a three day consultation in Merimbula from 29-31 July 1999. The committee then visited Ballina on 4-5 August and received briefings from local leaders and government agencies on crime prevention in their area. The committee also participated in a regional forum on crime prevention held on 5 August which bought together the shires of Byron Bay, Lismore and Ballina. A

3 *Legislative Council, Minutes of Proceedings*, 25/5/99, p 76.
4 *Legislative Council, Minutes of Proceedings*, 25/5/99, p 83.

transcript of the conference was prepared by the committee and provided to the 50 participants as a record of the proceedings.

Members of the committee also visited Moree on 24-25 August. Despite the prorogation of Parliament preventing a hearing being held, many meetings were held with town leaders, including those from the Aboriginal community. A list of all individuals who provided briefings to the committee during the visits appears as part of Appendix One. The committee may undertake further regional visits in 2000 as part of the process of both consultation and so as to generate increased community interest in crime prevention.

The committee held a preliminary discussion about possible recommendations to be included in this report at its meeting on 23 September 1999. At this meeting the committee decided to produce two reports (see 1.3 below). Following that meeting a Chair's draft report was considered by the committee at its deliberative meeting on 15 December 1999 and adopted at that same meeting.

1.3 Structure of this report

At the committee's meeting on 23 September 1999 it was decided to produce a first report on the inquiry to be tabled in December 1999. The report focuses on the issues raised in submissions and particularly during the first hearings. It will be followed by a second report in 2000, which will consider in depth many crime prevention issues which are not covered in this report (see Chapter Ten).

This report has two parts. The first provides an overview of crime prevention through social support; the second an analysis of four specific issues in crime prevention, including recommendations for reform.

Chapter Two (the first chapter of the overview) begins by defining how social support differs from crime prevention through law enforcement. The different classifications of the aims of crime prevention (primary, secondary and tertiary) and the different models of its implementation (such as situational crime prevention) are considered. A framework is developed through which specific strategies discussed in Part Two of this report can be understood.

Chapter Three contains an overview of trends in crime in New South Wales in recent years: what crimes are committed, who commits them, who are the victims and where the crimes are committed? Cautions are raised about the limits of the data: under-reporting of certain crimes; over-policing of certain groups and the impact of changes in public awareness and attitudes to certain crimes are discussed. Data on economic and social changes are

then discussed to examine links to crime arising out of factors such as the geographical concentration of poverty.

Chapter Four looks at the evidence of the causes of crime and factors that can succeed in protecting people from developing criminal behaviours and preventing re-offending. There is extensive literature available; the chapter provides a short guide to the most prominent studies and those which have been most frequently referred to by witnesses and submissions. It also refers to previous reports of the NSW Standing Committee on Social Issues which have considered relevant areas.

Chapter Five charts the key players in crime prevention in New South Wales, beginning with Federal and State agencies but including local government, non-government agencies and the private sector.

The second part of the report examines four specific issues in crime prevention: early childhood intervention; crime prevention and local government; intellectual disability and the criminal justice system; and evaluation issues.

Chapter Six examines the role of early childhood intervention in preventing later crime. Key studies showing the most effective ways to intervene are examined and strategies such as home visiting, childcare, family support and parent education are considered. Recent government programs such as Families First and Schools as Community Centres are considered together with non-government programs. Recommendations are made as to the potential and the limitations of such programs.

Chapter Seven examines crime prevention at a local government level, particularly the Crime Safety Plan process pursued by the Crime Prevention Division of the NSW Attorney General's Department. The implementation of the *Children (Protection and Parental Responsibility) Act 1997* is considered, the committee having visited regions where operational areas have been declared. The place management concept is considered for its relevance to crime prevention. Recommendations are made as to how crime prevention planning at the local level can be encouraged.

Chapter Eight reports on the over-representation of the intellectually disabled in the criminal justice system. The causes of this are examined in terms of the process of the closure of large residential institutions for the intellectually disabled. The difficulties faced by human services and criminal justice departments in responding to the challenges posed by de-institutionalisation are discussed. Recommendations highlight the need for more models of successful therapeutic supports for community living to be developed and funded.

Chapter Nine considers the importance of evaluation to crime prevention through social support. Evaluation provides one way of demonstrating to central funding agencies the benefits of crime prevention projects; given this the dearth of local studies is contrasted with the position in the United States. A description of the types of evaluations and the reasons for using one form of evaluation over another are considered. Principles are suggested to assist useful evaluations for projects with crime prevention outcomes, so as to promote crime prevention through social support as a viable use of taxpayer resources.

Chapter Ten identifies the specific issues to be examined by the committee in hearings and a later report in 2000. These include prisoner recidivism, crime prevention and Aboriginal communities; housing and employment issues.

Appendix One contains the list of persons consulted during the inquiry to date, including witnesses at hearings, individuals met by the committee during its trips and participants in the 1998 conference. Appendix Two contains a list of submissions received for the inquiry to date. Appendix Three contains an implementation plan for the Families First program in the North Coast of New South Wales prepared by The Cabinet Office. Appendix Four contains the Minutes of the Proceedings.

1.4 Purpose of this report

The causes of crime are complex and interrelated with many aspects of human behaviour and motivation. It follows that preventing crime will be equally complex. There is extensive, often conflicting, literature on crime prevention and there have been many reports which have attempted to cover similar issues to those referred to in this report. For that reason this report does not attempt to be the last word on crime prevention either in this state or Australia.

Instead, the committee wants to use this report to assist governments and those who wish to persuade governments. Law enforcement has a role in any society; few could argue this role is not being given full prominence in public debate. There is far less being heard from those who argue that spending money on prevention now will save future governments from building more prisons and funding more police.

The purpose of this report is then primarily to stimulate interest and debate in crime prevention through social support in New South Wales. Many programs at the moment prevent crime even though their stated objectives are "to improve childhood health" or "support intellectually disabled people to live successfully in the community", to quote two examples. The value of these programs in reducing crime needs to be

identified and recognised, and their success in preventing crime needs to be measured.

The committee is pleased that the conference it hosted in 1998 has assisted in making local audiences more aware of the empirical basis for supporting crime prevention. This was achieved by bringing to Australia Professor Larry Sherman, author of the report to Congress *Preventing Crime, What Works, What Doesn't, What's Promising* and, Susan Everingham, who worked on the Rand Institute's cost benefit analysis of early intervention strategies. Many of the submissions referred to this research and used it to argue the case for local examples. The committee intends that this report can likewise be a useful resource for those seeking to encourage governments at all levels to make a greater investment in the crime prevention.

The committee understands the electoral pressures under which governments operate and the importance of achieving outcomes within short term cycles. However the problem of crime and the fear of crime has been on the political agenda for many years at a state level. Crime is complex, and many of the most effective solutions are long term. Provision of effective social support will not only reduce crime but lead to many other positive social outcomes, including a more cohesive community. **With this report the committee seeks to highlight the value of spending scarce public funds on an investment in the state's future.**

Chapter Two

Crime Prevention: An Overview

2.1 Social support

The shorthand title for this reference has been "Crime Prevention through Social Support". While the committee has received submissions and evidence from many different perspectives and organisations most have had no difficulty in understanding the meaning of this reference. By providing support to families and communities in the form of social programs, training or resources, governments should be able to prevent crime: this much is understood and agreed. Most of the debate during this inquiry has been about *how* to deliver the "social support" and to whom.

The committee has interpreted "social support" in its widest sense – it encompasses urban planning such as design of public housing through to health services such as home visits for new parents. The term can cover most activity by the government or other sectors which aims to produce positive social benefits. Much of this social support is directed primarily at achieving outcomes other than crime prevention, yet has the direct or indirect result of making a community safer.

The committee's only limitation of the terms of reference for this inquiry has been to exclude detailed consideration of the other main alternative form of crime prevention, that is prevention through law enforcement. This inquiry has not considered, for instance, the effectiveness of so-called "zero tolerance" policing. Where policing is considered in this report it is part of a wider program of social support, such as how police in Ballina or Moree co-operate with other agencies and local councils in developing crime prevention plans.

Crime prevention through law enforcement can complement other crime prevention strategies, and for some types of crime it is the most effective strategy, at least in the short term. The committee is concerned however that in the competition for scarce public resources the short term response of "more police, more prisons" is often seen as the only option for political decision makers considering the prevention of crime. If expenditure on social support is intelligently directed it can complement policing and reduce the difficulties faced in future policing. The NSW Police Service supports this view:

"While police have an important crime prevention role, the reality is that a large part of law enforcement work involves responding to reports of crime rather than dealing with the causes of crime. Given that police often only deal with one aspect of the problem, they cannot be the total answer and can only play their part in a broader crime prevention approach. Such an approach should be based within a collaborative and whole of government framework that incorporates the community.

There is clearly a need to look beyond "get tough on crime" strategies, such as harsher penalties and sentences for offenders, to longer term strategies that address the underlying causes of crime. These underlying causes – including poverty, homelessness, discrimination, child abuse and neglect, family breakdown, mental illness and substance abuse – are highly complex and require a multi-faceted approach. It is also important that the limited resources available be invested in those crime prevention strategies that are proven to work."[1]

Speaking at the Law and Justice Committee conference of October 1998, Assistant Commissioner Christine Nixon expressed a similar view:

"..my experience in policing has covered a variety of countries and types of crime. This broad based exposure to criminal activity and community disharmony has led me to a firm conclusion that insufficient funds are spent on social causes of crime and preventative measures. If we applied more attention and resources to crime prevention I am convinced the downstream effect would be considerable savings to the community in both money and reduced psychological trauma."[2]

A helpful analogy can be drawn from the area of public health. Doctors and hospitals are essential at times of critical illness. Preventative measures, such as good nutrition and healthy lifestyle, however, lessen the need for later medical services. Early intervention by medical professionals in illnesses also prevents more extensive treatment required later. Investment in social support to prevent crime has the same advantages as preventative health measures. It also suffers from the same struggle to obtain adequate funding for many of the same reasons.[3]

2.2 Crime

Criminologists have argued for many years on how crime should be understood. Chapter Four will examine some of the theories of the causes of crime, because the views held as to the causes of crime clearly influence the crime prevention approach taken. All of these theories as to the causes of crime have at least some validity. The committee in this report, however,

---

1 *Submission*, 11/11/99, NSW Police Service, p 1.

2 Standing Committee on Law and Justice, *Proceedings of the Conference on Crime Prevention through Social Support*, Assistant Commissioner Christine Nixon, p 251.

3 For further see Tomison AM, *An Audit of Crime Prevention Programs in NSW*, NSW Child Protection Council 1997.

does not support any one theory. Rather, it wishes to examine crime prevention from the perspective of which strategies are most useful for policymakers and those responsible for preventing crime. This will involve examining which strategies have successful outcomes, whatever theory as to the nature of crime underpins the strategy.

Drug-related crime can illustrate the pragmatic approach taken in this report. There is little argument that illegal drug use is one of the major sources of crime in New South Wales at present. In 1999, the debate over whether to treat drug addiction as a crime or a public health issue was highlighted by the NSW Government's Drug Summit, held at Parliament House on the week of May 17-21. There are important arguments to be had over whether treating drug use as a crime is appropriate. However the advantage of effective crime prevention through social support is that reducing crime is just one of many outcomes. Policies introduced now to make children more resilient and less likely to become addicted to drugs will be just as beneficial to the community in 15 years time whether narcotic drug use is seen as a crime or only as a public health problem.

This report will contain many examples of studies which have shown how crime prevention interventions aimed at individuals and families can produce a range of positive outcomes. Because the causes of crime are complex and often interrelated, preventing crime through social support will have many flow on benefits beyond the area of behaviour specifically targeted.[4]

Chapter Three of this report contains an analysis of crime trends in New South Wales. Chapter Four examines the multiple causes of crime and discusses the reasons why some people do not offend or re-offend. The rest of this current chapter describes how crime prevention can be understood by the groups or individuals to whom the strategies are targeted, and by the types of models of crime prevention strategies used. For much of what follows the committee is grateful for the contribution made by Mr Peter Homel, Director of the Crime Prevention Division of the NSW Attorney General's Department during his evidence on 17 June 1999.

[4] See *Pathways to Prevention* March 1999, National Crime Prevention for a more detailed survey of the literature.

2.3 Crime prevention

Crime prevention seeks to reduce the risks of criminal events and related anti-social behaviour by intervening in their causes.[5] This can mean intervening at a macro level, influencing institutions and geographic regions, down to targeting individuals or small groups. Crime prevention can:

- anticipate future crime and plan to reduce it, such as through early intervention and family support; or

- respond to current crime by intervening in the environment, such as by improving lighting and surveillance in public areas or changing liquor licensing regulations.

The desired outcome of crime prevention is that the quality of life of individuals and their community improves because of greater community safety. Crime and related anti-social behaviour produces pain and suffering and economic loss, and the fear of crime erodes the morale and cohesiveness of a community. Successful crime prevention builds communities.

To understand the variety and complexity of crime prevention strategies two methods of classification will be used in this report. These ask the questions:

- "to whom is the crime prevention targeted?"; and
- "what model of crime prevention is to be used?"

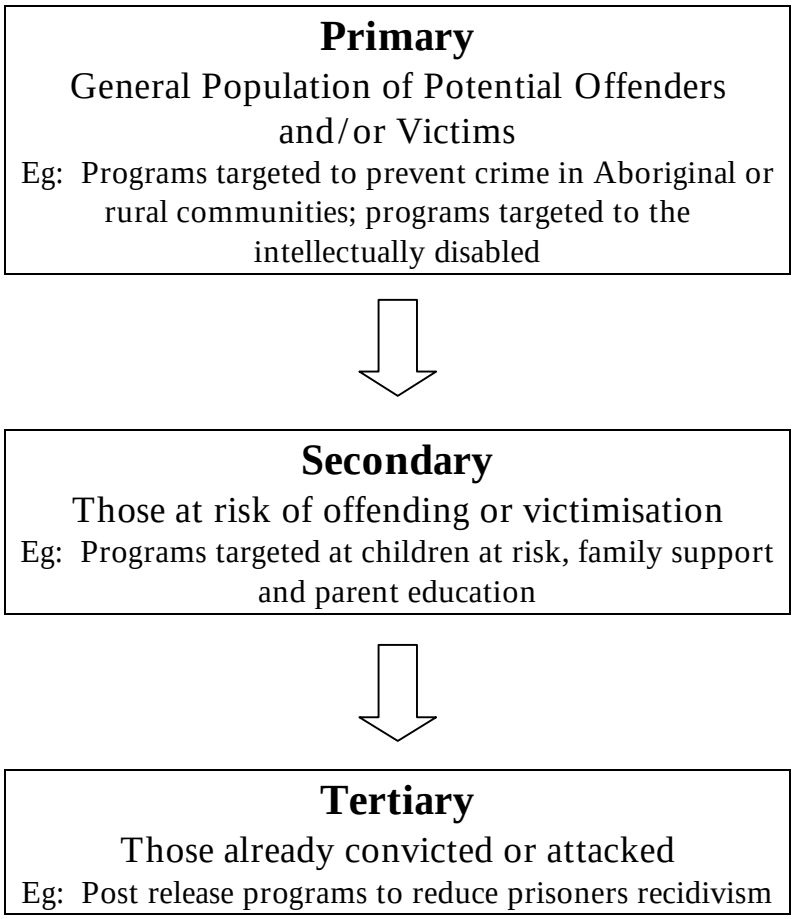
Both these questions need to be asked in determining effective prevention strategies.

2.4 Crime prevention – target groups

In public health, distinction is made between primary, secondary and tertiary prevention. This is useful in understanding how crime prevention can be targeted. The diagram below presents this classification in its simplest form:

---

[5] Ekblom 1996 in Bright *Turning the Tide* Demos 1997 p 8.



The terms of reference for this inquiry follow a similar structure:

- "the impact of changes in social services on criminal participation rates" is mainly concerned with primary prevention;

- "support programs to prevent people from developing delinquent or criminal behaviours" is mainly secondary prevention; while

- "the type and level of assistance and schemes needed to change offending behaviour" expresses the aims of most tertiary prevention.

This report in later chapters will focus on target groups for crime prevention strategies, such as the intellectually disabled. While this is useful as a starting point, as with any classification system the reality is messier, with much overlap. As an example, children of prisoners are a very at-risk group,[6] so tertiary prevention strategies aimed at prisoners are likely to overlap with secondary prevention measures. Crime prevention in residential supported accommodation for the disabled can simultaneously

[6] Standing Committee on Social Issues, *Report on Children of Imprisoned Parents, July 1997*.

assist victims and potential perpetrators, who are often the same individuals.[7]

2.5 Crime prevention – models of crime prevention

Just as important as knowing to whom crime prevention will be targeted is what type of strategies should be used. The basic models are summarised in the table below:

Model	Description	Types of Programs	Specific Examples
Early Intervention/ Developmental	providing support at critical times in individuals social, physical and mental development to prevent later offending	perinatal home visiting programs, family support childcare respite care	NSW Govt's Families First Program Benevolent Society's Early Intervention Program
Community Development	combination of programs aimed at building up communities to deal with their own social problems	local government crime prevention plans, place management	Canterbury Council's Community Protection Committee programs; Premier's Department Cabramatta Project
Situational/ Environmental	Programs to improve the physical environment in which people live and reduce opportunity for crime	street lighting, improved building security, formal and informal surveillance	Neighbourhood watch, reconstruction of the Dept of Housing's Villawood public housing estate
Law Enforcement	investigating and arresting offenders to prevent repeat offending and deter potential offenders	community policing; problem orientated policing	NSW Police Service community liaison officers; police operations in high crime areas

This report will not concern itself with the law enforcement model for the reasons stated above (2.1).

None of these models are mutually exclusive, they can complement or contradict each other depending upon the circumstances in which they are used. For example, the Schools as Community Centres program run by the NSW Department of Education is, in part, an early intervention model, assisting children and families at the crucial transition between home or childcare to the primary school system. However, it also pursues a

[7] *Submission*, 4/12/98, Community Services Commission, p 5.

community development model, using the local school to extend links between families and other agencies and activities in the area.

The models of crime prevention can be a hotly contested issue. This is because the differing understandings of the causes of crime lead to different preferred models of crime prevention. Someone who has a strong belief in crime as a rational choice will favour models which increase the cost of offending to the offender, such as situational crime prevention. If crime is understood primarily as a consequence of social alienation the preferred crime prevention model will emphasise community development.

Most practitioners use a combination of models, and the committee believes all have a valid role to play. The committee would go further: to consistently prefer one crime prevention model over all others is to jump to the solution before considering the problem. To illustrate:

One of the committee members and a crime prevention expert visited a coastal town in Southern New South Wales in mid 1999. The town was experiencing a sudden increase in violence and anti-social activity in a walkway and park behind a shopping centre. Crowds were gathering, many of which seemed to be new to the town, and causing disruption. Shopkeepers and local residents had solutions but admitted to confusion as to the causes of the crime they wished to prevent.

Consultations with local Aboriginal elders revealed a surprising cause: the disruption was not due to drugs or declining parental authority but rather the cutting down of a tree. A willow tree had been cut down several months earlier as an environmental hazard. For a generation this tree had been the meeting point for new Aboriginals coming to the town: if someone wanted a place to stay or food they met at the willow tree.

The resulting trouble in town was partly the result of anger at the destruction of this focal point for their community; and partly the result of transient populations relocating their meeting place to a much more visible and potentially disruptive location.

The key to effective crime prevention initiatives is that they approach preventing crime as a problem open to many solutions. The variety of programs and perspectives in the second part of this report are an illustration of some of the solutions that require consideration by governments and others who wish to prevent crime through providing social support.

Chapter Three

Statistical Overview of the Current Nature and Extent of Crime in New South Wales

3.1 Introduction

As a first step towards developing effective crime prevention strategies it is necessary to analyse criminal trends and the demographics or relevant characteristics of both offenders and victims. Some of the questions that need to be answered before positive crime prevention policies and programs can be implemented are:

- what are the most common types of crimes being committed?
- have there been any significant upward or downward trends?
- where are most crimes being committed?
- who are committing crimes?
- who are the victims of crimes? and
- is there a difference between the perception and the actual rates of crime?

An understanding of criminal trends has implications for the nature, cost and scope of crime prevention and diversion programs. Weatherburn, Matka and Lind[1] write that:

> unwarranted public concern about crime can... lead to excessive expenditure by governments on law and order at the expense of other important areas of public service (eg hospitals and schools).

Further, the information gleaned from criminal statistics is also important to use in evaluating the success or failure of crime prevention programs. Targeting the "wrong" group in any crime prevention program also poses the risk of netwidening on the one hand, and overlooking those at risk on the other.

One of the major advantages of understanding crime statistics is to be able to distinguish between crime perception and reality. In Australia, it appears that there is considerable fear of crime among the public. Media distortions (both intentional and unintentional) and colourful law and order debates by political parties of diverse persuasions, particularly prior to an election, can

---

[1] Weatherburn, Matka and Lind, *Crime Perception and Reality: Public Perceptions of the Risk of Criminal Victimisation in Australia*, New South Wales Bureau of Crime Statistics and Research, Sydney, 1996, p 7.

often lead to a misperception by the public that we are experiencing a terrifying crime wave.

This can then lead to a colouring of the issues in the crime prevention debate with calls for greater police presence and powers and harsher punishments for offenders. Crime prevention issues can also be erroneously branded options for the "bleeding hearts" and an indication of policymakers going "soft on crime".

Skogan[2] also maintains that in some circumstances fear of crime can

> precipitate neighbourhood decline and thereby generate an increase in crime and other social problems... As fear of crime rises in a neighbourhood, the better-off residents begin to leave, the poorer remaining residents increasingly withdraw physically and socially from community life and this weakens the informal social control processes which inhibit crime and disorder.

At the same time however, the tendency among the public to exaggerate the risks of serious crime, should not be dismissed as irrational. All reasonable avenues for reducing public fear of crime deserve to be explored together with actually reducing crime.[3] Therefore, an effective crime prevention strategy should ensure that **fear** of crime is also identified and addressed.

3.2 Sources of statistics

Criminal statistics in New South Wales are gathered from a range sources. The most relied upon are those recorded by the Police Service and those collected from crime victims' surveys. In New South Wales, the Bureau of Crime Statistics and Research is responsible for compiling police statistics. The Australian Bureau of Statistics conducts an annual crime victims' survey, the *NSW Crime and Safety Survey*. The latest NSW Crime and Safety Survey was released on 1 December 1999.

Although court statistics are another means of obtaining relevant information, they only reveal trends in the number of alleged offenders appearing in court or being convicted. They do not reveal crimes for which no offender was arrested or prosecuted. Relevant data, particularly in relation to recidivism, can also be gathered from the Departments of Corrective Services and Juvenile Justice.

---

2 1986, cited in Weatherburn, Matka and Lind, *ibid* 1996, p 7.

3 *Ibid* p 8.

This chapter will focus mainly on the most recent police statistics, the *NSW Crime and Safety Survey* and court statistics.

Police statistics are based on the number of reported and recorded offences by the police service. An offence is recorded by the police when it is "cleared", that is, when in the view of the police, it has been satisfactorily dealt with by charge or otherwise.[4] By their nature, police statistics show those offences that members of the public are willing to report, and those accounted for, by the police. Police statistics are therefore limited in the information they reflect since they can be strongly influenced by the changes in the willingness of people to report crime and by changes in policing priorities and effectiveness.[5]

Certain crimes such as sexual assault are traditionally under-reported for numerous reasons, so the numbers shown in police statistics may not be an entirely accurate reflection of the actual rate of the crime. Any trends in sexual offences shown in police statistics must therefore, also be cautiously examined. Other under-reported crimes include domestic violence and child abuse – that is, those offences which are committed in the home. The National Committee on Violence[6] also noted that:

> a large number of offences involving victims and offenders who are closely related, and most assaults, of a relatively minor nature, go unreported.

In contrast, most motor vehicle thefts and household break-ins are reported to police.[7]

The information gathered from **crime victims' surveys** is based on the experiences of the victim. Crimes that have not been reported to, or recorded by, the police can be included in crime victims' surveys. As well as providing information on victimisation rates, these surveys reveal demographic characteristics of victims, and their relationship with the offender.[8]

---

4 M. Chilvers, *New South Wales Recorded Crime Statistics 1998*, New South Wales Bureau of Crime Statistics and Research, Sydney, 1999, pvii.

5 K Freeman, *Crime Trends in New South Wales: The Crime Victim Survey Picture*, New South Wales Bureau of Crime Statistics and Research, Sydney, 1998, p 1.

6 National Committee on Violence, *Violence:Directions for Australia*, Institute of Criminology , Canberra, 1990, p 6.

7 Australian Bureau of Statistics, Crime and Safety: New South Wales, Canberra, 1999, p 5.

8 Standing Committee on Social Issues, *Violence in Society*, 1993, p 13.

3.3 Current crime statistics

3.3.1 Police statistics

The following information is based on Marilyn Chilvers' reports for the NSW Bureau of Crime Statistics and Research namely, *New South Wales Crime Statistics*[9] and *Key Trends in Crime and Justice: New South Wales, 1998.*[10] In introducing the later report Weatherburn observes:[11]

> the overview in this year's report indicates that, although there are a number of offences whose recorded rate is still rising in New South Wales the position as at the end of 1998 is a significant improvement on that revealed in the 1997 Recorded Crime Statistics Report.

In the report, *Key Trends in Crime and Justice: New South Wales, 1998* the following statistically significant trends during the period January 1997 and December 1998 for recorded crime rates are reported:[12]

- assault (**up by 5.0%**);
- sexual assault (**down by 15.0%**);
- indecent assault/other sexual offences (**down by 19.5%**);
- robbery with a weapon not a firearm (**up by 28.4%**);
- break and enter – dwelling (**up by 5.8%**);
- break and enter – non-dwelling (**up by 5.6%**);
- steal from motor vehicle (**up by 4.7%**);
- steal from dwelling (**up by 6.5%**); and
- malicious damage to property (**up by 10.7%**).

No statistically significant trend was recorded in the following offences:

- murder;
- robbery without a weapon;
- robbery with a firearm;
- motor vehicle theft;
- steal from retail store; and
- steal from person.

---

9 NSW Bureau of Crime Statiscis and Research, Sydney, 1999.

10 M. Chilvers, NSW Bureau of Crime Statiscis and Research, Sydney, 1999.

11 *Ibid*, p iii.

12 *Ibid* p 6.

Reporting on criminal trends, Chilvers notes:[13]

> the trends in recorded crime shown in this report will...reflect movements in the underlying factors which influence the detection, reporting and recording of crime as well as changes in the true level of crime in the community.

3.3.2 Assault

The following figure represents the monthly rate of **recorded** incidents of assault for the four years from January 1995 to December 1998:[14]

From January to December 1998, the highest rate of assault in New South Wales was recorded in the Far West Statistical Division (Broken Hill, Central Darling, Unincorporated Far West). There were also high rates of assault in the North Western Statistical Division (Bogan, Bourke, Brewarrina, Cobar, Coolah, Coonabarabran, Coonamble, Dubbo, Gilgandra, Mudgee, Narromine, Walgett, Warren and Wellington) and in the Inner Sydney Statistical Subdivision (Botany Bay, Leichhardt, Marrickville, South Sydney and Sydney). The rate in each of these three

13 *Ibid* p 3.

14 It is reproduced from Marilyn Chilvers study for the NSW Bureau of Crime Statistics and Research, *Key Trends in Crime and Justice, NSW, 1998*, 1999, p 9.

regions was more than double the rate for New South Wales. Chilvers writes:[15]

> Of the three regions which recorded the highest rates of assault in 1998, however, only one region recorded an increase in the assault rate between 1997 and 1998. While the rate for the Far West Statistical Division and the Inner Sydney Statistical Division remained relatively stable over this two year period, the rate of assault in the North Western Statistical Division increased substantially in between 1997 and 1998 (an increase of 10.0%)

3.3.3 Sexual offences

The following figure represents the monthly rate of **recorded** incidents of sexual assault and indecent assault/other sexual offences for the four years from January 1995 to December 1998.[16]

As Chilvers' figures show, there were statistically significant downward trends in **sexual offences**, over the January 1997 to December 1998 period. This should be interpreted with some caution as the downward trend could indicate a decrease in rates of reporting of sexual offences rather than a decline in the rate of the actual offences. In fact, crime victims' surveys show that in 1993, 28.8% of victims reported a sexual assault to police compared with 18.8% in 1997.[17]

---

15 *Ibid* p 6.

16 It is reproduced from Marilyn Chilvers study for the NSW Bureau of Crime Statistics and Research, *Key Trends in Crime and Justice, NSW,1998* 1999, p 10.

17 *Ibid* p 5.

The highest rate of sexual assault from January 1997 to December 1998 was recorded in the Far West Statistical Division, followed by the North Western Statistical Division of New South Wales. The highest rate in the Sydney Division was in the Inner Sydney Statistical Subdivision. The lowest rates of sexual assault during 1998 were recorded in Hornsby-Kuringai followed by the Lower Northern Sydney Division (Hunters Hill, Lane Cove, Mosman, North Sydney, Ryde and Willoughby).

3.3.4 Robbery offences

Robbery offences are more likely to occur in the Sydney Statistical Division than in other divisions in New South Wales:[18]

For example, on a per capita basis, the recorded rate of robbery with a weapon other than a firearm in the Sydney Statistical Division during 1998 was more than four times the rate in country New South Wales (ie all Statistical Divisions excluding Sydney). For each robbery subcategory, the highest rate of recorded incidents in 1998 occurred in the Inner Sydney Statistical Subdivision.

Although the offences of robbery without a weapon and robbery with a firearm showed no significant upward or downward trend, robbery with a weapon but not a firearm increased by nearly 30% from the period January to December 1997 and January to December 1998.

3.3.5 Break and enter

Break and enter offences are one of the most frequently occurring serious offences.[19]

---

18 *Ibid* p 8.

19 *Ibid* p 9.

The highest recorded rate of break enter – dwelling was in the Inner Sydney Statistical Subdivision, and was almost two times the rate of the State.[20] The highest recorded rate of both break and enter-dwelling and non-dwelling outside the Sydney Statistical Division was in the North Western Statistical Division. According to Chilvers.[21]

> Overall, in 1998, the recorded rates of break and enter – non-dwelling offences were generally highest in the country areas of New South Wales.

Chilvers' reports that there was no significantly upward or downward in the number of monthly recorded incidents of **motor vehicle theft** in New South Wales for the period January 1997 to December 1998 but there was a statistically significant upward trend for the offence of steal from motor vehicle. The Inner Sydney Statistical Subdivision had the highest recorded rate of motor vehicle thefts and was two and a half times as high as the State rate. Canterbury-Bankstown, Fairfield-Liverpool, and Central-Western Sydney Subdivisions also recorded high rates of motor vehicle offences.

The country regions of New South Wales recorded the lowest rates of motor vehicle theft and steal from motor vehicle during 1998.

3.3.6 Stealing offences

Among the range of stealing offences the only statistically significant upward trend in the number of recorded incidents, over the period January 1997 to December 1998, occurred in the offence of steal from dwelling. This increased by 7.7% from 1997 to 1998. The highest recorded rate for steal from dwelling was the Far West Statistical Division, followed by the Inner Sydney Statistical Subdivision and the North Western Statistical Division. The lowest rates of this offence category during 1998 were recorded in areas within the Sydney Statistical Division.[22] Chilvers further reports:[23]

> between 1997 and 1998, most geographical regions of New South Wales recorded an increase in the rate of steal from dwelling offences. In particular, large percentage increases were recorded in the Inner Sydney Statistical Subdivision (up by 23.8% from 1997 to 1998), and the Central West (up by 20.5%) and South Eastern Statistical Divisions of New South Wales (up by 20.1%).

---

20 *Ibid* p 10.
21 *Ibid* p 10.
22 *Ibid* p 11.
23 *Ibid* p 12.

3.3.7 Malicious damage to property

The recorded rate of malicious damage to property increased by 10.7% between January 1997 and December 1998, representing a statistically significant upward trend.

The Inner Sydney Statistical Subdivision recorded the highest rate of incidents. In regional areas, the highest recorded rates occurred in the Far West and North Western Statistical Divisions.[24]

3.4 Crime and locality

The short time period from which these statistics come makes it difficult to properly analyse the meaning of the various trends. However, they can provide us with useful information about the concentration of recorded offences. To this end, they can further give rise to issues of the level of policing, reporting and recording practices and the level of criminality in these areas. For instance, Cunneen has argued in numerous studies that the high police staffing levels in certain Local Government Areas is one factor for the high rate of Aboriginal young people in the juvenile justice system.[25]

It is apparent that police statistics show crime as concentrated in two areas, namely rural areas (particularly the far west) and inner city areas. Further, as

---

24 *Ibid* p 13.

25 see eg, G Luke and C Cunneen, *Aboriginal Over-representationand Discretionary Decisions in the NSW Juvenile Justice System*, Juvenile Justice Advisory Counci, 1995, p iv.

it will be discussed in Chapter Four, the rate of recorded incidents in a particular area can also reflect the level of disadvantage in that area. For example, many of the suburbs and towns identified by Professor Tony Vinson as being disadvantaged in his study, *Unequal in Life: the Distribution of Social Disadvantage in Victoria and New South Wales,*[26] come within the statistical divisions that show a high rate of recorded incidents of crime as reported in Marilyn Chilvers study. This is particularly the case for regions within the Far West and North Western Statistical Division.

3.5 Court data

3.5.1 Children's Courts

Data from the Children's Courts show that, for the 1997-98 period the majority of juvenile offenders were male, representing over 80% of offenders involved in finalised cases. Generally, for each offence category, less than 20% of total finalisations involved female offenders.[27] However, 39% of cases of fraud, 33.5% of shoplifting, 25.3% of assault and 20.6% of against justice offences involved female offenders. Those offences which primarily involved males in the 1997-1998 period were:

- break and enter offences (91.7% of finalised cases involved males); and
- driving offences (91.5%)

Moreover, Chilvers calculates that all but two cases of sexual assault involved males.

Over the 1993-1998 period the most commonly determined category of offence was assault, followed by break and enter.

In relation to statistically significant trends, Chilvers[28] provides the following information:

- there was a small decrease in the overall number of cases finalised in the Children's Courts between 1996-97 and 1997-98 (down by 2.7%);

- the number of cases involving driving offences as the most serious offence charged increased by 59.5% between 1996-97 and 1997-98;

- the number of offences against justice procedures increased by 17.4%;

---

26 T. Vinson, Jesuit Social Services, Melbourne, 1999.

27 M Chilvers, *op cit* 1999, p 76.

28 *Ibid* p 77.

- increases were evident in robbery offences, drug offences and theft offences; and

- decreases occurred in cases of shoplifting, fraud and sexual offences.

3.5.2 Local Courts

The Local Courts hear the majority of criminal offences, either in relation to minor offences or as committal hearings for more serious offences.

For the 1998 period males were the most frequently prosecuted and convicted offenders in all court jurisdictions. In that year they made up 83% of all persons found guilty in the Local Courts and females made up 17%. In 1997 the figures were largely comparable, being 83.8% and 16.2% respectively.[29] The most common offences committed by women were:

- prostitution;
- larceny by shop stealing;
- fraud; and
- 'other' larceny.

Offences showing larger percentages of males being found guilty were:

- sexual assault offences;
- sexual offences against children;
- weapon offences; and
- break and enter offences.[30]

The Bureau of Crime Statistics and Research reports that the average age of persons found guilty in New South Wales Local Courts in 1998 was 30.7 years. The average age of convicted females was 30.9 years and males, 30.6 years of age.

Convicted males in the under 20 years age group were over-represented in the following offences:

- vehicle theft;
- dealing and trafficking in opiates; and
- break and enter.

---

29 *Ibid* p xiv.

30 *Ibid* p xv.

Chilvers' analysis reveals that in 1998 imprisonment was imposed on 16.5% of Aboriginal people or Torres Strait Islanders compared with 7% of all New South Wales persons in that year. She writes:[31]

> Aboriginal people and Torres Strait Islanders were more likely than New South Wales persons overall... to be sentenced to imprisonment after conviction for offences in almost all offence categories.

3.5.3 District and Supreme Courts

Males made up 91.2 per cent and females, 8.8 per cent of all persons convicted in the New South Wales Higher Courts in 1998. In 1997 these proportions were 91.9% and 8.1% respectively.[32] The average age of convicted males was 31.6 years of age and for convicted females, 32.9 years of age. Further:[33]

> the offence category for which the average age of convicted persons in the Higher Courts was highest was that of against the person offences.

Males in the 20-24 year age group and in the 30-49 year age group record the highest proportion of assault and robbery convictions among all age groups.

Males in the under 20 years age group made up 11.1% of all convicted persons in 1998. This group was over-represented in the following offences:

- robbery;
- against good order; and
- vehicle theft.

3.5.4 Conclusion

It is obvious that crimes are predominantly committed by males, particularly crimes of violence or other more serious offences. Further, the data shows that there is no evidence of a youth crime wave.

3.6 The Australian Bureau of Statistic Crime Victims' Survey

The latest Crime Victims' Survey for New South Wales was released on 1 December 1999 by the Australian Bureau of Statistics. The survey, *Crime and Safety, New South Wales*[34] provides information on the incidence of

---

31 *Ibid* p. xiv.
32 *Ibid* p xxii.
33 *Ibid* p xxii.
34 *op cit* p 1.

selected crimes, crime reporting behaviour and individuals' perceptions of crime problems in their neighbourhoods. Those offences covered in the survey included selected household crimes including break and enter, attempted break and enter and motor vehicle theft, and selected personal crimes including robbery, assault and sexual assault.

In the 12 months to April 1999, compared with the 12 months to April 1997 (no survey was undertaken in 1998) the following results occurred:

- break and enter offences remained stable;
- motor vehicle offences remained stable;
- the number of victims of assault increased by 16%; and
- the number of adult female victims of sexual assault remained stable.

In relation to those categories of offences which remained stable, Weatherburn argues that:[35]

this confirms recent police figures which show stability in the recorded rates of major household crimes during this same period.

The survey reveals that males are more likely to be victims of crime than females. Further, the highest victimisation rate across all persons was amongst 15-24 year olds.[36]

The survey found that those at greatest risk of crime victimisation are the socially disadvantaged. For instance, the victimisation rate for the unemployed was 11% compared with 5.5% for employed persons. For household crimes, one parent households had the highest victimisation rate.

Revictimisation was examined in the survey. It was found that in the 12 month reference period:

- of those households which experienced household crime, 29.4% were victims on more than one occasion; and

- of those persons who were victims of personal crime, 45.9% experienced more than one incident and about 30% of assault victims were assaulted three or more times.

For victims of assault the results of the survey also revealed that:

- 46% knew the offender in the last incident; and

35 *Press Release*, 1 December 1999.
36 *op cit* p 3.

- One in ten victims of assault were assaulted by a family member.

3.7 Conclusion

Criminal statistics can provide important and valuable information for the development and implementation of crime prevention programs. Indeed, they are the most important measure for determining whether a crime prevention strategy has been effective in a given area. When developing crime prevention initiatives however, it is imperative to look further than just the rates of particular offences. For instance, strategies designed to prevent personal crime must take into account that most offenders are known to their victims and that in many cases family members are the perpetrators of assault. Further, the fact that males commit most crimes, and are over-represented in crimes of violence against women, raises issues about including gender components in any crime prevention strategy.

The vulnerability of victims, as well as potential and actual offenders, must be of primary significance when developing interventions. As the data shows, victims of crime are primarily drawn from the socially disadvantaged. This would imply that offenders and victims are commonly located in the same areas, that is, areas which tend to be characterised by poverty and isolation. Strategies that enable these people to feel secure and confident in their communities must therefore be developed and implemented as a priority of government.

Chapter Four

Theories, Causes and Risk Factors of Criminal Behaviour

4.1 Introduction

The terms of reference of this inquiry require the committee to examine the relationship between crime and the types and levels of social support afforded to families and communities. As the first step in analysing this issue, it is necessary to look at why people actually commit crime. For instance, are there particular influences that can impact on an individual's decision to engage in offending behaviour? And if so, are these influences related to the social milieu in which an individual lives? Only by looking at these issues can a proper understanding of criminal behaviour be gained and can effective crime prevention strategies be developed.

4.2 Theories of crime

According to Pease:

> all theories of crime are also theories of crime prevention. They differ only in the scale of change necessary to achieve that end."[1]

Criminological theories have ranged from viewing the issue as a social, economic and cultural phenomenon to seeing it largely as resulting from individual pathology and personality. Egger explains that the interpretation of crime that is followed will determine the degree and type of intervention employed as crime prevention. She writes:[2]

> At one end of the scale are theories which emphasise structural causes such as socio-economic deprivation... race and racism... and gender. At the other end of the scale are individual theories which focus on the individual and psychological motivations to commit crime... The theory will determine the level of intervention (primary, secondary or tertiary crime prevention) and the stress placed on situational factors, social factors and individual offender factors.

---

1 Ken Pease, "Crime Prevention" in Maguire, Rod, Reiner (eds) *The Oxford Handbook of Criminology*, Clarendon Press, 1994, p 660.

2 Sandra Egger, "Women and Crime Prevention" in O'Malley and Sutton eds, *Crime Prevention in Australia*, the Federation Press, 1999, p 84.

Behind the theories of crime lie interpretations of the **causes** of crime. Defining the actual causes of criminal behaviour, however, has been a complex and, at times, controversial issue for criminologists, sociologists, lawmakers and law-enforcers.

According to Hughes,[3] whose research is based on young male offenders, understanding the causal factors of crime is only half the solution:

> the other half is to understand what makes young men forgo crime.

As most commentators would argue, there is no one single cause, or simple explanation for offending behaviour. Crime, as Braithwaite argues "is not a unidimensional construct".[4] It is:

> ...a complex social and economic phenomenon. No single cause can explain it.[5]

Pathways to Prevention,[6] the report of the National Anti-Crime Strategy, adopted the following approach to offending behaviour:

> The roots of criminal offending are complex and cumulative ...and... are embedded in social as well as personal histories. To uncover significant risk factors that are the facilitating conditions for entry into a criminal career requires a life course perspective that views each potential young offender as someone who is developing over the life course and in specific social settings.

The complexity of criminal behaviour means that there are few, if any, effective "quick-fix" solutions.[7]

4.3 Risk factors

In the last few decades researchers have come to identify a range of **risk factors** which can lead an individual to later criminal behaviour. Farrington[8] defines risk factors to be:

> ...prior factors that increase the risk of occurrence of events such as the onset, frequency, persistence, or duration of anti-social behaviour.

In her address to the committee's 1998 conference on Crime Prevention through Social Support, Susan Everingham, Policy Analyst with RAND

---

3 1998 p 143 – quoted in *Submission*, 21/09/99 , Bowie and Vaughan, p 3.

4 *Crime, Shame and Reintegration*, Cambridge University Press, Cambridge, 1989 p 1.

5 Youth Justice Coalition, *Kids in Justice: A Blueprint for the Nineties*, Sydney, 1990.

6 *National Crime Prevention*, Attorney General's Department, Canberra, 1999 p 4.

7 Standing Committee on Social Issues, *Juvenile Justice in NSW*, 1993, p 25.

8 "Human Development and Criminal Careers", in Maguire, Rod, Reiner (eds) *op cit* p 538.

(US), identified the risks that may lead a child to later offending behaviour. She argued that many of these factors occur in the early stages of a child's life. Everingham explained:

> childhood development can be compromised by biological and environmental stressors, such as insufficient cognitive stimulation, impaired emotional relationships in the family, and deficiency in nutrition or health care.[9]

Among the range of risk factors identified during this inquiry are:

Family Risk Factors
- parenting skills;
- childhood neglect;
- physical/sexual abuse;
- substitute care and state wardship;
- marital conflict;
- teenage mothers;
- lack of supports; and
- intergenerational offending

Socio-economic Risk Factors
- economic stress;
- social isolation;
- geographic disadvantage; and
- poor/overcrowded housing;

Education
- literacy skills;
- achievement and failure; and
- truancy;

Other Risk Factors
- disability;
- negative peer influence;
- substance abuse;
- problem gambling;
- gender;
- race and racism;
- age;
- individual pathology;
- health-related factors; and
- traumatic life events.

9 Standing Committee on Law and Justice, *Crime Prevention Through Social Support,* NSW Legislative Council 1998, p 136.

The committee recognises that *no one single factor* can be the reason for criminal behaviour. It endorses the view of the Western Australian Select Committee on Crime Prevention which stated in its Discussion Paper:[10]

> ...each factor alone will not guarantee a criminal career. Exposure to multiple risk factors will increase a person's risk of becoming involved in crime.

The committee also recognises that certain risk factors can be the result of other risk factors. For instance, substance abuse can be the result of a number of the factors identified above. Furthermore, childhood neglect appears to be more frequent among families that experience economic stress, social isolation, locational disadvantage and a lack of supports.

4.4 Family

Considerable evidence has shown that the family is one of the most significant factors which can influence an individual's offending behaviour. The nurturing and support afforded a child in infancy may later determine whether that child will engage in delinquent behaviour.

In the last few decades Australia has experienced major changes to the structure and concept of the family and to the roles of men and women. Such changes have largely been brought about by the enormous economic, social and cultural changes that have occurred since the post-war period. Acknowledging the importance of these events the Discussion Paper prepared by the Western Australian Select Committee on Crime Prevention states:[11]

> Significant changes to government welfare, the labour market, the status of women, and family mobility have influenced and altered the task of parenting and increased the demands of parents.

These trends, coupled with the decline of traditional extended family and community support networks, has also seen the growing isolation of the family and the expectations that families must cope alone with the stresses and demands of contemporary parenting.

The influence of family factors on delinquent and criminal behaviour is central to a number of major criminological studies.

---

10 *Making Western Australia Safer: Have Your Say*, Legislative Assembly Western Australia, 1999, p 3.

11 *Ibid* p 4.

Loeber and Stouthamer-Loeber[12] for instance, found that significant predictors of delinquency included poor parental supervision, erratic or harsh parental discipline, parental disharmony, parental rejection of the child, low parental involvement with the child and large family size. Similarly, a number of Farrington's studies[13] concluded that:

> Poor parental child rearing behaviour (a combination of discipline, attitude and conflict), poor parental supervision, and low parental interest in education all predicted both convictions and self-reported delinquency ... Children who are exposed to poor child rearing behaviour, disharmony, or separation on the part of their parents are likely to offend because they do not build up internal controls over socially disapproved behaviour.

A more contentious issue is whether children in single parent households are more prone to engage in offending behaviour than those from families with two parents. Wadsworth's longitudinal study[14] of 5,000 children showed that boys from homes broken by divorce or separation had an increased likelihood of being convicted or officially cautioned up to age 21 in comparison with those broken by death or from unbroken homes.

Farrington's research[15] revealed that both permanent and temporary separations before age 10 predicted convictions and self-reported delinquency, providing they were not caused by death or hospitalisation. Further, separation from a parent before age 10 predicted both juvenile and adult convictions.

Other studies conclude that if, after a separation or divorce, the family remains stable, supportive and well-managed, the children do not appear at any greater risk of delinquent behaviour[16]. Rather, the level of conflict that preceded the separation, including verbal and physical abuse, are more likely to result in the children within that family later becoming delinquent. Based on the evidence it received the Western Australian Select Committee[17] concluded:

---

12 "Family Factors as Correlates and Predictors of Juvenile Conduct Predictors of Juvenile Conduct Problems and Delinquency", in M. Tonry and N. Morris (eds) *Crime and Justice*, Chicago:University of Chicago Press, 1986 vol 7, 29-149,

13 see, "Human Development and Criminal Careers" in M.Maguire, R. Morgan, and R. Reiner (eds) *op cit* pp 543,558.

14 Wadsworth, 1979 cited in Farrington, *ibid*, 1994, p 544.

15 *Ibid*, p 545.

16 Mednick, Baker and Carothers, "Patterns of Family Instability and Crime: The Association of Timing of the Family's Disruption with Subsequent Adolescent and Young Criminality" in *Journal of Youth and Adolescence* 1990, Vol.19, No.3, pp 201-220.

17 Western Australian Select Committee on Crime Prevention, 1998 *Making Western Australia Safer: Have Your Say, A Discussion Paper*, Western Australian Legislative Assembly, p 7.

abusive or conflict-ridden two parent homes are considered more harmful to children than non-stressed, non-traditional family homes.

Weatherburn and Lind's study, *Social and Economic Stress, Child Neglect and Juvenile Delinquency*[18] (discussed in detail below) found that childhood neglect is the strongest predictor of delinquent behaviour. Measures of economic and social stress such as poverty, unemployment, single parent families, and crowded dwellings, increase the risk of child neglect and abuse within a family and can, in turn, lead to delinquent behaviour.

The NSW Department of Community Services receives approximately 20,000 notifications for child neglect each year. Weatherburn has written:[19]

> At least a quarter of these children will end up involved in crime. That means we get new offenders at the rate of about 100 a week.

4.5 Social and economic stress

In terms of its influence on criminal behaviour, the structure and dynamic of the family cannot be looked at in isolation. Other factors, particularly, economic and social stress, and how they impact on the family, must be considered. It is no coincidence that official statistics consistently show that most offenders are drawn from society's most disadvantaged communities.

Most researchers agree that families which experience economic deprivation and social disadvantage are subject to stresses which can cause disruptions to the parenting process, thereby placing the children at risk of juvenile offending. However, some differ in the degree of significance they give to socio-economic factors over other risk factors.

Disadvantage, class and marginalisation are at the core of criminologist, John Braithwaite's explanation for crime. He argues:[20]

> For both women and men, being at the bottom of the class structure, whether measured by socio-economic status, socio-economic structure of the area in which the person lives, being unemployed, being a member of a racial minority... increases rates of offending for all types of crime apart from those for which opportunities are systematically less available to the poor (ie white collar crime).

Long-term unemployment, a major feature of socio-economic disadvantage is also identified as a primary feature of criminal behaviour by some researchers. Wilson and Lincoln,[21] for example, observe that:

---

18 NSW Bureau of Crime Statistics and Research, Sydney, 1997.

19 Sydney Morning Herald, 3/7/98.

20 *Crime, Shame and Reintegration*, Cambridge University Press, Cambridge, 1989 p 48.

unemployment and poverty clearly influence homicide rates in North America... they have done so with murder rates generally in Australia... and with rates of serious assault and murder in Aboriginal communities...

In his research on young people and offending behaviour White[22] places socio-economic factors among the leading risk factors to offending activity. He argues that in the last two decades many thousands of young people have been excluded from the labour market and there has been a widening of the income gap between low and high socio-economic groups. Those who do work generally receive very low wages and the welfare payments offered to those who do not work are below the poverty line. He writes:[23]

One consequence of the low incomes, and general conditions of poverty, for many young people is that they are forced into alternative income-generating arrangements. Research ... being undertaken in six local areas in Melbourne has shown that young people are forced to supplement their income in a variety of ways. These include working on a cash-in-hand basis in the informal economy, and engaging in theft and low-level drug-dealing as part of the criminal economy. For many disenfranchised and marginalised young people, it seems, illegal activity of various kinds is increasingly being seen as simply part and parcel of economic survival – a routine way of managing one's day-to-day living expenses.

Many of the submissions to the inquiry echo the findings of researchers and identify socio-economic disadvantage as a major risk factor to offending behaviour. For example, writing from the perspective of rural New South Wales the submission from the Tamworth City Council[24] states that:

A stagnant economy and lack of job growth in regional cities have left many young people with little hope of being absorbed into the workforce. This hopelessness is evidenced by increasing numbers of youth suicides, drug abuse and criminal activity.

Similarly, the submission from the Come In Youth Resource Centre[25] observes:

The fear of unemployment, the inability to live on a youth allowance, brings about a sense of helplessness. (Young people) feel pressured to continue in the education system, with a sense of aimlessness, as some ponder a future without any meaningful and life-giving work. Those young people already on the margins are

---

21 "Young People, Economic Crisis, Social Control and Crime", paper presented at the Institute of Criminology Seminar, *Crime and the Recession: Economic Hardship, Patterns of Delinquency and Social Justice*, 1992.

22 "The Business of Youth Crime Prevention" in P O'Malley and A Sutton (eds) *Crime Prevention in Australia*, The Federation Press, Sydney 1997.

23 *Ibid* p 166.

24 *Submission*, 15/12/98, Tamworth City Council.

25 *Submission*, 20/9/99, Come In Youth Resource Centre.

becoming an entrenched underclass of poor, who will find it difficult to break the chronically dysfunctional cycles in their lives.

A submission to this inquiry from the NSW Police Service draws evidence from the *Report of the Disadvantaged Patrols Working Party*.[26] That report confirms that:

patrols appearing in the lower quartile of the Socio-economic Index for Areas have a higher incidence of crime and also therefore have higher policing demands.

Recent research by Weatherburn and Lind, who also appeared before the committee, re-examines the issue of the impact of socio-economic disadvantage on criminal activity. Their study found that parents who are under economic and social stress and who do not have the support of a partner, relatives or friends are more inclined to react by either neglecting or abusing their children. The study concluded that neglect, in particular, and abuse were the strongest predictors of delinquency.[27]

The submission from the New South Wales Council of Social Service (NCOSS)[28], notes that the findings in Weatherburn and Lind's research is borne out in the feedback from their clients:

(Weatherburn and Lind's) work raises the hypothesis that social and economic stress exerts an indirect effect on juvenile participation in crime by disrupting the parenting process. This is consistent with the views frequently put by workers in family support services agencies and substitute care services which assert that increased socio-economic pressures directly effects the quality parenting and the level of juvenile delinquency.

Dr Weatherburn explained the study's findings in his oral testimony:

parents exposed to poverty but who also lack social support tend to be less effective in their parenting and, as a result, their children are more susceptible to delinquent peer influence.[29]

Weatherburn and Lind argued in their study that economic and social disadvantage alone were not the major predictor of criminal behaviour. In support of this finding the authors provided the following evidence:

- there was very little evidence to support the theory that otherwise law-abiding citizens turn to crime when they become unemployed or when there is a drop in their income;

---

26 see *Submission*, 11/11/99, NSW Police Service.
27 *Evidence*, 26/7/99, Dr D Weatherburn.
28 *Submission*, 21/9/99, NCOSS.
29 *Evidence*, 26/7/99, Dr D Weatherburn.

- the most persistent offenders become involved in crime prior to their entry into the labour market;

- in areas of economic stress there is not only evidence of higher rates of property crimes (something that might be expected to be found if crimes were committed as a means of overcoming poverty) – but also, evidence of non-utilitarian crime such as assault and malicious damage to property, crime which produces no material reward for the offender; and

- there are inconsistent results in time series studies examining unemployment and crime.

Dr Weatherburn told the committee:[30]

> Sometimes it appears that higher unemployment rates are associated with higher crime rates and sometimes it does not appear that way. Not long ago we did a study which looked at the effects of the 1982-83 recession and there was no relationship whatsoever between the colossal growth in unemployment that occurred at that time and changes in crime.

It is generally the case that poor people from poor neighbourhoods are more likely to engage in offending behaviour than poor people in more middle class neighbourhoods. However there is a stronger relationship with income inequality than with poverty as such:

> In other words it is not the absolute level of income that seems to be the predictor (of crime), it is the relative level of income.[31]

In his evidence to the committee Professor Tony Vinson[32] argued that Weatherburn and Lind's analysis of the relevant statistics of neglect need to be looked at from the perspective of those welfare officers who originally made the finding of neglect. In other words, he considered, that what those officers would have recorded as neglect was most probably a typical scene of poverty and disadvantage. Professor Vinson's view is that poverty is the overriding feature of offending behaviour and that neglect is only one symptom of poverty.

A recent study, *A Portrait of Child Poverty in Australia in 1995-96*[33] has found that at least one in eight Australian children live in poverty. The study, compiled by the National Centre for Social and Economic Modelling

30 *Evidence*, 26/7/99, Dr D Weatherburn.
31 *Ibid.*
32 *Evidence*, 25/10/99, Professor T Vinson.
33 A Harding and A Szykalska, National Centre for Social and Economic Modelling, University of Canberra 1998.

at the University of Canberra, reported that although most children in poverty lived with both parents, the risk of a child being in poverty increased greatly if they with a sole parent. Further, the risk of poverty was greater in families where there were more than three children.

4.6 Geographic disadvantage

Geographic disadvantage has recently become recognised as a risk factor to offending behaviour. Geographic disadvantage is characterised by a poverty, economic hardship, unemployment, poor housing, over-crowded households, high levels of geographical mobility and few and inadequate community supports.[34]

The National Association for the Care and Resettlement of Offenders, in a 1995 United Kingdom study,[35] found that high levels of crime and disorder are major features of such communities. These features are closely linked with unstable, demoralised and isolated communities with weak neighbourhood ties, few supports for families and social isolation of parents (mainly mothers). Other features which characterise these communities include high concentration of public housing; high residential mobility; lack of community support services and facilities, particularly for families with children; lack of organised recreational and social activities/facilities for young people; high concentration of youth unemployment, particularly young males; a number of the poorest performing schools; and possible problems arising from teenage gangs.

In 1975 Professors Tony Vinson and Ross Homel released their findings in relation to a study on geographical disadvantage in the suburbs of Newcastle.[36] They found that a disproportionate share of Newcastle's health and social problems were concentrated within seven of the 72 minor suburbs, representing 5.5% of the population. Infant mortality, low birth weight, dependence on relief, notifiable diseases, unemployment, mental illness, and truancy were found to be two to three times more prevalent than might have been expected on a population basis, within the seven suburbs with the highest risk scores. The same suburbs had two to three times their share of adult crime and six times their share of drug offences.

A more recent study conducted by Professor Vinson and The Ignatius Centre,[37] reveals that for New South Wales and Victoria disadvantage has

---

34 Weatherburn and Lind *op cit* 1997.

35 NACRO *Crime and Social Policy*, London, 1995 pp 51-58; Western Australian Select Committee on Crime Prevention 1998 p 23.

36 Discussed in *Evidence*, 25/10/99, Professor T Vinson.

37 *Unequal in Life: The Distribution of Social Disadvantage in Victoria and New South Wales* Jesuit Social Services, Melbourne.

become entrenched in particular neighbourhoods. For New South Wales the research revealed that on a per capita basis the "top 30" disadvantaged areas accounted for:

- four and a quarter times their share of child abuse;
- three and a quarter times their share of emergency assistance;
- three times their share of court convictions and long term unemployment;
- twice their share of low income households; and
- a little under one and a half times their share of school-leavers before 15 years.

In his evidence to the committee, Professor Tony Vinson explained that disadvantaged communities demonstrate a lack of attachment to their community. He argued that there was also a very close connection between this lack of attachment and fear of crime. Further, he told the committee:[38]

> crime will go down as people begin to have more attachment to one another and to the area in which they live.

Weatherburn and Lind's study[39] similarly identified location disadvantage or poor neighbourhoods as making an "independent contribution to the delinquency generation process". Geographic areas where there is a concentration of poverty and disadvantage appear to compound the risk of delinquency for young people living in those areas. For example, Weatherburn and Lind found that poor parental supervision in crime-prone neighbourhoods in Western Australia is more likely to lead to juvenile involvement in crime than poor parental supervision in non crime-prone neighbourhoods.

The committee understands that not all disadvantaged communities necessarily have a serious crime problem. Citing recent American research Professor Ross Homel told the committee in evidence that part of the reason why some neighbourhoods, although very poor, are not violent compared with other neighbourhoods in close proximity that are equally as poor but are far more violent, is what is referred to as "collective efficacy" of the community:[40]

---

38 *Evidence*, 25/10/99, Professor T Vinson.

39 *Ibid.*

40 Evidence, 26/7/99, Professor R Homel.

that is, the capacity of local adults to intervene positively in the lives of children; to step in when the family breaks down, to exercise a watchful eye, supervise in public places. through a whole variety of mechanisms, to compensate for the stresses that are imposed by a poverty-stricken environment.

4.7 Education and schooling

The background of most offenders reveals a common picture of school failings, truancy, suspensions, expulsions and leaving at an early age. Evidence shows that difficulties within the school system, particularly learning difficulties can contribute to later offending behaviour. As the Western Australian Select Committee on Crime Prevention reports:[41]

> Academic performance; weak attachment to school; low attendance; and behaviour problems such as bullying, an inability to relate to peers and teachers and disobeying school rules are all factors associated with later delinquency.

The committee has received extensive testimony and written submissions regarding the significance of school and offending behaviour. For example, paediatrician, Professor Graham Vimpani told the committee:[42]

> poor academic achievement and school drop-out is... related to the emergence of behaviour problems and criminality.

Professor Tony Vinson addressed this issue in his evidence by way of an anecdote:[43]

> I am so conscious of the remark made by a staff member of the community health service when she said, "Tony, give me a piece of paper and I will write down the names of a dozen future clients of Long Bay for you. You won't have to wait long". "On what basis would you do that?" I asked. She replied, "On the basis that they have already fallen well behind at school. They are a constant source of irritation to the other students and the teachers and they are beginning to engage now in delinquent acts which will surely grow into major offences"... She said that the first thing that has to be done is that these kids have to perform at the maximum level of their ability and feel accepted and confident within the school environment. If that does not happen we may as well book them a cell at Long Bay now.

In his testimony Professor Ross Homel stressed the need for early intervention when a child begins to display acting out behaviour at school and even pre-school. He explained:[44]

---

41 *Final Report* 1999, Western Australian Legislative Assembly p 8.
42 *Evidence* 25/10/99, Professor T Vinson.
43 *Evidence* 25/10/99, Professor T Vinson.
44 *Evidence* 26/7/99, Professor R Homel.

according to the Mater Hospital study in Brisbane, which is a sample of about 11,000 children followed up to the age of 13, 50% of the boys who are aggressive at age five are rated violent at age 13. So, doing something about the disruptive behaviour, the oppositional behaviour of boys in that preschool, early primary period is probably one of the most effective ways of heading off those serious problems in adolescence.

Professor Homel's evidence further highlighted the significance of the transition period between primary and high school. This period is important because at least 50% of the juvenile crime problems involve children who were not problems as young children but in the late primary school and early high school years started to "go off the rails".

A number of studies have highlighted the strong correlation between truancy and offending behaviour. Recently, the Bureau of Crime Statistics and Research self-report study, *Juveniles in Crime – Part 1: Participation Rates and Risk Factors*[45] found that truancy is a **particularly** strong predictor of crime. Three hypotheses were advanced for this correlation:

- factors such as supervision, school performance and family structure are not as important predictors of crime as truancy; or

- developmental factors such as weak supervision and poor school performance may increase the likelihood of truancy as well as increasing the likelihood of criminal involvement; or

- the study had a better measure of truancy than of the other factors.

The NSW Standing Committee on Social Issues' *Report into Youth Violence*[46] comprehensively examined the ways in which schools can assist students at risk of being involved in offending behaviour and made recommendations in this regard. Many of the recommendations have since been taken up by the Department of Education.

4.8 Peer influence

The influence of peers is a common and usually transient period in a young person's life. However, for young people, already experiencing family difficulties, including inconsistent or poor parental supervision and living in a geographically disadvantaged area, negative peer influence can be a major risk factor to offending behaviour.

---

45 J Baker NSW Bureau of Crime Statistics and Research, Sydney 1997.

46 NSW Legislative Council 1995.

Farrington[47] observes that:

> there is clearly a close relationship between the delinquent activities of a young person and those of his friends...Having delinquent peers increased a person's own offending and that person's own offending also increased his likelihood of having delinquent peers.

A number of theories have been advanced as to why young people group together to engage in offending behaviour. Poor parental supervision, a lack of appropriate recreational activities, failings at school, unemployment and limited job opportunities are all considered to be relevant to groups of pre-delinquents forming.

The Discussion Paper of the Western Australian Select Committee on Crime Prevention,[48] for instance observes:

> association with delinquent peers and inappropriate use of leisure time are strongly linked with an absence or poor performance of parental supervision and can influence whether a young person starts to offend. Those who spend their leisure time in unstructured and unsupervised activity, primarily on the streets and at other public venues, are at increased risk of offending.

Moreover, Farrington[49] suggests that:

> it may be that offenders are popular in anti-social groups and unpopular in pro-social groups, or that rejected children band together to form adolescent delinquent groups.

As the gap between the wealthy and the poor widens, the stresses on families increase and the high rate of youth unemployment shows little sign of declining, many young people feel marginalised and hopeless. It is therefore, no accident that many young people band together and act out against a society in which they feel they have no stake.

The committee recognises that groups of young people, particularly those from disadvantaged areas, are often subjected to police surveillance and intervention because there is a suspicion that they may engage in delinquent behaviour. White[50] argues that young people, particularly those in groups, are the most frequent targets in law and order policy. This is particularly the case for young people in disadvantaged areas where there are few appropriate leisure options and facilities. He writes:[51]

---

47 *op cit* p 550.
48 *op cit* p18.
49 *op cit* p 550 citing Hartup1993.
50 *op cit.*
51 *ibid* p 67.

> Part of the reason why young people have been subjected to this kind of attention is that they are especially visible in our urban landscapes... Young people are treated as potential threats and troublemakers simply for using public spaces such as shopping centres, malls and the street as places to socialise in, rather than to "consume"... For many young people, the only "free", common, public space or community space available to them is the shopping centre or mall. Yet, when they and other marginalised groups wish to use such spaces for their own non-commercial purposes they are systematically subjected to harassment by private security guards and State police... The visibility and conflicts accompanying the congregations of youth ... add fodder to the dramatic scenarios and sensationalised reporting of the mass media, which seize upon any specific incident or offence as yet another reason why fear of crime should focus on young people.

4.9 Substitute care and wardship

Children are placed in substitute care and/or are made wards of the state for a number of reasons that renders them in need of care and protection. They are children whose parents or next of kin are unable to care for them and may have experienced neglect, physical and/or sexual abuse. Wards are children who are permanently removed from their families because of their particular backgrounds and experiences.[52]

The considerable risk of state wards entering the juvenile system was graphically illustrated in the 1999 report of the Community Services Commission, *Just Solutions – Wards and Juvenile Justice.* Analysis of data by the Community Services Commission and the Department of Community Services revealed the following:

- wards are over-represented in the juvenile justice system;
- there are a number of common factors and characteristics associated with those who end up in the juvenile justice system; and
- more needs to be done by a whole range of agencies to understand the problem and more effectively meet the needs of wards.

The report found that:[53]

> ...the risk factors which precipitate their entry into care are similar to those which predict later contact with the juvenile justice system. There are also increasing concerns that experiences within the care system exacerbate, or at least fail to reduce, these risk factors.

---

52 Community Services Commission, *Just Solutions: Wards and Juvenile Justice* 1999 p 14.

53 *ibid* p14.

In their Issues Paper, (provided as a submission to the inquiry) *Addressing Offending Behaviour,*[54] Kath McFarlane and John Murray of the Positive Justice Centre's Mulawa Project, made the following observations of the women at Mulawa Correctional Centre:

> Many women in prison have a history of childhood institutionalisation as wards of the State or through other vehicles under the State's direction...Many women are now watching their children or even their grandchildren enter the system in the same way.

The Issues Paper reports that no statistics are kept on the number of state wards in the adult correctional system but notes that state wards are approximately 17% of the juvenile justice population, yet only make up 0.2% of the New South Wales child population.[55] They are also a minority of children in care.

Like juvenile offenders, wards and those who have contact with the Department of Community Services, are likely to come from economically and socially disadvantaged families and communities. They are children who have experienced family breakdown, neglect and abuse. Highlighting these factors the Community Services Commission's report,[56] provides the following evidence:

Of the 2,691 wards who were in the substitute care program at June 1998:

- 20% (523 children and young people) had entered care because of actual harm or injury they suffered;
- 37% (989 children and young people) had been placed in care because they were at significant risk of abuse or neglect; and
- 8% (220 children) had entered care because of significant family breakdown.

Both wards and juvenile offenders often display a high level of substance abuse, are from single parent families, live in crowded dwellings or are homeless, experience educational difficulties. A significant proportion of wards are Aboriginal children.

Nigel Spence of the Association of Child Welfare Agencies explained some of the reasons for over-representation of wards and children in care in the juvenile justice system:[57]

---

54 *Submission,*1998, Positive Justice Centre.
55 *Ibid* p13.
56 *op cit* p 26.
57 *Evidence* 26/7/99, Mr N Spence.

one reason is simply the increased visibility of young people in care. We know that their behaviour is more likely to come to the notice of police, often directly as a result of conflict within the place where they are living, and if they go to court the chances of receiving a detention or supervision order are found to be much higher than those for other young people... They are more likely to be refused bail because of a lack of suitable accommodation... and because of a lack of family and community relationships. (Further reasons include) homelessness, the need to commit crime, such as fare evasion, theft, break and enter; exposure to... deviant peer groups in refuges.

During the inquiry evidence was heard regarding the detrimental effect that multiple substitute care placements can have on a child. To quote further from Spence's testimony:[58]

...the single, most significant factor that appears to link being in care with development of criminal behaviour is the degree of stability or instability that children and young people experience while in care, specifically the number of moves and the number of different placements during the child's time in care... Frequent moves in placement have lots of effects in preventing a child from forming significant relationships with caring adults. These frequent moves disrupt the child's schooling and further increase the likelihood of educational delay; prevent emotional peer relationships and thereby increase social isolation; tend to disrupt the child's relationships with the birth family; fracture their identity formation; and make it extremely difficult for the child or young person to have some cohesive sense in their life story.

Further, Louise Voigt, Chief Executive Officer and Director of Welfare of Barnardo's Australia told the committee:[59]

One of my ex-clients, a ward, had gone through 40 to 50 placements before he came to us and he was destroyed. He recently cut somebody 25 times and almost severed the arm.

The committee understands that the Department of Community Services and the Department of Juvenile Justice are working together to develop a strategy to reduce the number of wards entering the Juvenile Justice system. Known as the Wards Project it:

calls for an expansion of early intervention and prevention measures to prevent children and young people coming into care and to reduce the incidence of young people in care entering the juvenile justice system.[60]

58 *Evidence* 26/7/99, Mr N Spence.
59 *Evidence* 17/6/99, Ms L Voigt.
60 *Submission* September 1999, Department of Juvenile Justice.

The Wards Project identifies specific targeted interventions to be used:

- improvements to the out-of-home care agencies, policies and practices which can contribute to juvenile justice involvement;
- utilising cautions and conferences as a key intervention point at initial onset of juvenile justice involvement;
- developing a network of adolescent support positions within the Department of Community Services; and
- providing coordinated training for teachers, police, youth workers and carers.

4.10 Disability

Disabilities such as hearing or speech difficulties can lead to behaviour problems in young children. If these disabilities are not identified they can contribute to a cycle of disruptive behaviour at home then at school which carries the seeds of future patterns of offending.

The forms of disability which have received most attention in recent years have been those of intellectual disability. Studies have indicated almost one in five prisoners in New South Wales may have an intellectual disability or a borderline disability. The reasons for this and the specific risk factors applying to the intellectually disabled are discussed in depth in Chapter Eight of this report.

4.11 Substance abuse

Drug and alcohol misuse and addiction play a major role in offending behaviour. Statistics presented at the New South Wales Drug Summit reveal that about 70% of inmates in New South Wales prisons were under the influence of alcohol or other drugs at the time of their most serious offence.[61]

The Summit also heard that there are clear risk factors that show correlations with a person's likelihood to misuse drugs. Significantly, they are similar to the risk factors of offending behaviour. Swain summarises these factors as follows:[62]

---

61 M Swain *The New South Wales Drug Summit: Issues and Outcomes* NSW Parliament. Library Research Service 1999 p 45.

62 *Ibid* p 46.

- poor parenting or abuse;
- a family's lack of social or local attachment;
- family illness especially psychiatric illness;
- substance abuse by parents;
- long-term unemployment;
- poverty;
- poor or crowded housing;
- poor support services;
- peer pressure.

It was also emphasised at the Drug Summit that there is a relationship between poor school performance, low self-esteem and failure to complete secondary school and being at risk of abusing drugs.

Speakers at the Summit acknowledged it is not inevitable that all people who experience these factors will misuse drugs, nor is it the case that all people whose lives are free from these factors will be drug free.[63]

The acquisition of drugs and/or the effects of drugs on a person's perception are frequently the motivation or reason for criminal activity, particularly, property-related crime. Alcohol-related crime tends to be violence-oriented.

A 1996 Bureau of Crime Statistics and Research report[64] found total alcohol sales, particularly of beer, in an area was significantly correlated with the rates of malicious damage to property, assault and offensive behaviour.

The Standing Committee on Social Issues report, *Children of Imprisoned Parents*[65] found that most of the women in prison had a drug and alcohol problem, which accounted for their offending behaviour and their time in prison. Kevin's study for the Department of Corrective Services[66] found that 67% of prisoners were drug or alcohol affected at the time of their offence:

- 34% were affected by alcohol;
- 23% were affected by other drugs and;
- 10% were affected by both.

---

63 *Ibid* p 46.

64 R. Stevenson, *The Impact of Alcohol Sales on Violent Crime, Property Destruction and Public Disorder*, NSW Bureau of Crime Statistics, Sydney, 1996.

65 Standing Committee on Social Issues, NSW Legislative Council, 1997.

66 *Women in Prison with Drug-Related Problems* NSW Department of Corrective Services, Sydney, 1995.

The most common illegal drug used was heroin.

Other research undertaken by Kevin for the Department of Corrective Services revealed a profile of female inmates who reported their crime was drug-related.

Alcohol-related violence tends to be a largely male phenomenon. However, other variables are also at play, especially in relation to the violence which commonly occurs in public places, such as licensed premises. According to Homel:[67]

> Violent occasions are characterised by subtle **interactions** of several variables. Chief among these are groups of male strangers, low comfort, high boredom, high drunkenness, as well as aggressive and unreasonable bouncers and floor staff [emphasis his].

Baker's self-report study for the NSW Bureau of Crime Statistics and Research[68] found that, consistent with earlier research, substance abuse is an important risk factor for participation in different types of offences amongst New South Wales secondary school students. Baker reports:[69]

> alcohol, cannabis and opiate use all had a general amplifying effect on participation in violent crime, destructive property crime and acquisitive property crime. Cannabis use, however, was a particularly strong predictor of acquisitive property crime.

It its submission to the inquiry, the Australian Medical Association (AMA) argued that problem **gambling** can lead to anti-social and criminal behaviour. Drawing on extensive research the submission listed a number of points highlighting the adverse economic and social effects associated with problem gambling. Among them were that problem gambling:[70]

- often co-exists with substance abuse and dependence;
- often leads to financial burdens, domestic violence, criminal activity, employment disruptions, family breakdown and social isolation; and
- is associated with moderate to high levels of depression and/or anxiety, often resulting in ill-health.

---

67 1997 p 225.

68 Baker, *op cit.*

69 *Ibid* p 54.

70 *Submission*, 28/09/99, Australian Medical Association (NSW)

The AMA submission notes:[71]

An Australian Institute for Gambling Research (AIGR) (1996a) survey found that:

- 31.1% of adults in a correctional centre had gambling-related personal or financial difficulties;
- 23% had spend more than they could afford on gambling machines;
- 5.4% had stolen money for machine playing;
- 5.4% had been in trouble with the police due to machine playing; and
- 6.8% had declared that playing poker machines had caused them to be in jail.

4.12 Gender

Overwhelmingly, crime, and violent crime in particular, is committed by males. The "gendered nature of crime" is at the heart of explanations for crimes of numerous researchers and of feminist theorists especially. In her analysis of violent crime, Egger[72] summarises the feminist theory, in the following way:

Feminist explanations of violence draw on the social construction of masculinity in patriarchal societies. The preservation of male power, authority and status over women is achieved through a socially constructed masculinity in which violence is an instrumental and expressive tool of oppression.

Exponents of this theory also question traditional interventions in the criminal behaviour of men against women. This is because, Eggar explains:[73]

Gender inequalities and male power are further maintained and legitimated by masculinist social, political and legal institutions.

In his evidence to the committee, Professor Graham Vimpani referred to research regarding the correlations between rises in the male population and rises in crime. He told the committee:[74]

One writer actually points out that criminality and maleness and adolescence actually go together, so that if you actually have a rise in the proportion of adolescent males in your total population in absolute numbers, you are going to get... an increased rate of adolescent anti-social behaviour.

---

71 *Ibid* p 2.
72 "Women and Crime Prevention" in P O'Malley and A Sutton (eds) *op cit*, p 85.
73 Egger *Ibid* p 85.
74 *Evidence* 25/10/99, Professor G Vimpani.

Traditional theories of female offending based their studies on a women's "individual pathology, deviance, social and moral position in society".[75] Women who engaged in anti-social or criminal behaviour were judged not merely on the commission of the offence but on the extent to which they offended against notions and expectations of femininity and motherhood. Benjamin[76] writes:

> Women, were/are judged more harshly than men and a great social stigma was/is attached to their criminal activity. There is absolutely no research material to support a label of bad women, bad mother. It is the labelling of a vengeful society.

Alder,[77] Hampton,[78] Easteal[79] and the Standing Committee on Social Issues in its report, *Children of Imprisoned Parents,*[80] provide a picture of the "typical" female offender. She:

- is young (normally under 25 years of age);
- is economically and socially disadvantaged (usually unemployed);
- is undereducated;
- is drug affected;
- has had some contact with the Department of Community Services;
- has experienced sexual or physical violence at some time in her life;
- is often Indigenous;
- in a de facto relationship; and
- has dependent children.

Most women prisoners usually serve sentences of less than six months.

Evidence supplied by Baldry for the *Children of Imprisoned Parents* Inquiry[81] observes that:

> The increases in terms of crimes committed by women lie in minor crime for many of which prison should not be an option. In 1994, 61% committed to prison that year had sentences of less than six months.

---

75 Western Australian Select Committee on Crime Prevention, 1999 p 14.

76 C. Benjamin "Prisons, Parents and Problems" in *Keeping People out of Prison* Proceedings of a Conference, 27-29 March 1990, Australian Institute of Criminology, Canberra p. 170.

77 C Alder "Women and the Criminal Justice System" in D. Chappell and P. Wilson (eds) *The Australian Criminal Justice System: the Mid 1990s*, Butterworths, Sydney.

78 B Hampton *Prisons and Women* New South Wales University Press, Kensington, 1993

79 P Easteal "Women and Crime: Imprisonment Issues" in Trends and Issues in Criminal Justice, Australian Institute of Criminal Justice, Canberra, 1992.

80 Standing Committee on Social Issues, 1997.

81 Standing Committee on Social Issues, *Ibid* p 34.

Pathways to Prevention[82] notes that in recent times there has been an increased involvement of young females in juvenile crime. The study reports that official statistics show that:

> in 1973-74, 23.5 boys were arrested for assault for every girl arrested. By 1993-94, this ratio had dropped to 4.4. This fall in the ratio of male to female offenders was mirrored in all the selected offence categories.

The issue of why males commit crimes, and violent ones in particular, at a far greater rate than females is inextricably linked to notions and constructions of masculinity. Aggressive actions by men are manifestations of a so-called masculine ideal of strength, toughness and bravery.[83] According to Braithwaite and Daly:[84]

> ...men's violence towards men involves a masculinity of status competition and bravado among peers... men's rape and assault of women reflect a masculinity of dominations, control, humiliation and degradation of women. Other types of harms involve a shameless masculinity or a masculinity of unconnectedness and unconcern for others.

4.13 Age

Many studies have acknowledged that for most young offenders, crime is a passing phenomenon. The *Kids in Justice* report and the *Report into Juvenile Justice* by the Standing Committee on Social Issues[85] found that crime rates tend to peak in the late teenage years and then drop off dramatically. This is confirmed in the submission to that inquiry from the NSW Police Service which argued:[86]

> most (young offenders) offend only once and will disappear from the system...

The Social Issues Committee report also found that the vast majority of offences committed by young people relate to public order, street offences, minor dishonesty and summary offences.[87] For this reason, the committee considered that formal intervention by the criminal justice system for these offenders should be minimal so as to avoid net-widening.

---

82 National Crime Prevention *op cit* 1999, p 3.

83 Standing Committee on Social Issues, *Violence in Society*, NSW Legislative Council, Sydney 1993 p 31.

84 "Masculinities, Violence, and Communitarian Control", paper presented at the *Second National Conference on Violence*, Canberra, 15-18 June, 1993 p 1.

85 Standing Committee on Social Issues, NSW Legislative Council, 1992 p 63.

86 *Ibid* p 9.

87 *Ibid* p 63.

A self-report study based on responses from secondary school students throughout New South Wales and conducted by Baker for the NSW Bureau of Crime Statistics and Research found that criminal participation for this group tends to peak around 14 to 16 years of age for each type of offence.[88]

In her study for the NSW Bureau of Crime Statistics and Research Coumarelos[89] calculated that most young offenders engage in criminal behaviour for approximately eight months. The majority of juveniles (69.7%) desist offending in so far as they do re-appear in the Children's Court after their first proven appearance. However, a small group of juveniles persist offending and appear in the Children's Court numerous times.

Recent evidence indicates that there is a tendency for the peak age of offending behaviour to increase. *Pathways to Prevention* [90] observes that:

> Farrington, for example, suggests that the usual desistance from offending in the late teenage years may be declining. That is, there are fewer signs of the usual drop off as people approach 20 years of age, with some forms of crime (such as domestic burglary) continuing with adults well into their twenties. This pattern may be consistent with the decreased labour market participation of adolescents and young adults, given the many prosocial associations of meaningful work... Uncertainty about employment and a generally insecure social environment may mean that there will be a continuing increase in the risk factors for problem behaviours and criminality among adolescents and young adults...

In his evidence to the committee, Weatherburn of the NSW Bureau of Crime Statistics and Research, agreed that young offenders eventually grow out of crime as they mature. According to Weatherburn:[91]

> The big predictors of kids who stay as opposed to kids who become more fully involved over a longer period are such things as the level of drug use... and the level of parental supervision. Kids whose parents poorly supervise them are more likely to stay involved.

In a somewhat gloomy forecast *Pathways to Prevention* noted that young people are being arrested at a greater rate than adults. The report observes:[92]

> ... Australian statistics show the ratio of juvenile to adult arrests is increasing – that is, juveniles are accounting for an increasing proportion of arrests... some analysts expect that the rates of problem behaviours will continue to increase given the

---

88 J Baker, *op cit* , 1998, p 52.

89 C Coumarelos *Juvenile Offending: Predicting Persistence and Determining the Cost-Effectiveness of Interventions*, NSW Bureau of Crime Statistics and Research, Sydney, 1994, p 33.

90 National Crime Prevention, *op cit*, p 3.

91 *Evidence* 26/7/99.

92 National Crime Prevention *op cit*, p 29.

likelihood that society will continue to show rapid changes, generating less stable environments and more and more uncertainty about life's chances... The marked increase in the proportion of children living in poverty in Australia in the last 25 years is consistent with this scenario...

4.14 Race and racism

A wealth of studies show that Aboriginal people are over-represented at every stage in the juvenile and criminal justice systems. This fact was graphically illustrated in The Royal Commission into Aboriginal Deaths in Custody [93] and the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from their Families.[94]

These reports, like numerous investigations and reports before them, made extensive and far-reaching recommendations on how to keep Aboriginal people out of the juvenile and criminal justice systems, some of which have been implemented by governments. However, the rate of Aborigines in those systems has changed little over the last decade. In fact, incarceration rates and the level of over-representation have increased for Aboriginal people.[95] Indigenous young people represent about 25% of all young people in detention. At the same time, they remain under-represented in the less punitive interventions such as cautioning and Youth Conferencing.

The high rate of Aboriginal involvement in criminal justice statistics is inextricably linked to dispossession, the level of poverty and disadvantage experienced by Aboriginal communities and racism – both systemic and individual. High levels of unemployment, drug and alcohol dependence, and a lack of appropriate services are significant to understanding the reason for the over-representation of Indigenous people in the juvenile and criminal justice systems. Moreover, as the *Pathways to Prevention* report observed:[96]

it seems likely that one of the factors contributing to the over-representation of Aboriginal people in the criminal justice system is the profound impact of the removal of children on family and community structures. The impact flows to later generations as a result of the continued breakdown of family structures due to incarceration.

---

93 Royal Commission into Aboriginal Deaths in Custody, *National Report Overview and Recommendations*, AGPS, Canberra, 1991.

94 Human Rights and Equal Opportunity Commission, B*ringing Them Home: National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children From Their Families*, AGPS, Canberra, 1997.

95 C Cunneen and D McDonald, *Keeping Aboriginal and Torres Strait Islander People Out of Custody: An Evaluation of the Implementation of the Recommendations of the Royal Commission onto Aboriginal Deaths in Custody*, ATSIC, Canberra, 1996 p 30.

96 National Crime Prevention, *op cit*, 1999, p185.

Equally significant to these factors is the over-representation of Aboriginal children in the welfare system. The National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children found that today, Indigenous children are six times more likely to be removed from their families than non-Indigenous children. They are more likely than non-Indigenous children to be removed on the ground of 'neglect' rather than 'abuse'. Evidence to that Inquiry explains:[97]

> Aboriginal families continue to be seen as the 'problem', and Aboriginal children continue to be seen as potentially 'saveable' if they can be separated from the 'dysfunctional' or 'culturally' deprived' environments of their families and communities. Non-Aboriginals continue to feel that Aboriginal adults are 'hopeless' and cannot be changed, but Aboriginal children 'have a chance'.

As the Inquiry found, Aboriginal young people who come into contact with the child welfare system are also more likely to come into contact with the juvenile justice system.

In his evidence to the committee, Professor Tony Vinson addressed the issue of Indigenous over-representation in the juvenile and criminal justice systems. Linking poverty and locational disadvantage to this over-representation, he told the committee:[98]

> Among the male Aboriginal prisoners in New South Wales today, of those who formally resided in Sydney, 34% will have come from the bottom 5% of Sydney's suburbs, and among the prisoners in general, the non-Indigenous prisoners, 20% will have come from the bottom 5% of Sydney suburbs.

In recent times there has been an over-representation of Indo-Chinese, Arabic and South Pacific Islander juvenile offenders. Many of these young people have come from backgrounds of war and/or unrest and have lost family members. Like most young offenders they tend to live in geographically disadvantaged areas, have experienced disruption to their schooling or are unemployed. These young people are also highly visible, tending to congregate together in public spaces which can cause suspicion among the police.

When many young people from non-English speaking backgrounds come to this country that can tend to feel alienated from mainstream Australian society and experience both individual and systemic discrimination. They can also feel alienated from their parents' culture. In short, they feel isolated

---

97 Human Rights and Equal Opportunity Commission, *op cit,* p 31.

98 *Evidence* 25/10/99, Professor T Vinson.

and marginalised and can, if there are no appropriate supports, engage in antisocial behaviour.[99]

The NSW Bureau of Crime Statistics and Research self-report study however, found that on their analysis, in general, there was no relationship between parent's country of birth or language spoken at home and participation in crime.[100]

4.15 Intergenerational offending

According to Farrington:[101]

> Offending is part of a larger syndrome of anti-social behaviour that arises in childhood and tends to persist into adulthood. There seems to be continuity over time, since the anti-social child tends to become the anti-social teenager and then the anti-social adult, just as **the anti-social adult then tends to produce another anti-social child** [emphasis added].

Numerous studies have shown that there is a high incidence of repeat criminality through generations of families. As the Western Australian Discussion Paper found:[102]

> research confirms that if a child's parents were offenders there is a higher than average risk that they will also become an offender. It is not clear if the actual skills required for committing an offence are passed onto children but studies have demonstrated that other risk factors such as anti-social behaviour can be learned from parents as a child and will then manifest themselves when the child reaches adolescence.

In its report, *Children of Imprisoned Parents*, the Standing Committee on Social Issues found that children of prisoners are at great risk of later entering the juvenile and criminal justice system. This can result, not just because a parent has offended per se, but also because of the trauma associated with a parent being taken away and locked up. An adolescent and family counsellor and witness to that committee related the experience of a young client:[103]

> with the effect of imprisonment of the primary care giver, the lad said himself that when mum was locked up, all his boundaries and his right from wrong was all

---

99 Standing Committee on Social Issues, *Juvenile Justice in NSW*, NSW Legislative Council, 1992.

100 J Baker *op cit*, p 54.

101 Farrington *op cit*, p 511.

102 Western Australian Select Committee on Crime Prevention, *op cit*, p 7.

103 Standing Committee on Social Issues, *Children of Imprisoned Parents*, NSW Legislative Council, 1997 p 61.

taken away from him, and also he was severely traumatised. He rated as more than 10 out of 10 the... sense of sadness he felt.. He was very attached to mum prior (to her incarceration) and (her imprisonment) had a significant effect on his rebelling.

This committee understands that the young person referred to above spent considerable periods in detention following his mother's imprisonment.

Police involvement and incarceration are commonplace for many Aboriginal families. It is not uncommon for generations of families to have experienced arrest, sentencing and incarceration and for parents and children to be incarcerated at the same time. Aboriginal children are much more likely to have a parent imprisoned sometime during their lives than non-Aboriginal children.[104]

4.16 Prior juvenile offending

Most adult offenders start their "criminal careers" as juveniles. Although a majority of young offenders "grow out" of crime, others continue to offend, and ultimately end up in adult prisons. Research suggests that the earlier an individual starts to offend, and particularly, to seriously offend, the more likely he or she will become a serious and repeat offender.

In her study, Coumarelos confirmed the findings of other researchers that those with extensive criminal histories are more likely to commit offences in the future.[105]

4.17 Policing practices

The police play an integral role in crime prevention. Effective policing can have a significant effect on reducing crime. According to Professor Larry Sherman, this is particularly the case where the police engage in another program that has been shown to work. He told the committee's Conference on Crime Prevention and Social Support:[106]

if the police are doing the right thing, hiring more police can be a way of preventing crime in a community. It can be arguably an integral part of a multi-institutional program for working with families and schools to reduce crime.

---

104 B Hounslow, A Stephenson, J Stewart and J Crancher, *Children of Imprisoned Parents,* NSW Department of Youth and Community Services, Sydney, 1982 p 111.

105 C Coumarelous, *op cit*, p. 33 citing Blumstein, Farrington and Moitra 1985; Nagin and Paternoster 1991; Wolfgang, Figlio and Sellin 1972.

106 Standing Committee on Law and Justice, *op cit*, p 31.

Professor Sherman also explained that lower repeat offending rates occur when an arresting officer treats an offender politely. Referred to as "procedural justice", this theory means that offenders are more concerned about how they are treated in the process of justice than about the severity of the outcome that they actually get. Sherman explains:[107]

> (this process) builds support for the law and (encourages) compliance with the law (by making) people feel that the law is legitimate... That is something that is very hard to achieve, especially in high crime neighbourhoods where there is much more of a war mentality between the police and the offenders, but if we are able to achieve it, it might be a good way of reducing repeat offending.

Some research suggests that the high rates of crime in economically and socially disadvantaged areas is a reflection of social biases in the operation of law enforcement and criminal justice agencies.[108] Weatherburn and Lind explain that:[109]

> police arrests for certain categories of offences (such as drug offences and public order offences) are strongly affected by law enforcement policy.

In their extensive studies on Aboriginal people and the juvenile and criminal justice systems Cunneen and Luke have found that a large police presence in areas where there is high Aboriginal population contributes significantly to their over-representation in these systems. For instance, in one study their evidence suggested that:[110]

> the over-representation of young Aboriginal people may be the result of the complex interaction of a range of factors such as higher levels of offending; high police staffing levels in areas in which larger Aboriginal populations reside; discrimination by the police and courts, and the use of minor good order and street offences to arrest Aboriginal young people.

4.18 Individual pathology

The impact of individual pathology on criminal behaviour is a controversial issue. *Pathways to Prevention* describes the reasoning given for the effect of individual pathology on crime in the following way:[111]

> All the critical factors are to be found within the person...What predisposes a person to breaking the law, and carries forward effects from earlier events, is then

---

107 *Ibid* p 32.

108 for a discussion on this see Weatherburn and Lind, 1997, piii.

109 *ibid*, p iii.

110 Cunneen and Luke, *op cit*, p iv.

111 National Crime Prevention, *op cit*, p 83.

some quality of personality, some aspect of style, some general disposition to 'criminality'.

White and Haines[112] observe that those who subscribe to the theory of individual pathology focus the analysis on the nature and characteristics of the offender rather than on the criminal act.

In relation to violent behaviour, the psychopathology theory argues that the violence comes from something intrinsic to the individual such as a psychiatric or emotional disorder. A small proportion of people with particular emotional disorders may act violently. However, the incidence of violence by psychologically disturbed people is below the incidence of the general public[113].

Other "individual" factors referred to in *Pathways to Prevention*[114] include:

- low intelligence;
- difficult temperament;
- insecure attachment;
- poor problem solving;
- beliefs about aggression;
- attribution's;
- poor social skills;
- low self esteem;
- lack of empathy;
- alienation; and
- impassivity.

4.19 Health-related factors

Pathways to Prevention notes that certain health-related factors in children (**when taken together with other risk factors such as those discussed above**) may also be risk factors to later criminal behaviour. These include:

- prematurity;
- low birth weight;
- disability;
- prenatal brain damage;
- birth injury;
- chronic illness; and

---

112 *Crime and Criminology: An Introduction*, Oxford University Press, 1996 p 43.

113 Standing Committee on Social Issues, A Report into Youth Violence in NSW, NSW Legislative Council, 1995, p1.

114 National Crime Prevention, *op cit*, p 136.

- hyperactivity/disruptive behaviour.

In his evidence to the committee paediatrician, Professor Graham Vimpani explained that research is showing that brain development can be affected by certain external, risk factors. Professor Vimpani[115] identified these major risk factors to be:

- poor attachment;
- a poor relationship between young children and their primary caregivers, particularly their mothers, leading to a pattern of coercive discipline;
- parenting which is inconsistent; and
- parenting which is insensitive to the needs and responses of young children.

He further explained:[116]

> the...insecure relationship... between parents and their children is likely to affect both short and long-term cognitive and emotional wellbeing. Some of the work of Perry on early brain development highlights the fact that these traumatic experiences in infancy affect the way in which individuals respond in the rest of their life to stress and stressful or threatening situations. It is as if those traumatic experiences kind of alter the thermostat of, alter the template within the brain in the way in which individuals respond to stress...(T)he poor attachment and exposure to traumatic parenting affects infant brain development, and the way that caregivers relate and respond to young children and mediate their contact with the environment directly affects the formation of neural pathways... (A)ttachment... actually shapes the way on which the brain pathways are established and so a child's capacity to control emotion hinges to a significant extent on the biological systems that are shaped by early experience and attachment.

In relation to whether the developmental consequences of poor attachment can be reversed, Professor Vimpani emphasised that "risk is not a destiny". Citing Swedish research he told the committee that parents, and mothers in particular, can be helped to respond more sensitively to the cues of their young infants.

---

115 *Evidence* 25/10/99, Professor G Vimpani.

116 *Evidence* 25/10/99, Professor G Vimpani.

4.20 Protective factors

4.20.1 Strengthening individuals

Numerous studies have shown that the factors which can ultimately prevent a person from offending are "resilience" or "protective" factors. Such factors are generally developed during early childhood, so any disruption to that process can have adverse consequences for the child in later years, including involvement in criminal behaviour. Studies show that for those children who are at risk of being unable to develop their own protective factors, positive interventions should occur which enhance physical, intellectual and emotional development. This can in turn help to reduce child abuse and neglect and improve family functioning.[117]

In his evidence to the committee, Professor Ross Homel offered the following definition of protective factors:[118]

> protective factors... promote resilience and can help to counteract the negative impact of adverse circumstances in life.

Considerable attention was given to resilience or protective factors at the NSW Drug Summit. The Summit was told that it is important to build protective factors into young people's lives, so that they are less likely to develop life problems, including drug use. This is particularly so at transitional phases, such as pregnancy, birth, entry to preschool and high school and school leaving.[119]

More and more research is showing that protective factors should be built in during the early stages of a child's development. According to Everingham from Rand (US):[120]

> there has been great attention to recent research in the neural sciences about brain development that indicates that so much is going on in the first three years of life.

Pathways to Prevention[121] reported a range of factors that could "protect" a person from engaging in criminal behaviour. These included:

- attachment to family;
- ability to problem solve;
- achievement at school;
- having a set of values;

---

117 J Bright, *Turning the Tide: Crime Community and Prevention*, Demos, London, 1997 p 45.
118 *Evidence* 26/7/99, Professor R Homel.
119 M Swain op cit, p 46.
120 Standing Committee on Law and Justice, *op cit*, p 142.
121 National Crime Prevention, *op cit*, p 141.

- living in a small, secure and harmonious family;
- building a relationship with another person;
- moving to another area;
- having a cultural identity and ethnic pride;
- having opportunities and recognition at school; and
- participating in community groups.

The report of the Western Australian Select Committee on Crime Prevention[122] also listed a number of factors associated with resiliency. These were:

- above average intelligence;
- sociability and good temperament;
- skill based competence;
- high self esteem; and
- families with strong religious or moral beliefs.

In his evidence to the committee, Professor Graham Vimpani also addressed the issue of resilience factors. Citing Werner's study[123] he explained that the major factors which made the children in that study who were at risk of a range of poor developmental health outcomes were:

- the child's personal competence and determination;
- their ability to cope;
- their ability to elicit positive relationships with a variety of caring persons engendering warmth in their relationships; and
- having a supportive educational climate.

In their submission to the inquiry, Bowie and Kennedy of the University of Western Sydney cite a number of authorities in relation to factors associated with "growing out" of crime. Quoting from Shover and Thompson[124] the authors of the submission note that deviance may decline with age because of:

- loss of interest;
- ability to understand consequences of a criminal lifestyle;
- degree of payoff;
- disenchantment with a criminal lifestyle; and
- fear of consequences.[125]

---

122 Western Australian Select Committee on Crime Prevention, Legislative Assembly, 1999 p 53.

123 1992, *Evidence* 25/10/99, Professor G Vimpani.

124 Shover and Thompson, "Age Differential Expectations and Crime Desistance" in *Criminology* 30, 1992.

125 *Submission*, Bowie and Kennedy, University of Western Sydney, p 4.

Further reasons for the tendency to withdraw from criminal activity with increased age is the influence of normal structured transitions (eg employment, marriage and child birth).[126] Finally, Bowie and Kennedy, citing Hughes' research, report four significant factors related to a study young men who ceased to offend. These were:

- respect and concern for children;
- fear of physical harm or incarceration;
- contemplation time; and
- support and modelling.

4.20.2 Strengthening families

Strengthening families so that risks and vulnerabilities are minimised is crucial to effective crime prevention. As the first report of the Western Australian Select Committee on Crime Prevention argued:[127]

> the existence of family cohesion and the correct exercise of appropriate parenting skills is important to secure the proper development of the child. The general consensus among research, however, is that the actual family structure is not as important as the relationships between parents and children.

Weatherburn argued before the committee that currently, the best evidence of how to prevent child neglect, (a major predictor of later offending behaviour), suggests supporting the parents and providing an enriched environment for the children.[128]

The committee continually heard during the inquiry, negative family-related factors are a major risk to offending behaviour. As the submission from Anglicare NSW noted:[129]

> When (a) family is experiencing crisis the result is to compound the situation and to drive those involved into more reclusive behaviours.

Supporting and strengthening families that are potentially or actually at risk of stress and crisis is therefore crucial to any effective crime prevention strategy. This was a common and much emphasised theme of submissions received for the inquiry and in the oral testimony of witnesses.

---

126 *Ibid* p 4 citing Gove 1995.
127 Western Australian Select Committee on Crime Prevention *op cit*, 1999.
128 *Evidence* 26/7/99, Dr D Weatherburn.
129 *Submission*, 13/9/99, Anglicare NSW, p 12.

4.20.3 Strengthening communities

In his testimony Professor Vinson explained that a major factor in crime prevention is an individual's attachment to a community. A person who feels that he or she has a stake in the local area is less likely to offend than one who feels marginalised, disconnected from or indifferent to the community. Fostering community attachment was also emphasised by Professor Ross Homel in his evidence. He told the committee:[130]

> It is a matter of identifying the features of a healthy community, as well as healthy families and healthy individuals, and trying to promote them.

Government could play a significant role in fostering community attachment, and not merely by "the intensification of helping services" which, according to Professor Vinson:[131]

> would be nothing more than cargo cult mentality, which would last for as long as people's interest and government's interest were sustained...and then it would cut out.

Instead, Professor Vinson stated:[132]

> what government has to do in these highly disadvantaged areas is ensure that certain key services are intensified and tailored to the needs of people and... to change the temper and environment of the community... I am meaning by the use of community developments... that the people must become engaged in the design of the response to their problems. They must be invited into administrative roles in relation to those problems, and ultimately they must own both the problems and the solutions that are being attempted.

In his testimony Professor Ross Homel stressed the importance of enriching communities, particularly in relation to the development of children. He stated:[133]

> we need to strengthen the existing institutions within each community that are relevant to child development. We need to strengthen the community capacities to provide that pro-social, friendly environment for children. I am thinking of child-care centres, preschools. schools, churches and also informal networks that either do or do not support families. Many of the women who are most at risk of child abuse are very socially isolated. It is not simply a matter of wheeling in a range of services because those women may never hear about them and may never come to the party. There also has to be a process of community development and

130 *Evidence* 26/7/99, Professor R Homel.
131 *Evidence* 25/10/99, Professor T Vinson.
132 *Evidence* 25/10/99, Professor T Vinson.
133 *Evidence* 26/7/99, Professor R Homel.

community strengthening so that the communities themselves have a greater capacity on an ongoing basis to target those risk factors.

4.21 Conclusion

Having identified a range of risk factors or predictors of offending behaviour and acknowledging how these factors can be prevented or minimised it is necessary to examine which programs are best designed to develop and enhance protective and positive factors. The committee recognises that no single program can alleviate a poverty-stricken environment, one of the most fundamental predictor's of offending behaviour. However, as Professor Homel told the committee in evidence, we must look to features which will compensate for such environments.[134]

Part Two of the report will discuss, in detail, many of those programs that are designed to promote healthy communities, families and individuals.

134 *Evidence* 26/7/99, Professor R Homel.

Chapter Five

Key Players in Crime Prevention

5.1 Introduction

The committee believes crime prevention is a "whole of government" responsibility. The Crime Prevention Division of the NSW Attorney General's Department has stated:

> effective crime prevention strategies involve partnerships: partnerships between government, the community and the private sector. To successfully reduce crime we need to involve every relevant stakeholder to ensure that a systematic and thorough approach to the prevention of crime is taken.[1]

In New South Wales there are a vast number of key players, both government and non-government, in crime prevention. Criminal Justice agencies such as the Crime Prevention Division in the Attorney General's Department, the Police Service, the Department of Corrective Services and the Department of Juvenile Justice play a direct role in developing and implementing strategies to reduce offending behaviour. Other agencies, such as the Department of Community Services, the Department of Health, the Department of Housing, the Ageing and Disability Department, the Department of Sport and Recreation, the Department of Aboriginal Affairs and the Office of the Commissioner for Children, can play a crucial role in developing programs and delivering services that can support vulnerable families, children and communities and thus lessen the likelihood of criminal activity. However, because resources are finite, and often scarce, all of these departments and offices can frequently be limited in how effectively they can deliver preventative services. Many also do not identify the crime prevention component of their programs, particularly where crime prevention is not part of their core business.

In recent times there has been a move towards adopting a "whole of government" response to crime prevention, that is, ensuring that a range of government departments have responsibility for crime prevention. This has been borne out in the development of interdepartmental committees that deal with crime prevention. Further, greater evidence and knowledge of the strong links between neglect, abuse, poverty, inadequate housing, education and criminal activity has meant that government departments now have some of the information required to recognise that their programs contain a crime prevention component. Through this inquiry the committee hopes to

---

1 *Resource Manual*, NSW Crime Prevention Division, Attorney General's Department, 1997 p 2.

stimulate a greater interest and awareness of the crime prevention potential in most agencies.

The following chapter will briefly discuss the key players in crime prevention in New South Wales. During the course of this inquiry many of the programs will be discussed in detail in relation to particular aspects of crime prevention through social support.

5.2 The Cabinet Office

The Cabinet Office is responsible for the development and implementation of the Families First Program, the government's strategy to assist vulnerable families, discussed in detail in Chapter Six. As the central policymaking agency it also has a strong influence on the direction of other agencies.

5.3 The Premier's Council on Crime Prevention

The Premier's Council on Crime Prevention is at the centre of the Government's goal to achieve crime prevention partnerships among all sectors. The overall purpose of the Council is to help to effect a reduction in the incidence of crime through the development, promotion and implementation of relevant strategies.

The Council is chaired by the Premier and has a membership of eleven ministers and eight non-ministerial members. The non-ministerial members are drawn from academia, the private sector and the community sector. The Council has undertaken a series of strategies for the prevention and reduction of violence and has adopted a special focus on rural crime issues.

5.4 The Crime Prevention Division, NSW Attorney General's Department

The Crime Prevention Division is located in the NSW Attorney General's Department. It acts as the secretariat to the Premier's Council on Crime Prevention, by providing advice, developing policy and facilitating a "whole of government" response to crime prevention. The Crime Prevention Division has developed a Crime Prevention Strategic Plan for endorsement by the Premier's Council on Crime Prevention.

The main work of the Division is in assisting local communities, particularly through local government, to develop crime prevention in their areas. The Division's role is discussed in detail in Chapter Seven of this report.

Within the Crime Prevention Division is the Violence Against Women Specialist Unit. The major role of the Unit is to:

- develop strategic policy responses to issues of violence against women;
- support strategies and programs to prevent violence against women;
- manage the Regional Violence Prevention Specialists in collaboration with host managers; and
- provide executive support to the NSW Council on Violence Against Women and the State Management Group.

5.5 The Premier's Department

Through its Strategic Projects Division the Premier's Department has pursued several "whole of government" experiments in crime prevention. This has primarily been through the place management projects in Cabramatta, Kings Cross and Moree; these are discussed in Chapter Seven.

5.6 The Police Service

The NSW Police Service plays an important part in one aspect of crime prevention. The police's law enforcement role can provide a deterrent to would-be offenders as well as assist in removing the threat of some offenders from the community. The core function of the Police Service is to focus on dealing with current offending and to discourage and disrupt future offending. Police are often known as "the gatekeepers" to the criminal justice system.

The Police Service submission acknowledges that despite the best use of strategies and resources, police are not able to address the real causes of crime. To this end, the submission maintains:

> the Service recognises the need to look beyond traditional policing responses towards greater collaborative and interagency work with other agencies to develop crime prevention strategies.[2]

Among the programs within the Police Service that have a wider preventative role beyond conventional policing are:

- Police and Community Youth Clubs;

---

2 *Submission*, 11/11/99, NSW Police Service, p 4.

- Community Safety Officers;
- Youth Liaison Officers;
- Truancy programs;
- Joint Investigative Teams and Child Protection Investigative Teams;
- Disability Action Plan; and

- Memorandum of Understanding between the NSW Police Service and the Department of Health.

Further the Police Service is involved in a number of consultative arrangements with representatives of minority groups. These are:

- the Police and Ethnic Communities Advisory Council;

- the Police Aboriginal Strategic Advisory Council and supporting local consultative structures;

- Aboriginal Community Liaison Officer and Ethnic Community Liaison Officer Programs;

- Ethnic Affairs Priority Statement; and

- Police Aboriginal Police Statement and Strategic Plan.

5.7 The Department of Community Services

Among the major roles of the Department of Community Services is the detection of, and intervention in, cases of suspected childhood neglect and abuse. The Department relies on notifications of suspected abuse and neglect before it takes action regarding the protection of a child.

Chapter Six details the Department's role in relation to early childhood interventions. Chapter eight discusses its involvement in relation to people with an intellectual disability.

Groups who are vulnerable to entry into and over-represented in the juvenile and criminal justice systems, and who have an involvement with the Department of Community Services include:

- state wards;
- children in substitute care; and
- people with an intellectual disability.

The Department is also the major funding body for family support services and preschools. Its Office of Child Care regulates the various forms of childcare in New South Wales. The Department is a partner in many interdepartmental projects with a crime prevention component, most recently the Families First program.

5.8 The Ageing and Disability Department

The Ageing and Disability Department has primary responsibility for two of the groups most vulnerable to becoming victims of crime, people with disabilities and older people. Its work with regard to the intellectually disabled and the criminal justice system is discussed in depth in Chapter Eight.

5.9 NSW Health

The Department of Health plays an indirect yet significant role in crime prevention. Prenatal care, mental health and drug and alcohol services all come within the domain of the Department of Health and all are significant when examining the wider implications of crime prevention.

Health professionals in primary health care teams can often identify families and communities at risk, and are frequently an important source of parenting advice.[3] Further, medical staff in emergency wards are able to identify cases of neglect and abuse of children and make appropriate notifications to the Department of Community Services for intervention.

NSW Health offers a range of health services which can be identified as early childhood and early intervention. These include:

Primary Services

- antenatal education programs provided through maternity wards in hospitals;

- early childhood health centres which provide individual consultation and group programs for parents of children 0-5 years of age; and

- child and family health teams located in community health centres which provide multidisciplinary assessment and management advice where children and families have a range of developmental, emotional, behavioural or relationship difficulties.

---

[3] Bright J *Turning the Tide*, Demos, London 1997 p 98.

Secondary Services

- family care cottages/centres which provide multidisciplinary support, education and advice to families with more complex parenting problems; and

- child and adolescent mental health workers who offer treatment for children and adolescents with mental health problems and information and support to parents.

Tertiary Services

- residential family care services provided through Tresillian and Karitane for families requiring intensive specialist support and complex parenting problems;

- sexual assault services and specialist services for children who have been subject to abuse; and

- paediatric hospital-based services which provide education and information services for parents of chronically ill and hospitalised children.[4]

Under the Families First initiative, discussed in detail in Chapter Six, Area Health Services are responsible for supporting families during antenatal and postnatal periods as well as providing professional intervention for families which require additional assistance.

5.10 The Department of Education and Training

The role of the Department of Education and Training can be critical in relation to crime prevention. As Chapter Four discussed, school performance and achievement and truancy are some of the factors which can place a young person at risk of antisocial and criminal behaviour.

The Department of Education and Training is responsible for a number of programs that can assist children and families which may be vulnerable or disadvantaged. These include the Parents as Teachers program, school counsellors and the Schools as Community Centres program all of which are discussed in Chapter Six.[5]

---

4 Standing Committee on Social Issues, Report on Parent Education1998, p 65.

5 The Schools as Community Centres Program reflects a "whole of government" approach to addressing issues within the community as it involves cooperation with the Department of Community Services, the Department of Health and the Department of Housing, and the

Other initiatives with a preventative role, offered by the Department of Education and Training include:

- Community Liaison officers;
- Aboriginal Community Liaison Officers;
- Home School Liaison Officers;
- The Early Learning Program; and
- Anti-bullying and anti-violence programs.

5.11 The Department of Sport and Recreation

The Department of Sport and Recreation runs specific programs that have a crime prevention focus and principally target young people aged 10 to 18 years. Among those programs are:

- Coaching clinics and team development leading into mainstream competitions;

- Use of sport and recreation in education-based programs;

- Bringing police and targeted youth groups together in an informal setting; and

- Sport Restart program.[6]

5.12 The Department of Juvenile Justice

The Department of Juvenile Justice has a significant role in the prevention of recidivism. The submission from the Department states that its approach to preventing recidivism among young offenders in its care focuses on three primary areas. These are:

- Conducting research on juvenile offending, recidivism and the effectiveness of departmental programs;

- The provision of support and rehabilitative programs for juvenile offenders; and

---

Police Service. Other non-government agencies, particularly local government services, and at time, voluntary services are also involved with the program (Rice *evidence*, 26 /7/ 99).

6 *Submission*, 13/10/99, NSW Department of Sport and Recreation, p 1.

- Achieving improved collaboration between the many human service agencies that play a role in supporting young offenders and young people at risk of offending.

The Department provides a range of services to young offenders whilst in the juvenile justice system and upon release. Many of these services are designed to support and assist the young offender to re-integrate into the community and to desist from offending behaviour. These programs and services are guided by a five level programming model which focuses on:

- self-awareness;
- addressing offending behaviour;
- coping skills;
- the social environment; and
- community re-integration.

Among the specific services and programs offered or funded by the Department are:

- Youth Justice Conferencing;
- Juvenile Justice Community Services;
- Mentoring;
- Bail Accommodation Services, Transitional Accommodation;
- Community Care Schools (within juvenile justice centres);
- Drug and alcohol services;
- Local Community Reintegration Programs;
- Psychological and specialist services;
- Sex offender and violent offender programs;
- Young women in custody program; and
- The Robertson program (for young offenders who present with challenging behaviours while in custody).

The Department's Research Unit is working with Charles Sturt University to develop a risk assessment instrument for young offenders who need intensive intervention. The Department of Juvenile Justice is also undertaking a Wards Project with the Department of Community Services. The aim of the project is to reduce the number of state wards entering the juvenile justice system through cooperative and coordinated case management strategies.

5.13 The Department of Corrective Services

The Department of Corrective Service's mission is to protect the community and reduce offending behaviour by providing a safe, secure, fair

and humane correctional system which encourages personal development.[7] Like the Juvenile Justice Department, the Department of Corrective Services plays a major role in preventing recidivist behaviour.

A principal strategy of the Department's in trying to reduce recidivism among offenders is to provide opportunities for offenders to participate in programs which address the deficits or addictions which contributed to the reason for their imprisonment. Among the relevant programs and services offered by the Department of Corrective Services are:

- drug and alcohol programs and services;
- psychological programs for the management and treatment of specific groups of high risk inmates;
- education and vocational training;
- Aboriginal pre and post-release program;
- funding to non-government agencies to provide support services to inmates, ex-inmates and their families;
- the establishment of the mothers and babies unit at Emu Plains Correctional Centre;
- the establishment of the women's transitional centre; and
- the development of post release planning and support for offenders with an intellectual disability.

5.14 The Office of the Commissioner for Children and Young People

The Office of the Commissioner for Children and Young People was established this year with a mandate to consider a wide range of issues that affect children and young people. Fundamental to the Commission's role is community support and employment screening following the abuses uncovered during the Wood Royal Commission.

The main functions of the Commission are:

- to promote the participation of children in the making of decisions that affect their lives and to encourage government and non-government agencies to seek participation of children appropriate to their age and maturity;

- to promote and monitor the overall safety, welfare and well-being of children in the community. To monitor the trends in complaints made by, or on behalf, of children;

---

7 *Submission*, NSW Department of Corrective Services, p 1.

- to conduct special inquiries into issues affecting children;
- to promote information, training and advice on issues affecting children; and
- to participate in and monitor screening for child related employment.

5.15 The Department of Housing

The Department of Housing is responsible for the provision and management of public housing in New South Wales. Through provision of housing to disadvantaged groups the Department is able to reduce the stress which contributes to neglect and abuse of children. In recent years it has given increasing attention to designing public housing estates in such a way as to minimise opportunities for criminal activity.

5.16 The Department of Urban Affairs and Planning

This Department of Urban Affairs and Planning comprises a range of agencies that deal with planning, policy and regulation of the natural and built environment, rural and urban management (including urban growth, renewal and consolidation) and the development of housing policies. Its main contribution to crime prevention is through the promotion of situational crime prevention strategies (see Chapter Two and Chapter Seven). Such measures use urban design, development controls, land management and traffic management to reduce the opportunity for crimes to be committed.

The Department also provides community development funding through Area Assistance Schemes which can involve funding of crime prevention projects.

5.17 The Department of Aboriginal Affairs

This Department of Aboriginal Affairs acts as a policy and co-ordinating body to assist other agencies in programs which work with Indigenous communities. It also liaises with the Aboriginal and Torres Strait Islander Commission, which funds many programs aimed at reducing the economic stress of their communities and the over representation of Indigenous offenders.

There are also regulatory bodies such as the Community Services Commission (see Chapter Eight) which do not have a direct service provision role but have a major interest in crime prevention.

5.18 Federal Departments

At a Federal level, there is a National Anti-Crime Strategy in which New South Wales is a participant. This is led and co-ordinated by National Crime Prevention, an agency within the Federal Attorney General's Department. The Federal government has committed $13 million over a three year period from 1997 to this agency. National Crime Prevention is currently pursuing twelve projects, with priority areas being:

- fear of crime;
- domestic violence;
- residential burglary;
- young people and crime;
- violence in Indigenous communities;
- migrant and refugee communities; and
- training.[8]

Pathways to Prevention[9] which is referred to frequently in this current report is one of the products of this program.

Some of the other major players in crime prevention federally are:

- the Department of Family and Community Services, which provides welfare support through Centrelink and specific programs, as well as funding childcare services;

- The Department of Employment, Workplace Relations and Small Business, which includes among its programs those targeted at Indigenous persons and prisoners;

- the Aboriginal and Torres Strait Islander Commission, which funds a number of crime prevention initiatives including those diverting young offenders and preventing family violence;

- the Australian Institute of Criminology which commissions and collects research into crime and crime prevention nationally; and

---

8 S*ubmission* 15/9/99, Law Enforcement Coordination Division, Federal Attorney General's Department.

9 1999 National Crime Prevention.

- the Australian Institute of Family Studies which commissions research and acts as a clearing house for material on children and families.

The main link between federal and state crime prevention appears to be through the Crime Prevention Division of the NSW Attorney General's Department.

5.19 Local government

Chapter Seven of this report covers the role of local government in crime prevention in considerable detail. It is one of the areas of crime prevention of most growth in New South Wales. Again, the Crime Prevention Division is the key link between state government agencies and local councils.

5.20 Non-government

By far the most diverse crime prevention activity is undertaken by the non-government sector. Many state government agencies either fund or work with non-government agencies on crime prevention programs. The Cabinet Office's Families First program, for instance, will use non-government agencies to manage volunteer home visiting schemes during its first pilots.

Among the larger non-government agencies involved in crime prevention through social support are:

- Barnardo's;
- Burnside;
- The Benevolent Society;
- Wesley Dalmar;
- Anglicare;
- Centrecare; and
- The Salvation Army.

There are several major networks of social support services which have a major crime prevention role. These include family support services and community childcare, both of which are discussed in Chapter Six. There are also many smaller groups which play a role which belies their size:

- community legal centres;
- community agencies that work with specific target groups such as migrant resource centres;
- disability services;

- prisoner support groups; and
- children and adolescent support services.

5.21 Private sector

The only private sector participant in the inquiry to date has been the private childcare sector. Its role is described in Chapter Six. The committee has also visited an Aboriginal employment program at Moree run by the cotton industry.

The committee is aware that in recent years insurance companies, shopping centre management companies and even clothing companies have funded crime prevention programs.

The exercise above is of necessity incomplete. In an attempt to audit early intervention crime prevention programs the authors of *Pathways to Prevention* estimate that there could be over 10,000 such projects in Australia.[10] It should be noted that early intervention is only one of the forms of crime prevention covered by the terms of reference for this inquiry.

Through this survey of some of the main players in crime prevention through social support it is apparent that there is great potential for partnerships to be formed, both between government agencies and between sectors. By recognising that crime prevention is a "whole of government", and non-government responsibility there is much more potential for multi-faceted approaches to be taken to confront the types of complex risk factors which cause crime.

---

[10] Ibid p 176.

Chapter Six
Early Childhood Intervention

6.1 Introduction

Early childhood intervention is one of the most effective forms of crime prevention through social support. Chapter Four identified the factors that are associated with preventing criminal behaviour. Known as protective factors, they are essential for promoting resilience. Such factors can help counteract the negative impact of adverse circumstances in life,[1] and early childhood intervention is the most direct way of developing these protective factors in individuals.

The committee understands that many of the precursors to crime are related to structural issues, that is, the socio-economic conditions within which an individual lives. The committee considers that structural changes such as the alleviation of poverty and unemployment are critical to crime prevention. Nevertheless, the committee believes that early childhood intervention strategies, through carefully evaluated programs and for families at high risk, can offer a means of promoting resilience and compensate for the stresses that are imposed by poverty and disadvantage.

The committee adopts the RAND Institute's definition of early childhood intervention. Early childhood intervention refers to those interventions in the zero to five age range,[2] although several programs discussed below may involve children as old as eight.

The first part of this chapter will discuss major studies which provide evidence for the effectiveness of early childhood intervention, and of the general types of early intervention that are effective. The second part of the chapter will then look at locally based programs which are aimed to prevent criminal behaviour through enhancing resilience, including the NSW Government's Families First program, Schools as Community Centres, Family Support, Parents as Teachers and NEWPIN. The significance of child care centres and preschools will also be examined.

Indigenous programs will be examined in a later report[3] as there are specific issues relating to early intervention with Indigenous communities which need consideration.

---

1 *Evidence*, 26/7/99, Mr P Homel, Attorney General's Department.

2 Everingham, *Conference on Crime Prevention Through Social Support* 1998 Law and Justice Committee p 135.

3 see Chapter 10.

Part One: Evidence for Early Childhood Intervention as Crime Prevention

6.2 Prenatal and early childhood home visitation

Considerable evidence was presented to the committee on the advantages of home visits and their role in preventing abuse, neglect and ultimately crime. Among the strong advocates of home visiting was Professor Graham Vimpani, author of the report, *An Audit of Home Visitor Programs and the Development of an Evaluation Framework,*[4] and committee witness. Many supporters of home visitation see it as a natural substitute for the extended family and community support networks that have gradually deteriorated in recent times.

Vimpani, Frederico and Barclay[5] define home visiting, in the context of prevention, as:

> all those supportive and supplemental services provided to a family in or near the family home... Such services are, or may be, found in that network of established, sanctioned institutions, such as the educational and legal systems, health and welfare systems, political and industrial institutions, and religious and recreational complexes... It is the process by which a professional or paraprofessional enters the home of a client to provide information, health or psychological care, or other support services over a sustained period of time...At the heart of the home visiting process and essential for its success is the helping relationship established between the home visitor and the client.

As a service, home visiting has a number of benefits. Since the visit occurs in the family home, home visits can enable families to access services that it might otherwise have been unable to do. Vimpani *et al* make the following points about the benefits of the service of home visits. A home visit strategy:

- can avoid transport and perhaps child care costs for the client and thus remove what are often considered to be barriers to service access;
- signals willingness to go out to the family's turf and to make accommodations to the family's needs and schedule;
- helps to equalise the balance of power between parent and professional;
- can connect families with other services in the community such as medical care or employment training; and
- can foster special relationships between the visitor and the family, which can provide additional benefits.[6]

---

4 Department of Family and Community Services, AGPS, 1996.
5 *Ibid* p 13.

After evaluating home visiting programs in Australia and overseas, Vimpani, Frederico and Barclay support the use and development of home visitor programs as an intervention and support for families at risk of child abuse and neglect. They conclude that:

> home visitor programs can enhance social capital in the community by building stronger communities through enabling the strengthening of relationships which bind individuals and families together in a positive manner. Home visitor programs have the potential to enhance social capital by providing opportunities for those children at risk and their families to develop and reach their full potential and participate productively in the community.[7]

6.2.1 Elmira study

The strongest evidence for the value of home visiting comes from the work of Dr David Olds in the United States. His research on prenatal care, infancy and child development has found that many of the most serious problems experienced by young children and parents can be traced to adverse maternal health-related behaviours during pregnancy, compromised care of the child, and stressful conditions in families' homes that interfere with parental and family functioning:[8]

> these problems include infant mortality, preterm delivery, low birth weight, and neurodevelopmental impairments in young children resulting from poor prenatal health; child abuse and neglect, as well as accidental childhood injuries resulting from dysfunctional caregiving, youth violence resulting in a combination of neurodevelopmental impairment and harsh and neglectful caregiving; and diminished economic self-sufficiency of parents resulting from closely spaced pregnancies, educational failure and sporadic workforce participation.

In response to such findings Olds and his colleagues developed a trial program of prenatal and infancy home visitation by nurses in Elmira, New York[9] that was designed to reduce these problems. The nurses conducted the visits from six months prenatally until the child was two years old. Visits occurred on average every two weeks and lasted about one and a quarter hours. They provided parent education and social support for the mother during the program.[10] Advice was given on prenatal and postnatal care of the child, infant development, the importance of proper nutrition and the

---

6 *Ibid* p14.

7 *Ibid* p viii.

8 Olds *et al*, "Prenatal and Infancy Visitation by Nurses: Recent Findings *The Future of Children* Vol 9, No 1 Spring/Summer 1999 p 45.

9 Elmira PEIP.

10 Everingham, *Conference on Crime Prevention through Social Support 1998,* Law and Justice Committee p 145.

importance of avoiding smoking and drinking during pregnancy.[11] The cost of the program was approximately $6000 per child.

Four hundred women took part in the program. They had no previous live births and 85% of them were either unmarried, adolescent or poor.[12] Women who had not had a baby were chosen because they were considered to be:

> more receptive to home visitation services concerning pregnancy and child rearing, given their heightened sense of vulnerability, than would women who had already given birth.[13]

The researchers followed the progress and development of the children, with the latest follow-up being at age 15 years. In comparison with women who were randomly assigned to receive other services, early results of women who were nurse visited showed that they:

- experienced far greater informal and formal social support;
- smoked fewer cigarettes;
- had better diets;
- exhibited fewer kidney infections by the end of pregnancy; and
- for those who identified as smokers were less likely to deliver premature babies.

Other positive outcomes of Elmira PEIP were:

- the reduction in abuse and neglect of children among poor unmarried mothers;
- the reduction in visits to the emergency department for injuries among all children, irrespective of risk; and
- four years after delivery of their first children, nursed-visited women who were low income and unmarried at registration had fewer subsequent pregnancies and greater participation in the workforce.

---

11 Farrington and Welsh, "Delinquency Prevention Using Family-based Interventions Children and Society vol 13, no 4, 1999, p 2.

12 Olds et al, *op cit,* p 45, 1999.

13 *Ibid,* p 5.

A major component of the evaluation of the program was an analysis of the costs and benefits to government. It was found that for low income women, particularly those who were low income **and** unmarried (ie high risk), the discounted cost savings to government was greater than the cost of the program before the children reached the age of four years of age.[14] However, it was found that among families in the lower risk group (ie single mothers or poor mothers, not both, or married mothers), the return on the investment of the program was low.[15] The RAND Institute (US) also conducted an extensive cost savings analysis of the program (along with the Perry preschool program). The results of this are discussed below.

As a result of the outcomes of the Elmira trial, it was replicated in Memphis, Tennessee with a sample population of 1,139 primarily African-American families. It is noted that:[16]

> generally, effects in Elmira were of greater magnitude and covered a broader range of outcomes than in Memphis, perhaps because of differences between the populations studied, community contexts, or a higher rate of turnover among home visitors.

Nevertheless, according to Professor Larry Sherman evaluations of the studies in Elmira and Memphis revealed that the program:[17]

> reduced child abuse substantially during the first two years of life, then later reduced arrests, not only of the infants who were being treated by the program but also of the mothers, who were less likely to get involved in crime, more likely to become employed, more likely to get off welfare, and less likely to have as many children as quickly as the control group, the comparison group, not given the program.

The findings of the Elmira program were significant in that they confirmed that the functional and economic benefits of the nurse home visitation program are the greatest for the families at greatest risk.[18] In reaching this conclusion the researchers found that:[19]

> in the Elmira study, it was evident that most married women and those from house-holds with higher socio-economic status managed the care of their children without serious problems and were able to avoid lives of welfare dependence, substance abuse, and crime without the assistance of the nurse home visitors. Similarly, their children on average avoided encounters with the criminal justice

14 *Ibid* p 45.
15 *Ibid* p 62.
16 *Ibid* p 44.
17 Sherman, *Conference on Crime Prevention Through Social Support* 1998, Law and Justice Committee p 28.
18 Olds et al 1999 p 61.
19 *Ibid* p 61.

system, the use of cigarettes and alcohol, and promiscuous sexual activity. Low-income unmarried women and their children in the comparison group, on the other hand, were at much greater risk for these problems, and the program was able to avert many of these untoward outcomes for this at-risk population.

6.2.2 The Perry PreSchool program

The Perry Preschool program began in the mid-1960s, and involved 123 disadvantaged African-American children in Ypsilanti, Michigan with low IQs. The program was a part-time preschool that included weekly home visits by the teacher. It continued for up to two school years. One of the main aims of the program was to examine the link between preschool education and the reduction in delinquency. It was largely based on the United States program, Head Start which:[20]

> wrapped together the family and the school, so it doubled the social support of the program, not just directly for the children, but by having weekly visits of the teacher to the home to work with the mother and then, in many cases, bring the mother back into the preschool and getting what some theorists call intergenerational closures, so that the adults who are dealing with the children and each other's children all know each other.

The cost of the program was $12,000 per child.

A major outcome of the Perry Preschool program was that preschool participation can increase the percentage of young people who are literate, employed and enrolled in post-secondary education, at 19 years of age and it can reduce the proportion who leave school, have been arrested or are on welfare.[21] RAND calculated that in the Perry Preschool program, children's earnings when they reached age 27 were 60 per cent higher among program participants.[22]

Bright cautions that not all preschool activity is necessarily preventative. He argues that the key protective factors of the Perry Preschool program are:[23]

> systematic efforts to involve parents as partners in their children's learning, a curriculum based on child-initiated learning, classes with two adults and fewer than twenty children and teachers trained in early childhood development. Encouraging children to plan and then take responsibility for their activities within a structured classroom environment is considered especially important for delinquency

---

20 Sherman 1998 p 29.

21 Bright, *Turning the Tide* 1997 p50.

22 "Early childhood Interventions: Benefits, Costs and Savings" *RAND Research Brief*, 1998, p 2.

23 Bright 1997 p 50.

prevention because it is believed that active learners will be more community minded and responsible in adolescence.

6.2.3 The Rand Cost Benefit study

The United States based Rand Institute in 1996 conducted a cost-benefits evaluation of a number of prevention programs, including the Elmira and Perry Preschool programs. The analysis was done by way of a comparison with a number of other programs, including imprisonment. In this regard specific attention was given to the Californian "Three Strikes" law, that is, the law requiring extended or very long sentences for repeat offenders. Ultimately, the researchers were interested in discovering whether these three programs provided any savings to government.

Chapter Nine of this report contains an explanation of how cost benefit studies are conducted. The researchers combined together the benefits of the programs together with the savings from costs of how many crimes the participants would otherwise have committed.[24]

The evaluation estimated that the Californian "Three Strikes" law would have a significant impact on serious crime – over 25 years, a reduction of 21%. However, the cost of this would be $5.5 billion per year, the result of the high cost of incarcerating people for such extended sentences.[25] Overall, RAND found that the Elmira and Perry Preschool programs were more cost effective than approaches like "Three Strikes". Everingham of Rand[26] explains:

> In a cost-savings analysis we found that in investing in these very early childhood interventions may lead to cost savings to government. The savings are greater when programs are targeted to the highest risk children – specifically what I mean is targeted to the children who can best benefit from their services – but these savings take time to accumulate.

Specifically, the evaluation revealed that for the higher risk families the savings to government were as follows:

- Perry Preschool: $25,000 in savings versus $12,000 in costs for each participating child; and
- Elmira: $24,000 in savings versus $6,000 in costs for each participating child.

---

24 *RAND Research Brief* 1998 p 2.
25 Everingham 1998 p 136.
26 *Ibid* p 146.

The benefits of these programs to government can be far reaching. For instance:

- the potential savings the government (and thus the taxpayers) realises when families participating in early interventions require lower public expenditure;
- participating children may spend less time in special-education programs;
- parents and children (when they become adults) may spend less time receiving welfare benefits;
- parents and children may spend less time under the jurisdiction of criminal and juvenile justice systems; and
- parents and children (when they become adults) may earn more income and therefore pay more taxes.[27]

The RAND evaluation also noted that the programs generate additional benefits to society beyond the government:

> these include the tangible costs of the crimes that would eventually have been committed by participating children had they not participated in the program. The benefits also include the extra income earned by participating families which can be reckoned as a benefit to the overall economy.[28]

A drawback to early childhood intervention is that although the benefits exceed the costs, the costs accrue immediately, while the benefits are realised only in later years and as children mature to adulthood. The committee recognises that the economic benefits of programs such as Elmira and Perry accumulate only after a long period of time, but once they do, the rewards can be far-reaching.

6.3 Parent education and support programs

Parenting behaviours and skills can have an enormous impact on the development of a child:[29]

> the physical, social, mental and emotional wellbeing of children are substantially shaped from early parenting experience.

---

27 RAND 1998, p 3.

28 *Ibid*, p 4.

29 *Working for Children: Communities Supporting Families Report no 15*, Standing Committee on Social Issues 1998 p 19.

However the parenting process can be seriously compromised, particularly by factors such as social and economic stress, and thereby inhibit or even damage, the positive development of a child. While competent parenting or otherwise can cross all social strata, economic and social stress, brought about by poverty, can negatively influence parents behaviours. As Weatherburn and Lind[30] found, one of the consequences of this is child neglect.

The committee recognises that social and economic stress are factors that cannot be immediately alleviated. However, competent parenting skills, learnt through parent education, is one means of compensating for the pressures imposed by poverty and the consequent negative effects on child development.

In recent times parent education programs have been developed as a means of providing parents with relevant skills when interacting with their children. Croake and Glover[31] define parent education as:

> the purposive learning activity of parents who are attempting to change their methods of interaction with their children for the purpose of encouraging positive behaviour in their children.

Farrington and Welsh[32] found that effective general parent education can occur by way of home visits and/or through a day care setting. In the latter case children receive day care designed to develop their intellectual abilities, while their mothers receive home visits and advice and can attend the day care centre with the child. Further, prevention may be achieved through more formal parent training.

Parent education can cover many issues. Parents can be assisted with or taught about:

- infant care;
- nutrition;
- child development;
- age-appropriate infant stimulation exercise;
- development of an affectionate relationship with the child; and

---

30 *op cit* 1997.

31 "A History and Evaluation of Parent Education" The Family Coordinator 1977 p 151.

32 Farrington and Welsh, "Delinquency Prevention Using Family-based Interventions. *Children and Society* vol 13, no 4, 1999.

- fostering the cognitive skills of the child.

A number of studies have shown that parent education can be an important prevention strategy in the area of child abuse and neglect. In its report, *Working for Children: Communities Supporting Families*[33] the NSW Standing Committee on Social Issues dealt extensively with the issue of parent education. As the Social Issues Committee report observed, parent education has been included in a range of action plans for the prevention of child abuse. Further, a review undertaken by MacMillan *et al*, found that effective parent education and support programs significantly reduced the incidence of child abuse and neglect among children whose parents were participating in the group.[34]

Of direct relevance to this inquiry, parent education has been identified as a key strategy for crime prevention. In his evidence to the committee, Dr Don Weatherburn of the New South Wales Bureau of Crime Statistics and Research stated:[35]

> think of good parenting as an inoculation against delinquent peer influence... (and) good parenting is inculcated by assistance. In the studies that have been shown to be effective, what happens is that a qualified person comes in and gives tips, advice and guidance...

Further, Professor Ross Homel, one of the authors of *Pathways to Prevention* told the committee:[36]

> parent education or parent training is clearly one of the primary approaches (to crime prevention) for which there is abundant evidence of success.

In a recent review of the evaluations of 24 crime prevention programs, Farrington and Welsh[37] found parent education programs, particularly in the context of home visiting or day care, to be an effective strategy against a child's later offending behaviour. The authors conclude that:

> general parent education and more formal parent training are both effective prevention techniques... intensive home visiting can help poor unmarried mothers and reduce later delinquency by their children... (and) an intensive day care programme can reduce antisocial behaviour and delinquency.

---

33 1998.

34 *Ibid*, p 30.

35 *Evidence* 26/7/99, Dr D Weatherburn.

36 *Evidence* 26/7/99, Professor R Homel.

37 *Children and Society* vol 13, no 4, 1999, p 6.

The Social Issues Committee's report on parent education and support, noted the crime prevention benefits of parent education. In endorsing the evidence of Weatherburn the Social Issues Committee agreed that:[38]

> parenting is absolutely crucial in terms of children's willingness to become involved in particular forms of crime (so) anything you can to improve the quality of parenting will help in the longer term to reduce the level of juvenile involvement in crime

One example of an effective parent education program in Australia is known as the Positive Parenting Program (PPP), began by focussing on parents of preschoolers who were exhibiting conduct disorder and severe disruptive behaviour. It initially operated from a clinic but has been expanded and is available via a video as well as group discussions, group input from facilitators through to individual counselling and therapy for parents.[39] Professor Ross Homel commented on PPP and parent education generally in his evidence to the committee:

> evidence is accumulating that the program is very effective and there is extensive overseas evidence... that parent education can... reduce all the precursors to juvenile crime in the form of disruptive and aggressive behaviour, and even impact on things like hyperactivity and so on.

The Social Issues Committee report deals comprehensively with parent education and parent support programs and the NSW government has recently provided a formal response. The second part of this chapter dealing with specific programs will therefore not cover these issues.

6.4 Preschool and child care

The NSW Child Protection Council has described child care services as being modern day version of the traditional extended family[40] in that it can assist the functioning of parent/child relations. For at-risk children quality child care centres or preschools can provide models of appropriate parenting and teach constructive ways of interacting with peers. Child care also puts the child into a context where trained professionals can identify any developmental problems and refer them to appropriate assistance.

The *Pathways to Prevention* report[41] commented on the very strong role played by child care centres in family life for children aged 0-5, noting:

---

38 1998 p 33.

39 *Evidence* 26/7/99, Professor R Homel.

40 NSW Child Protection Council 1997 *A Framework for a Child Friendly Society : Strategies for Preventing Child Abuse and Neglect.*

41 National Crime Prevention 1999 pp186 -187.

- the widespread use of such services;
- the intimate linking of parent, staff and child at crucial developmental phases;
- the wide distribution of services in neighbourhoods;
- in the absence of baby health centres, they are the first point of contact with services; and
- the use of centres as locations for parenting education.

The report concludes:[42]

> this evidence re-inforces the need to locate resources in child care centres or preschools in order that behavioural problems may be targeted in an environment in which most families feel comfortable and which is as supportive as possible. Workers in these centres are in a good position to reduce risk factors such as poor parenting and school failure, and enhance protective factors such as good parenting and school success. They are also in an ideal position to influence the very significant transition to school.

The Perry Preschool program (discussed above) is the most thoroughly evaluated program of this type. Later in this chapter the contribution of NSW child care services is considered in depth.

6.5 Stigmatisation

It has been suggested during the inquiry that home visits and parent education programs may have a stigmatising effect for families who participate in the programs and for the programs themselves. Concern for stigmatisation is especially in relation to the services which operate in the context of prevention of child abuse and neglect and prevention of criminal activity. The perception of a stigma then creates a risk that parents will not access these programs.

The Standing Committee on Social Issues addressed this issue in its Parent Education report. Drawing from the evidence of Weatherburn and Yoshikawa the committee considered that to avoid stigmatisation these services need to be offered long before a child is the subject of an official report of neglect or has engaged in criminal behaviour:

---

42 *Ibid* p 187.

They need to be offered in a way that is attractive to people and are presented in a way that inspires them to want to take advantage of the services.[43]

Further, according to Yoshikawa, programs which have been successful:[44]

did not have as their stated purpose of prevention of antisocial behaviour and crime but had a much broader emphasis on facilitating child and family development.

Another approach is to offer services universally, so that by participating in the program there is no stigma attached to be in an "at risk" group. The difficulty with this is that:

- universal service provision is more costly than targeted services; and
- services may be most used by those motivated parents rather than the "at risk" group.

Contrary to this, Professor Vimpani in evidence to the committee said:[45]

I think targeting is fine, but within the context of a universal program. Targeting to provide additional services for families with additional needs is appropriate.

The approach taken by most of the programs discussed in part two of this chapter is to offer services universally to avoid stigmatisation; but use the universal programs as a gateway to intensive services provided to those at risk. This is the approach taken in the Families First program and generally taken in child care.

6.6 Attachment and brain development

One of the strongest arguments for early childhood intervention is the impact it can have on brain development. Programs which encourage attachment between the parent or carer in the first three years have a major flow on benefit:

It actually shapes the way in which the brain pathways are established and so a child's capacity to control emotion hinges to a significant extent on the biological systems that are shaped by early experience and attachment.[46]

This finding is discussed in more detail in Chapter Four.

---

43 Standing Committee on Social Issues, 1998 p 34.

44 "Prevention as Cumulative Protection: Effects of Early Family Support and Education on Chronic Delinquency and its risks" *Psychological Bulletin* 115 1994 p 42.

45 *Evidence* 25/10/99, Professor G Vimpani.

46 *Ibid*.

The committee has had the opportunity to examine several NSW based early childhood intervention programs during this Inquiry. The rest of this chapter will address these specific programs.

Part Two: NSW Early Childhood Intervention Programs

The committee sympathises with the committee which undertook the *Pathways to Prevention* report, and began its research by hoping to conduct an national audit of all early intervention programs. The authors of Pathways soon realised this was beyond their time frame and resources (see the appendix volume of that report for an analysis of the programs they were able to examine). The programs selected below represent some of the more important recent initiatives of the government and non-government sector, but the list is far from exhaustive. The committee welcomes the submission of details of other programs not discussed here or in the Pathways report.

Before addressing these programs there are three general issues which have arisen frequently in submissions and evidence to this inquiry regarding NSW programs. These are:

- the underfunding of early childhood intervention programs;
- the lack of crime prevention as an identified outcome for early intervention programs; and
- the lack of local evaluation of the success of these programs in preventing crime.

6.7 Funding issues

As outlined earlier in this chapter, there is very strong evidence that intervention in the first three years of life provides the best opportunity to address risk factors for later offending. The cumulative effect of risk factors increases once children reach primary school; crime prevention directed at individuals becomes increasingly complex as they become older because there are more problems to overcome. Despite this, spending by governments on interventions and other social supports is skewed in favour of older age groups. The RAND Institute diagram below depicts the investment by US governments in interventions compared to the time frame where brain development can be influenced.

Evidence to the committee suggests it is a common experience of all who work in early intervention locally:

> The final point I would make is this mismatch between the importance of early childhood and the gains that can be achieved by investing there compared with our actual investment in those years as a community. ...in terms of the development of the human brain, it is most sensitive to the impact of environments, whether they be good or bad, in those first three or four years of life, yet our investment in terms of social services spending on health, education, income support, social services and crime is not down here; it is up to the top of the scale:[47]

> I come from a state [Queensland] which has more than doubled its imprisonment rate in the last three or four years and for which prison building is the biggest industry... For my money we are not putting enough into the kinds of interventions early on that I have described.[48]

> We need to look at methods of diverting people at risk from the criminal justice system, before they even become offenders. Once within the system, there are limited opportunities to deal with the root causes of the offender's criminal career. Time is also limited. Young offenders grow and will, in many cases, become adult offenders. Once that occurs, the ability to deal with the offender's personal development evaporate.[49]

As discussed earlier in this chapter, there is strong evidence that early childhood interventions are cost effective. The difficulty is in convincing governments that face three to four year terms to increase their investment in an area where the outcomes in reducing crime will not be seen for at least 12 –15 years.

The committee is well aware of the concerns of the general community on the importance of combating crime and that this is most commonly expressed in immediate solutions such as more police or longer prison sentences. For that reason the committee, made of Government, Opposition and Independent members, commends the NSW government for its Families First program, which is recognising the importance of Diagram One here increased funding for early childhood intervention. It is an important start. To go further will necessitate hard choices between allocation of resources, which will require governments to carry the electorate with them.

6.8 Failure to identify crime prevention outcomes

---

47 *Evidence*, 25/10/99, Professor G Vimpani.

48 *Evidence*, 25/10/99, Professor R Homel.

49 *Submission* 29/7/99, Hon David Malcolm AC, Chief Justice of Western Australia.

Early childhood intervention programs are typically run or funded by human services agencies whose core business is unconnected to the criminal justice system. The aims of these programs focus on the core business of the agency, such as better health or improved education. However in addressing the risk factors which lead to later crime these programs have significant crime prevention outcomes. The failure to identify these as outcomes has two results:

- the impact on reducing crime is not measured; and
- the view that early childhood intervention is not part of the "real business" of crime prevention is compounded.

Mr Peter Homel of the Attorney General's Department Crime Prevention Division said:[50]

> I would argue that it is to the benefit of the people running the programs, and those to whom they are accountable, to properly identify the range of goals that the programs are likely to achieve. One of the problems with the early intervention programs I was talking about is that they are frequently not very well funded, supported or comprehensively planned. They tend to be one-off initiatives – a significant departure from which is the Families First initiative. ….To identify their goals and outcomes may strengthen their ability to operate over time and more effectively.

The committee believes crime prevention as an outcome needs to be identified in early intervention programs, and is encouraged by the response of many to this inquiry who have presented submissions recognising this link.

6.9 Evaluation of early childhood interventions

If crime prevention is not identified as an outcome it is a natural consequence that few programs will be evaluated in such a way as to demonstrate their impact on reducing crime. Chapter Nine of this report will examine the lack of evaluation of outcomes of crime prevention by social support and possible responses. Early childhood evaluations in particular lack high quality local evaluations because of the long term nature of their outcomes: empirically rigorous evaluations require a commitment of many years to produce meaningful results.

6.10 Families First program

---

50 *Evidence* 17/6/99, Mr P Homel.

The Families First program is the exception to most of the general concerns about early intervention programs. It appears to the committee that:

- the State government is prepared to commit a significant injection of new funding to the program;

- the government recognises the program has crime prevention as one of its desired outcomes; and

- the government is committed to an evaluation of the program which will be both long term and properly funded.

The Families First program is targeted at families with children up to eight years, with a particular focus on the first three years. Unusually, it was developed by a central agency, The Cabinet Office. It was developed as a response to many factors such as the findings of the Wood Royal Commission, concern as to the ad hoc development of social policy, and overseas evidence and research findings on the importance of early intervention.[51] It is an attempt to take a "whole of government" approach to early intervention, and brings together NSW Health, the Department of Community Services, the Ageing and Disability Department, the Department of Education and Training, the Housing Department and non-government agencies.

The aims considered in the design of the program were summarised by the Manager of the project in evidence to the committee:[52]

> So, what we are talking about is giving children a better start in life. Some of them have a poor start in life. If a child does have a poor start in life there is the chance that the baby will grow into an adult who can have a variety of, or any one of, these issues: poor physical and mental health and earlier death; lower standards of education; less opportunities in the job market; increased likelihood of drug or alcohol addiction; and greater participation in crime... These services, targeted well and provided correctly, can reduce a child's exposure to risk factors that may adversely affect the child's health, education and welfare. Moreover, these prevention and early intervention services have the greatest impact when they are capable of addressing a broad range of issues and are provided as part of a co-ordinated network of early intervention and prevention services.
>
> It [Families First] aims, importantly, to look at joint planning for families across the five government agencies [referred to above] and non-government agencies. So, instead of a specific program looking at the needs of a specific group of families,

---

51 *Evidence* 17/6/99, Mr R Wilkins, Ms D Hudson.

52 *Evidence* 17/6/99, Ms D Hudson.

this broadens families into a target group that has a range of support at different transitional points while their children are growing up.

Families First is based upon universal service provision: all families have the opportunity to benefit. The level of supports provided will vary depending upon the individual needs of families. The support is provided through four interconnected areas of support:

- support for parents immediately before or after birth. Such services include antenatal support provided by health professionals and doctors, early childhood health services and community health services;

- support for parents caring for young children during their first three years. These services are provided by many government and non-government agencies and include parent education programs, family support, playgroups and transition to school programs. An important part of this will be the use of trained volunteers, particularly experienced parents to assist new parents by way of home visits;

- extra support for families in need. This comes into play when families receiving the second type of support are struggling and need professional assistance. The types of services here include specialist child and family health services, mental health services, drug and alcohol services, family support and counselling services and disability services; and

- strengthening connections between communities and families so as to break down isolation, particularly in disadvantaged communities. This will involve use of schools, neighbourhood centres, public housing programs and other forms of community development.

Families First is an attempt by the central agency to map out what is currently provided so as to then identify what is missing from the overall picture in specific local areas. The only especially new aspect of the program is the use of volunteers, although over time it would be expected that many new programs will be developed in response to need.

Despite being centrally planned, Families First will operate on a local basis, with a different plan for each of the 16 areas in New South Wales.[53] In each region a locally appointed Families First manager will be appointed, whose first task is to audit what parts of the desired support network currently exists and how effectively the desired support is being provided. A detailed strategy is then developed which may involve the need to establish and fund new services.

---

53 The areas are chosen based upon Area Health regions.

The desired outcomes of the program were identified by the manager of the program as follows:

- healthier parents and children;
- children better prepared to learn and develop when they start school;
- reduction in mental health problems in children and in parents with new babies;
- greater parental participation in education and training; and
- a reduction in juvenile and adult crime.[54]

The program began in 1998/99 with the first 12 months allocated to developing a comprehensive plan. The roll out of the service has begun in 1999/00 initially in three areas: the mid North Coast; the Far North Coast and South West Sydney. These areas will receive an allocation of $19 million, to be spent over four years. Planning has begun for a further three areas: the Inner West, Orana Far West and Hunter regions.[55] Because Families First involves universal service provision priority is being given to areas of greatest socio-economic disadvantage. Overall $55.6 million has been committed by the government to spend on the program over the four years of its current life.

The committee has received submissions and evidence critical of Families First so it saw this inquiry as presenting an opportunity to assess any shortcomings of the program. Most witnesses have been asked for their views on the program. Initially, the committee had some scepticism as to how a central agency could successfully implement a plan which relied a thorough understanding of local service provision and community networks. However, a visit to an initial pilot area in the North Coast has substantially allayed these fears. The committee was impressed by the level of detail and practicality of the strategic plan developed. A copy of this appears as Appendix Three, with explanatory notes, because it provides a very good understanding of what the program will look like in a local area.

6.11 Criticisms of Families First

Witnesses to this inquiry who came from an academic or research-based background spoke very highly of the Families First program because its premises are based upon many studies which demonstrate the value of

54 *Evidence* 17/6/99, Ms D Hudson.
55 *Evidence* 6/10/99, Ms T Milne.

parental attachment, home visiting and the like. Dr Weatherburn, Professor Vinson, Professor Ross Homel and Professor Vimpani all spoke favourably of the program, though most conceded they knew of the program only in its broad outline. Comments included:

> If you choose the most economical way of getting to root causes I think Families First is a good program. I think there is quite a bit of research around to show that early contact with parents and children and sustained assistance, either through volunteers ... and/or professional people, is one of the more enterprising and more potentially useful things that can be done. I think it is very good.[56]

> It appears to be a sincere and major effort on the part of the NSW government to ensure the co-ordinated delivery of appropriate services at the local level in a way that meets the needs of that community, and it is risk focussed.[57]

In contrast the non-government human services sector has been critical of the program, or at least aspects of its implementation. In essence, the critics see it as a way that The Cabinet Office is attempting to take over the direction of social policy and human service delivery, an area traditionally being the domain of a diverse network of government and non-government agencies. Some of the language used by the Director General of The Cabinet Office, such as references to "reconfiguring existing services" and "taking some of the things that we devised in the 1970s and bringing them up to date"[58] does not disguise that the program is very much an intervention in the existing structure. It should be recognised, however, that most critics supported the aim of the program and welcomed the injection of fresh funds into an under resourced sector:[59]

> The initiative indicates that the current State government has an increasing awareness of a commitment to prevention. From our point of view, we felt that that was a terrific result. The government is showing that it has that commitment and understanding. The fact that it is a co-operative venture between government departments and the community sector is a strength in the planning of the model. The fact that it provides a range of intervention depending on the level of the need of the family shows that there is some real flexibility built into it which we also saw as a plus.

NCOSS supported many aspects of the Families First program, such as delivery of services to homes; strengthening parent skills; improving service co-ordination in local areas and the value placed on children, especially neglected children or those at risk.[60] However NCOSS stressed that it is:[61]

---

56 *Evidence* 25/10/99, Professor T Vinson.
57 *Evidence* 26/7/99, Professor R Homel.
58 *Evidence* 17/6/99, Mr R Wilkins.
59 *Evidence* 17/6/99, Ms R Stien.
60 *Submission*, 21/9/99, NCOSS, p 21.
61 *Ibid* p 21.

only one small contribution rather than "the solution".

The main criticisms raised with the committee by the non-government sector are as follows:

- too much spending on planning or bureaucrats, not enough on service provision;
- too little money too thinly spread in too few areas;
- it disguises cost shifting between departments;
- over reliance on volunteers for home visiting;
- lack of emphasis on respite care;
- undermines existing networks, especially family support or child care; and
- lack of consultation with the non-government sector.

A view was put strongly to the committee that too much was being spent on high level planning without any real outcomes:[62]

> The money was spent on bureaucrats meeting together in very long and expensive meetings to talk about things they never run, never have run and do not know how to run. If they had gone to one of those little family support programs, who know about actually running a family support program, they would have done better. You have got bureaucrats who have never run these programs talking together, although they can talk about co-ordination and grand plans.

With respect, the committee does not support this view, and believes it would be irresponsible for any government to launch a statewide $55 million program without thorough planning. The money committed to the program does not include existing staff costs of The Cabinet Office,[63] so any planning work is not at the expense of on the ground service. The first year of the program was allocated to planning, and having seen the plan developed for the North Coast the committee is satisfied that this time has been effectively used, at least in that instance.

The case for the program being spread too thinly over too few areas arises primarily because the service is universal rather than targeted to "at risk"

---

62 *Evidence* 17/6/99, Ms L Voigt.
63 *Evidence* 17/6/99, Ms D Hudson.

groups.[64] A coalition of several major non-government welfare agencies, including Barnardos, Burnside, Anglicare, Centacare, Family Support Services Association and Wesley Dalmar, campaigned as the "Invest in Families" Coalition during the March 1999 State election on the basis that an extra $20 million was required to address the needs of "at risk" children, and that in only targeting three areas of the state the "Families First" program was leaving other high need areas lacking services:[65]

> It has been frustrating when we have raised concerns about resourcing in other areas to say, "Oh, we have Families First now." For 14 of 17 areas, they will not see one bit of difference in their area at this point. There is talk about a continuing roll-out, but that has certainly not been put in any tangible form.[66]

The committee supports the universal nature of the program. While an argument could be made for giving priority funding to "at risk" groups, the advantage of universal service provision is there is no stigma attached to using the initial services, raising the prospects of effectively reaching at risk groups. The committee believes far more than $55 million is required to address early childhood intervention needs in New South Wales, but a well planned and properly evaluated program such as Families First may provide an excellent opportunity to convince governments to increase their spending. Achieving outcomes may convince central agencies that this type of funding is not simply a "black hole" where money poured in does not lead to measurable improvements to entrenched social problems.

The committee also supports the staged implementation of the program with priority given to the most disadvantaged areas. The staged implementation allows lessons gained from the first pilots to feed back into the unrolling of the program into later areas.

There have been concerns that the program is simply a way of shifting costs around from different departments. This was raised in the submission from NCOSS:[67]

> There is unease within the community sector about whether valuable existing programs have had elements of their funding converted into seemingly new funding for the Initiative... Services have raised concerns that the Families First initiative may incorporate nurse home visiting supported through Health funding.

---

64 In terms of the forms of crime prevention discussed in Chapter Two of this report, Families First is a primary prevention program, although it also provides a gateway to tertiary prevention in working with at risk groups.

65 *Submission* 2/6/99, Invest in Families Coalition.

66 *Evidence* 17/6/99, Ms L Mulroney.

67 *Submission* 29/7/99, NCOSS, p 25.

The committee understands these concerns. In the plan the committee saw for the North Coast there was a clear delineation between activities supported through existing funding and new funding from Families First (see Appendix three). It is important that this transparency be maintained.

Recommendation 1
The committee recommends The Cabinet Office continue the model used in the North Coast pilot in clearly separating Family First initiatives which are funded from existing programs and those funded from the $55.6 million program. To promote transparency these plans should be publicly available.

Perhaps the most sustained criticism of "Families First" has been over its reliance on volunteers to carry out the initial home visiting. This is criticised on a number of grounds:

- governments are increasingly using volunteers as a way of avoiding their own funding responsibilities;
- there is no evidence that the benefits of home visiting programs are achieved when volunteers rather than trained professionals are used;
- volunteers will not be sufficiently skilled to identify, during brief home visits, problems requiring professional assistance; and
- areas of greatest need will not be able to provide the volunteer base required to support the program.

Several of these views were discussed in detail in the 1999 submission to this inquiry by NCOSS,[68] and summed up by the following evidence from the Director of NCOSS:[69]

> There is a growing trend in government, both at the Commonwealth and State level, to promote a particular idea about the development of social capital that relies on shifting responsibility for communities onto individuals. We certainly think it is important to improve community capacity and relatedness in communities, but it is problematic if at the best of times it is premised on an abrogation of government responsibility, and it is particularly problematic when it involves individuals with limited resources who reside in communities with high concentrations of disadvantaged.

It is important that volunteers are not used to undertake roles more suited to trained professionals. However, the point about Families First is that its

68 *Submission* 29/7/99, NCOSS, pp 21-29.
69 *Evidence* 6/10/99, Mr G Moore.

volunteer services are an addition to existing professional services, not a replacement. The committee has seen no evidence that volunteers are being used as a way of saving existing expenditure, though this is not to say that the issue does not deserve close monitoring.

This then raises the issue of training of volunteers, and whether they will be sufficiently skilled to make proper referrals to professionals. The Deputy Director of NCOSS provided a very useful description of the needs and motivations of volunteers:[70]

> One of the things I want to stress about volunteers, being someone who has managed organisations with huge volunteer rosters, is that volunteers are not like employees. Volunteers come to an organisation with their own attributes and their own aspirations for being there, and often those aspirations are quite different from an employee's. You have to incorporate that into the management of an organisation. If you do not, you do not have your volunteers. You also do not have a particularly healthy organisation, because volunteers bring a certain amount of energy to the organisation, and ideas and culture that is different from organisations that have simply employees.
>
> Volunteers are not something for nothing, either. Volunteers require quite a lot of resourcing and you need to be able to build that into the management of your organisation.....If you have an expectation that volunteers will deal with all manner of crises, then you probably have a system that will not work particularly well, either for the client or the volunteer. You need to make sure that support services and referral points are available for the volunteers so there is a way in which crises can be dealt with.

The committee has received a response from The Cabinet Office to the NCOSS submission. It states that:[71]

> The managers of volunteer services will be professional staff who are competent to recruit, train, match volunteers and families, and supervise volunteers. In some services, these managers will provide other supports for families such as structured playgroups.

The plan for the North Coast states as one of its strategies, the establishing of volunteer programs in nine locations, with funding of $495,000 to fund professional co-ordinators to develop "clear procedures for recruitment, training, supervision and matching of clients and volunteers". This will provide home visiting services to new mothers alongside improvements to existing professional services, such as an injection of $540,000 to develop NSW Health early childhood nursing services in the region. Subject to the development of suitable guidelines for use of volunteers (see below) the

---

70 *Evidence* 6/10/99, Ms M Perkins.

71 Wilkins, letter to Chair, 10/11/99.

concerns do appear to be addressed: volunteers will not be sent out without training, resources or supervision.

But will they be successful? While there is strong evidence as to the benefits of home visiting, it needs to be remembered that most of the evaluations conducted overseas have been of services provided by trained professional nurses.[72] Dr David Olds is currently completing a study which compares a volunteer based service, a service using trained professionals and a control group which did not receive services. The initial results, described here by Professor Vimpani, are sobering for the Families First project:[73]

> The study found that the volunteer home visiting, at least in terms of the outcomes that he had looked at before [in previous studies] did not achieve either practical or statistically significant benefits over and above the control group.

Professor Vimpani did qualify this later:[74]

> It is interesting that David Olds has never measured the impact of home visiting on social support [connections and attachments with their local community]. In his follow-up study looking at volunteers versus professionals, that has not been measured and yet one would expect that would have a very positive outcome from volunteer involvement.

He also suggested there were some things which people would be more willing to confide in a lay person than a professional. The Cabinet Office has also pointed to a UK study[75] which found that volunteers could deliver an effective health promotion campaign to new mothers.

The committee accepts that there are roles for both professionals and volunteers in home visiting. The Families First program has a role for both. It will be crucial to evaluate the outcomes of the volunteer program. Such an evaluation will not only assist the future implementation of the program but could also provide an important contribution to a current gap in knowledge internationally. As will be seen in Chapter Nine of this report, the evaluation should allow comparison of outcomes with areas not receiving services to clearly demonstrate its results.

---

72 Olds et al "Long term effects of nurse home visitation on children's criminal and antisocial behaviour: 15 year follow-up of a randomized controlled trial" *Journal of the American Medical Association* 280, 1999 p1238-1244, Farrington and Welsh B, "Delinquency Prevention Using Family –Based Interventions" *Children and Society* vol 13, No 4, 1999.

73 *Evidence* 25/10/99, Professor G Vimpani.

74 *Evidence* 25/10/99, Professor G Vimpani.

75 Johnson Z, Howell F and Molloy B "Community Mothers Programme: randomised control trial of non-professional intervention in parenting" *British Medical Journal* volume 306 May 1993.

Recommendation 2
The committee recommends that an outcome evaluation be conducted of the volunteer home visiting component of Families First. This should include use of a control group in an area not yet receiving the services. This evaluation should consider the outcomes which include whether the families increase in their relatedness to their community and the level of referrals to other services.

Regarding the evaluation of Families First the committee understands that The Cabinet Office is according this priority and will submit the project to a thorough scientifically valid assessment of outcomes.[76] Later advice to the committee has indicated data gathering protocols will be developed for use across the state so as to feed into the evaluation process. Considering the importance of this project as a means of convincing agencies and the community of the advantages of investment in social support as a means of crime prevention, the committee believes it is essential that the evaluation include measurement of crime prevention, one of the stated outcomes of the project.

Recommendation 3
The committee recommends that any overall evaluation of the Families First project include the assessment of its crime prevention effect as one of the measured outcomes.

The committee agrees with concerns expressed by the non-government sector that there may be difficulties in attracting sufficient volunteers in disadvantaged areas:[77]

> We worry about whether sufficient numbers will be available in really high need communities. It is possible to get volunteers on the North Shore and you can get them in the southern suburbs or parts of the Eastern Suburbs, but when you try to get volunteers at Claymore or Bidwill or other very high stressed communities, that is really difficult.

If these concerns are confirmed there will need to be a re-think in those areas: Families First is predicated on home visiting, so the government will need to provide these services in some form or another if volunteer programs are not able to deliver in sufficient numbers.

The views on volunteers expressed by the non-government sector is given considerable weight by the committee. Unlike government, the non-government sector regularly uses and manages volunteers. The committee

---

76 *Evidence* 17/6/99, Mr R Wilkins.
77 *Evidence* 17/6/99, Ms R Stien.

supports the approach taken in the pilots so far in calling for the non-government sector to run the volunteer programs initiated.

It is also important that the non-government sector is consulted and continues to be consulted in the design of volunteer programs, particularly the training and supervision aspects. The Cabinet Office has advised that it is reviewing the *Best Practice Guidelines for Volunteer Home Visiting* developed by the Federal Department of Family and Community Services, which was developed with input from the non-government sector, for possible adoption.[78] Whatever guidelines are used it is important that they are regularly reviewed and that the input of the non-government sector is obtained. For this reason the committee endorses two recommendations made by NCOSS in regard to use of volunteers.[79]

Recommendation 4
The committee recommends that the Families First program guidelines for volunteers be developed jointly by government and non-government agencies. The committee recommends that these guidelines be regularly revisited, and that in this process the capacity for training, supervision and the appropriateness of the volunteers used be examined.

The committee has received evidence and submissions regarding the need for increased funding of respite care as part of Families First. The major thrust of the Invest in Families Coalition was that an additional $10 million was required,[80] and that this could have a major crime prevention impact.

The committee is aware that there are many persuasive arguments in favour of increased use of respite care, but there are also important questions for governments about how to ensure it reaches those most at risk and the distribution of services. Families First is predicated on establishing the needs for services within each area, and the committee does not believe it should recommend imposing one method of early intervention over others. Respite care will be considered by the committee when it considers state wards in a later report, but the committee believes the issue is bigger than can be addressed in simply a discussion of Families First.

The final two criticisms of the non-government sector relate to their own role in the Families First program: the lack of consultation with the non-government sector and the concern the program ignores existing networks. In submissions and in evidence to the committee representatives from the Family Support Services Association, Barnardo's and Burnside argued the Families First program was largely ignoring the existing networks of family

78 Wilkins letter to Chair 10/11/99.
79 *Submission* 29/7/99, NCOSS, recommendations 17 & 18.
80 *Submission* 2/6/99, Invest in Families Coalition.

support and neighbourhood centre services throughout NSW and was trying to establish new networks of its own. NCOSS in its submission was critical of the emphasis on health networks and the neglect of connections with early childhood services such as preschools.[81]

The committee does not believe Families First ignores existing networks: indeed, it appears that planning in each area begins with a thorough audit of the networks of services in each region. Services such as volunteer programs are likely to be managed through existing services such as family support. However the misunderstanding may flow from lack of consultation with the non-government sector on which many witnesses have commented:[82]

> If the process was more open to allow a little bit more input into it, it would certainly have the sense that there was more chance of actually doing what it is talking about, which is reshaping the way that services are delivered to them.

The President of the NSW Child Care Association, representing 75% of long day care providers in the state, said that to her knowledge her Association had not been consulted by the government regarding the Families First program.[83] Community representatives from the Ballina crime prevention committee said they had not been consulted in the development of the plan for the Ballina section of the North Coast.

The networks that deliver social support are very complex and the committee has sympathy for the difficulties of any agency which is criticised for not fully consulting every sector. However the committee believes that there may be a clash in culture between the value placed on confidentiality in the other policy development of The Cabinet Office and the expectation of thorough consultation which exists in the community sector. To succeed the Families First program will need the goodwill of the non-government sector, as many of its initiatives will work through non-government services. Increased attention needs to be given to providing a forum for the non-government sector, both at a peak level and at a local level, to provide input into how the program is working or not working. This may require a formal mechanism, such as regional consultative councils or a consultation strategy within area plans.

Recommendation 5
The committee recommends The Cabinet Office should give increased priority to consultation with the non-government sector, seeking their input on how theFamilies First program is working in the areas where

81 *Submission* 29/7/99, NCOSS, p 27.
82 *Evidence* 17/6/99, Ms R Stien.
83 *Evidence* 8/11/99, Mrs F Bardetta.

it is being trialed. This may require the development of formal consultation mechanisms.

Many of the programs considered below may be funded in some areas as part of the Families First program, but any recommendations made will consider them independently of the program.

6.12 Schools as Community Centres

Schools play a central role in the lives of most communities. Parents and children have an association with their local school which extends for years and has a crucial impact on their lives, for better or worse. After hours activities such as after hours care, cultural activities, sport and local meetings all use school facilities. It is only a very small step to go beyond this and use schools for other community activities, such as those with an early intervention or explicit welfare orientation.

The NSW Department of Education and Training have made this small step with the Schools as Community Centres project. It is the lead agency in a project which is jointly funded by it and the Departments of Community Services, Health and Housing. The project is based on the community development model discussed in Chapter Two, although to date it has not considered crime prevention as a specific outcome.

For each primary school where the project operates a facilitator is appointed under the guidance of a local interagency management committee, made up of the four government departments which fund the project. The facilitator sets up a community advisory group of local community groups and parents who assist the facilitator in identifying local needs. The school is used as a base for activities, although the project at Redfern Public School has run activities at other locations. One of the crucial roles of the project is liaison with preschools and child care to ensure a smooth transition to school.

The aims of the project are:

- to identify the needs and gaps in the local community by consultation with the community;
- to encourage and support families in their parenting role through improving access to local services;
- to promote community involvement in the provision and co-ordination of services for children and families by engaging them in the planning of projects; and

- to promote the school as a community centre which links families with education, health and community services that promote the child's development.

The project began in 1989 with a two year pilot program, and currently operates in six schools: Redfern, Chertsey, Curran, Coonamble, Kelso and Kempsey West. An evaluation undertaken by an independent consultant in 1997 made the following findings:

- families have been supported in their parenting role;

- children are being effectively prepared for school – for example in Coonamble Aboriginal children's participation in transition programs increased by 70%, while in Redfern absenteeism in the early years of school has declined markedly;

- health of children has improved, with increases in immunisation rates of up to 32%. In Coonamble 95% of children had received health screening before attending school in an area where previously there had been no screening;

- the school's image in the community was enhanced; and

- interagency co-operation improved.[84]

The committee received evidence from the co-ordinator of the project at Redfern Public School and was impressed with the creative and innovative approach taken. The school has 62% of students from an Aboriginal or Torres Strait Islander background and 32% from an non-English speaking background, and most families with students at the school live in public housing. Projects included a Kids for Kindy transition program, a bus service which has greatly reduced absenteeism, and a series of community festivals and open days. These festivals are used as an unobtrusive way of providing information on local services and providing health screening services. Projects in other regions have run parenting courses, bridging courses for TAFE, nutrition programs and "time out for mums" day programs.

The Schools as Community Centres project is also universal in its provision so as to avoid stigmatisation:[85]

It is important that the program be seen as being for all families. While we are targeting disadvantaged communities, the program is a universal program for all

84 Cant R, Interagency School Community Centres Pilot Project Evaluation Report 1997.

85 *Evidence* 26/7/99, Ms E Starr.

families in that community. Anyone who walks through the door seeking information, support, access to services or participation in an activity is not labelled as an Aborigine or a person at risk involved in a child protection issue.

The program is relatively inexpensive to run, with the six centres costing $500,000 at present, contributed in part by the four participating departments. This mainly covers the cost of the facilitator and a small allocation for activities. The project operates usually from school premises so does not require rental or accommodation expenses.

The committee notes that the Families First program is identified as an early intervention strategy. On the basis of what it has seen the committee is very keen to see this project expanded. Schools as Community Centres appears to be a community development project which is well grounded in existing local networks and services.

The initial evaluation of the program mainly examined the impact on students attending the initial two years of school. To assist the program's expansion, the committee would like to see the initial evaluation undertaken continued to trace the progress of children reached by the Schools as Community Centres program through to the start of high school. It would be particularly useful for crime prevention purposes to undertake a longer study up until the early teenage years when juvenile offending begins to be apparent. If the program can demonstrate a continued cumulative benefit as the children progress it will justify a significant expansion of the program.

Recommendation 6
The committee recommends the Schools as Community Centres Program continue to evaluate the impact of the program on children reached by it up until the transition to high school. If possible the impact should be compared with similar neighbouring schools which do not have the program. The evaluation should focus on risk factors relevant to later juvenile offending.

6.13 Parents as Teachers program

The Parents as Teachers program is based on a pilot in St Louis, Missouri, which now operates in 48 states in the United States. The program in New South Wales is a parenting program run by the Department of Education and Training for families with children aged from birth to three years. The program has four components:

- home or personal visits on a regular basis for the parent;

- access to group meetings at which the parents obtain information on child development;

- written information for parents on child development; and

- a social and support network for parents created as a result of the program.

A trained parenting consultant who is attached to the school provides the services described. Parents who participate can be referred by the school, Health or Community Services agencies or can volunteer: the service is open to all. Each consultant will typically work with 30-40 families. The consultant is supported by a community advisory committee which includes representatives from early childhood service providers in the area; the committee acts as a resource and a way of referring specific needs for specialist assistance. Most sites have established a parent resource centre as part of the project.

The program aims to increase parents' competence and knowledge, and their confidence as parents. It aims to increase the attachment between the parent and child while at the same time creating a partnership with the school. It also aims to detect any developmental problems as early as possible. All of these aims will, if achieved, substantially reduce the type of risk factors for later offending described in Chapter four of this report.

The Parents as Teachers program was piloted in NSW in three schools at Manly, Liverpool and Wagga Wagga. In 1995 the project was expanded to its current ten sites, all in areas identified as disadvantaged. Increasingly the project has sought to conduct outreach into the community to address earlier criticism that the main users of the program were the more highly motivated parents.[86] This has included working through playgroups, adolescent programs targeting teenage parents, and outreach to caravan parks.

The project costs $650,000 at present, with most costs going to the funding of the parenting consultant. An argument can be made that the project is expensive because it only reaches a limited number of families in each area;[87] however this view depends upon the outcomes achieved and the extent to which $50-65,000 spent in each area can reduce the need for much greater expenditure later in the lives of children affected. The co-ordinator of the program estimates that around 1,500 people receive a benefit from the program at present.[88]

---

86 *Ibid.*
87 *Ibid.*
88 *Ibid.*

The US program has been the subject of extensive evaluation which has shown marked improvements in parent–child communication, parental participation in the school, children's literacy, and a reduction in child abuse notifications.[89] The committee welcomes the collaborative research project which the Department of Education is conducting with Macquarie University's Institute of Early Childhood Studies and Burnside, which will examine outcomes for children, parents and the community.

The Parents as Teachers project has great potential as an early intervention model of crime prevention. The committee believes the Department should closely monitor outcomes of the current evaluation with a view to expanding the program should it reproduce the overseas results. The Families First program includes Parents as Teachers as one of the programs it considers as an early intervention option in areas in which it operates.

6.14 School counselling services and student welfare programs

The early primary school environment generally can protect children from developing the risk factors which can lead to later offending. This can be through developing literacy and numeracy skills, or through social skills taught through personal development courses. Beyond that the school can create an environment where attachment to the school and links between the school and parents can be made. This includes preventing bullying, investigating absenteeism and identifying developmental problems and appropriate assistance.

School counsellors provide an important link in all of these factors, and allow a member of staff to focus on these issues without being tied to the day to day responsibilities of teaching. Evidence was given to the committee that there are 678 school counsellors and 94 district guidance officers (providing oversight of counselling) in the school system working from the kindergarten year of primary school to the end of high school.[90] For large schools a counsellor will be assigned to one high school and one primary school, in country areas four or five schools may be served. The roles of school counsellors in primary schools include:

- identification of early difficulties in learning, and assisting parents obtain appropriate assistance within the school or outside;

- provide advice and assistance to parents on their parenting or their child's needs;

---

89 Department of Education and Training briefing paper tabled in evidence 6/10/99.

90 *Evidence* 6/10/99, Ms H Kerr-Roubicek.

- referral of parents or teachers to external agencies, including on child protection issues;

- assisting staff and students to develop a school environment with low tolerance for bullying and undesirable peer group pressures;

- assisting the transition to high school for children; and

- participating in student welfare committees and responding to major critical incidents such as a violent act or serious accident in a school.

The committee notes the role of counsellors here because they are an important part of the early intervention provided by schools. One submission to the inquiry, from Michael Kennedy and Vaughan Bowie from the University of Western Sydney Macarthur was critical of school counselling services for being inaccessible in crisis and having changed little in 30 years,[91] although this was discussed in relation to high schools. It was not apparent on what evidence this criticism was based.[92] The committee may revisit the role of counsellors in schools when it deals with adolescent issues later in this inquiry. The limited experience the committee has gained of the Department's early intervention activities has impressed the committee by its willingness to engage with other agencies, both government and non-government.

6.15 Department of Community Services early intervention programs

In evidence to the committee,[93] Department of Community Services staff indicated that their role included:

- child protection functions including investigation of reports of neglect and abuse;

- regulation of child care through the NSW Office of Child Care;

- funding of non-government services through the Community Services Grants program; and

- participation in joint projects with other agencies, including in the implementation of the Families First project.

---

91 *Submission,* 21/9/99, p 12.

92 Bowie and Kennedy recommended the NSW Department of Education follow Canadian and European models in employing youth workers at high schools to provide a variety of functions in forms that are accessible and relevant to students.

93 *Evidence* 6/10/99, Ms T Milne, Ms J Taperell.

The child protection role of the Department is an essential and extremely difficult part of crime prevention through early intervention. The Department's istrict offices provide a network of social support and intervention throughout the state. One concern of the committee is that the focus on abuse may lead to cases of neglect being given less priority, given recent reports that there a large number of unallocated cases referred to the Department.[94] Evidence given by Department officers appeared to confirm that neglect cases were more likely to appear than more serious levels of abuse.[95] Dr Weatherburn and Ms Lind's study into the causes of crime found that neglect was a more significant predictor of later offending than abuse.

The Department's role in funding family support and in child care will be examined in those sections of this report. The committee has received several very detailed submissions and evidence considering the position of children in care/state wards and their particular vulnerability to later offending and as victims of crime. Because of the importance of this group the committee intends to examine these issues in depth in a chapter of a later report, although assistance to children in care is very much an early childhood intervention issue.

Recent initiatives of the Department have included a major parenting campaign, the centrepiece of which is a series of free colour magazines. These were distributed through Sunday newspaper inserts and through other media in August 1999. They continue to be available through the Department's District offices and through community health centres. As a result of the NSW Drug Summit the Department will also receive $10.3 million over the next four years to implement prevention and early intervention strategies developed as a response to the Summit.

6.16 Child care

Child care is a form of early intervention which has a very wide spread throughout the community in New South Wales. It is provided to children from the ages of 0 to 5. Child care is delivered in a great variety of ways by many diverse providers, including a significant role played by the private sector. It may consist of:

- preschool services, typically operating from 9.00 am until 3.30 pm. Preschool services may be provided by local government; non-government not for profit services (community child care) and sometimes by for profit services ('private child care'). These services are

94 *Sydney Morning Herald* 6/10/99.
95 *Evidence* 6/10/99, Ms T Milne.

funded by the Department of Community Services and administered by the Office of Child Care. Local councils also contribute subsidies to preschools they operate, and the Department of Education and Training also funds and operates its own preschools;

- long day care, operating for extended hours. Funding for this is paid directly to parents in the form of Commonwealth child care assistance, although services need to be accredited under the National Child Care Accreditation Council system. Long day care is provided by the community and private sector, with the private sector providing the majority of services;

- occasional care, which provides child care for irregular hours where parents do not require regular placements. Typically these services are provided by long day care centres; and

- home based or family day care, usually provided by individuals operating from their home. Assistance to parents is provided through Commonwealth child care assistance. Family day care is regulated by local government, home based day care by the Department of Community Services.

The Association of Child Care Centres of NSW argued in its submission and in evidence to this inquiry that the child care system is a network which provides trained professionals able to deliver early intervention services, child development and parenting skills in a non-stigmatising way. It is also cost effective because unlike other early intervention services parents contribute to a significant proportion of the costs of the service in most cases.

The Community Child Care Co-operative, representing community child care providers, lists the following early intervention strategies currently provided by the child care sector:

- affordable quality child care for disadvantaged parents or for children at risk, including respite care;

- child protection, with all staff trained to identify and notify children at risk;

- behaviour management programs based upon positive guidance strategies. These have been shown by US research to build pro-social behaviour in later life;

- parent education and support programs, some of which operate through centres, others by referral; and

- anti-bias strategies which teach children respect for each other whatever their physical, racial or cultural differences.[96]

The Co-operative advises that in other states preschools also undertake home visits, a useful strategy for identifying family needs. In New South Wales the Lady Gowrie Child Centre, Sydney has a home visit policy where a staff member visits each infants home; however to do this Lady Gowrie employs staff beyond the ratio normally viable for centres.

Children with "special needs" (generally disabilities, behaviour problems or difficulties with English as a second language) are also addressed pro-actively in child care centres. Qualified early childhood staff employ their understanding of child development to identify these needs and refer them to appropriate specialists such as speech therapists, occupational therapists and physiotherapists. This is followed through with an individualised Family Service Plan made in consultation with parents; these plans may involve support staff being recruited through the Supplementary Services Program.

The committee believes there are many advantages to the use of child care as a form of early childhood intervention. It is a particularly effective way of reaching children at risk in a way which does not stigmatise the child or the parent: the children are brought to the service rather than the service having to conduct outreach to find the needs. Risk factors can be identified early long before the child enters the school system.

The committee strongly recommends that the Families First program consider ways to enhance the capacity of child care providers to deliver early intervention in disadvantaged areas. It appears The Cabinet Office has consulted the community sector[97] but has yet to do so for the private sector.[98] It is important that these private services not be ignored as they constitute up to 70% of long day care services.

---

96 *Submission* 13/9/99, Community Child Care Co-operative pp 3-4.

97 *Evidence* 25/10/99, Ms A Ball.

98 *Evidence* 8/11/99, Mrs F Bardetta.

Recommendation 7
The committee recommends The Cabinet Office, in its planning of the Families First program in local areas, consider ways to enhance the capacity of both community and private child care services to deliver early intervention services in disadvantaged areas. This may include supplementing staff resources to allow home visiting or special needs workers.

There have been several issues raised during this inquiry regarding child care as early intervention which require mention. These are:

- the impact of Federal changes to child care funding;
- the desirability of universal preschooling for four year olds; and
- the impact of multiple forms of child care.

The Federal government in 1997 altered the previous system of providing core subsidies to community child care centres. NCOSS has criticised this change for its impact on low income families, because it has led to increased fees:[99]

> The increased reliance on fees to generate operational revenue has meant that child care services are less likely to remain in areas where insufficient numbers of able to pay parents reside. Recent analysis has identified that closures have been concentrated in low income areas.

There is some suggestion that for families seriously "at risk" there remains access to subsidised places though this is said not to be well publicised.[100] However the concern of the community sector is with the impact on centres generally, which may close in disadvantaged areas as fees drive away low income parents. The impact on the community sector was described by a representative as:[101]

> What we have seen is that there were fee increase initially .... but subsequently there was a general movement away from usage of the services by parents, so the usage patterns changed.....[this] has actually meant that there are a lot of services that have had under-utilisation.
>
> The other thing that we have seen is that there have been changes in usage patterns. Whereas in the past children may have attended a day care service for three or five days a week... what we are now seeing is that there are many, many more children

99 *Submission* 29/7/99, NCOSS, p 14.
100 *Ibid*, p 15, *Evidence,* 17/6/99, NCOSS.
101 *Evidence* 25/10/99, Ms A Ball, p 38.

enrolled for one or two days a week, which means that the children are being cared for in other circumstances or in a different child care arrangement at the other times. This raises an issue around parents feeling that they need to choose a patchwork of child care arrangements, which may provide for very young children an environment of care that is not as secure as the one that they may have had if the parent could afford full time arrangements in the one facility.

This issue of multiple care arrangements appears to have been confirmed by research currently being undertaken by the Office of Child Care in the NSW Department of Community Services.[102] This has found that:

- some parents are using up to eight different types of child care in a week; and

- 75% of two year olds and 64% of one year olds used more than two types of care in a week.

It appears that lack of affordability, due to increased fees, may be a cause for driving parents into patchwork arrangements. The disturbing aspect of this is that the committee has received evidence that multiple care arrangements may have negative impacts on the development of very young children. Experts overseas and in Australia have begun to question whether exposing children at an early age to many different carers, particularly those with different values to the child's family, may have a deleterious effect on development.[103] Representatives of both community and private child care sectors agreed that the younger the child the more important it was for continuity of care arrangements.[104]

Another aspect of the Federal government's changes which was criticised by the private sector, as well as groups such as NCOSS, is the cap placed on non-working parents. Assistance is now only provided up to a maximum of 20 hours. The criticism is that this reduces access to those who may require most assistance with their parenting in areas of high unemployment, and that it re-inforces the view of child care as for the benefit of the parent rather than the child:[105]

The 20 hour issue has bitten hard and bitten hard in the areas where we classically need to be delivering the service more, if for no other reason than the nutrition we offer: breakfast, morning tea, lunch. At least we know those children are getting adequate nutrition in those areas where high unemployment is rife.

---

102 Press release Minister for Community Services 27/10/99, study currently not available for release.

103 *Evidence* 25/10/99, Professor G Vimpani, who made clear there is yet to be a body of evidence on this point.

104 *Evidence* 25/10/99, Ms A Ball, *Evidence* 8/11/99, Mrs F Bardetta.

105 *Evidence* 8/11/99, Mrs F Bardetta.

> Child care was built on the platform of allowing entry into the work force for mothers. They [Federal governments] have continued to wear that baby. They have not revisited the premise. No-one has at this stage. That war cry we go out with all the time, child care for children, is something we would like someone to take up and understand what it really means.

As was explained to the committee, the inflexible way the 20 hour cap is interpreted means that parents are unable to put their child in care for say, five mornings of four hours per day. If a centre is licensed to operate for 12 hours per day the non-working parent would only be able to use the centre for one day under the cap, because each day would count as 12 hours of child care even if only four of those hours were used.[106]

As a response to the impact of the Federal changes such as increased fees and capping of hours NCOSS suggested the NSW government should introduce a policy of universal availability of preschool places for four year olds as occurs in other states.[107] The NSW government funding of preschool places has been frozen since 1989, with only CPI increases made since. The result of this is that preschools have been frozen into a geographic distribution which is inequitable, with some areas having more preschools than they need and other disadvantaged areas having insufficient places.[108] The question of more preschool places for four year olds was put to the representative of community child care centres. She agreed this would assist the transition to school:[109]

> for a lot of children in disadvantaged groups the universal preschool year would be very good in terms of just putting them through a process of being able to be totally socialised to make the transition to school, and often it would be those children, especially those whose parents are affected by a 20 hour cap, who are not going to have access to a five day-a-week preschool education where they have an intensive program.

She was however concerned that support for this proposal would not overlook the importance of good quality care for 0-2 year olds, the age when parents are under most stress and where child development is most rapid.

The committee realises that the changes by the Federal government have many considerations beyond crime prevention through early intervention. It is also aware that most of the information on the impact is anecdotal. However there is sufficient concern about the possible link between the changes and changes in child care arrangements to the detriment of children that approaches should be made to the Federal government. While child care

---

106 E*vidence* 8/11/99, Mrs F Bardetta.
107 *Submission* 29/7/99, NCOSS p 15.
108 "Issues Facing Preschools in NSW" Legg C *Rattler* 46 Winter 1998 pp 10-11.
109 *Evidence* 25/10/99, Ms A Ball.

funding is the responsibility of the Department of Family and Community Services it has no doubt already received criticism from various sectors affected by the changes over the last three years. which have also been the subject of a Senate inquiry. A different approach could be taken in trying to influence the Department by going to another Federal department with an interest in early intervention. National Crime Prevention, based in the Attorney General's Department, has championed the importance of early intervention through its Pathways to Prevention report and could be a suitable agency to approach.

Recommendation 8
The committee recommends that the NSW government approach the National Crime Prevention agency with concerns raised during this inquiry about the impact of changes to Federal funding of child care. In particular, concern should be expressed about the closure of centres in poor communities, the increase in multiple child care arrangements and the impact of the 20 hour a week cap on services for non-working parents. With regard to the latter, the inflexibility of the way in which hours are determined needs to be redressed.

The committee also recommends the NSW government inquire further into the benefits of funding universal preschool places for four year olds so as to offset some of the negative impacts of the Federal changes, at least so far as the transition to school is concerned.

One issue raised during evidence is the lack of use of child care by the welfare sector as an early intervention tool. Barnardo's, an agency which makes considerable use of child care in its Family Centres for at risk families, states:[110]

> Child care has been a highly successful component of such services, but it is unfortunately often overlooked. It enables children to experience an active and stimulating social situation, with adults who are not caught up with family stress and problems. Child care for "at risk" families, unfortunately is difficult to get, as it is primarily seen as a labour market tool. Although it has recently been easier for Barnardos to get individual children into child care, centres in low-income areas, with staff expecting and trained to deal with high risk families is unfortunately, exceptional. Generally the welfare sector seems not to be using child care, believing the recent Federal changes exclude these children. The complexity of the new arrangements has led to this perception.

It would be valuable for the State government to promote the availability of Federal funding for "at risk" child care programs to non-government welfare

110 *Submission* 2/6/99, Barnardos Australia.

agencies. It does not appear the Federal Department is promoting the availability of these programs.

Recommendation 9
The committee recommends the Office of Child Care of the Department of Community Services develop and implement a strategy to promote to the non-government sector the availability of Federal funding for child care targeting "at risk" children.

6.17 Family Support Services

Family Support Services provide a generalist service to families under stress in New South Wales. Their work goes far beyond early childhood interventions but work with families with young children is a major component of their work. The committee has been impressed with the extent of the network of services it provides, with 140 non-government organisations throughout New South Wales involved in providing family support services.[111] The network is said to have attracted international attention:[112]

> In the early 1980s, when the family support program was handed over to the States, New South Wales was one of the few states that kept its commitment to that program. Governments of all political persuasions have kept that program going. So there is already a network of services across New South Wales. So much more could happen with more resources and more funding. It certainly has not developed as much as it could, but it is there and we want to look at existing networks and build on those networks. There is a pattern in the past of bringing in new programs, innovations, and pilot programs that go for three years and then disappear. It is tempting to introduce new and exciting programs. But we have seen that the practice that has been occurring for the last 20 years in this State has been discovered by people doing research into policy.

Family support is a generalist service and it is difficult to adequately describe the range of functions and activities encompassed within the network. To assist the committee a representative of the peak body, the Family Support Services Association, described a "day in the life" of a family support worker, as possibly including some of the following activities:

- home visiting to a single mother with young children who is struggling to adjust to living in a new area with few social contacts. Assistance could include helping her with her financial matters, locating child care and counselling to deal with the implications of domestic violence from a previous relationship;

---

111 *Submission* 2/6/99, Family Support Services Association.
112 *Evidence* 17/6/99, Ms L Mulroney.

- attending a local neighbourhood centre offering a drop in advice and assistance service;
- running a domestic violence support group;
- providing guidance on parenting issues to people referred from a local playgroup;
- meeting with local principals regarding strategies for reducing truancy; and
- liaising with other agencies to improve local programs in the area.[113]

Family Support is holistic in intent:[114]

> A key issue ... was how important it is to have services that are comprehensive, that do not break families up into problem areas, or deal with a specific age group. They should actually recognise that family situations have factors that interplay off each other; that housing will impact on income and on parenting styles and skills; that services must be able to work with families at the point that they are seeking assistance in order to open up potential for change to happen in a range of other areas. It is really important that services have multiple entry points so that people can come in through playgroups, which everyone knows is a good thing to do, as well as through seeking assistance in a crisis time or coming to get access to a particular service.

With this approach it is extremely difficult to measure the outcomes achieved by family support because the type of assistance provided is so varied and tailored to individual needs. Despite this the Family Support Services Association has put significant effort into collecting data on its services. A 1997 audit[115] found that the statewide network provided services to:

- 3,200 families in their home each week, or 14,800 in a year;
- 37,000 families overall in a full year (excluding telephone call advice);
- ran 12,000 group sessions per year;
- dealt with 160,000 telephone requests in a year; and

---

113 *Ibid.*

114 *Ibid.*

115 *Turning to Family support: Facts and Figures about Family support Services in NSW in 1997,* Bullen P 1998 Family Support Services Association of NSW.

- worked with more than 2,000 children at any one time who have been notified to the Department of Community Services as at risk.

Family support workers appear to have considerable success in reaching the most disadvantaged sections of the community, with the audit showing:[116]

- 56% of family support worker clients are one parent families (compared with 20% for the population as a whole);
- 78% are receiving benefits or pensions;
- 38% are in public housing (compared with 7% overall);
- 42% have children who have been notified to the Department as at risk; and
- 40% are in situations where domestic violence is an issue.

In its 1998 submission to the committee the Family Support Services Association has argued that over the last ten years the demands on family support services have risen significantly due to reduction in other social supports and increased notifications of child abuse. This has resulted in channelling of efforts into crisis intervention instead of prevention. As a result of increased demand 84% of the Association's members now report they are not able to meet current demands for their services, with clients either put on waiting lists or turned away.[117]

The Family Support network receives its core funding from the Department of Community Services Community Services Grants Program, although funding in local areas is often supplemented by local government or non-government agencies. The annual budget for this grants program is currently $18.3 million.[118] The major concern of the Family Support Services Association and member organisations such as Burnside and Barnardos is that funding of this program has not kept pace with the demands on services. This view was also put strongly by NCOSS representatives in their evidence to the committee:[119]

> their work over the past 10 years or 12 years has been hampered greatly by the fact that the core funding has not been adjusted since 1988. Over the past years in particular they have experienced significant problems meeting core expenses to do with award payments, superannuation, insurance, rental – especially as local

116 *Ibid* p 5.
117 Family Support Services *Submission* 2/6/99 p 3.
118 *Budget Estimates* Volume 1 1999-2000 pp 5-23.
119 *Evidence* 6/10/99, Ms M Perkins.

government is now charging market rent for some properties used by community organisations – the purchase of new equipment….and in paying for things that once used to be publicly provided but which are now on a user-pays basis, in particular the use of interpreters.

As the crisis grew in the Department of Community Services there has been a shuffling down the line. Family support services now are increasingly dealing with the flow on... Increasingly the work of the family support services organisations has been crisis driven and one to one individual casework. I can only say again that the shift has never been reflected in any change in funding. It is more expensive to run one-to-one services than it is to provide the other type of service. The family support services were funded initially on the basis of doing community development work.

In evidence to the committee[120] the Department of Community Services officer responsible for the Community Services Grants Program provided two responses to questions regarding these funding concerns:

- the Families First program would provide an injection of new funding to some services; and

- the department was investigating where the strains on family support workers services was occurring and how service delivery could be changed to reduce these stresses.

With regard to Families First funding the committee believes it may provide some opportunity for family support workers in some areas to increase their resource base, especially in the area of home visiting. However the Families First program is primarily about providing new services and filling in gaps where no services exist; it is unlikely to substantially assist the problems faced by family support services that are currently over-stretched and crisis driven.

The committee welcomes the attempt by the Department of Community Services to examine how family support delivers services so as to assist it to change where this will lead to improved delivery. It appears to be a process evaluation, of the type described in Chapter Nine of this report. The committee believes this should be given high priority, because the calls for greater resources for family support have been long running and, as indicated, are leading to the turning away of clients in need in most areas. If it emerges from the work on service delivery that there is no way current demands can be met without new resources, this finding needs to be fed into the rolling out of the Families First program. A statewide network of services that provides direct daily assistance to the most disadvantaged groups is a vital form of social support and should not be left to collapse.

---

120 *Evidence* 6/10/99, Ms T Milne.

Recommendation 10
The committee recommends that the Department of Community Services give urgent priority to its project to work with family support services to examine the causes of the strain on family support services and to examine ways in which delivery of services can be changed to reduce this strain. The results of this exercise should be provided to The Cabinet Office to assist the development of its Families First program.

Aside from the family support and child care networks there are numerous large and small non-government programs which provide essential early childhood intervention services across New South Wales. Several will be discussed briefly below because they have been bought to the attention of the committee. They are given as examples; there are many more services doing equally valuable work which are not mentioned here.

6.18 NEWPIN program

During the conference in 1998 to launch this inquiry a presentation was given by three people on a new program by Burnside known as "NEWPIN". NEWPIN is a scheme developed in the United Kingdom which targets mothers who have preschool children from 0-5 years. It is centre based, and parents participating are asked to commit to attending the centre on at least two of the five days in which it is open. The centre atmosphere is intended to create a warm and welcoming space for parents to meet and talk while their children play. Over time attachments are developed between parents and their child and other parents, with the assistance of staff and specialist support where required. This is also assisted by a personal development program which consists of four modules:

- "our skills as parents" – exploring stress of parents and discipline strategies;
- "Family Play program" – joint sessions with parents and children with a play facilitator;
- "Seers program" – assisting parents to develop friendships with other parents; and

- "Learning for Life" – an individual plan is worked out with the parent to develop further training and follow their interests. In some cases this leads to parents training to become a NEWPIN parent co-ordinator.[121]

Beyond what happens through the centre five days per week the program offers a 24 hour support network of staff and more experienced participating parents able to be contacted in moments of stress or crisis.

NEWPIN is being piloted in Mt Druitt and is being evaluated by Macquaire University to see if it can reproduce the impressive results it has achieved in the UK. At the conference two parents participating in the program spoke of its results:

> I have received lots of support with the children from the play workers and personal support from the staff and other members. I have learned many parenting skills and a different way of communicating with my children. A lot of what I have learned I have been able to use at home, and it is making a difference with my family. I am actually playing with my children now and enjoying it. My daughter has developed social skills and is talking and playing with the other children of NEWPIN. My self esteem and confidence have increased since I completed the personal development program. I am now very active in helping out at the centre.[122]

> My family started to break up. I knew I had to do something. I found a counsellor who then put me on to NEWPIN. This is the best step I have ever made. I was no longer told it is okay to hit my children or put them down. I was offered new ways of doing things. I am now building up the self esteem of my children by no longer hitting them and putting them down.[123]

6.19 Benevolent Society early intervention services

In evidence to the committee the Deputy Chief Executive Officer of the Benevolent Society described three of the early intervention programs run by the Society. These are:

- Early Intervention Program;
- Families Together; and
- The Scarba Child Protection services

The first two programs are preventative, working with families identified as at risk before abuse or neglect has been notified; the Scarba program is an

---

121 75% of NEWPIN co-ordinators are former parent-members – Sinclair attachment, 1998 *Crime Prevention through Social Support Conference 1998* Law and Justice Committee.

122 Duncan *Conference 1998* pp 70-71.

123 Meredith *Ibid* pp 72-73.

intervention after child protection has become necessary so as to prevent a continued cycle of abuse (The first two programs are secondary prevention, the Scarba is tertiary in terms of the models used in Chapter Two of this report).

The Early Intervention Program works with families where there are a range of difficulties such as personality disorders, substance abuse and domestic violence, whereas Families Together concentrates on families where there is a long term mental illness, such as schizophrenia or manic depression. The different target groups require different lengths of intervention: the Early Intervention Program typically works with families over a 12-18 month period, whereas many of the participants in the Families Together program are still in the program after the five years of its life.

The Scarba child protection services are funded by the Department of Health. They consist of three services which work with families where abuse has occurred but the Department of Community Services has judged it is safe enough for the children to remain at home. These services are based in South West Sydney, Central Sydney and the Eastern Suburbs, and the families they work with have problems ranging from alcohol and drug abuse to cognitive limitations on parents and stress from unemployment.

The Early Intervention, Families Together and Scarba services together cost $1.9 million and reach about 300 children and 200 adults at any one time. The Society representative wanted to stress that effective early intervention is costly:[124]

> I think like most non-government organisations we face the same issue. If we are really to address this issue around responding to these families in need at this vital, lifesaving time, it does not cost as much as prison services but it will still cost and, unfortunately, there are not the dollars in any one source to meet the need.

Some of the conclusions reached by the society from operating these services to date are:

- there are far more two parent families in the first two services than the Scarba child protection program. The inference is that once neglect is notified to the Department the stress may have reached such a level that families break;

- An evaluation of the Families Together program has shown that children of families who have been in the program are as securely attached as in a normal population, which goes against all the predictions in a very disadvantaged population; and

[124] *Evidence* 26/7/99, Mr A Ford.

- the level of abuse in the families referred to the Scarba program are usually much worse than was known at the time of referral.

A final conclusion is that the most successful interventions occur before the child is born into a family:[125]

> If we can work with the families while the child is forming, before they have got some clear ideas about what they expect from this baby but they are beginning to wrestle with the issues that a baby is going to come into their lives and they have to deal with the outside issues that they are already confronted with, be it substance abuse or mental illness, we have a much stronger rate of success....When we meet them, be it six weeks later or a year later, we do not have the same level of success. Already some damage has been done, which seems much more difficult to turn around.

6.20 Barnardo's Family Centres

In its 1998 submission to the inquiry Barnardo's outlined the value of using multi-purpose centres to deliver early intervention services. Barnardo's runs five Children's Family Centre's in New South Wales. These are located in areas of high economic disadvantage. They provide a wide range of family support services which integrate intensive support for "at risk" children with more low key assistance such as child care. While usually referral is the way in which most children come into contact with the centres they are open to all to use. This is so as to reduce any stigma which may dissuade needy families from using the centres.

The aim of the centres is to provide "seamless" delivery of services tailored to the individual (and changing) needs of clients. The use of a centre avoids duplication of services and of workers only being aware of part of the problems faced by a family instead of the whole picture. The major programs delivered through the centres include:

- temporary family care;
- semi-supported accommodation;
- child care, including long day care;
- counselling for child sexual assault and domestic violence;
- home visiting;
- adolescent services and community placements; and
- support for teenage parents and parent education generally.

These services vary depending upon the makeup of the area in which the centres operate, particularly in areas of high migrant populations.

---

125 *Ibid.*

Barnardo's is also one of the major services for foster care placements and related services; this area will be examined in a later report of this inquiry.

6.21 Good Beginnings

The *Good Beginnings* volunteer home visiting program is a pilot program run by the Lions Club with funding and assistance from the Federal Department of Family Services. It is a universal service for parents with babies or small children. Volunteers are linked to a family and visit regularly to provide support, friendship and information. A paid co-ordinator trains and recruits volunteers.

The program has been trialed and evaluated in four locations nationally: Inner Western Sydney; Katherine, Hobart and Moe (rural town in Victoria). The evaluation[126] was able to demonstrate positive outcomes for the participants, although these were largely intangible. One disadvantage of the program appears to be a requirement that local management committees raise their own funds to sustain the projects; this appears to be a big ask for local management committees to undertake.[127]

The experience of the Good Beginnings pilot programs is clearly of value to the NSW government's Families First program in relation to its use of volunteers. On this point the evaluation states:[128]

> the evidence is that it [Good Beginnings] provides a different but complementary service to them. It has freed professionals from having to take a befriender or support role that they considered inappropriate for themselves. They welcomed it as providing additional support to the professional support they provided. The parents saw the volunteers as friends.

If the Federal government does undertake to continue to fund this project it would be important for it and the NSW Cabinet Office to discuss ways to avoid duplication of services. The Cabinet Office is aware of the "Good Beginnings" program.[129]

---

126 Cant, R, *National Good Beginnings Parenting Project Evaluation* January 1999.
127 *Ibid* pp 95-96.
128 *Ibid* p III.
129 Wilkins letter to Chair 10/11/99.

Chapter Seven
Local Government and Crime Prevention

7.1 Introduction

In Australia's three tier system of government local government has the most direct and regular contact with citizens in their daily life. An effective council not only provides basic services but can also do much to improve the quality of life in a local community. It should not be surprising that public concern about crime should lead to expectations of a greater role for local government in making communities safer.

In Canterbury City Council in Sydney's inner west a random community survey of 800 households in 1997 rated law and order as the highest priority for council to address over 28 other issues.[1] In Southern Sydney two law enforcement officers were employed by Hurstville Council in response to ratepayer concern about safety in public areas.[2] As the committee has seen at first hand, councils in Ballina, Lismore, Byron Bay and Moree have led the way in developing comprehensive crime prevention plans in response to local concerns.

From the inquiry to date it is apparent that local government is one of the areas of most growth and dynamism in crime prevention activity. Through submissions, hearings and visits the committee has had contact with 15 councils, urban and rural, but this is only a sample of activity happening all over New South Wales. The Local Government and Shires Associations, in a 1999 survey of its 177 members, found that 48% had a Community Safety or Crime Prevention Advisory Committee and 20% had a formal crime prevention plan.[3]

Local government is increasingly being expected to play a key role in crime prevention, a challenge to which many councils have responded. In this chapter the committee raises several questions to better understand this role.

- Should crime prevention be a responsibility imposed upon all councils?

- What models of crime prevention are appropriate for councils and what are inappropriate?

---

1 *Evidence*, 1/10/99, Andy Sammut.
2 *Evidence*, 6/10/99, Beverly Giergel.
3 *Submission*, 14/9/99, Local Government and Shires Association, p 3.

- Which agencies can support councils in this role, and is this support being provided?

- How can the involvement of councils in crime prevention through social support be enhanced?

7.2 Responsibility of local government to prevent crime

The committee believes all councils have a responsibility to contribute to improving the safety of its residents. In areas where crime is a concern for ratepayers, preventing crime should be a major concern of councils. However, the response to this concern will vary greatly from area to area, and councils need to understand and communicate to their constituency where their responsibility ends and where that of other levels of government, or private citizens, begins. All councils need to consider what, if any, role they should play in crime prevention within their area.

Although all councils should start from the principle that they do have a responsibility to prevent crime, the committee does not support a mandatory crime prevention role for local government. In the United Kingdom councils have a mandatory crime prevention role prescribed in legislation.[4] The committee did not receive any evidence strongly supporting a mandatory role. Mr Peter Homel, from the Attorney General's Crime Prevention Division, said:

> Local government authorities in England have access to a higher level of service provision. They are responsible for health and education services and so forth. This is different from the situation with our local governments. So we have to be cognisant to understand the different structure of government here.[5]

The Local Government and Shires Associations were very strong in their opposition to a mandatory role:

> Central governments need to avoid the mistake of viewing crime prevention as a universal local government function. The best result will be to continue to use legal frameworks which allow local government to respond where it is a local issue. Crime prevention strategies and crime prevention planning should not be made mandatory.[6]

In considering their role many councils will decide that crime within their locality is not a sufficiently serious concern of local residents to warrant attention above other competing concerns. Others will decide that the

---

4 Bright J *Turning the Tide* 1997 Demos, London.

5 *Evidence*, 17/6/99, Peter Homel.

6 *Submission*, 14/9/99, Local Government and Shires Association, p 18.

crime problems they experience cannot be addressed by local government – white collar crime and (arguably) domestic violence are examples. To impose a mandatory crime prevention function on local government is not desirable because of the great diversity in the problems faced by local councils and their capacity to respond. The point has also been forcibly made to the committee by the Local Government and Shires Associations that new functions should not be added to local government when many councils are already struggling to fund their current functions.[7]

Recommendation 11
The committee recommends that the Department of Local Government urge all local councils to consider their responsibility for preventing crime within their area. The committee recommends this be formalised by requiring councils to report in their annual report or their Social Plan on the decisions they have made regarding the need for crime prevention within their area. In making this recommendation, however, the committee does not support councils being given a mandatory crime prevention function.

When considering their crime prevention responsibilities, local councils in areas with high crime rates should consider issues of possible legal liability as a relevant consideration. Under the *Local Government Act 1993 (NSW)* local councils have the power to issue and enforce orders which prohibit activities that place members of the public at risk of injury.[8] Development and planning instruments which consider structural safety in building requirements increasingly give consideration to safety aspects such as lighting and visibility in public areas, or what is known as Crime Prevention by Environmental Design. If Australian jurisdictions follow developments in the United States, councils may in the future see themselves subject to actions for breach of duty of care for not adopting crime prevention measures. This could occur if the failure to adopt crime prevention strategies common to similar areas is a substantial contributing factor to a crime occurring.[9]

Aside from the duty of care issue, recent legislation has meant that councils will of necessity have to have an increased role in child protection. The submission from the Local Government and Shires Associations lists the following legislation of which their members need to be aware:

- the *Children and Young Persons (Care and Protection) Act 1998* places a duty of mandatory reporting of suspected abuse for council employees working with children;

---

7 *Submission*, 14/9/99, Local Government and Shires Associations, pp 17-18.

8 eg s630, s631, s632, s642 and enforcement provisions such as s679.

9 Attorney General's Department (NSW) *Crime Prevention Resource manual* pp 10-11.

- the *Commission for Children and Young People Act 1998* requires screening to be used before employing a person in child related work (the position of councils with regard to screening has yet to be determined), and the *Child Protection (Prohibited Employment) Act 1998* which makes it an offence to employ a person who has been convicted of a serious sex offence under certain circumstances; and

- the *Ombudsman Amendment (Child Protection and Community Services) Act 1998*, requires a council General Manager to notify the Ombudsman of any child abuse allegation against an employee.[10]

Councils not providing formal child care services should not be complacent: even a library employee may be covered by some of these provisions, and no council in New South Wales is without a library.[11]

All local councils should consider their crime prevention role; the committee examines below the prevention strategies appropriate to this role.

7.3 Appropriate and inappropriate roles for local government crime prevention

To make generalisations about the role of local council's in crime prevention it is useful to return to the models of crime prevention used in Chapter Two. The table below sets out these roles:

Model	Examples	Level of involvement	Partners/funding sources*	New Developments
Early intervention	Early childhood centres; preschools; after hours care; family support	Varies greatly; significant numbers of councils involved	NSW Health; Department of Community Services; Department of Education and Training; non-government welfare sector	Families First Program
Community Development	Neighbour-hood centres and the services they operate	Very high; majority of councils	Department of community Services; non-government welfare sector; Department of Urban Affairs and Planning; Housing Department	Place management initiative; Schools as Community Centres project; "communitybuilders" project
Situational/	Street	High	Department of	

10 *Submission*, 14/9/99, Local Government and Shires Associations, pp 6-7.

11 *Submission*, 14/9/99, Local Government and Shires Associations, p 6.

Environmental	lighting; car parks and public land management		Urban Affairs and Planning; Housing Department; private businesses	
Law enforcement	Security officers; joint operations with police	High level of interaction with Police; low but increasing level of contribution by local councils to law enforcement	NSW Police Service; private security firms	Council demands for increased policing

*for all models the Crime Prevention Division of the NSW Attorney General's Department is a potential partner, but this is addressed in detail later in this chapter.

7.3.1 Early intervention/developmental crime prevention

Local councils provide services and facilities at each developmental stage, from birth to adulthood. Not all councils provide all of these services and some provide none at all. Council facilities in many areas provide a crucial intervention from the first weeks of birth. This is through early childhood centres and immunisation clinics. Through visits to these centres risk factors can be detected from the first few weeks after birth. Parents can be linked to professional services ranging from counselling for postnatal depression to weight loss and illness in their child. Early childhood centres are able to detect health problems, and report suspected cases of abuse or neglect. Nursing staff for these clinics are usually funded by NSW Health.

From the age of two onwards the nature of the potential intervention changes. Local councils are a major provider of child care through local council run preschools. These preschools employ staff trained to detect risk factors in children and refer parents or carers to appropriate services. Special needs workers are employed to assist with disabilities such as Attention Deficit Hyperactive Disorder or hearing problems which may otherwise be the beginnings of later patterns of problematic behaviour. Children are prepared for the transition to school. Councils also manage the family day care program where carers are licensed to use their homes for child care purposes.

Increasingly in recent years councils have provided supervised out of hours care for school age students with working parents. This is a significant strategy given the research findings by Weatherburn and Lind (see Chapter Four) on the importance of lack of supervision and offending during later teenage years.

Local councils also have a major role in the provision of youth work services targeted at young teens and above. These services vary enormously in their structure, staffing and sources of funding, and during the inquiry the

committee has received submissions on many different models of service provision.

Throughout the different stages of childhood, councils are also closely linked to family support services which provide a range of assistance to families from counselling and crisis support to parent education and preventative work. Council activities such as playgroups are often the referral points for such services. With other developmental needs the council also has a role, providing home and community care services for those with disabilities.

The potential for local councils to contribute to crime prevention through early intervention is very large indeed. However, based on the evidence received to date the committee does not believe this role is being used to the fullest, for the following reasons:

- many councils do not provide some or any of the services referred to above;

- other levels of government do not fund local government to provide interventions at the level required; and

- crime prevention is not made an explicit aim of the services.

The Local Government and Shires Associations in their 1999 Community Planning and Services Audit of their members found that currently NSW councils provide:

- over 400 child care services across New South Wales, with 32% of councils providing long day care services, 22% running preschools, a similar percentage providing out of school hours care and 32% managing family day care schemes;

- almost 150 child health centres, with 58% of councils providing this service; and

- sixty youth services, with 32% of councils providing youth centres.[12]

This is by no means a picture of comprehensive provision of early intervention services. The figures on early childhood centres are a particular concern. As with any other local council service, each council determines which services it provides as part of its Management Plan and other strategic planning processes. Councils in an area well served by private and

[12] *Submission*, 14/9/99, Local Government and Shires Associations, p 6.

community based child care centres, or with an ageing population, may see no value in establishing preschools. Other councils may wish to provide such services but lack the resources because of limited rate revenue or pressing demands in other service areas.

It is important that policymakers do not make assumptions about the level of service provided by local councils overall on the basis of what some councils provide. It is equally important that government agencies which fund early intervention programs adequately fund local councils for this role where it is required. In this respect the committee is optimistic about the potential opportunities provided by the Families First program (see Chapter Six). The Families First plan for the North Coast shown to the committee follows a full audit of services in the areas where the program is to be introduced, including identification of gaps. The committee believes councils should liaise at a peak level with government agencies to ensure the current role and potential of local government to contribute to early intervention is recognised during the roll out of Families First.

Recommendation 12
The committee recommends The Cabinet Office liaise with the Local Government and Shires Associations to ensure the current role and potential future role of local government in early intervention be fully recognised in the rolling out of the Families First program.

7.3.2 Community development

A local council is very well placed to pursue community development models of crime prevention. Councils are close to their communities and have a major impact on the quality of life within those communities. The committee has seen during this inquiry the way forward thinking and energetic councils can strengthen their local community while finding solutions to local crime problems. Other councils remain reactive, looking for the lead from sources external to their area. The research of Professor Tony Vinson (see Chapter Four) on the concentration of poverty in local areas indicates how important it is that social problems be approached at the local level. Councils which can assist their residents feel a greater attachment to their local area will reduce crime and produce many other improvements in the quality of life.

The key to effective community development is for council to facilitate partnerships within its area. The committee has been impressed by how a council such as Ballina works effectively with many local government agencies and the local Aboriginal community. Byron Shire Council is also an example of how a community can create private sector partnerships to

manage alcohol and entertainment related violence and petty crime during major events.[13] Government departments such as Urban Affairs and Planning and Housing can sometimes initiate community development, as has occurred in the redevelopment of public housing estate in Claymore.[14] In Waterloo a department of a university has assisted in revitalising a very disadvantaged inner city community.[15] Private business can also contribute, as the committee witnessed during its visit to an Aboriginal employment program in Moree run by the local cotton industry.

Any consideration of local government community development must consider the fundamental role played by neighbourhood centres. Usually based in a community centre, hall or other council facility, they provide a focal point for referral and a wide range of services and programs. Many of the early intervention programs referred to above operate from neighbourhood centres. Services such as emergency assistance and financial counselling are also frequently available. Cultural and sports programs run by councils often use the neighbourhood centre facilities, as do many non-government services in the local community. The peak body for neighbourhood centres in New South Wales, the Local Community Services Association, states there are over 300 centres across New South Wales, and describes their role as:

> [to] play a community development role in their localities. They are run by local people, and focus on local issues which are important to residents and particularly those disadvantaged from resources and power. While the overall budget for these organisations is more than $65 million, they also harness large numbers of volunteers and uncounted community resources....Neighbourhood centres are therefore in a good position to provide social support services which help to build social capital. Social capital has the capacity to provide the informal "services" which enable people to deal with the developmental life stages and crises which they face. This is fundamentally a prevention function across all areas of government responsibility, including ... crime.[16]

As an example, a submission from Canterbury City Council describes just three of the many programs run from their neighbourhood centre at Riverwood:

- a youth service which provided recreational and employment programs with assistance and professional interventions for youth in the nearby public housing estate;

---

13 Ballina, Byron and Lismore Shires Regional Crime Prevention Forum, 5 August 1999, p 40.

14 "It takes a Village" Good Weekend p40-45, Sydney Morning Herald 5 June 1999.

15 *Evidence*, 25/10/99, Professor T Vinson.

16 *Submission*, 1998, Local Community Services Association, p 1.

- a family support service which assisted 171 families in 1997 with domestic violence support, housing advocacy, child care placements, counselling and other interventions; and

- a community support program which assisted disabled and aged residents with housing and other assistance.[17]

Canterbury has used the co-location of services within its neighbourhood centres to target joint programs at particular groups, such as non English speaking background youth.[18]

A census of neighbourhood centres in 1996 found that in one week across New South Wales they provided:

- 26,500 information and referral contacts;

- 7,000 face to face interviews and counselling services; and

- 1,450 home visits.[19]

Closely related to the role of neighbourhood centres is that of family support services, which frequently operate out of neighbourhood centres. These services form an independent network to that of local councils, and are considered in Chapter Six of this report.

Council's role in community development does not begin and end with neighbourhood centres. Most of the crime prevention activity undertaken by councils can build a community. The model of crime prevention planning promoted by the Crime Prevention Division of the Attorney General's Department is also very much based on building partnerships and creating more cohesive communities.

The services which operate from local council's neighbourhood centres receive funding from many diverse sources, including local councils themselves. However the core funding for these comes from the Department of Community Services Community Services Grants Program. This funding source has failed to keep pace with the demands placed upon it or the add on costs of employing staff (see Chapter Six). An injection of $10 million over four years from 1995 has been the only substantial increase since 1988. For family support services alone NCOSS estimates an extra $30 million over three years is required to meet current demands.[20]

---

17 *Submission*, 16/11/98, Canterbury City Council, pp 9-10.
18 *Submission*, 9/9/99, Canterbury City Council.
19 *Submission*, 1998, Local Community Services Association, Appendix.
20 *Evidence*, 6/10/99, Mr G Moore, NCOSS.

Every indication from State government agencies during this inquiry has been that the current plans revolve around how to more closely target funding for family support rather than increase it.[21] The Families First program provides the only new source of funding of any significance. Local councils will therefore have to examine innovative ways of achieving their community development aims. While many of these services may require increased funding the prospects of substantial injections of ongoing funding from State government appears remote.

There are however three initiatives of State government which may have an important community development role at a local level, and each are in their early stages. The first is the Schools as Community Centres program, which uses the local primary school to link families with other community services, playing a mediating role similar to that played by neighbourhood centres. This program is discussed above in Chapter Six. However the reason for discussing it here is that it offers local government an opportunity to liaise with the agencies involved so as to meet some of the gaps caused by the lack of funding available for new or existing community development.

Recommendation 13
The committee recommends the Departments of Education and Training and the Department of Community Services meet with the Local Government and Shires Associations to discuss ways of co-operating with expansion of the Schools as Community Centres project as a means of overcoming funding constraints on expansion of neighbourhood centres.

The second project with a local community development focus is the place management project promoted by the Premier's Department. The third initiative is the "communitybuilders" project, also run by the Premier's Department. Both these programs are discussed later in this chapter.

7.3.3 Situational/environmental programs

Crime Prevention by Environmental Design has become a common activity of local councils. It is the area of crime prevention where councils appear to be most aware of the contribution they can make. The Crime Prevention Division of the Attorney General's Department produces a resource manual on crime prevention which includes detailed tables on strategies used and case studies of successful local government activity.[22] (Manual Chapter 8)

Councils' role in this form of prevention includes:

---

21 For eg see *Evidence,* 6/10/99, Ms T Milne, DOCS.

22 Manual Chapter 8.

- providing infrastructure such as street lighting, seating and youth facilities such as skateboard rinks;

- responsibility for urban design and planning;

- management of public land; and

- traffic management (such as changing traffic flow to encourage more pedestrians).

Development Control Plans, Local Environmental Plans and Local Approval Policies are all able to be used by councils to make buildings and larger spaces safer and less attractive to criminal activity.

There is a body of literature that has demonstrated that limited expenditure by councils on anti-graffiti campaigns, improved street lighting or agreements with licensed premises can have benefits in economic and social terms greatly exceeding the original investment.[23] However, a single strategy not forming part of a co-ordinated plan is likely to displace crime to a nearby location rather than reduce it overall.[24] For instance clearing away trees from a park used for under-age drinking may transfer the activity to an area with less visibility. Ideally a council should prepare a formal crime prevention plan, but at the very least strategies which combine several forms of crime prevention should be used to avoid this displacement effect.

A sophisticated example of this type of crime prevention was provided in a submission to the inquiry by Sutherland Council.[25] Examples of the approach taken in Sutherland include:

- the Rights of Passage project to reduce crime in public spaces in a large commercial shopping area in Miranda. A joint project between a youth group and the Council to create sporting and artistic activities led to changes to development control plans and local environmental plans by council; and

- conducting Safety Audits of problem areas such as parks and shopping centre car parks which bring together all stakeholders to develop plans for improvements required.

---

23 Farrington D and Welsh B "Value for Money? A Review of the Costs and Benefits of Situational Crime Prevention" *British Journal of Criminology* Summer 1999 Vol 39 pp 345-368.

24 Attorney General's Department (NSW) *Crime Prevention: resource manual* p 74.

25 *Submission***,** 13/9/99, Sutherland Shire Council.

Situational crime prevention is particularly suited to partnerships with non-government agencies and businesses, which in turn can build up a local community and contribute to other forms of prevention. One of the most important partners councils should consider are the owners of licensed premises from which alcohol is served. Research has demonstrated that controlling alcohol sales can significantly reduce assaults, offensive behaviour and malicious damage to property.[26] The Kings Cross place management project has produced a pamphlet explaining the Accord reached between South Sydney Council, various State government agencies and businesses regarding sales of alcohol in the area.[27] There are many other examples councils can draw from of this type of project.[28]

7.3.4 Law enforcement

This inquiry is not concerned directly with crime prevention through law enforcement. However the difficulties of promoting alternative forms of crime prevention were bought home to the committee strongly by submissions and evidence from the Local Government and Shires Associations. The opening to their submission argued:

> The Associations advocate that it is important to recognise there is concern about the resources for policing as a crime prevention method. Police Service resources throughout country New South Wales are a matter of increasing concern to country councils. The Associations believe any review of crime prevention should be holistic, examining not only crime prevention through social support... but also examining the role of traditional policing.[29]

> The Associations urge the Parliament, the Government and the Police Commissioner to examine carefully the concerns of country communities about Police matters and direct appropriate resourcing to these concerns...[30]

The committee recognises the Associations have a responsibility to reflect the concerns of their members, and that there are special issues for rural areas. For instance the committee heard evidence from a councillor from Forbes that being in a police area command region of some 26,000 square km meant that frequently the town was left without any police presence for several hours at a time whenever its two police were called to another area.[31]

---

26 Stevenson R J, Impact of Alcohol Sales on Violent Crime, Property Destruction and Public Disorder, NSW Bureau of Crime Statistics and Research, 1996.

27 Available from Premier's Department Special Projects Division.

28 see "Preventing Alcohol Related Injuries" Homel R in O'Malley and Sutton *Crime Prevention in Australia* 1997 Federation Press.

29 *Submission*, 14/9/99, Local Government and Shires Associations, p 1.

30 *Submission*, 14/9/99, Local Government and Shires Associations, p 5.

31 *Evidence*, 6/10/99, Ms P Miller.

However the committee is concerned that the strongest reaction from the Associations' membership to an inquiry examining alternative forms of crime prevention is to call for more police resources. The committee has visited Moree, arguably one of the rural towns with the most serious crime problems in New South Wales, and seen how a combination of methods of crime prevention has successfully reduced the crime rate by up to 40% without any major increase in police resources for particular common offences.

The committee does not deny that some country areas may lack adequate police resources, and that there may be anomalies between different towns. However the committee does not accept that crime prevention by police has been ignored by governments in favour of other forms of crime prevention; in fact quite the reverse. Inquiries such as this are important so as to balance the overwhelming attention given in public debate to law and order approaches.

A consequence of the unwillingness of councils to consider alternatives to complement traditional law enforcement has been the disturbing trend of some councils to attempt to take on a law enforcement role themselves. It is reported that four Sydney councils have employed special constables to deal with minor law enforcement issues.[32] The Associations estimate that 11 of their members are currently spending over $3 million on traditional policing,[33] including operating 24 hour cameras, security guards and dogs.

Not only is this an inappropriate role for councils to undertake, it is potentially a bottomless pit for ratepayers. State governments across Australia have already shown that there is an insatiable demand for more police; it seems highly dangerous for councils to begin to go down this path. It is also ineffective: as a councillor from one of the councils which had used special constables explained:

> I understand since the appointment not one ticket has been written out. ....To put two uniform police in one area of the city does not address the problem [of crime in the council area] and does not involve the community.[34]

In the same hearing it was also mentioned that Rockdale Council was abandoning its experiment in using sniffer dogs to combat the drug trade, partly on the recommendation of local police.[35]

---

32 SMH 12/10/99.

33 *Submission*, 14/9/99, Local Government and Shires Associations, p 8.

34 *Evidence*, 6/10/99, Ms B Giergel, Local Government and Shires Associations.

35 *Evidence*, 6/10/99, Ms B Giergel, Local Government and Shires Associations.

Recommendation 14
The committee recommends that the Department of Local Government urge local councils to cease current attempts to supplement police resources by funding their own law enforcement. The committee further recommends promotional campaigns by the Crime Prevention Division of the NSW Attorney General's Department include reminders of the cost and ineffectiveness of councils undertaking this law enforcement role.

This should not be seen as discouraging a close working relationship between the police and local councils – quite the opposite. Partnerships work best when the respective parties bring their own unique contribution to the arrangement rather than try to take each other's role. This is certainly the case in two of the rural councils visited by the committee (discussed below). An example of how a city council worked constructively with the police in preventing crime is the project by Canterbury City Council to prevent street prostitution on a major road in the council area:

Canterbury City Council formed a committee which included council and police staff. Police pursued a policy of arresting clients and sex workers while the Council ran a media campaign in the local press which including publishing photographs of clients. Council also employed a street cleaner to collect used condoms and the estimated 63,000 needles discarded annually, and negotiated a relocation of a needle exchange from the street to a nearby hospital. Street prostitution has now been virtually removed from the area, and no client charged has re-offended.[36]

7.4 Crime Prevention Division, Attorney General's Department

The committee has been particularly impressed during this inquiry by the effectiveness of the Crime Prevention Division of the NSW Attorney General's Department. This is an opinion widely shared by many of the people with whom the committee has spoken:

Interaction with the Division has made a significant difference over the past four years – the education and development role it has played and the funding resources it has, have been very important from the local government perspective.[37]

The Attorney General's Department has been exceptionally helpful in helping us to develop our community safety program....They have provided assistance in

---

36 Hatzistergos J "Paper for Partnerships in Crime Prevention Conference" 26 February 1998, Canterbury Council website - www.canterbury.nsw.gov.au/council/comm_prot/speech-feb98.htm

37 *Submission*, 14/9/99, Local Government and Shires Associations, p 17.

developing our strategy and the program. They have produced some excellent materials on the role of local government in community safety and crime prevention, and they have done some very good work in terms of providing us with guidance about the way the community safety plans can be developed.[38]

We have been impressed with some of the approaches taken over the past 12 months. It was good to see the linking of local crime prevention plans and strategies to the implementation of the Parental Responsibilities legislation.[39]

The Crime Prevention Division was established within the Attorney General's Department in 1995 as the NSW Government's key agency for strategic policy advice on the prevention of crime. Its role is to co-ordinate efforts to reduce crime and establish an integrated approach to crime prevention between government, community and private sector agencies. The Division has focussed on local government as the most appropriate means to encourage crime prevention across the state.[40] Reaching rural shires posed a particular problem for a Sydney based government agency with no regional representation. The Division has therefore taken a problem solving consultancy approach designed to strengthen the capacity of local communities to effectively deal with local crime issues on an ongoing basis.

From the work the committee has observed in Ballina, Lismore, Byron Bay, Moree, Bega and Canterbury this consultancy approach has proved very effective. Local communities have been empowered to develop their own solutions to local crime problems. The intervention and sensitive facilitation of Division staff has meant that these solutions have often been very different from the typical law enforcement model.

The committee heard an example of this problem solving approach in Ballina where there had been major concern about damage to property and vandalism on Thursday, Friday and Saturday nights. This was attributed to young people, even by the young people who were consulted as part of the consultation process. However, the Division's crime prevention planning officer also spoke with owners of local pubs, and it soon became apparent that the damage followed a path typically followed by *adult* patrons leaving their premises after closing time. A plan to address this was worked out and the problem was virtually eradicated within a few weeks.[41]

More than 40 regional councils have indicated that they intend to develop local crime prevention plans with the Division's assistance and 16 councils

38 *Evidence*, 6/10/99, Mr A Sammut, Canterbury City Council.

39 *Evidence*, 6/10/99, Ms M Perkins, NCOSS.

40 Safer Towns and Cities paper, 1999 Shipway and Homel P, Attorney General's Department.

41 *Ibid*.

have already begun.[42] The process varies depending upon the size of the problem and the time and resources which the council wishes to provide to crime prevention.

The key to the process is always the development of a local "crime profile" based upon consultations with all the different segments of the community. This is usually a very brief document which tries to describe the crime problems of the area in a way with which all the community can agree. In many ways the process in producing this document is the most important part of changing the way councils look at crime prevention issues. As described by the Division's Senior Project Officer:

> So you need to identify local issues and build up what we call a crime profile report – a better name for which would be the story of what is happening in the community. So you have got the full story. You then have agreed issues. Ideally, you will also have a common language, around which you can talk about crime. You are looking, in particular, for hidden knowledge; or you are exploring assumed common knowledge.[43]

Aside from the consultancy approach which facilitates this initial crime profile, a crucial part of the Division's role is providing councils with additional financial resources to implement their crime prevention plans. At times, such as in Moree, this has also involved the Division negotiating support funding from other departments. The funding takes four different forms depending on the nature of involvement with local councils:

1. Innovative Project Grants: these are fund projects that have not previously been trialed in New South Wales. An example is the production of a manual on how local councils can develop youth crime prevention policies, developed by Ashfield council and a regional organisation.

2. Specific Project Grants: these are for projects nominated by the Division. This is used as a "carrot" to councils to develop crime prevention plans. Examples include the House of Hope at Merimbula to develop programs to reduce sexual assault and domestic violence among young people as both perpetrators and victims; and the Aboriginal Night patrols at Kempsey.

3. Safer Towns and Cities Project Grants which operate under the *Children's (Protection and Parental Responsibility) Act 1997*. The Division funds councils to begin preparation for a Safer Community Compact.

---

42 *Submission* 14/9/99, Local Government and Shires Associations p 14, Homel and Shipway.

43 Mr Chris Shipway at Ballina Regional conference, Record of Proceedings, p 19.

The funding typically provides for a project officer to work with the whole of the local community to establish crime prevention needs, prepare a plan and develop strategies arising from that plan. To date at least nine councils have received these grants.[44]

4. Operational Area Grants: these are only available to councils that have an operational area established under Part 3 of the *Children's (Protection and Parental Responsibility) Act 1997*. To date these have consisted of four councils: Ballina, Moree, Orange and Coonamble. Grants have funded the Miyay Birray Youth Service StreetBeat project for 12 months and the Ballina StreetBeat project for 12 months.

There are two issues raised in relation to the Division which the committee believes require consideration. These are:

- the need for increased resources for the Division; and
- that to date the projects funded are on a non-recurrent basis.

Both are raised by the Local Government and Shires Associations in their submission:

..it is clear that the funding that councils have been seeking is not adequate. Local Government's view of the principal issues for the Crime Prevention Division are the capacity of the grants funds to keep pace with demand and the capacity of the Division's project officers to adequately support this rapid growth in community initiatives. It has been estimated that the Division needs a fund of approximately $2.5 million per year as opposed to the current fund of $1.2 million per year. The other aspect of this part of the equation is that all funding is non-recurrent. Many of the initiatives may be unsustainable, when the non-recurrent funding runs out.[45]

The NSW Council for Social Service also referred to the second issue of ongoing funding in its evidence:

At the end of the day we have to do more than run one-off projects; we have to ensure that the lessons gleaned from those projects find their way into mainstream funding and regulation.[46]

The committee does not have sufficient understanding of the current demands on the Division to put an exact figure on its funding needs. It is hard to believe the Division will be able to extend its coverage of local councils in New South Wales without an influx of funds. However the committee has not seen any evaluation of the demands on the Division and

---

44 *Submission*, 14/9/99, Local Government and Shires Associations, p 16

45 *Submission*, 14/9/99, Local Government and Shires Associations, p 20.

46 *Evidence*, 6/10/99, Ms M Perkins.

its ability to respond. The committee is cautious about recommending any increase in funding unless the need and extent of the increase required has been demonstrated by a formal assessment or evaluation.

If an analysis is undertaken which argues the need for increased funding, this funding should not be borne solely by the Attorney General's Department, as many other agencies will benefit from the successful crime prevention and safer communities which result. The Premier's Department is perhaps the best placed to negotiate ways in which the Crime Division can have its resources increased, given the Premier's Department current push for 'whole of government approaches' to social policy through its Strategic Projects Division.

Recommendation 15
The committee recommends that an assessment be made of the future funding needs of the Crime Prevention Division and its ability to meet the demand on grants funding and staff generated by increasing interest in crime prevention by local government.

If additional funding is required the committee also recommends that the Premier's Department seek other agencies, other than the Attorney General's Department, to contribute to any funding increases.

A different aspect of the funding issue is to what extent local councils can themselves obtain funding from other sources for their crime prevention projects. There is a very diverse source of funds available for one-off projects available from State and Federal government agencies, the philanthropic sector and increasingly the private sector. The main barrier to this funding is knowing what sources are available, and the time required to apply for funding.

One attempt to bridge this gap is the "communitybuilders" project of the Premier's Department (www.communitybuilders.nsw.gov.au); another is a clearinghouse and resource centre being established by Philanthropy Australia. The communitybuilders program seeks to share information and make available published resources to individuals and organisations involved in locally based community development. Philanthropy Australia is the peak body for private foundations and trusts, and has been funded by the Federal government to establish a clearinghouse to assist applicants obtain grant funding from the philanthropic sector.

This approach of widening the funding sources for crime prevention is consistent with the partnership building approach the Crime Prevention Division is seeking to develop. The Division may however need to facilitate a communication strategy to ensure local councils are aware of funding

sources available. The Local Government and Shires Associations is an obvious partner.

Recommendation 16
The committee recommends the Crime Prevention Division liaise with the Local Government and Shires Associations to develop a formal mechanism for improving access to information on grant funding for crime prevention projects by local communities, including councils.

To facilitate this the committee recommends the Division and the Associations meet with those responsible for the Communitybuilders project in the Premier's Department and also the NSW Office of Philanthropy Australia. The aim of this should be to ensure local crime prevention is funded from a more diverse range of sources than the Division's limited grant funds.

Regarding ongoing funding of projects by the Division the committee takes no firm view. The StreetBeat projects it has seen at Moree and Ballina appear to be worthy of continued funding beyond the immediate 12 month period, but this will depend upon evaluations being conducted as to their outcomes. If it is demonstrated that the projects deserve ongoing funding, arguments could be had as to whether the Crime Prevention Division could hand over responsibility to another agency. Other projects funded are very much in the way of a one-off, and should not require funding once their purpose is served. The Division's activities are very different from that of say, the Families First program, where long term funding of many early intervention programs is essential to gaining the ultimate benefits.

The committee sees an ongoing funding role as to an extent undermining the problem solving consultancy approach of the Division. The Division should not become a routine administrator of regular programs, as this can create funding recipients who become entrenched regardless of their actual effectiveness. Despite this there are well founded concerns that projects should not be funded as a one-off without any follow-up or exit strategy. As stated by the Director of NCOSS in evidence to the committee:[47]

> At the end of the day we have to do more than run one-off projects; we have to ensure that the lessons gleaned from those projects find their way into mainstream funding and regulation.

To address concerns about the need for ongoing funding the Division should identify which projects have potential to be effective beyond the life of the initial grant. For these projects a transition plan needs to be

47 *Evidence* 6/10/99, Mr G Moore.

developed with local councils to ensure that ongoing funding is obtained from sources external to the Division.

Recommendation 17
The committee recommends the Crime Prevention Division continues its practice of funding projects on a non-recurrent basis; however for suitable projects it should conduct evaluations as to their value as ongoing activities. If project evaluations do demonstrate the need for ongoing funding the Division should develop transition plans to ensure the continued support of the projects from relevant agencies.

The Crime Prevention Division is an example of a relatively modest investment by the State government in a program which is making a major practical improvement to the quality of life in many diverse areas throughout New South Wales.

7.5 Children (Protection and Parental Responsibility) Act

One of the most surprising aspects of the committee's inquiry to date has been the way in which the *Children (Protection and Parental Responsibility) Act 1997* has been implemented in the two areas visited, Ballina and Moree. The State Coalition government passed the *Children (Parental Responsibility) Act 1994* in response to calls from the community for the police to be given powers to escort children from public places at night to their parents or other safe place.

The powers of the Act were trialed in Gosford and in Orange with what was largely regarded as an unsatisfactory results. In 1995 the incoming ALP government established an interdepartmental committee to review the operation of the Act. Youth advocates heavily criticised the Act as imposing a draconian curfew on young people. The government repealed the previous legislation and replaced it with the *Children (Protection and Parental Responsibil*ity) *Act* 1997.

The new Act contains many of the powers of the previous legislation for police to remove children from public places where a young person is believed by the police to be at risk, this being defined by s19(3) of the Act. The significant difference from the previous Act is however in Part 3, which provides for local councils to apply for the powers to apply in their area. The declaration of limited operational areas for the Act is made by approval of the Attorney General under Part 3 s14(2). However the Act then states:

s14(3) The Attorney General must not make an order declaring an area (or portion of an area) to be an operational area unless the Attorney General is

satisfied that adequate crime prevention or youth support initiatives will be available in the area before the order takes effect.

(4) In considering a request under subsection (1) to declare an area (or portion of an area) to be an operational area, the Attorney General is to have regard to the following:

(a) whether the council has adequately informed and consulted with the local community concerned, including young people and the Aboriginal community, and the views expressed,

(b) the extent and nature of crime in the area

(c) the nature of any crime prevention or youth support initiatives that have been undertaken in the area, including whether any local crime prevention plan or safer community compact is in force….

(d) The effect of making the declaration on young people in the area..

(e) The practicality of applying Division 2 ... including (but not limited to) any advice given by the Commissioner of Police relating to the operational capacity of police to carry out functions under the Division in the area

(f) Without limiting paragraph (e), whether appropriate arrangements have been made to cater for the needs of young people who are removed from public places in the area... and who are not able to be taken home, including culturally appropriate arrangements for Aboriginal and Torres Strait Islander young people

(g) Whether the council has undertaken steps to include young people's needs in its local planning processes.

(5) The Attorney General is to consult with the Minister for Community Services and the Minister for Police before declaring an area (or a portion of an area) to be an operational area.

The Act has been skilfully drafted as a means to an end, that end being to encourage improved crime prevention planning by local councils. It provides a legislative mandate for the work of the Crime Prevention Division with local councils. Councils wishing to apply for Parental Responsibility powers are required to consider the needs of the whole community, including young people and the Aboriginal community. In Ballina and arguably in Moree the operation of the Act appears to have contributed to the community feeling safer without the need for any increase in police numbers.

In making the observations below the committee is aware that a report commissioned by the Aboriginal Justice Advisory Committee has recently been released which recommends the abolition of the Act.[48] The AJAC report was prepared by two community legal centres, one of which is

[48] *A Fraction More Power: Evaluation of the Impact of the Children (Protection and Parental Responsibility Act) on Aboriginal People in Moree and Ballina* Aboriginal Justice Advisory Council 1999.

reported to have initiated an action in the Human Rights and Equal Opportunity Commission Tribunal on the basis of the report's findings.[49] It should however be noted:

- the AJAC report found that the operation of the Act was supported by the Aboriginal community in Ballina; and

- the report found mixed response to the implementation of the Act in Moree among the Aboriginal community, with some supporters and others strongly opposing.

7.5.1 Ballina

In Ballina the council initially applied for the powers under the Act because of public concerns about antisocial behaviour in the centre of town, with front page headlines in the local paper such as "Gang kids rule the night".[50] Arguably the fear of crime was a bigger issue than the nature of the crimes committed. There was a problem with property damage, street offences and break and enter, and other minor crime.

A community forum was held in 1997 at which 450 people attended. As a result of this forum the council formed a crime prevention committee council. The committee was chaired by the manager of the towns youth services, who was also a local councillor. The committee included the local State member Don Page MP, representatives of young people, senior citizens and the Aboriginal community.

With assistance from the Crime Prevention Division a crime prevention plan was developed in consultation with the community, local agencies and external experts. The plan contained a two page crime profile, a safety audit of high crime areas and 21 strategies aimed at preventing crime in the town. Following this, approval was received by the Attorney General for Ballina to become the first area to be declared an operational area under the new Act as at 1 January 1999.

This allowed the Council to receive funding of $70,000 under the Crime Prevention Division's Operational Areas Grant Program to operate the StreetBeat project, one of the 21 strategies in the crime prevention plan, for a 12 month period from January 1999. StreetBeat consists of a minibus and funding for two part time youth workers including an Aboriginal person, to staff a night time service up until midnight.

---

49 "Street Purges of Children Challenged *Sydney Morning Herald* 16/11/99.

50 Northern Star, 19/10/96.

During crime prevention planning it was thought that if police patrolled the streets at night it was likely to lead to confrontations, as well as requiring the purchase of an extra patrol car. Instead, the youth workers employed by StreetBeat are able to recommend young people return home and offer transport back. The youth workers make it clear that if the young people refuse the transport police may have to come past later and exercise their powers under the Act. To date this has only happened five times in six months, despite 749 "incidents" recorded by the service. (An "incident" refers to a recorded contact with a young person; not all contacts involve a request to leave).

StreetBeat workers liaise with police but use their own discretion as to which children they consider "at risk" for the purposes of the Act. Increasingly the police contact StreetBeat if they receive a report of disturbances involving young people rather than providing the initial intervention. The level of direct law enforcement directed against young people has declined while the crime problem, both perceived and actual, is reported by both police and citizens to have declined significantly.

Police at Ballina advised the committee that between January to August only 13 cautions have been issued and only two offences involving young people have been brought to the courts. The Department of Community Services manager at Ballina also expressed enthusiasm for the way the Act had been implemented in the area, and said that earlier reservations about the potential drain on his agency's resources had not been realised.

7.5.2 Moree

Moree is a very different town from Ballina. The committee during its visit was taken on a tour of all sections of town by a local Aboriginal leader, and was particularly struck by the level of socio-economic deprivation in South Moree. During the summer of late 1997 the social problems boiled over, with demonstrations of 600 people protesting about a youth crime wave which was reported to include knifepoint robberies of shopkeepers by young teenagers, stoning of cars[51] and bashings.[52] The protest group, calling themselves the Street Reclaimers, urged the local council and police to apply for powers under the *Parental Responsibility Act* as a way of dispersing what were reported to be groups of over 70 young children at a time gathering in the centre of town on many nights to cause disturbances.

As with Ballina the local council applied under the new Act and underwent the same crime prevention planning exercise. Again the operational area for the Act was only one of many strategies undertaken, which included:

---

51 "Town in Fear of Unruly Teenagers" SMH 24/12/97 p 7.

52 Tensions rising in troubled towns" SMH 17/1/98 pp 1,8 - 9.

- a "Time Out" facility set up for children to attend who were suspended from school;

- regular briefings of police officers by local Aboriginal leaders through a local Aboriginal consultative committee;

- the Premier's Department, Moree Plains Shire Council and several other agencies have contributed to a place manager to work throughout the local area (see 7.6 below); and

- the Gwydir Valley Cotton Growers Association established an Aboriginal employment strategy which has not only placed 75 locals in work in its first 18 months but is also acting as a placement agency for other employers in town.

It is not clear to the committee how much of this activity was generated as a result of the crime prevention planning exercise imposed by the *Parental Responsibility Act*. As with Ballina, Moree received funding from the Crime Prevention Division to run a night bus service. This was run by Mirray Birray Aboriginal Community Resources centre, and as with Ballina it is intended as a way to reduce antisocial activity by young people at night without adopting a heavy law enforcement approach.

Figures provided to the committee by the Barwon Local Area Command indicate the parental responsibility powers have had to be used much more frequently than in Ballina. Police returned young people to their homes or a safe place on 95 occasions during the six months from 1 Jan 1999. This reflects the much more difficult crime problem present in Moree compared to Ballina.

Since the Act has been in operation there have been significant reductions in crime, as the following figures for Moree indicate:

Moree - Crime comparison pre- and post-Parental Responsibility Act Jan-July

Incidents	1999	1998	Variance %
Assault	169	214	Down 21%
Break/enter	314	558	Down 36%
Robbery	26	27	Down 3.7%
Stealing	357	519	Down 31%
Malicious Damage	338	419	Down 19%

Source: Crime Management Unit, Moree, 6 August 1999

To what extent these figures can be attributed to the impact of the *Parental Responsibility Act* is unclear. As Chapter Three of this report indicates, fluctuations in crime statistics need to be interpreted cautiously.

Perhaps more significant, given the tensions in the town in 1997, is that the Moree Street Reclaimers have disbanded. The committee met with the former head of the group who said she believed that the crime problem had improved significantly as a result of the efforts by State government agencies and Moree Plains Shire Council.

The committee sees the key to the apparent success of the Act in Ballina and Moree as the result of a holistic crime prevention planning exercise. The StreetBeat services are a visible demonstration of crime prevention, but it is only one of many strategies introduced. The notable feature of both towns is that crime prevention planning has involved all the key parts of the community, including young people and Aboriginal communities, and that it has lessened the need for heavy law enforcement directed at young people.[53]

The committee understands that every local government area has its own unique crime problems, and the Parental Responsibility Act is not an answer to every problem. Indeed, the legislatively mandated consultation structure is designed to ensure that councils properly consider alternatives to declaration of an operational area. However the committee is concerned at the lack of interest in using the Act, because the Act is one way to draw local councils into holistic crime prevention planning. Orange Council and Coonamble Shire are the only other councils to have areas declared and only Tamworth is said to be expressing interest in applying.[54]

Given the strong message given to the committee that councils across New South Wales see a need for increased police resources, it would not appear this lack of interest is due to a lack of perceived crime problems. Instead it could be for reasons such as:

- crime prevention planning has revealed the Act is not necessary in their area (eg other strategies can be used with less resources required; the crime problem does not involve young people);

- the council is unwilling to go through the consultation and crime prevention planning process;

---

53 Although we note the findings of the AJAC report referred to earlier which indicate young people in Moree have perceived unfair treatment from the police using powers under the Act.

54 *Submission*, 14/9/99, Local Government and Shires Associations, p 16.

- local police or Department of Community Services District officers have advised against the use of the Act when consulted by council; and

- councils and their communities are not aware of the changes made in 1997 and perceive the Act as a hardline law and order measure.

The last two points are of most concern to the committee. Police and Community Services staff in Ballina were initially reluctant for the council to proceed with applying: the police anticipated having to purchase a new patrol car and the Department of Community Services did not believe they had sufficient staff to supervise children unable to be returned to their home. The committee was advised that initial interest by Forbes Shire council was strongly discouraged by police and Community Services for the same reason.[55] The experience in Ballina and Moree was that the Act has reduced, or at least redirected, the demands on the police and had minimal impact on Department of Community Services Staff.

The committee was advised by a senior Department of Community Services manager that joint protocols with the police have been issued to all area managers.[56] The committee remains concerned that there may be unnecessarily negative perceptions of the Act within the Department at district officer level. Likewise the committee is not clear whether local councils across the State are sufficiently aware of the success of the Act to date. For that reason there is the need for a communications strategy to widely promote the experience of Moree and Ballina to encourage greater interest in use of the Act.

Recommendation 18
The committee recommends that the Crime Prevention Division discuss with the Local Government and Shires Associations a strategy to communicate the success of the application of *Children (Protection and Parental Responsibility) Act 1997* in Ballina and Moree. This strategy should be targeted at three groups: local councils, particularly in rural areas; Department of Community Services Area managers and District Officers; and Police Local Area Commands. In communicating with Community Services and Police the emphasis should be that the Act has to date reduced the need for frontline law enforcement in Ballina and Moree.

55 *Evidence*, 6/10/99, Ms P Miller, Local Government and Shires Associations.
56 *Evidence*, 6/10/99, Department of Community Services.

7.6 Place management

Place management as a concept is not specific to local government: it is a way of governing differently at all levels. To date the most important experiments have involved local government very closely. Mr John Mant introduced the concept into Australian policy debates in the mid 1990s[57] and the concept has received national attention through the writings of Mark Latham MP[58]. The NSW Premier's Department has trialed place management projects in three areas which have a high level of social problems, including crime.

The core idea of place management is that policymakers should appoint a specific "place manager" who is accountable for outcomes in a specific geographic area. This is in contrast to having departments such as planning or engineering that focus on their technical specialisation as an input. These departments are characterised as "silos" operating independently of each other and often duplicating resources directed at the same problems. As described by Mr Mant in evidence to the committee:

> In the case of the main street of a country town, is the engineer responsible for the buildings, the way the street functions, the late night security, how signs are hung ....[or] should it be the local town planner or the clerk? Actually it is all of them... because they all have a particular task to perform, no one of them will allow any other to be in charge of outcomes.
>
> In that sort of structure no-one can take responsibility for a complex outcome... Everyone is involved but no-one is responsible for anything. That is what place management is all about. ..We need someone to take responsibility to fix the problems in Kings Cross, but to whom do we go in the existing organisations?[59]

A place manager is appointed with a responsibility for a broad outcome. In crime prevention terms the outcome would be "community safety", and the place manager would be able to use any of the resources available (police, town planning, social services) to achieve this outcome. This approach is argued to avoid the answer to problems being driven by a particular profession or input:

> Kings Cross is a classic example. With a group of about 80 people I did a strategic planning session....One of the issues raised was the amount of petty crime on the street, particularly vandalising cars, smashing windows, stealing things from car seats, and so on. The general approach from everyone is: We need more coppers

---

57 see Stewart-Weeks M "Place Management: Fad or Future?" Institute of Public Administration Australia (NSW Division) August 1998 p 26.

58 Latham M "Civilising Global Capital" 1998 Allen and Unwin pp 214-220 etc.

59 *Evidence*, 1/10/99, Mr J Mant.

on the beat, law enforcement and crime prevention. We should chop off their hands!

When place managers came in and began to understand the place, what was happening and all the different communities at work they found that a large number of petty crimes were being committed by the kids from three families from the Woolloomooloo housing commission estate. This is doing something about the Woolloomooloo housing area and the three families, and finding something for those kids to do other than going up to Kings Cross and smashing car windows. It is crime prevention, but it is not law enforcement.[60]

The Premier's Department through its Strategic Projects Division has established place management pilot projects in Cabramatta, Kings Cross and Moree. All three areas have high crime rates. The committee has received information on these projects and is impressed by the range of projects undertaken. For instance newsletters on the Cabramatta Project which describe the joint Premier's Department/Fairfield Council initiative describe over 15 projects targeting crime directly through police operations and indirectly through employment and urban planning. A brochure on the Kings Cross Licensing Accord outlines how partnerships have been built between business and government agencies to reduce alcohol related crime.

The committee has also seen at first hand how the place manager at Moree has worked closely with Moree Plains Shire Council and local communities. A great deal of effort is being undertaken to assist the management and financial reporting of diverse Aboriginal organisations in Moree and locally managed government initiatives such as the Nardoola bail hostel. The leadership in town appeared to be working cohesively towards shared goals, and crime rates had declined significantly in most categories. It is not clear to the committee as to what extent this is attributable to place management or the many other factors at work in the council, Police and the Department of Community Services, or to external contributions such as the work of the Crime Prevention Division.

This highlights one problem for place management: the extent to which the contribution of the place manager to outcomes can be evaluated. A related weakness is the extent that the role of place manager duplicates the role of local councillors and local MPs, who are after all ultimately accountable to complex outcomes by those whom they represent, as John Mant agreed:

[in one of the pilot areas] everyone now goes to the place manager because he is on the spot, he is full time, he is in the organisation and therefore probably more effective, and he gets quicker action than the member of Parliament or the local councillor.[61]

---

60 *Ibid*.

61 *Evidence*, 1/10/99, Mr J Mant.

The place management projects in Kings Cross and Cabramatta are currently being evaluated by an external consultant. Subject to anything discovered during these evaluations the committee believes place management should continue to be trialed because it appears to stimulate innovative crime prevention projects and because it provides a focus for central agencies to provide resources to areas in need:

> When you have only two or three [place management projects] in a State government area, they do get a disproportionate amount of resources because they are the only ones.[62]

The importance of this is dramatically illustrated in Professor Tony Vinson's report *Unequal in Life* (see Chapter Four), showing the concentration of poverty in a limited number of severely disadvantaged locations. Place management is a means for concentrating efforts on locations instead of State wide programs. The ability of State government authorities to co-ordinate on crime prevention is also very limited given the experience of this inquiry, so place management may be an answer to gaining better focus on State government activities in specific locations.

The committee is, however, yet to be convinced that place management is unique or a panacea for local councils looking for crime prevention solutions. The example quoted above of finding an alternative solution to petty crime in Kings Cross could have equally been reached by the crime prevention planning process undertaken throughout New South Wales by the Crime Prevention Division. Appointing a place manager may be a way for the State government to resolve complex crime problems where a community is unwilling to undertake crime prevention planning. The key is to approach crime prevention as a problem open to many solutions: place management is one process to achieve this goal.[63]

7.7 Communicating crime prevention to local government

Reference has been made earlier in this chapter to concerns that the majority of local government perceive crime prevention largely in terms of needing more police; and to possible misconceptions by councils as to the Parental Responsibility Act. Both these raise the issue of the need for a communications strategy to raise awareness of the potential for crime prevention. This was raised by the Local Government and Shires Association in its evidence:

---

62 *Evidence*, 1/10/99, Mr J Mant, p 13.

63 the committee recognises that place management can be used to argue for a radical restructure of public service delivery, as has been argued by Mant and Latham. It has been considered here only in the context of crime prevention by local government.

Evaluation is very important, and what can be learned in evaluation is very important, but ultimately communicating what is going on is of paramount importance. This document [the submission] is something of a sample of what a whole range of councils are doing. I chair that committee, but much of this was news to me when I read it, and it was news to some of our community service people.[64]

The committee believes a communications strategy is needed which at the very least makes councils aware of what other councils in New South Wales are doing in crime prevention, particularly those who have been assisted by the Crime Prevention Division. This could also involve a sharing of any evaluations conducted so as to broaden knowledge of what has worked and what has not. An ongoing mechanism for sharing this information will then need to be implemented.

The agency to drive this strategy would appear to be the Crime Prevention Division, in close consultation with the Local Government and Shires Associations. However it should also involve other agencies which have an interest, particularly the Premier's Department and the Police. A strategy which emphasised alternatives to crime prevention through law enforcement would have added credibility with councils if the Police were supporting the same argument.

Recommendation 19
The committee recommends that the Crime Prevention Division in close consultation with the Local Government and Shires Association, the Premier's Department and the NSW Police Service develop and implement a communications strategy which shares knowledge about the crime prevention activity of councils across New South Wales. This strategy should include sharing information about evaluations conducted so as to broaden knowledge of "what works and what doesn't." This strategy should include a mechanism to allow this sharing of information to continue as an ongoing process.

At a more ambitious level a communications strategy could also be developed to raise awareness among councils of experience across Australia and internationally on effective crime prevention, particularly crime prevention through social support:

They [local councils] should use evidence based crime prevention strategies and work from the knowledge of the sorts of things that have come before this committee before – that is what works, what is promising and what does not work. I cannot stress that too much. People will constantly come up with ideas that do not work, that have been shown over and over again through scientific scrutiny

64 *Evidence*, 6/10/99, Ms B Giergel, Local Government and Shires Associations.

not to work. There is a need for communication of information, and strong communication at that.[65]

The committee is encouraged by its own experience in bringing two expert speakers from the United State to its conference in October 1998. The work that these two experts spoke about has been quoted in many of the submissions received to date, including those submitted by government agencies. The Local Government and Shires Associations have used the Professor Larry Sherman study on "What Works; What Doesn't; What's Promising" to produce a table which identifies which crime prevention roles are appropriate for local government and which are outside its scope.

Again, the Crime Prevention Division is best placed to drive such a strategy, in consultation with the other key players referred to above.

Recommendation 20
The committee recommends the Crime Prevention Division consider, either as part of or in addition to the strategy referred to above, a communications strategy aimed at local government which highlights work in Australia and overseas on successful and unsuccessful programs. The aim of this would be to deepen the knowledge base of local government on crime prevention.

65 *Evidence,* 6/10/99, Mr N Baum, Local Government and Shires Associations.

Chapter Eight

Crime Prevention and People with Intellectual Disabilities

8.1. Introduction

More than 20% of the people currently in New South Wales prisons have a mild to severe intellectual disability (see 8.2 below). This is a considerable over-representation, as only 2-3% of the population have an intellectual disability. This alone should suggest that this group should be a key target of crime prevention efforts. The committee believes that people with an intellectual disability are a group that can be particularly helped by crime prevention through social support. They are also a group for which the criminal justice system is a particularly blunt instrument to use to deal with behavioural problems.

The committee begins this chapter by considering the over-representation of people with intellectually disabilities in the criminal justice system and as victims of crime. Responses which could reduce crime both by and against intellectually disabled persons is considered. In making recommendations the committee is aware that this is a particularly difficult area involving the responsibilities of many agencies.

The committee uses "intellectually disabled" in this chapter to refer to a person with a permanent condition of significantly lower than average intellectual ability. This may be caused by hereditary factors, brain damage before or after birth or chromosomal abnormalities such as Down's Syndrome.[1]

The committee's discussion in this chapter will not consider in any depth the position of people with a mental illness, except where that person also has an intellectual disability. Only two submissions have been received on the issue of mental illness; the committee would welcome any comment on the similarities and differences of the issues for those with a mental illness such as schizophrenia, depression and bipolar disorder, compared to those discussed below in regard to intellectual disability. Any later report on this inquiry will then highlight these differences and suggested remedies.

---

[1] This is the definition used by the NSW Law Reform Commission Report 80: P*eople with an intellectual disability and the Criminal Justice System 1996* p 54.

8.2 Over-representation in the criminal justice system

When the NSW Law Reform Commission began its major five year study into People with an Intellectual Disability and the Criminal Justice System[2] there were few accurate statistics available on numbers of the intellectually disabled in the criminal justice system. Two studies were then undertaken for the Commission by Professor Susan Hayes of the School of Behavioural Sciences in Medicine, University of Sydney:

- the first, in 1993, found that, testing a sample of 120 people appearing before four NSW Local Courts on criminal charges, 23% had either an intellectual disability or were borderline disabled;[3] and

- a second follow up study which examined a sample of 88 persons appearing before two rural courts, found that 36% had an intellectual disability and a further 20.9% were of borderline intellectual ability. Aboriginal persons appeared to be particularly disadvantaged.[4]

Professor Hayes is currently undertaking research on the prison population, and estimates that people with intellectual disabilities now make up one in five of all adult prisoners.[5] The Community Services Commission, in a submission to this inquiry[6] also states that young people with a brain injury or disability may comprise 14 to 20% of the total population in juvenile justice centres.

Professor Hayes, in evidence to this committee, argues that the involvement with the criminal justice system has increased over the last 10 years.[7] The graph below shows the results of a number of studies undertaken since 1998:

This graph shows the prevalence of intellectual disability in a number of studies conducted by Susan Hayes, in NSW prisons, juvenile justice centres, and amongst people appearing before local courts (1996), or attending Legal Aid offices.[8]

---

2 NSW Law Reform Commission Report 80: *People with an Intellectual Disability and the Criminal Justice System 1996*, p 4.

3 NSW Law Reform Commission, *People with an Intellectual Disability and the Criminal Justice System: Appearances Before Local Courts, Research Report 4, 1993.*

4 NSW Law Reform Commission, *People with an Intellectual Disability and the Criminal Justice System: Two Rural Courts, Research Report 5, 1996.*

5 *Evidence*, 3/8/99, Professor S Hayes.

6 *Submission*, 4/12/98, Community Services Commission, p 14.

7 *Evidence*, 3/8/99, Professor S Hayes.

8 *Ibid.*

Explanatory note: the 1996 study was the rural courts; the 1998 study referred to intellectually disabled clients as a % of all Legal Aid clients appearing on criminal charges.

While some of these studies are not strictly comparable, the 1988 and 1999 studies by Professor Hayes both concerned the prison population and indicate a rise from around 12% in 1988 to just over 20% by 1999. The proportion of intellectually disabled in the population as a whole is estimated to be around 2-3%.[9] This means they are very heavily over-represented in the criminal justice system, perhaps by as high as six times.

The other group in NSW prisons which is even more heavily over-represented is Indigenous offenders. Many more Indigenous offenders have an intellectual disability than other groups, even allowing for cultural factors in the screening test used; it is possible this could be as high as 42% of those charged.[10]

As to the types of crimes committed by intellectually disabled persons, the Law Reform Commission[11] found that these will be of an impulsive or unpremeditated nature, such as:

- offences against property (arson, break and enter, car theft);
- offences in public places; and
- offences against the person (assault, murder, sexual assault).

9 *Submission*, 4/12/98, Community Services Commission, p 14.
10 *Evidence*, 3/8/99, Professor S Hayes.
11 NSW Law Reform Commission Report 80: *People with an Intellectual Disability and the Criminal Justice System 1996*, p 32.

Sexual offences are particularly prominent (see below re causes). In contrast, crimes involving planning, (such as drug trafficking or robbery) rarely involve this group. The pattern of offending will often show a high level of recidivism because of an inability to control impulses and a lack of post-sentence support services.[12]

It should be emphasised that the majority of intellectually disabled persons do not offend. The concern of the committee is how to ensure the minority that do offend can be reduced from its current unacceptably high levels.

8.3 Intellectually disabled victims

A less documented but equally serious problem is the prevalence of people with intellectual disabilities as victims of crime.[13] The Community Services Commission in its submission to this inquiry[14] states it is not able to refer to the level of this problem, but notes there is believed to be great under-reporting of this problem, particularly in residential institutions. Much of this crime is said to be resident to resident, or staff to resident. An inquiry of the Commission into respite care in 1998 found that 52% of residents in long term respite care were reported to have assaulted other residents.[15] The Commission argues that strategies which effectively prevent intellectually disabled persons from committing crimes will also protect the same group from becoming victims of crime,[16] so to an extent both issues can be considered together.

8.4 Causes of the problem

From evidence received to date the committee believes the over-representation of people with intellectual disabilities in the criminal justice system and as victims of crime has two general causes:

- the vulnerability of intellectually disabled persons themselves; and
- the lack of social supports available for those with disabilities living in the community.

---

12 *Ibid*, p 33.
13 *Ibid*.
14 *Submission*, 4/12/98, Community Services Commission, pp 28-31.
15 Community Services Commission, *Respite Care – a system in Crisis 1998*.
16 *Evidence*, 3/8/99, Ms A Tang and Ms J Quilty, Community Services Commission.

The committee will also consider the impact of de-institutionalisation, although this does not appear to be a cause in itself of the over-representation.

Alternative ways of analysing these causes are discussed in the 1996 Law Reform Commission report.[17]

8.4.1 Vulnerability of intellectually disabled persons

The *Pathways to Prevention* report lists[18] a series of risk factors for a child that act as a predictor of later offending. These include disability, low intelligence, difficult temperament, poor social skills and poor problem solving. Some or all of these factors are present in intellectually disabled children. As the report noted, the more risk factors experienced by a child, the greater the risk of antisocial behaviour later.[19] This has a cumulative effect because external risk factors such as failure at school and peer rejection can result from the earlier risk factors such as difficult temperament. The stress of having a child with a disability can also lead to marital conflict and other family problems, also important risk factors.[20]

The Community Services Commission in their submission to this inquiry describe the vulnerability of intellectually disabled persons as perpetrators or victims as follows:

> People with an intellectual disability as a group have common experiences of vulnerability to abuse, discrimination, and social marginalisation because of their disability. Further, their cognitive and communicative difficulties can also contribute to the development of behaviour which is seen as criminal, or which disadvantages them in their dealing with the criminal justice system.
>
> In general, people with an intellectual disability have a limited access to education and employment, a greater likelihood of being dependent on income support payments and consequent poverty, and may have a history of multiple or inappropriate placements. If these factors are compounded by a lack of family or advocacy support and patterns of challenging or aberrant behaviour, such individuals are at high risk of contact with the criminal justice system.[21]

Once an intellectually disabled person is at adolescence, an age when antisocial behaviour begins to be taken notice of by police, they are particularly vulnerable to contact with the criminal justice system, as two witnesses indicated:

---

17 NSW Law Reform Commission Report 80: *People with an Intellectual Disability and the Criminal Justice System 1996*, pp 26-34.

18 National Crime Prevention, *Pathways to Prevention* March 1999, p 136.

19 *Ibid*.

20 *Ibid*, p137.

21 *Submission*, 4/12/98, Community Services Commission, p 15.

> The experience of the tribunal is that they simply get caught, to be perfectly honest. People with intellectual disabilities lack the sophistication and tend to be caught out in the more street-type offences or petty theft because they do it so obviously and they often do it in groups with other people who are better intellectually equipped who know when to disappear and all of that.[22]

> I do not think police deliberately set out to victimise or harass people who have intellectual disabilities. I just think they often see them as smart, unco-operative recidivists. They see their poor behaviour as being smart rather than being an aspect of a disability. Of course, the person who has the disability has spent many years trying to hide their disability, so they would rather appear smart and streetwise than disabled.[23]

Three very important qualifications need to be made by the committee in identifying the particular vulnerability of intellectually disabled persons:

1. The majority of intellectually disabled people do not come into contact with the criminal justice system. As a witness to this inquiry has stated, "risk is not destiny":[24] the presence of protective factors such as attachment to family, supportive relationships to other adults and a positive school climate can and frequently do overcome these risk factors.[25]

2. The committee has seen no evidence that the risk factor increases with the severity of the disability. The opposite appears to be the case. The Intellectual Disability Rights Service states that of the 51 inmates in the Long Bay Developmental Disability Unit between 1 May 1997 and 30 April 1998 all but one had a mild to borderline disability rather than a more serious disability.[26] A problem for service providers is that persons whose disability is too mild to qualify for support services may be more likely to be involved in criminal activity than those with more severe disabilities.[27]

3. It is often impossible to separate the vulnerability of the intellectually disabled as a victim of crime from their vulnerability to becoming an offender. Studies have shown severe behaviour problems in both men and women with intellectual disabilities were most often as a result of traumatic sexual abuse involving multiple perpetrators and typically beginning in early childhood.[28] This is backed up by evidence from a

---

22 *Evidence*, 3/8/99, Mr N O'Neill, Guardianship Tribunal.

23 *Evidence*, 3/8/99, Professor S Hayes.

24 *Evidence*, 25/10/99, Professor G Vimpani.

25 National Crime Prevention, *Pathways to Prevention* March 1999, p 138.

26 *Submission*, 9/9/99, Intellectual Disability Rights Service p 3.

27 *Evidence*, 3/8/99, Ageing and Disability Department.

28 Sobsey D, *Violence and Abuse in the lives of People with Disabilities*, 1994, quoted in S*ubmission*, 44/12/98, Community Services Commission, p 28.

very experienced expert witness in trials involving offences by intellectually disabled persons:

> The young people I see give pretty horrendous versions of violence and neglectful childhoods where they have been subjected to sexual violence. I do not think…that I have had one sex offender who has not been the victim of physical or sexual abuse.[29]

8.4.2 Lack of social supports

The committee is very conscious of the difficulties faced by government departments in times of tight budgets in dealing with a complex problem such as the plight of people with intellectual disabilities. It also recognises that since the Law Reform Commission highlighted the extent of the problem there have been attempts to implement some of the Commission's recommendations. However the over-representation of the intellectually disabled in the criminal justice system is in part due to the failure of government agencies to respond to the challenge of supporting a group of people with often difficult behaviours in the community; and also to the failure to respond to crimes within institutions. This systemic problem involves difficulties faced by:

- central funding agencies to provide sufficient funds for disability services;
- human services agencies to provide adequate supports to those in community based living;
- human service agencies to provide safe environments within institutions;
- criminal justice agencies to adapt to the special needs of this group; and
- criminal justice and human services agencies to co-ordinate effectively.

As agencies generally acknowledge that these problems exist there is little value in dwelling on past mistakes unless they contribute to understanding future solutions. Most of this chapter will examine ways in which agencies can prevent crime by an improved response to the needs of people with intellectual disabilities. To undertake this it is first necessary to describe the structure of services and agencies involved.

---

[29] *Evidence*, 3/8/99, Professor S Hayes.

8.4.3 The impact of de-institutionalisation

New South Wales has followed the trend seen throughout the world in the last 30 years in moving away from accommodating those with an intellectual disability in large institutions to community based living. The stimulus for this was the Richmond Inquiry which released its findings in 1983.[30] Since that time successive governments have pursued a policy of de-institutionalisation and closure of large institutions. Currently the State government has committed itself to a 12 year plan, to be completed in 2010, for the devolution of all existing institutional facilities.[31]

The committee supports the policy for its potential to prevent people with intellectual disabilities becoming victims of crime. Prior to this policy violence, assaults, stealing and sexual assaults which would normally be brought to the attention of the criminal justice system were regarded as the internal business of the institution.[32] Recent history indicates the containing of crimes within institutions also extended to those committed by staff against residents. The Community Services Commission refers to a number of its inquiries into residential facilities, both government and non-government, where serous criminal offences by staff were kept within the confines of the institution, including a staff member who threw boiling water over a resident and other serious physical assaults and theft.[33]

A parent provided a personal account of his son's experience:

> While at the institution he developed into a very frustrated lonely young man. No communication, no peers, no means of refusing compliance except by very bizarre and aggressive behaviour, self inflicted injuries and blood letting. He had no other means of saying "no, I do not want to do that".
>
> After he came home with all his aggression and antisocial behaviour, he assaulted a family friend in public. This could have led to injury and could have led to criminal proceedings against him. He would have been considered a danger to others. Now, in the changed environment of a group home, and in the care of very good staff and others who will listen to him and respect his wishes, his self-injurious behaviour is no more. He communicates with the carers who look after him. He can move freely in public and has learned to trust people....the changes have been dramatic; a triumph for de-institutionalisation.[34]

---

30 *Inquiry into Health Services for the Psychiatrically Ill and the Developmentally Disabled* 1983: "the Richmond Report".

31 *Submission*, 5/10/99, Ageing and Disability Department (NSW), p 8.

32 *Submission*, 17/11/98, Professor S Hayes p 4.

33 *Submission*, 4/12/98, Community Services Commission, pp 29-31.

34 *Submission*, received 23/9/99, Mr P Hutten, p 3.

No-one has argued before the committee that de-institutionalisation should be stopped or even made slower; quite the contrary, the Intellectual Disability Rights Service is critical of the slow pace to date[35] and suggest the State is well behind world leaders such as Canada and Scandinavian countries.[36]

The committee does not identify the process of de-institutionalisation as a *cause* of the over –representation of people with an intellectual disability in the criminal justice system. There are studies by Professor Hayes which show an increase in the level of over-representation since 1988. However, there is no direct evidence in favour of this link, and two strong arguments against the link being made:

- despite closures of several institutions, the actual numbers of people living in them has not significantly declined;[37] and

- most intellectually disabled persons in prison have a mild disability whereas those in residential institutions typically have more severe disabilities.

8.5 Framework for services to the intellectually disabled in New South Wales

8.5.1 Legal responsibilities

Section 9 of the *Disability Services Act 1993 (NSW)* requires agencies to formulate Disability Action plans which demonstrate how they will ensure their services can be used by those with a disability. The *Disability Discrimination Act 1992 (Cth)* requires all agencies to provide their services in ways which do not discriminate against people with disabilities. In addition to these statutory duties, agencies which provide residential facilities and other services owe a common law duty of care to those in their care. This duty of care will be considerably higher for the intellectually disabled than other groups because of their vulnerability.[38]

To support these legal requirements the NSW Ageing and Disability Department in December 1998 established a Disability Policy Framework, the basis of which is:

---

35 *Submission*, 9/9/99, Intellectual Disability Rights Service, p 2.

36 *Evidence*, 8/11/99, Ms M Bellanta, Intellectual Disability Rights Service.

37 the *Performance Audit: Large Residential Centres for People with a Disability in NSW* 1997, Community Services Commission, p 19 found that the total number had only declined by 75 persons between 1991 and 1997.

38 Community Services Commission, W*ho Cares?* 1996, p 23.

- mainstream service agencies need to provide for people with a disability as part of core business; and

- disability specific services should complement and assist mainstream provision.[39]

8.5.2 Human services departments

The lead agency with a disability focus is the Ageing and Disability Department. Under this Disability Policy Framework it has two main roles relevant to crime prevention:

- to assist mainstream agencies to ensure their programs, services and crime prevention strategies are appropriate to minimise their being either victims or offenders; and

- to provide strategic leadership to those providing specialist service systems, including those funded through its own programs.

The Department funds services to a total of 12,000 persons,[40] including large institutions down to small group homes within the community. It is a funding body; it does not run the services, which are provided by a range of government, non-government, non-profit and private sector providers.

The next human services department with a specialist role is the Department of Community Services. Its role is complex and includes:

- preventing abuse of the intellectually disabled as part of its child protection function;

- being a provider of accommodation services (institutions and group homes);

- funding of non-government agencies supporting the intellectually disabled through its Community Services Grants Program;

- its responsibility for State wards, a significant number of which have an intellectual disability;[41] and

---

39 *Submission*, 5/10/99, NSW Ageing and Disability Department, p 5.

40 *Evidence*, 3/8/99, Ms S Pierce, Ms M Fahey, NSW Ageing and Disability Department.

41 Community Services Commission, *Turning Victims into Criminals: the Drift of Children in Care to the Juvenile Justice System 1996.*

- early intervention services to identify disability and provide support to parents.

NSW Health has a role which encompasses both specialist services and mainstream services which have a potential crime prevention role with the intellectually disabled. Community health and funding of home based support services; brain injury units within hospitals, mental health services, and early childhood nurses are just some of the services provided.

The Department of Education and Training is a mainstream provider in terms of the Disability Policy Framework. It has an important early intervention role in ensuring that disability is detected early before it leads to disruptive behaviour and the accumulation of other risk factors which can then result, such as peer rejection, truancy and low self esteem. Many other mainstream departments may have a small role to play in preventing crime among the intellectually disabled, such as the Departments of Sport and Recreation and Housing.

8.5.3 Criminal justice agencies

The criminal justice agencies can be characterised as those whose crime prevention role is primarily associated with law enforcement: the police, the courts and prisons. The NSW Police Service is a crucial agency. The use of discretion by police when an intellectually disabled person is exhibiting challenging or difficult behaviour will determine in the first instance whether the person proceeds further in the criminal justice system. The police interview is the next threshold, with detection of a disability at this stage having major consequences later.

The Legal Aid Commission provides legal representation to the majority of intellectually disabled persons charged with criminal offences. It also funds community legal centres which assist intellectually disabled persons, both generalist services such as the Illawarra Legal Centre and the specialist Intellectual Disability Rights Service.

The Attorney General's Department funds and manages the courts system through which an intellectually disabled person passes when charged with criminal offences. As will be seen below, it has in recent years been seen as the lead agency for the criminal justice departments in liaising with their human services counterparts. For disabled persons who are victims it also provides a range of support services and administers the Victims Compensation Scheme.

Aside from the courts themselves the Guardianship Tribunal and the Office of the Public Guardian, while not directly concerned with criminal justice

issues, have an important role to play for the subgroup of the intellectually disabled who are within its area of responsibility (see below).

Should an intellectually disabled person be convicted then the responsible agencies become the Departments of Corrective Services or, the Department of Juvenile Justice. Within prisons or detention centres programs are provided to assist prisoners. This also extends to bail hostels and the funding of post-release support services through the Department of Corrective Services Community Grants Program.

There are also several agencies with a "watchdog" role. The Office of the Ombudsman investigates complaints against government departments, including the Police. The Community Services Commission monitors and reviews the delivery of services funded by the Departments of Community Services and Ageing and Disability and investigates complaints against community service providers. Its various reports[42] provide the most detailed information currently available on shortcomings in the current system.

The committee believes that of all agencies the Crime Prevention Division of the Attorney General's Department is the best placed to drive many of the initiatives discussed in the next section of this chapter. This is because it has a specialist crime prevention function and does not have the other competing funding priorities of some of the other agencies, such as the Department of Community Services and the Ageing and Disability Department.

8.6 Gaps in services and lack of co-ordination

8.6.1 Law Reform Commission criticisms

The many agencies involved suggest that co-ordination between services will be a major problem. The NSW Law Reform Commission in its 1996 report summarised the situation as:

- there is little co-ordination between government agencies, including government departments, for example: there are no clear interdepartmental arrangements for the transfer of relevant information about a person or responsibility for a person from one agency to the next; there is uncertainty about which agency is the appropriate contact, provider of services or source of information; and there are people needing services for whom no agency will accept responsibility;

---

42 *Submission*, 4/12/98, Community Services Commission.

- many criminal justice agencies do not have a systematic approach to clients who have an intellectual disability, for example they do not have appropriate procedures to identify people with an intellectual disability; staff often do not understand the needs of people with an intellectual disability or how to meet them; the agency's responses to difficulties may be inappropriate, based on wrong information or inconsistent; and there is no adequate formal system of liaison and consultation between agencies and people with an intellectual disability, their carers and representatives; and

- there is no overall co-ordination or continuity in the way support is provided to an individual when he or she comes into contact with the criminal justice system. It tends to be provided in a sporadic and crisis-based manner.[43]

The Commission identified the Ageing and Disability Department as being the key agency to lead a co-ordinated strategy involving all key departments. It also recommended the Department of Community Services establish a case manager service to oversee the plight of individuals within the system to ensure they receive the services they need from all the relevant departments.[44]

8.6.2 Improvements since 1996

The committee believes progress has been made since 1996. Improvements identified during this inquiry include:

- the Interdepartmental Committee on Intellectual Disability, chaired by the Attorney-General's Department. Through this the Ageing and Disability Department is working with the Attorney General's Department to manage the implementation plan for making mainstream criminal justice agencies responsive to the particular needs of the intellectually disabled. This was established in September 1998 and reflects the responsibility of those agencies under Section 9 of the *Disability Services Act*;

- an interdepartmental working group on eligibility for services for persons with a dual diagnosis of intellectual disability and mental illness (see below);

---

43 NSW Law Reform Commission Report 80: *People with an Intellectual Disability and the Criminal Justice System 1996*, pp 359-360.

44 *Ibid*, p 358.

- a committee has been appointed by the Attorney General's Department to monitor implementation of the Law Reform Commission's recommendations;

- an early intervention co-ordination project to support young children with a disability, jointly funded by NSW Health, the Ageing and Disability Department and the Department of Education and Training; and

- a pilot case manager project for sex offenders jointly run by the Department of Community Services, the Department of Corrective Services and the Office of the Public Guardian, and a pilot involving the same agencies in developing service models for people known to the criminal justice system.

The last project is described by advocacy group, the Intellectual Disability Rights Service, as demonstrating "a refreshing level of interdepartmental and regional co-operation".[45]

There have also been initiatives from the non-government sector aimed at improving local co-ordination of services. Both Professor Hayes and officers of the Ageing and Disability Department, in evidence to the inquiry,[46] spoke highly of the Illawarra Disabled Persons Trust as a model for other areas. This project, initially funded by the NSW Law Foundation and now by the Ageing and Disability Department, provides volunteers to support intellectually disabled persons in their dealings with the police and the courts while at the same time training local criminal justice agencies in how to respond to the needs of intellectually disabled persons.

There is already a State-wide funded network of court support schemes for victims of domestic violence, funded by the Commonwealth through the Legal Aid Commission. Support for a similar, smaller scale scheme for intellectually disabled persons could be considered, depending upon an evaluation of the Illawarra project.

Recommendation 21
The committee recommends the NSW Attorney General's Department evaluate the success of the project of the Illawarra Disabled Persons Trust in terms of diverting intellectually disabled persons from unnecessary contact with the criminal justice system. Depending upon the outcomes of this evaluation the committee recommends the Department approach its Federal counterpart to fund a network of

45 *Submission*, 9/9/99, Intellectual Disability Rights Service, p 4.

46 *Evidence*, 3/8/99, Professor S Hayes; *Evidence*, 3/8/99, Ms S Pierce, Ms M Fahey, NSW Ageing and Disability Department.

similar court support services for the intellectually disabled as a crime prevention initiative.

Another initiative is a partnership between the Intellectual Disability Rights Service and the Council for Intellectual Disability, jointly funded by the NSW Law Foundation and the Ageing and Disability Department. The purpose of this project is to develop a legal, policy and community services framework to prevent unnecessary involvement of the intellectually disabled in the criminal justice system. It appears this is aimed at addressing some of the issues of gaps in services for individuals, including the need for case managers. This is important because much of the moves to improved co-ordination to date have concerned departments' roles rather than working back from individuals; both approaches are needed.

Recommendation 22
The committee recommends the Interdepartmental Committee on Intellectual Disability formally consider and respond to the findings of the current project by the Council for Intellectual Disability and the Intellectual Disability Rights Service to develop a legal, policy and community services framework to address the needs of individuals with a disability at risk of offending.

8.6.3 Dual diagnosis

The many gaps in co-ordination between agencies will not be discussed in further detail because of the number of initiatives under way which are examining this issue. However one problem which was particularly raised by witnesses to the inquiry will be considered here. The problem concerns services for those with a double disability: a mental illness combined with an intellectual disability:

> In my experience the mental health system has not adequately recognised the fact that people with an intellectual disability are more prone to mental illness than that non-disabled part of the community. Very often the mental illness part is overlooked when people come into contact with the mental health services. When they go to a mental health facility, taken by parents who cannot cope or police, once the fact is determined that they have an intellectual disability that is the deciding factor and no more inquiry is made about their actual mental illness status. It is a case of falling between the two systems.[47]

The committee is concerned that departments with tight budgets will attempt to look for ways to define clients out of their services and into those provided by another department. The committee has been informed by the Ageing and Disability Department that an interdepartmental committee on

---

47 *Evidence,* 3/8/99, Professor S Hayes.

dual diagnosis has been established. This may address some of the concerns raised but the success of any joint protocols developed will need to be closely monitored.

One strategy which appears to have been successfully used by parents or others seeking support services for intellectually disabled persons is to make an application for guardianship. This allows for the guardian to act effectively as a case manager, determining the services required and negotiating with government departments to provide the required services. Guardianship can work effectively in some instances; however it is regarded by the Tribunal's President as an inferior option to a more extensive system of case managers.[48]

Moving from addressing gaps in services, this chapter now addresses ways in which firstly human services agencies and secondly criminal justice agencies can prevent crime involving the intellectually disabled as either perpetrators or victims.

8.7 Preventing crime within large institutions

The number of intellectually disabled persons who still live in large residential institutions has not significantly declined despite closures of centres.[49] Significant numbers of people will remain in these institutions over the next decade. Investigations and inquiries of the Community Services Commission since 1995 have demonstrated that there are very serious problems with the level of unreported crimes against residents, both by other residents and by staff.[50]

There are therefore two ways in which crimes in large institutions can be reduced:

- by reducing the number of people in those institutions; and
- by creating safer environments within the remaining institutions.

An immediate allocation of funds for the transition of residents from large institutional centres to the community could significantly reduce the incidence of crime against the intellectually disabled if implemented

---

48 *Evidence*, 3/8/99, Mr N O'Neill.

49 *Submission*, 9/9/99, Intellectual Disability Rights Service, p 2.

50 Community Services Commission, *The Lachlan Report* 1995; *Who Cares?* 1996; *The Performance Audit Report into Large Residential Centres for People with a Disability in NSW* 1997; *Suffer the Children* 1997; *Inquiry into Cram House* 1998; *Respite Care – A System in Crisis* 1998.

effectively. It could have an opposite effect if poorly planned or not properly funded.

The committee is well aware that the biggest barrier to providing effective support to the intellectually disabled living in the community is the cost. The committee understands the tightness of funding at a State level and throughout this report has been reluctant to recommend large scale expenditure. However, if a policy of de-institutionalisation is to be effectively pursued there needs to be adequate levels of support, at a higher level than currently exists, to effectively prevent crime.

Regarding the devolution, the committee understands the Ageing and Disability Department has established a unit to undertake this work, and that the first 12 months have been allocated to developing a comprehensive plan.[51] Despite criticisms by advocacy groups as to the slowness of this devolution[52] the committee believes that the current transition plan is in too early a stage to pass judgement. If there is still little progress towards devolution over the next 12 months then critics may be justified in calling for greater action.

Recommendation 23
The committee recommends that the policy of devolution be supported by a significant increase in funding of support services for those living in the community. Future closures of large institutions should follow successful past models of planned transitions for disabled persons into the community.

Regarding improved safety within existing large institutions the committee is interested in the current research project to be undertaken by the Community Services Commission with funding from the Disability Council. This project will identify situational crime prevention strategies (see description of this model of prevention in Chapter Two) suitable to be adapted for large residences; it will also look for early indicators of offending behaviour in other residents or among staff which could require intervention to prevent crime.[53]

Recommendation 24
The committee recommends the Ageing and Disability Department and the Department of Community Services consider and formally respond to any recommendations arising from the study by the Community Services Commission on crime prevention strategies suitable for use in large residential institutions.

51 *Submission*, 5/10/99, NSW Ageing and Disability Department p 8.
52 *Submission*, 9/9/99, Intellectual Disability Rights Service, p 2.
53 *Evidence*, 3/8/99, Community Services Commission.

Beyond that the major concern raised in evidence to this inquiry has been the selection, training and monitoring of staff in large institutions. This was discussed in detail in the Community Services Commission's 1996 report: *Who Cares – Looking at Recruitment and Screening in Residential Services.* As a result of the Wood Royal Commission the Office of the Commissioner for Children and Young People will include a probity screening unit which will apply to workers directly involved with young people;[54] however, there is no similar body for those with a disability. In evidence to the committee Commission staff confirmed there was still no minimum requirements for competency for staff who want to work in these institutions:

> In terms of the disability area it is still an ad hoc system. Certainly for departmental workers there are more procedures in place and criminal checks are done. There is some limited screening when those staff are recruited.
>
> In the non-government sector practices can be varied. Some organisations are very good and are thorough in their checks, others are less so. Across the board there is a high reliance on casual staff. There are many problems with casual staff and a likelihood the wrong kind of people might be attracted.[55]

There is evidence in the Commission's reports and inquiries that staff of institutions have unlawfully restrained and physically assaulted residents; sexually abused residents and ignored repeated physical and sexual abuses by residents against each other.[56] Some of the non-government services examined had no documented procedures for responding to allegations of abuse by staff.[57] The committee believes there is an undeniable need for improved consistency in staff selection and monitoring so as to prevent crime and protect the basic human rights of intellectually disabled persons within institutions.

Recommendation 25
The committee recommends that the Ageing and Disability Department establish a probity screening unit for employment of staff working with adults with an intellectual disability with a similar role to that established for children and young people through the Office of the Commissioner for Children and Young People.

Recommendation 26
The committee further recommends that, through this unit or through another mechanism, minimum standards be developed for employment and training of staff applicable to the non-government as well as government run services.

54 *Submission*, 4/12/98, Community Services Commission p 33.
55 *Evidence*, 3/8/99, Ms A Tang, Ms J Quilty, Community Services Commission.
56 *Submission*, 4/12/98, Community Services Commission pp 29-30.

The recommendation is equally applicable to staff in smaller group homes; the same problems with staff persist. The difference is however that with group homes the smaller environment makes it harder to hide abuses and more likely that families and friends are involved in the service settings.[58] One particular problem appears to be the inappropriate use of police as a way of dealing with discipline or behaviour problems instead of development of behaviour management strategies.[59]

8.8 Preventing crime in community settings

The committee, as indicated earlier in this chapter, fully supports the current policy of de-institutionalisation as being the most desirable for the welfare of intellectually disabled persons. In most cases supported living in the community will also be safer for the intellectually disabled person. However the over-representation of the intellectually disabled in the criminal justice system already demonstrates that there are serious issues which need to be considered as the transition proceeds.

8.8.1 Successful community living for those with difficult behaviour

Intellectually disabled persons can live in a range of different settings in the community from supported accommodation with full time staff, to group homes through to independent living. It is difficult to generalise about the supports required for the intellectually disabled living in community, as these vary greatly depending on the individual. Arguably one benefit of community living over an institution is that support can be tailored to the individual rather than the needs of the institution. Where an intellectually disabled person has what is described as "difficult" or "challenging" behaviour it becomes vital that these supports are provided to avoid them becoming involved in an institution of another kind, those of the prison system. This highlights the need for case managers to be appointed to co-ordinate the delivery of these services to individuals.

One of the disturbing features of evidence and submissions received during this inquiry has been the lack of examples provided to the committee of successful models of community living where supports have been provided to people with difficult behaviour. Representatives of the Community Service Commission, the Ageing and Disability Department and the Intellectual Disability Rights Service were unable to provide specific

---

57 *Inquiry into cram House 1998,* Community Services Commission.

58 Evidence, 3/8/99, Ms A Tang, Ms J Quilty, Community Services Commission.

59 *Submission,* 17/11/98, Professor S Hayes, p 7.

examples of which they were aware when asked in hearings.[60] The Community Services Commission in a later response arising from the hearing suggested several contacts to pursue this further, but aside from this the specific programs they referred to were both in other jurisdictions:

- the Intellectually Disabled Offender Program provided by the Victorian Offenders Support Association, which provides supported accommodation in the community for people with intellectual disabilities who have committed offences or are at very high risk of doing so; and

- the Special Offenders' Service in Lancaster County, USA.

The committee believes there is a need to clearly identify those services that have a good reputation within New South Wales for supporting intellectually disabled persons with challenging behaviours. It may be that the research project being undertaken by the Council for Intellectual Disability and the Intellectual Disability Rights Service is able to do this within its brief. If it is not, the Crime Prevention Division in consultation with the Ageing and Disability Department should undertake this role.

It would then be valuable to conduct independent evaluation of the success of these services in preventing crime. This could then provide a way for policymakers to be better informed in the development of crime prevention strategies run in conjunction with the policy of devolution.[61]

Recommendation 27
The committee recommends that the Crime Prevention Division in consultation with the Ageing and Disability Department identify a list of specific services in New South Wales which allow intellectually disabled persons with challenging behaviour to live in a community setting. The most highly regarded of these should be the subject of independent evaluation of their success in preventing intellectually disabled persons from unnecessary involvement in the criminal justice system.

---

60 *Evidence*, 3/8/99, Community Services Commission & NSW Department of Ageing and Disability; *Evidence*, 8/11/99, Intellectual Disability Rights Service.

61 Some references on outcomes of community living have been provided to the committee, although these do not generally focus on crime prevention outcomes. The studies include: "De-institutionalisation of persons with intellectual disabilities: A review of Australian studies" Young, Sigafoos, Suttie, Ashman and Grevell, Journal of Intellectual & Developmental Disability Vol 23, No 2 pp 155-170; People with Disabilities who Challenge the System D Lehr and F Brown 1996 Paul Brookes Publishing, Maryland USA; "Outcomes and Costs of community Living: Semi-Independent Living and Group Homes" R Stancliffe and S Keane February 1999, Centre for Development Disability Studies, University of Sydney)

8.8.2 Eligibility for services

One difficulty in providing support to the intellectually disabled living in the community identified during this inquiry is that of criteria used for eligibility for services. This was raised by several witnesses and submissions.[62] Most of those in prison with an intellectual disability have a mild disability and Professor Hayes in her evidence confirmed these were the most likely to be involved in criminal activity. However, the criteria used for eligibility for services by Departments such as Ageing and Disability and Community Services is typically the level of disability; the likelihood of involvement in criminal activity is not a criterion.

This is a difficult issue: as the Ageing and Disability Department pointed out in evidence. Their responsibility for disability is much wider than that of the sub group who are at risk of contact with the criminal justice system. However, it is a problem which needs to be addressed, as these two examples provided by the Guardianship Tribunal indicate:

- an older man with mild disability had a history of inappropriate sexual behaviour, including alleged paedophilia. He was living in a boarding house. The appointed guardian argued support or supervision was necessary to prevent abusive activity and to protect the community. The relevant department cited lack of resources and declined to provide any services as the person did not fit their guidelines; and

- a man in his late twenties had been in prison a number of times for stealing, indecent exposure and offensive behaviour. Expert evidence was provided that the man required a structured environment combined with behaviour modification to prevent further offending. However because he only had a mild disability he was not able to fit into existing service delivery models.[63]

The Guardianship Tribunal provided seven other similar examples, including one example where a person with a moderate disability was charged with manslaughter in a situation where appropriate accommodation could not be provided.

The initiative of the Department of Community Services to trial a program for known offenders is a positive step to address this question. The committee believes there needs to be a category of "risk of offending", however expressed, which will enable an intellectually disabled person to

---

62 *Submissions*, 1/12/98, Guardianship Tribunal, 17/11/98, Professor S Hayes; *Evidence*, 8/11/99, Ms M Bellanta, Intellectual Disability Rights Service.

63 *Submission*, 1/12/98, Guardianship Tribunal, pp 2-3.

receive appropriate supports. Under the Disability Services Act framework it would appear a responsibility of criminal justice agencies to consider the needs of the intellectually disabled in this situation. Therefore the funding for these services should be shared between human services and criminal justice agencies, although administered by the human services departments.

Recommendation 28
The committee recommends a category of "risk of offending" be used in criteria for determining services to the intellectually disabled. The Interdepartmental Committee on Intellectual Disability should consider how services provided under this criteria can be jointly funded by human services and criminal justice agencies and which department should administer the allocation of these services.

8.8.3 Day programs

The committee has not received detailed evidence on the types of support programs required for the intellectually disabled living in the community other than accommodation, which is clearly the most fundamental need. The other specific needs for programs identified are:

- provision of day programs for people living in unsupported accommodation or with family members. Some crime is said to occur simply from boredom or lack of structured activities to occupy the intellectually disabled during the day. For families caring for the intellectually disabled day programs prove a form of respite from a very demanding role;[64]

- increase in availability of TAFE courses for those with intellectual disabilities. Most are currently only for six months, and are often tied to finding employment afterwards. There is a need for these courses to be used to teach life skills or for other purposes other than job seeking;[65]

- improved access to behaviour management programs, particularly during childhood. Professional assistance is said to be hard to find and typically excludes those with the most challenging behaviour on the grounds they will upset the smooth running of the program;[66] and

- increase in specialist health services for the intellectually disabled. Because the Health Department focuses on mental illness it does not provide any health promotion units for the intellectually disabled.

---

64 *Submission*, 1/12/98, Guardianship Tribunal; *Evidence*, 3/8/99, Mr N O'Neill, Guardianship Tribunal.

65 *Submission*, 17/11/98, Professor S Hayes, p 5.

66 *Ibid*, p 6.

However, there are many health issues such as drug use which would benefit from specialist programs; there are also issues of medications which can be used for the intellectually disabled in limited circumstances to reduce their likelihood of offending.[67]

Recommendation 29
The committee recommends the Ageing and Disability Department consider how to liaise with other agencies to improve the provision of day programs to the intellectually disabled, particularly:

- **day programs for those in unsupported accommodation;**
- **increased availability of TAFE courses for purposes other than job seeking;**
- **improved access to early childhood behaviour management programs; and**
- **increase in specialist health services for the intellectually disabled, particularly drug and alcohol.**

8.9 Police and the intellectually disabled

The NSW Police service is currently developing a Disability Plan for 2000-2003.[68] This will include developing a memorandum of understanding between the Service and the Department of Community Services. The Law Reform Commission's report dealt with police issues in great depth;[69] the monitoring committee in the Attorney General's Department will examine the implementation of the recommendations made so there is little value in the committee duplicating this review here.

The committee recognises that intellectual disability is one of many areas where the police are called upon to clean up the failures of other agencies. Despite this the contact with the police is at the threshold stage where intellectually disabled persons begin their contact with the criminal justice system, so it is a crucial contact. It is essential that police recognise they are dealing with a person with a disability, rather than attributing any behaviour to "smart" or unco-operative behaviour.[70] Failure to do so will not only deprive the intellectually disabled person of rights, it can also lead

67 *Evidence*, 3/8/99, Mr N O'Neill, Guardianship Tribunal; *Evidence*, 3/8/99, Professor S Hayes p 6.
68 *Submission*, 11/11/99, NSW Police Service, p 5.
69 NSW Law Reform Commission Report 80: *People with an Intellectual Disability and the Criminal Justice System 1996*, pp 75-155.
70 *Evidence*, 3/8/99, Professor S Hayes (see earlier quote).

to statements of interview being inadmissible under the *Evidence Act 1995* (NSW).[71]

This makes it essential that police are adequately trained to recognise intellectual disability, and to know how to respond once recognised. The committee is concerned that a witness said that training at the Police Academy at Goulbourn recently consisted of one two hour course.[72] When as much as one in five of all prisoners has an intellectually disability this training is far too brief for what will be a significant part of front line police officers work.

Recommendation 30
The committee recommends that training at the Police Academy in intellectual disability be increased to a level more commensurate with such persons making up more than one in five of the prison population; and that regular in-service training should also be developed.

The committee is also concerned at the apparent lack of interest by police in a screening test developed by Professor Hayes with funding from the Law Foundation. This test can be used to detect intellectual disability during interviews. This test has been successfully trialed with staff in the Departments of Corrective Services and Juvenile Justice and also NSW Legal Aid.[73] The committee has not had the opportunity to determine whether police are developing an alternative test of their own, but it is important that a formal training in detecting disability during police interviews be used. If police are not able to detect the disability there is little value in the current Police Commissioner Instructions which provide for safeguards such as a support person being present.

Recommendation 31
The committee recommends that NSW Police adopt and train staff in use of a screening test or other method of identifying intellectual disability during police interviews.

8.10 The Courts, legal process and the intellectually disabled

The committee has received a detailed submission from an individual who acted as a citizen's advocate for two intellectually disabled persons who went through lengthy criminal proceedings for serious offences.[74] He

---

71 NSW Law Reform Commission Report 80: *People with an Intellectual Disability and the Criminal Justice System 1996*, p 131.

72 *Evidence*, 3/8/99, Professor S Hayes.

73 *Evidence*, 3/8/99, Professor S Hayes.

74 *Submission*, received 23/9/99, Mr P Hutten.

describes a process of frequent adjournments for the purpose of obtaining reports. The departments concerned anticipated the need for the reports but, for budgetary reasons, avoided obtaining them until ordered by the court. The lack of consultation between the main parties involved, including Legal Aid, parole officers, the Departments of Community Services and of Juvenile Justice also unnecessarily prolonged both proceedings.

The lengthy court procedures had one important effect in the cases Mr Hutten describes: they removed any association made by the intellectually disabled persons between their act and punishment made by way of sentence. In her evidence Professor Hayes argued that offenders with a mild to moderate disability are able to realise the nature of their criminal act, and should receive a consequence which relates to the act to assist in reducing later offending. She was particularly critical of the way the "fitness for trial" hearings in District Court matters defeated this aim. She argues that prosecutors have turned what was supposed to be a non-adversarial pre-trial procedure into a "killing field", "more brutal than your average murder trial".[75]

For minor offences there are diversionary measures available. An important (if under used) provision is s32 of the *Mental Health (Criminal Procedure) Act 1990*, which allows magistrates in Local Court matters options including the ability to discharge a defendant into the care of a responsible person subject to certain conditions. Evidence to the committee suggested this was under–utilised by magistrates for two reasons:

- failure for magistrates (or anyone else earlier in the criminal justice system) to detect the disability; and

- that it encouraged recidivism, with concern by magistrates that a small number of offenders used this to be let off each time.[76]

In this latter instance there is an argument that this diversion is inappropriately used. However for many trivial offences it is desirable that the disabled person receives immediate consequences for their action under this provision, which may include conditions imposed which will lessen the likelihood of the offence recurring. If s32 is not being widely used the committee is concerned that this be investigated further.

Regarding detection of intellectual disability in court proceedings, one initiative which could be considered is the presence of a trained nurse attached to the court. If a solicitor or any other person believed the person charged had an intellectual disability, or a mental illness, they could be

---

75 *Evidence*, 3/8/99, Professor S Hayes.

76 *Ibid*.

referred to the nurse for assessment. A pilot scheme in Newcastle Court was established in 1997. An independent evaluation funded by the Law Foundation has found the service has improved not just the assessment of those with a disability but has acted as a focus to bring together the various legal, health and community services agencies.[77]

On the issue of diversion, several witnesses to the committee commented favourably on the scheme operated by the Illawarra Disabled Person Trust (see above in this chapter). One outcome of the pilot has been local police liasing with government and non-government community services in the area to find appropriate diversionary courses for young people with a disability.[78] It would be valuable to examine how this could be extended to other areas.

The area of "fitness for trial" and the related area of diversion for minor offences were covered in depth by the Law Reform Commission in its 1996 report.[79] The recommendations made were for modification of the existing regime rather than a major overhaul. The committee is also aware that the Interdepartmental Committee on Intellectual Disability is examining many aspects of the interaction between the intellectually disabled and the criminal justice system,[80] and that the legal process is one of the areas that working groups are addressing.

The committee does not want to pre-empt the work of these departments in this area by making specific recommendations. It does however highlight the issues below as those which the Interdepartmental Committee should address as a matter of some priority.

Recommendation 32
The committee recommends that the Interdepartmental Committee on Intellectual Disability examine the following aspects of the legal process for those with a intellectual disability charged with a criminal offence:

1. **Improved co-ordination between relevant agencies in the obtaining of required reports prior to trial, so as to avoid unnecessary adjournments.**
2. **Review of the use of s32 of the *Mental Health (Criminal Procedure) Act 1990*, and how greater use of the provision as a diversion can be encouraged by magistrates.**

---

77 "Justice and Mental Health Systems cheer new Court Liaison Program", *Law Society Journal*, September 1999 pp 12-13.

78 *Evidence*, 3/8/99, Professor S Hayes; *Evidence*, 3/8/99, NSW Department of Ageing and Disability.

79 NSW Law Reform Commission Report 80: *People with an Intellectual Disability and the Criminal Justice System 1996*, p 157-217.

80 *Submission*, 5/10/99, NSW Ageing and Disability Department.

3. **Review of the "fitness for trial" hearings in District Court matters as to how their current adversarial nature can be reduced.**
4. **Examining the diversionary strategies used in the Illawarra Disabled Person's Trust scheme for their suitability for wider application.**
5. **Examining the independent evaluation made of the Newcastle Court Liaison Nursing Service to determine whether a similar service could assist other courts.**

8.11 Preventing prisoner recidivism

In a later report the committee will examine strategies to prevent prisoner recidivism, including post-release support programs for offenders. This will necessarily involve consideration of programs to assist intellectually disabled offenders, given their very significant representation in the prison system. The committee has not examined programs within prisons for intellectually disabled persons in depth for this reason. From submissions received to date the committee is aware that the issues for intellectually disabled include:

- the need for accommodation such as specialist bail hostels for those intellectually disabled denied bail or unable to raise bail. There appears to be an unnecessarily high incidence of intellectually disabled being imprisoned due to lack of available accommodation options suitable to satisfy bail conditions;

- the need for secure units post-release for those with challenging behaviours which make them likely to re-offend. The Law Reform Commission's 1996 report was critical of the Department of Community Services for not funding such facilities, in contrast to the secure units funded by the Health Department for those with mental illness.[81] It appears that little progress has been made on this issue;[82] and

- some progress is being made with pilot programs aimed at preventing known offenders with an intellectual disability from re-offending (see above re Department of Community Services/Corrective Services initiative).

A stark example of the shortcomings of current systems was presented to the committee in a letter from a parent read during a hearing:

---

81 NSW Law Reform Commission Report 80: *People with an Intellectual Disability and the Criminal Justice System 1996*, pp 404-406.

82 *Evidence*, 8/11/99, Ms M Bellanta, Intellectual Disability Rights Service; *Submission*, 5/10/99, NSW Ageing and Disability Department, p 12.

> He [her son] has now spent a total number of nine months in prison. His sentence for malicious assault (after he himself was assaulted with a bottle) was four weeks. However, it was realised that he required high levels of support and as no services could be found he was forced to serve his parole period in prison. As there were no programs for people in prison for people with disabilities ... my son committed two more offences in this time.[83]

8.12 Social support programs, intellectual disability and poverty

Finally, the committee believes that the over-representation of the intellectually disabled in the criminal justice system has one major factor which is in common with every other over-represented group in the prison system. As described by Professor Hayes:

> They come from families where seldom anyone has been employed. They themselves have attended many schools. In other words, they have all the features of the rest of the prison population. An interesting aspect of my work [as an expert witness in criminal proceedings] is that I seldom see a person with an intellectual disability who has come from a middle-class or upper-class family. People with an intellectual disability are over-represented in the lower echelons of society. There are more of them in the poverty groups so more of them end up in the criminal justice system.[84]

Any programs, particularly early childhood intervention, which assist lower socio-economic groups in general are likely to assist in reducing the numbers of intellectually disabled involved with the criminal justice system. Crime prevention through social support has many positive outcomes, often beyond its immediate target. The over-representation of the intellectually disabled in corrective services and juvenile justice is a powerful argument for the need for increased investment in early childhood intervention.

---

83 Pearson, quoted in *Evidence*, 8/11/99, Ms M Bellanta, Intellectual Disability Rights Service.

84 *Evidence*, 3/8/99, Professor S Hayes.

Chapter Nine
Evaluation and Crime Prevention

9.1 Introduction

If governments do not spend enough on crime prevention, one reason may be that they do not believe it works. United Kingdom expert Jon Bright writes about the common myth that prevention is too "soft" for a problem as "hard" as crime,[1] and speculates that many policymakers privately hold this view.

Empirically based evaluations which are well designed, properly resourced and follow the scientific method are able to rebut this myth. There is enough evidence from overseas, the United States in particular, to provide persuasive argument that crime prevention through social support can be more effective over the long term than more punitive law and order measures.

Like the Parliament of Western Australia's Select Crime Prevention Committee[2] this committee has found very few local evaluations of the standard of the United States research. The committee is concerned that the local evidence needs to be developed and more thorough evaluation encouraged in New South Wales. Those evaluations that have been conducted provide useful information and data, and it is time to build on these in a more systematic way.

In this chapter the committee will examine what is meant by evaluation, because the term itself is often used to mean very different things. The chapter will focus on outcome evaluations, because this is the type of evaluation that most needs to be encouraged in New South Wales. The committee will then examine the major overseas outcome evaluations. Finally, some preliminary suggestions as to how evaluation may be encouraged in New South Wales crime prevention are examined together with a review of the recommendations in this report that are relevant to evaluation.

The committee cautions against anyone seeing evaluation as an end itself. It does not believe that the only barrier for governments to invest more in prevention by social support is the lack of empirically based evaluations. However, better information will assist those who argue for prevention to

---

1 *Turning the Tide 1997* p 26.

2 First Report June 1999 p 32.

be more persuasive in political debates over how scarce public funds should be spent.

9.2 Types of evaluation

Evaluation has many different meanings. To some in the community sector "evaluation" is a dangerous word: funding agencies use it when deciding whether to wind up a program. To those in government agencies it can be a routine step, part of the process a project has to pass through whether the evaluation is needed or not. Academics argue fiercely about the methods of evaluation while decision makers often ignore even the best evaluations.

Evaluation is a process of obtaining information designed to assist decision making about the program being evaluated.[3] There is no one "right" way of carrying out an evaluation, despite the way it is sometimes presented. For instance, it is commonly believed that a valid evaluation must be undertaken by an individual or group detached from those operating the program. For certain purposes this is desirable. However, there is a major body of work which now argues that those evaluations which have most effect on the program are those which are either conducted by those operating it or jointly with an outsider facilitating "insiders" to reflect on their program.[4]

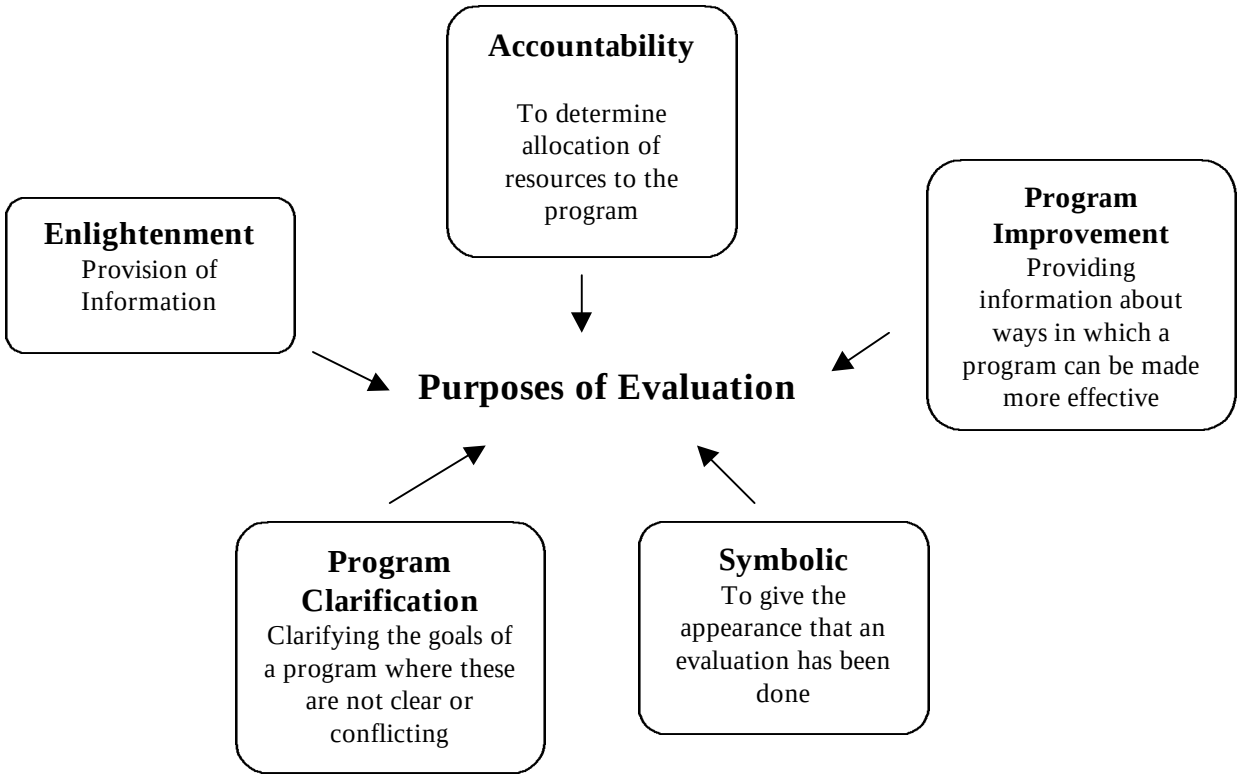
To consider evaluation then, the first question to be asked is *for what purpose* is the evaluation being undertaken? Is it to demonstrate that the program has had an impact on reducing crime? Is it for the funding agency to know whether the project is cost effective, that the benefits in reducing crime are exceeding the costs of the program? Is it for the people operating the program (or those it is directed to) to discover how they can improve the program? Owen[5] has suggested the main purposes of evaluation are as follows:

---

3 Definition based upon that used by Owen J in *Program Evaluation: Forms and Approaches* 1993 p3 Allen and Unwin.

4 Fetterman D Kaftarian and Wandersman(eds) *Empowerment Evaluation* (1996) Sage Publications; Guba and Lincoln "Countenances of fourth-generation evaluation" in Palumbo D (ed) *The Politics of Program Evaluation* (1989) Sage Publications.

5 1993, chapter 1.



The next question to be asked is "*What is being evaluated?*"

A simple classification is that evaluation can be of:

- need;
- process; or
- outcome.

To put these into a perspective within this report, the question with regard to the intellectually disabled could be put:

- Is crime prevention needed among the intellectually disabled, and specifically what is needed? (need)

- How have the aims of the program been implemented? (process)

- Has the program reduced the involvement of participants in crime, compared to their involvement prior to the program? How can this causal link be shown? (outcome)

With these examples the timing of the evaluation may differ: to evaluate "outcomes" the project must have been fully operational for sufficient time for results to be demonstrated, whereas to evaluate "need" the program may

not have begun. One type of evaluation may lead to another: if a program cannot be demonstrated to produce expected "outcomes" it would make sense to go back a step to examine whether this was because of the "process" used, or further back whether it is misplaced in its understanding of actual need.

EVALUATION TYPES

NEED ⟺ PROCESS ⟺ OUTCOME

Need

Evaluations of "need" are crucial for the design of programs, and for the re-design of programs that appear to be failing. In their preliminary stages they can be described as needs assessments; if a program is already underway or has been planned they are more clearly characterised as "design evaluations"[6]. Their validity depends upon considering as many of the stakeholders for the program as is feasible. For a crime prevention program aimed at the intellectually disabled it would be crucial to consult intellectually disabled persons and their carers as well as service providers, if conducting a needs assessment.

Process

"Process" evaluations can be relatively simple. If a program has clearly defined goals an evaluator can simply assess whether the strategies being pursued are logically connected to those goals. Process evaluation is very useful for finding out whether a program is being implemented as it was intended. The more complex the programs the more removed those who implement them are from the original design. The de-institutionalisation of the intellectually disabled may be an example where the implementation, in terms of providing support services, may differ over time from the original program.

There is a vast literature on the difficulties of implementation, perhaps best summed up by the full title of one of the earliest studies: *Implementation: How Grand Plans in Washington DC are bought crashing down in … Oregon.*[7] In terms of crime prevention Bright[8] quotes fourteen possible reasons for programs failing, including:

- insufficient resources, including inadequate staffing levels;
- too large or small catchment area;

---

6 Owen J, *Program Evaluation: Forms and Approaches* 1993, Chapters 9 & 10.

7 Pressman and Wildavsky 1973, Berkely.

8 *Turning the Tide* 1997, p 86.

- lack of focus/program drift;
- low client attendance and attrition;
- lack of monitoring;
- lack of support for volunteers; and
- inappropriate targets.

Bright stresses the importance of clear assignment of responsibility and accountability, and ensuring programs are delivered with sufficient resources to achieve their purpose.

Outcome

"Outcome" evaluations are sometimes also described as "impact evaluations"[9]. They ask the question "What difference did the program make?" At their best they provide essential information upon which policymakers can base their decisions.

Unfortunately "outcomes" is a very slippery concept. An evaluation can attempt to measure the difference the program made upon the participants, or the external environment. In crime prevention terms, crime statistics for the target group before the program and after can be compared. However, as seen in Chapter Three, crime statistics can fluctuate significantly and are very much influenced by the policing strategies used and may not give the full picture of actual crime. Further, to what extent can the changes be attributed to the program or to other changes in the external environment? There are also intangibles such as the fear of crime which are important outcomes not measured by crime statistics.

The committee's visit to Moree provides an illustration of this dilemma. Figures for crime have declined rapidly since a series of crime prevention measures were introduced. However does this mean that the crimes committed have declined or simply that the police are responding differently? To what extent is the fall due to crime prevention initiatives or to other developments within the town? Is the decline just part of a statewide trend?

Another illustration was given by Professor Bob Walker at the committee's 1998 conference:

if we present information about the incidence of child abuse, it is not possible to say that government interventions have actually changed things in that area. For a

9 Owen J, *Program Evaluation: Forms and Approaches* 1993, Chapter 6.

start, we do not know what the number of incidents would be if there was no government interventions. There are so many other variables that it is quite a challenge to social science researchers to analyse phenomena, particularly in the short term.[10]

To address this dilemma evaluators could take a variety of approaches. These are explained below when discussing the report of Professor Sherman entitled *What Works, What Doesn't, What's Promising.* Generally, they have adopted what is termed the scientific or experimental method.[11]

Cost benefit analysis

Cost benefit analysis is a particular form of evaluation of outcomes. It should be stressed that this is different from evaluating whether a project works. It involves a systematic identification of the benefits and costs of a program so as to establish whether it has been cost effective. There are five main steps:

1. Identifying inputs to a program, such as staff, physical facilities used etc
2. Assigning costs to those inputs.
3. Identifying benefits, such as reduced crime or improved family relationships.
4. Assigning costs to these benefits.
5. Comparing the costs and benefits as a ratio.

The fourth step is the critical point, because many benefits will be very difficult to measure or assign a cost. What value should be put to a benefit such as "the community feels safer than it did before" or "an individual has a more positive self image"? It is possible to assign values but it is often argued that there is an inherent bias in cost/benefit studies to understate benefits simply because benefits are harder to measure. The value of these studies, however, is that they can be used to argue to governments that allocation of funding to one program will provide better returns than allocation to another. The Rand Institute study (see below) provides a very persuasive argument to United States governments that certain types of early intervention programs will reduce crime at less cost than "three strikes and you're out" policies.

Evaluation tools

Before discussing actual evaluations mention should be made of some of the tools able to be used by an evaluator:

---

10 Standing Committee on Law and Justice, *Proceedings of the Conference on Crime Prevention through Social Support*, Professor B Walker, p 121.

11 There is an alternative approach which argues that it is artificial to treat communities as if they can be compared objectively, and that an approach subjectively grounded in the experience of each community is required; National Crime Prevention, *Pathways to Prevention* March 1999, pp 94-95.

- quantitative studies (surveys, statistical analysis);
- qualitative studies (focus groups, interviews);
- case studies (observations, field research); and
- performance indicators (data on targets set by management).

These are all valuable and will be useful to collect data in different contexts. All can be used in each of the three types of evaluations – need, process or outcome.

9.3 Overseas evaluations

At the conference to launch this inquiry the committee brought to Australia Professor Larry Sherman. Professor Sherman headed a group of experts who prepared for the United States Congress a report entitled: *Crime Prevention: What Works, What Doesn't; What's Promising.*[12] The title is very self explanatory. The report was aimed at resolving a dispute about how much money to spend on various crime prevention programs. To advise Congress the authors examined all the evaluations of various approaches to crime prevention, including law and order methods, to divide the approaches up into the three categories of the report's title.

However, to reach its conclusions the authors recognised that "evaluation" has many meanings and that not all were equally useful for their purposes. They found most evaluations were "process" orientated, useful for those running the program but of limited value for making nationwide generalisations. They chose to look at only those evaluations which had something to say about outcomes, and divided these into five levels of evidence as to what works, from least useful to most useful:

- *Level one* where a correlation exists between say, the introduction of heavier sentences and the rate of offending;
- *Level two* where a study is available which compares the position "before and after" the program was introduced with the "before and after" in another area where the program was not introduced;
- *Level three* where a study is available with a control group. This compares the impact of the program with a area of *similar characteristics* where the program was not introduced;

[12] 1997 National Institute of Justice USA.

- *Level four* where *at least two studies* of a level three type exist which reach similar conclusions; and

- *Level five* where the results using a control group have been reproduced many times in many different environments nationwide.

Sherman and his colleagues then gave values to all the evaluations of programs according to this hierarchy. To be classified as a project that "works" there had to be at least two *level three* studies available, that is outcome evaluations using control groups. Among the programs classified as "promising" there had to be at least one level three evaluation together with some other supporting evidence of lesser value. The result is a comprehensive list which provides an invaluable guide to Congress on where its crime prevention dollars can be most usefully spent.[13]

The other major overseas study goes one step further than the Sherman study in assigning costs and benefits to the programs and its outcomes. The Rand Institute study[14] took nine highly regarded crime prevention programs that had been sufficiently well evaluated to identify benefits. After assigning values to these benefits and costs to the program inputs it then compared this with the costs and benefits of the "three strikes" law in California in reducing crime. As was seen in Chapter Six in regard to two early intervention programs, this Rand Institute study was able to demonstrate that many of the prevention programs had a higher cost/benefit ratio than the punitive law and order measure.

The value of a study such as this is that it not only demonstrates crime prevention by certain early intervention methods works; it also demonstrates it works more cost effectively than alternative methods of crime prevention. This is the type of information that is very valuable to governments struggling to allocate resources across programs with equally valid aims.

There is a recent trend in crime prevention literature to collating studies so as to provide an overview of the effectiveness of different strategies. The two most recent examples were both undertaken by Farrington and:

- a study of cost/benefit studies of situational crime prevention methods,[15] primarily in the United Kingdom. The study was largely inconclusive

---

13 For more detail and a summary of the programs see Standing Committee on Law and Justice, *Proceedings of the Conference on Crime Prevention through Social Support* 1998.

14 Greenwood PW et al 1996 *Diverting Children from a Life of Crime* New York, RAND.

15 see Chapter two for an explanation of this model.

because of the poor quality of the outcome evaluations used to arrive at an identification of benefits;[16] and

- a study of 24 evaluations of family based intervention programs, primarily from the United States and the United Kingdom. This found most of the programs to be effective in reducing childhood anti-social behaviour and later delinquency, although at least two well funded large scale programs failed to demonstrate any measurable outcomes in comparison to control groups.[17]

9.4 Local studies

One of the most comprehensive surveys in Australia was undertaken by a team led by Professor Graham Vimpani for the National Child Protection Council.[18] This examined evaluations of home visiting programs in the United States, the United Kingdom, Canada and New Zealand. It found some local evaluations but none which approached that of using an control group. Interestingly some reasons were suggested for the lack of these outcome evaluations. They include:

- many social programs do not have their goals clearly defined;
- the fluid world in which social programs operate make experimental designs problematic;
- there are ethical problems in leaving a control group without services if they are at risk;
- many programs have no formal requirement to evaluate their impact; and
- there are insufficient resources to conduct thorough evaluation.[19]

The *Pathways to Prevention* report relied upon overseas studies for its discussions of early intervention programs, finding that locally there was a need for more outcomes based evaluations.[20] The report recommended the

16 "Value for Money: A Review of the costs and Benefits of Situational Crime Prevention" Welsh B and Farrington D, *British Journal of Criminology* Summer 1999 No 3.
17 Farrington and Welsh "Delinquency Prevention Using Family-based Interventions" *Children and Society* vol 13, no 4 1999.
18 *An Audit of Home Visitor Programs and the Development of an Evaluation Framework* 1996 Department of Family and Community Services, AGPS.
19 *Ibid*, pp 36-37.
20 National Crime Prevention, *Pathways to Prevention* March 1999, p 188.

funding of demonstration projects[21] in settings to provide a cumulative base of local knowledge on early intervention. Both state government agencies and non-government groups could explore the potential for this as to date the committee is not aware of these projects having been funded.

9.5 A local evaluation strategy

It has been suggested to the committee at various times during the inquiry that a study such as that of Professor Sherman's *What Works* should be conducted here. In a submission to the inquiry the Local Government and Shires Associations made an interesting use of the study by considering which of the effective United States strategies were suitable for local councils to attempt.[22]

The committee does not believe that a study such as Professor Sherman's should be undertaken in New South Wales at present. From the evidence to this committee there are not sufficient numbers of outcome evaluations to use as the basis for such a study. New South Wales is one step behind. There is a need to encourage more rigorous evaluations, particularly more "before and after" studies with control groups before the next step is taken.

There is some material on which to build upon. The best of the programs the committee has seen, such as Families First, are reliant upon overseas studies to justify their project design but are building evaluation into their programs. Programs have been usefully evaluated, such as Schools as Community Centres (although these would not be characterised as level three studies in Professor Sherman's hierarchy). Other programs, such as those represented by the Family Support Services Association, have produced valuable data on their clients and services. The Crime Prevention Division of the Attorney General's Department is assisting local councils to evaluate projects funded through their grants programs. But more is needed to build up a body of local evidence to complement the overseas lessons on the difference that crime prevention through social support can make.

The committee believes there needs to be long term planning at the highest level of government to develop over time a body of evidence which can be used to decide how to allocate public funds to areas of crime prevention which work in local conditions. The committee recommends the Premier's Council on Crime Prevention head this effort, as the peak body with an oversight of crime prevention throughout New South Wales agencies. This requires a "whole of government" exercise, with many departments having

---

21 *Ibid,* pp 99-100.

22 *Submission,* 14/9/99, Local Government and Shires Associations, appendix.

programs with a crime prevention potential. The Crime Prevention Division of the Attorney General's Department, provides secretariat support to the Council; however it would need resources to fund evaluations of the type required.

Recommendation 33
The committee recommends that the Premier's Council on Crime Prevention develop and fund a strategy for a whole of government effort to conduct outcome evaluations of programs with potential to reduce crime which departments either:

- **invest considerable amounts in at present (Families First, family support services, child care etc); or**
- **consider to have potential for increased investment in the future (Schools as Community Centres, local government crime prevention)**

These evaluations should examine the "before and after" impact of the program on crime compared to a similar area over the same period where the program was not introduced. The length of the evaluation should be appropriate to that necessary for the outcomes of the program to be demonstrated.

The strategy should also encourage individual programs to conduct other forms of evaluation, such as needs based studies and process evaluations, and to collect the data useful for all types of evaluation.

During the various chapters of this report the committee has made a number of recommendations which require evaluation of one type or another. Preferably these could be incorporated into the centralised evaluation strategy, although each has value as a stand alone exercise. The relevant recommendations are summarised below:

Recommendation Number	Type of Evaluation
2 and 3	Outcome
5	Needs/process
6	Outcome
10	Process
15	Needs
17	Needs/process or outcome
21	Process/outcomes
27	Outcome

Non-government sector

Outcome evaluations are costly, especially those for early childhood intervention programs where the impact on crime is very long term. It is unreasonable to expect the non-government sector to fund significant evaluations of this type if it is not funded by governments to do so. However the committee has been impressed by the way in which non-government organisations such as Burnside, Barnardos, and the Family Support Services Association have established collaborative relationships with universities through Australian Research Council grants. They have also obtained funding from other sources to conduct research into needs and evaluate the impact of new programs. An interesting suggestion arising from a submission from the Country Women's Association[23] was to try to encourage Phd students to undertake studies in crime prevention through social support, perhaps by the offering of scholarships.

The committee would also not want its focus in this chapter on outcome evaluations to dissuade agencies from conducting process evaluations or needs assessments, both of which have much to assist programs effectiveness. Process evaluations can be conducted relatively cheaply and can lead to significant improvements to program effectiveness. Indeed, if an outcome evaluation suggests a project has failed it should lead to the asking of the question as to why the intervention has failed: the answer may be in its implementation rather than the program itself.

The committee believes there is ample evidence from overseas that crime prevention through social support can be effective. It is vital to promoting this form of crime prevention that a larger body of rigorous evaluations be built up in New South Wales.

---

23 *Submission*, 25/8/99, Country Women's Association.

Chapter Ten
Future Work

10.1 Introduction

Crime prevention through social support is extremely broad. In this report the committee has only been able to address three main target groups for prevention activity: young children, the intellectually disabled and local councils.

When the matter was first referred to the committee by the Attorney General no reporting deadline was placed on the inquiry. This was to enable the committee to run the inquiry over a length of time so as to generate community interest in crime prevention through social support.

The target groups and prevention issues below provide an indication of the likely topic areas to be covered in future hearings and a later report. The committee does not intend to formally call for new submissions for this inquiry but it would welcome submissions from those who wish to add to those received on the topics discussed in this chapter, or in response to other chapters in the current report.

10.2 Children and young people in care/state wards

The committee has received many submissions and considerable evidence which highlights that effective social support provided to young people in care is desperately needed. The needs of this group overlap with early intervention services discussed in Chapter Six, but young people in care will be dealt with separately because of their unique needs.

Some of the issues raised to date include:

- the harmful effect of multiple placements;
- the need for respite care for carers;
- the special needs of disabled people in care;
- the intergenerational cycle of young people in care;
- the failure of agencies to track and prevent the progress of young people in care into the adult prison system;
- the difficulty of obtaining foster parents for adolescents; and
- the vulnerability of young people in care to becoming victims of crime.

The committee would welcome details of programs either interstate or overseas which have proved successful in reducing the likelihood of young people in care engaging in offending behaviour in later life. The committee

would also welcome contributions from former state wards who are able to identify what (or who) most helped them.

10.3 Aboriginal and Torres Strait Islander groups

The committee has not received many submissions or evidence which describe successful crime prevention initiatives among Aboriginal communities. In visits to Ballina and Moree the committee gained some idea of the magnitude of the problems which Aboriginal communities in New South Wales are struggling to overcome. In evidence, leading crime prevention expert Professor Ross Homel said:

> The only evidence I see of real success in the reduction of violence and the improvement of conditions in Aboriginal communities anywhere in this country is where local people have genuinely taken some control over their situation.[1]

The statistics on over-representation of Indigenous men, women and young people in prisons and juvenile justice centres indicate both the need for effective crime prevention and the lack of success of efforts to date.

In examining crime prevention through social support for Aboriginal communities the committee will not be examining policing issues in depth but does recognise that over-policing and the failure to use diversions are a vital part of the crime prevention picture. The committee would welcome any contributions from individuals or groups able to contribute to the inquiry on the following:

- post-release programs for Aboriginal and Torres Strait Islander prisoners;
- successful community-based crime prevention programs (or explanations of why programs trialed have not succeeded) for Aboriginal and Torres Strait Islanders;
- early childhood intervention programs for Aboriginal and Torres Strait Islanders;
- employment programs for Aboriginal and Torres Strait Islanders; and
- schools and crime prevention for Aboriginal and Torres Strait Islanders.

---

1 *Evidence* 26/7/99, Professor R Homel, p 29.

Any other contributions to issues relevant to crime prevention through social support for Aboriginal and Torres Strait Islander groups would be welcomed.

10.4 Prisoner recidivism

One of the terms of reference for this inquiry refers to "the type and level of assistance and support schemes needed to change offending behaviour". Assisting prisoners through programs within prison and particularly post-release is an essential aspect of crime prevention. The committee has received a number of submissions from prisoner groups and from those who work with prisoners, and will take evidence from them during 2000.

The Department of Corrective Services recognises that recidivism among prisoners is high: approximately 39% of inmates who were released from a correctional centre between 1 July 1994 and 30 June 1997 received another custodial sentence within two years of their release. Twenty five per cent were first time inmates and 49% were inmates who had already served a term of imprisonment.[2]

Some of the issues regarding recidivism raised to date are:

- the need for bail hostels;
- lack of drug and alcohol programs within prisons;
- post-release housing problems;
- changes to Centrelink payments which have disadvantaged prisoners and particularly their families;
- lack of planning for transition from prison to the community; and
- the special needs of women, Aboriginal and intellectually disabled prisoners.

The committee will not deal in any depth with the crucial issue of the needs of children of prisoners, as the Standing Committee on Social Issues produced a very thorough analysis of this in 1997 in its report *Children of Imprisoned Parents.*

---

2 *Submission*, 11/11/99, Dept of Corrective Services, p 2.

The committee has not received much material which demonstrates successful interventions which reduce recidivism, and would welcome such contributions.

10.5 Policing and crime prevention

As stated at the beginning of this report, the committee understands the terms of reference of this inquiry to be about alternatives to crime prevention by law enforcement. This does not preclude consideration of the role of the police. There are many examples of police working co-operatively with local councils or government agencies on holistic crime prevention programs. Crime prevention by law enforcement can assist crime prevention through social support or hinder it; the committee is interested in pursuing this interaction further.

The committee is also interested in the priorities given to crime prevention by the Police Service and the strategies for working with groups such as Indigenous communities, juvenile offenders, non-English Speaking Background groups, those with an intellectual disability or a mental illness. The Police Service has many programs which involve liaison with groups either vulnerable to crime or to becoming offenders; some of these are outlined in Chapter Five.

10.6 Employment

The relationship between unemployment and crime is complex as discussed in Chapter Four. Whatever view of a direct link is taken there is a strong argument that employment can prevent crime. In Weatherburn and Lind's research, paid employment is one of several contributions which can reduce crime in the next generation (by reducing economic stress on parenting) rather than having an immediate effect.

The committee to date has not received much material on links between employment programs and crime prevention and would welcome any research which has considered these links. The committee would particularly welcome any evaluations of employment programs which have measured impact on crime as one of the outcomes.

10.7 Housing

Stable secure housing is a basic need of every person. Its absence leads to great stress and makes ordinary relationships problematic, let alone employment. Homelessness is an acknowledged risk factor which

contributes to crime as well as making persons vulnerable to becoming victims of crime.

Beyond this however there are other aspects of housing which interact with levels of crime. These include:

- overcrowding within households;
- availability of public housing;
- design of housing, including issues of public vs private space and surveillance; and
- special needs such as those of the disabled, prisoners post-release and young people.

The committee would welcome any contributions which explore the relationship between housing and crime prevention.

10.8 Mental illness

The committee has considered intellectual disability in depth in this report. Aside from two submissions which address the lack of services for those with a mental illness in rural areas[3] the committee has not received any material covering this area.

The committee would be particularly interested in responses which outline specific needs and programs to prevent those with a mental illness becoming unnecessarily entangled in the criminal justice system.

10.9 Juvenile offending/adolescents

One of the major findings of a 1992 Standing Committee on Social Issues Report: *Juvenile Justice in NSW* was that the great majority of young offenders do not go on to become adult offenders. It is disturbing that there are suggestions in some recent reports that this pattern is weakening, with the peak age for offending increasing.[4]

The committee would like to learn more about the causes and extent of this shift and measures which can redress any trend. It wishes to focus on forms

---

3 *Submissions*, 1998 and 6/9/99, Kempsey Mental Health Support.

4 *Pathways to Prevention* March 1999, National Crime Prevention p 3.

of social support which lessen the likelihood of juveniles becoming, or continuing to be, offenders.

10.10 Sport

A lack of appropriate leisure and recreational options has been cited as one factor that can lead a young person to become involved in criminal behaviour. A submission from the NSW Department of Sport and Recreation states that:

> Evidence shows that sport and recreation activities have a profound effect on quality of life, self-esteem (particularly in young people), developing leadership skills, supporting families and communities and reducing crime levels.[5]

Sport programs involving Aboriginal youth have been used with some success in parts of New South Wales in recent years. The committee would welcome any examples, particularly those that have been evaluated, of sport programs being used with "at risk" groups as a means of preventing crime.

10.11 Other issues

In an inquiry with such broad terms of reference it is very easy to omit important groups or major strategies. Some of the other issues which may be explored include:

- prevention and non-English Speaking Background communities;
- the special needs of rural areas; and
- social supports to prevent domestic violence.

These issues will be addressed within other topic areas if they are not covered as topics in their own right. Regarding rural areas the committee will endeavour to visit more regional cities and towns in New South Wales during 2000. It has found the trips made to three regions to date among the most valuable parts of the current inquiry.

The committee wishes to thank all those who have contributed to the inquiry to date. This report is part of a long process of seeking to change the perspective on crime prevention from one based on police and prisons to a more holistic view. It is a debate which is taking place world wide, as this quote from a United Kingdom expert indicates:

---

5 *Submission* 12/10/99, NSW Dept of Sport and Recreation p 2.

To bring about this shift in policy will require the vision to see what can be achieved and political leadership of a high order to bring it about. But it will be worth it. There will be many benefits which will be felt well beyond the criminal justice sector. The challenge now is to invest in prevention before problems become too big to prevent.[6]

[6] Bright J *Turning the Tide* 1997 p 113.