

Standing Committee on Law and Justice

# Crime Prevention through Social Support

## Second Report

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## **Terms of Reference**

- 1)** 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.

These terms of reference were referred to the Committee by The Hon Jeff Shaw QC MLC, 20 May 1998.

## Committee Membership

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The Hon Ron Dyer MLC **Australian Labor Party Chair**

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The Hon John Ryan MLC **Liberal Party Deputy Chair**

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The Hon Peter Breen MLC **Reform the Legal System**

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The Hon John Hatzistergos MLC **Australian Labor Party**

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The Hon Janelle Saffin MLC **Australian Labor Party**

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## Chair's Foreword

This is the second and final report of the committee's Inquiry into Crime Prevention through Social Support. The purpose of both reports has been to highlight the alternatives available to preventing crime, in contrast to more traditional "law and order" approaches. The committee believes New South Wales will benefit far more from assisting a neglected, at risk two year old today than it will by giving the adult a long prison sentence in twenty years time. This report provides examples of some of the many ways in which governments and communities can prevent crime by positive actions in disadvantaged communities.

The report deals with many different groups: public housing tenants; Aboriginal communities; young offenders; state wards and prisoners and their families. The committee examines the use of public space by young people in shopping centres, transport, sports and leisure activities, as well as looking at problems such as truancy. The committee believes that crime prevention should include rather than alienate young people.

Throughout this inquiry the committee has looked at the way social and economic disadvantage contributes to increased risk of offending. NSW Aboriginal communities are among the most deprived in our society by any indicators. The committee looks at how to support Aboriginal communities themselves tackle their crime problems, because programs imposed from outside have had a poor record of success.

During this inquiry the committee has made several visits to rural and regional centres to examine their crime problems and to look at innovative solutions. The committee is very grateful for the assistance it has been given by local councils, State government agencies, community groups and individuals during these visits. The committee has been impressed by the vision and enthusiasm of many individuals and organisations who are attempting to address crime through a range of innovative and effective social support programs. Many of these programs are described in the report.

I wish to thank the other members of the committee for the work and time they have put into this inquiry. As with the previous report the findings and recommendations are unanimous. When members of parliament examine how to prevent crime in a careful and considered way it is remarkable how differing views can be reconciled and positive approaches developed.

I also wish to thank the staff of the committee for their work on this report and for the inquiry generally. Committee Director David Blunt provided guidance and direction to the committee secretariat. Senior Project Officer Steven Reynolds did an excellent job in preparing a document which covers a variety of issues and a large body of evidence. Phillipa Gately's formatting of the report and her assistance in organisation of hearings and visits is greatly appreciated.

I commend this report to the Parliament and to the Government.

**Hon Ron Dyer MLC**  
Committee Chair

## **Executive Summary**

**T**his is the Second Report of the Inquiry into Crime Prevention Through Social Support. The Inquiry was referred to the Committee by the Hon Jeff Shaw, QC, MLC, the former Attorney General, in 1998. The Committee's work on this reference ends with the tabling of this Second Report.

The Committee received 72 written submissions and heard testimony from 58 witnesses at ten public hearings. Members of the committee travelled extensively throughout NSW to meet with local councils, community leaders, state government agencies and members of the public. Areas visited included Moree, Dubbo, Ballina, Merimbula, Kempsey, Newcastle and Lake Macquarie. While gaining evidence for this Second Report the committee was able to receive useful feedback on its First Report.

This Second Report takes as its theme crime prevention in disadvantaged communities. Poverty and disadvantage are becoming increasingly localised. The committee believes crime prevention in disadvantaged communities should take the form of community renewal through the provision of effective social supports. Throughout the report crime is addressed as a problem for whole communities not just the immediate victims, offenders and the police.

### ***PART ONE: Crime Prevention and Community Renewal in Disadvantaged Communities***

#### **Chapter Two: Housing**

Poverty in Australia is increasingly a geographic phenomenon. In Chapter Two the committee examines crime prevention in localised areas of disadvantage, with a focus on public housing and low income housing areas. The committee notes that the high rate of NSW home ownership, stable since the 1940s, has declined significantly in the last ten years. There is an increase in low income groups seeking to rent but fewer low rental properties available. Public housing stock has not increased, with changes in Federal policy favouring rental assistance payments over funding of new public housing stock.

Welfare recipients or low income earners are increasingly concentrated in local areas with high rates of unemployment and other social problems, including crime. This concentration of poverty is increasingly leading to social exclusion, with lack of access to employment, transport and service. This carries the potential to create inter-generational cycles of alienation and crime.

The committee had the opportunity to visit several areas of high crime where a combination of factors had contributed to community renewal. The most dramatic turnaround was seen in the Proctor Way public housing estate in Claymore. Previously this estate was a graffiti scarred landscape littered with abandoned stolen cars, and suffered daily crime problems. A responsive community based management and the entry of new residents combined to substantially eradicate the crime problem in less than two years. A cohesive community spirit has developed, including a substantial communal garden and a tenant based employment scheme. There is now a 12 month waiting list for a tenancy at the estate.

Based upon this and other examples the committee has seen in Kempsey and Dubbo, the committee has developed principles for those wishing to prevent crime in economically deprived areas. These include:

- community participation in all stages of any intervention;
- locally based management rather than a distant bureaucracy;
- community ownership of improvements, so that it is seen as the community's achievement;
- adequate resources for improvements; and
- effective sanctions against disruptive members of the community.

The committee recognises some of these principles are used more generally by the Department of Housing and by the Premier's Department Strategic Projects Division. The committee sees a need, however, for the State government to develop a crime prevention strategy for areas with significant numbers of public housing dwellings which also have a significant crime problem. Each area should develop its own crime prevention plan, and the communities should be assisted in this by an easily accessed grant program providing small scale funding to local councils, community groups, chambers of commerce, local police or others in the community. These local plans need to include a "get tough" strategy on those minority of tenants who are engaged in criminal activities which impact on surrounding residents.

### **Chapter Three: Aboriginal Communities**

Aboriginal communities in NSW suffer from much greater collective social and economic disadvantage than any other group. This disadvantage greatly increases the risk of offending, with the criminal justice system becoming the gatekeeper when social supports fail. Despite being only 2% of the population, Aboriginal persons in NSW are:

- one third of juveniles in detention;
- one in four female prisoners; and
- one in seven males in prison.

The committee emphasises the importance of applying self determination in crime prevention in Aboriginal communities, as there is little evidence of success of programs imposed from outside their communities. Self determination includes ensuring Aboriginal communities have input into the program from its beginnings through to implementation. The committee sees the need to strengthen the role of authority figures in Aboriginal communities, such as Elders. Recommendations include involving Aboriginal leaders in police cautioning of young offenders and consultation in decisions about interventions in families where there are claims of neglect.

During visits to rural areas with high Aboriginal populations the committee gained an appreciation of the practical importance of reconciliation as a starting point for effective crime prevention. Following an example in Kempsey, the committee recommends the government work with the Local

Government and Shires Associations to encourage local councils to sign reconciliation statements with their local Aboriginal community.

Employment is a major problem in Aboriginal communities. In some towns less than a handful of Aboriginals work in private businesses, and almost never in shops or customer service roles. The committee believes improvements would assist to reduce crime. Employment programs need to consider barriers to employment particular to Aboriginal peoples. The most effective example of this was run in Moree by a cotton growers' association. This has successfully placed many locals in private sector jobs and successfully negotiated substantial numbers of positions for Aboriginal persons in a new supermarket opened in Moree. The committee recommends the government establish a task force, comprised of industry and Aboriginal representatives to encourage an increase in private sector employment of Aboriginal men and women in rural areas, with a specific industry focus.

## ***PART TWO: Young People and Crime Prevention***

### **Chapter Four: Young People and Juvenile Justice; Young People at Risk**

The potential for effective crime prevention among young people is high because of the very low rate of re-offending of young people compared to adult offenders. The majority of young people who offend do so only once and then desist. The numbers of young people held in detention have declined over the last five years, currently numbering around 350. However the recidivism rate for this small core of young people is around 80%, in contrast to the majority of young offenders.

The *Young Offenders Act 1997* allows police to issue formal cautions if a young person admits to a minor offence, or involve the offender in a community youth conference. The committee supports this policy because it reduces the "contamination" effect of contact with the criminal justice system. However, cautioning should be used alongside positive programs and incentives to reduce offending behaviour. It is being used less frequently by police for Aboriginal young people than the rest of the population. The committee was impressed by the programs of the Department of Juvenile Justice and its proactive approach to working with young people.

Young people with a mental illness are at particular risk of contact with the criminal justice system. They are also vulnerable to becoming victims of crime and becoming homeless. The situation in rural areas is particularly acute, with jail sometimes being the only institution available with facilities for the mentally ill. This is an illustration of how inadequate social supports leave criminal justice agencies as a dumping ground for social problems.

There is evidence that many state wards have drifted into the juvenile justice system, "graduating" to adult prison. There was dispute during the inquiry as to the extent of this drift, with estimates ranging from 2.3% to 17% of young people in juvenile detention centres being state wards. The most important risk factor is the harmful effect of multiple placements with different carers. Children who have moved three or more times have arrest rates almost twice as high as those wards who had fewer than three moves. The committee recommends reviews of the current Wards Project of the Department of Juvenile Justice and Community Services; an evaluation of the effectiveness of respite care in reducing the number of placements; and implementation of several Community Service Commission recommendations.

## **Chapter Five: Young People in Public Space**

All citizens, young or old, have the right to use and enjoy public space, they also have the responsibility not to interfere with the enjoyment of that space by others. The committee cites examples of shopping centre management, local councils and young people successfully negotiating shared use of public space in a way which accommodates the needs of young people while considering crime prevention factors. This contrasts with approaches aimed at driving away young people, such as playing classical music or using fluorescent lighting. The committee supports approaches which integrate rather than alienate young people. It recommends the Department of Urban Affairs and Planning develop a strategy to promote its planning guidelines for young people as a crime prevention measure able to be used by local councils.

The committee has seen several examples of effective youth work contributing to crime prevention during the inquiry. However it is concerned that youth work overall is ad hoc, under-funded and lacks integration into other structures. The committee recommends a government review into how youth work can make a more strategic contribution to crime prevention. The committee believes sport and recreation programs can successfully be used with at risk youth. The work of the Police and Citizens Youth Clubs and similar groups can be expanded to provide programs for community service orders in country areas. Transport, particularly at night, also has an important role in reducing the likelihood of young people offending or being victims of crime.

Truancy is a risk factor for offending. Causes of truancy vary, but can include undiagnosed learning difficulties, parental neglect, avoidance of bullying and a delinquent peer group. The committee was amazed at the extent of absenteeism in some towns it visited, with one school having a third of the school population absent on the day of a truancy survey. The committee believes current programs to reduce truancy do not appear to be working in some areas, and recommends the Premier's Council on Crime Prevention examine this issue as a priority.

During the inquiry the committee received evidence that Federal changes to the Youth Allowance were creating hardship, with instances of homeless people wrongfully being denied benefits by Centrelink. The committee is concerned that the implementation of Federal policy in this area, if not the policy itself, may be contributing to the potential for youth crime.

## ***PART THREE: Prisoner Recidivism and Prisoner's Return to the Community***

### **Chapter Six : Recidivism and Programs within Prison**

There is ample evidence that crime prevention is most effective when interventions are made early, long before offending leads to a prison sentence. Prison is generally not an effective way to prevent offending behaviour, and should be used as a last resort. Repeat offending is very high, with 39% of prisoners re-offending within two years of their release. These prisoners are typically from disadvantaged backgrounds, with 60% not functionally literate, 48% unemployed and very high representation of people from Aboriginal or non-English speaking backgrounds.

The numbers in NSW prisons significantly increased in 1998/99, with an increase of 12% in that year. The committee is concerned that even before this increase there were too few places available in prison for programs to reduce drug and alcohol addiction, education skills and mental health programs. The committee recommends increases in funding for these programs to keep pace with the increases in

prison numbers. If a prisoner returns to the community without effective treatment of their drug or alcohol problem their prospects for re-offending are very high.

The committee is concerned that the Department of Corrective Services may currently be underestimating the numbers of the prison population with an intellectual disability, and recommends addressing this in case management of prisoners.

### **Chapter Seven: Post Release Programs and Families of Prisoners**

The great majority of prisoners return to the community after their sentence. The way in which they make this transition will very much influence whether they re-offend. Equally, if not more important, is that prisoners are able to maintain or re-establish links with their family or the wider community.

The Probation and Parole Service currently supervises 13,700 offenders in the community. The costs of managing offenders in this way, including community service orders, is around \$3.50-\$5.50 per day compared to \$160 per day for imprisonment. The committee recommends an evaluation of the success of these programs in preventing recidivism, and to identify any weaknesses in current parole procedures.

The committee is concerned that too many prisoners are released into the community without adequate preparation such as identification, bank accounts and accommodation options. Releasing a prisoner into the community without proper preparation greatly adds to the prospect of their re-offending. The committee is concerned that a low priority is given to funding of community groups to support ex-prisoners. The Community Grants Program receives only \$1.8 million, less than 0.35% of the Department's total budget. The committee recommends a significant increase in funding levels to assist in reducing recidivism.

The majority of women and a substantial proportion of male prisoners are parents. Preserving links between prisoners and their families can greatly assist the prisoner's integration into the community. It may also prevent the beginning of an inter generational offending cycle. The committee recommends increased input by prisoners and prisoner's families into policies and programs of the Department aimed at preventing recidivism.

During the inquiry several problems were raised regarding the impact of changes in Federal welfare policy on prisoner recidivism. Prisoners upon release are forced to survive for four weeks on the equivalent of three weeks social security, at a time when they are at most risk of re-offending. There are also said to be problems in Centrelink staff wrongfully cancelling parenting payments to families of prisoners. Also, since the Jobs Network was established there is no specialist service assisting ex-prisoners obtain employment.

The committee concludes the report by stating that there is persuasive empirical evidence that spending on early intervention, particularly in childhood, is as effective and much cheaper than law and order approaches to crime prevention. NSW will benefit far more from assisting a neglected, at risk two year old today than it will by giving him or her a long prison sentence in twenty years time.



## Summary of Recommendations

### **Recommendation 1** *Page 30*

The committee recommends that the Department of Housing, in collaboration with the Crime Prevention Division of the Attorney General's Department and the Strengthening Communities Unit of the Premier's Department, develop a crime prevention strategy for areas with significant numbers of public housing dwellings which also have a significant crime problem. The agencies should initially identify a short list of the estates or areas with the worst crime problems and for these areas develop a unique crime prevention plan, using the problem solving principles utilised by the Crime Prevention Division in its work with local councils. These plans should include measures which can be used to record improvements relevant to the communities for which the plan applies.

### **Recommendation 2** *Page 31*

The committee recommends that the Strengthening Communities Unit of the Premier's Department or another nominated agency co-ordinate an easily accessed grant program which provides small scale funding (no more than \$10,000) to local councils, community groups, local police, chambers of commerce and other groups to pursue crime prevention strategies. This should initially be available only to those communities discussed in Recommendation 1 which have a crime prevention strategy in place. Wherever possible funding should be based on a reciprocal contribution of either time, resources or money by the recipient.

### **Recommendation 3** *Page 32*

The committee recommends that as part of its crime prevention strategy (Recommendation 1) the Department of Housing use flexible allocation policies to reduce crime in the local areas identified as having the worst crime problems so as to enhance the potential for social cohesion in those areas.

### **Recommendation 4** *Page 34*

The committee recommends that, as part of the crime prevention strategy in Recommendation 1, the Department of Housing in close collaboration with the NSW Police Service develop effective strategies to remove disruptive tenants who engage in repeated criminal acts which impact on other residents. Each problem area should have a unique plan, based upon actual knowledge of other residents and on crime reports. The strategies should have the support of local residents and be seen as a joint responsibility of police, local government and other relevant agencies, not simply the Department of Housing.

### **Recommendation 5** *Page 43*

The committee recommends that the Premier's Council on Crime Prevention seek to encourage greater control by Aboriginal communities over decision making and methods of crime prevention in programs which affect them directly. To further this aim the committee recommends the Council request all agencies funding crime prevention programs in areas with significant Aboriginal populations review the level of Aboriginal participation in the development and implementation of the programs. In particular, agencies should be requested to consider:

- whether Aboriginal communities were consulted initially in the development of the program and whether they continue to be consulted regarding its outcomes

- whether local Aboriginals support the program, and if not for what reasons
- whether the programs are able to make constructive use of or co-operate with authority figures within the Aboriginal community, such as Elders, leaders of Aboriginal organisations or parents
- whether local Aboriginals are employed in the implementation of the programs

This approach should also be used for development of any new crime prevention programs.

**Recommendation 6** *Page 43*

The committee recommends that the Premier's Council on Crime Prevention and/or the Strengthening Communities Unit of the Premier's Department identify successful examples of crime prevention projects based upon empowering Aboriginal communities and widely disseminate these to other agencies as potential models of the application of principles of self determination.

**Recommendation 7** *Page 43*

The committee recommends that the Council on Crime Prevention examine whether there is any potential to replicate the resourcing of a problem solving consultancy approach used by the Crime Prevention Division in its work with local councils in aboriginal communities.

**Recommendation 8** *Page 45*

The committee recommends that the Strategic Projects Division of the Premier's Department and other relevant agencies work with the Local Government and Shires Associations and Aboriginal groups to encourage local councils in areas with Aboriginal populations to sign formal statements of reconciliation with representatives of their Aboriginal community. Prior to making such a statement efforts should be made to ascertain the history of Aboriginal/non-Aboriginal relations in the specific area as a background to the statement.

**Recommendation 9** *Page 48*

The committee recommends that the Office of Children and Young People in The Cabinet Office ensure that all Families First work plans which involve programs specifically targeted to Aboriginal communities consider:

- how Aboriginal families will be consulted prior to the establishment of the service
- how partnerships with Aboriginal organisations can be formed to assist the implementation of the program
- how if possible Aboriginal people can be involved in implementing the programs
- how Aboriginal families will be able to provide feedback on the outcomes of the project

**Recommendation 10** *Page 50*

The committee recommends that the Department of Education ensure that schools with a high proportion of Aboriginal students give priority to:

- employment of Aboriginal teachers
- emphasis in teaching aspects of the curriculum which relate to Aboriginal identity, particularly Aboriginal cultural studies
- cross cultural training for teachers
- increased contact with Aboriginal organisations, including regular discussions on common areas of concern

**Recommendation 11** *Page 51*

The committee recommends the expansion of the Schools as Community Centres project in areas of high Aboriginal populations that experience significant rates of truancy. The programs when introduced should follow the principles referred to in Recommendation 1 regarding the involvement of the Aboriginal community in the project.

**Recommendation 12** *Page 56*

The committee recommends that the Premier's Department establish a TaskForce to encourage an increase in private sector employment of Aboriginal men, women and young people in New South Wales, with a particular focus on rural areas.

The TaskForce should consist of representatives of industries with links to rural NSW, employers who have direct experience of indigenous employment programs, Aboriginal leaders and relevant government agencies. It should be chaired by a representative of the private sector, with the Deputy Chair or alternate chair being an Aboriginal person.

The TaskForce is to identify industries which have potential to increase employment of Aboriginal persons in towns with high Aboriginal populations, and develop and implement programs in specific industries.

The committee recommends the NSW government provide funding support for specific programs as the need arises, but that it also seek Federal funding and contributions from the participating employer.

**Recommendation 13** *Page 76*

The committee recommends that the Attorney General's Department widely promote the results of its evaluation of the impact of mentoring programs on re-offending, when used as part of cautioning. The committee also recommends that the Crime Prevention Division of the Department explore other options which can be used to ensure cautioning is used so as direct offenders to programs which deter offending behaviour.

**Recommendation 14** *Page 78*

The committee recommends the Attorney General's Department establish a working party to consider how the current difficulties in the use of cautioning in Aboriginal communities can be improved. This working party should also comprise representatives of the Police and Aboriginal legal services, and possibly Aboriginal persons independent of the legal services.

The committee recommends that the working party should consider how structures of negotiation can be set up with Aboriginal communities so as to involve Elders or other leaders in a process where young people could be advised to admit guilt if they are guilty of the alleged offence.

**Recommendation 15** *Page 79*

The committee recommends that the Police Service, in consultation with the Department of Juvenile Justice, regularly assess the use of the *Young Offenders Act 1997*, particularly at Operational Review Command meetings. Improvements should not wait until the formal evaluation by the Attorney General's Department if these improvements relate to simple implementation issues such as training needs.

**Recommendation 16** *Page 80*

The committee recommends that the Attorney General's Department make public the results of the evaluation of the Community Youth Conferencing Scheme when complete, particularly in regard to its impact on recidivism.

**Recommendation 17** *Page 82*

The committee recommends that the Department of Juvenile Justice progressively increase the number of outcome evaluations of specific programs run in detention centres. These evaluations should measure the outcomes in terms of reducing re-offending; reducing the frequency of re-offending and reducing the seriousness of re-offence compared with previously measured recidivism rates for those in detention centres. The results of these evaluations should appear in the Department's annual report or be otherwise published.

**Recommendation 18** *Page 85*

The committee recommends that the Attorney General's Department examine the evaluation of the Newcastle Court Liaison nursing service for its potential to assist other courts with mentally ill people.

**Recommendation 19** *Page 90*

The committee recommends that the Department of Community Services report on progress in implementing recommendations 15, 16, 17 and 18 of the *Just Solutions* report by the Community Services Commission regarding the need for policies and training to reduce the use of unnecessary police intervention in managing difficult or challenging behaviour by state wards.

**Recommendation 20** *Page 91*

The committee recommends that the Premier's Council on Crime Prevention, through one of its member agencies, commission an independent research body to undertake a cost benefit study which compares the use of respite care and/or the provision of other supports to foster carers compared with the situation where this support is not available. The purpose of this study would be to ascertain whether respite care, by reducing the number of placements required for young people in care, is cost effective as a crime prevention strategy. The results of the study should be publicly available.

**Recommendation 21** *Page 92*

The committee recommends the Premier's Council on Crime Prevention appoint an agency independent of the Departments of Juvenile Justice and Community Services to review, after an appropriate period of operation, the Wards Projects of those Departments. In conducting this review the views of state wards themselves should be sought regarding possible improvements.

**Recommendation 22** *Page 98*

The committee recommends that the Department of Urban Affairs and Planning, in consultation with the Crime Prevention Division and the Local Government and Shires Associations, develop and implement a strategy to promote its planning guidelines for young people as a crime prevention measure.

**Recommendation 23** *Page 102*

The committee recommends that the Premier's Council on Crime Prevention discuss with the Strategic Projects Division of the Premier's Department ways in which youth work can contribute in a more strategic way to crime prevention. In particular the agencies should review how youth work can be integrated into other support structures and programs.

**Recommendation 24** *Page 104*

The committee recommends that, upon receipt of the evaluation of the Youth in Sport program, the Department for Sport and Recreation consider how to make programs targeted at disadvantaged youth with crime prevention outcomes a core function of the Department.

**Recommendation 25** *Page 105*

The committee recommends that the Departments of Juvenile Justice, Sport and Recreation and the Crime Prevention Division of the Attorney General's Department examine how to expand the use of Police Citizens Youth Clubs and other organisations able to provide sport, cultural or recreational based youth programs for young offenders in country areas for community service orders.

**Recommendation 26** *Page 106*

The committee recommends that the NSW Department of Transport be asked to contribute to or support in other ways the funding activities of the Crime Prevention Division of the Attorney General's Department which currently support night time bus services.

**Recommendation 27** *Page 112*

The committee recommends that the Premier's Council on Crime Prevention give priority to reviewing the effectiveness of current programs which seek to reduce truancy, particularly the programs in place in rural areas with relatively high crime rates. Examination of current programs should include consideration whether they are informed by overseas evaluations of successful crime prevention programs aimed at 10-18 year olds, and whether there is value in piloting programs in local areas of particularly high truancy.

**Recommendation 28** *Page 114*

The committee recommends that the Premier's Council on Crime Prevention seek feedback from member agencies on the impact of current Centrelink staffing levels, practices and policies on young people with which the agencies work. In particular, agencies should be asked whether there are systemic problems emerging in the way Youth Allowances entitlements are being interpreted by Centrelink staff. Should this feedback confirm the anecdotal concerns raised in

submissions to this Inquiry, the committee recommends the Council make representations to the relevant Federal Minister on the possible impacts on young people in NSW of these problems.

**Recommendation 29** *Page 124*

The committee recommends the Department of Corrective Services trains its correctional staff involved in case management in the use of screening tests or other tools to detect prisoners who have an intellectual disability. The prisoner should then be referred for an assessment by a specialist staff member.

**Recommendation 30** *Page 125*

The committee recommends that the Department of Corrective Services progressively increase the number of outcome evaluations of specific programs run within prisons. These evaluations should measure the outcomes in terms of reducing re-offending; reducing the frequency of re-offending and reducing the seriousness of new offences. The results of these evaluations should appear in the Department's annual report or be otherwise published.

**Recommendation 31** *Page 127*

The committee recommends that the Department of Corrective Services in partnership with Corrections Health increase its spending on drug and alcohol programs within prison. Any funding for increases in programs within prison should not be at the expense of much needed increases in spending on post release programs.

**Recommendation 32** *Page 128*

The committee recommends that the Department of Corrective Services in partnership with Corrections Health increase its spending on mental health programs within prison in proportion to increases in prison numbers, so the proportion of prisoners participating in programs compared to the overall prison population does not decline. Any funding for increases in programs within prison should not be at the expense of much needed increases in spending on post release programs.

**Recommendation 33** *Page 129*

The committee recommends that the Department of Corrective Services increase its spending on educational and vocational programs within prison in proportion to increases in prison numbers, so the proportion of prisoners participating in programs compared to the overall prison population does not decline. Any funding for increases in programs within prison should not be at the expense of much needed increases in spending on post release programs.

**Recommendation 34** *Page 134*

The committee recommends that the Senior Officers Transitional and Post Release Project Steering Committee of the Department of Corrective Services review its current release preparation procedures to ensure that all inmates have sufficient identification upon release from prison to make Medicare claims, access the services provided by Centrelink, and open a bank account. The committee recommends particular attention be given to determining how to assist prisoners with an intellectual disability ensure they have assistance with filling out necessary forms for social security, bank accounts and other arrangements.

**Recommendation 35** *Page 136*

The committee recommends that the Bureau of Crime Statistics and Research, or another independent agency, evaluate probation, community service orders and home detention for their effectiveness in reducing recidivism. The aim of these evaluations would be to allow the Probation and Parole Service to establish reliable comparisons of recidivism rates for offenders under its programs compared with those held in prison; and to identify any weaknesses in the Service's programs which needs to be addressed. The evaluations should also consider the level of contact with clients; the availability and accessibility of programs; and culturally appropriate support and programs.

**Recommendation 36** *Page 137*

The committee recommends that the Senior Officers Transitional and Post Release Steering Committee of the Department of Corrective Services review the continuity of contact between Departmental officers and prisoners to whom they are assigned through to the post release stage.

**Recommendation 37** *Page 139*

The committee recommends that the Department of Corrective Services, in partnership with other agencies such as the Departments of Housing and Community Services evaluate the impact on recidivism of the funding of supported accommodation for ex-prisoners. In the event the evaluation demonstrates the need, the committee recommends that the Department seek funding from Treasury to increase the options available to assist released prisoners integrate back into the community.

**Recommendation 38** *Page 141*

The committee recommends that from 2001-2002 the Department significantly raise its spending on the Community Grants Program and/or an alternative funding of community based support programs, but continued funding should be based upon outcomes in reducing recidivism.

**Recommendation 39** *Page 144*

The committee recommends that the findings of the Department of Corrective Service's current interagency project into post release options for people with intellectual disabilities feed into the current restructure by the Department of its Community Grants Program. The committee recommends this include consideration of how community agencies can better assist ex-prisoners with intellectual disabilities.

**Recommendation 40** *Page 148*

The committee recommends that the Department of Corrective Services evaluate use of the visitors' facility at Long Bay to determine whether it is being effectively used; how it could be used more fully and what impact it has had on searching of visitors who use the service.

**Recommendation 41** *Page 149*

The committee recommends that the Department of Corrective Services seek increased input by prisoners and prisoners' families into its policies and programs to prevent recidivism. This should be achieved through greater use of inmate development committees, visitors committees, establishment of a family of prisoners consultative committee or any other mechanism which allows for direct contact between the target group and those designing or funding programs within the Department. Particular attention should be given to seeking advice from prisoners and their families into priorities and services funded under the Community Grants Program.

**Recommendation 42** *Page 150*

The committee recommends that, during its current restructure of its Community Grants Program, the Department of Corrective Services examine models by which long term support is provided informally by a community of people to a prisoner and their family. In particular the Department should examine whether the Life After Prisons Ministries model, which links prisoners with church communities, can be expanded and also replicated using non-church based communities to provide similar support.

**Recommendation 43** *Page 151*

The committee recommends that the Department of Corrective Services discuss with Centrelink how to improve the payments available to prisoners upon their release, so they are not required to survive for four weeks on three weeks benefit.

**Recommendation 44** *Page 152*

The committee recommends that the Department of Corrective Services monitor the impact of changes to family payments and related benefits from 1 July 2000 on prisoners and their families. After a sufficient period has lapsed for the impact of the new changes to be apparent, and after consultation with prisoner groups, the Department should raise any problems with Centrelink.

**Recommendation 45** *Page 153*

The committee recommends that the Department of Corrective Services meet with Centrelink and the Department of Employment Services to discuss means by which the needs of prisoners can be effectively met by existing Jobs Network services.



# Chapter 1 Introduction

## Background to this inquiry

**1.1** This is the Second Report arising from the reference by the former Attorney General the Honourable Jeff Shaw QC MLC for an Inquiry into Crime Prevention Through Social Support. The reference was made on 20 May 1998. The terms of reference of the 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.<sup>1</sup>

**1.2** Recognising that these were very wide terms of reference, the Attorney provided a letter to clarify some of the issues relevant to the terms of reference. 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...

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

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<sup>1</sup> Letter from Attorney General, the Hon Jeff Shaw QC MLC, 20 May 1998.

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.<sup>2</sup>

## **Conduct of this Inquiry**

- 1.3** The committee's First Report provided a detailed description of the committee's work on this inquiry up until 20 December 1999<sup>3</sup>. This included the hosting of a conference in October 1998, two rounds of submissions, a series of public hearings and visits to Merimbula, Ballina and Moree. The committee made 33 recommendations covering the role of local councils in crime prevention; early childhood intervention; people with intellectual disabilities and the need for evaluation of crime prevention initiatives.
- 1.4** The committee secretariat sent a copy of the report to every member of the NSW Parliament; the Directors General of NSW Departments; relevant Federal Ministers; and to witnesses, submission writers and other people who expressed interest in the inquiry. The secretariat sent an executive summary of the report to the General Manager of each of the more than 150 local government councils in NSW. A copy of the report was also sent to all Police Citizen's Youth Clubs following several requests. To date over 1,000 copies of the report have been distributed. A discussion on feedback received by the committee follows.
- 1.5** In the final chapter of the First Report the committee listed issues which it intended to address during the remainder of the inquiry. The committee has given particular emphasis to site visits for the completion of the report. On 7 February 2000 the committee visited Claymore; on 1 March Newcastle and Lake Macquarie; on 10 March Kempsey and on 31 March the committee concluded the inquiry with a visit to Dubbo. The committee also attended a briefing from the Department of Urban Affairs and Planning on 28 February. In planning these visits the committee consulted the Strategic Projects Division of the Premier's Department, the Crime Prevention Division of the Attorney General's Department and relevant local councils. A list of all individuals who provided briefings to the committee during the visits appears as part of the Appendix 3.
- 1.6** The committee also held public hearings on 3 February; 9 February and 14 March. The witnesses at the hearings are listed as part of Appendix 2. The material which appears in this Second Report also draws upon the evidence from the seven previous hearings held during 1999, the 1999 site visits and the 72 submissions received for this inquiry. Details of all submissions are listed in the Appendix 4.
- 1.7** A Chair's draft report was considered by the committee at its deliberative meeting on 2 August 2000 and adopted with minor amendments at the same meeting. It was also decided that the committee would conclude the inquiry with the tabling of this Second Report.

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<sup>2</sup> Letter from Attorney General, the Hon Jeff Shaw QC MLC, 1 June 1998

<sup>3</sup> Standing Committee on Law and Justice, *First Report on Crime Prevention Through Social Support* 1999 Report No 12, p2-4

## Responses to First Report

- 1.8** The committee is encouraged by the level of interest in the First Report. Many government agencies requested multiple copies for staff, including the Departments of Juvenile Justice, Corrective Services, Community Services and the Police Service. More than a quarter of local councils requested copies of the report in addition to the executive summary they were initially sent, while other council's downloaded the chapter on local government from the committee's website. At the committee's visit to Lake Macquarie extensive feedback was provided as part of the discussion with councillors and council staff. Several councils have used the report as a starting point for developing an approach to crime prevention in their area, with the Committee Chair speaking at a seminar on crime prevention hosted by one Sydney council. There has been interest expressed by executive members of the Local Government and Shires Associations in pursuing some of the recommendations with the government. The report has also been circulated to all Greens councillors throughout NSW through the Greens' local government network.
- 1.9** The committee has received several letters on the report from members of the public and from agencies such as the Association of Child Welfare Agencies and the Community Child Care Co-operative. The committee has been advised that the Police Service has established a committee to work on training for police in working with people with intellectual disabilities, pursuing one of the recommendations of the report while the Strategic Projects Division of the Premier's Department has also discussed the report with the Crime Prevention Division of the Attorney-General's Department regarding relevant recommendations.
- 1.10** Two omissions from the First Report which warrant mention are:
- the role of Area Assistance Scheme funding, provided by the Department of Urban Affairs and Planning, is an important source of funding for innovative community development projects at a local government level. Lake Macquarie Council listed a number of initiatives it had implemented in disadvantaged areas which were funded in part or in whole from Area Assistance Schemes
  - not all child care staff are trained in child protection, contrary to a suggestion made on p113 of the committee's report. The community sector is currently seeking funding from the government to implement training of all teaching staff to a sufficient level to ensure improved child protection.

## Take Note Debate

- 1.11** On 12 April 2000 the Legislative Council debated the motion to take note of the committee's First report. The debate continued on 3 May and concluded on 24 May 2000, by which time 12 members had spoken. The speakers represented the Australian Labor Party, the Liberal Party, the National Party, the Greens, the Christian Democratic Party, the Better Future for Our Children Party and two non-aligned Independents. Despite this diversity the support for the report was unanimous, prompting one speaker to comment:

'I have certainly enjoyed listening to this debate as it underlines one of the contradictions I so often find in this place: that when we debate issues there is considerable agreement across the parties<sup>4</sup>.'

**1.12** Another member lamented that reports such as this had been ignored too frequently in the past by all governments, and stated that:

'I admire the contents of the report, which should serve as a blueprint for governments...Whether through the recommendations of this report or any other reports by the Social Issues committees, or through the work of non-government agencies, it is time we got serious about dollars and policy and intervened positively on behalf of many families...If governments took on board such reports they would do the whole community a great service now and for generations to come.<sup>5</sup>'

**1.13** Another urged that:

'all honourable members read, mark and inwardly digest its contents, and resolve that its recommendations will be the blueprint for dealing with potential offenders in the future, rather than not the time honoured but time dishonoured process of simply responding with ever-increasing scales of punishment.<sup>6</sup>

**1.14** A particular focus of debate was the prominence the report gave to crime prevention at a local government level, which some members considered had been neglected in previous discussions of crime prevention. Two members referred to distributing, on their own initiative, multiple copies of the report to then local councils and to other contacts in country and regional centres<sup>7</sup>.

**1.15** Early childhood interventions and the need for greater supports was also commented on by many members<sup>8</sup>. During the period over which the debate was held Dr Bruce Perry delivered a seminar at Parliament House. Dr Perry's long term evaluation of the positive impact of early intervention strategies was referred to at length in the committee's First Report. In that seminar, well attended by members, Dr Perry provided graphic evidence of the impact of neglect and abuse on the brain development of very young children. Commenting on this the Committee Chair said:

'That evidence is startling. I am afraid that once the damage has occurred it is close to being irreversible, to a large extent. So it is difficult to overemphasise the importance of early intervention and prevention.<sup>9</sup>'

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<sup>4</sup> NSWPD (Hansard) (LC) 3/05/00, per L Rhiannon MLC

<sup>5</sup> *Ibid* per Hon P Forsythe MLC

<sup>6</sup> NSWPD (Hansard) (LC) 24/05/00, per Hon D Moppett MLC

<sup>7</sup> *Ibid* per Hon J Gardiner MLC, L Rhiannon *op cit*

<sup>8</sup> for example NSWPD (Hansard) (LC) 3/05/00 per Hon J Burnswoods MLC, Hon A Corbett MLC

<sup>9</sup> NSWPD (Hansard) (LC) 24/05/00 per Hon R Dyer MLC

**1.16** The Committee Chair concluded the debate by commenting on the added authority given to the report by the unanimous agreement reached on its recommendations, and said:

‘I repeat the call I made last January following the release of the report: all governments of all political persuasions – not only this government but all State and Federal governments – should increase their investment in early intervention and prevention to reduce the need for increased expenditure on more police and prisons in later years.<sup>10</sup>’

## Structure of this Report

**1.17** In this second report the committee emphasises the need for crime prevention in disadvantaged communities. Poverty and disadvantage is becoming increasingly localised as a result of past urban planning decisions and the impact of economic and social changes. The committee believes crime prevention in disadvantaged communities should take the form of community renewal through the provision of effective social supports.

**1.18** The Report is divided into three parts. Part One focuses on community renewal and crime prevention in disadvantaged communities. Parts Two and Three take this approach in examining crime prevention among two groups: young people and ex-prisoners. In looking at young people the committee emphasises the need to ensure crime prevention strategies treat young people as part of the community. Similarly, in examining how to prevent prisoner recidivism the committee believes that crime prevention strategies should consider that almost all prisoners return to the community.

**1.19** **Part One: Chapters Two and Three** examine disadvantaged communities. Chapter Two examines the need for crime prevention through social supports delivered to disadvantaged communities throughout New South Wales. The chapter begins by describing the increasing concentration of poverty and disadvantage and the links between areas of low income housing and crime. The recent history of public housing in NSW is examined, from the concentration of housing estates in the 1970s to the more recent issues of shifts to rental assistance rather than the provision of new public housing stock. A major part of the chapter concerns models of successful community renewal in areas of great social disadvantage. Recommendations are made to extend current community renewal initiatives into a targeted crime prevention program.

**1.20** **Chapter Three** extends this to look at crime prevention in NSW Indigenous communities from several perspectives. Firstly, the over-representation of these groups in the criminal justice system and possible reasons for this are analysed. Secondly, the importance of consultation and empowerment in crime prevention is discussed. Thirdly, the highly contentious issues of early childhood interventions is considered regarding crime prevention. Fourthly, the need for effective employment programs as a form of crime prevention is presented. Fifthly, the impact of sentencing options on crime prevention is examined. Finally, recommendations are made as to the impact that three types of authorities: school, police and local councils, can have in assisting crime prevention in NSW Aboriginal communities.

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<sup>10</sup> *Ibid*

- 1.21** **Part Two: Chapters Four and Five** examine crime prevention and young people. Chapter Four examines preventing recidivism by the minority of young people who come into contact with the juvenile justice system. The general pattern of young people and offending is examined: unlike adult offenders there is very limited recidivism by young offenders. The use of cautioning and conferencing is examined and the contribution this does or could make to preventing re-offending. Programs with a juvenile justice target group are considered. The particular vulnerability of young people in care to being both victims and perpetrators is discussed, and recommendations are made to break the cycle of inter-generational offending. School truancy and the risks this poses to offending behaviour is examined. Finally, the situation of young people with a mental illness, and their families, is discussed.
- 1.22** **Chapter Five** looks at how to prevent young people coming into unnecessary contact with the juvenile justice system in the first place. The vexed issue of young people's use of public space, such as shopping centres and parks, is considered. Urban planning and the contribution it can make to crime prevention among young people is considered, with particular emphasis on seeing young people as part of the community rather than a threat to its safety. The potential of transport as a form of crime prevention is considered, and the role of youth work. The role of sport and organisations such as the Police Citizen's Youth Club is also discussed.
- 1.23** **Part Three: Chapters Six and Seven** discuss preventing prisoner recidivism. This addresses the part of the terms of reference for the Inquiry which refers to the "type and level of assistance and support schemes needed to prevent re-offending". Both chapters recognise that all but a small minority of prisoners return to the community, so crime prevention efforts should focus on how to make this a successful transition.
- 1.24** **Chapter Six** examines programs within prison that aim to rehabilitate prisoners upon their release. The rates of recidivism and the costs of imprisonment are examined. Support programs and case management within prison are discussed, including preparations for release. The difficulties posed by short term prisoners are considered
- 1.25** **Chapter Seven** examines post release programs. This includes parole and probation and the Department of Corrective Services Community Grants Program. The special needs of ex-prisoners with an intellectual disability and of Indigenous prisoners are considered. The chapter looks at how the children and families of prisoners can be supported and other links to the community can be developed. The chapter concludes with an examination of recent changes to Federal social security and employment programs which impact negatively on reducing recidivism.

## **Purpose of this Report**

**1.26** When the committee tabled its first report in December 1999 it stated that:

‘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.’

**1.27** The committee again endorses this approach. This Second Report contains recommendations requiring action. However the greater value of this inquiry will be if this report and its predecessor widen the range of options considered by those with a responsibility for preventing crime. The use of law enforcement is an essential part of crime prevention, but so are all the social supports described during the course of this inquiry. Effective social support delivered to disadvantaged communities at crucial times can ensure that less law enforcement is needed later on. Crime is a problem for communities as a whole, not just the immediate victims, offenders and the police.

**Part One:**

**Crime Prevention and Community  
Renewal in Disadvantaged  
Communities**



## Chapter 2      **Housing, Community Renewal and Crime Prevention in Disadvantaged Communities**

### Introduction

- 2.1**      Poverty in Australia is increasingly a geographic phenomenon. With concentration of poverty comes many other disadvantages and stresses which contribute to high crime rates<sup>11</sup>. Increasingly governments are looking to locally based solutions to crime because crime itself is very localised<sup>12</sup>.
- 2.2**      During this inquiry the committee has seen housing areas where crime is very visible, with burnt out houses, broken windows and graffiti. The committee has also seen areas turning around endemic problems of assault, burglary and drug dealing through locally based initiatives in which local residents actively participate. Although poverty makes an area at greater risk, crime can be reduced in even the poorest neighbourhoods. In the more successful examples that the committee has seen this was achieved without an increase in police involvement beyond occasional strategic intervention.
- 2.3**      This chapter begins with an examination of trends in the concentration of poverty in New South Wales. It examines the relationship between crime and housing, including public housing. The potential for social exclusion of low income groups and the implications this has for crime is discussed. The chapter then moves to a discussion on crime prevention issues as they impact on the following areas:
- public housing, including the legacy of misconceived development and design decisions made in earlier decades
  - the private rental market for low income groups and the impact of the shift in Federal policy to favour rental assistance over increasing the public housing stock
- 2.4**      The chapter concludes with a discussion of examples of crime prevention in localised areas of high disadvantage. Most of these examples are based on community development models which recognise that people are more important than the external physical environment they live in.
- 2.5**      In considering the role that the social support of housing plays in crime prevention, the committee is aware that housing policy is dominated by economic forces and political factors deeply embedded in Australian society. Recommendations to address the economic disadvantage caused by the cost of housing or lack of public housing stock in New South Wales are beyond the scope of this inquiry. Such a discussion would have to consider the

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<sup>11</sup> see Standing Committee on Law and Justice 1999 *op cit*, Chapter Four, for exploration of these issues.

<sup>12</sup> place management and local government crime prevention plans are two illustrations of this trend, see *Ibid*, Chapter Seven.

way in which the taxation system treats home ownership<sup>13</sup>, and the impact this has on the rest of the housing market and on welfare policy<sup>14</sup>.

## **Trends in Concentration of Poverty**

**2.6** New South Wales has always had local areas known for their crime problems. The new feature of the 1990s, however, was that changes to the economy and employment saw increasing concentration of income inequality on a geographic basis. This was first identified in a rigorous way by Hunter and Gregory in 1995<sup>15</sup>. Their study showed that unemployment was leading to the development of urban ghettos where whole neighbourhoods existed dependent upon welfare without the informal networks necessary to find jobs and other supports:

‘To lose employment and to suffer income losses are bad outcomes for anyone but does it matter that these undesirable outcomes increasingly possess a geographic component? It is sometimes suggested that it does not and that nothing is gained by knowing that it is people who live in poor neighbourhoods who are increasingly not at work, that part time jobs are going to young people and women who live in high socio-economic status neighbourhoods and that income is rising in the best socio economic status neighbourhoods but falling in poor neighbourhoods. Our intuition suggests that neighbourhoods do matter<sup>16</sup>.’

**2.7** In 1999 Professor Tony Vinson of the St Ignatius Centre for Social Policy and Research used nine indicators of social disadvantage, such as unemployment, child abuse, court appearances and psychiatric hospital admissions to rank postcode areas in NSW<sup>17</sup>. His study found that a small number of postcodes accounted for the highest ratings in the State for many of the nine indicators. The majority of the 30 most disadvantaged areas were outside of Sydney, with rural areas in Western NSW, the Mid North Coast and the Hunter region most heavily represented. This perhaps reflects the greater access to services and employment available in the Sydney metropolitan area.

**2.8** There are major changes occurring to patterns of housing in New South Wales which may have continuing implications for the concentration of poverty and crime if they continue. A 1999 study<sup>18</sup> compared census data from 1996 with 1986. The authors found strong

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<sup>13</sup> C Paris *Housing Australia*, 1993, MacMillan, South Australia, Chapter 3

<sup>14</sup> National Shelter Inc “Housing and Employment” *Discussion Paper*, May 2000

<sup>15</sup> Gregory RG and Hunter B “The Macro Economy and the Growth of Ghettos and Urban Poverty”, Centre for Economic Policy Research, *ANU Discussion paper 325*, April 1995

<sup>16</sup> Gregory *Ibid* p33

<sup>17</sup> *Unequal in Life*, August 1999

<sup>18</sup> by Professor Yates of the Department of Economics, Sydney University and Ms Wullf of the School of Geography and Environmental Science of Monash University “Housing Markets and Household Income Polarisation” Paper to National Housing Conference, Sydney 29-30 November 1999

evidence of increasing income polarisation, with a “hollowing out” of middle incomes due to an increase in low and middle income households. Among their findings are:

- the high rate of home ownership/home purchase which was constant over 40 previous years has declined significantly over the last 10 years, from around 70% of all households to 65%
- the decline is most rapid in the group for which home purchase typically begins, 25-35 year olds, where home purchases have declined by 9% over the period
- In the young age group the decline is across all income levels, but is most pronounced in the lower income groups
- the decline in home ownership rates is greatest among households in the lowest income groups for both metropolitan and non-metropolitan areas
- young affluent households in metropolitan regions have shown a net increase in the propensity to own their own homes

**2.9** The impact of all these changes means that there are a larger group of households competing in the rental market, particularly in the low income end of the market. Disturbingly, the study finds that the demand for low cost rental<sup>19</sup> has doubled while its supply has actually declined:

‘in other words, none of the ...growth in the rental market has resulted in even one more low cost dwelling<sup>20</sup>’

**2.10** This grave shortage in low income rental accommodation was highlighted by NCOSS in both their submission and evidence to this Inquiry<sup>21</sup>. NCOSS in its submission stated:

‘The National Housing Strategy benchmark for housing affordability is 25-30% of income. Housing stress is defined as housing costs in excess of 30% of income for people in the lowest 40% of the income distribution range. ....Between 1991 and 1996, mortgage and rent paying households with incomes within the lowest 40% and experiencing housing related stress grew by nearly 30% in Sydney and 37.8% in NSW. Given that rents are increasing well in excess of inflation, then these outcomes are expected to worsen<sup>22</sup>’

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<sup>19</sup> Low cost rental was defined as less than \$100 per week in 1996; low income was defined as below \$300 per fortnight.

<sup>20</sup> *Ibid* p7

<sup>21</sup> NCOSS *Submission* 17/09/99 p10-14, *Evidence* 14/03/00

<sup>22</sup> *Ibid* 17/09/99 p10

**2.11** These trends are combined with a shift over the last 15 years away from capital acquisition of public housing stock towards providing rental assistance (which will be discussed in the section on public housing in this chapter). The waiting list in NSW for public housing is 98,000 and has grown by 50% over the last decade<sup>23</sup>.

**2.12** In summary:

- there is an increase in low income groups in NSW
- there are fewer low rental properties available for them to rent
- low income groups are increasingly living in concentrated geographic areas
- these areas have low rates of employment but have high rates of social disadvantage, including crime

**2.13** The committee does not wish to be alarmist. However the trends are disturbing when read with Weatherburn and Lind's study for the NSW Bureau of Crime Statistics and Research which showed a strong link between poverty and economic stress and future juvenile offending<sup>24</sup>. At the very least they indicate that "whole of government" crime prevention strategies will need to consider the very significant potential for reductions in housing affordability to impact on future crime problems.

**2.14** The links between crime and housing are complex, but some of the relationships are:

- housing costs ⇒ economic stress ⇒ impacts on parenting; domestic violence ⇒ crime
- concentration of disadvantaged groups ⇒ social exclusion ⇒ lack of access to employment networks, transport and services ⇒ alienation, inter-generational poverty ⇒ crime
- public housing shortages ⇒ allocation to most disadvantaged only ⇒ concentration of disadvantaged groups ⇒ social exclusion ⇒ crime

## **Public Housing**

**2.15** Public housing is an intervention by governments into the housing market to provide affordable and secure accommodation for low income groups. Like any government intervention it is possible to achieve opposite effects from that intended. The committee believes past decisions in public housing by State and Federal administrations have,

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<sup>23</sup> Department of Housing "Directions for Housing Assistance Beyond 2000" *Background Paper* September 1999, p16

<sup>24</sup> *Social and Economic Stress, Child Neglect and Juvenile Delinquency*, NSW Bureau of Crime Statistics and Research 1997

unintentionally, contributed to crime problems in many areas of New South Wales. There is nothing about public housing which inherently leads to crime. Provided appropriately it can make a contribution to preventing crime. Despite this, many public housing areas in the state suffer crime problems of a degree unusual in other areas. The committee sees this as having three causes:

- the concentration of the most socially disadvantaged persons within public housing as a result of contractions in funding for public housing (explained below)
- the concentration of public housing in large estates
- the design of the housing itself

**2.16** An empirical examination of public housing and crime was made by the Bureau of Crime Statistics and Research in 1997 in its report *Public Housing and Crime in Sydney*<sup>25</sup>. This found that the type of design of public housing or the concentration of public housing in a postcode area had little apparent influence on the level of crime (although it conceded that in most areas the proportion of public housing in the overall postcode was too small for these effects to be detected<sup>26</sup>). The study found that the crime problems in public housing areas were primarily explained by the social disadvantage of the postcode population:

‘The best explanation, on current evidence, for high crime rates in areas with high proportions of public housing, however, remains the fact public renters, being socially and economically disadvantaged, are therefore at more risk of becoming both crime victims and offenders<sup>27</sup>’

### **Allocations Policy and Concentration of Disadvantage**

**2.17** From the evidence gathered during this inquiry the committee believes the most important reason for high crime rates in some public housing areas are the social disadvantage of the tenants. The concentration of social disadvantage has become an inevitable result of both the decline in capital funding for new public housing stock and the decline, in Sydney in particular, of low cost housing for private rental. As public housing waiting lists have grown, priority in allocation of places has been to give to those with the most severe problems. The Bureau of Crime Statistics study found that the effectiveness of the Department of Housing in targeting public housing has had the unintended effect of creating a statistical association between public housing and crime<sup>28</sup>. This was confirmed in evidence to the committee by NCOSS representatives:

‘Over the past 20 years the Department of Housing, in its allocations policies, as Sydney’s housing crisis has got worse and worse, has targeted the neediest of the

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<sup>25</sup> E Matka *Public Housing and Crime in Sydney*, 1997 NSW Bureau of Crime Statistics and Research

<sup>26</sup> *Ibid* p22

<sup>27</sup> *Id* p23

<sup>28</sup> *Id* p22

most needy. So, the concentrations you are now getting in the public housing estates and the demographics you are now getting are very out of sync with the rest of the community and are real concentrations of severe disadvantaged and severe poverty. There are usually really high unemployment levels and really high numbers of people on statutory incomes<sup>29</sup>.

- 2.18** When the committee considers community renewal and crime prevention strategies in the latter part of this chapter it will discuss how flexible use of allocations policies can be a crime prevention tool. The committee does not recommend that the Department make any global changes to its current allocation policies in the absence of increased funding: to do so would leave even more disadvantaged persons dependent upon the diminishing supply of low cost housing in the private rental market.

### **Design of Public Housing**

- 2.19** Aside from issues of concentration of socially disadvantaged tenants the other factors which contribute to crime in public housing are design and the building of large estates. Every generation of planners appears to make new mistakes in design. The 1960s saw the construction of huge high rise flats, sometimes 30 storeys high, in which hundreds of families and individuals were housed<sup>30</sup>. In reaction to the shortcomings of this the 1970s saw the Radburn style development. This was aimed at creating common spaces shared by local tenants, with rows of housing fronting on to a communal area without fencing or other separation between properties. Many estates shared a common driveway. Estates such as Booragul, near Lake Macquarie, much of Claymore, inner Sydney developments such as Woolloomooloo and many other areas were constructed on this Radburn model.
- 2.20** Rather than enhancing communal activity this well intentioned piece of social engineering in fact has contributed to the creation of no-go zones in some areas, used only for drug dealing and criminal activity and covered in graffiti. People from outside the estate also exploit such areas. For instance in Proctor Way the committee was advised that residents of Claymore, particularly those in private housing, used the public areas of the estate as a rubbish dump, and continue to do so despite the constant efforts of the residents to remove the refuse each time it is dumped. During its visit the committee witnessed rubbish being removed by residents which had been deposited overnight from outside the estate.
- 2.21** The committee is aware that the Bureau of Crime Statistics study on public housing did not find any statistically significant influences of these design factors on crime rates when it examined postcode areas and crime. Likewise Professor Tony Vinson, in evidence to the committee, argued that the appearance of a deprived area was not nearly as significant as the social attachments within the community<sup>31</sup>. The committee agrees that design is probably the least important contributor to crime. However from examining public

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<sup>29</sup> Perkins *Evidence* 14/03/00 p27

<sup>30</sup> see "The History of Public Housing in NSW", Department of Housing website 22/03/2000, [www.housing.nsw.gov.au/history.htm](http://www.housing.nsw.gov.au/history.htm)

<sup>31</sup> Vinson *Evidence* 25/10/99, p7

housing areas at a more micro level than either the Bureau or Vinson studies it does believe design contributes to reducing the fear of crime, which may flow on to an actual impact on crime.

- 2.22** The Department of Housing is limited in its ability to undo past construction work, given its funding pressures and long waiting lists. However it has been able to make low cost modifications in many areas to encourage greater feelings of safety and privacy among residents. In West Dubbo the local council provided \$50,000 for a fencing and lighting improvement program. Fences were built to define where individual properties began and ended. Many minor disputes were avoided and neighbour relations were improved. At the same time the creation of private space for each house has led to many establishing gardens and planting trees, improving the overall look of the area.
- 2.23** In Proctor Way in Claymore unnecessary passage ways were closed off so as to reduce opportunities for unobserved break-ins. The most innovative response, however, was in the use of the large communal area on the estate, which previously was a wasteland controlled by groups of youths. Once rubbish and debris was removed the residents suggested, and management agreed, to plant a vegetable garden. This has become a large plantation patch of taro, sweet potato, bananas and sugar cane, worked on by many of the residents who also share the produce. By providing an activity focus it has brought residents closer together; it also provides a Pacific Island feel to an otherwise mundane 1970s town house development.
- 2.24** The crime prevention effects of design improvements or modifications such as this are difficult to measure. Any falls in crime rates will be able to be attributed to a number of factors of which design is only one. The committee believes that improvements in design improve the quality of life within public housing areas, and reduces fear of crime. This in turn is very likely to reduce actual crime, although it may not be possible to measure such effect. The committee believes the Department of Housing is well aware of past defects in design and is doing what it can to remedy these as part of its Community Renewal program, discussed below.

### **The Large Estates**

- 2.25** The final factor to consider in crime prevention and public housing is the negative impact of large public housing estates. Again, this a legacy of the 1970s, when Commonwealth funding was significantly increased. Areas such as Claymore, Windale, Waterloo and Woolloomooloo were constructed with up to 80% of the suburb consisting of public housing. When these areas were built there was an assumption that public housing would be available to a much a wider segment of the population than is now eligible for public housing. The result is to create whole suburbs of disadvantage. As described by an NCOSS witness:

‘It is the huge concentrations of highly disadvantaged people in one location, often isolated from amenities and transport, and certainly almost always isolated from employment opportunities. So you have lots of people with no resources, lots of problems and no income.’<sup>32</sup>

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<sup>32</sup> Perkins *Evidence* 14/03/00 p34

**2.26** There is little potential to undo the planning mistakes of the past given current funding constraints at the Commonwealth level. Breaking up the estates may be desirable but could lead to even greater disadvantage:

‘The economic realities are that even if one wanted to get rid of all the estates tomorrow and the estates were broken up, the resale value would be nowhere near the replacement cost and the capacity to provide social housing in New South Wales would be significantly reduced by taking that approach. The amount of money available for social housing in general does not really allow any expansion at all and is about to cause a contraction of capital. The Department of Housing...faces the problem that if estates are broken up, this will actually dehouse quite a number of people so that the waiting list will get longer and existing tenants will have to move somewhere else.’<sup>33</sup>

**2.27** The important thing for governments is not to dismiss these estates as having intractable problems that no-one can improve. Large estates create social exclusion. Major problems can be ignored by mainstream service providers because they are seen as separate from the larger community. The study by Professor Tony Vinson *Unequal in Life* shows, not surprisingly, that many of these estates feature in the “30 most disadvantaged” list of postcode areas.

**2.28** During the committee’s visit to the City of Lake Macquarie the Vinson study was criticised for identifying by name the ranked suburbs. The committee sympathises with the concerns of residents in struggling areas who feel they are unfairly stigmatised by living in “the worst” postcode in the state. However Vinson argues that naming is important because it draws attention to governments to the need to address its problems<sup>34</sup>. As evidence he cites a study that was done using the same methodology in Newcastle 25 years ago – five of the seven most disadvantaged suburbs in that study showed up in the top 30 of the 1999 study. This is:

‘dramatic evidence ...of the folly of ignoring the importance of combating inequality at the neighbourhood level.’<sup>35</sup>

**2.29** The committee regrets that local communities will suffer stigma by being named in “worst areas” type lists. However it supports the naming because it believes communities will suffer even more in the long term if they remain “invisible”. To redress the initial stigma when improvements are made maximum effort should be made to publicising the “good news”. Empirically based studies such as Professor Vinson’s challenge governments to improve their efforts at a local level to provide adequate social supports.

**2.30** The Department of Housing has long recognised the failings of the large estate model, and now adopts a “salt and pepper” approach for new stock, purchasing or building individual properties in mixed areas. However the large estates will remain in the foreseeable future, and they present a particular challenge to crime prevention. In the final section of this

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<sup>33</sup> Morgan-Thomas *Evidence* 14/03/00 p36

<sup>34</sup> *Ibid* p44-45

<sup>35</sup> *Id* p44



chapter the committee will address community renewal and the contribution this makes to crime prevention, which is particularly important for the larger estates.

## **Rental Assistance and Federal Housing Policy**

**2.31** The most important change in direction in housing policy affecting low income groups has been the shift in Federal funding out of public housing and toward private rental subsidy. This is not a new shift; it began in the 1980s<sup>36</sup>. It originated out of concerns about inequities between social security clients depending upon whether they were in public housing or private rental. In 1996/97 public tenants received an average per annum subsidy of \$4,000 compared to \$1,570 for Rent Assistance recipients<sup>37</sup>.

**2.32** The advantages of rent assistance over funding public housing are that:

- it is flexible for the tenant: they are given the choice of where to live rather than be allocated according to what public housing stock is available
- it is flexible for the government: if the tenant's need ends they are not left with housing stock needing to be filled; nor the ongoing maintenance costs
- it allows the government to spread its money further than under a capital purchase program
- it is less expensive for the government funder: the construction or purchase costs have already been met
- low income groups are part of the mainstream of commercial landlord/tenant arrangements instead of having the Department of Housing as landlord

**2.33** The disadvantages of rent assistance are that:

- there is a great shortage of low income housing in many areas, so rent assistance may not provide any more choice than public housing
- in areas of high rents the tenant may be much worse off than if they were in public housing as there is a low ceiling on rent assistance
- tenure in private rental accommodation is much more insecure than public housing
- many disadvantaged groups are considered undesirable tenants by landlords, so may be unable to gain suitable accommodation:

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<sup>36</sup> National Shelter Inc "Housing and Employment" *Discussion Paper* July 1999 p7

<sup>37</sup> Department of Social Security "Overview of the Australian Private Rental Market" *Policy Research Paper #72* 1996, quoted in Shelter *Ibid* July 1999 p7

'If a woman walks into a real estate agent's office and she is on the pension and has four kids, do you think that she is on the top of the possible or potential renters list? She is not: she is just not going to get it. Public housing is a really serious issue and it is a serious issue for young people as well<sup>38</sup>.'

**2.34** Rent assistance is best suited to situations where the poverty or other disadvantage is short term, such as unemployment, family break up or similar events. The committee heard concerns of how Federal policy was moving the housing of the more permanently disadvantaged into dangerous waters:

'At the moment the Commonwealth government is a rudderless ship in terms of housing policy. It has put huge amounts of money into rent assistance. That money is an entitlement and it is difficult for it to cap. They have no control over outcomes that they give for rent assistance. They have put less and less money into the Commonwealth –State Housing Agreement where it does have some control over outcomes, but it is increasingly saying deliver to the most needy and creating problems that no State in Australia is going to be able to deal with.<sup>39</sup>'

'That process [winding back on building public housing] has had sad effects on some of the most disadvantaged people in our community. Even if they have assistance, they are the last people who will be given opportunities for reasonable private rental. Therefore, public housing was the salvation for some of them. ...It has really been very difficult for us and our clients. We have a number of crisis housing units and the waiting times to get into public housing is now way over a year for the most critical and it will get worse.<sup>40</sup>'

**2.35** Rental assistance for a single person with three children is up to a maximum of \$102<sup>41</sup>. For any person on a statutory income it is virtually impossible to rent privately and spend less than 30% of their income on rent even once this rental assistance is considered<sup>42</sup>. The Department of Housing states that in June 1997 more than 200,000 of the 350,000 people receiving rental assistance in NSW were paying more than 30% of their income in rent<sup>43</sup>. The result of reliance on rental assistance will be, in Sydney and other high rent areas, to increase economic stress on an growing number of low income groups who would previously be in public housing.

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<sup>38</sup> Voigt *Evidence* 17/06/99 p41

<sup>39</sup> Morgan-Thomas *Evidence* 14/03/00 p44

<sup>40</sup> Voigt *Evidence* 17/06/00 p54

<sup>41</sup> 22/06/00, taken from Centrelink website [www.centrelink.gov.au](http://www.centrelink.gov.au)

<sup>42</sup> Morgan-Thomas *Evidence* 14/03/00 p39

<sup>43</sup> Department of Housing *op cit* 1999 p16

## State Housing Policy and Low Income Housing

- 2.36** The current Commonwealth-State Housing Agreement lasts until 2003. The agreement sees funding in 1999/2000 of \$430 million for public housing decline to \$394 million by 2002/3; this contrasts with current funding of \$520 million in rental assistance for NSW, a fivefold increase over the last 10 years<sup>44</sup>. There are few prospects of any increase in funding of public housing stock at present.
- 2.37** The committee sees no easy solutions to these problems for the NSW government. Increasing Federal rent assistance may only fuel further rent increases in tight rental markets, especially in Sydney. Limited regulation of rent increases, suggested by NCOSS<sup>45</sup>, risks discouraging supply of the already limited number of low cost housing properties available.
- 2.38** The committee believes the greatest contribution the State government can make to reducing the economic stress of housing costs is to encourage greater supply of low income housing. NCOSS in its submission to the Inquiry recommended that a housing affordability State Environmental Planning Policy (SEPP) be introduced which sets targets for low income housing in local government areas, with particular emphasis on Sydney east of Parramatta<sup>46</sup>. NCOSS representatives also suggested that land tax concessions could be given to investors who could demonstrate that their properties were affordable to and being used by low income groups.
- 2.39** In 1998 an Affordable Housing Service was established in 1999 as part of the Department of Urban Affairs and Planning. Its aims include developing demonstration models of affordable housing and assisting joint venture projects with private, local government and not-for profit sectors. It also has a (repayable) grants program of \$6.4 million for capital funding of joint ventures and provides a register of consultants able to assist in the development of low cost housing<sup>47</sup>.
- 2.40** Late last year the Government passed legislation amending the objects in section 5 of the *Environmental Planning and Assessment Act 1979* NSW to make it clear that local councils are able to provide for or maintain low cost housing in their planning instruments<sup>48</sup>. Following a successful challenge by a developer in the Land and Environment Court the government also introduced a further amendment in 2000<sup>49</sup>. Section 26 of the Act, which describes the content of planning instruments, now also permits the inclusion of provision of controls

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<sup>44</sup> *Ibid* p13

<sup>45</sup> *Evidence* 14/03/00 p37

<sup>46</sup> NCOSS *Submission* 17/09/99 p13

<sup>47</sup> see <http://www.duap.nsw.gov.au/ahs>.

<sup>48</sup> s5(viii)

<sup>49</sup> *Environment Planning and Assessment Amendment (Affordable Housing) Bill*

and incentives for affordable housing<sup>50</sup> and gives councils the power to make conditions of consent to require dedication of land for purposes of affordable housing. The Act also provides for an accompanying State Environmental Planning Policy (SEPP) to establish a clear and accountable scheme for the provision of affordable housing. Councils will now need to implement schemes in accordance with the SEPP<sup>51</sup>.

**2.41** The committee welcomes these initiatives, although their impact needs to be closely monitored. There appears to be a need for stronger incentives for local councils to do more to ensure increased levels of affordable housing, and this is one of the few areas where the State government can play a role in reducing concentration of housing poverty.

## Aboriginal Housing

**2.42** During its inquiry the committee has briefly visited estates owned by Aboriginal Local Land Councils but it has not investigated Aboriginal housing as a separate issue. The committee notes that in New South Wales an Aboriginal Housing Office was established in June 1998, with the co-operation of the Commonwealth Department of Family and Community Services and the Aboriginal and Torres Strait Islander Commission. It is intended this Office will streamline and reform the administration of Aboriginal housing programs<sup>52</sup>. Aboriginal and Islander tenants are heavily represented in mainstream public housing as well as specific Aboriginal housing areas. This duality was seen in Kempsey, where the committee visited a public housing area with a significant Aboriginal population, South Kempsey, and an Land Council Estate, Greenhills.

## Homelessness

**2.43** Homelessness, particularly among young people and those with intellectual disabilities or mental illness, is a major risk factor for offending and for becoming a victim of crime. When the other social supports such as public housing and rent assistance fail to assist those with chronic problems, individuals fall through the gaps into homelessness. There is an extensive literature on homelessness<sup>53</sup>. The committee has not examined the issue in depth. A submission to the Inquiry from the Federal Department of Family and Community Services provided details of that Department's current programs in this area. They include:

- the Supported Accommodation Assistance Program (SAAP) which provides 31,470 clients in NSW with accommodation and related support services for those at risk of homelessness

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<sup>50</sup> s26 (d)

<sup>51</sup> NSWPD (Hansard) (LA) 25/05/00 per Hon A Refshauge MP.

<sup>52</sup> Former Minister for Housing Hon C Knowles MP "New Head of Aboriginal Housing" press release 6/01/99

<sup>53</sup> see National Shelter *op cit* July 1999; Paris *op cit* Chapter 9

- the Youth Homelessness Early intervention Program, a response to the Prime Ministerial Youth Homelessness Taskforce. This provides \$60 million between 1999-2003 to provide early intervention support for young people and their families through counselling, adolescent mediation and practical support

## Local Dimension of Crime in Disadvantaged Areas

**2.44** Much of this chapter has described the larger picture of housing trends and how these relate to economic stress and offending. What has struck the committee however, is that crime and crime prevention is very much a local issue. For the remainder of this chapter this will be explored, firstly as to why some streets may have more crime than their neighbours, then finally examples of how local communities have reduced crime.

**2.45** The study by Professor Tony Vinson, *Unequal in Life*, examined disadvantage suburb by suburb by using census data grouped according to postcodes. A criticism made during the committee's visit to Lake Macquarie was that the reliance upon postcodes obscured pockets of even greater disadvantage, particularly in housing estates. For instance the Windale area named in the study was said to have fewer problems with crime than the neighbouring Booragul, but because the Booragul estate spanned several postcodes it did not show up as a problem area. In evidence to the committee Professor Vinson agreed with this difficulty but argued that the important thing was to identify local areas needed help:

“My policy intention and that of the St Ignatius Centre was to say, “Look, there are plenty more to come but start with these ones,” because up till now we have not used this mode of intervention very much. You will assuredly be dealing with serious things if you start with these ones, but it is not the whole story<sup>54</sup>.”

**2.46** He also stressed that any general statistical measure would be likely to miss the very localised nature of social problems such as crime. Referring to a study he and a colleague had conducted of a Sydney suburb:

‘sometimes we deal in units of counting in this field of study, like local government areas or postcode areas, which are probably as small as you can have for practical purposes of gathering data. But when you conduct a fine grained project like we did in this particular suburb, then you find that there are concentrations of child abuse within very compressed areas, maybe half a street block, of that order, and with that compression go a number of other social problems which are well known to the Department of Community Services officers and others who are working in the district.<sup>55</sup>’

**2.47** Professor Vinson explains the reasons for this in terms of lack of attachment to the community and the lack of links to other people and organisations. He told the committee that this needed to be built through three aspects of community building:

<sup>54</sup> Evidence 25 October 1999 p14

<sup>55</sup> Evidence 25 October 1999 p3

- building sociability, so that people go out and mix in their local community
- engaging in acts of reciprocal help
- reducing fear of crime, especially of street crime

**2.48** Witnesses to this Inquiry from welfare agencies report similar conclusions:

‘Our experience ..{in areas of high crime} is that there is such fear and suspicion between the households. People are frightened to go out because they think they are going to be burgled while they are away. It is a real fear. In those sorts of communities there is no sense of community cohesion with people looking out and caring for each other. You actually have to go about building that cohesion, and that is where the concept of family centres and family support happening from localised family centres can start to build the sort of trust that will allow that to happen<sup>56</sup>.’

**2.49** In its visit to the Proctor Way housing estate in Claymore the committee witnessed how a pocket of high crime in an already disadvantaged area was transformed in a little over two years into a cohesive community. In South Kempsey the committee saw the beginnings of efforts to build greater attachment through a neighbourhood improvement project. These and other examples represent the most encouraging aspect of the committee’s consideration of crime prevention and housing supports. The ability of state governments and communities to influence major economic trends in the housing sector is extremely small, but at a local level appropriate interventions can have very significant impacts.

## **Models of Successful Prevention through Community Renewal**

**2.50** During the inquiry the committee has visited several areas of either high crime or economic deprivation which have experienced a major improvements in their community. In some cases these improvements have co-incided with reductions in the incidence of crime, in other cases crime was said to be fluctuating, a case of “one step forward and two steps back”. Every case though, is an example of how crime prevention through social support creates positive benefits to a community quite apart from any direct impact on reducing crime.

**2.51** The committee has visited the following areas during its inquiry:

- Proctor Way Housing Estate, Claymore
- West Dubbo estate
- Booragul, Lake Macquarie
- Hamilton South, Newcastle
- South Kempsey

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<sup>56</sup> Stein *Evidence* 17/06/99 p47

- South Moree

**2.52** In most of these areas the committee spoke with residents as well as agency officials. Through visits and submissions the committee was also briefed on other areas such as Windale, Waterloo, Cabramatta and Woolloomooloo.

**2.53** All of these areas were, and are, economically deprived and most have a high proportion of public housing. They vary in how far they have progressed towards renewal: in South Moree for instance work has barely begun; in Booragul work has begun without many tangible outcomes to date in terms of reducing crime, while in Proctor Way one can speak of a “transformation”. Partnerships between agencies is a feature of the best of the projects. The agencies involved vary, but have included:

- the Department of Housing, particularly through its Community Renewal program
- the Premier’s Department, through its Strategic Projects Division
- local councils in some areas
- the Police Service, including PCYCs
- the Crime Prevention Division, Attorney-General’s Department
- local Chamber of Commerce (West Dubbo)
- TAFE (South Kemspey)
- community groups – family support services; community housing co-ops

In the more successful examples local residents played a major role in many initiatives.

**2.54** Each area is unique, and what works in Proctor Way, Claymore, may be inappropriate in South Moree or even other parts of Claymore. Despite this, the committee has been able to discern some key factors which should be considered for those wishing to prevent crime in economically deprived neighbourhoods.

**2.55** These principles are:

- community participation at all stages of any intervention: participation appears far more effective than merely consulting
- locally based management: either located in the housing area or somehow identified with it rather than a distant bureaucracy
- responsive management which listens to and acts upon suggestions made by residents

- community ownership of improvements, so that it is seen as the community's work
- adequate resources, with many of these projects involving substantial increases in expenditure from that previously made on the area
- effective sanctions against disruptive members of the community
- priority given to linking the area to the wider community via employment programs or other services

### **State Government Community Renewal Initiatives**

**2.56** Several of the examples the committee has witnessed have come about in part because of State government initiatives coalescing with community response. While many Departments have relevant programs the committee believes the real impetus has come from three (overlapping) sources:

- the Crime Prevention Division of the Attorney General's Department
- the Strategic Projects Division of the Premier's Department
- the Community Renewal program of the Department of Housing

**2.57** The Crime Prevention Division was discussed in Chapter Seven of the committee's First Report. The other two areas are discussed briefly below, although more detail is provided in Appendices Six and Seven.

**2.58** The Strategic Projects Division brings together many new innovations and pilot programs and seeks to bring a whole-of-government approach to addressing complex social problems. The initiatives it has piloted in recent years include place management in Cabramatta, Kings Cross, Moree and other local areas; the Youth Partnerships project bringing together young people, government and local communities; and a website ([www.communitybuilders.nsw.gov.au](http://www.communitybuilders.nsw.gov.au)) seeking to provide information and resources to local communities. In 1999 the Division established the "Strengthening Communities Unit". The role of this unit is to help agencies both inside and outside government to carry out initiatives that make communities stronger. The unit states that its method of working is to form partnerships with communities, building on those communities' strengths to deal with challenges rather than impose solutions<sup>57</sup>. The committee has seen the value of this approach in the work the Premier's Department initiated in Kempsey, where constructive partnerships have been formed with the local council, the Dughatti Aboriginal community and state government agencies. The unit is also responding to the recommendations of Professor Vinson's report in local areas of the Hunter region, as the committee saw during its visit to Lake Macquarie and Newcastle.

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<sup>57</sup> "The Strengthening Communities Unit" brochure, Premiers Department June 2000.



**2.59** The committee has been particularly impressed by the programs of the Department of Housing that have come to be termed the Community Renewal program. Begun in 1996, it targets the Department's most disadvantaged public housing estates. Through creation of partnerships with residents themselves and other government and non-government agencies it seeks to rebuild the confidence and social engagement of those communities. The key strategies of the program are:

- make client staff more accessible and visible to residents
- work with police to identify trouble spots and reduce criminal activity
- improve housing to contemporary standards
- improve the social mix and diversifying management through use of housing associations
- working with residents so they can develop new skills and linking them with employment opportunities
- encouraging other service providers to work in partnership with residents and the Department

**2.60** The Department is currently contributing significant funds to its Community Renewal program. A series of sub-programs have evolved over time. One of these is the tenant employment scheme, which by late 1999 had over 400 tenants registered for employment and training opportunities. Since May 1999, 182 people have found work through the program, and 79% of those are long term unemployed with often 10 years out of the workforce<sup>58</sup>. Another offshoot of the main program is the new community gardens program which assists tenants in growing gardens and crops on their properties and communal areas.

**2.61** The committee has seen the benefits of these programs in the way they have influenced improvements in the West Dubbo estate and in South Kempsey. The committee has been impressed with the regional managers it has met and their awareness of the need for community involvement. The recommendation which ends this chapter is aimed more at recognising that much of this work has validity as crime prevention than suggesting a new direction.

**2.62** The committee does stress however, the essential nature of community participation in each new initiative, that these are not simply Departmental initiatives. It leads to the breaking down of a passive, hostile relationship between disadvantaged tenants and a bureaucratic landlord. Many of the most significant improvements have come from ideas within the communities themselves. This is vital in building the attachments referred to by Professor Vinson. It is an approach which has also been adopted by the Blair government

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<sup>58</sup> NSWPD (Hansard) (LA) 21/06/00 per Hon A Refshauge MP

in the UK in a recent report by its Social Exclusion Unit, where it concluded that through self-help communities and governments both benefited<sup>59</sup>.

- 2.63** To illustrate how crime can be prevented through community renewal in disadvantaged communities it is useful to see them demonstrated in three examples the committee has seen.

### **Proctor Way**

- 2.64** The story of Proctor Way has become increasingly well documented<sup>60</sup>. Proctor Way is an estate of around 90 properties built during the 1970s. The estate is built in the Radburn design with split level townhouses with limited privacy due to common shared spaces. It is located in Claymore in Sydney's outer South West, which has over 80% of dwellings in public housing and very high levels of economic and social deprivation.

- 2.65** In 1995 a fire in one of the townhouses killed five people. At that stage there were four derelict burnout buildings, most garage doors were covered in graffiti and the street was littered with rubbish and wrecked stolen cars. An average of one reportable police incident a day occurred, and many of those who moved in had their houses robbed within their first few days. A group of local youths controlled use of some of the larger public spaces and intimidated local residents. The Department of Housing was bitterly resented by residents, who blamed it for the state of disrepair of properties.

- 2.66** The Department recognised it was time to try a different approach, so over time they effectively leased the management of the estate to a community housing group, Argyle Community Housing. The Manager, Brian Murnane, based his office on the estate so as to be in touch with local concerns. He undertook to respond to calls for emergency repairs within 24 hours and all other repairs within 48 hours. He attempted to hold formal meetings of residents to hear their concerns, but these failed because of fears by residents that they would be targeted by other residents. Instead a street barbecue and other informal settings provided an opportunity to hear tenants concerns about their security and the appearance of the estate.

- 2.67** Brian Murnane agreed to arrange repainting of all graffiti covered walls, but asked that locals participate in a clean up of rubbish on the estate. The first of these clean-ups collected an incredible 17.5 tonnes of rubbish! Next security issues begun to be addressed by concerted attempts by Brian Murnane to get police to intervene against criminal elements. An important part of this process was encouraging local residents to join him in reporting incidents rather than being fearful of intimidation. Eviction or departure of

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<sup>59</sup> for a copy of the report of the Social Exclusion Unit please see the following website address: [www.communitybuilders.nsw.gov.au/ext/articles/secrets/UK\\_self\\_help.html](http://www.communitybuilders.nsw.gov.au/ext/articles/secrets/UK_self_help.html)

<sup>60</sup> see Leser D "It takes a Village", *Sydney Morning Herald (Good Weekend magazine)*, 5/06/99; "Home and Housed: Making Housing Management Work", Office of Community Housing, Department of Urban Affairs and Planning 1998; "Animation: Challenging Despair and Dependency by Building Stronger Communities" Society of St Vincent De Paul, August 1998, Latham M "Why the Left lacks common sense on poverty" *Australian Financial Review* 7/02/00)

some troublesome tenants also allowed Argyle Housing to negotiate with the Department of Housing a flexible allocations policy which bought in several Samoan families.

- 2.68** These new residents then approached Murnane, complaining the Department of Housing funded security guards which patrolled the estate at night were ineffective and rarely left their car. They suggested mounting their own night patrols. Despite reservations about vigilante action Murnane agreed, purchased torches, and within a few weeks night time burglaries and other incidents had declined to almost nil. Lighting around the properties was improved and the number of passages between houses reduced so as to reduce opportunities for break-ins.
- 2.69** The next step in the rebirth of Proctor Way came with a request from residents to use the reserve behind the houses for a vegetable patch. This reserve was still being used by people outside of the estate as a public dump, despite the earlier clearing of rubbish, and was also still difficult to keep free from criminal activity. This vegetable patch has become a very large community garden, cultivated by many residents. It is used by the Samoan families to provide a positive focus for young people in their community, and is a source of great pride for all who live in Proctor Way.
- 2.70** The improvements in Proctor Way continue to be built upon. Argyle Housing applied successfully to the Department of Housing to allow local residents to be employed to carry out repairs on the properties. Following the success of this, the locals are looking to be employed to work on other Department properties in the Claymore area. Argyle Community Housing have now expanded to the management of other properties in Claymore, currently numbering 135 dwellings, although Brian Murnane indicated they would not take on any further properties as it would break the local nexus between management and tenants.
- 2.71** The turnaround in Proctor Way is visible to anyone who visits the area. However the few statistics that are available also tell a story of a major turnaround. Some of the changes are recorded below<sup>61</sup>:
- Police reports show only 3 of the 49 malicious damage incidents in Claymore between November 1997 and April 1998 occurred in the 3 streets managed by Argyle Housing, which includes Proctor Way. Likewise only 6 of the 86 Claymore break-ins occurred in the 3 streets, and none in Proctor Way, and the Police report far fewer call outs for Proctor Way than other area in Claymore<sup>62</sup>
  - Argyle did not have to spend any funds in 1997/98 in response to vandalism and damage. The repainted garage doors have not been covered in graffiti or damaged since 1996
  - all but four of the 1996 residents have remained (and two of those were evicted for non-payment of arrears)

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<sup>61</sup> figures from Office of Community Housing *op cit* p29-33

<sup>62</sup> limited police data is available because the reporting system for data collection changed so pre 1997 comparisons cannot be made

- there is now a 12 month waiting list for a place in Proctor Way, whereas in 1995 the Housing Department had difficulty getting potential tenants to accept a place. Vacancy Rates in 1995 were 29% in Proctor Way (8.2% for rest of Claymore); by 1998 they had fallen to 8.2 % (2.4% for rest of Claymore) which represented only 1 property

**2.72** A focus group of Proctor Way residents was conducted by the Office of Community Housing which confirmed residents enjoyed the changes, probably best summed up by these two statements:

‘Proctor Way used to be the worst street, now it’s the best, people help each other out.’

‘It feels like a real neighbourhood.’<sup>63</sup>

### **West Dubbo Estate**

**2.73** Proctor Way is unique, but there are many lessons which can be learnt from their experience. A different example is the West Dubbo estate in the North West of the State. There are around 290 free standing public housing properties in a generally low income housing area, with a high proportion of Aboriginal residents. It is a transient area with a high turnover of properties (48% being vacated each year) and no waiting lists for properties. Rightly or wrongly it has the reputation as the problem area in Dubbo. Newspaper reports describe children as young as eight participating in break-ins, with frequent assaults and vandalism, and claims that the fire brigade refuses to visit the estate without a police escort<sup>64</sup>.

**2.74** The Department of Housing began a Community Renewal strategy for the area in 1995/96, which included establishment of a neighbourhood centre in the estate. The breakthrough however came in 1999 when the Aboriginal community approached the local council to do something about the situation. Previously they had not wanted any intervention. The Council agreed to allocate \$50,000 to improvements to the area such as improved lighting, clearing of trees to improve visibility in some areas, and a fencing project to make properties more private. Local residents were used to do the work, and the Council staff noted that none of this work has been vandalised in contrast to work by outside contractors.

**2.75** The Department of Housing and the Chamber of Commerce assisted in the establishment of a local tenant management committee for the neighbourhood centre. Among the many initiatives introduced is a Breakfast club to provide meals for school age children during the week. The Chamber of Commerce is assisting the development of employment programs within the estate and is applying for Federal grant funding for several projects. An interagency advisory body was established by the Department of Housing with representatives from Community Services, Police, Health, the Premier’s Department and the Council. This has led to the setting up of a government access centre, located within

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<sup>63</sup> Home and Housed p37

<sup>64</sup> “Children aged 5 swear at fire crew” *Sun Herald* 28 November 1999

the estate, to make it easier for residents to link up with services which they are currently under-utilising. The agencies combine to fund a non-government organisation, Barnardos, to run the centre.

- 2.76** The most visible improvement to the Dubbo West estate is however, the murals on the fences surrounding the estate reserve. Previously these were covered in graffiti and the grass covering the reserve was overgrown, given the area a threatening and ugly appearance. A local Aboriginal artist, Lorni Hylands, approached the management committee requesting permission to use the fences to paint murals. The committee agreed, and with Department of Housing support arranged government funding to cover the paint. Ms Hylands engaged local youth on community service orders and other juvenile justice clients to assist her paint the murals, which use Indigenous and contemporary designs. The final result, seen by the committee, is an attractive work of art which must rank as one of the largest and longest murals in Australia. Now other properties in Dubbo are requesting, and paying for, fence murals. The Dubbo West estate reserve is now maintained by local work crews and is being used for recreation and sport instead of anti-social activities.
- 2.77** The situation in West Dubbo has not been totally transformed: there are still outbreaks of crime and many social problems. However police report an overall decline in the crime rate for the estate, there is a notable decline in graffiti and vandalism; vacancy rates have declined by 22% over the last two years and rent arrears have also significantly declined over the last 12 months. The Department has committed to spending \$230,000 for future improvements including the development of the tenant employment program<sup>65</sup>.

### **South Kempsey**

- 2.78** A similar story of gradual improvements, and of a neighbourhood in transition, was seen by the committee in a visit to South Kempsey, on the Mid North Coast of NSW. This has 120 public housing properties in an suburb with a high proportion of Aboriginal residents and very high unemployment. As with West Dubbo it is perceived as the problem area in town, but during the committee's visit local residents of the area stressed that much of local crime was blamed on South Kempsey when it was a much more widespread problem.
- 2.79** The Department of Housing initiated a neighbourhood improvement program at around the same time as that begun in West Dubbo. The emphasis has been in building social infrastructure rather than changing physical aspects of the area. A Housing Department property has been turned into the South Kempsey Neighbourhood Improvement Program. Local residents such as Mavis Davis have lead many initiatives such as parties for children and their families, workshops on domestic violence, counselling services and other assistance. A night bus service (The Kemspey Assistance Patrol) has been funded to take home children out on the street late at night. The Djigay Centre of the local TAFE has also played an active role in developing employment initiatives with the Department of Housing<sup>66</sup>. It has established the Laybane work crew which uses local residents to repair

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<sup>65</sup> Fact sheet: "Community Renewal in West Dubbo" Department of Housing Spring 1999 p2

<sup>66</sup> see Chapter Three

Housing Department properties and train them for future contract work for other clients. Many of the Laybane work crew have previous criminal records.

- 2.80** As with West Dubbo, South Kemspey still has many problems. The notable feature for both is that there is hope for the future. Residents appear to be actively engaging in improving their future instead of blaming government departments for not doing better.

### **Community Renewal Crime Prevention Strategy**

- 2.81** The three examples above all contains some or all of the principles for successful crime prevention in areas of high crime. Each area requires different responses. However the committee believes the lessons learnt from each should be shared as much as possible. There is also value in identifying these as crime prevention activities, so as to ensure they are discussed by more than those directly responsible for housing policy.

- 2.82** The committee believes there is a link between the work of the Department of Housing, the Crime Prevention Division of the Attorney General's Department and the Strengthening Communities Unit of the Premier's Department. All three are pursuing community renewal programs in different ways, and each have a crime prevention objective although this is most strongly emphasised by the Crime Prevention Division. The committee understands there is co-operation and co-ordination between the three programs, and wishes to build upon this co-operation. The committee believes this could be used to develop a co-ordinated crime prevention strategy for areas of localised disadvantage with studies such as the Professor Vinson report and other indicators used to identify the most disadvantaged areas.

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#### **Recommendation 1**

The committee recommends that the Department of Housing in collaboration with the Crime Prevention Division of the Attorney General's Department and the Strengthening Communities Unit of the Premier's Department develop a crime prevention strategy for areas with significant numbers of public housing dwellings which also have a significant crime problem. The agencies should initially identify a short list of the estates or areas with the worst crime problems and for these areas develop a unique crime prevention plan, using the problem solving principles utilised by the Crime Prevention Division in its work with local councils. These plans should include measures which can be used to record improvements relevant to the communities for which the plan applies.

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- 2.83** The committee is aware that there costs involved in conducting such an exercise properly, hence the need to start with the areas of most significant crime problems first. The costs of management in Proctor Way, for instance, are slightly higher than comparable areas despite gains from declines in spending on vandalism and from rent arrears. However there are gains in reduced costs to other Departments, such as the Police and perhaps Community Services, from reduction in crime. Hence the need to see the crime prevention strategy as not solely a responsibility of the Department of Housing to fund.

- 2.84** The committee believes that crime prevention in disadvantaged communities can also be enhanced by providing some small scale additional funding to assist local government, police, chambers of commerce and community based organisations work on crime prevention initiatives within their area. In Moree, Dubbo and Kempsey individuals raised with the committee the need to access some source of small scale funding to assist projects: money to assist youth at risk attend camps, money to cover costs of painting for murals; money to assist provision of breakfasts before school. This money is probably already available through various sources but takes time and effort to search out. The committee believes the efforts of those seeking to build communities should not be diluted by time spent searching for small amounts of additional ad hoc funding.

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### **Recommendation 2**

The committee recommends that the Strengthening Communities Unit of the Premier's Department or another nominated agency co-ordinate an easily accessed grant program which provides small scale funding (no more than \$10,000) to local councils, community groups, local police, chambers of commerce and other groups to pursue crime prevention strategies. This should initially be available only to those communities discussed in Recommendation 1 which have a crime prevention strategy in place. Wherever possible funding should be based on a reciprocal contribution of either time, resources or money by the recipient.

- 2.85** The committee also believes Housing Department allocations policy can be strategically used to prevent crime in public housing areas where crime has become chronic.
- 2.86** One example of this was described to the committee during a visit to a regional centre. A local public housing estate had six extended family groups, five of which lived reasonably amicably except with the sixth grouping. Assaults, vandalism and thefts were alleged to centre around this division within the community. New allocations were said to contribute to the tension if they added to one faction rather than the more cohesive groups. In fairness to the Department, it was explained that the estate had a high turnover and it could not justify leaving properties vacant, nor could it discriminate against one group over the other five. However a creative use of allocations policy in these type of situations can defuse unnecessary escalation of conflict.
- 2.87** A positive example of the influence of allocations policy was seen in the Proctor Way Housing estate at Claymore. A number of tenants were evicted or transferred who had contributed to a high level of crime on the estate. Rather than repeat past mistakes the Department varied its allocation policy: Priority was given not to the next person on the list but those that contributed to a mix on the estate: some families; some single persons; some older people. It also bought several Samoan families as a core group on the estate. While many factors worked together to improve the estate (see below) the approach to allocations was certainly an important factor in creating a cohesive community. The committee was impressed by the friendly atmosphere in the estate in contrast to the impression of suspicion or the complete absence of visible residents in some other areas visited.

- 2.88** The committee is conscious that the Department of Housing, particularly in Sydney, has very little room to move in its allocations policy given the size of waiting lists. It must consider those in the most pressing need, and those who have waited at times several years for a housing place. However the committee believes that in public housing areas with the worst concentrations of crime there may be justification for pockets of flexibility in allocations policy so as to create a better social mix and more cohesive communities. The actual mix will vary depending upon the particular problems of the area: the key would be to treat each area as unique. This should be as part of the overall crime prevention program described in Recommendation One.

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### **Recommendation 3**

The committee recommends that as part of its crime prevention strategy (Recommendation 1) the Department of Housing use flexible allocation policies to reduce crime in the local areas identified as having the worst crime problems so as to enhance the potential for social cohesion in those areas.

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- 2.89** A more flexible allocations policy can potentially prevent many later problems. A poignant example of the current system was provided by an NCOSS representative, who had assisted a grandmother with custody of three grandchildren who was evicted from private rental because of spiralling rents:

‘The agency I was working with put in an application for her to be moved into public housing. She certainly met the criteria and, yes, she was certainly allocated a property but the property was 40 km from where she had been living. She was an elderly women with custody of three primary school age children. That family worked because neighbours in that street kept an eye out for the kids and for her. Moving her 40 km away meant that configuration no longer worked and those children ended up in care. If the department had been able to be responsive and say, “ In these circumstances this is what is needed here” it would have been a much better outcome for all concerned. Tenants can give many examples. Very often moving people a long way from their social supports is what breaks their ability to cope<sup>67</sup>.’

- 2.90** A related factor to the allocations policy in public housing is the problem of criminal activity being undertaken on public housing properties. Drug dealing was highlighted by many of those consulted. The failure to remove such tenants has a destabilising effect on the surrounding community. The committee has been told of an instance where a single mother was forced, at threats of violence to her children, to allow her house to be used as a drop off point for drug deals. Because of the inability of the police to lay charges the response of the Department of Housing was to remove the woman, leaving the offenders able to then intimidate the next arrival. When the committee visited Claymore they were also told of instances where up to five houses in a small street were used for drug dealing, because law abiding tenants move out at the earliest opportunity, leaving only those inclined to criminal activity. Every time the committee spoke with tenants the same story was provided, of a small group, sometimes even only one family, that was the source of

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<sup>67</sup> Perkins *Evidence* 14/03/00 p35



most trouble in the community. The fear and insecurity this small group caused affected the whole community.

**2.91** The committee is reluctant to make generalisations based on these anecdotes. There may have been reasons why the police or the housing department could not intervene. A press release from the Department of Housing states that 98% of eviction actions brought by the Department in the Tribunal were unsuccessful in 1997/98, prior to the Act<sup>68</sup>. The Minister for Housing in November 1998 introduced the *Residential Tenancies Amendment (Social Housing) Bill 1998* to give the Tribunal power to consider adverse impacts on neighbours when property or people are at risk of damage, or whether premises are being misused for manufacture or sale of drugs. From comments raised with the committee it appears there are still major problems; the committee is not able to ascertain whether this is because the legislation is not sufficiently strong, whether the powers are not being used or whether the explanation lies elsewhere. It also should not be seen as only a Department of Housing problem:

‘in the stand-off between the different departments about who is responsible for what on public housing estates, there is the constant assumption that the Department of Housing is responsible for 100 per cent. Local council and police stand back. The Department of Housing may be the major landlord in that area but those people have the same rights as every other citizen<sup>69</sup>.’

**2.92** The Proctor Way estate at Claymore faced similar problems of known offenders, both from within and outside the estate, committing regular crimes against residents. The estate was also used as a drop off point for stolen cars, because it was considered to be a police “no go” area. The Manager of Argyle Community Housing Co-op, when he arrived at the property, was told by residents that the police never responded to complaints. He devised with them a strategy of ringing the police every time a crime was observed on the estate, and continuing to ring if no action was taken. He also encouraged local residents to ring on the same matter, so adding to the “squeaky wheel” effect. Having local residents call also gave confidence to local police that there would be witnesses willing to speak out. It also sent a message to disruptive tenants that at the very least they would continue to suffer persistent interference with their activities, whether or not they were successfully prosecuted. With a few months the disruptive elements had either been arrested, evicted or left for easier targets.

**2.93** This example illustrates several points about ownership of the problems by the community themselves, and of the value of locally based, responsive management. It shows that the problem is not intractable given sufficient will to do something about it. Again, strategies to remove criminal activity in public housing property should be part of a crime prevention program targeting the worst crime areas. Each area should have its own unique plan, but each should be based upon

- knowledge of the actual problem, based upon residents knowledge and crime reports

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<sup>68</sup> Minister for Housing Press Release 1 January 1999

<sup>69</sup> Perkins *Evidence* 14/03/00 p36

- recognising the problem is one for all residents to work together
- that the policy is supported by local council, police and other agencies, not simply left as a housing department problem

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#### **Recommendation 4**

The committee recommends that, as part of the crime prevention strategy in Recommendation 1, the Department of Housing in close collaboration with the NSW Police Service develop effective strategies to remove disruptive tenants who engage in repeated criminal acts which impact on other residents. Each problem area should have a unique plan, based upon actual knowledge of other residents and on crime reports. The strategies should have the support of local residents and be seen as a joint responsibility of police, local government and other relevant agencies, not simply the Department of Housing.

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### **Conclusion**

**2.94** The committee is concerned at the growing hostility in sections of Australian society to the disadvantaged. Public housing and low cost housing areas are likely to be a focus for this type of resentment, hence the need for effective crime prevention as a priority. To quote Professor Vinson:

‘to in any sense “blame” the residents of areas for being disadvantaged is ill-informed and completely beside the point. If any finger pointing is warranted, it should be directed at authorities which have engaged in flawed or negligent planning, or state or national decision makers whose policies have had harmful consequences for disadvantaged communities....The important questions are whether we can identify instances of severe community disadvantage, and what can be done, in partnership with the residents of those areas, to improve their life opportunities and those of their children. These questions are ones that should be paramount in a country with Australia’s traditions<sup>70</sup>.’

**2.95** In this chapter the committee has examined many aspects of the way disadvantaged communities, housed together in pockets of poverty, can lead to serious crime problems. The committee has also examined how many communities have and are struggling to overcome such problems. To conclude, the committee would again stress the importance of developing active community participation in these local crime prevention activities. Many of these principles are encapsulated in a quote from a document given to the committee during its visit to Claymore:

‘Go with the people: Live with Them. Learn from them. Love them. Start with what they know. Build with what they have. But of the best leaders, when the job

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<sup>70</sup> Vinson *Evidence* 1999 pv

is done, the task accomplished, the people will all say, “We have done this ourselves<sup>71</sup>.”

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<sup>71</sup> Lao Tsu, China, 700 BC, quoted in Society of St Vincent De Paul *op cit*

## Chapter 3      **Aboriginal Communities, Self Determination and Crime Prevention**

### Introduction

- 3.1**      A recurring theme of this inquiry is that social and economic disadvantage greatly increases the risk that individuals will be victims and/or perpetrators of crime. There is no group in Australia that suffers from greater collective disadvantage than the indigenous inhabitants. The average life expectancy of an Aboriginal or Torres Strait Islander male in the year 2000 is 20 years less than for other Australians<sup>72</sup>. More than half of Indigenous males die before the age of 50, compared with 13% for the rest of the male population. Infant mortality is five times the national average. Nearly half of all Aboriginal people over 15 have no formal educational qualifications such as a school certificate. Aboriginal young people comprise one third of all detainees in juvenile justice centres.
- 3.2**      Figures such as these reflect the symptoms of poverty, high unemployment, poor housing and sanitation, poor education and inadequate access to health services. The explanations for this situation go much deeper into the history of black-white relations. The committee is conscious that in discussing social supports for Indigenous communities there is a long and unfortunately still evolving history of misguided policies which have often worsened these conditions. The criminal justice system becomes the final gatekeeper when other supports fail. Currently Aboriginal and Torres Strait Islander prisoners in NSW are imprisoned at nine times the rate of the general population. One in every four women in NSW prisons is Aboriginal. It is a continuing tragedy for the State that for young people in many Aboriginal communities a prison term is still almost a rite of passage.
- 3.3**      This chapter begins by examining the trends in relation to Aboriginal imprisonment. It then moves on to consider the crucial role that self determination has to play in any crime prevention strategy. The vexed issue of the place of early intervention in crime prevention is considered, together with the contribution schools can play. Family violence and its destructive effects is considered. A major part of the chapter is devoted to employment programs, of which the committee has received useful evidence during its visits to rural areas. The committee also considers the role local government has in improving prevention among Aboriginal communities.
- 3.4**      The relations between police and Aboriginal communities is a crucial factor in imprisonment rates. While this inquiry is not concerned with direct law enforcement some aspects of this relationship, such as the need for cross-cultural training, is examined. The chapter concludes with an examination of the place of sentencing options as a way of preventing repeat offending.
- 3.5**      In this chapter the term “Aboriginal” is generally used without the addition of “Torres Strait Islanders” in referring to NSW because the areas which the committee visited did not

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<sup>72</sup> Standing Committee on Law and Justice *Proceedings of Conference, Crime Prevention Through Social Support*, December 1998, Report 11, per C Sidoti p218, also Australian Bureau of Statistics “Indigenous Australians: Premature Death, Chronic Disease and Injury” Press Release 17/04/00

include Islander communities. Where reference is made to national situations or programs the longer term, or that of “Indigenous communities” is used.

### **Over-representation of Aboriginal Prisoners in NSW**

**3.6** The high rates of incarceration of Indigenous prisoners was given national prominence by the Royal Commission into Aboriginal Deaths in Custody which were released in 1991. The inquiry found that deaths for white and black prisoners occurred at roughly similar levels, but Aboriginal and Torres Strait Islanders were imprisoned at levels highly disproportionate to the rest of the population<sup>73</sup>.

**3.7** The Australian Institute of Criminology (AIC) has recently examined the trends in imprisonment over the decade between 1988 to 1998. This study concludes that Indigenous prison populations have grown faster than non-Indigenous over the last 10 years, increasing by an average of 6.9% per year. As the table below indicates, in NSW the rate of increase appears to have been faster than the national average<sup>74</sup>.

**3.8** However, the authors of the AIC report state the Australian Bureau of Statistics data upon which the rates are based reflects the growing willingness by indigenous peoples to identify themselves as such, an effect which varies among states and territories. They state it is impossible to determine what proportion of the increase can be attributed to “category movement”, so no real inferences can be drawn from the NSW increase. One of the explanations for the increase in numbers of Indigenous prisoners is therefore that there are

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<sup>73</sup> “Australian Corrections: The imprisonment of Indigenous People” C Carcach, A Grant & R Conroy, *AIC Trends and Issues Paper* November 1999 p1

<sup>74</sup> *Ibid* p3, figure 1

more Aboriginal people in NSW than in 1988. It is therefore important to examine whether the proportion of Indigenous prisoners is increasing to their proportion of the population as a whole in NSW, that is, whether they are over represented in the prison system.

**3.9** A marginally encouraging trend is the slight decrease in the over-representation nationally, from 14.2 to 11. over the 10 years. The rate of over-representation in NSW is below the national average, at a little over nine times; however this has remained unchanged over the last decade. Despite the awareness of the over-representation of Aboriginal prisoners throughout the last decade, the stark figures are that despite being only 2 % of the NSW population, Aboriginal and Torres Strait Islanders are:

- one third of juveniles in detention
- one in four of female prisoners
- almost one in seven of males in prison<sup>75</sup>

**3.10** These figures suggest that governments of all levels have failed to prevent crime in Aboriginal communities in NSW. There have been many reasons suggested for this during the course of this inquiry. These include:

- the continuing effects of the dispossession of black by white Australians and the loss of cultural identity
- the breakdown in the authority of Elders and parents
- the breakdown in parenting skills as a result of the impacts of the policy of separation of Aboriginal children from their parents
- discrimination in policing for public order offences
- lack of sentencing options; lack of use of alternatives to prison contributing to repeat offending
- discrimination in sentencing
- high rates of unemployment and a culture of dependency
- drug and alcohol problems
- the cumulative impact of socioeconomic disadvantages of the kind shared by other disadvantaged groups

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<sup>75</sup> Figures from *Ibid* and T Vinson, "Aborigines facing Hard Labor" *Sydney Morning Herald* 7/07/99

**3.11** The committee will examine each of these factors during this chapter but does not believe there is any one single explanation for the over representation. As summed up by Professor Chris Cunneen, who has spent 15 years working with Indigenous communities:

‘An effective answer to that question relies on thinking about socioeconomic disadvantage, marginalisation, the history of dispossession and ongoing levels of discrimination and racism in terms of the way in which criminal justice systems operate. It is really a combination of those factors rather than any one. Institutionalised discrimination accounts for some level of over-representation; socio-economic conditions, including high levels of unemployment in Aboriginal communities, accounts for some level of it and the historical marginalisation of indigenous people from mainstream institutions of non-indigenous society accounts for some of it as well. It is a combination of those factors<sup>76</sup>.’

## Self Determination

**3.12** This chapter examines crime prevention initiatives specific to Aboriginal communities. While the aim of such initiatives would certainly be to reduce the currently unacceptable over representation of Aboriginal prisoners, an important point is that Aboriginal communities should not be seen as “targets” of programs imposed from outside. This point was made early in the Inquiry by a leading criminologist, Professor Ross Homel. He 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<sup>77</sup>.’

**3.13** Professor Cunneen advised the committee he was not aware of any community based NSW crime prevention activities which could be shown to have a measurable effect on crime reduction in Aboriginal communities<sup>78</sup>. Encouraging examples were seen by the committee in some locations, such as the work of Djigay Centre with young offenders in Kempsey, the Aboriginal leadership of the South Kempsey Neighbourhood Improvement Centre, and the fence mural initiative of local Aboriginal leaders in West Dubbo (See Chapter Two). The committee was referred several times to crime prevention initiatives in other states, such as the community justice programs at Palm Island project and the Kowanyama project in the Cape of Carpentaria<sup>79</sup>.

**3.14** The committee believes that the starting point of effective crime prevention must be to give greater control over decision making and methods of prevention to the Aboriginal communities themselves. Solutions imposed from outside are likely to at best further dis-

<sup>76</sup> Cunneen *Evidence* 14/03/00 p19

<sup>77</sup> R Homel *Evidence* 26/07/99 p29

<sup>78</sup> *Evidence* 14/03/00 p19

<sup>79</sup> R Homel *Evidence* 26/07/99 p29, Cunneen *Evidence* 14/03/00 p19

empower already disadvantaged communities, and at worst lead to increases in crime as anger and alienation increases.

**3.15** “Self Determination” is the term most frequently used to describe this process of allowing Aboriginal communities a greater say in the programs and processes which affect them. It should not be confused with “self management”. Self Determination is not about establishing Aboriginal criminal justice systems which duplicating existing structures. Rather, self determination is concerned with effective input into how current processes work and how decisions are made. The committee in this chapter is also not referring to questions about native title when referring to self determination, though the concept is of course relevant to that issue. The focus for the committee is how self determination as a principle is practically applicable to crime prevention.

**3.16** From its visits in rural areas the committee believes Aboriginal communities themselves are concerned about crime from two different viewpoints:

- concern for the high imprisonment and offending of family members which at times they consider unnecessary or unfair
- concern about the destructive impact of crime on their quality of life in their community

**3.17** The committee’s perception was confirmed by Professor Cunneen:

‘..one of the things that continues to strike me all over Australia in the work that I do – is the great desire among Aboriginal organisations and communities to deal with the issues of disorder as they affect their communities. It is not contradictory for Aboriginal communities to be highly dissatisfied with State departments and their level of intervention, while at the same time demand solutions to law and order problems. They desire those solutions and they desire greater levels of control<sup>80</sup>’

**3.18** An illustration of this was described to the committee in Dubbo. The crime problem in West Dubbo had significantly worsened up to the middle of 1999, when for the first time local Aboriginal groups approached the Council with their concerns. Prior to this any interventions in the area had largely been against the wishes of that group, and had been largely ineffective as a result. The Council agreed to make \$50,000 available for improvements to the area. This was largely undertaken by a work crew of local Aboriginal men. In contrast to previous work fences were left free from graffiti, trees planted were not uprooted and irrigation systems for a local reserve were left untouched by local youth. The Mayor of Dubbo indicated that he had learnt from this the importance of giving more autonomy to the community in West Dubbo in dealing with their problems.

**3.19** Another example of which the committee is aware of is how the Aboriginal communities in Ballina have participated in the StreetBeat project. This provides a night time pick up bus for children on the streets late at night. The project, which employs an Aboriginal worker, was developed with the full involvement of the local communities and funding from the Crime Prevention Division of the Attorney General’s Department. Even an evaluation

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<sup>80</sup> Cunneen *Evidence* 14/03/00 p16



which opposed the use of the Parental Responsibility Act in Ballina agreed that the Aboriginal communities in Ballina supported the StreetBeat project and the impact it was having<sup>81</sup>.

- 3.20** To give Aboriginal people a real say in crime prevention programs affecting their community and to allow them to implement those programs wherever possible is not always easy, particularly in towns where there may be entrenched divisions and mutual suspicion. However it has many advantages. Problems can be identified more clearly because this is identification done by persons within the community. The principle of empowering local communities to come up with their own solutions to local crime problems has worked effectively in, for instance, the NSW Attorney –General’s Crime Prevention Division’s work with local councils (discussed in Chapter 7 of the committee’s First Report of this Inquiry). Similarly, Aboriginal communities experiencing crime problems may need expert external assistance in identifying solutions, but any solutions should be those of the community itself. If members of the community work on solving their crime problems any offenders are seen to be working against their own community. Successful projects also bring pride to a group which has suffered from many negative perceptions.
- 3.21** Seeing Aboriginal people actively participate in crime prevention may also help to overcome the double standard which can easily apply. In a study of crime within NSW rural communities, Russell Hogg and Kerry Carrington found that crime by white offenders was typically seen as an individual act, whereas crime by an Aboriginal offender was seen as a reflection on the “Aboriginal problem”, a collective failing<sup>82</sup>.
- 3.22** An important part of self determination in crime prevention needs to involve strengthening rather than undermining those with positions of authority in Aboriginal communities. These may be Elders, or leaders of Aboriginal organisations. It should also include parents and older family members. The importance of this was brought home to the committee in two separate incidents. Firstly, in a consultation during its visit to Kempsey an Aboriginal person working for a government agency made the point that junior staff of government agencies had more power and authority over the lives of young Aboriginals than the Elders of his community. The second incident occurred when the committee met with representatives of several Local Aboriginal Land Councils while in Dubbo. Several parents commented on how their children came home from first few days of school to tell them that if they hit them to discipline them the children should ring “000” for assistance<sup>83</sup>.

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<sup>81</sup> Aboriginal Justice Advisory Committee, “A Fraction more Power: Evaluation of the Impact of the *Children (Protection & Parental Responsibility) Act* on Aboriginal People in Moree and Ballina” p3-4 [www.lawlink.nsw.gov.au/ajac.nsf](http://www.lawlink.nsw.gov.au/ajac.nsf)

<sup>82</sup> “Crime, Rurality and Community” 1998 *The Australian and New Zealand Journal of Criminology* v31 p169

<sup>83</sup> The committee recognises that family violence is a problem in both black and white communities, as discussed below. The example is used as an illustration of how valid concerns can nevertheless undermine parents’ perception of their authority

**3.23** Examples cited to the committee of how the authority of Elders or other leaders can be enhanced is to:

- include them in the formal police cautioning process for young offenders, as well as in community youth conferencing;
- involving them in decisions about interventions in families where there are claims of neglect or family violence; and
- a protocol for the Elders or other leadership to be consulted in matters affecting the town (see local government section in this chapter)

**3.24** In any consultation it is important to recognise that Aboriginal communities are as diverse, as any other and views expressed may not be universally held. As Linda Burney, Chair of the NSW State Reconciliation Committee, said to the committee's conference on crime prevention in 1998:

'What I say today is the view of one Aboriginal person, not necessarily the view of Aboriginal New South Wales or the country, and that is an important point to start with, particularly for policy making. You must understand that Aboriginal society is as diverse and complex as you in this room, and that is an important first base.<sup>84</sup>'

**3.25** The importance of self determination is not a new concept; it underlies the recommendations of the reports on the Inquiry into Aboriginal Deaths in Custody and the Inquiry into the Separation of Aboriginal and Torres Strait Islander Children, and those inquiries contain many recommendations which seek to bring greater input by Aboriginal people into the practices and policies of welfare and criminal justice agencies. Progress is slow in implementing these recommendations:

'Current decision-making processes in this State, and indeed in other States in Australia isolate and marginalise effective community input or control. The key decisions that are made about intervention, whether we are talking about welfare intervention, juvenile justice intervention or sentencing in the criminal courts, are made outside of effective negotiated input from indigenous communities<sup>85</sup>.'

**3.26** The committee would like to see more crime prevention programs initiated and implemented by Aboriginal communities in NSW, building upon some initiatives already developing. Some of these may develop within the context of local government crime prevention plans (see later this chapter), others may develop through activities of government agencies such as the Department of Housing's Community Renewal program (see Chapter Two), while others may begin from within the communities independently of other processes.

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<sup>84</sup> Standing Committee on Law and Justice, *op cit* December 1998 p223

<sup>85</sup> Cunneen *Evidence* 14/03/00 p16

- 3.27** There is value in examining whether current crime prevention programs in areas of high Aboriginal populations are effectively seeking input and participation from those communities. The committee notes that some legislation such as the *Children (Protection and Parental Responsibility) Act 1997* requires consultation of local Aboriginal communities in the development of crime prevention plans.

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### **Recommendation 5**

The committee recommends that the Premier's Council on Crime Prevention seek to encourage greater control by Aboriginal communities over decision making and methods of crime prevention in programs which affect them directly. To further this aim the committee recommends the Council request all agencies funding crime prevention programs in areas with significant Aboriginal populations review the level of Aboriginal participation in the development and implementation of the programs. In particular, agencies should be requested to consider:

- whether Aboriginal communities were consulted initially in the development of the program and whether they continue to be consulted regarding its outcomes
- whether local Aboriginals support the program, and if not for what reasons
- whether the programs are able to make constructive use of or co-operate with authority figures within the Aboriginal community, such as Elders, leaders of Aboriginal organisations or parents
- whether local Aboriginals are employed in the implementation of the programs

This approach should also be used for development of any new crime prevention programs.

### **Recommendation 6**

The committee recommends that the Premier's Council on Crime Prevention and/or the Strengthening Communities Unit of the Premier's Department identify successful examples of crime prevention projects based upon empowering Aboriginal communities and widely disseminate these to other agencies as potential models of the application of principles of self determination.

### **Recommendation 7**

The committee recommends that the Council on Crime Prevention examine whether there is any potential to replicate the resourcing of a problem solving consultancy approach used by the Crime Prevention Division in its work with local councils in Aboriginal communities.

## Local Councils and Aboriginal Communities

**3.28** Throughout this inquiry the committee has emphasised the importance of local government playing a role in crime prevention. In areas with a high Aboriginal population the council has the potential to either enhance and strengthen crime prevention efforts in Aboriginal communities, or see crime problems in terms of “us and them”. The Crime Prevention Division of the Attorney General’s Department has made considerable effort to ensure that Aboriginal communities are consulted in the development of local crime prevention plans, and this consultation is a legislative requirement should a council seek the declaration of a Parental Responsibility Act operational area (s4(a) *Children (Protection and Parental Responsibility) Act 1997*).

**3.29** The committee has been impressed by the efforts of some councils in this regard. At the committee’s 1998 conference the Mayor of Moree, Councillor Mike Montgomery, made an important point in describing the impact of the drug problem on a small town in his shire. The victims of the drug trade were Aboriginal families whose houses were constantly being burgled by drug addicted young people; the perpetrators of the drug dealing were local whites driving into the town to sell to young people<sup>86</sup>. Interestingly, in his speech the Mayor noted that although 20% of the Shire were Aboriginal there had never been an Aboriginal councillor (p237); in the council elections held in September 1999 local Aboriginal Tony Dennison was elected to this office.

**3.30** The committee saw in Kempsey that despite signs of racial tension within the town there was co-operation between the local council and the Dunghatti community. A significant step appears to have been the signing of a statement of reconciliation by the new council, apologising for actions of governments which have brought pain and loss to Aboriginal people and recognising the Dunghatti people’s rights to live according to their own culture and customs, subject to law. The significance of this apology can be understood by a brief account of the history of local black/white relations:

- the Macleay Valley around Kempsey was the site of one of the largest massacres of Aboriginal people in the history of white settlement – the “Falls Massacre”
- the local Kinchela Boys Home was notorious for its part in the “Stolen Generation”
- the Macleay Valley recorded the highest “No” vote in the 1967 referendum on Aboriginal rights
- there was segregation in local hospitals, swimming pools and the cinema up until the late 1970s.<sup>87</sup>

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<sup>86</sup> Standing Committee on Law and Justice *op cit* December 1998 p233-234

<sup>87</sup> E Holden, “Dunghatti History of Employment, Training, Education, Health and Housing” Premier’s Department Lismore November 1999 p6

- 3.31** Most of this background occurred during the lifetime of many local Aboriginals. In conversations with council staff it appeared the reconciliation statement has led to a rediscovery of some of the town's history forgotten by white residents, as well as closer links between the council and Dunghatti Elders. The impact of this improved relationship makes crime prevention initiatives such as the local crime prevention plan and the economic development initiatives by the Premier's Department more likely to have an impact, and more likely to be supported by the Aboriginal community.
- 3.32** The committee believes that reconciliation cannot successfully be imposed; however it does believe that signing some form of apology, commitment or statement of reconciliation is a very important starting point for a co-operative relationship in crime prevention planning between local government and Aboriginal communities within their area.

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### **Recommendation 8**

The committee recommends that the Strategic Projects Division of the Premier's Department and other relevant agencies work with the Local Government and Shires Associations and Aboriginal groups to encourage local councils in areas with Aboriginal populations to sign formal statements of reconciliation with representatives of their Aboriginal community. Prior to making such a statement efforts should be made to ascertain the history of Aboriginal/non-Aboriginal relations in the specific area as a background to the statement.

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## **Early Intervention**

- 3.33** The First Report of this inquiry examined the value of early childhood intervention strategies in crime prevention. There is very strong empirical evidence that these are among the most cost effective ways of preventing later crime, as well as producing many other positive social outcomes. However, the history of the "Stolen Generations" casts a very long shadow over discussion of early intervention and Aboriginal communities. The report of the Inquiry into the Separation of Aboriginal and Torres Strait Islander children from their families found that between 1 and 3 and 1 in 10 indigenous children were forcibly removed from their communities between 1910 and 1970<sup>88</sup>. Up to two thirds of these removals were made before the age of five years.
- 3.34** In many cases the effects of this removals are still being felt: the Human Rights and Equal Opportunity Commission Inquiry identified the effects of many of the separations as leading to depression, feelings of worthlessness, alcohol and drug abuse and violence and delinquency in those separated. People who were removed were twice as likely to be arrested more than once in the last five years as those who had not<sup>89</sup>. The HREOC inquiry

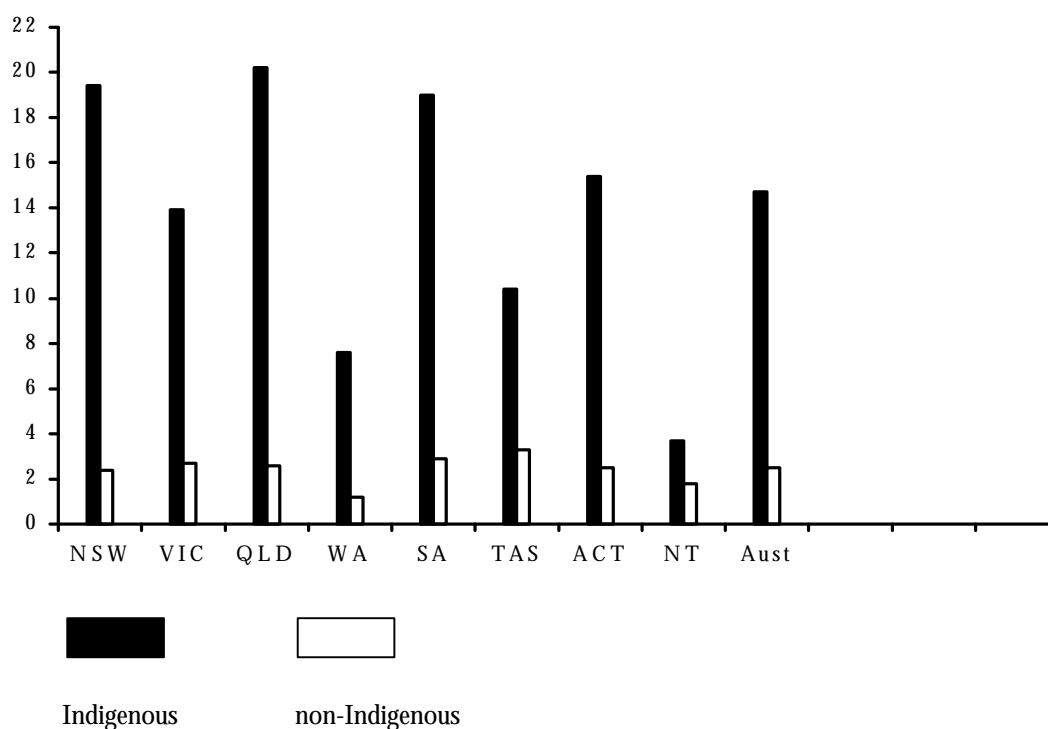
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<sup>88</sup> *Bringing Them Home: A Guide to the Findings of the Inquiry into the Separation of Aboriginal and Torres Strait Islander children from their Families* Human Rights and Equal Opportunity Commission 1997 p4

<sup>89</sup> *Ibid* p19

also found the effects of the separation had significantly undermined the parenting skills of the current generations of Aboriginal families, and that many of their own children were at risk of being removed on grounds of neglect or abuse<sup>90</sup>. This fear is well founded, as the current statistics on separations demonstrate:

Comparing Indigenous/non-Indigenous children on care and protection orders: rates per 1,000, 30 June 1995



Source: *Bringing Them Home: A Guide to the Findings of the Inquiry into the Separation of Aboriginal and Torres Strait Islander children from their Families* Human Rights and Equal Opportunity Commission 1997 p31

### 3.35

Professor Cunneen is currently conducting a study of 80 case files of Aboriginal children separated recently by the Department of Community Services under neglect or abuse orders. The files do not generally record if the parents were themselves removed, but from those where the information has been able to be obtained it appears that often both the parent and the grandparent were removed, showing clear signs of an inter-generational cycle<sup>91</sup>. The point here is not that the current separation is necessarily wrong in each instance. Rather, it is that the current circumstances may have been created initially by a misguided government policy and the destruction of models of parenting. It is a grim

<sup>90</sup> *Id* p20

<sup>91</sup> Cunneen *Evidence* 14/03/00 p25

warning of the need for caution in any early intervention strategies, but particularly for those impacting on Aboriginal communities:

'It is fundamentally important not to engage in some sort of historical amnesia when we talk about early intervention into problem families when it comes to Aboriginal children and Aboriginal families. It is all too easy to forget that the removal of Aboriginal children in the first half of the twentieth century occurred in the context of what was defined as problem parenting, problem families. In broad terms, although I would support some of these developmental theories and the need for early intervention, we need to be extremely careful about how it applies to Aboriginal families because in the past non-indigenous State departments have had an extremely poor record in operationalising these types of programs when it comes to groups that are culturally different to the mainstream of society<sup>92</sup>.'

- 3.36** One of the strongest legacies of this past history is that many Aboriginal people are extremely reluctant to go to government welfare agencies for assistance or support, so that the only contact then becomes in a time of crisis where again the issue of separation is a consideration. In Moree the District Manager of the Department of Community Services is an Aboriginal person, but even so the committee was told the Department struggles to develop constructive relationships.
- 3.37** The committee believes that it is essential that any early intervention strategies directed toward Aboriginal communities should only be undertaken in negotiation with Aboriginal communities, or at the least with advice from Aboriginal community organisations. As a starting point Recommendation 49 of the Inquiry into the Separation of Aboriginal and Torres Strait Islander Children should be followed: that in every matter concerning an indigenous child a government decision-maker should ensure that an appropriately accredited Indigenous organisation is consulted thoroughly and in good faith.
- 3.38** The focus of efforts needs to be in strengthening parenting skills and families in culturally appropriate ways. Already some progress is being made with the introduction of the Parents as Teachers program of the Department of Education and Training operating in areas such as Moree and Ballina with some focus on Aboriginal families. In a submission to this inquiry the Community Child Care Co-operative referred to a project of Lady Gowrie Child Care Centre, Sydney, funded by the Department of Immigration and Multicultural Affairs. This will operate in Moree and is aimed primarily at cross cultural training of early childhood providers<sup>93</sup>. The committee is aware that Burnside runs an Aboriginal play group in Western Sydney. Aside from this the committee has not received evidence or submissions on early childhood programs specific to the Aboriginal community. In its examination of parent education and support programs the Standing Committee on Social Issues also found little evidence of programs specific to Aboriginal needs<sup>94</sup>.

<sup>92</sup> Cunneen *Evidence* 14/07/00 p17

<sup>93</sup> *Submission* 7/09/99 p4

<sup>94</sup> *Working for Children: Communities Supporting Families, Inquiry into Parent Education and Support Programs* September 1997 p189

**3.39** This situation may change with the introduction of the Families First project by the Office of Children and Young People in The Cabinet Office. The work plan for the North Coast (published as an appendix to the committee's First Report) specifically considers the needs of Aboriginal families, with initiatives such as:

- negotiating a partnership with Aboriginal Medical Services to provide antenatal care to Aboriginal women
- implementing strategies to reach Aboriginal women with early childhood services such as playgroups and home visiting
- an Aboriginal disability service development project
- expansion of Aboriginal family support services
- building relationships between Families First regional officers and Aboriginal organisations

**3.40** In this work plan there appears to be an intention to consult fully with Aboriginal organisations in the development of new services. Given the history of government interventions the committee believes it is essential that all Families First programs affecting Aboriginal families are introduced in partnership with them, and with if possible the participation of Aboriginal individuals or organisations in their implementation.

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### **Recommendation 9**

The committee recommends that the Office of Children and Young People in The Cabinet Office ensure that all Families First work plans which involve programs specifically targeted to Aboriginal communities consider:

- how Aboriginal families will be consulted prior to the establishment of the service
- how partnerships with Aboriginal organisations can be formed to assist the implementation of the program
- how if possible Aboriginal people can be involved in implementing the programs
- how Aboriginal families will be able to provide feedback on the outcomes of the project

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**3.41** These recommendations are equally applicable to any agency operating early childhood intervention services which impact on Aboriginal communities; however the impetus for growth in these programs will come from the Families First project.

**3.42** One program which may be expanded through the Families First project is the interagency Schools as Community Centres project, discussed in the next section below. Based upon the experiences of this initiative in Redfern and other areas the committee believes this has potential as a non stigmatising way of linking Aboriginal families with early childhood



services. However, to do so it must overcome another inter-generational barrier: the negative experiences of many Aboriginal peoples in the public school system.

## **School Based Programs**

- 3.43** On the committee's visits to rural areas a typical experience was to hold a meeting with representatives of government agencies, including Department of Education and Training representatives. Common problems raised invariably included truancy and poor school attendance, discipline problems and acts of vandalism directed towards schools. When the committee then met with representatives of the Aboriginal community the other side of the picture was given: lack of consideration of Aboriginal culture, labelling of all Aboriginal children as potential problems and so forth.
- 3.44** In one town the committee visited a survey had found over 300 children absent from a predominantly Aboriginal school on a particular day in late 1999. The school had a total population of only 900. When the survey group contacted the absentees' parents, they found more than half were absent with their parent's permission. The committee consulted representatives of the local Aboriginal Land councils over the same issue. They were not surprised at the level of parental co-operation with the absenteeism. Many Aboriginal parents had experienced school as a place where they were either victimised or ignored, where they failed academically and where the curriculum made no connection with their own culture and in fact denigrated it while learning "white history". They felt no great desire to put their own children through the same hostile experience. Aboriginal leaders suggested there was a need to give preference to Aboriginal teachers considering most teachers in the town were white; and that white teachers needed to undergo cross cultural training and give greater emphasis to Aboriginal cultural studies in the curriculum.
- 3.45** During the same meeting a hopeful note was also heard. In Narromine a non-government group, Centacare, runs a truancy project in co-operation with the police and local schools which is very highly regarded by the Aboriginal community. An Aboriginal male who is also known as a local sports star acts as a counsellor and assists regular truants find answers to the difficulties deterring them from school attendance. He is seen as a positive role model for local young people. Departmental authorities confirmed to the committee that school attendances in the town had risen greatly since the program began operating.
- 3.46** The committee has not explored the constraints which the Department of Education and Training operates, nor current curriculum requirements. The recommendation below is offered as a guideline based upon a very clear theme established during its rural visits.

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**Recommendation 10**

The committee recommends that the Department of Education ensure that schools with a high proportion of Aboriginal students give priority to:

- employment of Aboriginal teachers
  - emphasis in teaching aspects of the curriculum which relate to Aboriginal identity, particularly Aboriginal cultural studies
  - cross cultural training for teachers
  - increased contact with Aboriginal organisations, including regular discussions on common areas of concern
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**3.47** Some other initiatives regarding truancy and school attendance, such as breakfast clubs and homework centres, are discussed in Chapter Five, regarding young people in general. The next section of this chapter examines the role of TAFE in providing vocational courses to Aboriginal young people. The committee notes that the Federal government has recently launched a National Indigenous Literacy and Numeracy Strategy which will focus on issues such as attendance; hearing and health related problems; cultural awareness of teachers and enhancing preschool opportunities<sup>95</sup>. The committee is also aware that there has been a formal partnership established between the NSW government and the Aboriginal Education Consultative Group which has led to major successes in schools in Brewarrina, Forster and Bourke. There is no difference in literacy and truancy rates between the Aboriginal and non-Aboriginal students at Bourke Public School: literacy rates are above the state average and school attendance, at 90%, only just below average.<sup>96</sup>

**3.48** The committee sympathises with the difficult job facing teachers throughout the state. It is not realistic to expect they can add to their demanding tasks by leading outreach programs into the Aboriginal community. However this can be achieved by the funding of a co-ordinator with a specific community development role. The committee early in its inquiry took evidence from co-ordinators of an innovative interagency program lead by the Department of School Education called the Schools as Community Centres program. The aim of this project is to make the transition of young children to primary school easier by promoting primary schools as community centres. One of the first pilots of this was at Redfern Public School, a school with 62% Aboriginal students. Absenteeism was said to be a major problem, and those that did attend often came at 10.30 or 11.00 am. Many of the common themes which have occurred in this inquiry were present:

‘With the families it seems to be their own experience of school. Many of our families have not completed school, and they simply do not have good experiences of institutions. ... We have found over the four years that more of the Aboriginal community are coming to school because they feel more comfortable and more welcomed into the school.’<sup>97</sup>

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<sup>95</sup> Federal Minister for Education, Training and Youth Affairs press release 29/03/00.

<sup>96</sup> NSWPD (Hansard) (LA) 30/05/00, per the Hon B Carr MP.

<sup>97</sup> Fletcher *Evidence* 26/07/99 p57

**3.49** Initially many of the community activities run by the school were located off school premises to counter past negative perceptions. Activities have included:

- hosting events and providing information on services at community festivals
- playgroup promotions and a Kids for Kindy program to assist preschool aged children move into the school environment
- a Redfern morning bus run which picks up children from their homes each morning, greatly reducing non-attendance
- bus trips to Flemington markets for community members to do household shopping due to lack of affordable supermarkets
- co-ordination of local early childhood, health and community workers through the project's management committee

**3.50** An external evaluation of this and other pilot projects found many positive outcomes. The committee believes that while further evaluation is required to understand the longer term crime prevention potential of the program<sup>98</sup>, the program is relatively cheap to run and should be considered as an option in any area where there are difficulties with the absenteeism or a hostile perception of school.

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### **Recommendation 11**

The committee recommends the expansion of the Schools as Community Centres project in areas of significant Aboriginal populations that experience high rates of truancy. The programs when introduced should follow the principles referred to in Recommendation 1 regarding the involvement of the Aboriginal community in the project.

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## **Domestic/Family Violence in Aboriginal Communities**

**3.51** An open discussion of domestic violence is never easy in either black or white communities. This is particularly so in country towns where relationships are geographically closer and less impersonal than in larger urban areas. Two of the towns visited by the committee have recently established specialist domestic violence prevention services in their locality, but there was very limited discussion of these issues in meetings held. In all the committee's visits the issue has usually been raised initially by police officers, who, as one officer from a rural town stated, have to deal with the issue even if all other agencies can bypass it:

'If you start to look at flows from domestic violence, most of the murders committed in this area are as a result of ongoing domestic violence; a lot of motor vehicle accidents occur because a domestic circumstance has occurred and a

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<sup>98</sup> See Recommendation 6, Chapter Six, Standing Committee on Law and Justice *op cit* December 1999

person in a bad mood has driven off and had an accident; many incidences of suicide are related to domestic violence; and the list goes on and on. Walk into a hospital and there will be people in the casualty section as a result of domestic violence...<sup>99</sup>

- 3.52** The issue of domestic violence and young people will be dealt with in Chapter Four. During this inquiry the committee received a very detailed submission on family violence in Indigenous communities<sup>100</sup>. It is based upon an unpublished report prepared for the Indigenous Research Unit, UNSW and the NSW Department of Corrective Services on rehabilitation of Indigenous male violent and sexual offenders<sup>101</sup>. It quotes the results of an Australian Institute of Criminology study which found the following results of a survey of Aboriginal communities who were asked whether family violence was a common problem in their community:

**Whether Family Violence is a common problem – those answering “Yes”**

NSW	“Yes”
Sydney	25.5%
other urban	49.6%
Rural	47.2%

Source: National Aboriginal and Torres Strait Islander Survey, ABS, AIC, 1994.

- 3.53** The authors of the submission conducted a number of workshops with offenders and with Aboriginal communities and concluded that family violence was one of the most destructive forces in current Aboriginal communities. The authors attributed this in part to the after effects of the destruction of traditional Aboriginal culture and social values. In its place, they argue, there has emerged a “bullshit culture”. This is a label for the way violent males distort traditional Aboriginal power relationships, justifying family violence as part of their culture when it never has been. In any discussion about the importance of “self determination” in crime prevention it is essential that the views of all members of a community have an opportunity to be heard, and that the importance of preventing family violence is given sufficient priority.
- 3.54** The committee has received a submission from National Crime Prevention, a unit of the Federal Attorney General’s Department<sup>102</sup>, which provides details of a range of ATSIC initiatives targeting family violence. A major development is changing the previous reluctance of Aboriginal and Torres Strait Islander legal services to act in domestic violence

<sup>99</sup> Regional Crime Prevention Forum, Ballina 5/08/99 transcript p57

<sup>100</sup> Curtis and Macqueen *Submission* 4/11/98

<sup>101</sup> Curtis S and Macqueen C *Post Colonisation and the Impact of Inter-generational Family Violence on the Structure and Functioning of Aboriginal and Torres Strait Islander Communities, 1998*

<sup>102</sup> *Submission* 8 /09/99

matters because of their policy of not representing one indigenous person against another. There is now a mandatory requirement for the legal services to fund representation of female clients, even if by a private practitioner. ATSIC is also working with the Federal Attorney General's Department to develop closer links between the legal services, legal aid commissions and the Women's Legal Services funded by the Department. Other initiatives include:

- violence prevention units established in Kempsey and Moree: these provide holistic advice, information and support services including health, legal and housing assistance
- preparation of training packages for workers who work with indigenous victims of family violence
- a National Women's Advisory Committee to advise the ATSIC Commissioners on the impact of its policies and programs on women
- an Advisory Committee on Mens Issues to encourage an understanding of the pressures on men and to develop some means of resolving family violence problems in consultation with the National Women's Advisory Committee

**3.55** The committee would stress that family violence is a problem for every community, black or white, city or country. It is raised in this chapter, as it is in the chapter on young people, because it is an important issue for every community, *not* because it is a specifically Aboriginal problem.

## Employment and Crime Prevention

**3.56** During visits to rural areas the committee has been struck by the importance of employment to reducing crime problems in Aboriginal communities. At the time of the 1996 census the unemployment rate for NSW was 9%; whereas for Indigenous populations it was 27%<sup>103</sup>. While the rate for NSW has improved significantly since 1996, there is little evidence that the situation has improved for Indigenous people. This is particularly stark in an area of high unemployment such as Kempsey. Research by a co-ordinator of Aboriginal employment and training found only 103 of the 1,026 Aboriginals aged 15 and over worked full time, with another 200 on the Aboriginal "work for the dole" scheme<sup>104</sup> (the Community Development Employment Program). The committee was told that only 11 Aboriginals were employed in the private sector (the workforce of the Kempsey LGA numbered 8,000 in 1996).

**3.57** A common comment in most towns was that Aboriginal people were almost never employed in shops or customer service roles. The committee was told by one person that the few Aboriginal staff employed in shops were often treated with such suspicion by employers that they left at the first sign of conflict. This may be changing in Moree as a

<sup>103</sup> Kempsey Economic Renewal Project November 1999, Premier's Department p3

<sup>104</sup> "The Town with the Death Rate of a War Zone" *Sydney Morning Herald* 22/04/00

result of the Gwydir Valley Cotton Growers' Association program, discussed below, which has recently ensured that a third of staff employed for a new Woolworths will be Aboriginal.

**3.58** Unemployment is just one symptom of economic deprivation, and in that sense not unique to the Aboriginal communities in NSW. However there are unique difficulties in assisting Aboriginal communities: historical, cultural and social barriers exist which unemployed whites are less likely to face. Employment problems add to black/white tensions in a town such as Kempsey where jobs are hard to come by Aboriginal or non-Aboriginal. Programs to assist Aboriginal employment were claimed to be taking jobs away from other locals. This argument is harder to sustain in growing "hub" towns such as Dubbo and Moree.

**3.59** The committee was told in Moree that when one local Aboriginal gained a job there was great pressure to share the income and other benefits of the job collectively, far more so than in the more individualised white society. Many young Aboriginals found it hard to cope with the social pressure when most of their peers were unemployed and lived lifestyles not based around having to show up at work on a Monday morning. Given the high level of policing of Aboriginal communities many young people seeking work will also have criminal records. When the committee asked the manager of a successful employment program how many of their currently employed Aboriginal men had criminal records he said that all of them did! Poor educational attainment also means that many Aboriginal youth do not have sufficient skills to be attractive to employers.

**3.60** The most effective employment programs the committee has seen during this Inquiry have been those which face these type of problems on the assumption that people do not change simply because they have a new job. Cultural issues need to be addressed with strategies in place to accommodate differences. For instance the Gwydir Valley Cotton Growers' Association program at Moree has detailed strategies to address the cultural differences in employing Aboriginal workers. The Associations' schemes management works hard with prospective employers in explaining to them how they will need to accommodate differences in a way they would not have to with other employees. These include:

- providing a back up advice service for employers once they have accepted an Aboriginal employee
- ensuring at least two Aboriginals are employed at the workplace if it has had no prior Aboriginal employed, to reduce the isolation of the new employee
- arranging a mentor for the Aboriginal person in the business
- targeting the middle third of Aboriginal people in terms of employability, rather than the most difficult groups. This is so as to build up the confidence of employers in the placement service and provide aspirations for the bottom third

**3.61** The committee is aware that there are many government initiatives which target Aboriginal employment in New South Wales. The committee was particularly impressed by the Djigay Centre run by Kempsey TAFE, described below, and some of the Department of Housing tenant employment scheme initiatives which use local residents as work crews to undertake maintenance and repairs of Department properties. The NSW government funds

Aboriginal enterprise development officers in eight regional centres. These have led to the establishment of more than 30 Aboriginal owned and operated businesses.<sup>105</sup> The committee is also aware of the nation wide CDEP program, effectively a work for the dole program which is active in most areas the committee visited. Other government initiatives also brought to the committee's attention include:

- the National Indigenous Employment program co-ordinated by the Department of Employment, Workplace Relations and Small Business. In 1999/2000 this provided \$50 million in programs including wage subsidies for employers, apprenticeships and cadetships
- a foundation supported by the Department aimed at using skilled volunteers to provide for the short term skill needs identified by indigenous communities
- an Indigenous Small Business Fund jointly funded by ATSIC and the Commonwealth Office of Small Business

**3.62** The direction of many of these initiatives is towards private sector employment. The committee strongly supports this direction. The creation of jobs in the public sector under specific indigenous employment programs is very important and should continue, as should the important role of Aboriginal organisations as employers. However neither of these sectors are likely to be the source of much growth in future years. The economic growth experienced in this state in the last few years is about increased jobs in the private sector, and it is important that Aboriginal communities participate in the benefits of this growth. Employing Aboriginal people in private sector jobs in regional and rural towns breaks down the marginalisation and exclusion of those communities. It is this exclusion which can contribute to alienation and crime.

**3.63** Increasing employment in the private sector is far from easy, for many of the reasons described above. It will only come about by conscious efforts of employers and will at times need government funding to provide supports to assist employers. In a business breakfast forum the committee attended at Dubbo this view was strongly supported, and the experience of the Gwydir Valley Cotton Industry program also supports this view. While Aboriginal persons who spoke to the committee were sometimes critical of specific government agencies employment programs, such as the failure of schools to employ more Aboriginal staff, it was the private sector that they primarily saw as the biggest barrier to be crossed.

**3.64** The committee describes examples of successful employment programs below. However it believes more is needed, and that successful private sector employment programs are one of the most effective social supports that can be provided to assist Aboriginal communities fight crime. While individual businesses and industry associations may develop their own programs over time the committee believes some impetus needs to be given to this by setting up of a joint private sector/government task force with good representation from the Aboriginal community. The job of this should be action orientated: to identify how to encourage programs in specific industries and begin the process of implementing these programs.

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<sup>105</sup> NSWPD (Hansard) (LA) 20/06/00 per Hon B Carr MP

- 3.65** It is essential to the integrity of this taskforce that the views of both private sector employers and Aboriginal communities drive the process, with government playing a supporting role and providing seed funding. The committee is aware that this type of concept is not new. However the committee believes an initiative such as this has potential to stimulate action that at present is very ad hoc.

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### **Recommendation 12**

The committee recommends that the Premier's Department establish a TaskForce to encourage an increase in private sector employment of Aboriginal men, women and young people in New South Wales, with a particular focus on rural areas.

The TaskForce should consist of representatives of industries with links to rural NSW, employers who have direct experience of indigenous employment programs, Aboriginal leaders and relevant government agencies. It should be chaired by a representative of the private sector, with the Deputy Chair or alternate chair being an Aboriginal person.

The TaskForce is to identify industries which have potential to increase employment of Aboriginal persons in towns with high Aboriginal populations, and develop and implement programs in specific industries.

The committee recommends the NSW government provide funding support for specific programs as the need arises, but that it also seek Federal funding and contributions from the participating employer.

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### **Gwydir Valley Cotton Growers Association Aboriginal Employment Strategy**

- 3.66** The most impressive employment program the committee has seen during this inquiry is that operated by the Gwydir Valley Cotton Growers' Association at Moree. The scheme grew out of the failure of the Aboriginal Employment Promotion committees established in NSW in the early 1990s. The committee based in Moree met for two years with little result, after which the cotton industry decided to break away and create an industry specific program. In 1995 the Federal Department of Education, Employment and Training (DEET) agreed to contribute \$50,000 to develop a strategy. Following the completion of this strategy and an agreement between the Association and DEET (then DEETYA), the strategy began in early 1997 with the employment of an Aboriginal person as manager. The goals of the program are:

- 1 To identify Aboriginal people who are looking for employment and facilitate further training where necessary
- 2 Identify Aboriginal youth coming through the school system and help encourage career paths and facilitate employment
- 3 Identify employment opportunities for Aboriginal people in cotton and associated industries



- 4 Provide mentor support for Aboriginal people employed in the cotton industry and local business
- 5 Promote Aboriginal culture and help change people's perception of Aboriginal employment

**3.67** Each of these goals has a specific person attached responsible for seeing them implemented. Through the process of implementing these goals the Association has of necessity drawn in many other agencies in town: Aboriginal agencies, TAFE, the local high schools, the local council and other local businesses. In the process the Association has increasingly expanded from being an employer of Aboriginal persons in its own industry to a placement agency for other businesses, as its judgement and support structure for Aboriginal employees has come to be respected. As an example of this, the convenor of the Moree Street Reclaimers, a citizens group which campaigned successfully for the introduction of the Parental Responsibility Act in Moree, used the Association to select an Aboriginal person to work in her shop. The Association also worked with Woolworths to ensure that when a new store opens in Moree 25-30 of the positions will go to Aboriginal people selected by the program.

**3.68** By mid-1999 75 people had been successfully employed through the scheme in a variety of jobs ranging from manual labour through to cotton classers and laboratory work. The ages have ranged from 14-55, although the focus is on young people with intensive work done through the schools. Others that the committee met in town spoke highly of the program. The use of mentors, the emphasis on employers being aware of cultural issues and planning around any difficulties which are likely to arise appear to be particularly important.

### **Djigay Centre, Kempsey TAFE**

**3.69** At Kempsey the committee saw a public sector initiated program, or series of programs which appears to be successfully providing openings to local Aboriginal youth to the employment market. The TAFE, as well as employing Aboriginals as part of its teaching staff, has gone further in establishing, in partnership with the Department of Juvenile Justice, the Djigay Centre. The Djigay Centre is a focus of vocational programs aimed at reducing the high level of indigenous unemployment. Its programs are particularly targeted at those experiencing difficulty at school or those involved with the juvenile justice system. The Juvenile Justice Department runs many of its programs through the centre, including using courses for community service orders and providing homeless and at risk youth intervention programs.

**3.70** The programs run are innovative and relevant to the interests and needs of participants. One example is a course in building a stock car racer. A class typically involves a mixture of regular students and those on juvenile justice orders. Run over a semester, students are taught basic literacy and numeracy skills in the context of learning to construct a stock car from old car parts. In some cases assistance is provided in obtaining driving licences.

**3.71** The skills gained in the construction are a useful preparation for mechanics courses or apprenticeships. The cars, once built, have been used by students to enter into local stock car races, the first time Aboriginals have entered in what was regarded as a "rich whites" sport. Several jobs have eventuated from white employers who have met the students

through the social contact of the stock car contests. There has also been great pride and teamwork in the achievements of the teams, which have had great benefits for participants and their family. The TAFE is now trialing a similar course to build a riverboat, which they hope in time will lead to creation of jobs in the tourism industry.

- 3.72** Another program of the Centre has been the creation by students and staff of the Wutuma Keeping Place and the Wigay food tree park adjoining the TAFE. This recreates several different bush habitats and has trees which have traditional bush medicines and bush tucker. It is a source of pride to both the young people who have created it and to the Elders, who showed the committee round the property with TAFE staff. It has never been vandalised in the five years it has been cultivated despite high levels of other property damage in town. Negotiations are in train with the council and government agencies to develop the tourist potential of the site, and the TAFE is training local Aboriginals as tour guides.
- 3.73** The Djigay centre is also working with the Department of Housing, Lend Lease and the CDEP program on the Laybane project. This trains indigenous people in the building and construction trades, beginning with maintenance work on public housing properties then later more diverse projects.
- 3.74** As stated earlier, Kempsey has more difficult problem as a town with stagnant employment growth compared to Moree, which is the heart of a booming national cotton industry, or a regional hub such as Dubbo. The committee did not receive figures on the number of jobs created as a result of Djigay Centre projects, but its activities are likely to generate many other positive social outcomes, including reduction in crime.

### **West Dubbo Employment Initiatives**

- 3.75** Dubbo has not progressed as far in development of strategies to promote Aboriginal employment as Moree and Kempsey, although there are positive signs in recent developments. The Fletcher abattoirs made a successful effort to attract local Aboriginal workers and used the mentor system developed in Moree as a model for its efforts. The President of the Chamber of Commerce has been actively involved on the management committee of the West Dubbo estate, an area with a high Aboriginal population. One of the initiatives being developed seeks to train young people in basic office skills and use of computers. The Chamber of Commerce with Federal funding assistance has also begun a special mentor program with the aim of putting 50 local Aboriginal workers in jobs in the retail sector in Dubbo. It will train the participants before they are placed in jobs as well as working with employers to find assistance through traineeships. Prominent local Aboriginal leaders are involved in the development of the scheme.

### **Police and Aboriginal Communities**

- 3.76** In visiting one town the committee was particularly struck by the contrast in the attitudes to police in two meetings. In the first, community members complained about the inaction of the police; their failure to target problem youth and adults that every one else knew were responsible for most of the crime in town. In the second meeting community members complained even more vehemently about police harassment of their children, about no

second chances being given once someone was initially in trouble, and of unequal treatment compared to young people in other parts of the community. The first meeting involved non-Aboriginals, and the second meeting involved Aboriginal members of that town's community.

**3.77** In short visits the committee has no way of knowing which picture of police/Aboriginal relations corresponds more closely to actual crime data. Both perceptions are certainly true for those that hold them, leaving the police with a difficult tightrope along which to walk. The Crime Prevention Division of the Attorney General's Department facilitates crime prevention planning by local governments (discussed in Chapter Seven of the committee's First Report) by a requiring all sections of the community to identify the actual crime problems, where they occur and the reasons they occur. Simple Crime Profiles are developed to which the whole community must agree on the wording. These Profiles often actually suggest the answers to the crime prevention strategies required. In Ballina, for instance, a problem of late night vandalism which was blamed on Aboriginal youth in fact was caused by adults on their way home from a popular local hotel at closing time. This emerged simply by clearly identifying the location of the damage.

**3.78** Police, particularly in localised communities, need to be cautious in responding to the loudest voices when looking to proactively prevent crime. In interacting with Aboriginal communities they must also be aware of cultural issues. In a submission to this inquiry<sup>106</sup> the NSW Police Service lists four initiatives which seek to promote greater cross cultural awareness:

- the Police and Ethnic Communities Advisory Council
- the Police Aboriginal Strategic Advisory Council and supporting local consultative structures
- Aboriginal Community Liaison officer programs
- Police Aboriginal Policy Statement and Strategic Plan

**3.79** The committee was impressed by the intention of the cross cultural awareness program put in place by the Local Area Commander in Moree. The committee had little opportunity to examine the level of detail of plans in other areas visited. When asked about the effectiveness of consultation of indigenous communities in implementing the Aboriginal Strategic Plan, Professor Cunneen said to the committee:

'This is one of the issues that we are looking at in relation to the evaluation of the Aboriginal strategic plan by the New South Wales Police Service because it requires greater negotiation and consultation with Aboriginal communities and it would be unfair to say that local commanders in some areas have not attempted consultation. It seems to me that one issue that comes out is that they do not know how to do it. Even if they have a desire to consult with communities, they are not really up to speed on that aspect of police community relations<sup>107</sup>.'

<sup>106</sup> *Submission 11/11/99 p7*

<sup>107</sup> *Cunneen Evidence 14/03/00 p20*

- 3.80** A suggestion made by Professor Cunneen on policing generally, was that at local levels police needed to set up structures of negotiation with the Aboriginal community, with Elders or other community leadership involved. This was particularly important in encouraging use of diversions from formal court processes, such as formal cautioning, where Elders or people of similar stature could be used as part of the process for it to have more meaning for the Aboriginal people involved. In Chapter Four the committee makes a recommendation on this use of the Elders or Aboriginal people of significant status in their community in the use of police cautioning and conferencing of Aboriginal young people (Recommendation 14). It is a practical and very important way that self determination can be applied in crime prevention.
- 3.81** The committee does not intend to discuss policing at length as this inquiry is concerned with alternative forms of crime prevention to that of law enforcement. For that reason the committee will not address issues such as the very high over representation of Aboriginal people in offensive language charges<sup>108</sup> or the debate about “zero tolerance” policing and its impact on Aboriginal communities. Chapter Four considers the impact of the use of police cautioning on Aboriginal people, with evidence before the committee that rates of diversion are much lower for Aboriginal youth than other groups. Despite genuine progress in recent years the committee believes there is still a significant gulf between police and Aboriginal communities, as indicated by the committee’s discussions with Aboriginal people during its visits and other evidence.

## Sentencing

- 3.82** The terms of reference for the committee’s inquiry include consideration of the type and level of assistance needed to change offending behaviour. Chapter Six of this report deals with prison based programs aimed at achieving this end. However once a person is convicted of a crime the type of sentencing chosen can have an impact on their likely re-offending. For instance for young people there is evidence that contamination with the criminal justice system increases the likelihood of re-offending<sup>109</sup>. Prison sentences for prisoners with families, particularly women, create trauma for children which may see the repeat of a cycle of offending through the generations<sup>110</sup>.
- 3.83** For Aboriginal communities the high rate of incarceration has a particularly destructive impact. One of the arguments for locating a new prison to be built at Kempsey is so that families of prisoners can be closer to their sons and daughters, mothers and fathers. “Our job is to fill it up”, a local Aboriginal was quoted in relation to the new jail<sup>111</sup>.

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<sup>108</sup> see Aboriginal Justice Advisory Committee “Policing Public Order” 1999 at the following website address: [www.lawlink.nsw.gov.au/ajac.nsf/pages/summary\\_offences](http://www.lawlink.nsw.gov.au/ajac.nsf/pages/summary_offences)

<sup>109</sup> Standing Committee on Social Issues, *Juvenile Justice in NSW* 1992

<sup>110</sup> Standing Committee on Social Issues *Children of Imprisoned Parents* 1997

<sup>111</sup> “The Town with the death rate of a war zone”, *Sydney Morning Herald* 22/04/00

- 3.84** The argument is often put that Aboriginal persons are sent to prison at a higher rate than non-Aboriginal offenders<sup>112</sup>. This perception has recently come under challenge from a rigorous empirical study by Professor Tony Vinson completed in November 1998<sup>113</sup>. Using 1996 census data on a representative sample of 4,601 Aboriginal and non-Aboriginal prisoners the sentencing details of each were controlled for the impact of age, previous offences, and the seriousness of previous offences on differences in sentences. Once these were considered it was found that if anything indigenous offenders serve shorter terms for a range of offences than non-Aboriginal, particularly for break and enter and assault offences.
- 3.85** In evidence to the committee Professor Vinson said:
- ‘Twenty years ago it was possible to write reports... which showed quite different sentencing patterns applying to Aboriginal people, or in towns with a concentration of Aboriginal people compared with other rural areas, and certainly compared with the city. The evidence I have adduced leads me to the conclusion that that this is no longer the case.’<sup>114</sup>
- 3.86** Instead the explanation of the very high over-representation is that Aboriginal communities are heavily over-represented in the areas of social disadvantage from which prisoners are drawn. Professor Vinson states that in one women’s prison a third of the prison population comes from only three suburbs of Sydney.
- 3.87** Professor Vinson argues the problem lies in the “penal ladder”, where repeat offences inevitably lead to a prison sentence instead of prison being used as a last resort:
- ‘If a person has a history of previous offending, then that person will almost invariably move up the penal ladder. Until we get rid of that assumption in the way we respond to crime, we are going to have far too many non-indigenous people in prison, but even more indigenous people in prison, because they are appearing before the courts with such a history and the penal ladder simply pushes them into the prisons of New South Wales. Rather than posing the question, “Is this an offence that warrants the use of prison?” it becomes simply, “Your history is such that you are going into prison.’<sup>115</sup>
- 3.88** The answer proposed by Professor Vinson to reduce the high rate of imprisonment of Aboriginal prisoners is then to reduce the imprisonment rate generally.
- 3.89** An example of sentencing which particularly affects Aboriginal people is where magistrates in remote rural areas impose prison sentences because of a lack of sentencing alternatives<sup>116</sup>. This was raised with the committee in Kempsey, where the local magistrate

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<sup>112</sup> see for example “Circle Sentencing: Involving Aboriginal Communities in the Sentencing Process” [www.lawlink.nsw.gov.au/ajac.nsf/pages/circlesentencing](http://www.lawlink.nsw.gov.au/ajac.nsf/pages/circlesentencing)

<sup>113</sup> *Ibid*

<sup>114</sup> Vinson *Evidence* 25/10/99 p12

<sup>115</sup> *Evidence* 25/10/99 p13

<sup>116</sup> “Aborigines Facing Hard Labor”, Tony Vinson, *Sydney Morning Herald* 7/07/99

Wayne Evans has regularly raised this matter. Community service orders and the like require effective supervision and court support services. The mural project in West Dubbo (see Chapter Two), which was largely undertaken by youths on community service orders, is an example of the benefits of such a scheme, but it is not common in many rural areas. The committee recommends the availability of court based support schemes as alternatives to prison sentences be examined in more depth. Priority should be given to the availability of supports to provide alternatives to prison for young people in rural areas. This recommendation is made in Chapter Four. In all but the most serious violent offences there should be a presumption for young people in favour of diversion from the criminal justice system, and the use of alternatives such as cautioning and conferencing.

**3.90** Aside from this there are some innovative experiments in sentencing which are worthy of mention, primarily because they seek to emphasise self determination so far as it is possible in sentencing. The first is "Circle Sentencing", which originated in Canada in 1992 and has also been used in the United States. It is based on a similar concept to community youth conferencing in that it brings together representatives of the offenders' community, their family, the victim and/or their family. However unlike conferencing it occurs at the end of a formal legal process which has resulted in a conviction, and the outcome of the discussion is ultimately decided by the judge. It aims to develop sentence plans which take into account factors such as how to best heal the hurt which had been done to various parties and ensure it is not repeated. A working party of NSW government agencies has recently been established to work on a proposal for NSW. This working party has released a discussion paper for public comment<sup>117</sup>. The committee notes that the Select Committee on the Increase in Prisoner Population has recently recommended that Circle Sentencing be trialed in three Aboriginal communities in NSW on a pilot basis<sup>118</sup>.

**3.91** The second innovation is the Kowanyama Justice Group in North Queensland, referred to by both Professors Cunneen and Ross Homel in their evidence to the committee. This is an isolated community, and young offenders were flown to Brisbane for detention. The community was distressed by the way these offenders returned worse than they had left, so initiated an alternative scheme with the support of the local magistrate and local police. They established an Elders scheme which represented both men and women and all clans. Offending behaviour was referred by the police to an Elders group to deal with and a range of community based sanctions were used. An evaluation has been published which shows a sustained reduction in offending levels by young people since the scheme was introduced<sup>119</sup>.

**3.92** The NSW Law Reform Commission is also in the process of completing a study on sentencing of Aboriginal offenders, due for release later in 2000.

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<sup>117</sup> "Circle Sentencing: Involving Aboriginal Communities in the Sentencing Process" [www.lawlink.nsw.gov.au/ajac.nsf/pages/circlesentencing](http://www.lawlink.nsw.gov.au/ajac.nsf/pages/circlesentencing)

<sup>118</sup> Select Committee on the Increase in Prisoner Population, *Interim Report: Issues Relating to Women* July 2000 p133

<sup>119</sup> *The Kowanyama Justice Group: A Study of the Achievements and Constraints on Local Justice Administration in a Remote Aboriginal Community* Dr Paul Chantrill, University of New England, Australian Institute Of Criminology 11 September 1997

## Conclusion

**3.93** The committee believes that ultimately crime prevention in Aboriginal communities requires increased investment in effectively evaluated social supports. The current level of Aboriginal men and women in NSW prisons is unacceptably high. In the words of Human Rights Commissioner Chris Sidoti at the committee's 1998 conference:

'all of our crime prevention and support responses to indigenous people must be based on the principle of self-determination. This requires, among other things, consultation with indigenous communities and respect for the decision-making roles of indigenous organisations. It requires us to assist communities as far as possible to decide what is best for themselves and to go ahead and do it, and it requires the commitment of the level of resources necessary to address the entrenched poverty and disadvantage that they experience.'<sup>120</sup>

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<sup>120</sup> Standing Committee on Law and Justice *op cit* December 1998 p220

# **Part Two:**

# **Young People and Crime Prevention**



## Chapter 4 Young People and Juvenile Justice; Young People at Risk

### Introduction

- 4.1** Crime and young people are inextricably linked in popular opinion. By far the largest media attendance at any hearing of this inquiry was for evidence by the Department of Juvenile Justice despite only 350 people currently being held in juvenile detention in the whole of NSW. A group of teenage males in a public place incites fear and suspicion in many people; a group of 50 year old males would simply be ignored. A succession of legislation directed at preventing crime among young people has been introduced by State governments of both persuasions over the last decade.
- 4.2** Young people under eighteen are not the major perpetrators of crime. However, there is a very good reason for a focus on crime prevention and young people, which the committee has undertaken in this chapter and the next. Repeated studies have shown that, unlike for adults, most young offenders only have one contact with the criminal justice system and then do not re-offend<sup>121</sup>. Because of this low rate of recidivism, the potential for positive intervention is high, so the committee has devoted significant space to young people and crime prevention. This chapter concerns the minority of young people who come into contact with the juvenile justice system, the police and courts, and how those young people can be prevented from re-offending. The next chapter deals with all young people and how to prevent them becoming part of this minority of offenders.
- 4.3** The current chapter begins by stating international standards on the treatment of young people to which Australia has agreed. These are mentioned because of trends in other states towards punitive measures of preventing crime among young people which do not conform to these standards. The trends in youth offending are then examined, including trends in re-offending. A consideration is made of why some young people re-offend while most do not. The use of cautioning and conferencing under the *Young Offenders Act* 1997 is considered for its contribution to preventing recidivism. This includes discussion of the under representation of Aboriginal youth in the use of formal diversions. The committee also considers the range of current programs run by the Department of Juvenile Justice, and the need for support services in remote areas.
- 4.4** The committee concludes the chapter by examining state wards and young people with a mental illness. These are two groups at particular risk of contact with the juvenile justice system.
- 4.5** In discussing “young people” the committee refers to those aged 10 but under 18 years of age. The committee has addressed intervention with a younger age group in Chapter Six of its First Report, when it considered early childhood interventions to prevent later offending. It supports the view of the authors of the *Pathways to Prevention* report<sup>122</sup> that

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<sup>121</sup> Standing Committee on Social Issues, *Juvenile Justice in NSW* 1992 p2; Buttrum *Evidence* 9/02/00 p7

<sup>122</sup> National Crime Prevention, Federal Attorney General's Department 1998

crime prevention is a continuum which can involve interventions at any stage of the life cycle, but the earlier the intervention the less need there should be for later interventions.

**4.6** The committee also notes that the Legislative Council Standing Committee on Social Issues of this Parliament has produced a number of reports during the 1990s which are still relevant to crime and young people, and draws from many of these in the analysis which follows.

**4.7** Finally the committee believes that young people have rights owed to them by the community, and also that young people have a responsibility to the community not to engage in offending behaviour.

### **International Standards Regarding Young People**

**4.8** There is a great deal of misunderstanding about the nature of international human rights obligations. In visits to rural areas the committee heard from members of local communities that the Convention on the Rights of the Child undermines their parental authority. The committee is concerned that ignorance of the actual content of international undertakings leads to a move away from the using them as standards for domestic policies and legislation. Western Australia and particularly the Northern Territory have introduced punitive “mandatory sentencing” legislation which has reduced judicial discretion in sentencing. This has seen young people imprisoned for petty theft and has led to the suicide in detention of a 15 year old boy whose crime was to steal some biscuits.

**4.9** Australia ratified the United Nations Convention on the Rights of the Child in 1990. This provides an obligation to ensure that domestic policies, including those of state governments, use the statements of the Convention as a framework. The key provisions relevant to crime prevention are:

- the obligation of governments to foster the development of the child with the best interest of the child as a primary consideration when action is taken by agencies or courts (Articles 3&6)
- the obligation to protect children from neglect and abuse(article 19), and where necessary, to provide foster care and institutional care arrangements which promote the child’s ethnic, religious, cultural and linguistic background (Article 20)
- a right to social security, an adequate standard of living and access to education (article 26)
- a right of mentally or physically disabled children to enjoy their life with dignity and active participation in the community (article 23)
- states should take all appropriate measures to protect children from use of narcotic drugs(Article 33)
- Arrest, detention and imprisonment of a child shall be used only as a measure of last resort and for the shortest appropriate time. A child imprisoned should be

separated from adult offenders unless this is considered in the child's best interests (article 37)

- 4.10** The committee believes crime prevention measures aimed at young people should embrace rather than ignore these standards. In a submission to this inquiry, UNICEF Australia<sup>123</sup> notes that the United Nations has prepared Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines). These are an attempt by the international community to provide innovative measures to use in crime prevention. Interestingly, the Guidelines support the approach taken in this inquiry of preferring the use of social supports to reduce the motivation, opportunity or need for offending<sup>124</sup> to law enforcement based measures. The guidelines highlight poverty as a key cause of juvenile delinquency and the family as the key unit of socialisation to which supports should be delivered for at risk groups.

### Trends in Crime by Young People

- 4.11** As discussed in Chapter Three of the First Report of this inquiry, crime statistics should be treated with caution. Court records of convictions and police statistics on arrests only record reported or detected crime; victim's surveys typically show larger rates of crime, particularly for offences such as sexual assault or domestic violence offences. An increase in levels of sexual assault convictions may say nothing about any increase in the offence in the community.
- 4.12** This difficulty is compounded when legislative or policy interventions have an impact on crime.
- 4.13** This is demonstrated by the often confusing trends in juvenile crime. The numbers of young people held in juvenile detention centres has declined significantly over the last five years, from 510 in 1995 to 350 currently<sup>125</sup>. This is the result of a deliberate policy pursued by the criminal justice agencies of only detaining serious offenders, while using diversionary programs such as supervised sentences and community service orders for others. A series of reports in the early 1990s, such as the *Kids in Justice* report of the Youth Justice Coalition, the Social Issues Committee *Report on Juvenile Justice in NSW*<sup>126</sup> and a later Government Green Paper on Juvenile Justice highlighted the need for this policy. An Office of Juvenile Justice was established separate from the adult correctional system and diversionary systems. The results of this are seen in the continued downward trend in those held:

‘..56% of young people in our detention centres are over the age of 17 years. That has markedly changed over a period of time. In years gone by our detention centres were filled with 13year olds, 14 year olds and 15 year olds. That systematic

<sup>123</sup> *Submission 28/09/99*

<sup>124</sup> *Ibid* p2

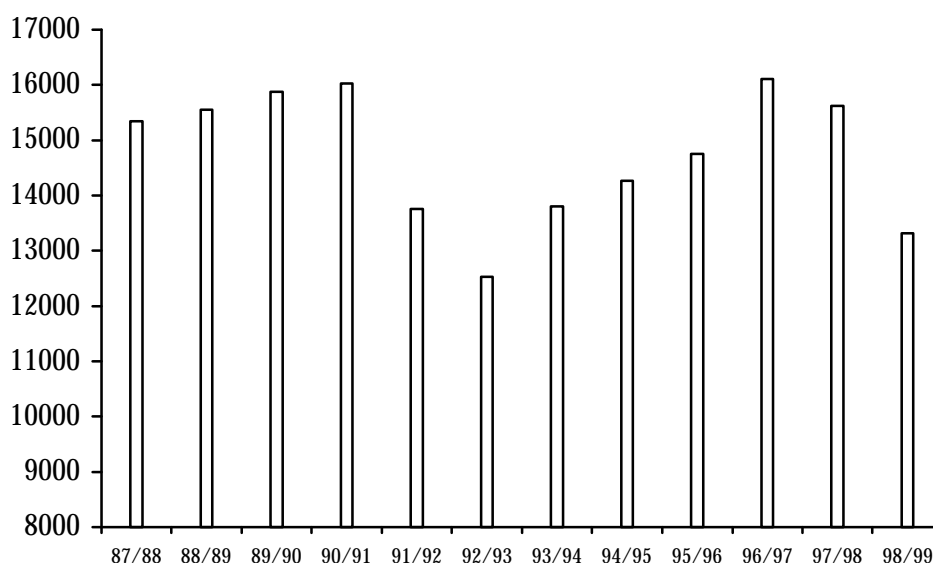
<sup>125</sup> Buttrum *Evidence 9/02/00* p4

<sup>126</sup> Standing Committee on Social Issues *op cit* 1992

approach to juvenile justice seems to be working. At the moment we are locking up only the more serious and older offenders.<sup>127</sup>

**4.14** Another way of examining trends is to look at the number of criminal matters finalised before the Children's Court. Even this will disguise any impact of use of police discretion in minor offences, whereby matters are not required to be brought to court. The graph below shows how figures have fluctuated throughout the decade:

**Children's Court Finalised Appearances, Criminal Matters, 1987/88 – 1998/99**



Source: *Striving to Break the Juvenile Crime Cycle*, Department of Juvenile Justice tabled at hearing on 9/02/00

**4.15** The 13,313 young people who appeared in 1998/99 is significantly less than in 1987/88, when 15,340 young people appeared. However this has fluctuated over the decade, rising for five years in the mid 1990s until it begun its current two year downward trend.

<sup>127</sup> Buttrum *Evidence* 9/02/00 p7

- 4.16** The figures for the most serious crimes against the person have risen significantly in the mid 1990s as measured by court appearances, particularly for robbery related offences:

**Finalised Court Appearances for Serious Person Related Offences**

**1995 – 96 to 1998 - 99**

	<b>1995 – 96</b>	<b>1996 - 97</b>	<b>1997 – 98</b>	<b>1998 - 99</b>
Homicide and related Offences	8	15	25	12
Aggravated sexual assault	90	98	111	121
Aggravated robbery	367	391	472	510
Non aggravated robbery	91	105	107	138
Aggravated assault	93	110	93	115
<b>TOTALS</b>	<b>649</b>	<b>719</b>	<b>808</b>	<b>896</b>

source: *Striving to Break the Juvenile Crime Cycle*, Department of Juvenile Justice tabled at hearing on 9/02/00

- 4.17** Aside from sexual assault these increases mirror increases in offences in other age groups over that same period<sup>128</sup>. There are three suggested reasons for this increase:

- changes in police practices, such as increased targeting of repeat offenders leading to increased charges
- changes in legislation, leading to the creation of new offences
- the increase in availability of hard drugs, leading to crime to support addictions

- 4.18** The committee has had little opportunity to examine the first two possibilities, but there is strong evidence that the increase in the drug problem has had a major impact. In evidence to the committee the Director General of the Department of Juvenile Justice reported on the results of a 1999 survey of drug usage by those in detention. It found that 50% had used heroin, more than three times the findings of a previous survey in 1996; that 56.3% admitted to using amphetamines (compared to 37% of the previous sample) and use of cocaine and ecstasy had also doubled<sup>129</sup>. A national survey of illicit drug use among high school students has also shown an increase in the mid 90s over previous surveys.<sup>130</sup>

<sup>128</sup> see *Key Trends in Crime and Justice*, M Chilvers, Bureau of Crime Statistics and Research 1999

<sup>129</sup>Buttrum *Evidence* 9/02/00 p5

<sup>130</sup> "Prevalence of Illicit Drug Use among Youth: Results from the Australian School Students' Alcohol and Drugs Survey" M Lynskey et al *Australian and New Zealand Journal of Public Health* 1999 vol23 no5

**4.19** This is very disturbing. The committee in this inquiry has not examined drug related issues in depth because the inquiry's timetable has co-incided with the Drug Summit and the implementing of initiatives developed as a result of that process. However, the increase in the drug problem has been a backdrop to much of the committee's evidence.

**4.20** Although the drug problem may be the cause of a sudden increase in some offences during the 1990s it is easy to overlook less sensational but even more serious underlying causes of offending. For instance in the same Juvenile Justice survey referred to above, 72% of the young people in detention said that they had experienced violence in their family, with 50% describing it as "a great deal of violence"<sup>131</sup>.

**4.21** The committee has at different times in this inquiry examined the high representation of Aboriginal people (this report, Chapter Three) and people with an intellectual disability within adult prisons (First Report, Chapter Eight). People with an intellectual disability are over-represented in juvenile detention centres, with research by Professor Hayes for the Department in 1997 identifying 15% of young people in facilities having a disability despite only being 2-3% of the population<sup>132</sup>. The situation for young people from an Aboriginal background is even worse than in adult prisons, constituting one in four young people held in 1998/99. A major factor in this could be the location of Aboriginal young people in country areas where fewer alternatives such as supervised community service orders are available. Professor Cunneen suggests Aboriginal people are suffering from the split in juvenile justice between serious offences and diversions from the system:

'We have more options at the soft end of intervention, that is the less punitive end. At the more punitive end we have increases in penalties and greater reliance on institutionalisation for young people who are defined as serious repeat offenders. Whether by bifurcation of the system which has a level of discrimination occurring against Aboriginal young people, they are being channelled into the harder end of the system. They are not getting the benefit of cautioning or conferencing to the same extent as non-Aboriginal children.'<sup>133</sup>

**4.22** As will be discussed below, young people in care and those with a mental illness are also a significant part of the juvenile justice system at its more punitive end.

**4.23** The positive news is that most young people do not re-offend. A study of 52,935 offenders who appeared before the Children's Court between 1986 and 1994<sup>134</sup> has shown that only 15% of those who received a minor penalty re-offended, while overall only 30% re-offended, and for half of these only once. The other findings are worth quoting in depth:

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<sup>131</sup> *Ibid* p6

<sup>132</sup> Department of Juvenile Justice *Striving to Break the Juvenile Crime Cycle* (tabled at hearing 9/02/00)

<sup>133</sup> Cunneen *Evidence* 14/03/00 p21

<sup>134</sup> M Cain, *Recidivism of Juvenile Offenders in NSW*, Department of Juvenile Justice 1996

- 86% of offences are non-violent, and there is no pattern of escalation to more serious offences
- very few juveniles become persistent offenders; however a small number of persistent offenders are responsible for a disproportionately large number of recorded offences. Nine per cent of juvenile offenders were responsible for 31% of all proven appearances
- there is a pattern of the timing of subsequent offences for juvenile offenders: as offending recurs, the average interval between offences becomes progressively shorter
- the majority of crimes are committed by 16-18 year old males, with property offences and theft the most common offences
- the younger a juvenile is at the first time of a proven offence the greater the likelihood that he or she will re-offend
- for the small group who receive the heaviest penalty for their first offence, that is a sentence of detention, the recidivism rate is around 80%. There is a strong relationship between sterner punishments and later re-offending

**4.24** Regarding this last point, the author of the report concluded that while cause and effect were ambiguous, it represents strong evidence in support of the current policy of saving severe penalties for only the worst offenders. There is a possibility that the high recidivism rate is because of the contamination effect of putting first time offenders together with known offenders.<sup>135</sup>

**4.25** The committee therefore concludes:

- the numbers of young people held in juvenile detention centres has significantly declined over the last 10 years, and their average age has risen in that period
- the numbers of young people appearing before court has fluctuated over the decade
- there appears to have been an increase in reported serious crimes by young people other than homicide from a three year period from 1995/96, followed by recent decline
- the majority of young people offend once in their late teenage years then desist
- Aboriginal and Torres Strait Islander youth and young people with intellectual disabilities are heavily over represented in juvenile detention centres

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<sup>135</sup> *Ibid* p2

- 4.26** The committee also notes the research by Weatherburn and Lind on the links between juvenile offending<sup>136</sup>, discussed in the First Report in relation to parenting and early childhood intervention. This study found that juvenile offending as measured by court statistics was highest in areas where reported rates of neglect were highest. Neglect was linked to economic disadvantage. This was confirmed by statistics provided to the committee by the Department of Juvenile Justice: in 1998/99 Blacktown (1029), Fairfield (503) and Campbelltown (632) recorded vastly more Children's Court offences than Kuring-gai (55), Hunters Hill (6) or Woollahra (31)<sup>137</sup>.

### **Risk Factors for Recidivism**

- 4.27** For the majority of young people contact with the criminal justice system occurs just once or at the most twice. Contrary to the rhetoric of tougher sentences preventing crime, the worst recidivists are those who receive the heaviest sentences on their first appearance. During the inquiry the committee sought to understand the characteristics of these repeat offenders.

- 4.28** The Director General of the Department of Juvenile Justice highlighted early offending as a very strong risk factor because it indicated other factors were likely to be present:

'The majority of people in detention centres dropped out of school before completing year 8; the earlier the person gets into the system the more likely he or she is to re-offend. The alarm bell rings for us if a young person starts re-offending at, say, age 11. We know we need to target resources to that young person and concentrate on the level of support or the level of disruption in that young person's family.'<sup>138</sup>

- 4.29** This was supported by other witnesses to the inquiry:

'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"<sup>139</sup>

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<sup>136</sup> *Social and Economic Stress, Child Neglect and Juvenile Delinquency* 1997, Bureau of Crime Statistics and Research

<sup>137</sup> Department of Juvenile Justice *Striving to Break the Juvenile Crime Cycle* (tabled at hearing 9/02/00)

<sup>138</sup> Buttrum *Evidence* 9/02/00 p6

<sup>139</sup> Vinson *Evidence* 25/10/99 p9



**4.30** The committee has examined risk factors for crime generally in Chapter Four of its First Report. The specific risk factors for recidivism by young offenders have been identified for the committee by the Department of Juvenile Justice, based upon their client base, as follows:

- significant relationship problems in their families, leading to periods of homelessness
- neglect, physical, emotional or sexual abuse. This is particularly true for female offenders
- difficulty in empathising with others, especially authority figures, and difficulty in impulse control
- learning difficulties and school adjustment problems, often leaving school before year eight
- behavioural problems exhibited at an early age, some with diagnosed conduct disorders
- depressive illness, with suicide attempts and abuse of alcohol and drugs common<sup>140</sup>

**4.31** In contrast, young offenders who are not repeat offenders do not generally have the breadth or complexity of the problems described above, and have greater family or extended family support.

**4.32** The committee again wishes to emphasise that early childhood intervention is a far more effective form of crime prevention than anything the criminal justice system can offer. Far better to prevent offending in the first place than try to stop it recurring. The discussion which follows on the juvenile justice system is based upon what can be done to prevent re-offending. The most important strategy is to ensure that the majority of young people who are not likely to re-offend have as little contact with the criminal justice system as possible. The committee is very concerned that the level of recidivism of those held in detention centres is as high as 80%. The implication of this is both that those held in detention centres should be kept to the absolute minimum required for the safety of the community; and that programs within the detention centres need to be examined for their effectiveness.

## Cautioning

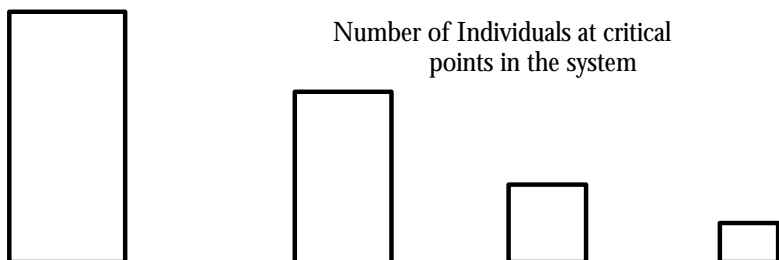
**4.33** When a young person is apprehended for an offence they are faced with a hierarchy of possible responses by the police. These are set out in the diagram below:

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<sup>140</sup> Department of Juvenile Justice *Striving to Break the Juvenile Crime Cycle* (tabled at hearing 9/02/00)

## A Strategic Systemic Approach to Juvenile Justice in NSW

The outcome:  
diversion at  
critical points



The system

Social Welfare System	Juvenile Justice System		
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The clients

Troubled Young People	First and Less Serious Offenders	Serious Offenders
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The Process

Preventative Early Intervention	Pre-Court Diversion	Formal Court Intervention
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The intervention strategies

Continuum of youth and family support services provided by government and community agencies	Police warnings and cautions	Youth justice conferencing	Community based orders; referral to conferencing; cautions and fines; unsupervised orders; supervised orders; community service orders; specialist counselling	Custodial orders and post release supervision/support
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Source: Department of Juvenile Justice, *Striving to Break the Juvenile Justice Crime Cycle*, tabled at hearing 9/02/00

### 4.34

Both cautioning and community youth conferencing are part of the structure of diversions from the criminal justice system under the *Young Offenders Act 1997*. The Act provides a legislative mandate for a practice of cautioning used for a number of years by the Police. Cautioning is a process by which the police issue a formal warning to the young person; the caution is recorded but no criminal charges are laid. The use of cautioning is based upon the research in NSW and many other jurisdictions that indicates most young people will only have the one contact with police; by limiting this to a formal caution the person is kept out of contamination with the juvenile justice system. In 1998/99, the first full year in which police have been given the power under the Act to issue cautions, from 24,000

instances of young people being apprehended by the Police, 8,000 were dealt with by caution<sup>141</sup>.

**4.35** The committee fully supports the use of cautioning as a crime prevention method, particularly when used by the Police in co-operation with other agencies such as the Department of Juvenile Justice and welfare agencies<sup>142</sup>. However during the course of this inquiry there are four issues raised regarding cautioning which the committee believes warrant consideration:

- concerns that cautioning does not provide any incentive to change offending behaviour
- the lack of use of cautioning for Aboriginal offenders
- the requirement that young people plead guilty before a caution can be issued
- the need to respond to any shortcomings in cautioning prior to the completion of an evaluation in late 2001

### **Cautioning and Incentives to Change Offending Behaviour**

**4.36** From time to time during visits to country areas the committee received complaints from community members that either police or magistrates did little more than give young offenders a “slap on the wrist”, and that this in fact encouraged increased offending because they had “got away with it”. The committee was not of course able to examine these anecdotes so has no way of knowing their veracity. In the United Kingdom there has been a concern that cautioning type approaches were not working. As described by leading crime prevention expert Jon Bright:

‘Diverting young offenders *from* the criminal justice system is not a sufficient response to offending if they are not at the same time diverted *to* something which is going to challenge their offending behaviour.<sup>143</sup>’

**4.37** There has been some work on this problem by the NSW Attorney General’s Department, with the formation of a multi -agency steering group in 1998 to develop mentoring projects used for those issued with a caution, or as part of the conferencing process. Older adults provide support, guidance and role models for young offenders<sup>144</sup>. Two projects have been piloted run by the YWCA Big Sister/Big Brother program to run mentoring programs in Parramatta and Coffs Harbour. The programs will target those most at risk of re-

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<sup>141</sup> Ellis *Evidence* 14/03/00

<sup>142</sup> see the Police Service *Submission* 11/11/99 p7 for more on this co-operation

<sup>143</sup> *Turning the Tide*, 1997, Demos, UK p20

<sup>144</sup> “One2One: A Mentoring Project for Young Offenders” D Crowely, Paper to AIC conference *Children and Crime: Victims and Offenders* 17-18 June 1999

offending. The committee believes the evaluation of these three year projects should be used by policymakers to determine whether to extend similar programs.

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### **Recommendation 13**

The committee recommends that the Attorney General's Department widely promote the results of its evaluation of the impact of mentoring programs on re-offending, when used as part of cautioning. The committee also recommends that the Crime Prevention Division of the Department explore other options which can be used to ensure cautioning is used so as direct offenders to programs which deter offending behaviour.

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### **Cautioning of Aboriginal Young People**

**4.38** The committee is concerned that Aboriginal young people do not appear to be diverted by cautioning as frequently as non-Aboriginal young people. This was first raised with the committee by the Secretary of the NSW Council for Civil Liberties in relation to the Redfern area<sup>145</sup>. In a hearing this was confirmed by the Police spokesman on young people, Commander Ellis:

'our diversionary rates as far as Aboriginal and Torres Strait Islander children are concerned are not as high as they are in the broader community<sup>146</sup>'

**4.39** Professor Cunneen on the same day provided further evidence on this, quoting a report prepared for the Youth Advisory Committee on use of diversions:

'the proportion of ATSI offenders being diverted from courts was lower than that for offences not involving ATSI young people; 12% of processes involving ATSI offenders resulted in a caution compared to 18.7% for the total population...the percentage of processes involving ATSI offenders going to court was higher than for processes involving non-ATSI offenders: 86% compared to 78.4%. The point that comes out of the Hennessy [Youth Advisory Committee] Report is that certainly the lack of referrals and the lack of use of cautioning affects all young people, but it is more pronounced when it comes to indigenous children. The proportions are not huge. It is not the case that police will never caution an Aboriginal person.... They do it. But they do not do it as frequently as they do it with non-Aboriginal kids.

Introducing diversionary schemes in general does not benefit Aboriginal children to the same extent that they benefit non-Aboriginal children. It is a common research finding. It is not particular to New South Wales, it is a national problem and it is reflected in new legislation such as this.<sup>147</sup>

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<sup>145</sup> S Hopkins, letter to Hon R Dyer MLC, 6/03/00

<sup>146</sup> Ellis *Evidence* 14/03/00 p5

<sup>147</sup> Cunneen *Evidence* 14/03/00 p17

**4.40** When asked in later questioning why this was the case Professor Cunneen suggested in many cases police appeared to treat Aboriginal people who have the same offending record as non-Aboriginal people differently; he would not speculate why. He did however recommend that a system be established of involving Aboriginal Elders in cautioning. This would strengthen the authority of the Elders, a point the committee strongly supports as a means of assisting crime prevention in Aboriginal communities (see Chapter Three).

**4.41** One explanation provided to the committee for the lower rate of cautioning among Aboriginal young people by Regional Commander Ellis was the requirement under the Act that the young person admit their offence before a caution can be used. In evidence Commander Ellis referred to difficulties with Aboriginal Legal Service clients advising clients not to admit guilt in situations where a caution would be most advantageous for all concerned<sup>148</sup>. The result of refusal to admit guilt is that the person is then forced into criminal proceedings. Commander Ellis saw this as a problem to resolve with the Aboriginal Legal Services rather than a failing of the Act:

‘Even if the young person does not admit the offence, it will go through the court and the magistrate has a discretion. If they suddenly say, “I would like to plead guilty to this” the magistrate then can refer the matter back for a caution or conference. But what that does is impact on the statistics from the Police Service. People were saying, “they are not diverting as many people as they should be” when one factor involved was that there had not been an admission. I would not suggest in any way or form that that provision be taken out. It is a requirement of the Act and I believe it is a very good one.’<sup>149</sup>

**4.42** The committee supports the basic intention of the Act in emphasising responsibility for offending behaviour. However, it is concerned that in some instances this could lead to undesirable outcomes. When a young person is confronted by police an escalation of conflict over the admission of guilt for a minor offence could lead to charges being laid for public order type offences. A member of the committee also put it to Professor Cunneen that in some communities Aboriginal people may have greater trust of the courts than local police. Professor Cunneen responded:

‘It is okay for a police officer to say, “Plead guilty and get a caution”, but there is no guarantee that that is going to occur and it involves a level of trust between you as a parent and your son or daughter as a potential defendant and the police. If that trust is not there, that system is not going to work.’<sup>150</sup>

**4.43** The committee is concerned that the problem about admission of guilt is not a new one, it was also a problem prior to the *Young Offenders Act* when police were able to issue cautions without a clear legislative structure backing their use. The committee understands the Police Service are discussing the cautioning situation with the Aboriginal Legal Services, but believes more needs to be done. The involvement of the Attorney-General’s Department, which has the responsibility for conducting a thorough evaluation of the operation of the Act may be useful. A working party should be considered to overcome

<sup>148</sup> Ellis *Evidence* 14/03/00 p6

<sup>149</sup> *Ibid* p8

<sup>150</sup> Cunneen *Evidence* 14/03/00 p23

some of the current difficulties. This could also consider how structures of negotiation can be set up with the Aboriginal community so as to involve Elders or other leaders in a process where young people could be advised to admit guilt if they are guilty of the alleged offence.

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#### **Recommendation 14**

The committee recommends the Attorney General's Department establish a working party to consider how the current difficulties in the use of cautioning in Aboriginal communities can be improved. This working party should also comprise representatives of the Police and Aboriginal legal services, and possibly Aboriginal persons independent of the legal services.

The committee recommends that the working party should consider how structures of negotiation can be set up with Aboriginal communities so as to involve Elders or other leaders in a process where young people could be advised to admit guilt if they are guilty of the alleged offence.

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#### **Evaluation of Cautioning**

- 4.44** The final issue regarding cautioning is that its take up in the first full year of the scheme is not especially high. As stated above, two thirds of police interactions still lead to formal court processes. Commander Ellis in evidence said that this was the result of several factors, such as the unfamiliarity of police with the system, the need for training of duty officers in the Act and the problem of non-admission of guilt, referred to above. Regarding training of officers the committee saw some evidence of this in one of its country visits. The local community youth conferencing co-ordinator, an Aboriginal person, spoke highly of local police efforts to make the *Young Offenders Act* work. However the co-ordinator said that the Police Youth Liaison Officer, being only part time and covering a large geographic area, had not been able to train all duty officers to date and this partly accounted for diversions from the criminal justice system being lower than desired.
- 4.45** The committee understands that the operation of cautioning and conferencing under the *Young Offenders Act 1997* is to be evaluated at the end of three years, that is after 30 June 2001. This is appropriate, but the committee is concerned that at present there may be an attitude of "wait for the evaluation" before seriously addressing the under use of cautioning and conferencing. The committee believes the Police in consultation with the Department of Juvenile Justice needs to be regularly assessing the use of the scheme and making adjustments as it progresses. This may involve the need to accelerate training of duty officers or addressing whatever other barriers are preventing use of the Act.
- 4.46** The Operational Command Review is a regular meeting at which the Police Commissioner and the executive team hear progress reports on what is happening in each area command. Commander Ellis told the committee that he had instituted a series of questions to be

asked on use of cautioning and conferencing<sup>151</sup>. The committee believes this is an appropriate forum to discuss improvements required, prior to any formal evaluation.

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### **Recommendation 15**

The committee recommends that the Police Service, in consultation with the Department of Juvenile Justice, regularly assess the use of the *Young Offenders Act 1997*, particularly at Operational Review Command meetings.

Improvements should not wait until the formal evaluation by the Attorney General's Department if these improvements relate to simple implementation issues such as training needs.

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## **Conferencing**

- 4.47** Community youth conferencing is an ambitious alternative to formal court process (although it can be ordered by a court during proceedings) based on a theory of restorative justice<sup>152</sup>. A young offender attends a conference, co-ordinated by a person appointed by the Department of Juvenile Justice, at which representatives of the offender's family, the victim and their family, relevant agencies including the police, and other members of the community with a direct interest are present. An appropriate punishment is agreed upon through a process which has the purpose of re-integrating the offender back into their community.
- 4.48** Conferencing is an alternative to cautioning though it clearly involves a great deal more organisation, time and expense. A statewide network of conference co-ordinators has been established, and the committee has met several in the course of its visits to country areas. At this early stage the co-ordinators the committee has met appear optimistic about its prospects. Most of the issues raised with cautioning apply equally to conferencing: lower use for Aboriginal people than non-Aboriginal; the requirement that offenders admit guilt; and the low level of diversions to date. There were only 806 referrals by police to conferences last year<sup>153</sup>, although in total 1,155 young people participated in conferences last year, indicating courts were also making referrals<sup>154</sup>. This low initial use is perhaps understandable given that conferencing is a new process, unlike cautioning. Like the use of cautioning any changes required to increase its use should be made progressively rather than waiting until the end of the three year evaluation period.
- 4.49** Community concern about cautioning as a "soft option" does not apply to conferencing. It very publicly confronts the offender with the results of their action. In Kempsey the

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<sup>151</sup> Ellis *Evidence* 14/03/00 p7

<sup>152</sup> See Braithwaite J *Crime shame and Re-integration*, Cambridge University Press, Cambridge 1989

<sup>153</sup> Ellis *Evidence* 14/03/00 p5

<sup>154</sup> Department of Juvenile Justice *Striving to Break the Juvenile Crime Cycle* (tabled at hearing on 9/02/00)

committee was told that some offenders see a court hearing as the easier option, requiring fewer changes to their behaviour. A recent survey by the Bureau of Crime Statistics and Research found a great deal of satisfaction by all participants with the process<sup>155</sup> more than 90% of both victims and offenders though the conference had been fair to them. At least 89% were satisfied with the outcome plan.

- 4.50** The committee strongly supports the use of conferencing and will be interested to see what figures for recidivism are for those who pass through the process when the Attorney General's Department evaluation is completed in 2001.

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### **Recommendation 16**

The committee recommends that the Attorney General's Department make public the results of the evaluation of the Community Youth Conferencing Scheme when complete, particularly in regard to its impact on recidivism.

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## **Juvenile Justice Programs**

- 4.51** One of the most comprehensive and thorough submissions received by the committee during this inquiry was that prepared by the Department of Juvenile Justice<sup>156</sup>. The committee has been impressed by the level of development of the Department's programs, its co-operation with other agencies and its commitment to empirical research to guide its programs.

- 4.52** In its submission the Department states that its approach to preventing recidivism is based upon three strategies:

- conducting research on juvenile offending and the effectiveness of departmental programs
- the provision of support and rehabilitative programs for juvenile offenders, and
- achieving improved collaboration between the many human services agencies that play a role in supporting young offenders and young people at risk.

- 4.53** To pursue its research agenda the Department has established a collaborative research unit which works with major universities in NSW. The unit aims to direct and monitor clinical research which can be used to develop its own programs. The unit is a good model for other agencies that wish to develop a research base on which to ground their programs. Its research appears to be far more extensive than that currently undertaken by much larger human service agencies. Currently there are 16 projects approved by the Department with 6 other institutions involved as partners. Appendix Five of this report lists the current research program for the Department's research unit. Past research has included a study

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<sup>155</sup> NSWPD (Hansard) (LC) 22/06/00 per Hon J Shaw MLC

<sup>156</sup> *Submission* 30/09/99



on the mental health needs of young Aboriginal offenders, a profiling of juvenile sex offenders in NSW, and a study of outcomes achieved by young offenders on the Sex Offender Program.

**4.54** For its programs the Department uses a model which is based on addressing specific offending behaviour while also providing general coping skills and supports and reducing risk factors. These strategies, with examples of the programs built around them, are presented in the table below:

**4.55** Any of the programs referred to here are run by Departments other than Juvenile Justice or in partnership with them. For instance the committee at Kempsey saw some very innovative programs run by the Djigay Centre at the TAFE; at Newcastle the committee also heard of programs by the Department of Sport and Recreation called the Youth at Risk program, and in several areas visited the Department used Police Citizen's Youth Clubs for diversionary programs.

- 4.56** The Department's programs are run through detention centres, as community based sentencing alternatives to custody, or post release. For the committee the area of most interest is that of detention centres, as it is only this part of the juvenile justice system which is showing major levels of recidivism. The committee recognises that this is a natural outcome of the move towards separating serious offenders from minor or first time offenders who are diverted from the system. With only a small number of offenders held for the worst offences the likelihood of recidivism is very high. It is important then to measure which programs run within centres actually do appear to have some success.
- 4.57** In questions from the committee the Director General of the Department conceded that previous data collection systems had not been sufficient to evaluate program outcomes<sup>157</sup>. He advised that the Department would now be measuring the success of these programs based upon re-offence rates, the frequency of re-offence and the seriousness of the re-offence, and any other social outcomes such as improved education levels. The committee notes that in the Department's research program there is provision for evaluating a drug and alcohol program and various components of its Sex Offender Program. The committee supports the direction the Department is moving in, and the recommendation below is intended to be consistent with that direction.

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**Recommendation 17**

The committee recommends that the Department of Juvenile Justice progressively increase the number of outcome evaluations of specific programs run in detention centres. These evaluations should measure the outcomes in terms of reducing re-offending; reducing the frequency of re-offending and reducing the seriousness of re-offence compared with previously measured recidivism rates for those in detention centres. The results of these evaluations should appear in the Department's annual report or be otherwise published.

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- 4.58** One issue regarding detention centres which appears to be of great concern, as with adult prisons, is the inability to prevent drugs entering premises. Here the Department has a difficult tension between humane treatment of young people and the need for tougher security:

'Drugs are coming in through visitors. We are always walking a fine line between being draconian and diminishing the number of visitors..... We are searching visitors bags. We have now introduced lockers outside the centres so people leave the stuff outside. We are now selling lunch packs to visitors so they do not bring in food. I know that sounds terrible but the sad fact of the matter is some people are actually undoing packaging in very shrewd ways, putting the drugs inside and resealing the packaging. One problem we have at the moment that we have not solved is that some people are bringing drugs into the centres in their body cavities. We have no right- nor do we want to - to search people's body cavities, so that is always going to be a problem for us unfortunately<sup>158</sup>.'

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<sup>157</sup> Buttrum *Evidence* 9/02/00 p17

<sup>158</sup> Buttrum *Evidence* 9/02/00 p13

- 4.59** The Department is also attempting to introduce a telephone monitoring system, because of concern that drug drops are being organised through calls from centres. It has been funded by the Drug Summit to use sniffer dogs to detect drugs on visitors. Sniffer dogs may also be used to examine staff property or else staff will be asked to leave their private material outside centres, because of concerns that a few staff may play some part in the movement of drugs. A former youth worker in a centre confirmed in evidence to the committee his centre was unable to prevent the influx of drugs.<sup>159</sup>
- 4.60** The committee has raised this issue but does not see immediate solutions. Adult prisons have not solved this problem so it will be much more difficult for the Department of Juvenile Justice. Maximum security type approaches are likely to worsen the currently very high recidivism rate by weakening the impact of life skills, coping and community integration programs run through centres. Increased surveillance of visitors can also add to the isolation of those in detention.
- 4.61** Rather than increase attempts to restrict the supply of drugs into centres the focus of effort should be to reduce the demand for it by detainees. Concerns were raised by the committee that only 10 specialised drug counsellors were available for the 350-380 client population. However, the Department is receiving Drug Summit funding to increase this, and in any case the Director General argues that:

‘people will continue to use drugs while they have a fairly hopeless view of their future. People will continue to have a hopeless view of their future when they have massive education deficits, many are functionally illiterate. As well as drug counselling, which is critical, remedial education is important. Jobs skill training is also important.’<sup>160</sup>

## Young People and Mental Illness

- 4.62** One group who experience a particularly difficult time with the criminal and juvenile justice systems are those young people with a mental illness and their families or other carers. The committee received two submissions addressing this issue<sup>161</sup> and a submission from the Guardianship Tribunal which addressed dual diagnosis issues<sup>162</sup>. The committee also met with the Kempsey Mental Health Support Group during its visit to Kempsey. The committee has not received any contribution to the inquiry from the Department of Health, which has primary responsibility for services to those with a mental illness.
- 4.63** In Chapter Eight of its First Report the committee, dealing with the separate issue of intellectual disability, recognised there was a major problem with dual diagnosis, that some persons with a mental illness were not receiving the services they required because of falling through the gaps between the Department of Health (mental illness) and Ageing and

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<sup>159</sup> Willis *Evidence* 9/02/00 p61

<sup>160</sup> Buttrum *Evidence* 9/02/00

<sup>161</sup> Kempsey Mental Health Support Group *Submissions* 1998 and 6/9/99

<sup>162</sup> *Submission* 1/12/98

Disability (intellectual disability). An interdepartmental committee of criminal justice and human services departments is working to establish protocols to avoid this lack of co-ordination. The President of the Guardianship Tribunal also suggested to the committee that in suitable cases a guardianship order could be used to act as a case manager to bring together the services required. Some of the other recommendations and observations regarding the need to identify successful support services which operate in the community are also applicable to mental illness.

**4.64** Mental illness has a comprehensive operational definition under the *Mental Health Act 1990* (NSW)<sup>163</sup>. It can include schizophrenia, manic depressive illness and bipolar disorders and other forms of depression. Most persons with a mental illness do not commit crime, but for those who do the criminal justice system is usually a very ineffective way of preventing future offending.

**4.65** People with a mental illness are particularly vulnerable to homelessness. A recent report by 5 major welfare agencies found that 75% of homeless people using inner city hostels in Sydney have at least one mental disorder. Many of the younger homeless combine this with a drug habit<sup>164</sup>. Homeless women had a rate of schizophrenia 29 times that of the general community. The same study found that of the homeless people in the study:

- 58% had been seriously physically attacked or assaulted
- 55% had witnessed someone being badly injured or killed
- 68% of women had been indecently assaulted

**4.66** This is the situation in the centre of Australia's largest city, where access to mental health services is at its best. The situation for young people in country areas is much harder. At Kempsey the committee was told that young people needing treatment in psychiatric hospitals had to be transported by police caged paddy wagon to Newcastle, to their distress and confusion, because of the lack of any local facilities. The nearest major hospital, at Port Macquarie has only 10 beds for voluntary psychiatric patients and none for involuntary patients despite serving a catchment area of 56,000 people. The smaller Kempsey hospital only has 4 psychiatric beds. A local magistrate was quoted as criticising the lack of facilities at the Port Macquarie Hospital<sup>165</sup>. He said he had sent people to jail because it was the only place they could receive proper treatment programs for the mental illness which was greatly contributing to their offending<sup>166</sup>. At a conference, the same magistrate also spoke of having to wait 9 weeks for a psychiatric assessment, leading to defendants with a mental illness being held on remand because of lack of alternative

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<sup>163</sup> See also *the National Inquiry into Human Rights and Mental Illness (the Burdekin Report)* Human Rights and Equal Opportunity Commission vol 1, Canberra AGPS 1993 p40-44

<sup>164</sup> *Down and Out in Sydney*, St Vincent de Paul Society, Sydney City Mission, the Salvation Army, Wesley Mission and the Haymarket Foundation, April 1998

<sup>165</sup> "Mentally ill on Path to Prison" *Port Macquarie News* 20/02/98 p1

<sup>166</sup> "Mental Health Court Liaison to be in place next month" *Macleay Argus* 1/02/00 p7

facilities.<sup>167</sup> At the meeting with the committee one mother told of having a son with a dual disadvantage: he was a young Aboriginal, which for some people was enough to brand him as a potential criminal; on top of that have a mental illness meant few could believe her son was “mad rather than bad”.

- 4.67** The Kempsey Mental Health Support Group is a model of a constructive response by parents, friends and local service providers to a lack of services in their area. It is unusual, because for most carers the demands of coping with the young person’s mental illness takes up any energy and resources left for external activity. The Group has hosted public forums to highlight the needs within the area, lobbied local agencies and sought to improve collaboration between agencies. Partly as a result of their efforts \$70,000 has been obtained for the next three years under national mental health funding programs for the employment of a mental health court liaison worker. The task of this position will be to establish pathways for people to find assistance such as treatment, finding accommodation and alternatives to incarceration. In Chapter Eight of its First Report the committee recommended an interdepartmental committee consider the Newcastle Court Liaison nursing service be extended as a crime prevention initiative (Recommendation 32); the service could also be adapted to assist those with mental illnesses.

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### **Recommendation 18**

The committee recommends that the Attorney General’s Department examine the evaluation of the Newcastle Court Liaison nursing service for its potential to assist other courts with mentally ill people.

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- 4.68** One issue alluded to in visits to Kempsey was the causal link between drug use and mental illness, and that more young people in the area were presenting with mental illness because of the greater prevalence of drug use. It is equally plausible that drugs are used as a form of self-medication to cope with or avoid the implications of living with mental illness; the committee has not examined the medical evidence for this link.
- 4.69** The committee notes with approval the announcement in April of this year of a \$107 million package to increase funding of mental health services over the next three years in NSW, an increase of 5.3% over each year<sup>168</sup>. The benefits of this program include over 90 new acute beds in rural areas and over 700 additional direct care staff, and an expansion of the New Children’s telepsychiatry services to remote and rural communities. School children and new mothers will be the focus of services as an early intervention method<sup>169</sup>. The committee believes this funding expansion needs to be recognised as a crime prevention initiative as well as a much needed improvement in health services. It is investment by governments in this type of social supports which can reduce the use of

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<sup>167</sup> Submission Kempsey Mental Health Support Group 6/9/99

<sup>168</sup> “Funding Boost for Mental Health lifts NSW Out of Rut”, *Sydney Morning Herald* 19/04/00 p6, NSW Treasury *Budget Estimates Budget Paper No3, vol 2, 2000-01, 10-25/26*

<sup>169</sup> “New Mums a priority”, *Daily Telegraph* 19/04/00

prisons and juvenile detention centres as dumping grounds for problems that other agencies fail to address.

## State Wards and the Juvenile Justice System

**4.70** A ward is a child or young person who has been placed under the guardianship of the Minister for Community Services because their parent/s or next of kin are unable to care for them. Family of young people in care have some greater say in the care of their child, but in this section what is said about wards can equally apply to young people in care<sup>170</sup>. During this inquiry a number of submissions and witnesses highlighted the way in which young people in care were particularly vulnerable to becoming both victims of crime and later offenders:

'any strategies to prevent crime or the development of criminal behaviour must include efforts to strengthen and improve our substitute care system to reduce what has been, unfortunately, a trend for the care system to provide inmates for our detention centres.<sup>171</sup>'

'The Department of Community Services substitute care program is highly unsatisfactory. The outcomes from it are highly unsatisfactory. The latest research which looked at wards and the drift into the juvenile justice system showed many of these people are moved 20 and 40 times. This is not only appalling and totally destructive to the young people, it is extraordinarily expensive. Research from Victoria suggests that to move a permanent placement costs up to \$25,000.<sup>172</sup>'

'We believe that a strong component of any crime prevention strategy or services that the state initiates must address those who have already gone through the child welfare system and who have found themselves fast-tracked into the criminal justice system, homelessness, social exclusion and prostitution.<sup>173</sup>'

'There is ample research which already identifies risk factors for criminal participation amongst young people ...and that there is a need to ensure that young people who are already in the care system have those factors addressed. Usually they have already experienced them before coming into the care system and are then subject to further experiences, including frequent movements, poor educational outcomes, et cetera, which exacerbate those situations.<sup>174</sup>'

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<sup>170</sup> The committee is aware that under the revised *Children and Young Persons (Care and Protection) Act 1998* the use of wardship will decline but witnesses to the inquiry did not suggest this would make any significant differences to the problems they described.

<sup>171</sup> Spence *Evidence* 26/07/99 p40

<sup>172</sup> Voigt *Evidence* 17/06/99 p37

<sup>173</sup> Murray *Evidence* 9/02/00 p45

<sup>174</sup> Tang *Evidence* 3/08/99 p5

**4.71** The argument in several of these submissions<sup>175</sup> and certainly in two Community Services Commission reports on the issue<sup>176</sup> is that an inter-generational cycle of offending occurs: a significant number of state wards end up in juvenile justice institutions, then graduate to adult prisons where their children then become wards of the state because of their parents incarceration. The Standing Committee on Social Issues in its inquiry into Children of Imprisoned Parents also concluded:

‘Clearly, from the evidence to this Inquiry, children who are made wards of the state because their primary carer is in prison present a serious risk of involvement in anti-social behaviour and entry into the juvenile justice system.’<sup>177</sup>

**4.72** There is some dispute as to the extent of this inter-generational cycle. The Community Services Commission 1996 report used Juvenile Justice data and concluded that wards are fifteen times more likely to enter juvenile justice detention centres than other members of the juvenile population, with state wards in detention being as high as 17%. A later study of wards leaving care found 9.9% had spent time in juvenile justice centres<sup>178</sup>. An Ombudsman’s investigation in 1996 put the figure at 2.3%<sup>179</sup>. The *Just Solutions* report of the Commission in 1999 found that at least 3.2% of the total detainee population are state wards, a significant over-representation as state wards are said by the Commission to be only 0.2% of the population aged 10-17<sup>180</sup>.

**4.73** However two submissions to the Inquiry from the Positive Justice Centre argued that the real rate of wards in detention centres was much higher: for instance, during a study of Mulawa Women’s Prison five out of ten of the women in one unit identified themselves as being state wards<sup>181</sup>. The *Just Solutions* report also acknowledged that the 1999 figure was based on only those known as wards to the Department of Juvenile Justice, and that the true figure could be higher<sup>182</sup>.

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<sup>175</sup> eg Positive Justice Centre *Submission 25/11/98*

<sup>176</sup> *The Drift of Children in Care into the Juvenile Justice System: Turning Victims into Offenders 1996* and *Just Solutions: Wards and the Juvenile Justice System 1999*

<sup>177</sup> Standing Committee on Social Issues, *Children of Imprisoned Parents 1997* p57

<sup>178</sup> Community Services Commission *Submission /12/98* p10-11

<sup>179</sup> *Ibid* p9

<sup>180</sup> *Just Solutions* p17

<sup>181</sup> Mulawa Project *Submission 23/11/98* p12)

<sup>182</sup> *Ibid* p17

**4.74** In response to questions on this issue the Director-General of the Department of Juvenile Justice put the current level at around 4%<sup>183</sup>. The most that can be said is that the wardship status of the majority of juvenile justice detainees has not been determined.<sup>184</sup> The committee believes that the Departments of Juvenile Justice and Community Services do not have to be convinced of the importance of preventing cycles of inter-generational offending by state wards. This may not have been the case prior to the Community Services Commission's 1996 report. Ascertaining the numbers may provide some measure of whether progress is being made; however the numbers will be affected by both changes in care and protection legislation and the continued move to reduce the numbers held in detention, and may not be a reliable indicator of progress. The recommendations below instead see the importance of ensuring programs to prevent crime by or against state wards are effective. The programs properly implemented should lead to improved tracking of state wards through the system: if the programs are working the Department will have to know how many wards are in the system.

### **Multiple Placements**

**4.75** The risk factors for state wards are many, but much revolves around the harmful effect of multiple placements, beginning at an early age:

‘The single most significant factor that appears to link being in care with the 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. Fortunately, it is not the experience of all children in care, but for the group which, in some literature, has been referred to as the “long-term unsettled” which have particularly concerning outcomes. These are children and young people who are in the care system for extended periods – years or sometimes their whole childhood – because of family circumstances, who have had multiple placements and disruptions. ...One researcher, Widom, found that children who moved three or more times have significantly higher arrest rates, almost twice as high as children who move fewer than three times, all types of criminal behaviours, juvenile, adult and violent criminal.<sup>185</sup>’

**4.76** Frequent moves disrupt the child's attachments to families and other social networks; disrupts their schooling and peer group formation and makes it more difficult for them to develop a clear identity. The problem becomes acute during early adolescence, at about the time when risk of contact with the juvenile justice system becomes greater. It is also extremely difficult to gain placements for those aged over 10<sup>186</sup>.

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<sup>183</sup> Buttrum *Evidence* 9/02/00 p9 –10

<sup>184</sup> Murray *Evidence* 9/02/00 p47, *Just Solutions* 1999 p17.

<sup>185</sup> Spence *Evidence* 26/07/99 p40

<sup>186</sup> Spence *Evidence* 26/07/99 p50



- 4.77** The government has recently committed itself to a major change in policy which is aimed at reducing the disruption caused to foster care from abusive birth parents reclaiming their child, repeating the cycle of abuse and again having to foster the child out. This policy will see children under three years adopted, creating a permanency in the relationship with the new carers<sup>187</sup>. This is a radical change from the policy of keeping the family unit together at all costs, but as with the UK model upon which it is based it has come about because of concern that the best interests of the child have not been met by the current system. The committee has not heard evidence on this new policy shift.
- 4.78** When carers cannot be found for young people in care, in the past the response was to keep people in care in institutions, which to an extent were little different from juvenile detention centres:
- ‘The facilities at Ormond and Minali were very similar to detention centres. There was not often a differentiation in the minds of the young people between being there and being in a juvenile justice institution. The staff who ran those centres did not have the training or specialist skills to deal with the high needs and difficult behaviours of those young people. In fact the environment often exacerbated and brought out criminal behaviours or behaviours that could be labelled criminal – which the staff did, and responded by bringing in the police<sup>188</sup>’
- 4.79** The Community Services Commission found that in one month in 1997, 42 arrests were made among the 20-25 young people resident in one centre; the staff were using calling the police as the main strategy for difficult behaviour<sup>189</sup>. In another facility a 16 year old told the Commission the police had been called and she had been charged with property damage for spraying whipped cream on a building<sup>190</sup>.
- 4.80** In its comprehensive examination of wards and the juvenile justice system entitled *Just Solutions* in 1999 the Community Services Commission made 33 recommendations aimed at preventing the drift of state wards into crime. Among those relevant to the issue of difficult behaviour by adolescents in institutions are recommendations 15 to 18. These relate to the need for the Department of Community Services to implement guidelines for staff on when police are called (recommendations 16 and 17) and the need for an audit of training needs for all departmental residential care staff and foster carers regarding behaviour management (15 and 18). Based upon the evidence it has received, the Law and Justice committee believes implementation of these recommendations could help reduce unnecessary contact between state wards and the juvenile justice system.

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<sup>187</sup> NSWPD (Hansard) (LA) 5/04/00 per Hon F Lo Po’ MP; “New laws to put “at risk” children up for adoption” *Sunday Telegraph* 25/06/00

<sup>188</sup> Quilty *Evidence* 3/08/99 p10

<sup>189</sup> Quilty *Ibid* p10, see also *The Ormond Centre: a complaint investigation into institutional care*, Community Services Commission April 1999

<sup>190</sup> Community Services Commission *Just Solutions* 1999 p53

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**Recommendation 19**

The committee recommends that the Department of Community Services report on progress in implementing recommendations 15, 16, 17 and 18 of the *Just Solutions* report by the Community Services Commission regarding the need for policies and training to reduce the use of unnecessary police intervention in managing difficult or challenging behaviour by state wards.

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- 4.81** The committee received evidence from several sources suggesting that supported small group accommodation in the community was preferable to the use of institutions, although clearly this has the same rider as for the de-institutionalisation of people with intellectual disabilities: that there needs to be sufficient support services in place for this to work. It was suggested to the committee by a representative of the Association of Child Welfare Agencies that for children under 10 foster care is very strongly preferable, but for teenagers a mixture of foster care and small (no more than 5 per facility) residential care facilities are required depending upon the needs of each child<sup>191</sup>. Representatives of Barnados and Burnside recommended that greater use of respite care and of day care be made because of the increasing difficulty of finding foster carers<sup>192</sup>. Supporting parents, or foster parents, with breaks from the demands and stresses they are under may assist prevent the need for disruptive multiple placements. The difficulty for governments, however, is how to target respite care so that it goes to those most in need. It was argued that respite care could actually save governments money:

‘...every time a child goes into care in this State, Treasury has to pay out at least to foster care and generally to operational grants or through their own Department of Community Services. We can show that it [respite care] reduces by a factor of at least one third the number of times a child goes into crisis care. That is good money for Treasury.’<sup>193</sup>

- 4.82** The committee has not been provided with empirical evidence to this effect, but the Association of Child Welfare Associations similarly supported the need for research to be done on the cost effectiveness of providing services to assist maintain wards in a continuous placement<sup>194</sup>. It would be valuable for some cost-benefit analysis to be undertaken, preferably by an independent institution such as a university research centre. Given that there is consensus that multiple placements increase the risk of a state ward becoming an offender there would then be strong arguments in favour of using respite care or other support services for at least those already in the wardship system.

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<sup>191</sup> Spence *Evidence* 26/07/99 p50

<sup>192</sup> Stein, Voigt *Evidence* 17/06/99

<sup>193</sup> Voigt *Evidence* 17/06/99 p48

<sup>194</sup> Spence *Evidence* 26/07/99 p43

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### **Recommendation 20**

The committee recommends that the Premier's Council on Crime Prevention, through one of its member agencies, commission an independent research body to undertake a cost benefit study which compares the use of respite care and/or the provision of other supports to foster carers compared with the situation where this support is not available. The purpose of this study would be to ascertain whether respite care, by reducing the number of placements required for young people in care, is cost effective as a crime prevention strategy. The results of the study should be publicly available.

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### **Wards Project**

- 4.83** In response to the recommendations in two Community Service Commission reports on wards and the criminal justice system the Department of Juvenile Justice has in 1999 begun what is known as the Wards Project. This is a joint initiative with the Department of Community Services. Its aim is to reduce the number of state wards entering the juvenile justice system through co-operative and co-ordinated case management strategies. The committee believes the program is a very welcome step forward.
- 4.84** The project has five identified strategies:
- Encouraging a whole of government approach: this will involve clear protocols about service delivery and a commitment to consultation of young people in service delivery
  - Improving Department of Juvenile Justice and Department of Community Services service delivery: Juvenile justice is working with DOCS to improve interventions for young people in detention, including single case plans rather than one by each Department; formal information exchanges and a joint agency mentor program. Work will also be done to improve out-of-home care agencies which contribute to juvenile justice involvement
  - Department of Education and Training liaison: this requires educational plans to be developed for young people in care which must be utilised if a ward is expelled, suspended or otherwise excluded
  - Prevention work with the Police Service: in particular training and the use of cautions and conferences, taking into account many wards may not have the social contacts which make these options easier to use for other young people
  - Broader advocacy for children in care: through the new Children's Commissioner and the Children's Guardian. Training will be needed in the legal system to address confusion about DOCS and Juvenile Justice roles
- 4.85** If these strategies are effectively implemented the committee believes there should be some reduction of the drift of state wards into the adult prison system. It is very important the aims of this project are consistently pursued. The committee believes there is a need for an independent agency such as the Community Services Commission to review the project when it has operated for a sufficient period, to suggest any improvements which can be

made. In conducting this review it is essential that the views of state wards themselves are sought directly.

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### **Recommendation 21**

The committee recommends the Premier's Council on Crime Prevention appoint an agency independent of the Departments of Juvenile Justice and Community Services to review, after an appropriate period of operation, the Wards Projects of those Departments. In conducting this review the views of state wards themselves should be sought regarding possible improvements.

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**4.86** The fact that there is still a long way to go is indicated by two witnesses who work with prisoner organisations:

'I find that most of the boys in juvenile detention who are State wards are very institutionalised. They just keep coming back and coming back and there is no doubt that they will see mainstream prison. I can see it. I am working with one lad and I have been working with him for a very long time. The system let him down tremendously by releasing him on a Wednesday into a refuge. It was really great thinking, sending him to this refuge. He was thrown out of the door at six o'clock in the morning and was told to come back at seven o'clock at night. What does that boy have to do during the whole day? He went back to what he normally does, that is, committing crime.<sup>195</sup>'

'The situation is that some juveniles, as extraordinary as it may sound, are still being released from a control order without any case planning being done at all and without any transport arrangements being made. The gap between Juvenile Justice and Community Services seems to be a serious and ongoing problem.<sup>196</sup>'

### **Wards Overcoming Disadvantage**

**4.87** Before leaving the issue of state wards the committee would like to refer to two cases where wards have successfully overcome the barriers and risk factors they face. The first was described by a representative of the Association of Child Welfare Agencies. The young person moved out of Renwick, a large institution closed in 1994. He had had multiple placements and many reports on his file detailing considerable emotional disturbance. Despite opposition from the boy's father he was moved into a small group home in the community. Despite much acting out behaviour in the first 12 months one particular youth worker stuck by him for the next 3½ years while he was in the home. The young man is now married with a baby and a full time job and has not had any trouble with the police for more than 2½ years:

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<sup>195</sup> Willis *Evidence* 9/02/00 p69

<sup>196</sup> Hopkins *Evidence* 9/02/00 p69

'There was every likelihood that he would have ended up in long term detention. ...It is significant from that example that we were able to maintain him in one living environment over a space of about 3½ years. There were continuous relationships with fairly skilled and very supportive adult youth workers, and one in particular who had the ability to form a particularly supportive relationship<sup>197</sup>.'

**4.88** The second example is more complex and more personal. The author of a submission to the inquiry<sup>198</sup> was a state ward in Victoria from 1957, at the age of three, until 1972. She was raised in a Sisters of Mercy institution where she was separated from her sister. She was cared for by foster parents from her mid teenage years.

**4.89** In the external world she has succeeded: she has had a stable marriage for 27 years with three children, has trained and works as a child care worker and is also a founding member of a public interest group. In particular, she attributes her self esteem and current life to the supportive relationship of her husband and the development of skills, both parenting and vocational. But she also writes of the pain of the past which is most acute on birthdays, family events and Christmas:

'Being institutionalised did not adequately prepare me for life outside...It didn't prepare me for practical things, like how to budget my wages, how to wash clothes, how to find my way home from the city. I remember walking around the city lost and crying, finding my way to the Victorian Parliament House as there was always a policeman to ask for directions when I got lost. On another occasion I was asked at dinner "Did I want a steak?". I didn't know what it was. There was no gradual introduction into the community, I had no idea about the most fundamental life skills... I was simply expected to survive on my own while everyone abdicated responsibility for me.<sup>199</sup>'

**4.90** The author argues state and church institutions must be held accountable to assist in providing support services to assist past residents come to terms with experiences while under the care of those bodies. She cites a process she underwent with two elderly nuns from the institution she was in which helped her to understand her childhood situation better. Her hope is that the mistakes of the past can be avoided by governments and individuals:

'When our children were born, it became very important to me that my husband was able to do everything for the children just in case I got sick or died. I wanted him to be able to parent them so they wouldn't go into a home. I made my husband promise me that if I ever get sick or died he wouldn't place our children into a home...

When [my children] were young, they took some lollies from Target. To teach them a lesson in owning up to their mistakes I returned them to the shop. The woman not only gave them a dressing down but went one step further and said

<sup>197</sup> Spence *Evidence* 26/07/99 p44

<sup>198</sup> Sheedy *Submission* 1999

<sup>199</sup> *Ibid* p4

“If you keep stealing lollies your Mum will put you in a home”. I glared at her and quickly moved the children on and said:

“Don’t listen to that stupid woman, Mum will never ever put you in a home.”<sup>200</sup>

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<sup>200</sup> *Ibid* p5

## Chapter 5 Young People in Public Space

### Introduction

- 5.1** All citizens, young or old, have the right to use and enjoy public space; they also have the responsibility not to interfere with the rights of others sharing the same area. Young people find themselves in many different social situations in public places. This chapter will examine how to minimise the likelihood of young people becoming involved in offending behaviour during these situations.
- 5.2** The committee believes there is a great deal of exaggerated fear in the community about the level and nature of young people's criminal activity. As was seen in the last chapter, most young people do not offend; most of those who do, commit only a minor offence; and most of those do not re-offend. The previous chapter examined necessary social supports and programs once young people are charged with an offence. It is preferable that young people do not come into contact with police or courts in the first place. The situations and types of prevention programs discussed in this chapter are by no means exhaustive. Some of the areas may however be useful to consider for those developing crime prevention plans, such as local councils, government agencies and even private businesses such as shopping centres.
- 5.3** The chapter begins with a consideration of young people's use of public space and constructive responses by planning authorities and businesses. The role of youth work in crime prevention is then discussed. Sport and leisure activities are examined as a potential form of crime prevention. Transport is often raised in discussions of crime prevention among young people and is considered here. Access to services by young people from a non-English speaking background is briefly covered. The chapter concludes with three issues which refer to at risk groups: those truanting from school; those in families experiencing domestic violence; and the impact of changes to Federal welfare policies regarding the Youth Allowance.
- 5.4** As with other chapters of this report the impact of drug use on offending is not examined directly because the inquiry has co-incided with the NSW Drug Summit and the Government's subsequent response to the Summit recommendations. The committee believes however that the increased availability of hard drugs in NSW over the last 3-5 years is of great concern and has important ramifications for those wishing to prevent crime among young people.

### Planning for Young People in Public Space

- 5.5** Groups of young people in public spaces attract attention. Assumptions are made about young people which are not made for other groups in public space. Young people's clothing or demeanour can make them appear threatening when they are simply pursuing social activities in much the same way as other age groups in public areas. As one police witness indicated<sup>201</sup> police are often asked to move young people on when they are not in

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<sup>201</sup> Ellis *Evidence* 14/03/00 p8

fact doing anything wrong. The very act of involving the police can raise the prospects of an offence if the confrontation is handled poorly by either the young people or the police.

- 5.6** The issue of young people's use of public space has attracted considerable attention in recent literature on crime prevention<sup>202</sup>. In part this is because of the increase in legislation directly aimed at young people's use of public space, such as the *Children (Protection and Parental Responsibility Act 1997*, the *Crimes Amendment (Police and Public Safety) Bill 1998* (the "move along" legislation) and changes to the *Summary Offences Act 1998* permitting searches for knives. It may also reflect the growth in large shopping centre complexes combining entertainment and shopping, which have replaced more traditional town centres or strip shopping.
- 5.7** The committee believes that young people have the same rights as any other group to use public space. They also have the same responsibilities as any other group to ensure its use does not negatively impact on other groups. Where this seems to be particularly contentious is in the use of shopping centres. It has been argued that shopping centres have become the equivalent of the old civic meeting places<sup>203</sup> yet at the same time they are also private commercial areas. Shop owners may want groups of young people to move away from outside their shops because they fear they will deter other shoppers, yet paradoxically most shopping centres deliberately seek to attract young people, as consumers and also as employees. The subtitle of the National Crime Prevention Report on these issues: *Negotiating Young People's Use of Public Space* is very apt, because there does need to be negotiation on both sides. For shopping centres this negotiation needs to involve not only the young people and shop owners but also security guards and the shopping centre management, and at times police and local councils.
- 5.8** A good example of how this can be achieved is the recently opened Broadway Shopping Centre at the edge of inner city Glebe. The two councils involved, Leichhardt and South Sydney, negotiated with the shopping centre developer to include dedicated facilities for youth in the new Centre, including the funding by the shopping centre of a youth development officer. Part of this involved consultation with local youth about their needs and the formation of a Youth Advisory committee to assist in the development of a youth policy. A similar approach was taken by Sutherland Council with its Rites of Passage project at the Miranda Shopping Centre<sup>204</sup>. The centre provided cash and in-kind support for council youth programs, established a youth consultative committee with monthly meetings between youth advocates and retailers, and a training course for security guards on how to handle young people using non-confrontational methods.

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<sup>202</sup> see for instance R White *Public Spaces for Young People 1998*, Australian Youth Foundation/National Campaign Against Violence and Crime; *No Standing: Young People and Community Space Project Research Report Youth Action and Policy Association NSW 1997*; *Hanging Out: Negotiating Young People's Use of Public Space* National Crime Prevention 1999

<sup>203</sup> H Mackay *Re-Inventing Australia 1993*, Angus and Robertson

<sup>204</sup> Sutherland Council *Submission /09/99*, White *op cit* p102-103



- 5.9** The committee believes these are a much preferable approach to that of shopping centres who have used Bing Crosby or classical music<sup>205</sup> or special fluorescent lighting<sup>206</sup> as methods of driving away young people from in front of shopping areas<sup>207</sup>. These type of methods, while they may have some immediate crime prevention benefits, carry the message that young people are a threat or undesirable. This will contribute to alienation rather than reduce it. Instead, the committee supports approaches which consult youth and encourage their participation as responsible citizens in public spaces.
- 5.10** If either local councils or shopping centre developers are not receptive to a consultative approach regarding youth there is always the option for young people themselves to assert themselves as consumers to leverage change. An innovative research project, funded by a local council in Victoria<sup>208</sup>, used young people as undercover researchers. Two groups were used: one group of young people were conservatively dressed, the other less conventionally. They visited shops in an area posing as potential customers then gave each shop a rating depending how they treated both sets of young people. Shops and shopkeepers were rated on their youth-friendliness, with these ratings publicised in local media and through youth networks. Many shopkeepers changed their response to local youth when it became clear that they could lose customers and receive bad publicity.
- 5.11** Planning for young people in public space has been taken a step further in NSW with the development of specific urban design guidelines to make areas youth friendly. This was developed in 1998 by the Department of Urban Affairs and Planning in partnership with the NSW Local Government and Shires Associations and Hastings Council. The series of consultations and research resulted in a detailed report *Young People Today ... Planning their Needs in Public Spaces*<sup>209</sup> and guidelines for use by the Department's Urban Design Advisory Service. The project used the area of Port Macquarie as a means of working out principles for planning.
- 5.12** The guidelines are based around eight principles:
- Access and circulation: locating pick-up and drop-off points near public transport ( the mode by which most young people travel); providing walking and cycle paths along well lit routes with good surveillance; locating car pick up points near possible meeting places

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<sup>205</sup> based on the assumption that young people are driven away by this music, or that young lovers of classical music are not delinquents!

<sup>206</sup> also called "zit lighting", highlights pimples

<sup>207</sup> see *Crime Prevention Manual*, Crime Prevention Division 1997 p73 referring to a Canadian example; there were press reports in 1999 of this approach being tried in NSW shopping centres.

<sup>208</sup> "Melton Youth Access Audit Project" M Doherty, M Lucas, A Anderson, F Buckingham & F Taylor, paper presented at *Safer Communities: Strategic Directions in Urban Planning Conference* Australian Institute of Criminology, 10-11 September 1998

<sup>209</sup> Department of Urban Affairs and Planning, 1998, NSW

- Integrating a range of users: integrating young people into the rest of urban activity such as malls and arcades rather than separating them. A participative design process is needed for this which includes giving young people responsibility to contribute to the design process
- Mixed Uses: encouraging a mix of retail, entertainment, commercial and community services within the CBD. The range of uses should include magnets for young people such as fast food outlets and cafes
- Improving Perception of Safety: public spaces should be well lit, with opportunities for casual surveillance rather than hidden laneways. Facilities such as public phones should be available
- Venues for Public Performances and other Communication: formal and informal “stages” so as to provide outlets for creative self-expression and opportunities for public meeting places
- Keeping Public Space Public: avoid over-management by security guards or use of close circuit TV
- Separate Conflict Generating Activities: skate parks and similar facilities which may cause irritation or conflict should be separate from other public areas but remain visible
- Basic Services: provide public phones, toilets and other facilities in locations accessible to young people<sup>210</sup>

**5.13** These guidelines are not binding but the committee recommends them to any local council considering a new development or refurbishment of an existing public area. The committee strongly supports moves to bring young people into the public life of their community rather than segregation or alienation.

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### **Recommendation 22**

The committee recommends that the Department of Urban Affairs and Planning, in consultation with the Crime Prevention Division and the Local Government and Shires Associations, develop and implement a strategy to promote its planning guidelines for young people as a crime prevention measure.

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<sup>210</sup> *Urban Design Guidelines with Young People in Mind*, DUAP, September 1999, available at [www.duap.nsw.gov.au](http://www.duap.nsw.gov.au) ; also at [www.lgsa.org.au](http://www.lgsa.org.au) ; [www.communitybuilders.nsw.gov.au](http://www.communitybuilders.nsw.gov.au)

## Youth Work

**5.14** The committee has received several submissions which address the value of youth work. Some impressive work is done by committed and talented youth workers throughout the state, and some examples brought to the committee's attention are described below. However the committee is concerned that as a crime prevention activity "youth work" is not very well defined and is largely ad hoc. In most areas youth work is very under funded, with no government agency taking responsibility for such funding. Behind this may be a concern that the funding of such services is a "bottomless pit", perhaps because of the lack of definition of what constitutes youth work. The funding of youth work has become largely a local government or non-government responsibility, a point made strongly by the Local Government and Shires Associations:

'The youth development sector has been largely ignored by central governments for the past twenty years and yet it is to this sector that all governments look to provide diversionary activities and services for pre-delinquent and anti-social young people! It is time central governments took a serious look at these matters again.'<sup>211</sup>

**5.15** Writing of this reluctance of governments to fund youth work in the UK, leading crime prevention expert Jon Bright<sup>212</sup> postulates several reasons:

- many youth programs do not include crime prevention as one of their objectives: they wish to provide a non-stigmatising service with very diffuse social goals
- the areas with highest concentrations of crime are often those least well covered by youth work programs, or where they exist they are too poorly funded to support young people with very difficult problems
- older young people often prefer commercial activities or freedom to organise their own activities rather than organised and structured activities
- the lack of outreach services aimed at contacting and matching support services to youth most at risk of offending

**5.16** The committee raises these to stimulate local discussion, rather than as a statement about the position in NSW. There are many local examples of constructive crime prevention through youth work. In evidence, submissions and through visits the committee has been presented with several examples of youth work programs with crime prevention objectives.

**5.17** In Ballina the local Youth Community Services Centre was the focus of much of the crime prevention activity in the town. The manager of the service had gained election to the Council and convened the Council's Crime Prevention Committee. This allowed young

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<sup>211</sup> *Submission 14/09/99 p19*

<sup>212</sup> *Turning the Tide, 1997 Demos, UK p 60-61*

people's perspective to be included in crime prevention strategies, at a time when there was considerable local pressure on the council to "get tough on youth".

- 5.18** The youth service also gained funding from the Attorney General's Department Crime Prevention Division to operate the night time StreetBeat Service. Two youth workers, one of them an Aboriginal person, used the night bus service as a means of making contact with youth on the street late at night and, where appropriate, using *Parental Responsibility Act* powers to return young people to their parents.
- 5.19** One of the great benefits of the StreetBeat service was the liaison between police and the StreetBeat youth workers. When the police received a call about "a group of young people causing trouble" the StreetBeat service usually investigates the situation in a non-threatening way, and decides whether there is any need for police involvement. During the committee's visit the local Area commander reported there had been a great reduction in police/youth conflicts as a result of this approach, and that it had also contributed to a reduction in crime rates. This lesson about reducing unnecessary police/youth contact is an important factor to consider when implementing any crime prevention strategy aimed at young people.
- 5.20** In an area of relatively high crime rates Canterbury Council also developed a comprehensive crime prevention plan which included many strategies reliant upon youth work<sup>213</sup>. An elected Youth Council of local young people were given a budget to organise and implement projects for young people. The council used its Belmore Youth Resource Centre as a focus for youth work and services in the area, which previously were operating on an ad hoc basis all over the area. There are now 15 services using the facility and a youth development officer is employed by the council to co-ordinate activities and encourage joint projects instead of duplication. Some of the diverse services include a Barnardos post release program to assist young offenders from Arabic, Indo-Chinese or Islander backgrounds; a multicultural youth health service; anger management courses and a girls only drop in centre.
- 5.21** The role of church based organisations should not be under-estimated in their contribution to youth services. The major churches have welfare arms which conduct extensive youth work. Anglicare and Burnside prepared submissions to this inquiry detailing their work. However there is also a great deal of youth work conducted at local parish level by individual churches. Two which have a crime prevention interest made submissions to the inquiry: the ACTS program in the regional centre of Lithgow<sup>214</sup> and the Come-in Youth Resource Centre in inner city Paddington<sup>215</sup>.

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<sup>213</sup> Submission 9/09/99

<sup>214</sup> Submission 8/01/99

<sup>215</sup> Submission 17/09/99

- 5.22** The ACTS program is a non-denominational church based agency which receives funding from Lithgow council for a co-ordinator's salary. The programs run include:
- youth discos, with attendances of over 400
  - a court support program assisting young people at the police station and the local court
  - a graffiti removal program run by young people
  - a Youth Card which gives holders a discount to many local businesses
  - a youth club with access to employment and counselling services
  - high school liaison arranging guest speakers on drug and crime issues
- 5.23** The Come-In Youth Resource Centre is based upon a very different model of youth work. It is operated by the St Francis Catholic Church in Paddington, and works with homeless youth, juvenile offenders, those with HIV and AIDS and those with drug problems or family dysfunction. It is based upon a model of building long term relationships with individual clients rather than operating programs or providing professional counselling. The model is based on a belief that the causes of much of the marginalised young people's problems stem from a lack of supportive close personal relationships. The centre places emphasis on continuity of staff. Building on the relationships established through the centre practical support is then provided in terms of housing assistance, income and employment support and advocacy for clients in dealing with government departments.
- 5.24** There is clearly very useful youth work undertaken by a great variety of organisations within NSW. The committee does however believe there is a need for a more strategic approach to youth work as a crime prevention activity.
- 5.25** Other types of services suffer from a similar problem: family support programs are likewise under-funded and vary greatly in the level and type of service delivery. Like youth work family support is heavily reliant upon funding at a local government level with other funding coming from a variety of ad hoc sources such as the Department of Community Services Community Grants Program and Area Assistance Schemes. However the family support services sector has effectively engaged in collection of data to argue its case and has made strategic alliances with other parts of the welfare sector to lobby for improved support.
- 5.26** The University of Western Sydney Macarthur has recently begun a Bachelor of Youth Work to train youth workers<sup>216</sup>. This is a welcome step forward in defining the competencies required for youth workers, although TAFE courses also provide training for youth workers. The committee hopes the course is able to give due weight to the need for youth workers to be aware of the growing legal responsibilities imposed on young people as a result of legislation such as the *Crimes Legislation Amendment (Police and Public Safety) Act*

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<sup>216</sup> Bowie and Kennedy *Submission 20/9/99* p13

1998, the *Summary Offences Act 1988*, the *Children (Protection and Parental Responsibility) Act 1997*, and the *Young Offenders Act 1997*. Youth workers will also need to be aware of the impact on their role from the strengthening of child protection by legislation such as the *Child and Young Persons (Care and Protection) Act 1998*.

**5.27** Two academics involved with the new course have suggested a more strategic framework for youth work by utilising youth workers in the high school system<sup>217</sup>. They suggest that having a youth worker attached to each school would allow for more complex and proactive support of students than is currently provided by school counselling services. It is beyond the scope of this Inquiry for the committee to recommend a comprehensive review of youth work and its funding in New South Wales. The committee believes that the Premier's Council on Crime Prevention could raise with the Premier's Department or another central agency the need to examine ways in which youth work can contribute in a less ad hoc way to crime prevention; it could also look at creating more effective frameworks which integrate youth work into other support structures.

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### **Recommendation 23**

The committee recommends that the Premier's Council on Crime Prevention discuss with the Strategic Projects Division of the Premier's Department ways in which youth work can contribute in a more strategic way to crime prevention. In particular the agencies should review how youth work can be integrated into other support structures and programs.

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## **Sport, Leisure Programs and Police Citizen's Youth Clubs**

**5.28** One of the most widespread networks of youth work in the state is that of the Police Citizen's Youth Clubs (PCYCs). The support given to these, not only by the Police but by funding agencies and private citizens, is recognition that sport and leisure have a role to play in crime prevention. This was argued in a submission by the Chief Justice of the Western Australian Supreme Court:

'The number of theoretical bases to support the connection between juvenile crime and sport has multiplied. For example, it has been explained by reference to:

- 'the development of personality traits such as self-esteem, dignity and personal confidence which are considered important in diverting juveniles from crime. It has also been argued that the development of these personality traits serves to resolve the frustration felt by juveniles from lower socio-economic backgrounds at being unable to meet goals and expectations
- the perception that juvenile offenders need constant external stimulus. It is argued that juvenile crime is the result of "risk-taking" or a need for "excitement" which can be resolved through sport

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<sup>217</sup> *Ibid* p13-16

- simply the result of boredom. Sport is seen as a method of occupying juveniles' free-time
- the role of sport in replacing the "rules" and behaviour learnt by juvenile offenders from their peers with the "rules" of the game and the expectations of team mates. It is argued that sportsmen and women internalise the strict codes of behaviour demanded by coaches and team mates and apply them in their own lives<sup>218</sup>

**5.29** Chief Justice Malcolm stressed that sport was only one of a multi-agency, multi program approach to crime prevention. The committee agrees: sports and leisure programs by themselves are unlikely to prevent crime, but in combination with other programs and approaches they can provide a very significant diversion while at the same time providing skills which boost self esteem. A study in 1988 by the Australian Institute of Criminology entitled *Sport, Recreation and Juvenile Crime*<sup>219</sup> concluded that no single connection could be established between reducing juvenile crime and use of sport. Factors that were relevant to the link included:

- the participant in the sport is influenced by significant others with whom they are brought into contact, such as parents, teachers, coaches and other team-mates
- these other people are more likely to adhere to more conventional or conforming behaviour
- the emphasis in sport is on hard work, team work and deferred gratification, which serve to promote more conforming behaviour
- involvement in sport leaves less unstructured time for an athlete to engage in delinquent activities
- through the interactions with others in sport respect for authority and other norms is internalised
- the label of "athlete" assists because it allows the young person to escape the stigma of being labelled a "delinquent"<sup>220</sup>

**5.30** The NSW Department of Sport and Recreation, in a submission to this Inquiry, 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.'<sup>221</sup>

**5.31** The Department runs specific programs with a crime prevention focus which target young people aged 10 to 18 years. The committee met with a co-ordinator of one of these

<sup>218</sup> *Submission* 14/07/99, extract from speech "Doing Time: Sport and Crime" p13-14

<sup>219</sup> quoted in Hon Justice Malcolm *Ibid* p14

<sup>220</sup> Purdy and Richard "Sport and Juvenile Delinquency" (1983) 6 *Journal of Sport Behaviour* p190

<sup>221</sup> *Submission* 12/10/99 p2

programs, the Youth In Sport (YIS) program, during its visit to Newcastle. This program seeks to identify with the assistance of local schools and police, youth who are at risk of offending. PCYCs are funded by the Department to run 8-10 week programs which are aimed at developing skills through a sport or leisure activity. This may involve going away on camps, such as a sailing camp at Port Macquarie targeted at local Aboriginal boys. This course lead to issuing of certificates which mean that the participants are now trained to act as local crew for 16 footer skiffs. In Purfleet in rural NSW and in inner city Redfern basketball programs have been established in conjunction with the Department of Juvenile Justice; this is also used as a way of building in drug and alcohol awareness programs. The intention with each program is that at its conclusion the young people are connected with mainstream sport or leisure programs.

- 5.32** The committee is aware that the NSW Attorney General's Department has currently employed a consultant to evaluate the YIS program from a crime prevention perspective. The results should prove a useful addition to an area which is often neglected in discussions on crime prevention. If the evaluation establishes there is a positive link to crime prevention outcomes, the Department of Sport and Recreation should consider making programs which target disadvantaged youth and have a crime prevention aim as a core function of the Department.

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#### **Recommendation 24**

The committee recommends that, upon receipt of the evaluation of the Youth in Sport program, the Department for Sport and Recreation consider how to make programs targeted at disadvantaged youth with crime prevention outcomes a core function of the Department.

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- 5.33** An important aspect of programs such as Youth in Sport is that they use existing community organisations to deliver the programs: for instance PCYCs and local council facilities. This is important not simply because it maximises use of resources, but also because it ensures the young people at risk are connected to an agency, and relationships with people connected to it, which will continue to operate once the specific program has ended. In the US evaluations of the outcomes of "wilderness" type camps for young offenders have shown these programs to have less impact on recidivism than traditional parole<sup>222</sup>. A major factor in this is that the offenders return to their previous environment and relationships after the camp. Prevention will be far more effective if it establishes new relationships of an ongoing nature.

- 5.34** The PCYCs are a good example of the value of continuing, community based organisations running programs. They provide a statewide partnership between young people, the community and the NSW Police Service aimed at developing responsible citizens and particularly targeting at risk young people. The programs run through these centres vary from sports activities to mobile entertainment units, road driver safety courses, anti-graffiti programs and anti-truancy initiatives. Increasingly PCYCs are used for diversionary

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<sup>222</sup> Standing Committee on Law and Justice *Inquiry into Crime Prevention Through Social Support Conference Proceedings*, December 1998 Report 11, per Sherman, Appendix p8



programs under the *Young Offenders Act 1997* and there is significant contact between the Police Youth Liaison Officers and centres:

'At the end of the day the Youth Liaison Officers from the commands interact significantly with the PCYC police [local police officers participating in PCYC programs]. The Youth Liaison Officer comes into front-line contact with the kids in the street and tries to divert them towards PCYC programs. Together they form a significant youth team. They are in a strong position to impact on youth and as a strong crime prevention strategy can utilise the PCYCs<sup>223</sup>.'

- 5.35** In Kempsey the committee was told of an ambitious plan which involves turning a recently closed King Gee factory into a PCYC complex. This could be used by the many state and local government agencies in town to run co-ordinated programs with a crime prevention aim. Kempsey Council and other locals are seeking state government funding to convert the old factory into a viable facility. At present Community Service Orders and other diversionary programs for young offenders are hampered by the limited ability of the PCYC to offer programs using its current facility. Examples such as these show how local councils which are serious about crime prevention are seeing the importance of sport and leisure programs as a form of crime prevention.
- 5.36** The committee also notes that the PCYCs are reported as being under considerable financial pressure, with recent moves to sell inner city facilities to fund new centres in areas of greater crime risk<sup>224</sup>.

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### **Recommendation 25**

The committee recommends that the Departments of Juvenile Justice, Sport and Recreation and the Crime Prevention Division of the Attorney General's Department examine how to expand the use of PCYC's and other organisations able to provide sport, cultural or recreational based youth programs for young offenders in country areas for community service orders.

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## **Transport**

- 5.37** The committee has been surprised how often transport has been raised as a crime prevention issue during discussions on young people. This is both as a way of reducing the likelihood of young people committing offences late at night but also preventing young people becoming the victims of crime. The availability of affordable transport late at night is itself a crime prevention strategy.
- 5.38** As was raised by officers of Newcastle Council during the committee's visit, this has become even more acute in metropolitan areas because of a change in the nature of youth nightlife over the last decade. Instead of going out in the evening and finishing at closing

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<sup>223</sup> Ellis *Evidence* 14/03/00 p5

<sup>224</sup> "Police Youth Clubs to be sold" *Daily Telegraph* 27/06/00

time not long after midnight, many young people now do not go out until later in the night, from 9-10 pm, and will not be looking to return home from nightclubs until 4 or 5 in the morning. This may not be the majority of young persons' experience, but if even a minority follow this pattern there is a major transport safety issue involved. Having large groups of young people congregating outside at 4 am in the centre of an otherwise deserted inner city area, as is the case for Newcastle, creates risks of offending and of potentially becoming a victim of crime. The response in Newcastle has been for the council to arrange a night time/early morning minibus service to take young people back to their suburban homes, picking them up outside major centres of night life.

**5.39** In country areas the problem of young people on the street at night is different but again there are transport dimensions to crime prevention. In Ballina, Moree and Kempsey there is community concern about young people, even sub-teens, being on the streets until late at night in large groups. There are no facilities generally open at night to these young people, or, if they are, many do not have the money to participate. While in Moree and Ballina the response has been to have operational areas declared under the *Children (Protection and Parental Responsibility) Act 1997* (See Chapter Seven, First Report), the most visible practical outcome of the operational area in both towns is a night bus service aimed at young people<sup>225</sup>. Kempsey has also introduced a night time service without the use of the *Parental Responsibility Act*, achieving much the same purposes as the other two. All three towns attribute reductions in crime rates as in part attributable to the contribution of these night time services, returning young people to their homes. The only negative comment on these services the committee received was from a taxi driver who felt it was reducing his business!<sup>226</sup>

**5.40** The committee believes transport should be a major consideration for any areas undertaking crime prevention planning where strategies consider potential offending by young people. The Crime Prevention Division is clearly facilitating this in its assistance to councils, and is playing an increasing role in funding targeted night bus services in rural areas. The committee is concerned, however, about the long term viability of the Division continuing to fund a large number of similar transport projects. Currently many of these services are only funded for a 12 month period, subject to an evaluation of each as to their success in crime prevention. The Division is in some ways supplementing the community transport responsibilities of the Department of Transport; it should seek some contribution or support for its funding of transport crime prevention projects.

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### **Recommendation 26**

The committee recommends that the NSW Department of Transport be asked to contribute to or support in other ways the funding activities of the Crime Prevention Division of the Attorney General's Department which currently support night time bus services.

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<sup>225</sup> Street Beat in Ballina and Mirray Birray in Moree

<sup>226</sup> although in Kempsey a taxi driver suggested those using the service would never in the past have used taxis in any case.

- 5.41** The committee has not received submissions or sought evidence from public transport authorities or private bus companies. CityRail and State Transit use both private security guards and transport police as crime prevention methods, but perhaps just as important a crime prevention issue is accessibility of services for young people, particularly late at night.

### **Non-English Speaking Background Youth**

- 5.42** Over the last 18 months there has been a great deal of media attention given to offending by several groups from non-English speaking background groups<sup>227</sup>. The committee has no wish to add to this, particularly as much of the discussion relates to the law enforcement side of crime prevention. Of the two submissions the committee has received that directly address non English speaking background issues one is concerned with law enforcement<sup>228</sup> and the other discusses support for Indo-Chinese prisoners<sup>229</sup>.

- 5.43** However an issue which may affect a greater number of young people than the few repeat offenders is misunderstanding and cultural conflict. Professor David Dixon and Dr Lisa Maher have conducted in depth studies of attitudes by police to Indo-Chinese youth in Fairfield<sup>230</sup> and found a strong perception by youth that they are treated differently, and with less respect, by police because their racial background is associated with crime in that area.

- 5.44** The special difficulties faced by those from a different cultural background were explained by Ethnic Affairs Commissioner Stepan Kerkysharian at the committee's 1998 conference:

'Ethnic communities are often faced with the difficulties of culture and language when they try to access services and for support. This can limit their opportunities to develop and contribute to the wider community and therefore, it limits their opportunity to participate. Services such as family support, drug and alcohol rehabilitation, basic education and health access are all central to the ability to live independently and contribute fully to the community. Information about services and where to get them is vital to make sure that all members of the community have equal access and the best chance at participating in the community. Because these services are your basic living skills for those who are disadvantaged socio-economically, then to go without them increases the chances of delinquent and criminal behaviour.

For example, if drug rehabilitation programs are not promoted to people with limited English language skills and they are at odds with cultural norms or customs, a whole group of people will be excluded from receiving help. When criminal behaviour follows, then it becomes quite clear that it is not the result of

<sup>227</sup> "When Zero tolerance Looks Like Racial Intolerance: "Lebanese Youth Gangs" Discrimination and Resistance" S Poynting *Current Issues in Criminal Justice* Vol 11 Number 1 2000 summarises media coverage.

<sup>228</sup> Dixon *Submission* 21/06/99

<sup>229</sup> VAWA *Submission* 30/11/98

<sup>230</sup> *An Hai*, UNSW 1997, quoted in Dixon *op cit*

that person's ethnicity that they commit crime but because of the drug dependency and the needs that arise from that. Nevertheless, that person's ethnicity was an obstacle to gaining the support that could have avoided criminal behaviour<sup>231</sup>.'

**5.45** There are many agencies that undertake work with NESB youth: local councils, schools, ethnic community organisations and non-government welfare groups. The Strategic Projects Division of the Premier's Department is working on improved co-ordination between the activities of these groups and between government agencies. After several highly publicised crime incidents in the Bankstown area in Sydney the Division developed a Government Action Plan in December 1998 which is currently being implemented. This planning process brought together Bankstown and Canterbury Councils, the Ethnic Affairs Commission, the NSW Police Service and eight other Departments to work together towards the following objectives:

- improve relations between police and NESB communities
- establish effective youth crime prevention initiatives
- improve communication between schools, NESB parents and the community, and improving literacy and numeracy skills of young people
- improve youth employment, sporting and cultural facilities

**5.46** The action plan to date has resulted in the funding of a juvenile crime prevention officer attached to Canterbury Council, appointment of additional police youth liaison and ethnic community liaison officers to Local Area Commands, development of a multicultural employment strategy aimed at encouraging more Arabic speaking police to work in the Bankstown area and a cultural awareness training program for Local Area Commands. The working party established has also established forums of non-government parent and family support organisations and funded many new education initiatives such as literacy programs, homework centres and transition programs for at risk Year 6 students into high school. This is a complex package of initiatives and the outcomes will take some time to become apparent. The committee believes this is a very useful example of a "whole of government" approach to preventing crime among young people in an area with a high proportion of people from a non English speaking background.

## **Domestic Violence and Young People**

**5.47** In the earlier chapter on Juvenile Justice it was noted that the almost three quarters of young people held in detention centres had experienced violence in their family. Initiatives which reduce domestic violence, apart from reducing one of the most destructive violent crimes faced by our society, are likely to have an impact on preventing later juvenile offending. There is also the problem of attitudes to domestic violence by young people themselves. A recent survey found that 19% of girls under 18 had been threatened by a

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<sup>231</sup> Standing Committee on Law and Justice *op cit*, December 1998 p242

boyfriend, and that 26% had been pushed, grabbed or shoved by their boyfriend<sup>232</sup>. One in twenty young people in the survey thought slapping and punching a partner regularly was part of normal conflict rather than domestic violence. Violent patterns in relationships that may begin in teenage years can lead to years of misery.

- 5.48** National Crime Prevention, in the Federal Attorney General's Department, has begun a major project aimed at domestic violence prevention with adolescents<sup>233</sup>. This has resulted in the publication of the survey referred to above, and research reports on prevention in rural towns and prevention in indigenous communities<sup>234</sup>. The Federal Department of Community and Family Services has also funded a national Partnerships Against Domestic Violence Taskforce<sup>235</sup>. \$2 million of this program have been allocated to early intervention projects to test innovative models of service delivery working with families as victims of domestic violence and working with adolescent boys who have witnessed or experienced domestic violence and who are at risk of becoming offenders. This is a vital program. Young people growing up in families where domestic violence is commonplace are at risk of themselves becoming either perpetrators or victims.<sup>236</sup>

## Truancy

- 5.49** Truancy is one risk factor for offending<sup>237</sup> and it is not difficult to see why. Alienation from school can begin a cycle of declining educational performance, early leaving and decreased job opportunities. While the young person is truanting they are unsupervised and have unstructured free time with plenty of opportunity to commit anti-social acts. As the research by Weatherburn and Lind<sup>238</sup> found, lack of adult supervision of young people is closely associated with juvenile offending. For students who are suspended or expelled these factors are exacerbated: not only is the child roaming the streets but they have also been labelled "bad" or "delinquent".
- 5.50** The committee was astonished at the level of truancy in one town it visited during the inquiry. The committee was advised that a survey of parks and shopping centres located 600 children absent from school in one day. Of these 300 came from one school, which had a total school population of only 900! During other visits to country areas truancy was also identified as a major problem, although it had not been quantified with the same

<sup>232</sup> *Young People and Domestic Violence* Fact Sheet, National Crime Prevention, April 2000 available at <http://ncp.gov.au>

<sup>233</sup> *Submission* 3/09/99 p2

<sup>234</sup> see <http://ncp.gov.au> for summary sheets of these studies

<sup>235</sup> *Submission* 5/10/99, Appendix

<sup>236</sup> Australian Medical Association *Submission* 9/09/99 p12

<sup>237</sup> Sidoti, in Standing Committee on Law and Justice *op cit* 1998 p215

<sup>238</sup> *Social and Economic Stress, Child Neglect and Juvenile Delinquency* Bureau of Crime Statistics and Research 1997

embarrassing precision. In one town the committee visited a neighbourhood centre, outside of which were a group of late primary school age children playing two-up on a street corner in the middle of the day. While the committee is aware that government programs, such as the Street Sweep operations and the Home School Liaison officers are in place to address truancy it does not believe these are currently having a great deal of effect in some of the rural areas visited.

**5.51** The reasons for truancy will vary for each individual. Several general causes have been suggested to the committee during visits and evidence. These include:

- learning or behavioural problems, which may be either undiagnosed or left unaddressed by schools coping with very many disadvantaged students
- lack of parental support for attendance due to factors such as parents own poor experience of school
- perceived lack of sensitivity to the truanting student's culture by schools
- transient lives of families of those truanting, with frequent disruptions and changes of schools
- poor home life (either because of violence, inadequate housing or other family dysfunction) or parental neglect impacting on school attendance
- poor nutrition or health impacting on ability to cope with school
- lack of role models of educational improvement within the immediate community of those who truant.
- drug use and/or delinquent peer group
- bullying, so that truanting is a way of avoiding abuse in the schoolyard

**5.52** The Standing Committee on Social Issues examined bullying in depth in its 1995 report on Youth Violence, and it was also considered by the Human Rights and Equal Opportunity Commission in 1997<sup>239</sup>. The Law and Justice Committee supports the approach of these inquiries that schools should work to eliminate the destructive practises of bullying and support students exhibiting problem behaviours. As Human Rights Commissioner Chris Sidoti indicated at the committee's 1998 conference<sup>240</sup> schools have successfully implemented plans which largely eliminate harassment and assault on school premises, it is a matter of other schools learning from these success stories. Also at the committee's conference Professor Larry Sherman suggested *practical* anti-bullying programs have been shown empirically to have a major crime prevention outcomes:

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<sup>239</sup> *Seen and Heard: Priority for Children in the Legal Process* (with Australian Law Reform Commission) 1997, AGPS

<sup>240</sup> Standing Committee on Law and Justice *op cit* December 1998 p242

‘..if you take it even further with a zero tolerance for bullying and a very strong response by the school to demonstrate that if you are violent you do not get away with it, that seems to work a lot better than having teachers get up in front of the class and give speeches against violence and then ignore all the bullying that is going on in the schoolyard, as if the students seem to pay attention more to what the teachers do than what they say, and this type of organisational development has been shown to help reduce delinquency rates long beyond when the kids are in school, just as at least one teaching program which is coaching high-risk youth in terms of thinking skills<sup>241</sup>.’

**5.53** During its rural visits the committee came across several programs that were targeting truanting. At Moree the local PCYC runs a truancy program where those frequently truanting are assisted with homework and involved in leisure programs with incentives for improving school attendance. In West Dubbo the neighbourhood centre runs a program of providing breakfasts to local school students which also assists in getting students to school on time. In Dubbo the committee were also told of a very successful project in Narromine which was reducing truancy in that town. The Police are actively involved in assisting educational authorities with the problem, but the committee is concerned that this increases the risk of the young people involved beginning a spiral of increasing contact with the criminal justice system. In material provided to the committee during evidence by the Police Service<sup>242</sup> the most effective programs used are said to have involved a number of agencies in a collaborative, inter agency approach focussing on the causes rather than just the effects of truancy.

**5.54** From its examination of early childhood intervention (see Chapter Six, First Report) the committee believes the most effective ways of preventing truanting begin well before high school. To that extent the types of programs being rolled out under the Families First program are the most effective forms of preventing later truanting. If a child is illiterate by the time they enter high school it will require very intensive interventions to assist them experience school as a positive learning experience. However it would be a mistake to suggest nothing can be done at a later stage. In evidence to the committee leading criminologist Professor Ross Homel argued:

‘One of the gaps we identified [in the *Pathways to Prevention* report] was the transition from primary school to high school. The reason that is important is that at least 50% of the juvenile crime problems that the community is so concerned about involve kids who were not problems at three, one or five years, who appeared to be perfectly normal, happy kids, but who in those late primary school and early high school years started to go off the rails, as it were.....Why do they go off the rails? May be there are disruptive influences amongst their peer groups , maybe they fall in with the wrong kids, maybe they do not like their new high school or maybe they are developmentally immature for the demands required of them in the new environment. There could be any number of reasons. A more adequate preparation for that transition from primary to high school for many kids would probably reduce the risk of those problems.<sup>243</sup>’

<sup>241</sup> *Ibid* p31-32

<sup>242</sup> submitted in follow up to Ellis *Evidence* 14/03/00

<sup>243</sup> R Homel *Evidence* 26/07/99 p28

**5.55** Professor Homel referred the committee to some of the extensive United States and UK literature which has evaluated various interventions aimed at high school aged young people<sup>244</sup>. Although these address more than truanting they address many of the same causes. From the examination of evaluations of different types of interventions considered by Farrington<sup>245</sup> it is clear that several well funded, well designed programs have failed to make any impact on reducing delinquency, although many others have. While some of the conclusions are not able to discern whether the failure lies in the program design or the way it was implemented, three conclusions appear to be:

- smaller scale more focussed interventions conducted at one site appear to have greater prospects for success than large scale wide ranging interventions implemented across many sites
- parent education training combined with skills based training for the young people concerned appeared to be more successful than programs which just targeted the young people
- programs that were based in reaching families and communities were more successful than those based entirely within the school environment

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### **Recommendation 27**

The committee recommends that the Premier's Council on Crime Prevention give priority to reviewing the effectiveness of current programs which seek to reduce truancy, particularly the programs in place in rural areas with relatively high crime rates. Examination of current programs should include consideration whether they are informed by overseas evaluations of successful crime prevention programs aimed at 10-18 year olds, and whether there is value in piloting programs in local areas of particularly high truancy.

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## **Federal Changes to Youth Allowance and Centrelink**

**5.56** The Federal Government has made a number of changes to social supports since 1996 which have been referred to in the course of this and the First Report. The issues which have been raised which are relevant to crime prevention and young people focus on the

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<sup>244</sup> Farrington and Welsh "Delinquency Prevention Using Family Based Interventions" *Children and Society* vol13 No4 (1999); D Jones-Brown, Z Weston Henriques, "Promises and Pitfalls of Mentoring as a juvenile justice strategy" *Social Justice* Winter 1997 v24 p212; Johnson, DW "Conflict Resolution and Peer Mediation Programs in Elementary and Secondary Schools: A review of the research" *Review of Educational Research* Winter 1996, Washington; Black D, Tobler N, Sciacca J "Peer Helping/Involvement: An Efficacious Way to Meet the Challenge of Reducing Alcohol, Tobacco and Other Drug Use among Youth" *Journal of School Health* March 1998 Vol 68 No 3, p87-93, Stomfay-Stitz A, "Conflict Resolution and Peer Mediation: Pathways to Safer Schools" *Childhood Education Annual* 1994 v70 p279

<sup>245</sup> *Ibid* p19-20



Youth Allowance and the interpretation of the Allowance guidelines by the Centrelink agency.

**5.57** The Youth Allowance is a welfare payment aimed at providing adequate income support for young people studying or seeking paid employment<sup>246</sup>. It was changed in 1997 to make it harder for youth living at home with their parents to receive the benefit, so as to provide an incentive to gain employment; some of the restrictions have subsequently been relaxed in 1999. However NCOSS in its 1999 submission said:

‘The increased period during which some young people are financially dependent on their families puts a disproportionate burden on the poorest, particularly “at risk” families. Those families often already living in overcrowded conditions with limited financial resources may not be as supportive of a young person who is unable to contribute to family income. Tensions between parent/s and the young person, already high, may be exacerbated by the unwilling continuation of financial dependency<sup>247</sup>.’

**5.58** This view was supported by the Come-In Youth Resource Centre, which works with disadvantaged youth in inner city Sydney. It provided to the committee detailed case studies where the Youth Allowance was not being paid to youth who were undeniably in need of its support. In one case a 17 year old who had been homeless for four months as a result of alleged violence within his family. He was breached by Centrelink for not attending a “Work for the Dole” project for which, because of his homeless state, he had not received notification. He had lived for two months without support, relying upon petty crime to survive. With the involvement of the Centre the decision to cease payment was reviewed and back payment was made<sup>248</sup>. In another case a woman was paid reduced payments for a number of months without explanation, leaving her reliant on food vouchers and soup kitchens. This underpayment turned out to be based upon a mistake which was immediately corrected once the Centre became involved.

**5.59** Similar case studies were provided by the Come-in Youth Resource Centre showing the failure of Centrelink officers to appreciate the impact of their decisions on clients:

‘The flexibility that the Youth Allowance espouses is seemingly at odds with the reality. There appears to be very little flexibility given to the young people who I have had experience with. The error in service delivery is extremely high. The skills of counter staff are obviously lacking, and the education and awareness programs for workers development are either thwarted by their own inability to address the new systems, or are sabotaged by fewer and fewer workers expected to deliver an unproductive and complex system. I have great sympathy for Centrelink workers ...it does not excuse, however, some of the attitudes that some workers have towards their customers. There is little doubt that the Centrelink’s staff workloads are unrealistic in delivering good service. This has the consequence of placing a greater workload on those youth workers, in other

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<sup>246</sup> Department of Family and Community *Submission* 5/10/99, Appendix

<sup>247</sup> NCOSS *Submission* 17/09/99 p20

<sup>248</sup> Come-in Youth Resource Centre *Submission* 17/09/99 Appendix

agencies, who are finding it more essential to accompany the young person to Centrelink to receive what is rightfully theirs<sup>249</sup>.'

- 5.60** The Centre suggests Centrelink needs more staff, better training and increased spread of dedicated Youth Teams in Centrelink offices. The committee is not aware if some of the examples quoted are typical of experiences throughout the state, but it did also receive another submission which had similar complaint about inflexible decision making by Centrelink<sup>250</sup>. The committee believes it would be useful to receive further feedback on this issue. There are many State government agencies, such as Juvenile Justice and the Department of Housing, whose crime prevention strategies will be very much affected if young people are not being able to access essential financial support during crisis times.

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### **Recommendation 28**

The committee recommends that the Premier's Council on Crime Prevention seek feedback from member agencies on the impact of current Centrelink staffing levels, practices and policies on young people with which the agencies work. In particular, agencies should be asked whether there are systemic problems emerging in the way Youth Allowances entitlements are being interpreted by Centrelink staff. Should this feedback confirm the anecdotal concerns raised in submissions to this Inquiry, the committee recommends the Council make representations to the relevant Federal Minister on the possible impacts on young people in NSW of these problems.

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## **Conclusion**

- 5.61** In both this and the last chapter the committee believes it is important to see young people as part of the community rather than a potential threat. In all crime prevention strategies preference should be given to programs which integrate young people rather than alienate them. For young people at particular disadvantage or at risk, any interventions should be as early as possible, long before the criminal justice system becomes involved.

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<sup>249</sup> *Ibid* Appendix

<sup>250</sup> O'Donnell *Submission* 2/06/98

**Part Three:**

**Prisoner Recidivism and  
Prisoner's Return to the Community**

## Chapter 6      **Recidivism and Programs within Prison**

### **Introduction**

- 6.1**      Throughout this inquiry the Law and Justice committee has emphasised that if governments spend more on early intervention and social supports there will be less need for putting more police on the beat and building more prisons. The empirical evidence is mounting that money spent on prevention is far more cost effective than more punitive measures (see Chapter Six, First Report). As well as being cost effective the outcomes for a community from providing social supports are much healthier than from the alternatives. Do citizens want to live in a society where the main growth area in government expenditure is prison construction, or one in which the growth is in spending on families, schools and social programs?
- 6.2**      When the committee held its 1998 conference to launch the inquiry it did not invite speakers addressing prison issues. This was a conscious choice because the committee wanted to emphasise the importance of early childhood intervention as a crime prevention strategy. However, as was rightly pointed out to the committee by both Department of Corrective Services staff and prison groups, prisons have an important role in preventing recidivism. Within prisons, programs are run to address factors which lead to offending. There are post release support programs which attempt to support the prisoner in their re-integration into the community. While it would be much more desirable that a person receives drug and alcohol counselling in the community before substance abuse contributes to offending behaviour, the prison system does provide social supports which have a crime prevention objective. These programs are examined in the next two chapters.
- 6.3**      Essentially the prison system has two main approaches to preventing recidivism. Firstly, it runs programs within prison, through its Inmate Management Service, assisted by partnerships with funding from health and education authorities, such as NSW Corrections Health and TAFE NSW. Secondly, it runs post release programs through its Probation and Parole Service, and through a Community Grants Program. To these the committee would add a third, less formal, arm of preventing recidivism: the support of family, friends and other networks of prisoners. For many prisoners the presence or absence of these networks of supports will have a much bigger impact on their re-offending than the best designed and evaluated programs.
- 6.4**      This chapter concerns the programs delivered *within* prisons which aim to reduce re-offending. Chapter Seven then discusses programs post release, as well as the families of prisoners. This chapter begins with a discussion of the effectiveness of prisons in preventing recidivism. The figures available on the levels of prisoner recidivism are considered, together with a profile of the prisoner population. The extent of drug and alcohol, education and mental health programs within prisons is then considered and the role of case management in the delivery of these services. The chapter concludes with a consideration of the difficulties posed by prisoners serving short terms.

- 6.5** The committee's task in this chapter and the next is complicated by a concurrent inquiry being conducted by a Select Committee of the Legislative Council into the Increase in the Prison Population. The Select committee is considering a much wider range of issues regarding the prison system, and has a particular focus on the position of women in the prison system. The Law and Justice Committee will not examine the causes of the 12% increase in prison numbers during 1998/99; rather the committee's concern will be the implications of this for programs within prison and post release which prevent recidivism. Likewise, although the committee will refer to programs for women prisoners in this chapter, those wishing to consider this in more depth are recommended to read the Interim Report of the Select Committee's Inquiry, tabled in July 2000.

### **The Potential of Prisons to Prevent Recidivism**

- 6.6** Prison is not generally an effective way to change or deter offending behaviour. It is effective in preventing crime for the period an offender is incarcerated, but all but the most serious violent offenders eventually rejoin the community. The committee supports the philosophy which was first clearly expressed in New South Wales by Justice Nagle in his 1978 Royal Commission of Inquiry, that prison should be used as a punishment of last resort, not as a means to rehabilitate or as a deterrent<sup>251</sup>. This is different from stating that prisons should not attempt to rehabilitate, rather that it is much harder to rehabilitate a person in the prison environment. The most effective prevention occurs before a person's offending escalates to the point where a prison sentence becomes a possibility. This was confirmed in a submission to the inquiry from the Department of Corrective Services:

'Offenders received into custody by Corrective Services have, in general terms, been exposed to around twenty years of socialisation processes which have led to the committing of an offence. In the majority of cases, on their release from custody, these offenders will return to the social milieu, economic circumstances and life situation which may have contributed to their offending behaviour.'<sup>252</sup>

- 6.7** The measure of recidivism used by the Department is the number of offenders who receive another custodial sentence within two years of their release<sup>253</sup>. Based on this measure, 39% of inmates who were released from a correctional centre between 1 July 1994 and 30 June 1997 received another sentence within two years of their release. The recidivism rate for first time offenders was substantially lower (25%) than for those released from their second or additional term (49%). Recidivism rates vary greatly between different types of offences: for instance the majority of those convicted of homicide never return to custody<sup>254</sup> whereas the recidivism rate for offences such as break, enter and steal is very high.

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<sup>251</sup> *Report of the Royal Commission into NSW Prisons*, Hon Justice Nagle, 1978, p10

<sup>252</sup> *Submission 11/11/99* p2

<sup>253</sup> *Ibid* p2

<sup>254</sup> The Department suggests this is because the trigger for the offence, usually a family member, friend or acquaintance, is absent when the offender re-enters the community

**6.8** While the level of recidivism is undoubtedly high, recidivism levels stated globally are of limited value. It is more useful to understand how individual programs assist specific groups of offenders – who re-offends, how frequently and why. As was explained to the committee in relation to parole:

‘One of the issues for us is that an offender may receive a three-year good behaviour bond and might offend on several occasions during the three year period of the bond. The focus from our point of view would be to see progress in terms of an offender offending less seriously or less regularly. Our experience is that offenders mature over time and, as they become older, they offend less. Often the mere fact that an offender is a recidivist means that they do not cease offending. Most of the evidence suggests that by putting people through particular programs, the offending behaviour is substantially addressed but that often does not occur on the first brush through.’<sup>255</sup>

**6.9** There is evidence, mostly from overseas, that some types of prison programs can reduce offending in some offenders, and it is to this that the committee directs its attention. Before examining specific programs the committee wishes to provide a description of the prison population to which these programs are directed.

### **The Prison Population**

**6.10** There were 7,240 prisoners in NSW prisons at 30 June 1999<sup>256</sup>. The great majority of prisoners are male: 6,802 compared to 438 female prisoners<sup>257</sup>. The imprisonment rate for NSW residents in 1998/99 is just above the average for Australian jurisdictions, although it is almost double the rate for Victoria, as seen by the following comparison:

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<sup>255</sup> McDonald *Evidence* 9/02/00 p21

<sup>256</sup> Unless other wise noted figures quoted in this section are from Department of Corrective Services *Annual Report 1998/99*

<sup>257</sup> Although the rate of increase of women prisoners last year was almost double than that of males

- 6.11** Several groups are heavily over-represented in NSW prisons; they also appear to have a higher rate of recidivism than other groups. As was discussed in Chapter Three of this report, Indigenous prisoners comprise 1 in 7 of male prisoners and 1 in 4 of female prisoners, despite only being only 2% of the populations.
- 6.12** People with intellectual disability and those with mental illness are said to be over-represented, although there is some debate about the level of this over-representation. In Chapter Eight of the First Report of this inquiry the committee estimated, on the basis of studies by leading expert Professor Susan Hayes, that up to 1 in 5 of prisoners had a mild to moderate intellectual disability. In evidence to this committee<sup>258</sup> Corrective Services staff stated that they had not seen the latest study by Professor Hayes and that an assessment they had undertaken had identified only 2% of prisoners, which is similar to the level of intellectual disability in the wider community. The committee believes this estimate by the Department is extremely unlikely to be accurate. The Department witness herself expressed a view that “we do not have any reliable figures”<sup>259</sup>. Of more importance to the current discussion is that the small survey the Department undertook indicated the people with an intellectual disability:
- ‘return to prison at a much greater rate than the rest of the population.....In order to look at the issue of return to prison it appears that one factor that has strongly emerged is the lack of support services, including accommodation for people who have an intellectual disability and have been in prison. They are clearly a group that provide a challenge to any department or agency to deal with. They appear to be a group that has fallen through the various categories that are taken care of, for example, by the Department of Community Services.’<sup>260</sup>
- 6.13** Mental illness is also a major factor in the prison population. A 1997 inmate health survey carried out by the Department of Corrective Services found that 26% of women and 12% of men had been diagnosed by a doctor as having a psychiatric problem<sup>261</sup>. The survey found that 50% of females and 33% of male prisoners had received treatment from a psychiatrist or psychologist at some point, and of these 36% of females and 34% of males had been previously admitted to a psychiatric unit or hospital. A submission from the Department of Corrective Services to the Select Committee on the Increase in the Prisoner Population has now put the figure of female prisoners previously admitted to psychiatric or mental health units as high as 73%.<sup>262</sup> Suicidal thoughts were also common, with the

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<sup>258</sup> McComish *Evidence* 9/03/00 p26

<sup>259</sup> *Ibid* p26

<sup>260</sup> *Ibid* p27

<sup>261</sup> Corrections Health Service *Preliminary Findings from the Inmate Health Survey of the Inmate Population in the NSW Correctional System*, 1997 p65

<sup>262</sup> Select Committee on the Increase in Prisoner Population *Interim Report: Issues Relating to Women* July 2000 p16, taken from p36 of the Department’s February 2000 submission.

survey finding 39% of females and 21% of males had attempted suicide at least once in their lives<sup>263</sup>.

- 6.14** Much of this inquiry has pointed to how risk factors for offending are cumulative, and that individuals with cumulative risk factors tend to live in areas of high disadvantage. It should not be surprising that prisoners are on the whole drawn from the most deprived areas of the state. However the geographic concentration of offending is at times remarkable. In a study conducted by former Corrective Services Commissioner Professor Vinson, he found that 30% of the women in prison in NSW come from three suburbs of Sydney<sup>264</sup>. This also impacts on recidivism: a prisoner returning to their community is generally returning to a community with poor support services and a population that contains many other past or current offenders.
- 6.15** The importance of drugs and alcohol as a cause of offending behaviour is difficult to overstate. An exit survey undertaken by the Department in 1992 found that 66% of inmates report a relationship between their drug use and their subsequent imprisonment; while 67% reported being under the influence of a drug at the time of their most serious offence<sup>265</sup>. An inmate census conducted in 1997 found similar levels, and also found that 48% of women and 28% of men had sought treatment for a drug problem either prior to or during imprisonment<sup>266</sup>. A recent Department study is reported<sup>267</sup> to have found nearly six in 10 prisoners used illegal drugs while in jail. If a prisoner leaves prison without clearing themselves of their dependence or without adequate supports in the community to do so, the chances of recidivism will be very high.
- 6.16** The majority of prisoners are incarcerated for property offences; those convicted of the most serious violent offences such as homicide, sexual assault, or aggravated assault are in the minority. The type of offence will have a major impact on recidivism: typically property offences and common assaults have a high rate of recidivism, which may relate back to the causes of the offence, such as drug dependence, delinquent peer group or other factors. Because the majority of prisoners have committed minor crimes their sentences are typically short. The Department advised the committee that around 50% of inmates only receive a sentence of six months<sup>268</sup>. This poses particular problems in running programs for this group (see below).

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<sup>263</sup> *Ibid* p69

<sup>264</sup> Vinson *Evidence* 25/10/99 p4

<sup>265</sup> Department of Corrective Services *Submission* 11/11/99 p4

<sup>266</sup> Council for Civil Liberties *Submission* 26/11/98 p3

<sup>267</sup> "Drug Debts the Big Fear that Stalks Jails" *Sydney Morning Herald* 6/12/99 p2

<sup>268</sup> Department of Corrective Services *Submission* 11/11/99 p3



- 6.17** Women prisoners are very much a minority in the prison system. To a greater extent than men they are incarcerated for non-violent offences<sup>269</sup>. In 1994 87.5% of women were sentenced for less than a year<sup>270</sup>. The problems of delivering programs which prevent recidivism are particularly acute for this group, and raises the question of whether alternatives to prison in the first place should be considered.
- 6.18** The *Report on Children of Imprisoned Parents* by the Standing Committee on Social Issues highlighted that many prisoners are parents. For women the rate may be as high as 60-70%. Failure to address this, either in the original decision to send a caregiver to prison or by neglecting the relationship during their term, not only impacts on the prospects of the prisoner re-offending; it also greatly harms the child. Cycles of inter-generational offending can begin if the position of children of prisoners is not properly considered.
- 6.19** Some of the other characteristics of the prison population presented to the committee include:
- over 30% of prisoners are from a non English speaking background
  - 28% are aged between 18 and 24
  - 16% of inmates have been sexually abused before the age of 16
  - 60% are not functionally literate, with 48% long term unemployed
  - 65% are hepatitis B or C positive<sup>271</sup>
- 6.20** A final factor which impacts on recidivism is the size of the prison population as a whole. If the prison population increases existing programs will be spread more thinly. The prison population in NSW increased dramatically in 1998/99, by 12% over the 12 month period overall, and for women the increase was 23%. The reasons for this are the subject of a current inquiry by a Select Committee of the Legislative Council and were put forth in that committee's first report. Whatever the causes, it indicates the Department of Corrective Services will need to significantly expand its expenditure on prison and post release programs.
- 6.21** This has important budgetary implications for NSW. According to a Report by the Productivity Commission, the average cost per NSW prisoner per day averages around \$160 per day, or \$58,400 per year<sup>272</sup>. The committee believes this provides further reason for local policy makers to examine the implications of cost/benefit studies such as those of

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<sup>269</sup> Although evidence to the Select Committee has indicated that the rate of imprisonment of women for the violent offence of robbery has increased recently, possibly due to an increase in heroin addiction

<sup>270</sup> Mulawa Project, Positive Justice Centre *Submission* 23/11/98 p5, quoting SW Bureau of Crime Statistics *Crime and Justice Bulletin* no26 1995 and Department of Corrective Services 1996 *NSW Inmate Census*

<sup>271</sup> McComish *Evidence* 9/02/00 p23

<sup>272</sup> Productivity Commission *Report on Government Services 2000*, unpublished draft February 2000, p757

the Rand Institute<sup>273</sup>. Based upon the findings of the cost-effectiveness of early intervention programs over the high cost of imprisonment:

'Our conclusion from this was that if you are willing to spend \$5.5 billion on a traditional criminal justice approach, maybe you should be thinking about spending an additional \$1 billion, or some fraction thereof, to fund some of these other programs, generating just as big an impact, when you put a few of them together.<sup>274</sup>'

## Effectiveness of Programs within Prison

**6.22** There is some debate, in Australia and overseas, over whether programs within prison have any significant impact on recidivism. The consensus appears to be that *some* overseas programs have been shown to have *some* impact on recidivism<sup>275</sup>. The Department of Corrective Services states it is very difficult to evaluate the impact of its programs on recidivism because of the lack of a control group for a true comparison<sup>276</sup>. In the US rehabilitation programs for offenders using treatments appropriate to their risk factors have been shown in outcome evaluations to reduce offending rates. Drug treatment programs that are linked to community programs outside prison have also been shown to have some success<sup>277</sup>. The Department adopts this approach in its program planning:

'There is a high degree of consistency in the factors that will come forward about what makes an effective program. The attempt is to target higher risk offenders, to target those factors that are closely associated with offending behaviour so rather than a generalist notion of counselling or courses to raise self-esteem, one targets the factors which directly contributed to the offences, such as alcohol and other drug problems. The programs need to be structured and consistent across the system and the acquisition of social and cognitive skills related to real-life performance also must be targeted. Essentially, there must be a community arm to the programs. A lot of the research that has emerged has come from programs based in the community. They have a much greater chance of success, obviously because one is able to work with the established supports in the community which have been absent and which have contributed to the offending behaviour in the first instance.<sup>278</sup>'

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<sup>273</sup> See speech by Susan Everingham in Standing Committee on Law and Justice Committee *Inquiry into Crime Prevention through Social : Conference proceedings* December 1998 Report 11

<sup>274</sup> *Ibid* p141

<sup>275</sup> K Howells and A Day "The Rehabilitation of Offenders: International Perspectives Applied to Australian Correctional Systems" *Trends and Issues in Crime and Criminal Justice* May 1999, Australian Institute of Criminology

<sup>276</sup> *Submission* 11/11/99 p2

<sup>277</sup> Standing Committee on Law and Justice *op cit* December 1998 appendix p8

<sup>278</sup> McComish *Evidence* 9/02/00 p23

- 6.23** The key to these programs succeeding relies upon correctly identifying the risk factors for individuals so as to ensure those at high risk receive the required services. The committee has not received a great deal of evidence on this issue. It is concerned that the Department currently does not know to any degree of accuracy the numbers of prisoners with an intellectual disability, because this will impact on whether those prisoners receive programs appropriate to their needs. This is addressed in recommendation 29 below.
- 6.24** The committee has also received evidence from Justice Action that certain types of prisoners are given the same courses despite having very different needs: the example was given of the special programs unit at Malabar where, it is claimed, child sex offenders and those convicted of sexual assault against adults receive the same courses when their offending behaviour may have very different causes<sup>279</sup>. The committee is not aware of the extent of this problem.

## Case Management

- 6.25** To address these types of problems the Department has established an individual case management system which includes a through-care component, with follow up in the community. Each correctional officer has a caseload of several inmates (10 was the figure suggested). Correctional officers meet as part of the case management team which will also include specialist program staff who assist in determining if prisoners should participate in a program. During her evidence before the committee the Assistant Commissioner, Inmate Management was questioned on whether prison staff had the professional skills and training to undertake this case management, and whether there was a view that prison officers role was to “lock up people, not act as social workers”<sup>280</sup>. She responded that:

‘It is a huge change, not something that the Department can say that what was to be done and expect everyone to take it up gleefully the very next day. Now, seven years down the track, there are some very good examples of case management in some centres and other centres are really struggling. Only a small group of officers would take the position you described, which is that it is not their role. Basically they are told that it is their role, if they have problems with it they are given whatever support is necessary through either skills development, or a mentoring system<sup>281</sup>.’

- 6.26** The committee supports the use of case management. There have been some minor improvements suggested in the course of the inquiry. However the committee is aware that the Independent Commission Against Corruption (ICAC) has conducted an extensive review of case management<sup>282</sup> and that the Department is in the process of responding to the recommendations made. For that reason the committee will confine its comments to

<sup>279</sup> Strutt *Evidence* 3/02/00 p30

<sup>280</sup> Ryan *Evidence* 9/02/00 p32

<sup>281</sup> McComish *Evidence* 9/02/00 p33

<sup>282</sup> Independent Commission Against Corruption, *Case Management in NSW* 1999

the issue of prisoners with an intellectual disability, an area the committee has addressed in both this and its First Report.

- 6.27** The committee is concerned that at present the Department appears to be under-estimating the extent of the representation of prisoners with an intellectual disability. If this representation is as high as 1 in 5 prisoners, correctional officers need to be able to detect intellectual disability to ensure appropriate case management of these prisoners. While correctional officers will not be able to definitively determine that a prisoner has a disability they should at least be able to identify prisoners that potentially have an intellectual disability and then refer them to specialist staff for assessment.

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### **Recommendation 29**

The committee recommends the Department of Corrective Services trains its correctional staff involved in case management in the use of screening tests or other tools to detect prisoners who have an intellectual disability. The prisoner should then be referred for an assessment by a specialist staff member.

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- 6.28** Once case management has identified courses or programs suitable for an individual prisoner the issue is whether there are sufficient program places to meet these needs. In response to questions from the committee the Department of Corrective Services provided a list of the expenditure on programs which address offending behaviour within prisons:

### **Inmate Program Estimate**

	<b>1997/98 Estimate \$</b>	<b>1998/99 Estimate \$</b>
Education	8,610,000	8,954,000
Psychology	5,123,000	5,328,000
Welfare	5,910,000	6,146,000
Drug and Alcohol	3,832,000	3,985,000
Sex Offenders Program		5,121,000
Corrective Services Industries (net of revenue)	12,000,000	12,600,000
Special Programs (Indigenous, Intellectual Disability, Special Care)	4,800,000	11,178,000
<b>TOTAL</b>	<b>\$40,275,000</b>	<b>\$53,312,000</b>

Source: Department of Corrective Services, Response to Questions from public hearing 9/02/00

**6.29** The committee would only make two observations:

- spending on drug and alcohol programs appears relatively low compared to other programs and the extent of the problem in jails
- the very significant total level of expenditure on programs within prison (\$53,312,000) contrasts with the low levels of expenditure on supports outside prison (see next chapter)

**6.30** The committee is not able to judge the merits or otherwise of the allocation of funds to individual programs. The Department is best placed to evaluate individual programs and has a Research division which undertakes this responsibility.<sup>283</sup> As with the Department of Juvenile Justice in Chapter Four, the committee makes the following recommendation regarding evaluation in the belief that it confirms a direction the Department is already moving towards.

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### **Recommendation 30**

The committee recommends that the Department of Corrective Services progressively increase the number of outcome evaluations of specific programs run within prisons. These evaluations should measure the outcomes in terms of reducing re-offending; reducing the frequency of re-offending and reducing the seriousness of new offences. The results of these evaluations should appear in the Department's annual report or be otherwise published.

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## **Drug and Alcohol programs**

**6.31** Many prisoners are incarcerated because of offending behaviour related to drug or alcohol problems. In an earlier chapter it was noted that the level of drug use by juveniles in detention centres had risen sharply over the last three years. There is no reason not to assume that a similar increase has taken place in adult correction centres. In fact one possible factor in the increase of the prison population is the rise in drug use in the general community.

**6.32** There appeared to be a strong consensus among prisoner groups that there are not currently enough drug and alcohol services within prison<sup>284</sup>. In 1998 there were said to be nine drug and alcohol workers for 900 prisoners in the Metropolitan Reception and Remand Centre; three workers for 500 prisoners at Silverwater and at Mulawa 1½ workers and a 4 bed detoxification unit for 240 women<sup>285</sup>. Following the Drug Summit the

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<sup>283</sup> The committee notes the Department's evidence (p26) that it is conducting a rigorous evaluation of the effectiveness of its drug and alcohol programs as a result of the Drug Summit.

<sup>284</sup> Roumeliotis *Evidence* 9/02/00 p59, Council for Civil Liberties *Submission* 26/11/98 p3

<sup>285</sup> Civil Liberties *Ibid*

government has committed itself to expanding the number of detoxification units and drug and alcohol workers<sup>286</sup>. The government is also trialing the Drug Court as a means of diverting offenders directly to treatment and rehabilitation rather than through the prison system.

**6.33** While initiatives such as the Drug Court could in time reduce the number of prisoners incarcerated primarily because of their drug problems, there were only 120 offenders participating in the program in December 1999<sup>287</sup>. For the immediate future the prison population has a great need for effective drug and alcohol programs. If a prisoner leaves prison without the causes of their addiction treated, or leaves prison still with a current addiction, their prospects of recidivism are very high.

**6.34** It should not be assumed that treating a prisoner's drug problem in prison will solve the problems underlying their offending behaviour: it is often only one of the risk factors present and may be actually masking the problems which require treatment, such as mental illness:

‘The overlap between sexual abuse and various forms of domestic violence and a whole lot of social factors, either when the women were children or in adult life, is bound up with the drug use. Technically it is drug use that sends them to gaol but that is not the problem that they have. If you have programs that simply address someone's drug use without necessarily having programs that support it and look at the psychological effects of incest and various other forms of abuse, it is asking a lot of someone to let go of the only crutch that they may have been using as form of self-medication<sup>288</sup>.’

**6.35** An issue raised at length in several hearings was the difficulty of preventing drugs entering prisons. The Drug Summit has led to an initiative to implement “drug-free” zones in prison, where prisoners can volunteer to be in a wing of a correctional centre where they are subject to stringent drug testing and participation in prevention relapse programs<sup>289</sup>. The need to establish such zones is a clear admission that the Department is unable to prevent the entry and trade of drugs within the prison system. The committee is sympathetic to the difficulties the Department has in this regard, as every prison system in the world has the same difficulties. The criticisms made by prison groups are that in order to prevent drugs entering prisons a great deal of resources is directed with very little positive effect but much negative impact on visitors. This will be considered in the section on families of prisoners in the next chapter.

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<sup>286</sup> NSW Government *NSW Drug Summit 1999 – Government Plan of Action* p79-80

<sup>287</sup> Department of Corrective Services: Response to questions on notice following hearing on 9/02/00

<sup>288</sup> McFarlane *Evidence* 9/02/00 p58

<sup>289</sup> Department of Corrective Services *Submission* 11/11/99 p7

- 6.36** The committee raised issues with Department staff about whether staff could be involved in distribution of drugs; however the committee has not received any actual evidence of this occurring and is aware of the measures the Department has in place to detect corrupt staff<sup>290</sup>.
- 6.37** Drug stabilisation is another way in which addiction is treated within prisons. An average of 800 prisoners are on methadone treatment at any one time with a current waiting list of 453<sup>291</sup>. A recent evaluation by the National Drug and Alcohol Research Centre and St Vincent's Hospital has found the program was successful in reducing the level of injecting drug use among participants and reducing levels of blood borne viral infections<sup>292</sup>.
- 6.38** Which ever of its programs are more effective, there is a strong consensus from witnesses appearing before the committee that more drug and alcohol programs are required in NSW prisons. Increases in the prison population will force the Department to stretch its existing resources resulting in many fewer prisoners having access to programs. The committee believes the area of programs most in need of funding growth is in post release services; however a valid argument can also be made for ensuring expenditure on drug and alcohol programs at the very least keeps pace with increases in prison numbers. If prisoners leave jail with an unresolved addiction their prospects of re-offending are very high.

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### **Recommendation 31**

The committee recommends that the Department of Corrective Services in partnership with Corrections Health increase its spending on drug and alcohol programs within prison. Any funding for increases in programs within prison should not be at the expense of much needed increases in spending on post release programs.

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## **Mental Health Programs**

- 6.39** In a submission to the inquiry the Council for Civil Liberties raised the inadequate level of mental health services for prisoners<sup>293</sup>. It stated that Silverwater Prison has two psychologists for 500 prisoners and Mulawa has 3 for 240 women prisoners. Commenting on the mentally ill in prisons, a Justice Action representative said:

'Quite often they internalise all their problems and end up with a great deal of medication as sedation as a way out of gaol. So from a miserable situation you

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<sup>290</sup> See footnote 287

<sup>291</sup> NSW Corrections Health Service, *Annual Report 1998-99* p40

<sup>292</sup> Dolan K, Wodak A, Hall W "Methadone maintenance treatment reduces heroin injection in NSW prisons" *Drug and Alcohol Review* (1998) 17, 153-158.

<sup>293</sup> *Submission 26/11/98* p4

end up with a great deal of medication occurring in prisons as a matter of course. ...Do we confront the over medication of prisoners when they find themselves in such an intolerable situation that they want to find a way out? They want some medication that allows them to zonk out as it is the easiest way out. Or would we prefer them to be confronted and for them to demand attention so that they are able, when they get out, to survive better on the outside without an over-medicated life?<sup>294</sup>

- 6.40** The committee welcomes a new initiative by the Corrections Health Service to pilot a Community and Court Liaison Service in inner and western Sydney<sup>295</sup>. This will be staffed by mental health nurses and psychiatrists who will identify mentally ill offenders in courts and police cells so that they can be diverted to community health facilities. A proposal is also being prepared for a half way house to accommodate inmates with a mental illness who have served lengthy terms. The facility will provide for the development of social skills to assist re-integration within the community after a long period of institutionalisation.
- 6.41** As with so many aspects of attempts to prevent recidivism in prison, the most effective expenditure for those with a mental illness will be that spent in the community, before offending behaviour brings the person into contact with the criminal justice system. Services in the community in some country areas are so poor that a magistrate is reported to have sent offenders to prison as the only way to receive adequate treatment for their illness. (See Chapter Four). However, as for other programs, the increase in the prison population raises the problem of even fewer prisoners being able to access services.

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### **Recommendation 32**

The committee recommends that the Department of Corrective Services in partnership with Corrections Health increase its spending on mental health programs within prison in proportion to increases in prison numbers, so the proportion of prisoners participating in programs compared to the overall prison population does not decline. Any funding for increases in programs within prison should not be at the expense of much needed increases in spending on post release programs.

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## **Education and Vocational Programs**

- 6.42** Vocational programs have an important role to play within prisons that goes beyond a constructive diversion of time. Almost half of prisoners are long term unemployed, more than half are functionally illiterate, and a prison term will certainly not add to employability. In its submission the Department reports that, in 1997/98, 59% of inmates on average, were enrolled in education programs each month, and 77% were actively employed in Corrective Services Industries business units. The services are provided through the Department's Adult Education and Vocational Training Institute and TAFE NSW.

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<sup>294</sup> Collins *Evidence* 3/02/00 p30

<sup>295</sup> NSW Corrections Health Service *op cit* p44



**6.43** In regard to Mulawa women's prison the education programs were commented upon favourably by the Positive Justice Centre, and there was no criticism of the content of the educational programs by other prisoner groups. The only critical comment made was that some of the vocational programs involve work with little skill development: the example of women at Mulawa putting Qantas headphones in plastic bags was cited<sup>296</sup>. The work release was particularly praised by one ex-prisoner:

'while I was in prison in the 1980s...I found the best program in there was the works release program. When I got out of prison I had \$4,000 in my pocket, and that set me up in a flat with furniture one week later. I never went back to prison<sup>297</sup>.'

**6.44** The main problem with educational courses within prisons appears to be that there are more prisoners wanting to undertake them than places available. The criticism made by the Council for Civil Liberties,<sup>298</sup> the Positive Justice Centre Mulawa Project<sup>299</sup> and Justice Action<sup>300</sup> was that quotas were set which excluded some of the more needy prisoners. Justice Action claimed those with little criminal history and good external support were the most likely to gain access to courses that they are less likely to need. The Positive Justice Centre stated that all the women it spoke to in its study of Mulawa believed more places should be given for full time students to participate in education.

**6.45** The committee, as it has done with drug and alcohol and mental health programs, raises the issue of the impact of the increase in prison numbers. If not enough prisoners were able to access programs in 1998, when some of the initial submissions were written, the problem will only become more acute with an increased prison population.

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### **Recommendation 33**

The committee recommends that the Department of Corrective Services increase its spending on educational and vocational programs within prison in proportion to increases in prison numbers, so the proportion of prisoners participating in programs compared to the overall prison population does not decline. Any funding for increases in programs within prison should not be at the expense of much needed increases in spending on post release programs.

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<sup>296</sup> Council for Civil Liberties *Submission 26/11/98*

<sup>297</sup> Willis *Evidence 9/02/00 p56*

<sup>298</sup> *Submission 26/11/98 p4*

<sup>299</sup> *Submission 26/11/98 p89*

<sup>300</sup> Strutt *Evidence 3/02/00 p31*

## Short Term Prisoners

**6.46** More than half of prisoners serve terms of less than six months (see above). The Department told the committee these prisoners are the hardest to reach with programs offered within prison and are difficult to case manage because of the brevity of their stay:

‘Short sentences mean that inmates often remain very unsettled for the time that they are in prison. They have the advantage of maintaining their links to the community but usually they see their time in prison only as a very brief transition and they are not interested particularly in entering any structured program pathway. That group is also at high risk of re-offending. They tend to move through the system and return fairly quickly. We do not have much time to work with them to actually address the various attitudes, behaviour and deficits in their lives which have contributed to them coming in, so it is very likely that they go back into exactly the same circumstances with exactly the same problems that they had when they came in. The issue involves time, access and the particular frame of mind of the inmate who is in for a short period of time<sup>301</sup>.’

**6.47** This problem extends to programs in the community. The Acting Assistant Commissioner for Probation and Parole advised the committee that most prisoners serving terms of less than six months do not have any community component to their sentence, so are without any structure which will assist them with their return to the community<sup>302</sup>.

**6.48** To an extent the committee believes that it would be preferable if fewer prisoners were incarcerated for such short terms and had the causes of their offending addressed in the community. The committee has heard evidence from Professor Tony Vinson, who studied the sentencing of Aboriginal prisoners, that a “penal ladder” operates so that a person is sentenced not because the offence itself deserves prison but that the past history of offending pushes the person up a ladder until a prison sentence becomes the next step<sup>303</sup>. The committee believes prison sentences are necessary both as punishment for the offender and protection of the community when serious violent offenders are concerned. However if an offender is repeatedly committing minor offences a community based penalty which addresses their offending behaviour is more desirable in most cases than a prison term. The problems with this are:

- lack of suitable community based programs available, particularly in rural areas
- the enforcement of community based programs can often be lax, leading to a failure of the purpose of the program in addressing offending behaviour

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<sup>301</sup> McComish *Evidence* 9/02/00 p24

<sup>302</sup> McDonald *Evidence* 9/02/00 p25

<sup>303</sup> Vinson *Evidence* 25/10/99 p12

- the difficulty that misjudgments are made, where potentially serious offenders are given community based orders during which they commit much more serious crimes

**6.49** These factors have to be considered, but the committee does ask whether these difficulties justify the current high levels of incarceration in New South Wales. The committee does not support “going soft” on offenders: there is a place for punishment. However, it queries whether prison is the right place for minor offenders when other alternatives may be less likely to lead to recidivism. The committee is aware the Select Committee on the Increase in the Prison Population has examined the nature of offences for which women in particular are currently being imprisoned. However as a general principle the committee believes legislation creating new offences should take seriously the principle that prison is a punishment of last resort. In this regard the committee welcomes s5 of the *Crimes (Sentencing Procedure) Act 1999* NSW, which requires that imprisonment be imposed only after consideration of all possible alternatives, and that, for a sentence of less than six months, a judicial officer must provide written reasons for the decision to impose a sentence of imprisonment.

**6.50** For those prisoners serving short terms the Department advises that the initial assessment of prisoners made upon entry to prison is crucial<sup>304</sup>. This allows inmate services to set up a combined case plan with the Probation Service that looks at what needs they will have in the community. If assistance with housing or a rehabilitation unit can be set up and followed through the chances of returning to prison will be less. However the practise of post release procedures appears at present to fall well short of this ideal, as is discussed in the next chapter.

## Conclusion

**6.51** This chapter has examined programs within prison which can have some impact on reducing recidivism. During this inquiry prison advocates admitted to a dilemma when raising the issue of the need for drug and alcohol programs within prison. A representative of CRC Justice Support argued that with 70-80% of prisoners with substance abuse problems there would never be enough services, and that scarce money may be diverted from programs outside prison which have greater chance of success:

‘Should we advocate for more resources in the prison system, or take up the position which we lean towards that people should detox outside prison. It should be seen as a health issue.... people should be referred to a service in which their drug and alcohol issues as well as all other issues are dealt with in a community-based setting rather than within the prison. We will end up having Corrections Health and Corrective Services building this empire and having larger detoxification facilities and in-house programs which really should be run within the community. Obviously people will re-integrate better when services are community run<sup>305</sup>.’

<sup>304</sup> McComish *Evidence* 9/02/00 p24

<sup>305</sup> Roumeliotis *Evidence* 9/02/00 p59

- 6.52** This is part of a wider dilemma for policymakers wishing to prevent crime. Money spent at the “hard” end of the criminal justice system will generally be less effective than money spent earlier, although the needs will be more acute. The committee attempts to address this through its recommendation regarding spending on post release programs in the next chapter.

## Chapter 7 Post Release Programs, Families of Prisoners and Recidivism

### Introduction

- 7.1** The committee sees a continuum between programs within prison and programs post release. However a separate chapter has been allocated to post release issues because the committee believes these are given less attention than programs within prison to reduce recidivism. This is most likely due to the shift from a prisoner being solely a Corrective Services responsibility within prison, to being the responsibility of several agencies once in the community. While this means there is a need for whole of government response to some needs of ex-prisoners, the Department of Corrective Services in many cases will need to play a lead agency role in ensuring post release programs are adequate. A different, but vitally important role, is assisting prisoners who will return to the community to maintain positive links with that community, particularly their immediate family.
- 7.2** The way in which a prisoner is released into the community is the responsibility of the Department of Corrective Services, and this chapter begins with a discussion of this area. Post Release programs are examined, including parole with a special focus on people with intellectual disabilities and Indigenous prisoners. The needs of families of prisoners are then discussed, in particular the current status of the recommendations of the Standing Committee on Social Issues Report on *Children of Imprisoned Parents*<sup>306</sup>. Finally issues raised during the inquiry regarding changes to Federal policy which have a potential impact on prison recidivism are examined.
- 7.3** The committee concludes the chapter with a renewed call for resources to be spent by governments to ensure there is less need for consideration of issues arising from a growing prison population.

### Pre-Release Preparation

- 7.4** All but the very worst violent offenders are released back into the community. How a prisoner is released into the community can have a major impact on their likelihood of re-offending. An issue raised particularly by prisoner groups is the lack of properly structured release procedures, so that when a prisoner is released they have in place some of the essentials they will need for immediate survival. This includes accommodation to go to; social security applications made; and sufficient identification to open a bank account; and details of support services or rehabilitation for prisoners. This is particularly important for long term prisoners who have become to an extent institutionalised:

‘Their ability to cope on the outside is extraordinarily low.....They are unable to fill out forms to open bank accounts. They have to take members of the family, often very extended family, to fill in social security forms. They do not have anywhere to stay. Anecdotally, I have clients who say they missed three buses

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<sup>306</sup> 1997, Report 12

outside the gaol because they did not know where to go. It is tragic stuff. As a community, how are we benefiting by this?<sup>307</sup>

- 7.5** A representative from the Prisoner's Aid Association stated that there were programs run by inmate development staff which involved having community agencies, Centrelink and bank staff telling people of the preparations they will need for their release<sup>308</sup>. It appears to the committee it is more a case of the need for more proactive implementation of current procedures than the need for a new initiative:

'Quite often something may be planned three months in advance and our staff turn up or they are told there is a lockdown today and it is off or something has happened and it is not going ahead. As I said, things can be organised but they do not always happen. I know when I first started in the job I thought it should be easy just prior to someone being released that they should go through the steps. I believe it is shortage of resources. Quite often we think all prisoners are seen by welfare or inmate development staff, but they are not. In fact, most of them see them when they ask<sup>309</sup>.'

- 7.6** The committee believes this area needs to be reviewed by the Department as to whether and how they can devote more resources to release procedures. The committee notes this area was also raised as a concern in a consultant's report to the Department in June 1999<sup>310</sup>. The committee believes those in particular need are those with an intellectual disability, Indigenous prisoners and prisoners who have been incarcerated a large distance away from where they lived prior to prison.
- 7.7** The committee understands a Senior Officers Transitional and Post Release Project Steering Committee has been established which will oversee a "through care" policy for the whole Department. The release preparation procedures would appear to be an important area for this Department Committee to examine.

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### **Recommendation 34**

The committee recommends that the Senior Officers Transitional and Post Release Project Steering Committee of the Department of Corrective Services review its current release preparation procedures to ensure that all inmates have sufficient identification upon release from prison to make Medicare claims, access the services provided by Centrelink, and open a bank account. The committee recommends particular attention be given to determining how to assist prisoners with an intellectual disability ensure they have assistance with filling out necessary forms for social security, bank accounts and other arrangements.

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<sup>307</sup> Hopkins *Evidence* 9/02/00 p63

<sup>308</sup> Baird *Evidence* 9/02/00 p65

<sup>309</sup> Roumeliotis *Evidence* 9/02/00 p65

<sup>310</sup> The Public Practice, *Community Correctional Care: An Evaluation of the Community Grants Program of the NSW Department of Corrective Services* p80 -81

## Parole, Probation and Post Release Programs

**7.8** The Department of Corrective Services does not have managing the prison population as its sole emphasis; it also plays a major role in the community. The Probation and Parole Service currently supervises 13,700 offenders in the community: of these 2,900 are on parole and 10,800 are supervised under the probation program<sup>311</sup>. The mission of the Service is said to be to reduce the impact of crime on the community by effectively managing offenders and influencing sentencing and releasing decisions. The main programs of the Service apart from probation and parole are:

- preparation of pre-sentence reports which provide background and analysis of offenders and of underlying causes and suggest options for sentencing authorities. In 1999 the Service prepared 24,000 pre-sentence reports
- the community service program which provides for reparation by offenders within the community by performing a required number of hours in a developmental program in an attendance centre. In 1999 this dealt with 5,800 offenders
- a home detention program where offenders are able to participate in normal paid employment and perform a level of community service and attend programs designed to address their offending behaviour. Offenders undergo urine testing for drug abuse and breath testing for alcohol abuse. There are currently 142 offenders in this program
- the Drug Court program, which currently has 120 offenders being managed by the Service in a pilot project

**7.9** The Service therefore in total manages 19,000 offenders in the community:

‘We are walking a fine line between the protection of the community on one side and the development away from offending behaviour for offenders on the other side.’<sup>312</sup>

**7.10** In total 87% of probation and parole supervision orders are successfully completed; 82% of community service orders and 79% of home detention orders. This is not necessarily a measure of reduction of recidivism: the offender may then go on to commit offences after the completion of the order. Unlike the prison population, it does not appear the Department has clear estimates of recidivism for offenders supervised through parole or probation orders. The exception is the Drug Court pilot project, which is being evaluated by the Bureau of Crime Statistics. It appears the Service is currently using Canadian and New Zealand research to develop an effective way of measuring the effectiveness of its programs in preventing recidivism<sup>313</sup>.

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<sup>311</sup> McDonald *Evidence* 9/02/00 p20

<sup>312</sup> McDonald *Evidence* 9/02/00 p21

<sup>313</sup> *Id* 21-22

- 7.11** During the inquiry the committee requested the Department provide figures on the cost of keeping an offender in the community for the different programs. The response is shown below, compared with the cost of keeping a prisoner in jail:

Departmental costings per offender per day are as follows:

	<b>Per Day</b>	<b>Per Year</b>
Parole	\$5.39	\$1,967.35
Probation	\$3.94	\$1,438.10
Community Service	\$3.59	\$1,310.35
Home Detention	\$58.83*	\$21,472.95
Prison	\$160.00	\$58,400

\*The Departmental goal is to reduce the Home Detention Unit cost per day to \$40.00. This will be achieved with economics of scale as the program expands.

- 7.12** The contrast with the average costs of keeping an offender in prison, at \$160 per day, is very stark. If an accurate measure of recidivism could be obtained which compares the use of community based options to prison it would be very useful for central funding agencies to understand the relative benefits. Clearly if community based options have comparable or better rates of preventing recidivism the cost effectiveness of these options should be brought to the attention of central agencies.

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### **Recommendation 35**

The committee recommends that the Bureau of Crime Statistics and Research, or another independent agency, evaluate probation, community service orders and home detention for their effectiveness in reducing recidivism. The aim of these evaluations would be to allow the Probation and Parole Service to establish reliable comparisons of recidivism rates for offenders under its programs compared with those held in prison; and to identify any weaknesses in the Service's programs which needs to be addressed. The evaluations should also consider: the level of contact with clients; the availability and accessibility of programs; and culturally appropriate support and programs.

- 7.13** In evidence to the committee Professor Tony Vinson spoke of the detrimental effect of the division of labour in the current prison system compared to a practice which was used by parole in the 1950s:

'in the earliest days of my involvement in the prisons...there was a practice developed of getting people from the community of origin of the prisoner to maintain an involvement and interest with the prisoner throughout the sentence. That was a principle that was universally upheld, even though there were only three of us. Every prisoner would be seen prior to release, a relationship would be formed, cultivated, and then the community member involved. I am sad that over



the decades that approach to things has declined. It would be very helpful to the State and to the prisoner if that were renewed. There is too much division of labour today which interferes with the human aspect of this. It is not the same thing for a person to be interviewed in a prison by someone and then referred to someone else. The person who is going to be supportive and helpful, either as a citizen or as a professional person, should establish and maintain that relationship throughout the terminal stages of the person's sentence<sup>314</sup>.'

- 7.14** In response to this criticism the Acting Assistant Commissioner conceded there may be some validity to the criticism by Professor Vinson, but that there is a tension between supporting the released offender and ensuring compliance with conditions imposed by the Parole Board:

'I do not believe that criticism is wholly substantiated across the population of parolees. Certainly I believe there would be elements where that tension between a parole officer having an offender comply with conditions and also provide a supporting environment is always a problem that is struggled with, but the number of parolees who successfully complete parole would fly in the face of that criticism more generally<sup>315</sup>.'

- 7.15** The Senior Officers Transitional and Post Release Steering Committee which will oversee a "through care" policy for the whole Department, could look at ways to improve the continuity of contact between Department officers and their assigned prisoners to address some of the concerns described by Professor Vinson. This could perhaps best be done by examining specific case studies of individual prisoners and the frequency and continuity of contact with assigned officers.

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### **Recommendation 36**

The committee recommends that the Senior Officers Transitional and Post Release Steering Committee of the Department of Corrective Services review the continuity of contact between Departmental officers and prisoners to whom they are assigned through to the post release stage.

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## **Accommodation Post Release**

- 7.16** Accommodation options for recently released prisoners are very limited in the absence of family or other networks of support in the community. In Sydney's tight rental market with declining numbers of boarding house and other low cost housing (see Chapter Two) it is very difficult for a recently released prisoner to obtain private rental accommodation. If a prisoner cannot become established in stable accommodation the potential for recidivism is high:

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<sup>314</sup> Vinson *Evidence* 25/10/99 p11

<sup>315</sup> McDonald *Evidence* 9/02/00 p38

'Housing is probably the most crucial thing you can provide to keep somebody out of jail. If you do not start with that, then you are wasting your time. The proposal to build a new prison at Kempsey or Port Macquarie is a waste of money. If that \$40 million or \$50 million was directed at community housing projects for ex-prisoner groups, I am sure the recidivism rate would drop. It is far more important to provide housing options for ex-prisoners than anything else. All the rest is peripheral.<sup>316</sup>'

**7.17** Aside from leaving prisoners to the vagaries of the private rental market, the other options are public housing or specialised housing for prisoners. The current very long waiting list for public housing in most areas does not give any priority to released prisoners. The committee supports this policy, because while no-one would offend so as to rise in the public housing waiting list, it is undesirable to extend a benefit to one person who has offended over another on the waiting list who has not. It is far better to ensure those at risk in the community receive the supports they need, including public housing, before they offend.

**7.18** However the fact of having been imprisoned does create an immediate need for housing upon release. The committee does not believe there are sufficient transitional housing options, halfway houses and other specialised accommodation options for prisoners. The only permanently funded facilities are Guthrie House, which provides additional services such as drug and alcohol programs, Rainbow Lodge and Glebe House. Breakout Accommodation Services, supported by Justice Action, receives no funding. Organisations such as CRC Justice Support and Anglicare Life After Prisons Ministry also assist in locating accommodation. Overall, however, the level of specialised accommodation services are negligible:

'there are only 32 beds particularly focused on men coming out of prison in the whole State and eight for women. That is at Guthrie House. There are not a lot of beds available to them as they are coming out. In fact 21 of those 32 for men are shared.....There is a dwindling number of boarding houses in the city. In the past six or seven years it has gone down from about 800 beds to about 300 beds.

I know there are competing priorities but there is a social cost if these people are coming out onto the streets. It causes more problems for the community in the long run if that is not addressed. Of course, there are special needs groups like people with intellectual disabilities. Sex offenders is another big group. Quite often we get calls from welfare staff trying to house sex offenders and it is virtually impossible trying to put them in these types of services, because you cannot guarantee their safety. There is nowhere else for them to go. It is very difficult<sup>317</sup>.'

**7.19** There are some positive initiatives which are being trialed. In response to a recommendation at the Drug Summit, the Government has funded Corrective Services and the Department of Health to trial a "through care" program to assist inmates approaching release, involving two transitional centres for female prisoners with a particular focus on

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<sup>316</sup> Fraser *Evidence* 3/02/00 p25

<sup>317</sup> Roumeliotis *Evidence* 9/02/00 p62

dealing with drug problems<sup>318</sup>. CRC have piloted a women's supported accommodation program for women just out of prison who are on methadone and have children. The two women, who served terms for armed robbery, have received parenting and other education training. The scheme is a community tenancy, and once the women were settled they took over paying the rent and the women's housing worker then assisted a new household.

**7.20** As the co-ordinator of CRC Justice Support pointed out, if either of the previously recidivist women in the supported accommodation had returned to prison during the two years they have lived at the house the taxpayer would have met the cost of \$60,000 per year for them instead of the lesser cost of this program. This point was also made in a consultant's report to the Department<sup>319</sup>. It pointed to the costs of imprisonment compared to \$5,000 pa for a semi-supported house and \$30,000 pa per bed at Rainbow Lodge or Glebe House. The report produced a series of recommendations that the Department move towards funding an integrated network of post-release accommodation services providing a variety of forms of supported and semi-supported accommodation<sup>320</sup>.

**7.21** The committee believes that if improvements were made to keeping intact prisoners' links with the outside community (see section on families below) some of the great need for post release accommodation would be reduced, though the need will remain acute. The difficulty is the levels of funding required to make a significant impact. The committee suggests incremental change can begin if Treasury can be convinced by the Department to see the funding of accommodation services as a trade off against the reduced future expenditure on holding recidivists in prison. To do this the Department would need to find ways to evaluate or estimate the reduction in recidivism by those currently able to access housing options. Responsibility for funding should also be seen as needing to be shared with other Departments, such as Housing and Community Services, as they would otherwise need to pick up the funding for the housing needs or the resulting social problems caused by lack of stable housing<sup>321</sup>.

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### **Recommendation 37**

The committee recommends that the Department of Corrective Services, in partnership with other agencies such as the Departments of Housing and Community Services evaluate the impact on recidivism of the funding of supported accommodation for ex-prisoners. In the event the evaluation demonstrates the need, the committee recommends that the Department seek funding from Treasury to increase the options available to assist released prisoners integrate back into the community.

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<sup>318</sup> Department of Corrective Services *Submission* p8

<sup>319</sup> The Public Practise *op cit* p69

<sup>320</sup> *Ibid* p90-96

<sup>321</sup> As it is more than half of the cost of the Department's accommodation services are funded under the Federal SAAP fund -see p29 of Public Practice *Ibid*

## Community Grants Program

**7.22** As part of its post release services the Department of Corrective Services funds a Community Grants Program. This program has the aim of providing services for inmates, ex-inmates and their families, so as to assist them break the cycle of offending and move to independent living. In 1998/99 the Department allocated \$1.171 million to six groups (some of which also receive funding from other agencies). These groups are:

- CRC Justice Support and Prisoners Aid which provide a range of supports including transport for prison visitors, housing and welfare assistance and specialist programs for women
- Children of Prisoners, which assists children of prisoners through escorted visits, child care, family support and peer groups
- Rainbow Lodge, Guthrie House and Glebe House which provide transitional accommodation for ex-inmates and appropriate supporting services

**7.23** There are other groups which also provide services which are not funded through this program. Justice Action exists as an advocacy and consumer group for prisoners but also provides, on a voluntary rather than funded basis, prison visiting, accommodation and a newsletter. The Council for Civil Liberties assists prisoners through rosters of its members and is currently producing a Prisoner's Manual. The Life After Prison Ministries, managed by Anglicare on behalf of major church denominations, is funded through the prisons chaplaincy service, Anglicare and private philanthropy. It links prisoners and their families with supportive church communities who are able to assist with support services and developing a purposeful life out of prison.

**7.24** The most striking aspect of the Community Grants Program is the low level of its overall funding. In 1999/00 it represented 0.27% of the total budget for the Department; an increase in the 2000/2001 to \$1.8 million will still only see this lifted to 0.35%, given the overall increase in the Department's budget caused by the need to build more prisons. Whatever the reasons for this allocation, the committee believes this is one of the clearest indications of the imbalance in public expenditure between prevention and incarceration.

**7.25** The committee is aware the Community Grants Program is currently in a state of flux as a result of a consultant's evaluation. However one of the main findings of the evaluation was that:

'Despite the fact that well designed programs demonstrate significant cost-benefit advantages, saving the State considerable funds through reducing the extent and duration of re-imprisonment, the Department has not re-invested significant funds or efforts in the range of programs possible. The Department has focussed on in-prison services despite considerable evidence that the transition from imprisonment back to family and community is a significant factor in recidivism.<sup>322</sup>'

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<sup>322</sup> The Public Practice, *Ibid* pIII

- 7.26** The committee believes changes in this funding priority have the most potential to reduce recidivism because of the Department's current low level of spending. The committee cannot put an arbitrary figure on what the funding level should be, but it should anticipate that it will be able to fund increases by savings in future prison numbers.

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**Recommendation 38**

The committee recommends that from 2001-2002 the Department significantly raise its spending on the Community Grants Program and/or an alternative funding of community based support programs, but continued funding should be based upon outcomes in reducing recidivism.

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- 7.27** The current low level of funding perhaps reflects the ad hoc and largely historical process by which the Department came to fund the six agencies under the current scheme. The consultant's review very thoroughly analyses the way in which the current program is not properly integrated into the other parts of the Department's operations. This is particularly noticeable for the Probation and Parole Service: it appears strange that the Department's most significant post release function does not have direct links with the Grants program<sup>323</sup>.
- 7.28** The consultant's report recommends a major restructure and refocus of how services are funded. The committee does not intend to discuss most of the issues raised in the report, other than the need for overall increase in funding raised above. The Department is in the process of implementing the report<sup>324</sup>. The committee is encouraged that the Department is not looking to replace the current Grants program with a purchaser/provider model which would disadvantage smaller agencies experienced in working with prisoners over larger charities that have substantial administrative sections<sup>325</sup>, but is looking at a more effective, integrated program.
- 7.29** The only issues the committee wishes to comment on are the independence of the decision making process and its impact on prison advocacy, as these were raised in evidence to the committee. Justice Action representatives argued that having groups such as CRC Justice Support dependent upon funding from the Department of Corrective Services effectively prevents them from being too critical of the Department, while vocal critics such as Justice Action are not funded:

'Anyone who is critical is cut out of the action. That is us. I am glad to say I am here, I won't go away, and I am always going to be critical of the administration. That is the way it is with Corrective Services; it is the sort of organisation that you can always raise a complaint against.'<sup>326</sup>

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<sup>323</sup> *Ibid* p70

<sup>324</sup> McComish *Evidence* 9/02/00 p35, Roumeliotis *Evidence* p48

<sup>325</sup> McComish *Evidence* 9/02/00 p35

<sup>326</sup> Collins *Evidence* 3/02/00 p24

**7.30** Justice Action was particularly critical of their exclusion as an official participant in the Drug Summit as an illustration of this approach by the Department.

**7.31** The committee does not see any evidence that groups such as CRC Justice Support withhold from criticism; they have contributed significantly to this inquiry. There may be some implicit conflict of interest in the Department being the funder. However the committee does not support the management of the grants fund being handled by a different Department as suggested by a Justice Action representative<sup>327</sup>. The link between the program and the Department's other operations is currently too weak. It is important that the Department continue to be the provider of funding for this program. Preventing recidivism is a continuum. The Department should not see its responsibility end with the closing of the prison doors on a released offender. It is essential that the funding contribute to an integrated approach to preventing recidivism, and the committee does not believe this can be achieved by separating decisions on funding from the Department.

**7.32** The issues of advocacy and independence can be approached a different way. A major complaint of Justice Action is that the needs of prisoners and their families are not being heard. A detailed series of recommendations were made in the review of the Grants program regarding increasing the input of prisoners and their families into planning decisions around the Grants program. The committee believes the Department needs to give this emphasis and also needs to be open to feedback from organisations that represent prisoners, including its more hostile critics such as Justice Action. This is discussed again in the section on families of prisoners and is the subject of recommendation 41.

**7.33** During the inquiry there was some difference of opinion between Justice Action and other prison advocates such as the Council for Civil Liberties, the Positive Justice Centre, Prisoners Aid and CRC Justice Support. Representatives from Justice Action at a hearing on 3 February argued that:

- organisations funded under the Community Grants program do not employ former prisoners or encourage their participation
- the organisations help very few prisoners for the amount of money they receive<sup>328</sup>

**7.34** The committee believes that these criticisms reflect the different philosophies of a voluntary advocacy group such as Justice Action, open to all to participate, and organisations who are professionalised and focussed more on services, such as CRC Justice Support. The first point has little validity so far as the committee has been able to ascertain. At the committee's hearing on 9 February an ex-prisoner employed by CRC Justice Support made a personal statement defending the organisation:

'You cannot take an ex-prisoner straight from prison and put them in a position where I am now, that is a social welfare position, and expect them to perform in the job. These men do not have the capabilities. Maybe some of them have, but 90% of them would not have the capability whatsoever. For me it has not been just a situation of getting out of goal and going straight into a job. I had to go

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<sup>327</sup> Fraser *Evidence* 3/02/00 p26

<sup>328</sup> Fraser *Evidence* 3/02/00 p23

through labouring and that kind of stuff and I have retrained myself in the welfare field<sup>329</sup>.’

**7.35** The committee has seen an advertisement for a recent CRC position where it was stated that ex-prisoners were encouraged to apply. The committee also received correspondence from current and former management of CRC Justice Support which indicated that ex-prisoners were taken on as employees, as volunteers and played management roles. Many did not wish to identify themselves as ex-prisoners, sometimes leading to a perception to outsiders that fewer ex-prisoners were involved. From the comments of one Justice Action representative<sup>330</sup> it appears that funding constraints have reduced expenses able covered by a program which previously used volunteers. The committee agrees with Justice Action that ex-prisoners need to be employed and used as volunteers in prison support agencies, but does not believe CRC Justice Support is inappropriate in its commitment to this principle.

**7.36** Regarding the effectiveness of the agencies in assisting prisoners in significant numbers the committee is in no position to judge. The evaluation of the Community Grants Program by an external consultant<sup>331</sup> stated:

‘We have been impressed with the commitment of the agencies to achieve benefits for prisoners, ex-prisoners and their families with relatively few resources. However the whole approach of the Community Grants Program is too ad hoc and limited to achieve the benefits that are possible<sup>332</sup>’.

**7.37** The criticism made here is of the way that funding is structured and the level of that funding rather than of the organisations themselves. The evaluator was critical of the lack of ability of the Department to define and measure the outcomes it was aiming for in the funding program. From evidence received from both the Department and funded bodies the committee believes the Department is working on addressing this issue. One of the major changes will be the widening of access to funding by a wider group of community groups; the Department is currently working with NCOSS to design an appropriate mechanism by which this could be achieved.

## **Post Release Programs for Prisoners with an Intellectual Disability**

**7.38** As already discussed, the prison system currently has considerable difficulty identifying people with an intellectual disability. However even if this identification occurs this group are said by the Department to be a particular problem for post release programs. While this has been raised by disability advocates for years,<sup>333</sup> the Department has come to a greater understanding of the extent of the problem through a joint program it has entered

<sup>329</sup> Willis *Evidence* 9/02/00 p45

<sup>330</sup> Potempa *Evidence* 3/02/00 p18

<sup>331</sup> The Public Practice *op cit* 1999

<sup>332</sup> *Ibid* pIII Executive summary

<sup>333</sup> see NSWLRC *People with an intellectual disability and the Criminal Justice system* 1996 Report 80

into with the Department of Community Services and the Office of the Public Guardian. A project officer appointed to co-ordinate services for four particular clients has found great difficulty in locating services to use in the community:

'The issue of suitable post-release options for offenders with a disability is seen as a major problem for the project officer. We knew that but what has been identified even in following through with a few case studies is that it is actually very hard to co-ordinate the services and to find services available for that population. From what we have picked up so far it is basically confirming what was everyone's best guess that post-release services is an issue for this population.

The other issue which appears to be a problem...is that in addition to finding it difficult to provide appropriate social support and services in the community, they are often very isolated so they do not have any family support either or any peer group. One of the reports that you often receive is that prison to them is their home; it is somewhere where they can, in fact, get a bed, get fed and it becomes familiar and so the institutionalisation of this group is of great concern as well<sup>334</sup>.'

- 7.39** The committee notes there are no specialist services provided for people with intellectual disability by community groups funded to provide post release services by the Department. This was not considered in the review of the Grants program, perhaps because the consultants worked upon the Department's then estimate that people with an intellectual disability were no more than 2.5% of the prison population<sup>335</sup> rather than the figure of up to 20% which has been argued by other experts (see Chapter Eight, First Report). The committee believes this needs attention in the current review of the Grants program.

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### **Recommendation 39**

The committee recommends that the findings of the Department of Corrective Service's current interagency project into post release options for people with intellectual disabilities feed into the current restructure by the Department of its Community Grants Program. The committee recommends this include consideration of how community agencies can better assist ex-prisoners with intellectual disabilities.

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- 7.40** The committee recognises that provision of post-release support services to offenders with an intellectual disability is a matter for many agencies to fund.

## **Indigenous Programs**

- 7.41** The Department of Corrective Services has an indigenous inmate unit and a statewide Aboriginal Pre and Post Release Program. This program aims to reduce re-offending behaviour and imprisonment rates among Aboriginal people who face problems associated with a lack of employment, education and training. This program operates in five locations

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<sup>334</sup> McComish *Evidence* 9/02/00 p27

<sup>335</sup> Public Practice *op cit* p21



and is currently being extended<sup>336</sup>. A major new initiative is the Girrawaa Creative Works Centre outside Bathurst jail. Designed by an Aboriginal architect and developed in consultation with local Elders, it provides an open learning environment sensitive to inmate needs<sup>337</sup>.

**7.42** A particular problem raised in evidence was the very few Aboriginal prisoners reaching the low level security classification necessary to be able to reach work release programs:

'Last year something like 2.9% of the indigenous male prison population reached C3 and one woman got to that level. .... if people are not getting to the works release stage or to any pre-release program, their chances on the outside are very grim. In relation to the Aboriginal side, the question has to be asked, is works release a culturally appropriate program in the first place for Aboriginal people? Prior to their release day should they be released into the community for certain outings, training whatever, to allow them to adapt back into the community? At this stage it is simply not happening and with Aboriginal people the problem is one of institutionalisation.<sup>338</sup>'

The Department is conducting a study into the classifications system which will examine the reasons for the current situation.

**7.43** It also appears that Aboriginal prisoners make little use of current post release services. Despite being around 20% of the inmates released into the community in 1997/98 they had negligible representation in the clients seen by CRC Justice Support, Glebe House, Rainbow Lodge and the Children of Prisoners Group. They represent about 10% of the clients seen by Prisoner's Aid<sup>339</sup>. The review of the Community Grants Program suggested that a Plan for indigenous transition services be developed collaboratively with the Aboriginal community and other involved agencies<sup>340</sup>. The committee supports this proposal to address some of the current gaps in post release services and it appears that this is being developed in recent initiatives.

**7.44** A submission to the inquiry examined in considerable detail programs operated by the Department of Corrective Services aimed at reducing domestic violence<sup>341</sup>. It found that in many cases Aboriginal males in prison found re-enforcement from their peers in prison for their violent behaviour to their families. The authors of the submission argued that programs in prison aimed at perpetrators should be linked to programs in the community to which the offenders would return:

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<sup>336</sup> Department of Corrective Services *Submission* 11/11/99 p5

<sup>337</sup> Department of Corrective Services *Annual Report* 1998/99

<sup>338</sup> Hopkins *Evidence* 9/02/00 p63

<sup>339</sup> Public Practice *op cit* p18

<sup>340</sup> *Ibid* p19

<sup>341</sup> Indigenous Research Unit, UNSW *Submission* 4/11/98

‘from all the available evidence it would seem that beginning to heal the rifts in communities, caused by high levels of family violence, requires a process of reintegration of offenders, victims and extended family members to renew and recast community ties, as well as to redefine and develop appropriately functioning family units.<sup>342</sup>’

- 7.45** This relates to the recommendation the committee makes later in this chapter regarding the need to explore communities of support for prisoners and their families over a long period.

## **Children and Families of Prisoners**

- 7.46** All but a tiny minority of prisoners return to the community after their sentence. Most prisoners have families and many have children. Any serious attempt at reducing recidivism must consider the importance of preserving links between prisoners and their partners and children. This is not only to reduce the chances of the prisoner re-offending: it is to prevent the cycle of offending being repeated in the life of the child.

- 7.47** The Standing Committee on Social Issues in 1997 examined in depth the situation of prisoner’s families in its report *Children of Imprisoned Parents*. The incarceration of women in particular had a very detrimental effect on children:

‘All of the women with whom the Committee spoke expressed anxiety and despair at being separated from their children. ....Some women spoke of their children being suicidal, of chronic bed and pant wetting, even by older children, and their profound apathy. One woman at Mulawa who was pregnant when she entered gaol and was separated from her baby following the birth, described how the child now suffers from chronic constipation, a condition stemming from lack of bonding. The Committee was also told of the harassment and victimisation that many children whose mother is in gaol receive from their peers and at school <sup>343</sup>’.

- 7.48** The Director of the Bureau of Crime Statistics stated in that inquiry:

‘the little literature that there is suggests that maintaining community ties is absolutely essential—maintaining the bond between the prisoner and his family, that is their partner and/or children. Efforts to strengthen or retain those bonds are probably central to any attempt to try to reduce recidivism<sup>344</sup>.’

- 7.49** The Social Issues committee made 97 recommendations aimed at addressing structural problems in the prison, legal and welfare systems which affected prisoners’ families. The recommendations of the *Children of Imprisoned Parents* report have been strongly supported by prisoner groups in this inquiry and have frequently been referred to during evidence.

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<sup>342</sup> *Ibid* p115

<sup>343</sup> Standing Committee on Social Issues *op cit* 1997 p39

<sup>344</sup> *Ibid* p95-96

**7.50** The Department of Corrective Services has provided to the Law and Justice Committee an update on progress in responding to the recommendations of the *Children of Imprisoned Parents Report*. The committee believes genuine progress has been made by the Department. Particularly significant has been:

- the appointment of a co-ordinator of a Mothers and Children program
- the appointment of a family support worker and full time residence program at Emu Plains correctional centre
- limited residential programs for children under 14 at Mulawa<sup>345</sup>
- the funding of a travel and accommodation assistance scheme for visits to non-metropolitan prisons, and improvements to telephone access by children.

**7.51** The Department has also committed itself to establishing a children's playroom and baby change area in every centre. The provision of adequate ante-natal care for pregnant women in custody has been raised to community standards. Department policy now states that pregnant inmates are not handcuffed during transport and departmental officers will only be present at the request of the prisoner. A submission from the Positive Justice Centre<sup>346</sup> stated that a prisoner at Mulawa had, after the policy change, been transported handcuffed and remained in handcuffs through most of her labour, with the prison guard present at all times. The committee hopes that if this dreadful account is accurate that it is an aberration which will not recur.

**7.52** The major area where progress seems to have been slow or in some areas even worsened is in the area of prison visiting. The committee has some sympathy for the difficulties faced by the Department. The drug problem in prisons is rife and there is good reason to try to prevent the flow of drugs into prison. But, as the *Children of Imprisoned Parents* report made clear, the more difficult and traumatic prison visits become the more isolated the prisoner becomes, with less meaningful contact with the community to which he or she will return:

"There seems to be a very strong assumption within Corrective Services that anyone who wants to visit a prisoner is likely to be a criminal or drug smuggler. For example in 1997-98 there were 15,000 drug sniffer dog searches of prison visitors with 75 hits. They discovered 75 people trying to bring in contraband. .... Nearly everyone is being treated with the drug regimen. It is as if they are presumed to be criminals, when all they are trying to do is maintain their family ties. There is also a lot of arbitrariness in the way that prison visitors are either banned or allowed to visit prisoners. ....It seems to me a lot of the decisions that are made regarding prison visitors are actually extensions of conditions within the

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<sup>345</sup> Although two recent Court of Criminal Appeal cases, *R v Everett* 21/02/2000 para 20 and *R v Robinson* 25/02/00 para 29 suggests the presence of these facilities is being used by prosecutors as an argument in favour of a prison term for offenders with children, contrary to the intention of the Social Issues Report

<sup>346</sup> Mulawa Project *Submission* 26/11/99 p37

goal, as if it is some sort of unofficial disciplinary procedure that is being carried out against prisoners visitors<sup>347</sup>.’

- 7.53** The Department advised the committee it spent \$3.74 million on drug interception programs such as drug dogs, visitor searching and intelligence operations<sup>348</sup>. This compares with a response from the Department that suggests \$3.985 million is spent on drug and alcohol counselling<sup>349</sup>. In total 43,453 visitors were searched in 1998/99 with only 202 visitors being intercepted with drugs. The committee appreciates searches have to be undertaken to discourage even more drugs in the prison system. However when there is considerable evidence of the shortage of drug and alcohol services in prison and post release the committee queries the balance of funding at present. The Department is spending almost as much on an apparently highly ineffective search regime as it is in providing services which do have some contribution to reducing offending behaviour.
- 7.54** A model which the Department has begun to experiment with is that of “visitors centres”. It is based upon an English model where centres are located just outside of the prison<sup>350</sup>. Workers are employed to act on behalf of the visitors; food and toilets are provided and efforts are made to reduce unnecessary searches by encouraging a dialogue between the workers, visitors and guards. A facility of this type exists at Long Bay but according to a Justice Action representative it is not known about by most visitors and consequently little used<sup>351</sup> (Collins *Evidence* 3/02/00 p32). The committee believes the Department should examine how the centre could be better used and whether it has the potential to be used in other centres.

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#### **Recommendation 40**

The committee recommends that the Department of Corrective Services evaluate use of the visitors’ facility at Long Bay to determine whether it is being effectively used; how it could be used more fully and what impact it has had on searching of visitors who use the service.

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- 7.55** There are two, related matters concerning the importance of prisoner’s families and community which have been raised during this inquiry. They concern the need for prisoner’s families to provide input into prisons policy; and the need to widen the community of support available to prisoners upon their release. The first issue was raised in a submission and in evidence by Justice Action. They argue that prisoners and their families are best placed to determine what policies will assist prisoner’s rehabilitation, and are critical of recent examples such as the Drug Summit where exclusion of Justice Action was said to mean that prisoner’s views were not adequately presented.

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<sup>347</sup> Strutt *Evidence* 3/02/00 p25

<sup>348</sup> Response to questions on notice after hearing held on 9/02/00

<sup>349</sup> \$5.72 million if health programs to prevent HIV are included

<sup>350</sup> Social Issues Committee *op cit* 1997 p22

<sup>351</sup> Justice Action *Submission* 29/07/99

- 7.56** The committee agrees that it is vital that strategies to reduce prisoner recidivism are informed by the actual experience of prisoners and their families in addition to the input of Departmental officers or community organisations supporting prisoners. This does not necessarily need to be through organised advocacy groups, though these have a role<sup>352</sup>. Most New South Wales prisons have inmate development committees where prisoners are elected by their peers to bring to the attention of prison management issues about programs and conditions within the correctional centre. Visitor committees also can play a role. The Department could explore ways in which the feedback received in specific locations could be drawn upon more generally. Similarly, the consultant which reviewed the Department's Community Grants Program recommended establishment of a Families of Prisoners Consultative Committee to assist in development of policies which impact upon families<sup>353</sup>.

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#### **Recommendation 41**

The committee recommends that the Department of Corrective Services seek increased input by prisoners and prisoner's families into its policies and programs to prevent recidivism. This should be achieved through greater use of inmate development committees, visitors committees, establishment of a family of prisoners consultative committee or any other mechanism which allows for direct contact between the target group and those designing or funding programs within the Department. Particular attention should be given to seeking advice from prisoners and their families into priorities and services funded under the Community Grants Program.

- 7.57** A submission from the Life After Prison Ministries, a program managed by Anglicare, raises the need for prisoners and their families to be supported by a wider community in their efforts to rehabilitate:

'The respect of the community is a need which is basic to our society. Families which do not enjoy respect suffer rejection, low self esteem and often exhibit dysfunctional or anti-social behaviour. Communities which are able to offer supportive care and commitment to a broken family offer a much higher chance of helping such families to achieve relative normality.<sup>354</sup>

- 7.58** The Life After Prison model is based upon linking prisoners families, or individual prisoners if they have no family, with supportive church communities able to provide a continuity of support over a long period, including the prisoner's transition to society. The family are supported while the prisoner serves their term, while in prison the offender is linked with parenting courses, drug and alcohol programs or other assistance through the prison chaplaincy service. In evidence to the committee the co-ordinator of the program

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<sup>352</sup> for instance the Children of Prisoners Support Group provides an opportunity for the Department to tap into the collective experience of many families of prisoners

<sup>353</sup> Public Practice *op cit* Recommendation 12

<sup>354</sup> Submission 9/09/99 p12

said that in the three years of operation the program has assisted 150 to 200 people with to their knowledge only three persons who have gone back to prison<sup>355</sup>.

**7.59** It could be argued that the program is only suitable for a certain segment of the prison population. The co-ordinator of the program was clear that the program was based on the crucial importance of a personal Christian belief as the lasting means of rehabilitating a prisoner, although acceptance of that belief was not a prerequisite for participation. However the model upon which it is based, of linking prisoners and their families with a wider supportive community over a long period of time, appears to meet a need not met by other services. Most current post release services are focussed on providing immediate financial, transport and accommodation services to prisoners in the crucial period after their release. There are longer term needs which cannot be met by these type of services. The committee is unsure whether a parish church is the only community which can provide such support over a long period. For prisoners from Muslim, Jewish or other religious backgrounds there may be similar communities of support which could be engaged, and ethnic or cultural groups may also be able to play a similar role. Many prisoners and their families have networks of friends and other supports, but many others do not. The review of the Grants Program may provide an opportunity to investigate this potential.

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#### **Recommendation 42**

The committee recommends that, during its current restructure of its Community Grants Program, the Department of Corrective Services examine models by which long term support is provided informally by a community of people to a prisoner and their family. In particular the Department should examine whether the Life After Prisons Ministries model, which links prisoners with church communities, can be expanded and also replicated using non-church based communities to provide similar support.

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### **Changes to Federal Policies**

**7.60** During evidence there were four issues raised where changes in Federal government policy have had a negative impact on prisoners. These are:

- the change in social security entitlements payable upon release
- changes in family payments to families of prisoners
- non classification of prison terms as being periods of unemployment
- the impact of the move to the Jobs Network of specialist employment programs for prisoners

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<sup>355</sup> McMahon *Evidence* 3/02/00 p13

**7.61** The Prisoners Aid Association (as part of a coalition of prisoner groups called Prisoners Are Community) first brought the social security payments problem to the attention of the committee in its submission to the inquiry in 1998<sup>356</sup>. Prior to July 1999 a prisoner was eligible for two weeks social security payments in advance upon their release. Following changes to social security entitlements the advance payment was cut and prisoners were only eligible for a one week crisis payment under stringent conditions:

‘The effect of this policy change will mean that the majority of exiting offenders will not have any or sufficient money upon release and will have to wait fourteen days for financial support. This will equate to them having to survive on just over \$80 per week for the first month after release. This will make it virtually impossible for a newly released prisoner to re-establish oneself into accommodation and acquire essentials such as food and clothing.’<sup>357</sup>

**7.62** As prisoners are at most risk of re-offending the change could have had a significant impact on increasing rates of recidivism. It appears, from evidence to the committee that the problem was an unintended impact of other changes, and it has now been rectified<sup>358</sup>. The Department of Corrective Services met with Centrelink management and legislative amendments were made to allow advance payments to be made for prisoners. The solution to this problem is a good example of how the Department has made a constructive contribution to preventing recidivism through responding to issues raised by prisoners. Unfortunately it is also an example of how prisoners are a forgotten group when new social policies are introduced. This is a feature noted by both the Department staff and prisoner groups<sup>359</sup>.

**7.63** Despite this problem being fixed the level of social security available remains a problem. After the first two weeks from release the ex-prisoner receives only a one week payment for the next fortnight, as a way of Centrelink clawing back some of the advance payment<sup>360</sup>. The effect of this is to require the ex-prisoner to survive on three weeks worth of money for four weeks. The committee believes the Department should discuss this issue with Centrelink to determine whether it can be improved, given the crucial importance of the early weeks after release.

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### **Recommendation 43**

The committee recommends that the Department of Corrective Services discuss with Centrelink how to improve the payments available to prisoners upon their release, so they are not required to survive for four weeks on three weeks benefit.

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<sup>356</sup> *Submission 23/11/98 p2*

<sup>357</sup> *Ibid p2*

<sup>358</sup> *McComish p28, Baird p52 Evidence 9/02/00*

<sup>359</sup> *McComish p28, McFarlane p61 Evidence 9/02/00*

<sup>360</sup> *Baird Evidence 9/02/00 p53*

- 7.64** In its submission in 1998 the Prisoners Aid/Prisoners are Community Coalition raised concerns about errors in interpretation of the then new parenting payment when applied to prisoners' partners. Prisoners Aid has seen many examples of prisoner's partners having their payment decreased when they disclosed their partner had been in prison. In fact the partner should be paid at the higher single income rate to compensate for the loss of the partner's income. There is also said to be a delay in changing over payment of parenting allowance to a new carer when a mother is imprisoned<sup>361</sup>.
- 7.65** These are problems at a local office level, and could reflect problems with training and staff resources at Centrelink. This was discussed in relation to the Youth Allowance in Chapter Five. However the committee is aware that major changes to the way family payments are made in the new tax system to come into effect from 1 July 2000. It would be useful for both prisoner groups and the Department of Corrective Services to monitor the impact of the changes for an initial period, say six months, then discuss with Centrelink any improvements required. The same problems, or worse, may occur with the new system but there may also be new impacts unforeseen on prisoner's families.

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#### **Recommendation 44**

The committee recommends that the Department of Corrective Services monitor the impact of changes to family payments and related benefits from 1 July 2000 on prisoners and their families. After a sufficient period has lapsed for the impact of the new changes to be apparent, and after consultation with prisoner groups, the Department should raise any problems with Centrelink.

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- 7.66** A third issue relates to the definition of unemployment in relation to prison terms. Currently the term of prison is not counted in the definition of long term unemployment<sup>362</sup>. This means recently released prisoners do not gain access to the assistance provided under the Jobs Network for long term unemployed. This seems an unnecessary impediment when the very fact of a prison term is enough to discourage many employers. A stable job is certainly one very effective factor deterring recidivism. The committee believes the Department of Corrective Services should raise this anomaly with Centrelink and the Department of Employment Services (see below).
- 7.67** The change by the Federal government from a centralised government owned employment service to the multi-agency Jobs Network has also had an impact on specialist services assisting prisoner find employment. Prior to the Jobs Network CRC Justice Support ran a joint employment program for ex-prisoners with Sydney Skillshare. This service won an initial contract but because the new system required services to spend the money in advance then reclaim it, cash flow problems caused the service to fold<sup>363</sup>. Prisoners now have to approach general services which do not have the experience which CRC and Skill share had built up over 10 years:

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<sup>361</sup> Baird *Evidence* 9/02/00

<sup>362</sup> Baird *Evidence* 9/02/00 p56

<sup>363</sup> Baird *Evidence* 9/02/00 p56



'It was known as a centre of expertise for ex-offenders. The last two or three training programs that we had run with ex-offenders..... more than 65% of the ex-offenders got work after that training course because the service was able to expand that list of people and canvass those who were quite sympathetic and who were quite happy to employ ex-offenders. Then we saw a number of people are going into a number of jobs and rebuilding their lives and re-integrating into the community. At the moment the larger services that run the Jobs Network do not have that expertise, and it costs a lot of money to bring someone who has just come out of gaol, particularly the recidivist...to get them ready to prepare a resume to look for a job and successfully fill that job. Many of those services are not willing to spend the money to do that, so ex-offenders miss out on vital services<sup>364</sup>.'

- 7.68** The committee queried whether skills such as preparing a resume and developing job seeking strategies could be better taught during the prison term. The co-ordinator of Prisoners Aid suggested some courses were available, but once in the community prisoners usually required assistance tailoring applications to particular jobs and proactive assistance in locating employers.
- 7.69** The committee believes there is value in the Department of Corrective Services discussing how firms in the Jobs Network can better assist ex-prisoners.

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#### **Recommendation 45**

The committee recommends that the Department of Corrective Services meet with Centrelink and the Department of Employment Services to discuss means by which the needs of prisoners can be effectively met by existing Jobs Network services.

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## **Conclusion**

- 7.70** In this Chapter the committee may appear at times to have been critical of the Department of Corrective Services, or at least to be highlighting gaps in its services. Despite this, the committee believes the Department is in the unenviable position of having to deal with the failure of all other agencies to provide adequate social supports to reduce the potential supply of offenders in the community. The Department is acutely aware of the problems of recidivism and in recent years has made very constructive attempts to reduce re-offending. The committee believes if government expenditure overall gave more weight to prevention there would be less need for the Department of Corrective Services to be the focus of inquiries, reports and reviews such as contained in this chapter.
- 7.71** The committee concludes this, its second report of this inquiry, with the same message as the first report. There is persuasive empirical evidence that spending on early intervention, particularly early childhood intervention, is as effective and cheaper in the long run than law and order approaches to crime. The committee looks forward to the day when NSW can boast that its expenditure on early childhood intervention is increasing at a much faster rate than its spending on police and prisons. New South Wales will benefit far more from

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<sup>364</sup> Roumeliotis *Evidence* 9/02/00 p56

assisting a neglected, at risk two year old today than it will by giving the adult a long prison sentence in twenty years time.

## **Appendix 1**

### **Speakers and Participants at 1998 Conference**



















## **Appendix 2**

### **Witnesses at Hearings**

## Witnesses at Hearings

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17 June 1999

**Mr Peter Homel** Director, Crime Prevention Division  
NSW Attorney General's Department

17 June 1999

**Mr Roger Wilkins** Director-General  
The Cabinet Office

17 June 1999

**Ms Dianne Hudson** Program Manager, Families First  
The Cabinet Office

17 June 1999

**Ms Rhonda Stien** Chief Executive Officer  
Burnside

17 June 1999

**Ms Louise Voigt** Chief Executive Officer and Director of Welfare  
Barnardo's Australia

17 June 1999

**Ms Louise Mulroney** Training Co-ordinator  
Family Support Services Association of NSW

26 July 1999

**Dr Don Weatherburn** Director  
NSW Bureau of Crime Statistics and Research

26 July 1999

**Ms Bronwyn Lind** Deputy Director  
NSW Bureau of Crime Statistics and Research

26 July 1999

**Mr Nigel Spence** Chief Executive Officer  
Association of Childrens Welfare Agencies

26 July 1999

**Mr Adrian Ford** Deputy Chief Executive Officer  
Benevolent Society of NSW

26 July 1999

**Mr Alan Rice** Executive Director, Early Childhood and Primary Education  
Department of Education and Training

26 July 1999

**Ms Elizabeth Starr** Acting Co-ordinator, Schools as Community Centres Program, Early Learning Unit  
Department of Education and Training

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26 July 1999

**Ms Jo Fletcher**Facilitator  
Connect Redfern Community Centre

3 August 1999

**Ms Joanna Quilty**Manager, Service Monitoring and Policy Unit  
Community Services Commission

3 August 1999

**Ms Anita Tang**Senior Policy Officer  
Community Services Commission

3 August 1999

**Mr Nick O'Neill**President  
Guardianship Tribunal of NSW

3 August 1999

**Professor Susan Hayes**Head of School, Department of Behavioural Sciences and Medicine  
University of Sydney

3 August 1999

**Ms Suzanne Pierce**Senior Policy Officer  
Ageing and Disability Department of NSW

3 August 1999

**Ms Megan Fahey**Senior Policy Officer  
Ageing and Disability Department of NSW

1 October 1999

**Mr John Mant**

Private Individual

1 October 1999

**Mr Jim Montague**General Manager  
Canterbury City Council

1 October 1999

**Mr Andrew Sammut**Senior Operations Manager – Community Services  
Canterbury City Council

6 October 1999

**Mr Noel Baum**Senior Policy Officer  
Local Government and Shires Association

6 October 1999

**Ms Phyllis Miller**Executive Member  
Local Government and Shires Associations

6 October 1999

**Ms Beverly Giegerl**Executive Member – Metropolitan  
Local Government and Shires Associations

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6 October 1999	<b>Mr Gary Moore</b>	Director NSW Council of Social Service
6 October 1999	<b>Ms Mary Perkins</b>	Deputy Director, Policy NSW Council of Social Service
6 October 1999	<b>Ms Toni Milne</b>	Manager, Community Development and Partnership Department of Community Services
6 October 1999	<b>Ms Julia Taperell</b>	Senior Project Officer, Policy and Strategic Planning Directorate Department of Community Services
6 October 1999	<b>Ms Elizabeth Starr</b>	Senior Education Officer, Early Learning Unit Department of Education and Training
6 October 1999	<b>Ms Helen Kerr-Roubicek</b>	Manager of Student Counselling and Welfare Department of Education and Training
25 October 1999	<b>Professor Tony Vinson</b>	School of Social Work University of New South Wales
25 October 1999	<b>Professor Graham Vimpani</b>	Paediatrician, Head of Discipline of Paediatrics and Child Health University of Newcastle
25 October 1999	<b>Ms Alannah Ball</b>	Director Community Child Care Co-operative NSW
8 November 1999	<b>Mrs Frances Bardetta</b>	President Association of Child Care Centres of NSW
8 November 1999	<b>Ms Melissa Bellanta</b>	Solicitor Intellectual Disability Rights Service
3 February 2000	<b>Mr Terry O'Mara</b>	General Manager, Diocesan Services Anglicare New South Wales
3 February 2000	<b>Mr Garry McMahon</b>	Manager Anglicare of New South Wales

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3 February 2000

**Mr Michael Strutt** Justice Action

3 February 2000

**Mr Brett Collins** Justice Action

3 February 2000

**Ms Victoria Potempa** Justice Action

3 February 2000

**Mr Ian Fraser** Justice Action

9 February 2000

**Mr Ken Buttrum** Director-General  
Department of Juvenile Justice

9 February 2000

**Ms Pam King** Manager, Strategic Initiatives  
Department of Juvenile Justice

9 February 2000

**Ms Catriona McComish** Assistant Commissioner, Inmate Management  
Department of Corrective Services

9 February 2000

**Mr Peter McDonald** Acting Assistant Commissioner, Probation and Parole Service  
Department of Corrective Services

9 February 2000

**Ms Sarah Hopkins** Solicitor  
Council for Civil Liberties

9 February 2000

**Ms Katherine McFarlane** Solicitor  
Positive Justice Centre

9 February 2000

**Mr John Murray** Positive Justice Centre

9 February 2000

**Ms Violet Roumeliotis** Executive Officer  
CRC Justice Support

9 February 2000

**Mr Craig Baird** Manager  
Prisoners Aid Association

9 February 2000

**Mr Kelvin Willis** Social Welfare Worker

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	CRC Justice Support
14 March 2000	
<b>Commander Ian Ellis</b>	Regional Commander, Georges River Region NSW Police Service
14 March 2000	
<b>Associate Professor Chris Cunneen</b>	Institute of Criminology University of Sydney Law School
14 March 2000	
<b>Mr Gary Moore</b>	Director NSW Council of Social Service
14 March 2000	
<b>Ms Mary Perkins</b>	Deputy Director NSW Council of Social Service

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# **Appendix 3**

## **Participants in Briefings**

## Participants in Briefings

**4 August 1999**

**The Ballina Crime Prevention Committee**

**Ballina**

Mr Don Page MP, Member for Ballina

Mr Allan Brown, Mayor, Ballina Shire

Mr Peter Moore, Councillor and Manager of Ballina Youth and Children's Services

Ms Kylie Caldwell, Representative, Bunjum Aboriginal Community

**4 August 1999**

**Ballina Operational Committee for Parental Responsibility Act**

**Ballina**

Mr Peter Moore

Ms Kylie Caldwell

Inspector Greg Clarke, NSW Police

Mr Dennis Meyers, Area Manager Department of Community Services

Mr Eric Belling, NSW Health – adolescent psychologist

Mr Andrew McTavish, Street Beat Co-ordinator

**4 August 1999**

**Families First Co-ordinator, North Coast**

**Ballina**

Ms Rossi Lyons

**24-25 August 1999**

**Moree**

Mr Mike Montgomery, Mayor of Moree

Mr Jim Boyce, Place Manager, Premier's Department

Mr Martin Lysaught, Manager, Community Resources, Moree Council

Mr Rodney Brasil, Councillor

Ms Meryl Dillon, Councillor

Ms Karen Little, Assistant Manager, Department of Community Services

Ms Cheryl Brown, Boggabilla Crime Prevention Committee

Rev Rod Chiswell, Mungindi Crime Prevention Committee

Mr Jim Gillet, Police Superintendent

Mr Lloyd Munro, Miyaya Birray Street Beat

Mr Tony Dennison, South Moree Neighbourhood Centre

Ms Katrina Humphreys, Former Convenor, Moree Street Reclaimers

Mr Warren Barnes, Director, Aboriginal Employment Strategy, Gwydir Valley Cotton Growers' Association

Mr Dick Easton, Chair, Aboriginal Employment Strategy, Gwydir Valley Cotton Growers' Association

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**28 February 2000****Department of Urban Affairs and Planning****Sydney**

Ms Susan Sky, Senior Planner, Metropolitan and Housing Policy Branch

Dr Abigail Goldberg, General Manager, South Sydney Development Corporation

**1 March 2000****Newcastle City Council**

Cr John Tate, Lord Mayor of Newcastle

Ms Janet Dore, General Manager, Newcastle City Council

Mr David Crofts, Director – City Planning, Newcastle City Council

Mr Graham Clarke, Director – Community Development, Newcastle city Council

Mr Barney Langford, Public Safety Officer, Newcastle City Council

Ms Kay Talty, Human Services Manager, Newcastle City Council

Ms Denise Hogarth, Acting Manager – Community partnerships, Newcastle City Council

Ms Barbara Heaton, Place Manager – City Revitalisation, Newcastle City Council

Ms Theresa Postma, Social Planner, Newcastle City Council

Mr Ben Chard, Regional Co-ordinator – Hunter, Premier's Department

Mr John Trott, Local Area Commander – Waratah, NSW Police Service

Mr John Dewhurst, Regional Director, Department of Housing

**1 March 2000****Newcastle**

Ms Anne Mullen, Department of Sport and Recreation

Mr John Trott, Local Area Commander – Waratah, NSW Police Service

**1 March 2000****Lake Macquarie City Council**

Cr John Kilpatrick, Mayor of Lake Macquarie

Cr Alan Davis, Lake Macquarie City Council

Mr Ken Holt, General Manager, Lake Macquarie City Council

Mr David Hale, Group Manager – operations, Lake Macquarie City Council

Ms Dianne Tonkin, Community Services Co-ordinator, Lake Macquarie City Council

Ms Elizabeth Delaney, Manager – Community Planning, Lake Macquarie City Council

Ms Julie Byers, Social planner, Lake Macquarie City Council

Ms Donna Mulhearn, Office of the Hon Richard Face MP

Superintendent Gary Gilday, Local Area Commander - Lake Macquarie, NSW Police Service

Ms Robyn Considine, NSW Health

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Mr John Dewhurst, Regional Director, Department of Housing  
 Ms Connie Morgan, Co-ordinator, West Lakes Family Support  
 Mr Paul Schott, Co-ordinator, Creative Times

**10 March 2000**

**Representatives of Kempsey Shire  
 Council's Community Safety  
 Council**

**Kempsey**

Cr Peter Mainey, Mayor of Kempsey  
 Cr John Bowell, Deputy Mayor

Mr Trevor Hannam, Director – Community Services, Kempsey Shire Council  
 Ms Barbara Huntington, Community Projects Officer, Kempsey Council  
 Mr Gary Lee, Local Area Commander – NSW Police Service  
 Mr Andrew Smith, Department of Juvenile Justice  
 Ms Mavis Davis, Co-ordinator, South Kempsey Neighbourhood Improvement Centre  
 Ms Margaret Batt, Kempsey Assistance Patrol  
 Ms Sue Perkins, Secretary, Kempsey Mental Health Support Group  
 Mr Phil Webber, Area Manager, North Coast, Department of Housing  
 Mr Trevor Keirghan, Programs Officer, Department of Juvenile Justice  
 Mr Andrew Smith, Department of Juvenile Justice  
 Ms Rhonda McInerny, Conferencing Administrator, Department of Juvenile Justice  
 Ms Kate Potts, Department of Education and Training  
 Mr Gary Lee, Local Area Commander, NSW Police  
 Mr Michael Ginchi, Department of Community Services  
 Ms Judy Annesley, Department of Community Services  
 Mr Fred Kelly, Djigay Centre, Kempsey TAFE  
 Mr Ren Perkins, Aboriginal Development Manager, Kempsey TAFE  
 Mr Harold Smith, Dunghatti Elder  
 Mr Trevor Hannam, Kempsey Council

**10 March 2000**

**Kempsey Mental Health Support  
 Group**

**Kempsey**

Ms Sue Perkins, Hon Secretary  
 Ms Kate Park  
 Ms Beverly Roberts, Many Rivers Domestic Violence Prevention Centre  
 Ms Gillian Mason Johnson, Social Worker, Centrelink  
 Mr Fred Kelly, Kempsey TAFE  
 Mr Gary Lee, Local Area Command, NSW Police  
 Ms Aunty Marge Ritchie  
 Ms Kylie

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Mr Harold Smith, Dughatti Elder  
Mr Trevor Hannam, Kempsey Council

**31 March 2000**  
**Dubbo Manager's Breakfast**  
**Forum Participants**

**Dubbo City Shire Council Chambers**

Mr Robert Wright  
Jim Leishman  
Don Stephens  
John Halliday  
Kathy Bridge  
Tony McGrane OAM  
Cliff Swane  
Phill Semmler  
Warren Mundine  
Kevin Sweeney  
John Pickard  
Frank Brennan  
Judy Jakins  
Brooke Habner  
Robyn McKerihan  
Peter Wood  
Vic Polito  
Michael McIntosh  
Brian Patterson  
Peter Handcock  
Andy Thorburn  
Tom Warren  
Joe Knagge  
Clinton McDonald  
Janet Williams  
David Williams  
David Gilbert  
Kathy Rawson  
Judy Galla

**31 March 2000**  
**Dubbo Council**

**Dubbo City Shire Council Chambers**

Ms Sue Perkins, Hon Secretary  
Cr Gerald Peacocke, Mayor of Dubbo  
Cr Allan Smith  
Cr Diane Fardell  
Mr Dennis New, Social Services Manager, Dubbo Council

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**31 March 2000**

**Macquarie Area Health Service**

**Dubbo**

Mr David Gilbert, Regional Co-ordinator, Premier's Department

Mr Peter Wood, Regional Manager, Western Division, Department of Housing

Mr Garry Page, Cluster Director, Department of Juvenile Justice

Mr Michael White, Inspector, NSW Police Service

Mr Daryl Healey, Training and Development Co-ordinator, Department of School Education

Mr Andy Thorburn, Senior Counsellor, Western Institute of TAFE

Ms Marion Hangan, Director Service Improvement, Department of Community Services

Mr Paul Coles, Manager, Department of Fair Trading

Mr Ray Fairweather, CEO, Macquarie Area Health Service

Mr John Halliday, Clerk of the Court, Dubbo Local Court

Ms Sandra Cook, Regional Co-ordinator, Western Region, Department of Sport and Recreation

Mr Vic Politto, Department of Community Services

**31 March 2000**

**Representatives of Aboriginal communities**

**Dubbo Aboriginal Land Council Office**

Ms Lee Weldon, Gulargambone Aboriginal Land Council

Mr Anthony Reid, Gulargambone Land Council

Ms Allison Fuller, Warren Aboriginal Land Council

Ms Alice Wells, Warren Aboriginal Land Council

Ms Shirley Fuller, Warren Aboriginal Land Council

Ms Marie Mohammed, Gilgandra Aboriginal Land Council

Mr Charles Wilson, Dubbo Aboriginal Land Council

Mr Lois Towney, Co-ordinator, Gilgandra Aboriginal Land Council

Mr Trevor Reid, Gilgandra Aboriginal Land Council

Ms Neita Scott, Narromine Aboriginal Land Council

Ms Patricia Klintworth, Narromine Centacare

Mr Bill Phillips, Trangie Aboriginal Land Council

Ms Sharon Powell, Office Manager, Dubbo Aboriginal Land Council

Mr Peter Wood, Department of Housing

Mr David Gilbert, Premier's Department

## **Appendix 4**

### **Submissions Received**

First round of submissions 1998

Second round of submissions  
1999/2000



## Submissions Received

<b>No</b>	<b>Author</b>
<b>1</b>	Ms Alice Baker
<b>2</b>	Baraclough & Jones & Associates
<b>3</b>	Ms Carol O'Donnell
<b>4</b>	ACTS Youth Programs
<b>5</b>	Vietnamese-Australian Welfare Association Inc
<b>6</b>	The Kempsey Mental Health Support Group
<b>7</b>	Indigenous Research Unit, University of NSW
<b>8</b>	Barnardo's Australia
<b>9</b>	Canterbury City Council
<b>10</b>	Bankstown Community Services Co-operative Ltd
<b>11</b>	Ms Susan Hayes
<b>12</b>	Penrith Chamber of Commerce
<b>13</b>	Ms Sally Haig
<b>14</b>	Coalition to Support Vulnerable Families
<b>15</b>	NSW Corrective Services
<b>16</b>	Campbelltown City Council
<b>17</b>	Family Support Services Association of NSW Inc
<b>18</b>	Positive Justice Centre – Juvenile Justice Project
<b>19</b>	NSW Council for Civil Liberties
<b>20</b>	Prisoners Are Community
<b>21</b>	Positive Justice Centre – Mulawa Project
<b>22</b>	Association of Child Care Centres of NSW
<b>23</b>	Guardianship Tribunal
<b>24</b>	Weddin Shire Council
<b>25</b>	The Association of Childrens Welfare Agencies Inc
<b>26</b>	Community Services Commission
<b>27</b>	Tamworth City Council
<b>28</b>	Local Community Services Association Inc
<b>29</b>	Ageing and Disability Department
<b>30</b>	Associate Professor David Dixon
<b>31</b>	Mr Ian de Mol
<b>32</b>	Dr Brian Noad
<b>33</b>	Humanist Society of NSW Inc

<b>34</b>	Benevolent Society of NSW
<b>35</b>	Ms Bev Pattenden
<b>36</b>	Justice Action
<b>37</b>	Hon David K Malcolm AC, Chief Justice of Western Australia
<b>38</b>	Ms Carol O'Donnell
<b>39</b>	Australian Institute of Criminology
<b>40</b>	Country Women's Association of NSW
<b>41</b>	Ms Carol O'Donnell
<b>42</b>	Mr Michael de Mol
<b>43</b>	Department of Urban Affairs and Planning
<b>44</b>	Intellectual Disability Rights Service Inc
<b>45</b>	Australian Medical Association
<b>46</b>	Mr Andrew Macdonald
<b>47</b>	Sutherland Shire Council
<b>48</b>	Diocesan Services, Anglicare
<b>49</b>	Community Child Care Co-operative Ltd (NSW)
<b>50</b>	Australian Association of Social Workers (NSW Branch)
<b>51</b>	Local Government and Shires Associations of NSW
<b>52</b>	Law Enforcement Coordination Division, Federal Attorney General's Department
<b>53</b>	The Kempsey Mental Health Support Group
<b>54</b>	Canterbury City Council
<b>55</b>	Mr John Mant
<b>56</b>	Come in – Youth Resource Centre
<b>57</b>	Council of Social Service of NSW
<b>58</b>	Mr Vaughan Bowie and Mr Michael Kennedy
<b>59</b>	Mr Peter Hutten
<b>60</b>	Australian Medical Association (NSW)
<b>61</b>	UNICEF Australia
<b>62</b>	Ms Leonie Sheedy
<b>63</b>	Federal Department of Family and Community Services
<b>64</b>	NSW Department of Sport and Recreation
<b>65</b>	NSW Department of Juvenile Justice
<b>66</b>	NSW Ageing and Disability Department
<b>67</b>	NSW Department for Corrective Services
<b>68</b>	NSW Police Service
<b>69</b>	NSW Department of Community Services
<b>70</b>	Ms Carol O'Donnell

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**71** Mr Andrew Crooks

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**72** Ms Carol O'Donnell

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**Background information provided:**

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Premier's Department of NSW (Strategic Projects Division)

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Office of the Auditor General

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Federal Department of Employment, Workplace Relations and Small Business

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## **Appendix 5**

# **Research program for Juvenile Justice Department**







## **Appendix 6**

### **Projects of the Strategic Projects Division, Premier's Department**



































## **Appendix 7**

# **Community Renewal Program, Department of Housing**



































## **Appendix 8**

### **Minutes of the Proceedings**



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## **Meeting 67**

1.00 pm, Wednesday 20 May 1998

Room 1136, Parliament House, Macquarie Street, Sydney

### **MEMBERS PRESENT:**

Mr Vaughan (in the Chair)

Ms Burnswoods

Mr Primrose

Mr Ryan

Ms Saffin

Mrs Sham-Ho

Also in attendance were the Committee Director - Mr Blunt, the Senior Project Officer - Ms Mullen, and Professor Ted Wright.

Apologies were received from Rev Nile.

The Minutes of meeting number 66 were confirmed.

...

The Chairman read a letter received from the Attorney General, dated 20 May 1998, which referred "the relationship between crime and the types and levels of social support afforded to families and communities" to the Committee for inquiry and report.

The Committee agreed to a list of dates for hearings and seminars to be held during August 1998.

The Committee adjourned at 2.30 pm.

### **David Blunt**

Committee Director

**Meeting No 68**

1.00 pm, Thursday 4 June 1998

Waratah Room, Parliament House, Macquarie Street, Sydney

**MEMBERS PRESENT:**

Mr Vaughan (in the Chair)

Ms Burnswoods

Mr Primrose

Mr Ryan

Also in attendance were the Committee Director - Mr Blunt, the Senior Project Officer - Ms Mullen, the Committee Officer - Ms Gately.

Apologies were received from Rev Nile, Ms Saffin and Mrs Sham-Ho.

The Hon Jeff Shaw QC MLC, Attorney General and Minister for Industrial Relations addressed the Committee in relation to the new reference on crime prevention through social support.

The Committee discussed the new reference with the Attorney General, his adviser Ms Kate O'Rourke, and Mr Peter Homel, Director of the Crime Prevention Division of the Attorney General's Department. There was discussion about the timetable for the inquiry, the scope of the inquiry and suggested speakers for a proposed conference to launch the inquiry.

The Attorney General and his advisers withdrew.

...

The Committee adjourned at 2.10 pm.

**David Blunt**

Committee Director

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## **Meeting No 69**

Monday 10 August 1998 at 10.00 am

Jubilee Room, Parliament House, Macquarie Street, Sydney

### MEMBERS PRESENT:

Mr Vaughan (in the Chair)

Ms Burnswoods

Rev Nile

Mr Primrose

Mr Ryan

Also in attendance were the Committee Director - Mr Blunt, the Senior Project Officer - Ms Mullen, and the Committee Officer - Ms Gately.

Apologies were received from Ms Saffin and Mr Willis.

The Minutes of meetings 67 & 68 were confirmed.

...

The Committee deliberated on the proposed conference to launch the inquiry into Crime Prevention through Social Support, scheduled for 26 October 1998.

...

The Committee adjourned at 4.35 pm.

### **David Blunt**

Committee Director

**Meeting No 79**

2.25 pm, Monday 23 November 1998

Room 1043, Parliament House, Macquarie Street, Sydney

MEMBERS PRESENT:

Mr Vaughan (in the Chair)

Rev Nile

Mr Ryan

Ms Saffin

Mr Willis

Also in attendance was the Committee Director - Mr Blunt.

Apologies were received from Ms Burnswoods and Mr Primrose.

The minutes of meetings numbers 77 & 78 were confirmed.

...

The Committee considered the transcript of the proceedings of the public seminar on Crime Prevention through Social Support.

Resolved, on the motion of Rev Nile, that the transcript of the proceedings of the public seminar on Crime Prevention through Social Support be tabled in the house as a report of the Committee.

...

The Committee adjourned at 2.30 pm sine die.

**David Blunt**

Committee Director

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Meeting No 1

10.00 am, Thursday 3 June 1999

Room 1153, Parliament House, Macquarie Street, Sydney

## **1 MEMBERS PRESENT**

Mr Dyer (in the Chair)

Mr Breen

Mr Hatzistergos

Mr Ryan

Ms Saffin

Also in attendance was the Committee Director - Mr Blunt, the Senior Project Officer - Mr Stephen Reynolds, the Committee Officer - Ms Phillipa Gately and the Director of the Social Issues Committee - Mr Tony Davies.

The Chair declared the meeting open.

## **2. PROCEDURAL MOTIONS**

The Committee deliberated.

Resolved, on the motion of Mr Ryan, that the following procedural resolutions be adopted for the life of the committee:

- That arrangements for the calling of witnesses and for visits of inspection be left in the hands of the Chairman and Director after consultation with the Committee.
- 
- That unless otherwise ordered the press and public (including witnesses after examination) be admitted to the sittings of the committee.
- 
- That press statements be made only by the Chairman, if possible after consultation with the committee.
- 
- That persons with specialist knowledge may be invited to assist the committee.
- 
- That the Chairman and the Director be empowered to request that funds be made available for the committee to function.

Crime Prevention through Social Support

- That the Director be empowered to advertise and/or write to persons, bodies and organisations inviting written submissions relative to the terms of reference.
- 
- That the Chairman and the Director make arrangements for visits of inspection for the committee as a whole.

### **3. TABLED DOCUMENTS**

The Chair tabled 29 submissions sent to the Committee in relation to its Crime Prevention through Social Support inquiry, listed in Attachment 1.

### **4. CRIME PREVENTION THROUGH SOCIAL SUPPORT**

The Committee deliberated.

Resolved, on the motion of Ms Saffin, that in order to better inform all those who are participating in the inquiry process, the Committee make use of the powers granted under paragraph 25 of the resolutions establishing the Standing Committees, and section 4(2) of the *Parliamentary Papers (Supplementary Provisions) Act 1975* to publish the submissions received to date.

Resolved, on the motion of Mr Hatzistergos, that the Committee call for further submissions.

Resolved, on the motion of Mr Ryan, that the Committee conduct a series of approximately four days of hearings as soon as possible with the first being held at 10.00 am on Thursday 17 June 1999.

### **5. ADJOURNMENT**

The Committee adjourned at 10.35 am until 10.00 am on Thursday 17 June 1999.

**David Blunt**  
Committee Director

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## **Meeting No 2**

10.00 am, Thursday 17 June 1999

Jubilee Room, Level 7, Parliament House, Macquarie Street, Sydney

### **1 MEMBERS PRESENT**

Mr Dyer (in the Chair)  
Mr Breen  
Mr Hatzistergos  
Mr Ryan

An apology was received from Ms Saffin.

Also in attendance was the Committee Director - Mr Blunt, the Senior Project Officer - Mr Stephen Reynolds, the Committee Officer - Ms Phillipa Gately.

The Chair declared the meeting open at 10.10 am.

### **2 HEARING**

The Committee deliberated.

The public and media were admitted.

#### **2.1 Crime Prevention through Social Support**

Peter John Homel, Director, Crime Prevention Division, Attorney General's Department was affirmed and examined.

Mr Homel tabled the following documents:

1. Crime Prevention and Community Safety: A Working Definition
2. Basic Types of Crime Prevention
3. Pathways to Prevention: A Brief Overview
4. Presentation to the NSW Legislative Council Standing Committee on Law and Justice - 17 June 1999.

Evidence concluded and the witnesses withdrew.

Crime Prevention through Social Support

Roger Bruce Wilkins, Director General, The Cabinet Office, was affirmed and examined.

Diane Frances Hudson, Program Manager, Families First, Office of Children and Young People, The Cabinet Office, was affirmed and examined.

Ms Hudson tabled the following document:

Presentation to Standing Committee on Law and Justice - 17 June 1999.

Evidence concluded, the witnesses withdrew.

Ms Rhonda Stien, CEO, Burnside was affirmed and examined.

Louise Voigt, CEO & Director of Welfare, Barnardos Australia was affirmed and examined.

Louise Jean Mulrone, Training Co-ordinator, Family Support Services Association, was affirmed and examined.

The witnesses tabled the following documents:

1. Invest in Families Campaign Kit
2. Invest in Families Campaign: A Response to Families First - Affirmations and Concerns
3. Good Beginnings National Parenting Project: Circular 8 June 1999 re Consultation - Volunteer Home Visiting Guidelines
4. Family Support: A Vital Link in the Chain
5. Strengthening Families: Family Support Services in NSW 1988 - 1998

Evidence concluded, the witnesses withdrew.

The Committee deliberated.

Resolved, on the motion of Mr Ryan, that in order to better inform all those who are participating in the inquiry process, the Committee make use of the powers granted under paragraph 25 of the resolutions establishing the Committee and Section 4(2) of the Parliamentary Papers (Supplementary Provisions) Act 1975, to publish the transcript of today's hearing.

### **3 ADJOURNMENT**

The Committee adjourned at 4.00 pm until 9.30 am on Thursday 24 June 1999.

**David Blunt**  
Committee Director



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## **Meeting No 3**

10.00 am, Thursday 1 July 1999

Room 1153, Parliament House, Macquarie Street, Sydney

### **1 MEMBERS PRESENT**

Mr Dyer (in the Chair)  
Mr Breen  
Mr Hatzistergos  
Mr Ryan

### **2 APOLOGIES**

Ms Saffin

Also in attendance was the Committee Director - Mr Blunt, the Senior Project Officer - Mr Steven Reynolds, the Committee Officer - Ms Phillipa Gately.

The Chair declared the meeting open.

### **3 CONFIRMATION OF MINUTES**

Resolved, on the motion of Mr Hatzistergos, that the minutes of meeting numbers 1 and 2 be confirmed.

### **4 BUSINESS ARISING**

The Committee deliberated.

3.1 Resolved, on the motion of Mr Hatzistergos, that the Chair meet with the Chair of the Social Issues Committee to explore mechanisms for follow-up of implementation of relevant recommendations from Social Issues Committee Reports of relevance to the inquiry into Crime Prevention through Social Support.

Crime Prevention through Social Support

3.2 The Committee noted the intended dates for hearings and intrastate visits listed as follows:

Monday 26 July - public hearing (Sydney)

Tuesday 3 August - public hearing (Sydney)

Wednesday 4 August - visit to Ballina/Lismore

Thursday 5 August - visit to Ballina/Lismore

Tuesday 24 August - visit to Moree

Wednesday 25 August - visit to Moree

Tuesday 31 August - public hearing (Sydney)

## 5 ADJOURNMENT

The Committee adjourned at 10.17 am until 9.45 am, Monday 26 July 1999.

**David Blunt**

Committee Director

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## **Meeting No 4**

12.30 pm, Monday 26 July 1999

Room 814/815, Parliament House, Macquarie Street, Sydney

### **1 MEMBERS PRESENT**

Mr Dyer (in the Chair)  
Mr Breen  
Mr Hatzistergos  
Mr Ryan

### **2 APOLOGIES**

Ms Saffin

Also in attendance was the Committee Director - Mr Blunt, the Senior Project Officers - Mr Steven Reynolds and Ms Alex Shehadie, the Committee Officer - Ms Phillipa Gately.

The Chair declared the meeting open.

### **3 CONFIRMATION OF MINUTES**

Resolved, on the motion of Mr Hatzistergos, that the minutes of meeting No 3 be confirmed.

### **4 BUSINESS ARISING**

4.1 The meeting noted the itinerary for the trips to Ballina and Moree.

4.2 The meeting noted the new arrangements for committee staff resulting from the Committee Director's additional workload while Acting Clerk -Assistant Committees.  
The Committee welcomed Alex Shehadie to her role as Senior Project Officer assisting the Committee three days per week until the beginning of February 2000.

### **5 HEARING**

The Committee began its second hearing on its Inquiry into Crime Prevention through Social Support.

The public and media were admitted.

Crime Prevention through Social Support

Dr Don Weatherburn and Ms Bronwyn Lind, Director and Deputy Director of the Bureau of Crime Statistics and Research, Attorney General's Department, were sworn and examined.

Dr Weatherburn tabled the following documents:

1. *Social and Economic Stress, Child Neglect and Juvenile Delinquency*
2. *Poverty, Parenting, Peers and Crime Prone Neighbourhoods*
3. An untitled document containing answers to prepared questions

Evidence concluded and the witnesses withdrew.

Professor Ross Homel, Griffith University, was sworn and examined.

Professor Homel tabled the following documents:

1. *Delinquency Prevention Using Family Based Interventions*
2. *Using Mentors to Change Problem Behaviour in Primary School children*
3. *Risk and Resilience: Crime and Violence Prevention in Aboriginal Communities*

Evidence concluded, the witness withdrew.

Mr Nigel Spence, CEO, Association of Childrens Welfare Agencies was sworn and examined. Mr Adrian Ford, Deputy CEO, Benevolent Society of NSW, was affirmed and examined.

Mr Adrian Ford tabled the following document:

1. An untitled presentation on the Benevolent Society of NSW's Centre for Children

Evidence concluded, the witnesses withdrew.

Dr Allan Rice, Executive Director, Early Childhood and Primary Education; Ms Elizabeth Starr, Acting co-ordinator, Schools as Community Centres Program; Ms Jo Fletcher, Connect Redfern (Redfern Public School), all of the NSW Department of Education and Training, were sworn and examined.

The witnesses tabled the following documents:

1. *Schools as Community Centres Program: Program Overview*
2. *Schools as Community Centres Program: Project Initiatives*
3. *Inter-agency School community Centres Pilot Project Evaluation Report*  
1997
4. *Connect Redfern: Schools as Community Centres Program*
5. *Community Resource Information: Making Connections*
6. *Connect Redfern: Community Profile*

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7. Connect Redfern: Projects
  8. Connect Redfern: Project Team
  9. Connect Redfern: Management committee

Evidence concluded, the witnesses withdrew.

## **6 PUBLICATION OF PROCEEDINGS**

Resolved, on the motion of Mr Ryan, that in order to better inform all those who are participating in the inquiry process, the Committee make use of the powers granted under paragraph 25 of the resolutions establishing the Committee and Section 4(2) of the Parliamentary Papers (Supplementary Provisions) Act 1975, to publish the transcript of the Public Hearing held on 26 July 1999.

## **7 ADJOURNMENT**

The Committee adjourned at 4.20 pm until 9.45 am, Tuesday 3 August 1999.

**Steven Reynolds**  
Senior Project Officer

### **Meeting No 5**

3.15 pm, Tuesday 3 August 1999

Jubilee Room, Parliament House, Macquarie Street, Sydney

### **MEMBERS PRESENT**

Mr Dyer (in the Chair)  
Mr Breen  
Mr Hatzistergos  
Mr Ryan

### **APOLOGIES**

Ms Saffin

The Chair declared the meeting open.

The Chair tabled a letter from Ms Saffin seeking leave of absence for the hearing on 3 August 1999 and for the trip to Ballina on 4-5 August, during which the Committee was scheduled to meet.

Resolved, on a motion from Mr Ryan, the meeting resolved that leave be approved as requested.

Also in attendance were the Senior Project Officers - Mr Steven Reynolds and Ms Alex Shehadie.

### **CONFIRMATION OF MINUTES**

Resolved, on the motion of Mr Hatzistergos, that the minutes of meeting No 4 be confirmed.

### **BUSINESS ARISING**

The Chair tabled copy of advice from the Clerk obtained in 1996 on the impact of prorogation of Parliament on committee work. The Chair noted no official committee activity, such as hearings, could be undertaken.

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After brief discussion it was decided that further clarification would be obtained after the return from Ballina. It was noted that no official advice that Parliament would be prorogued had been received.

## **HEARING**

The Committee began its third hearing on the Inquiry into Crime Prevention through Social Support at 10.10 am.

The public and media were admitted.

Ms Joanna Quilty, Manager Monitoring and Policy Unit, and Ms Anita Tang, Senior Policy Officer, Community Services Commission were affirmed and examined.

Ms Anita Tang tabled the following documents:

1. Strategic Plan 1998-2001: Changing the Face of Community Services
2. The Commission's 1997-98 Annual report
3. Rehabilitation or Rejection? paper to 1st National Conference on Intellectual Disability 1996
4. Just Solutions: Wards and Juvenile Justice March 1999
5. Locked in; Locked Out : Forum on Difficulties Facing People with an Intellectual Disability in the Criminal Justice System
6. Loud and Clear : issue 1 , 1999
7. Can Do: issues 7,8, 9, 14 & 15

Evidence concluded and the witnesses withdrew.

Mr Nick O'Neill, President, Guardianship Tribunal, was sworn and examined.

Evidence concluded, the witness withdrew.

The meeting adjourned for lunch, and resumed at 2.15 pm.

Associate Professor Susan Hayes, Head of School, Department of Behavioural Science and Medicine, University of Sydney, was sworn and examined.

The witness tabled the following documents:

1. Report to the NSW Law Foundation: Development of Screening Test for Intellectual Disability for Use in Legal Environments

Evidence concluded, the witness withdrew.

Ms Suzanne Pierce and Ms Megan Fahey, Senior Policy Officers, Department of Ageing and Disability were affirmed and examined.

Crime Prevention through Social Support

Suzanne Pierce tabled the following documents:

1. *The Positive Approach to Challenging Behaviour: Policy and Guidelines*
2. A copy of overheads used in the presentation

Evidence concluded, the witness withdrew

### **PUBLICATION OF PROCEEDINGS**

Resolved, on the motion of Mr Ryan, that in order to better inform all those who are participating in the inquiry process, the Committee make use of the powers granted under paragraph 25 of the resolutions establishing the Committee and Section 4(2) of the Parliamentary Papers (Supplementary Provisions) Act 1975, to publish the transcript of the Public Hearing held on 3 August 1999.

### **ADJOURNMENT**

The Committee adjourned at 4.24 pm until 2.00 pm, Wednesday 4 August 1999 (non-deliberative meeting to be held at Ballina Council chambers).

**Steven Reynolds**  
Senior Project Officer



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## **Meeting No 6**

2.00 pm, Wednesday 4 August 1999

Council Chambers, Ballina Shire Council, Ballina

### **MEMBERS PRESENT**

Mr Dyer (in the Chair)  
Mr Breen  
Mr Hatzistergos  
Mr Ryan

### **APOLOGIES**

Ms Saffin (leave of absence granted at meeting No5 for this meeting)

Also in attendance was the Senior Project Officer - Mr Steven Reynolds, the Committee Officer - Ms Phillipa Gately.

The Chair declared the meeting open.

### **BRIEFINGS**

2.05 - Ballina Crime Prevention Committee

Present: Don Page MP, Member for Ballina; Allan Brown, Mayor, Ballina Shire; Peter Moore, Councillor and Manager of Ballina Youth and Children's Services; Kylie Caldwell, representative, Bunjum Aboriginal community.

The Committee was briefed on Ballina's development of a crime prevention plan under the Safer Communities Compact promoted by the Attorney-General Department's Crime Prevention Division.

A copy of the 1998 Ballina Shire Crime Prevention Plan was tabled.

3.40 - Ballina Operational Committee for Parental Responsibility Act

Present: Peter Moore; Kylie Caldwell; Inspector Greg Clarke, Nsw Police; Dennis Meyers, Area Manager Department of Community Services; Eric Belling, NSW Health - Adolescent psychologist; Andrew McTavish, Street Beat co-ordinator.

Crime Prevention through Social Support

The Committee was briefed on how the Parental Responsibility Act had been implemented in operational areas in Ballina, and heard the perceptions of different government agencies on the success achieved in reduction and prevention of crime.

4.45- Present: Rossi Lyons, Families First Co-ordinator, North Coast.

The Committee was briefed on the current plans for implementing Families First from the Great Lakes /Mid North Coast to the Queensland border.

Ms Lyons tabled an Implementation Plan with supporting explanatory notes.

The meeting adjourned at 5.30 pm until 9.00 am on Wednesday 25 August 1999 (at Moree Council chambers)

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## **Meeting No 7**

10.00 am, Thursday 23 September 1999

Room 1043, Parliament House, Macquarie Street, Sydney

### **MEMBERS PRESENT**

Mr Dyer (in the Chair)  
Mr Hatzistergos  
Mr Ryan

### **APOLOGIES**

Ms Saffin  
Mr Breen

The Chair declared the meeting open.

Also in attendance were the Committee Director - David Blunt, and Senior Project Officers - Mr Steven Reynolds and Ms Alex Shehadie.

### **CONFIRMATION OF MINUTES**

Resolved, on the motion of Mr Ryan, that the minutes of meetings No 5 and 6 be confirmed.

### **BUSINESS ARISING**

The Committee discussed the plan for an interim report, and supported the approach taken.

The Committee discussed the hearings to be held in October. Concerns were raised about availability of members. Resolved, on the motion of Mr Ryan, that for the hearings to be held on October 1, October 6 and October 25 the Committee appoint, if necessary, a sub-committee to take evidence at those hearings.

Crime Prevention through Social Support

The Committee discussed the submissions received on 10 September. The Director suggested the Cabinet Office be asked to respond to comments made by the Council of Social Service (NSW) on the Families First project. Resolved, on the motion of John Ryan, that the Committee make use of the powers granted under paragraph 25 of the resolutions establishing the Standing Committees, and section 4(2) of the *Parliamentary Papers (Supplementary Provisions) Act 1975* to publish the submissions from the Council of Social Service (NSW).

**NEXT MEETING**

The Committee adjourned at 10.40 am until the meeting of the sub-committee at 10.00 am on Friday 1 October 1999.

**Steven Reynolds**  
Senior Project Officer

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## **Meeting No 8**

10.00 am Friday 1 October 1999

Waratah Room, Parliament House, Macquarie Street, Sydney

### **MEMBERS PRESENT**

Mr Dyer (in the Chair)

Mr Breen

Mr Hatzistergos (from 11.35am)

Mr Ryan

### **APOLOGIES**

Ms Saffin

Also in attendance were the Senior Project Officers - Mr Steven Reynolds and Ms Alex Shehadie, and the Committee Officer - Ms Phillipa Gately.

The Chair declared the meeting open and noted that, in accordance with the resolution at meeting No 7 the members present sitting as a sub-committee would conduct the hearing.

### **CONFIRMATION OF MINUTES**

Resolved, on the motion of Mr Ryan, that the minutes of meeting No 7 be confirmed.

### **HEARING**

The sub-committee began the fourth hearing of the Inquiry into Crime Prevention through Social Support.

The public were admitted.

Mr John Mant was affirmed and examined.

Mr Mant tabled the following document:

*Building a Future for People Living, Working or doing Business in Fairfield City*

Evidence concluded and the witness withdrew.

Mr Jim Montague, General Manager, Canterbury Council was affirmed and examined. Mr Andy Sammut, Senior Operations Manager - Community Services, Canterbury Council was sworn and examined.

Mr Sammut tabled the following documents:

1. *1999-2000 Social Plan: Canterbury City Council*
2. *Canterbury City Council Community Safety and Crime Prevention Plan*
3. *Belmore Youth Resource Centre Activities Report March-July 1999*
4. *Riverwood Community Centre 1974-1999*
5. *Riverwood Community Centre information brochure*
6. *Presentation to NSW Legislative Council Law and Justice Committee*

Evidence concluded, the witnesses withdrew.

### **PUBLICATION OF PROCEEDINGS**

Resolved, on the motion of Mr Ryan, that in order to better inform all those who are participating in the inquiry process, the sub-committee make use of the powers granted under paragraph 25 of the resolutions establishing the Committee and Section 4(2) of the Parliamentary Papers (Supplementary Provisions) Act 1975, to publish the transcript of the Public Hearing held on 1 October 1999.

### **ADJOURNMENT**

The sub-committee adjourned at 12.35 pm until 10.00 am, Wednesday 6 October 1999.

**Steven Reynolds**  
Senior Project Officer

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## **Meeting No 9**

10.00 am Wednesday 6 October 1999

Room 814/815, Parliament House, Macquarie Street, Sydney

### **MEMBERS PRESENT**

Mr Dyer (in the Chair)

Mr Breen

Mr Ryan

### **APOLOGIES**

Mr Hatzistergos

Ms Saffin

Also in attendance were the Senior Project Officers - Mr Steven Reynolds and Ms Alex Shehadie, and the Committee Officer - Ms Phillipa Gately.

The Chair declared the meeting open and noted that, in accordance with the resolution at meeting No 7 the members present sitting as a sub-committee would conduct the hearing.

### **HEARING**

The sub-committee began the fifth hearing of the Inquiry into Crime Prevention through Social Support.

The public were admitted.

Mr Noel Baum, Senior Policy Officer- Community Services/Planning, Cr Beverley Giegerl, Hurstville Council and Cr Phyllis Miller, Forbes Council, all representing the Local Government and Shires Associations, were sworn and examined.

Evidence concluded and the witnesses withdrew.

Mr Gary Moore, Director and Ms Mary Perkins, Deputy-Director - Policy, New South Wales Council of Social Service (NCOSS), were affirmed and examined.

Evidence concluded, the witnesses withdrew.

Crime Prevention through Social Support

Ms Toni Milne, Director, Community Development, Partnership Policy and Strategic Directorate, and Ms Julia Taperell, Senior Policy Officer, Department of Community Services, were affirmed and examined.

Ms Milne tabled the following document:

*Copies of overhead presentation*

Evidence concluded, the witnesses withdrew.

Ms Elizabeth Starr, State Co-ordinator - Parents as Teachers and Ms Helen Kerr-Roubicek, Manager, Student Counselling and Welfare, Department of Education and Training, were sworn and examined.

Ms Starr tabled the following documents:

1. *Parents as Teachers: Background*
2. *Parents as Teachers: NSW Department of Education and Training*
3. *Parents as Teachers*

Evidence concluded, the witnesses withdrew.

## **PUBLICATION OF PROCEEDINGS**

Resolved, on the motion of Mr Ryan, that in order to better inform all those who are participating in the inquiry process, the sub-committee make use of the powers granted under paragraph 25 of the resolutions establishing the Committee and Section 4(2) of the Parliamentary Papers (Supplementary Provisions) Act 1975, to publish the transcript of the Public Hearing held on 6 October 1999.

## **ADJOURNMENT**

The sub-committee adjourned at 4.25 pm until 10.00 am, Monday 25 October 1999.

**Steven Reynolds**  
Senior Project Officer



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## **Meeting No 10**

10.00 am Monday 25 October 1999

Room 1250, Parliament House, Macquarie Street, Sydney

### **MEMBERS PRESENT**

Mr Dyer (in the Chair)

Mr Breen

Mr Ryan

### **APOLOGIES**

Mr Hatzistergos

Ms Saffin

Mr Ryan departed after Professor Vinson's evidence.

Also in attendance were the Senior Project Officers - Mr Steven Reynolds and Ms Alex Shehadie, and the Committee Officer - Ms Phillipa Gately.

The Chair declared the meeting open and noted that, in accordance with the resolution at meeting No 7 the members present sitting as a sub-committee would conduct the hearing.

### **CONFIRMATION OF MINUTES**

Resolved, on the motion of Mr Breen, that the minutes of meetings no 8 and no 9 be confirmed.

### **HEARING**

The sub-committee began the sixth hearing of the Inquiry into Crime Prevention through Social Support.

The public were admitted.

Professor Tony Vinson, University of NSW was sworn and examined.

Professor Vinson tabled the following documents:

1. *Unequal in Life*

Crime Prevention through Social Support

2. *Comparison of the Sentencing of Indigenous and Non-Indigenous Prisoners in New South Wales*

Evidence concluded and the witness withdrew.

Professor Graham Vimpani, Head of Discipline, Paediatrics and Child Health, University of Newcastle, was sworn and examined.

Evidence concluded, the witness withdrew.

Ms Alannah Ball, Director of the Community Child Care Co-operative, was sworn and examined.

Evidence concluded, the witness withdrew.

### **PUBLICATION OF PROCEEDINGS**

Resolved, on the motion of Mr Breen, that in order to better inform all those who are participating in the inquiry process, the sub-committee make use of the powers granted under paragraph 25 of the resolutions establishing the Committee and Section 4(2) of the Parliamentary Papers (Supplementary Provisions) Act 1975, to publish the transcript of the Public Hearing held on 25 October 1999.

### **PUBLICATION OF SUBMISSIONS RECEIVED**

Resolved, on the motion of Mr Breen, that in order to better inform all those who are participating in the inquiry process, the sub-committee make use of the powers granted under paragraph 25 of the resolutions establishing the Committee and Section 4(2) of the Parliamentary Papers (Supplementary Provisions) Act 1975, to publish the submissions received to date for the inquiry following the second call for submissions.

### **ADJOURNMENT**

The sub-committee adjourned at 3.25 pm until 10.00 am, Monday 8 November 1999.

**Steven Reynolds**  
Senior Project Officer

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## **Meeting No 11**

10.00 am Monday 8 November 1999

Waratah Room, Parliament House, Macquarie Street, Sydney

### **MEMBERS PRESENT**

Mr Dyer (in the Chair)  
Mr Breen  
Mr Ryan  
Mr Hatzistergos

### **APOLOGIES**

Ms Saffin

Also in attendance were the Senior Project Officers - Mr Steven Reynolds and Ms Alex Shehadie, and the Committee Officer - Ms Phillipa Gately.

### **CONFIRMATION OF MINUTES**

Resolved, on the motion of Mr Breen, that the minutes of meeting no 10 be confirmed.

### **HEARING**

The sub-committee began the seventh hearing of the Inquiry into Crime Prevention through Social Support.

The public were admitted.

Mrs Frances Bardetta, Association of Child Care Centres of NSW was sworn and examined.

Evidence concluded, the witness withdrew.

Ms Melissa Bellanta, Solicitor, Intellectual Disability Rights Service, was sworn and examined.

Evidence concluded, the witness withdrew.

### **PUBLICATION OF PROCEEDINGS**

Resolved, on the motion of Mr Ryan, that in order to better inform all those who are participating in the inquiry process, the sub-committee make use of the powers granted under paragraph 25 of the resolutions establishing the Committee and Section 4(2) of the Parliamentary Papers (Supplementary Provisions) Act 1975, to publish the transcript of the public hearing held on 8 November 1999.

### **ADJOURNMENT**

The sub-committee adjourned at 12.25 pm sine die.

**Steven Reynolds**  
Senior Project Officer

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## **Meeting No 12**

10.30 am Thursday 25 November 1999

Room 1136, Parliament House, Macquarie Street, Sydney

### **MEMBERS PRESENT**

Mr Dyer (in the Chair)

Mr Ryan

Mr Hatzistergos

Ms Saffin

### **APOLOGIES**

Mr Breen

Also in attendance were the Director - Mr David Blunt, and the Senior Project Officers - Mr Steven Reynolds and Ms Alex Shehadie.

### **CONFIRMATION OF MINUTES**

Resolved, on the motion of Mr Ryan, that the minutes of meeting no 11 be confirmed.

### **NSW BILL OF RIGHTS REFERENCE**

Resolved, on the motion of Mr Hatzistergos, that a date of 31 March 2000 be set for submissions to be received on the NSW Bill of Rights reference.

Resolved, on the motion of Mr Ryan, that the committee staff place advertisements in newspapers and appropriate journals seeking submissions to the inquiry

### **CRIME PREVENTION THROUGH SOCIAL SUPPORT REFERENCE**

The committee indicated their preference to consider the draft of the first report prior to the Christmas New Year period.

The-committee adjourned at 10.45 until 10.00 am Wednesday 15 December 1999.

**Steven Reynolds**

Senior Project Officer

### **Meeting No 13**

10.00 am Wednesday 15 December 1999

Room 1136, Parliament House, Macquarie Street, Sydney

### **MEMBERS PRESENT**

Mr Dyer (in the Chair)  
Mr Ryan  
Mr Breen  
Ms Saffin

### **APOLOGIES**

Mr Hatzistergos.

Also in attendance were the Senior Project Officers - Mr Steven Reynolds and Ms Alex Shehadie and the Committee Officer – Phillipa Gately.

### **CONFIRMATION OF MINUTES**

Resolved, on the motion of Mr Ryan, that the minutes of meeting no 12 be confirmed.

### **CRIME PREVENTION THROUGH SOCIAL SUPPORT REFERENCE**

Two documents were tabled by the Chair:

amendments to 6.15 as a result of the Department of Community Services submission  
amendments to the Chair's report suggested by Mr Hatzistergos

The committee deliberated on the Chair's Draft of the first report into Crime Prevention through Social Support.

Resolved, on the motion of Mr Ryan, that the first sentence of 6.15 be deleted; and that in the sentence following insert "of Community Services" after "Department".

Resolved, on the motion of Mr Ryan, that the following paragraph be inserted after the last paragraph of 6.15: "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

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next four years to implement prevention and early intervention strategies developed as a response to the Summit.”

Resolved, on the motion of Ms Saffin, that recommendation 11 be replaced by the following recommendation: “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.”

Resolved, on the motion of Mr Ryan, that the Senior Project Officer be authorised to insert at page 20 of Chapter 7, an appropriate sentence, supported by an appropriate quote from a submission, which reflects the concerns of Mr Hatzistergos and other committee members, relating to one-off funding with no follow-up or exit strategy.

Resolved, on the motion of Ms Saffin, that the words “that the Department of Local Government urge” be inserted into the first sentence of recommendation 14 after the word “recommends”.

Resolved, on the motion of Ms Saffin, that the word “and” in the first sentence of recommendation 16 be deleted and replaced with the words “liaise with”.

Resolved, on the motion of Ms Saffin, that the word “believes” be deleted from the first sentence of recommendation 5 and replaced with “recommends”; and that the words “Families First” be inserted after the words “how the” in that same sentence.

Resolved, on the motion of Ms Saffin, that the report, as amended, be the report of the committee.

Resolved, on the motion of Mr Ryan, that the transcripts of evidence, submissions, documents received and correspondence received (apart from confidential documents) be tabled with the report and made public.

Resolved, on the motion of Mr Breen, that the committee secretariat consult committee members as soon as possible regarding their availability for a hearing in early February 2000 to further progress the Crime Prevention Through Social Support Reference.

## **ADJOURNMENT**

The committee adjourned at 11.05 am *sine die*.

**Steven Reynolds**  
Senior Project Officer

## **Meeting No 14**

2.00 pm Thursday 3 February 2000

Room 814/815, Parliament House, Macquarie Street, Sydney

## **MEMBERS PRESENT**

Mr Dyer (in the Chair)  
Mr Breen  
Mr Ryan  
Mr Hatzistergos  
Dr Chesterfield-Evans (hearing only)

## **APOLOGIES**

Ms Saffin

Also in attendance: Senior Project Officers Mr Steven Reynolds and Ms Alex Shehadie, Committee Director David Blunt

## **HEARING**

The committee began the ninth hearing of the Inquiry into Crime Prevention through Social Support. Mr Dyer noted that Mr Ryan and Dr Chesterfield-Evans were representing the Select Committee on the Increase in the Prison Population.

The public were admitted.

Mr Terry O'Mara, General Manager, Diocesan Services, Anglicare and Rev Garry McMahon, Manager, Life After Prison Ministry, Anglicare were sworn and examined.

Mr O'Mara tabled the following documents:

*Copy of overheads for presentation  
Anglicare annual report 1998*

Evidence concluded and the witnesses withdrew.

Mr Brett Collins, Mrs Vicki Potempa, Mr Ian Fraser and Mr Michael Strutt, Justice Action, were affirmed and examined.

Mr Collins tabled the following documents:

*Response to issues raised by committee*



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*Some of Justice Action's achievements*  
*Computers in Prisons: Why they are an issue*  
*Ian Fraser submission*  
*Victoria Potempa submission to Law and Justice Committee*  
*Victoria Potempa submission to Select Committee*  
*"Framed" magazine, Spring 1999*

Evidence concluded, the witnesses and Dr Chesterfield-Evans withdrew.

### **CONFIRMATION OF MINUTES**

Resolved, on the motion of Mr Ryan, that the minutes of meeting No 13 be confirmed.

### **BUSINESS ARISING**

Resolved, on the motion of Mr Ryan, that for future hearings and visits to be held in pursuance of the Crime Prevention Through Social Support Inquiry, the committee be enabled, if necessary, to sit as a sub-committee to take evidence.

### **PUBLICATION OF PROCEEDINGS**

Resolved, on the motion of Mr Hatzistergos, that in order to better inform all those who are participating in the inquiry process, the sub-committee make use of the powers granted under paragraph 25 of the resolutions establishing the Committee and Section 4(2) of the Parliamentary Papers (Supplementary Provisions) Act 1975, to publish the transcript of the Public Hearing held on 3 February 2000.

### **ADJOURNMENT**

The committee adjourned at 4.35 pm until 10.00 am, Wednesday 9 February 2000.

**Steven Reynolds**  
Senior Project Officer

## **Meeting No 15**

10.00 am Wednesday 9 February 2000

Jubilee Room, Parliament House, Macquarie Street, Sydney

## **MEMBERS PRESENT**

Mr Dyer (in the Chair)

Mr Ryan

Mr Hatzistergos

## **APOLOGIES**

Ms Saffin

Mr Breen

Also in attendance: Senior Project Officer Mr Steven Reynolds, Committee Director David Blunt

## **HEARING**

The committee began the tenth hearing of the Inquiry into Crime Prevention through Social Support.

The public were admitted.

Mr K Buttrum, Director-General, and Ms Pam King, Manager, Strategic Initiatives, Department of Juvenile Justice, were sworn and examined.

Mr Buttrum tendered the following document:

*"Striving to Break the Juvenile Crime Cycle"*

Evidence concluded and the witnesses withdrew.

Ms Catriona McComish, Assistant Commissioner – Inmate Management, Department of Corrective Services was affirmed and examined. Mr Peter McDonald, Acting Assistant Commissioner – Probation and Parole Service, Department of Corrective Services was sworn and examined.

Evidence concluded, the witnesses withdrew.

The Chair adjourned the meeting at 1.00 pm for a luncheon break.

The meeting resumed at 2.00 pm.

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Mr John Murray, Juvenile Justice Project, Positive Justice Centre, Ms Kath McFarlane Mulawa Project, Positive Justice Centre, Ms Violet Roumeliotis, Executive Officer, CRC Justice Support, Ms Sarah Hopkins, Secretary, Council for Civil Liberties, Mr Craig Baird, Co-ordinator Prisoners Are Community and Mr Kelvin Willis, CRC Justice Support were affirmed and examined.

Mr Murray tendered the following documents

*“The State’s Children” report*

*“Addressing Offending Behaviour: A Juvenile Experience”*

*“Multiple Service Usage of State Wards and other Recipients of Child Welfare Service”*

Ms Roumeliotis tendered the following document:

*CRC Justice Support background information.*

Mr Baird tendered the following document:

*Prisoner’s Aid Response to Justice Action comments*

Ms McFarlane tendered the following document:

*Submission addressing issues raised by Law and Justice Committee*

Evidence concluded, the witnesses withdrew.

## **CONFIRMATION OF MINUTES**

Resolved, on the motion of Mr Hatzistergos, that the minutes of meeting No 14 be confirmed.

## **PUBLICATION OF PROCEEDINGS**

Resolved, on the motion of Mr Ryan, that in order to better inform all those who are participating in the inquiry process, the committee make use of the powers granted under paragraph 25 of the resolutions establishing the Committee and Section 4(2) of the Parliamentary Papers (Supplementary Provisions) Act 1975, to publish the transcript of the Public Hearing held on 9 February 2000 and any documents tendered.

Mr Ryan as Chair of the Select Committee on the Increase in the Prison Population extended an open invitation the members of the Law and Justice Committee to attend site visits and hearings of the Select Committee.

## **ADJOURNMENT**

The committee adjourned at 4.20 pm until 2.15 pm on Thursday 24 February 2000.

**Steven Reynolds**

Senior Project Officer

## **Meeting No 16**

9.30 am 28 February 2000

Level 20, Governor Macquarie Tower, Sydney

## **MEMBERS PRESENT**

Mr Dyer (in the Chair)

Mr Breen

Mr Hatzistergos

## **APOLOGIES**

Ms Saffin

Mr Ryan

Also in attendance: Senior Project Officer Mr Steven Reynolds, Committee Director David Blunt

The Chair declared the meeting open.

## **BRIEFING**

Present: Ms Susan Sky, Senior Planner, Metropolitan and Housing Policy Branch and Dr Abigail Goldberg, General Manager, South Sydney Development Corporation, Department of Urban Affairs and Planning.

The committee was briefed on how the Department encourages local councils to incorporate crime prevention principles in planning and development; and specifically how the Department has developed new urban design guidelines which consider the needs of young people.

## **ADJOURNMENT**

The committee adjourned at 10.30 am until 10.00 am, Wednesday 1 March 2000 at Newcastle City Council.

**Steven Reynolds**

Senior Project Officer

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## **Meeting No 17**

10.00 am, 1 March 2000

Newcastle City Council, 282 King Street, Newcastle

### **MEMBERS PRESENT**

Mr Dyer (in the Chair)  
Mr Breen  
Mr Hatzistergos

### **APOLOGIES**

Ms Saffin  
Mr Ryan

Also in attendance: Senior Project Officer Mr Steven Reynolds, Committee Director David Blunt

The Chair declared the meeting open.

### **BRIEFING**

The Committee discussed crime prevention initiatives in the Newcastle City Council area with the following persons:

Cr John Tate, Lord Mayor of Newcastle;  
Ms Janet Dore, General Manager, Newcastle City Council;  
Mr David Crofts, Director – City Planning, Newcastle City Council;  
Mr Graham Clarke, Director – Community Development, Newcastle City Council;  
Mr Barney Langford, Public Safety Officer, Newcastle City Council;  
Ms Kay Talty, Human Services Manager, Newcastle City Council;  
Ms Denise Hogarth, Acting Manager – Community partnerships, Newcastle City Council;  
Ms Barbara Heaton, Place Manager – City Revitalisation, Newcastle City Council;  
Ms Teresa Postma, Social planner, Newcastle City Council;  
Mr Ben Chard, Regional Co-ordinator – Hunter, Premier's Department;  
Mr John Trott, Local Area Commander – Waratah, NSW Police Service;  
Mr John Dewhurst, Regional Director, Department of Housing.

The Committee then received a briefing from Ms Anne Mullen, Department of Sport and Recreation, and Mr Trott, on crime prevention initiatives in the Hunter region utilising sport and recreation and Police Citizens Youth Clubs.

The Committee departed Newcastle City Council and inspected the Hamilton South housing estate en route to Lake Macquarie City Council, 126-138 Main Road, Speers Point.

The Committee discussed crime prevention initiatives in the Lake Macquarie City Council area with:

Cr John Kilpatrick, Mayor of Lake Macquarie;  
Cr Alan Davis, Lake Macquarie City Council;  
Mr Ken Holt, General Manager, Lake Macquarie City Council;  
Mr David Hale, Group manager – operations, Lake Macquarie City Council;  
Ms Dianne Tonkin, Community Services Co-ordinator, Lake Macquarie City Council;  
Ms Elizabeth Delaney, Manager – Community Planning, Lake Macquarie City Council;  
Ms Julie Byers, Social planner, Lake Macquarie City Council;  
Ms Donna Mulhearn, Office of the Hon Richard Face MP;  
Superintendent Gary Gilday, Local Area Commander – Lake Macquarie, NSW Police Service;  
Ms Robyn Considine, NSW Health;  
Mr John Dewhurst, Regional Director, Department of Housing;  
Mr Peter Fenwick, Department of Housing;  
Ms Connie Morgan, Co-ordinator, West Lakes Family Support;  
Mr Paul Schott, Co-ordinator, Creative Times.

The Committee departed Lake Macquarie City Council and inspected the Booragul housing estate.

**ADJOURNMENT**

The committee adjourned at 3.45 pm until 9.00 am on Friday 10 March at Macleay Valley Community Care Centre.

**Steven Reynolds**

Senior Project Officer

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## **Meeting No 18**

9.00 am, 10 March 2000

Macleay Valley Community Care Centre, Forth Street, Kempsey

### **MEMBERS PRESENT**

Mr Dyer (in the Chair)  
Mr Breen  
Mr Hatzistergos  
Ms Saffin  
Mr Ryan

Also in attendance: Senior Project Officer Mr Steven Reynolds

The Chair declared the meeting open.

### **BRIEFING**

The Committee discussed crime prevention initiatives in Kempsey with the following representatives of Kempsey Shire Council's Community Safety Council:

Cr Peter Mainey, Mayor of Kempsey;  
Cr John Howell, Deputy Mayor  
Mr Trevor Hannam, Director – Community Services, Kempsey Shire Council;  
Ms Barbara Huntington, Community Projects Officer, Kempsey Council  
Mr Gary Lee, Local Area Commander – NSW Police Service;  
Mr Andrew Smith, Department of Juvenile Justice  
Ms Mavis Davis, Co-ordinator, South Kempsey Neighbourhood Improvement Centre  
Ms Margaret Batt, Kempsey Assistance Patrol  
Ms Sue Perkins, Secretary, Kempsey Mental Health Support Group

The Committee then discussed State government programs in Kempsey with the following representatives:

Mr Phil Webber, Area Manager, North Coast, Department of Housing;  
Mr Trevor Keirghan, Programs Officer, Department of Juvenile Justice  
Mr Andrew Smith, Department of Juvenile Justice  
Ms Rhonda McInerny, Conferencing Administrator, Department of Juvenile Justice  
Ms Kate Potts, Department of Education and Training  
Mr Gary Lee, Local Area Commander, NSW Police  
Mr Michael Ginchi, Department of Community Services  
Ms Judy Annesley, Department of Community Services  
Mr Fred Kelly, Djigay Centre, Kempsey TAFE  
Mr Ren Perkins, Aboriginal Development Manager, Kempsey TAFE

The Committee discussed mental health and crime prevention with the following representatives of the Kempsey Mental Health Support Group:

Ms Sue Perkins, Hon Secretary

Ms Kate Park

Ms Beverley Roberts, Many Rivers Domestic Violence Prevention Centre

Ms Gillian Mason Johnson, Social worker, Centrelink

Mr Fred Kelly, Kempsey TAFE

Mr Gary Lee, Local Area Command, NSW Police

Ms Aunty Marge Ritchie

Ms Kylie

The meeting concluded. The committee left the building and met with Mr Harold Smith, Dunghatti Elder and Mr Trevor Hannam, Kempsey Council and visited the following sites:

South Kempsey Neighbourhood Improvement Centre, Department of Housing

Greenhills Estate, Dunghatti Land Council

Djigay Centre, Kempsey TAFE

## **ADJOURNMENT**

The committee adjourned at 3.05 pm until 10.00 am on Tuesday 14 March at Room 814/815, Parliament House.

**Steven Reynolds**

Senior Project Officer



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Meeting No 19

10.00 am Tuesday 14 March 2000

Room 814/815, Parliament House, Macquarie Street, Sydney

### **MEMBERS PRESENT**

Mr Dyer (in the Chair)

Mr Breen

Mr Ryan

Mr Hatzistergos (from 2.45pm)

### **APOLOGIES**

Ms Saffin

Also in attendance: Senior Project Officers Mr Steven Reynolds; Committee Director David Blunt; Committee Officer Phillipa Gately

### **HEARING**

The committee began the tenth hearing of the Inquiry into Crime Prevention through Social Support, sitting as a subcommittee until the arrival of Mr Hatzistergos.

The public were admitted.

Regional Commander Ian Ellis was sworn and examined.

Evidence concluded and the witness withdrew.

Associate Professor Chris Cunneen was affirmed and examined.

Evidence concluded and the witness withdrew.

Ms Eleri Morgan-Thomas, Executive Director, NSW Federation of Housing Associations, Ms Mary Perkins, Deputy Director - Policy, NCOSS and Mr Gary Moore, Director, NCOSS, were sworn and examined.

Ms Morgan-Thomas tendered the following document:

*Home and Housed: Making Housing Management Work*

Ms Perkins tendered the following documents:

*Housing and Employment: National Shelter Inc*

*Links Between Housing, Employment and Income Support: National Shelter Inc*

Evidence concluded, the witnesses and the public withdrew.

### **CONFIRMATION OF MINUTES**

The Chair asked that the words “ 2.15 pm on Thursday 24 February” in item 7 of the draft minutes for Meeting no 15 be replaced with the words “9.30 am on Monday 28 February”.

Resolved, on the motion of Mr Ryan, that the minutes of meeting no 15 be confirmed as amended.

Resolved, on the motion of Mr Breen, that the minutes of meetings nos 16 and 17 be confirmed.

### **PUBLICATION OF PROCEEDINGS**

Resolved, on the motion of Mr Ryan, that in order to better inform all those who are participating in the inquiry process, the committee make use of the powers granted under paragraph 25 of the resolutions establishing the Committee and Section 4(2) of the Parliamentary Papers (Supplementary Provisions) Act 1975, to publish the transcript of the Public Hearing held on 14 March 2000 and that the documents tendered be tabled.

### **ADJOURNMENT**

The committee adjourned at 3.40 pm until 10.00 am Friday 31 March 2000.

**Steven Reynolds**

Senior Project Officer

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## **Meeting No 20**

10.00 am, 31 March 2000

Dubbo City Shire Council Chambers, Dubbo

### **MEMBERS PRESENT**

Mr Dyer (in the Chair)  
Mr Hatzistergos  
Mr Ryan

Also in attendance: Senior Project Officer Mr Steven Reynolds

### **APOLOGIES**

Mr Breen  
Ms Saffin

The Chair declared the meeting open.

### **BRIEFINGS**

The Committee discussed crime prevention initiatives in Dubbo with the following representatives of Dubbo Council:

Cr Gerald Peacocke, Mayor of Dubbo;  
Cr Allan Smith  
Cr Diane Fardell  
Mr Dennis New, Social Services Manager, Dubbo Council

The Committee then adjourned to the Macquarie Area Health Service to discuss State government programs in Dubbo with the following representatives:

Mr David Gilbert, Regional Co-ordinator, Premier's Department  
Mr Peter Wood, Regional Manager, Western Division, Department of Housing;  
Mr Garry Page, Cluster Director, Department of Juvenile Justice  
Mr Michael White, Inspector, NSW Police Service  
Mr Daryl Healey, Training and Development Co-ordinator, Department of School Education  
Mr Andy Thorburn, Senior Counsellor, Western Institute of TAFE  
Ms Marion Hangan, Director Service Improvement, Department of Community Services  
Mr Paul Coles, Manager, Department of Fair Trading  
Mr Ray Fairweather, CEO, Macquarie Area Health Service  
Mr John Halliday, Clerk of the Court, Dubbo Local Court

Ms Sandra Cook, Regional Co-ordinator, Western Region, Department of Sport and Recreation

Mr Vic Politto, Department of Community Services

The Committee adjourned to the Dubbo Aboriginal Land Council Office and discussed crime prevention with the following representatives of Aboriginal communities:

Ms Lee Weldon, Gulargambone Aboriginal Land Council  
Mr Anthony Reid, Gulargambone Land Council  
Ms Allison Fuller, Warren Aboriginal Land Council  
Ms Alice Wells, Warren Aboriginal Land Council  
Ms Shirley Fuller, Warren Aboriginal Land Council  
Ms Marie Mohammed, Gilgrandra Aboriginal Land Council  
Mr Charles Wilson, Dubbo Aboriginal Land Council  
Ms Lois Towney, Co-ordinator, Gilgrandra Aboriginal Land Council  
Mr Trevor Reid, Gilgrandra Aboriginal Land Council  
Ms Neita Scott, Narromine Aboriginal Land Council  
Ms Patricia Klintworth, Narromine Centrecare  
Mr Bill Phillips, Trangie Aboriginal Land Council  
Ms Sharon Powell, Office Manager, Dubbo Aboriginal Land Council

The meeting concluded. The committee left the building and met with Mr Peter Wood, Department of Housing and Mr David Gilbert, Premier's Department and visited the following sites:

Gordon Centre, West Dubbo, Department of Housing  
Gordon Estate Murals, West Dubbo  
West Dubbo Fencing program, Department of Housing  
Government Access Centre, West Dubbo

## **ADJOURNMENT**

The committee adjourned at 4.05 pm until 10.00 am on Monday 10 April at the Jubilee Room, Parliament House.

**Steven Reynolds**  
Senior Project Officer

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## **Meeting No 21**

10.00 am Monday 10 April 2000

Jubilee Room, Parliament House, Macquarie Street, Sydney

### **MEMBERS PRESENT**

Mr Dyer (in the Chair)

Mr Breen

Ms Saffin

Mr Hatzistergos

### **APOLOGIES**

Mr Ryan

Also in attendance: Senior Project Officer Mr Steven Reynolds; Committee Officer Phillipa Gately; Senior Editor Debates, Parliament of Fiji, Ms Catherine Kikau

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### **CRIME PREVENTION THROUGH SOCIAL SUPPORT**

The committee deliberated on whether to examine issues relating to crime prevention and Non English Speaking Background communities. The committee agreed that if this were done it should be by a public hearing to be held at Parliament House on 15 May 2000; however the committee agreed to leave the final decision in the hands of the Chair in consultation with the secretariat.

### **ADJOURNMENT**

The committee adjourned at 12.40 pm until 10.00 am on Monday 8 May 2000.

**Steven Reynolds**

Senior Project Officer

## **Meeting No 29**

10.00 am Wednesday 2 August 2000

Room 814/815, Parliament House, Macquarie Street, Sydney

## **MEMBERS PRESENT**

Mr Dyer (in the Chair)

Mr Hatzistergos

Mr Breen

Mr Ryan

## **APOLOGIES**

Ms Saffin

Also in attendance: Committee Director, Mr David Blunt; Senior Project Officer, Mr Steven Reynolds; Committee Officer Phillipa Gately.

Resolved, on the motion of Mr Ryan, that Ms Saffin be granted leave of absence for meeting No 28, held on 31 July 2000, and for the current meeting.

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## **CRIME PREVENTION THROUGH SOCIAL SUPPORT**

The Chair submitted his draft Second Report on the inquiry into Crime Prevention through Social Support, which having been circulated to Member of the Committee was accepted as being read.

The Committee considered the draft report.

Chapter One agreed to.

Resolved, on the motion of Mr Ryan, that references in chapters two and three of the report to the "Gordon West estate" be deleted and replaced with "Dubbo West estate".

Chapter two, as amended, agreed to.

Resolved, on the motion of Mr Ryan that a new paragraph be inserted after paragraph 3.89, as follows: "The Committee notes that the Select Committee on the Increase in Prisoner Population has recommended that Circle Sentencing be trialed in three Aboriginal communities in NSW on a pilot basis."

Chapter three, as amended, agreed to.

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Chapter four agreed to.

Chapter five agreed to.

Resolved, on the motion of Mr Ryan, that a new paragraph be inserted after paragraph 6.13 referring to the Department of Corrective Services' Inmate Population Survey data on the proportion of prisoners with a psychiatric or mental illness.

Resolved, on the motion of Mr Ryan, that recommendation 31 be amended by deleting the words "in proportion to increases in prison numbers, so the proportion of prisoners participating in programs compared to the overall prison population does not decline".

Resolved, on the motion of Mr Ryan, that paragraph 6.49 be amended by adding to the end of the final sentence the words "and that, for a sentence of less than six months, a judicial officer must provide written reasons for the decision to impose a sentence of imprisonment."

Chapter six, as amended, agreed to.

Resolved, on the motion of Mr Ryan, that recommendation 34 be amended by deleting the words "sufficient resources are devoted to properly implement the procedures" and inserting the words "that all inmates have sufficient identification upon release from prison to make Medicare claims, access the services provided by Centrelink, and open a bank account."; and that the sentence "Attention should also be given to providing this assistance to Indigenous prisoners and prisoners who will be released into an area a long way from the community they lived prior to prison" be deleted.

Resolved, on the motion of Mr Ryan, that recommendation 35 be amended by adding at the end of the recommendation: "The evaluations should also consider: the level of contact with clients; the availability and accessibility of programs; and culturally appropriate support and programs."

Resolved, on the motion of Mr Hatzistergos, that recommendation 37 be amended by deleting the sentence: "Based upon the results of such evaluation, the committee recommends that the Department seek funding from Treasury to significantly increase the accommodation options available to assist released prisoners integrate back into the community based upon future reductions in expenditures on prisons required as a result of reductions in recidivism." and inserting instead the words: "In the event the evaluation demonstrates the need, the committee recommends that the Department seek funding from Treasury to increase the options available to assist released prisoners integrate back into the community."

Resolved, on the motion of Mr Hatzistergos, that recommendation 38 be amended by deleting the words "The funding of this should anticipate, and seek to measure, reductions in expenditure required as a result of reductions in recidivism." and inserting instead the words "but continued funding should be based upon outcomes in reducing recidivism."

Resolved, on the motion of Mr Ryan, that recommendation 42 be amended by deleting the words " \* request changes to classification of long term unemployment so as to include prison terms in the time period classified as unemployed. Failing this, the Department should inquire how else released prisoners can obtain financial assistance under the Jobs Network to overcome barriers

faced by ex-prisoners to employment. \* discuss the need for a specialised prisoner employment service, or failing that, how needs of prisoners can be effectively met by existing Jobs Network services.” and inserting instead the words “ discuss means by which the needs of prisoners can be effectively met by existing Jobs Network services.”

Resolved, on the motion of Mr Hatzistergos, that the report, as amended, be the report of the Committee.

Resolved, on the motion of Mr Ryan, that the transcripts of evidence, submissions, documents and correspondence received in relation to the inquiry, be tabled with the report and made public.

### **ADJOURNMENT**

The committee adjourned at 3.35 pm until 2.00 pm on Tuesday 8 August 2000.

**David Blunt**  
Committee Director