

COUNTRY WOMEN'S ASSOCIATION OF NEW SOUTH WALES

SUBMISSION FOR

**THE HOUSE OF REPRESENTATIVES
STANDING COMMITTEE ON LEGAL AND
CONSTITUTIONAL AFFAIRS**

**INQUIRY INTO CRIME IN THE COMMUNITY:
VICTIMS, OFFENDERS, AND FEAR OF CRIME**

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The motivation behind the Australian Government's decision to hold this inquiry was queried during discussion by the CWA. All the terms of reference have been investigated many, many times and the results of these inquiries are readily available. Why this duplication?

Section 3.3 *Constitutional Limitations* states "the Commonwealth does not have a general power to legislate with respect to crime in Australia. This is primarily the responsibility of the states and territories." This contradicts 2.10 which states that, after consideration of the committee's reports, changes will be implemented – making *new laws and/or changing the way Government programmes are administered*. We hope this is not a threat to cut funding; as every Australian citizen knows great transfusions of funds are urgently needed **now** – not after endless inquiries – to bring law enforcement up to scratch.

(a) the types of crimes committed against Australians. Omissions from the 2 categories – "Crime against property and against person" are many – child abuse, domestic violence, dealing and trafficking in all types of drugs (this last being the greatest contributing factor in petty and violent crimes – the offender must have money to feed the habit). All members pointed out that white collar crime and corporate crime were omitted. White collar crime is the most evil of all. Australians, sadly, expect personal offences – violation of their person or of their home, and are learning - the hard way – to take every precaution possible to counter these crimes, treating strangers with suspicion; but they do not suspect – of evil intent – directors of firms to which they entrust their future, their retirement, their legacy. For many years now, the Federal Government has demanded that superannuation be taken out by all employers for their employees, to eventually eradicate the necessity for Government "pension payouts". Bad financial management, board positions being filled –politically - by "big names" with not an ounce of financial/marketing/stocks and shares etc. knowledge between them – reliance on unchecked accountants and auditors – are all a recipe for disaster. Disaster for the little people who have put their trust and savings into these firms – often through a middle man. Firms which go under, never seem to do so without the directors first giving themselves bonuses for "good work", thereby draining everything out of the kitty. You will not find a single Australian (except for company directors) who does not support Professor Allan Fels' proposal to jail executives found guilty of anti-competitive behaviour (jail terms of up to 7 years are given in the United States, Britain, Canada and Japan). AND they should go to jail. A person who assaults and robs a man of \$20 goes to jail, but directors who rob a man of his ability to provide for himself and family are allowed to say "woops, sorry, we will pay a small fine and then start up another business". Not good enough!

Also not mentioned – border control against illegal entry, importation and distribution of illicit and pharmaceutical drugs – importation of weapons, knives, guns – the ability of criminals to buy handguns etc. through the internet – international crime, the detention of Australian citizens for long periods without trial or return to Australia. These are areas where the Commonwealth with its powers over importation could profitably be involved in directly fighting crime and help make this country safer.

(b) perpetrators of crime and motives Again, so many studies have been done on this subject. The answers do not vary. Factors that have been found to lead people on the pathway to crime are:- unemployment – poor approach to education brought about by lack of family support and encouragement – poverty – all these factors contributing to a feeling of worthlessness and inadequacy. There are very few jobs now for those who lack a decent educational grounding – in the past, apprentices in such jobs as motor mechanics, plumbing, carpentry, brick laying etc. learned their trade "hands on"; now – in this our "clever country" with emphasis on technology – the apprentices have to attend TAFE etc., which preclude those poorly educated in both primary and secondary schools. So, they hang around the streets, bored, graduating from graffiti to window smashing to petty crime.

Of course, when these "at risk" young and older people see the country's leaders – in all aspects of society – doing the wrong thing and getting away with it, it must enforce their thinking that society "owes them" and they will take what they want.

The new age technology has proved irresistible to the petty thieves with mobile phones, laptop computers, cameras, designer footwear, clothing, sunglasses being so easy to steal, carry off and dispose of. The victims can always buy new ones – they can afford it. Mobile phones are most sought after and phone companies have been loth to implement systems to immobilize stolen phones – why would they – the thief changes the number and the victim buys another one. However Telstra is now, after considerable pressure being applied, slowly coming to the party and is taking steps to immobilize stolen phones. This should be an area for Commonwealth intervention.

The effect of violence in videos, movies, blue videos and even image back-ups to music? as played on such TV shows as Rage cannot be underestimated. Also, the sometimes brutish and thuggish behaviour displayed by sporting? heroes ?on and off the field leave much to be desired. Our membership often expresses an opinion that it is time to censor television violence.

(c) fear of crime in the community: Yes, there is fear of crime in the community, sometimes engendered and magnified by the media (bad news sells newspapers). If this fear of crime, of being a victim of crime can be translated into a warning to the community to use caution and common sense – e.g. locking the back door if the house- holder is gardening in the front yard – then it could be called a healthy condition. We have to realize we are not living in the 1960s and '70s. We cannot move about at all hours as freely as we did in those days; society has changed... caution and common sense.

(d) the impact of being a victim of crime and fear of crime: Again, this has been researched so often. The impact of being a victim of forced entry into one's property is horrific; laws protecting the householder using force to protect himself and family are being changed – slowly – but a lot depends on the attitude of the judiciary.

Victims of rape and especially pack rape are apprehensive and reluctant to report the crime to police because of a perceived fear of having to relive the shame, degradation and horror of the experience when appearing in court. The victim in most of these cases is often treated badly and made to feel she should be feeling guilty.

Domestic violence – the pain and embarrassment caused by this dishonourable and frightening behaviour is absolutely demoralizing and the victim lives in fear of repeated violence if the situation is reported to the police. The same can be said of child abuse.

The impact of such violent crimes is at least three-fold – immediate, medium and long term on the victims, their families and the community. Even something that is seemingly over in a moment, the bag snatch, carries long term repercussions - will the victim overcome the fear of going back to the place where the offence occurred? Will she go out by herself again?

The foregoing have been crimes against the person, but the impact of crimes against property and the threat to those in charge of that property cannot be minimized. Small businesses lose up to nearly \$7000 a year as a result of crime, and more than half of the victims of robbery suffer psychological problems including fears when they are away from work. Service stations, liquor outlets and pharmacies receive media attention; because general stores and newsagencies are hit in smaller but more frequent attacks, they receive less media attention.

The effect of even petty crimes against small businesses – graffiti, nightly smashing of windows is wearing down the owners. Many do not even bother to report such incidences to the police. Service stations have to employ security guards and pharmacists lock themselves in, opening to only known customers after 5pm. The psychological effect on victimized owners and employees cannot be calculated; who knows what long term effect the victim will have as a result of having a knife or gun – any weapon – brandished at him. We see new staff at service stations which have been violated. One attack is enough for anyone.

(e) strategies to support victims and reduce crime: Much more has to be done to support victims. Organisations such as Newcastle's Victims of Crime Assistance League VOCAL advocates the rights of the wronged. Some statements from VOCAL are "victims of crime do not have full disclosure of information and do not get legal representation in court." And "the Department of Public Prosecutions does not represent the victim, but is there to represent against the crime that was committed against society – their position in court is changed from victim to witness"

The wheels of reform are slowly turning in the right direction. A review, written by former NSW Governor, Gordon Samuels, QC, states: victims of crime will be kept better informed of court proceedings, and must be consulted before any changes to charges against their accused are made, and the Office of the Director of Public Prosecutions must include victims and police in decisions on charge bargaining and other matters involving criminal cases. Witnesses and victims are to be kept informed of the progress of proceedings and consulted about important decisions. The Witness Assistance Service must be called in every case of substance, and the victims of crime should have access to written judgments. If these conditions are upheld, then the victim will have at least a 50/50 chance of receiving justice. The D.P.P.'s ability to plea bargain for the accused was bad enough, but to have this plea first come to light at the hearing itself must really shock and demoralize the victims (as was the case in a recent pack rape case).

The timing of the release of those imprisoned for crimes against victims should be made available to the victims. Counselling has varied benefits and results, could be needed all the victim's lifetime.

How to reduce crime? There is no easy way – more police on the beat needed, but will not solve the problem. The criminal element often has more sophisticated equipment than do the police. They know exactly where and when to strike.

Strategies affecting early intervention – teaching better parenting; programmes which intervene at school level; offering real life choices to young people; meaningful employment; programmes to promote and enhance self esteem. These sound very good on paper but are very costly with no short term improvement or results, so Governments would be reluctant to fund such long term policies - they like results to come within the 4 year parliamentary term.

When we look at DOCS, we realize that that Government Department cannot even manage to help all children at risk of abuse/death; how can it be envisaged that officers can go to families and say that their children are deemed to be at risk of turning into criminals. Too invasive! There are voluntary organizations endeavouring to teach better parenting, but the parents have to be willing to accept that they need help. Babies don't ask to be born, and parents **must** take responsibility for and take an interest in their children, knowing where they are at all times.

Youth clubs, bike rinks, skate board riding areas all help, and should be increased and supported. Gaols have to work on rehabilitation and punishment so the last thing a released criminal wants is to have to return. Older Australians – like my father – always said that gaols should make the inmates work for their keep. He advocated vegetable gardens – no machinery – all hand work – to feed the gaol inmates and staff, any left over to go to the hospitals. The U.S. system we see in movies – of breaking rocks in a quarry – does not seem to me to be too bad a punishment. They should work all day – have schooling, rehabilitation in the evening. Going to gaol now is nothing!! When we see how prisoners give parties, order food, issue invitations and entertain guests from outside the gaol, have televisions and personal computers in their own “cells”, run their businesses and activities from the gaol. It seems that going to gaol in the 21st Century is no hardship at all. According to the news media it appears that drugs are readily available in all gaols.

(f) apprehension rates: All figures we see re apprehension of criminals could be assessed as just the tip of the iceberg. So many crimes are just not reported – firstly because the shopkeepers know that the police are often too busy to attend petty items such as window smashing, even ram raids. They cannot afford to wait until the police eventually arrive before they effect repairs, so no report. This causes a catch-22 situation as the more calls the police receive for help, the more officers they will hopefully be able to have on staff.

The police strength is so stretched that the less paper work done – the better. They will not waste their time on petty crimes such as shoplifting, when they know that no conviction will come out of it. Secondly, there is increasing public dissatisfaction with “reporting centres”. If a ‘little old lady’ is burgled, she rings through to the police, her details are taken over the phone, but she does not receive the comfort of personal contact with a police officer. So, why bother to report it? Thirdly, with our multi-cultural society, often people from other countries do not report crimes against them – viz. the recent arson and thuggery at Chinatown, Sydney. If the media had not broken the story, certainly the police would not have been called – even though the victims knew the criminals behind the extortion racket – no one was charged – veil of silence.

Police must become discouraged when they see criminals they have apprehended get a slap on the wrist for punishment.

(g) effectiveness of sentencing: There is something very wrong with sentencing, when we see so very often cases re-heard on appeal and the judgment completely turned around. Perhaps the judiciary should have to attend seminars etc. to let them know the feelings and expectations of the ordinary citizen, who does not want to see young men of 16-17 treated as juveniles when they have carried out an adult crime. The ordinary citizen also knows that – for every one criminal who claims his bad habits are caused by childhood sexual abuse etc. – there are another ten non-offenders who have also been so abused. Coverage of deals done in secret by the D.P.P. caused consternation and such deals would be deplored. Sentencing is not commensurate with the crimes; sentences being reduced because of time spent at the “local Hilton” waiting for the case to be heard is ridiculous; face to face conferencing has little effect – getting the two sides together is very difficult. To keep the convicted out of gaol, they are often given community service orders, which many don't bother to turn up for, and the police are just too busy to go chasing them.

(h) community safety and policing: I cannot see much relief coming from this problem. Building community public housing for the disadvantaged implies that only the destitute families spawn young criminals, but we know this is not always the case. Increased surveillance on community transport – plain clothes security officers patrolling popular night time areas will help.

WHAT IS CRIME? We have so many different people coming to our shores – from different countries – different customs – different cultures – and different values. What is crime to us is sometimes not criminal to newcomers. There should be a greater emphasis on integrating our migrants through mandatory English programmes for the *whole* family, and functional English skills to be a requisite for taking up Australian citizenship.

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