

*Submission 26*

*From Neil Garve O'Malley Neighbourhood Watch*

**Commentary on the –  
House of Representatives Standing Committee  
On Legal and Constitutional Affairs**

**An Inquiry into Crime in the Community:**

- **victims,**
- **offenders,**
- **and fear of crime**

**Inquiry Information**

*Comments drafted by:  
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To: House of Representatives Standing Committee on  
Legal and Constitutional Affairs

- **Chair:** Hon Bronwyn Bishop MP
- **Deputy Chair:** Mr John Murphy MP

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Canberra ACT 2600  
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**COMMENTS ON  
INQUIRY INTO CRIME IN THE COMMUNITY:  
VICTIMS, OFFENDERS AND FEAR OF CRIME**

1. **Background:** The document was referred to the Garran and O'Malley Neighbourhood Watch Groups for comment. The following terms of reference were indicated:

*"All....."*

*The attached document provides NHW with an excellent opportunity to have all our concerns heard by people who can actually do something about it [crime]!*

*I urge you to invite your members to put pen to paper (email for preference) and either make their individual or group submissions. Note that not all headings need be addressed.*

- *Types of crimes committed against Australians;*
- *Perpetrators of crime and motives;*
- *Fear of crime in the community;*
- *The impact of being a victim of crime and fear of crime;*
- *Strategies to support victims and reduce crime;*
- *Apprehension rates;*
- *Effectiveness of sentencing;*
- *Community safety and policing.*

*This document was been circulated to DLOs a couple of days ago and, depending on your DLO, it may be good to feed information to the DLO for a submission from that level. Otherwise just send all the information and comments to me.*

*I have offered my services to bring the submissions together as one document from NHW ACT .... but I will not be drafting material myself. However, if you know of anyone skilled in this area and who is willing to take on the task, please let me know. I know that other NHW State groups have been invited to make submissions, so let's make the ACT's submission a good one."*

RESPONSE:

O'Malley and Garran NHW groups have chosen to submit commentary direct to the inquiry, and will forward a copy to the NHW coordinating Executive.

## **Commentary by NHW Groups - Garran and O'Malley [ACT]**

The Neighbourhood Watch group in O'Malley is a relatively new group, and is still finding its feet. However, it has been recently established in response to a rapid increase in home burglaries and vandalism of public facilities in the suburb.

O'Malley suburb is about to grow in size and it should be noted that there are undertones of discontent which may mirror some dissatisfaction with the planning and development arrangements in Canberra as practiced by the ACT Government. The overtones vary from inadequate management to the extremes of corruption by the Planning Authority and hence a Territory's Self Government arrangements. This paper does not wish to establish or make comments on the rights or wrongs or merits of 'ACT Self Government,' and the associated planning and development processes, which have been developed. However it is necessary to record a general dissatisfactory undertone in the ACT community, and to record significant discontent by many O'Malley residents are surfacing at this time. Indeed, it is relevant to record that the current Labour Government was elected on the platform of promised reform of the arrangements.

The following comments are made based upon local experience and current occurrences in Garran and O'Malley:

- **Types of crimes committed against Australians;**

Many 'older Australians' recall their youth when their house was left unlocked, and indeed the car was not even fitted with locks. They cannot understand what went wrong with Australia, which has resulted in today's lock, key and alarm mentality. In Canberra, because mostly both parents are employed in the workforce, many children need to take on the responsibilities of the 'latch-key' kids at an early age.

Indeed many things have changed over the last half of the 20<sup>th</sup> century.

Daily Australian residents are faced with the need to:

- Secure their homes cars and their possessions;
- Insure their homes, cars and their possessions;
- Come home to the fear that their home car and possessions have been interfered or even trashed, and their privacy invaded by persons unknown and persons never apprehended.

As a general observation, the paradigms have changed, and, all for the worst. The cost of this social change is an enormous burden on society, the family, and the individual.

The average Australian is perplexed with the myriad of fears, which appear to be expanding almost daily as society develops. For instance, in 1980, the first personal computer was sold. Today, most homes have personal computers and Internet connections. Today, computer owners most residents live in fear of a virus entering their computer and doing untold damage.

- Residents must now update annually their virus check licenses, bolt their personal computers to the wall and insure them, if they can get unqualified insurance for them.

- Residents need to take extraordinary measures to limit the use of Internet access to their children.
- Residents need to ensure that their children do not breach copyright laws by importing games and programs, which although readily available to their kids, must not be loaded on personal computers, due to copyright infringements.
- Families in teaching social responsibilities of the Internet to their kids incur additional costs.

Some of the ironies of these types of situations are:

- Parents are assuming the responsibility of the actions of their kids, who are minors, and do not understand the complexities of the law and the ownership and user rights associated with the high tech world.
- Many parents do not understand their responsibilities in relation to the new brave world of high tech. These type of restrictions are imported across national borders, and are almost beyond comprehension to the average person, especially those not formally trained in high tech responsibilities.
- If the resident catches an offender in the act of burglarizing their home, and injures them, they are likely to be charged with a greater offence than that being committed against them.

- **Perpetrators of crime and motives;**

Most Australians are law-abiding persons, who do not wish to transgress or flout the law. However, as the law becomes more complex, and changes occur to the interpretation of the common law, residents are not updated as to their limit rights and their responsibilities. To do this, they need to spend significant amounts of their free time to view media and newspapers, and try to sort out the sensations of modern life from the realities of the law. How many headlines, by-lines and articles in the press are based upon accurate and non-journalistic license?

This situation, more than any other, begs the question of the need for a 'bill of rights', so that Australians can live without fear of flouting the law, by the absence of knowledge of their rights. This is a type of 'Russian Roulette' however the odds are more like a single shot in a single chamber.

To those that knowingly breach the law, only they can know what motivates their anti-social behaviour. What is clear to the average Australian, is that the law appears unfair to those who breach corporate law, compared to those who breach other laws. The question is why does a person who plunders corporations of millions, apparently get far leaner sentences than the common burglar, or the perpetrator of so-called victimless crimes?

- **Fear of crime in the community;**

The fear of crime in the community, is a real fear. Residents and others who spend their lives saving and investing in the community, in a bid to be comfortable in their twilight years, are increasingly exposed to random incidents which reduce their wealth, and breach their privacy.

- **The impact of being a victim of crime and fear of crime;**

Only one who has had their home ransacked can speak of the invasion of their personal space and their losses. Some losses are of irreplaceable items such as documents and family jewels, collections of stamps and coins and other type of personal treasures. In addition the tendency towards home trashing by intruders adds to the drama.

However, once exposed to the horrors, one then is further exposed to the nuances of the insurance world. The intricacies of insurance policies, what is covered and how it is valued and how it is replaced can be as depressing and exhausting as the original incident.

Consideration needs to be given to the parents or guardians of children involved in crime. Perhaps the greatest fear of crime is the parent of the perpetrator, the embarrassment and the humility of being the parent of a child criminal. Parents are always in fear that their child may be accused of an incident or even the perpetrator of an event.

There is little support for parents in their quest to bring into the world good citizens. Parents are held to be responsible for the actions of their offspring, yet they are left with very few tools to discipline their children. Increasingly, the law has taken the side of the child in respect to abuse and the like. Parents are currently in fear of transgressing the right/s of their children in dealing with disciplinary actions.

Corrective actions are very difficult for parents; the toolbox is very slim indeed. The methods of their own parents of their own childhood no longer are acceptable in the eyes of the law, and society. In addition, in a multi-cultural society, some ethnic or religious practices are in direct conflict with the ideals of what is “Australian” and what is not.

Peer pressures often are behind children transgressing the law. It is necessary for parents to be seen as supportive of their children as well as giving them freedom to make up their own minds about man things, which were previously taken for granted in their own childhood.

Parents desires and the education system can sometimes lead to confusion in the minds of children. Often children become confused as to values and what is right and what is wrong. With the reduction in corporal punishment at schools, the limitations of disciplinary options for parents in dealing with their children, places a heavy weight back onto parents, who may be ill equipped to manage them.

- **Strategies to support victims and reduce crime;**

As far as I am aware, there are few publicised support for the victims of crime, especially where there is a need for the victim to seek re-dress on their own volition. Known support is:

- Insurance policies;
- Legal aid, if eligible;

- Engage own solicitor or barrister – clearly very expensive, and may exceed the cost of the incident;
  - Police may decide to charge perpetrator.
  - Arbitration.
- **Apprehension rates;**  
 Apprehension rates are not well publicised, and when they re publicised are often years after the incident. Delays in the judiciary system give a false level of security to the perpetrators of crime, whether hard crime of soft crime. Often, the hardened criminal has been involved in further crime between the time of conviction and the actual incidence.
  - **Effectiveness of sentencing;**  
 As mentioned earlier, the community’s perception of fairness of sentence and the crime itself can be confusing.
    - It would appear that there is a need to align corporate crime penalties more in line with community expectations and in line with other social crimes.
    - The community perception is that corporate sentences are far too light, and some social crimes are far too heavy.
  - **Community safety and policing.**

There is far too little support by Police in ACT for Neighbourhood Watch (NHW) Groups. Far too much time is invested by NHW Groups in trying to raise funds to be effective and visible in the community, and too little time given to listening to the community and representing community views with police.

Community safety is a prime concern of NHW Groups, however there are no real visible or tangible things that NHW Groups can do. Currently, Police are not represented at NHW meetings, so “working together” has become “working in isolation”. This is an entirely unsatisfactory situation, and if it is not corrected, then the future of NHW in ACT is limited.

- There is a need for Police to be re-involved in NHW Groups.
- There is a need for NHW Groups to be funded, not need to grovel amongst the community to get funds.
- There is a need for donations to NHW groups to be a tax deduction.
- There is a need for the NHW Board of Management to be given greater centralised control of activities and to promote initiatives of real worth to the NHW Groups.
- There is a need for the GSTax to be exempt for NHW Groups.

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