

Submission No. 62



FAXED
9/8/02
Received 13/8/02.

City of Kalgoorlie-Boulder

577 HANNAN STREET, KALGOORLIE

OUR REF: OUT02/781268:CB:IF-00023

YOUR REF:

ENQUIRIES TO: Ms Chris Bolvig

7 August 2002

Senator Marise Payne
Chair
Senate Legal and Constitutional
Legislation Committee
Parliament House
CANBERRA ACT 2600

Dear Senator Payne

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

The City of Kalgoorlie-Boulder as the Local Government authority offer the following submission to the Standing Committee on Legal and Constitutional Affairs to the Inquiry into Crime in the Community: victims, offenders and fear of crime.

In order to gather current information regarding the issues being addressed by this inquiry the local newspaper the Kalgoorlie Miner was perused for the month of April 2002 and articles examined in the context of the terms of reference. It is important for the committee to note that the Department of Justice in Kalgoorlie-Boulder has a regional role and as a consequence the Court list and reporting by local media reflects a far wider community than the City itself.

It is important for there to be an understanding by the investigating committee of the nature of the Kalgoorlie-Boulder community, its population and the population characteristics.

The ABS information is based on the Census conducted in 2001 and is therefore relatively up-to-date in reflecting the composition of the community.

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**Table 1 – 2001 ABS Census Data – Selected Characteristics for Kalgoorlie-Boulder (C) -
Pt A**

	Male	Female	Total
Total persons(a)	15102	13471	28573
Aged 15 years and over(a)	11402	9884	21286
Aged 65 years and over(a)	640	816	1456
Aboriginal	831	861	1692
Torres Strait Islander	22	15	37
Both Aboriginal and Torres Strait Islander(b)	30	39	69
Total Indigenous Persons	883	915	1798
Born in Australia	11413	10317	21730
Born overseas (c)	2333	1990	4323
Speaks English only	13175	11809	24984
Speaks other language(d)	629	605	1234
Indigenous Persons aged 18 years and over	451	537	988
Australian citizen	12630	11372	24002
Australian citizen aged 18 years and over	8914	7779	16693
Enumerated in private dwelling(a)	14151	12981	27132
Enumerated elsewhere(a)(e)	951	490	1441
Overseas visitors	43	42	85

(a) Includes Overseas visitors.
 (b) Applicable to persons who are of both Aboriginal and Torres Strait Islander origin.
 (c) Includes 'Inadequately described', 'At sea', and 'Not elsewhere classified'.
 (d) Includes 'Non-verbal so described' and 'Inadequately described'.
 (e) Includes 'Non-Private dwellings, Migratory and Off-shore.'

The average age of persons in Kalgoorlie-Boulder is 30 years. The indigenous population 6.3% is twice the average of Western Australia of 3.2%.

The City of Kalgoorlie-Boulder as a Local Government has great concern over the public perception regarding above average levels of crime, anti-social behaviour and fear of crime in our community.

To ensure that there is a clear understanding about each of the above issues the City of Kalgoorlie-Boulder has in the past 6 months conducted a whole of community Needs Analysis and a Safety and Security Audit.

The Needs Analysis revealed that the major areas of concern to respondents were in the area of public safety and health. It is a timely indication from members of the community of their dissatisfaction with current levels of involvement by all three levels of government in the provision of law and order services. Below is an extract from the draft report of market research conducted in the City of Kalgoorlie-Boulder during June-July 2002.

"Public safety is quite clearly the area of most concern to respondents. All issues with the exception of lighting fall within the quadrant of most concern (Figures 8 & 9). That is, satisfaction is low, with respondents calling for more involvement and rating public safety a high priority. 'Don't know' rates are uniformly low.

The overall level of dissatisfaction with public safety is 39.3% with 17% mostly and 22.3% completely dissatisfied. Sixty six percent of respondents support an overall increase in activities in public safety with 81.3% rating public safety a moderate (38.2%) or very high (43.1%) priority (Appendix 1).

With regard to the specific areas of concern the level of anti social behaviour stands out as particularly concerning with 73.4% of respondents mostly (29.9%) or completely (43.5%) dissatisfied. The call for increased activity is also very high with 79.7% of respondent requesting an increase (30.4%) or a substantial (49.3%) increase in activity. Level of antisocial behaviour is also seen as a priority with 82.1% of respondents rating it a moderate (30.8%) or very high (51.3%) priority. These figures are reflected in the related item

concerning police response to antisocial behaviour. Clearly respondents are concerned about the level of antisocial behaviour and the police response to antisocial behaviour. An overall majority (66%) wants more involvement and 78.4% see it as a priority.

The data for all areas can be seen in Appendix 1.

In summary, the overall priorities for public safety are shown below:

Table 2: Overall rank ordered priority for public safety. Percentage of moderate and high priority combined.

Issue	% of moderate & high priority
Level of antisocial behaviour	80.2
Crime prevention	79.1
Police response to antisocial behaviour	77.5
Response to criminal activity	75.6
Police presence	75.2
Vandalism prevention	74.7
Police response times	73
Fear of crime	71.6
Police presence	70.8
Lighting	64.8
Graffiti Prevention	64
Police services	63.3
Park safety	59.5

The results of the survey indicate that public safety is the key areas of concern for respondents. However, this does not automatically mean that the authorities should respond by allocating greater resources to this area away from other areas of relative need. This is a complex area requiring further research and analysis. One important element of the debate with regard to public safety is the distinction between perceptions of crime and the objective reality reflected in the crime statistics. Much of the research data shows that fear of crime does not match the crime statistics. That is that the level of criminal activity is not as high as that suggested by the high level of fear of crime. It will be important then to conduct a review of crime statistic in light of the findings from the survey to analyses the relationship between the perceived need to respond to issues of public safety and the crime statistics in the city.

The data has been further analysed by subgroups in the community to enable a clearer understanding of the results. Again, it should be noted that the subgroups are relatively small and caution should be exercised in interpreting the results. Data are presented below for young people (under 25) and other respondents.

Young people and public safety.

In Table 3 the percentage of young people mostly or completely satisfied is compared with the older group of respondents.

Table 3: Percentage of young people mostly or completely satisfied is compared with the older group of respondents

PUBLIC SAFETY	YOUNG (%)	OLDER (%)
Overall level of public safety	32.3	40.2
Level of antisocial behaviour	71.4	73.6
Crime prevention	60.2	51.4
Police response to antisocial behaviour	37.8	45.7
Response to criminal activity	79.6	51
Vandalism prevention	43.9	61.8
Police response times	40.9	46
Fear of crime	40	50
Police presence	43.8	33.8
Lighting	42.8	22.7
Graffiti Prevention	42.9	39.3
Police services	38.8	24.9
Park safety	40.8	44.7

For the overall level of public safety the older age group is somewhat more satisfied. However, younger people seem more satisfied with public safety in some key areas than older people (for example crime prevention, response to criminal activity, police presence and lighting). The older group seems more satisfied in areas such as police response to antisocial behaviour and vandalism prevention."

In conducting the Security and Safety Audit it was noted that most of the issues identified were common to country towns across Australia. They were recurring on a continual basis and revolve around alcohol issues, anti-social behaviour, youth issues and Indigenous issues. The five main issues identified were:-

1. Alcohol abuse and its associated problems including anti-social behaviour and assaults, domestic violence, health issues, sobering up shelters, liquor accords.
2. Indigenous issues including the fringe dweller camps, visitors from outlying communities, targeting persons at most risk and cultural issues.
3. Youth issues including programs and facilities for all youth (indigenous and non indigenous), youth involvement in community activities, graffiti, harm minimisation strategies and home-life skills education programs.
4. The implementation of Council Security patrols as a visible deterrent to reduce preventable crime and anti-social behaviour.
5. The implementation of surveillance cameras to reduce criminal and anti-social behaviour within the Central Business Districts of Kalgoorlie and Boulder.

There is an accepted perception that crime prevention is the responsibility of the Police Service. It must be recognised that crime, safety and security issues affect everyone in the community and as such there is a role for each person to play in crime prevention and addressing safety and security issues, even if it is simply within their own personal environment.

A copy of the draft report is attached for consideration by the Committee. We consider this document to be of primary concern with regard to your inquiry because it is recommending that action be taken by multiple levels of government, agencies, organisation and the community at large to address issues of a law and order nature and represents a considerable financial burden on our ratepayers.

Local Governments as such can no longer depend on State and Federal government agencies providing services in situ within the community especially in rural, remote and regional Australia. As a consequence a role has evolved for all Local Governments to provide leadership in what are non-traditional service areas including public safety and security.

There is a clear perception in Kalgoorlie-Boulder that the Western Australian Police Service (WAPS) in the community are under resourced and funded. This is supported by the repeated reports in the local media about vacant WAPS positions in Kalgoorlie-Boulder. There have been repeated problems over the past three years regarding the lack of resources and the inappropriateness of industrial agreements to enable effective policing strategies in our community. In April 2002 an article in the Kalgoorlie Miner reported that telephone calls to the Police Station were going unanswered because the switchboard equipment was inadequate for the job, so even the infrastructure is inadequate.

Below is a copy of the official WAPS statistics for the City of Kalgoorlie-Boulder for the period of June 2002 to June 2002. It can be noted that problems appear to be cyclical and occur most prevalently during school holidays. Far more crimes against property are evident than against persons. Also it reflects the fact that it is the same people who commit many burglaries. On release from prison they reoffend.

Goldfields-Esperance District – Reported Offences by Station, Offence Category and Offence													
Offence	Jun01	Jul01	Aug01	Sep01	Oct01	Nov01	Dec01	Jan 02	Feb 02	Mar 02	Apr 02	May 02	Jun 02
Kalgoorlie													
Murder	-	-	1	-	-	-	-	1	-	-	-	-	-
Att Murder	-	-	-	-	-	-	-	-	-	-	-	-	1
Manslaughter	-	-	-	-	-	-	-	-	-	-	-	-	-
Driving Causing Death	-	-	-	-	-	-	-	-	-	-	-	-	-
Aggravated Sexual Assault	1	-	4	2	3	1	1	3	1	5	1	4	2
Non-Aggrav Sexual Assault	-	2	4	-	3	1	-	3	-	2	1	3	-
Aggravated Assault	21	19	24	23	10	16	16	26	11	23	23	23	25
Non-Aggravated Assault	20	25	19	21	25	23	13	34	16	28	13	16	21
Assault Police Officer	1	11	3	3	2	5	4	2	8	16	11	8	1
Threatening Behaviour	8	7	3	5	8	7	5	7	1	1	8	5	2
Deprivation/Liberty	-	-	-	-	1	4	1	-	1	1	-	1	-
Aggravated Robbery	-	1	3	1	2	1	1	-	1	1	2	2	1
Non-Aggravated Robbery	2	2	2	4	1	5	1	1	2	3	-	3	2
Offences Against Person	53	67	63	59	55	63	42	77	41	80	59	65	55
Burglary	185	177	179	150	171	136	168	202	180	124	141	148	116
Steal Motor Vehicle	30	23	28	21	26	20	24	29	24	29	21	16	17
Theft	161	220	196	204	274	187	195	160	167	141	178	171	184
Receiving/Illegal Use	1	1	2	-	3	1	-	1	1	2	-	1	-
Fraud	32	50	13	12	17	6	13	4	11	9	10	4	9
Arson	2	19	4	7	7	3	5	4	2	1	8	-	1
Graffiti	2	3	6	1	7	1	2	2	1	1	4	3	-
Property Damage	71	125	94	98	162	89	89	109	75	83	108	99	107
Offences Against Property	484	618	522	493	667	443	496	511	461	390	470	442	434
Breach Restraint Order	5	8	5	11	8	10	10	6	6	11	13	11	7
Drugs	25	21	37	32	50	34	33	28	29	30	31	21	21
Other Reported Offences	30	29	42	43	58	44	43	34	35	41	44	32	28
Kalgoorlie Total	567	714	627	595	780	550	581	622	537	511	573	539	517

As noted above the Department of Justice undertakes a regional role, so that the number of cases which are heard in the courts in the City of Kalgoorlie-Boulder far exceeds the reported problems in the table above.

The current method of operation of the Justice system in Kalgoorlie-Boulder has a major impact on our community. With specific regard to hearing cases against people (most of whom are Indigenous) who travel from remote communities for face court, the following points are visible manifestations of the inappropriateness of the current system:

- Lack of family and community support mechanisms. Often these people are brought to Kalgoorlie-Boulder to an unfamiliar and threatening environment where they are totally isolated from even the most basic support.
- Lack of accommodation and basic requirements. Having been to court many people are remanded to a later date. They are expected to remain in Kalgoorlie-Boulder to face further court proceedings in the future and have no financial means of providing for their basic life needs.
- Lack of transportation options. This affects both people whom have completed court proceedings or have been released from prison. There is no agency or organisation willing to undertake the responsibility of returning individuals to their communities.
- Repeat offences. Because the impact of the three points above on individuals a revolving door situation has arisen where people simply re-offend in order to provide themselves with food and a means of survival. The Local Stipendiary Magistrate, David Imlah has publicly commented on this issue.

The Shire of Ngaanyatjarraku has taken considerable time to prepare a comprehensive discussion paper on Law, Order and Justice, which has been distributed to all Local Governments throughout the region for consideration and action should it be appropriate. I have appended a copy of this paper for consideration by the Committee.

It is the view of Council that the alternatives proposed by the Shire of Ngaanyatjarraku provide a basis for dealing with Justice issues and supported by the Esperance-Eastern Goldfields Country Zone of the Western Australian Local Government Association relate to Indigenous people in a more culturally appropriate manner, where possible within their community and offers the individual a change to break the cycle of offending. We believe that it is wise advice to defer the removal of prison terms of 6 months or less until a review of the impact of the removal of prison terms of three months or less has been completed and assessed.

The Mayor of the City of Kalgoorlie-Boulder and I have met with the President and CEO of Ngaanyatjarraku in 2001. We have also together with representatives from the Western Australian Police Service and the Department of Indigenous Affairs, visited the remote community of Tjuntjunjarra on 13 February 2002. A representative from the Department of Indigenous Affairs and I also visited the Coonana Community on 9 November 2001. The purpose of these visits was to discuss various issues relating to members of their community currently resident in the City. Members of the both communities expressed their concerns about the issues of repeat offences, anti-social behaviour and the inability of people to return to the community because of lack of transportation options. They further expressed the opinion that managing law and order is vital to the success of Aboriginal communities and that would like to have more frequent Police visits.

In addition to supporting the case presented by the Shire of Ngaanyatjarraku on the proposed changes to the Sentencing Act, we wish to reinforce the role of Local Government in the issue of law, order and community safety by virtue of legislative requirement and governance responsibilities imposed by both State and Commonwealth legislation.

Any changes to the Sentencing Act, especially those which increase the possibility of people being awarded non-custodial sentences in lieu of short prison term, will be further detrimental to the City of Kalgoorlie-Boulder.

For the four reasons listed above, the awarding of this type of sentence may be inappropriate unless modified with the following conditions:

- That the community work be undertaken in the most appropriate environment, that is the home community of the offender where they are more likely to be rehabilitated because of cultural influences. Often this will be in a remote community on Aboriginal lands where appropriate supervision may be difficult to achieve.
- Coupled with the Community Work Order or release from confinement should be an appropriate method of transportation back to their community with departmental and responsibility for cost assigned.

Transportation of people back to their homes is an ongoing local issue and one that is being explored at the present time. The City of Kalgoorlie-Boulder has submitted a grant application to the Western Australian Lotteries Commission to fund Troop Carriers to undertake this task. It is envisaged that the drivers will be Indigenous people employed under the Community Development Employment Program. If this initiative comes to fruition it will be possible for the City to undertake the task of transporting people to their communities and any funds granted by the courts for this task would be used for ongoing maintenance, running costs and upgrade of vehicles.

We live in an age of advanced video technology. It would be possible to use this method to undertake court proceedings without the defendant leaving their community? Most remote towns and Aboriginal Communities already have this technology in place. We recognise that implementation of such a system would require funding, planning, training and strategic partnerships, however, the advantages to both the individual and the Justice system would be considerable and there would be substantial savings to the Department of Justice budget.

Kalgoorlie-Boulder has a daily newspaper which reports on regional matters as well as local issues and the number of serious law and order issues reported are often greater than local

police statistics indicate. For example in April 2002 there were two murder reported neither of which occurred in our city, nevertheless they add to the perception that there are numerous murders occurring. This adds to the fear of crime which was so evident from the Needs Analysis conducted earlier in 2002.

There is a Neighbourhood Watch system in place in Kalgoorlie-Boulder and a SaferWA Committee has been established to enable an interagency approach to law and order issues. These two initiatives however are not effective in curbing the crime rate or fear of crime. I have enclosed a copy of an article explaining the Crime Prevention Program an initiative of the Attorney General's Department in South Australia where crime prevention officers are placed into communities to work in conjunction with local government and the community to address grass roots methods of reducing crime and the fear of crime.

The level of anti-social behaviour in the City of Kalgoorlie-Boulder has also spawned some serious side effects in that certain groups have considered undertaking vigilante activities which resulted in Police issuing warnings in the media on this matter.

There are a myriad of strategies in place to support victims of crime, however they are generally specific to a particular activity and do not appear to work together. For example the Hillaries Youth Project Enquiries (HYPE) and Youth Engagement Program (YEP) appear to be focussing on the same group within our community. There are programs to assist with domestic violence, family violence and alcohol abuse to mention a few and initiatives such as an alcohol accord and a separate Indigenous alcohol accord all of which require commitment and time from both agencies and the community.

The following is a short paper provided to the City of Kalgoorlie-Boulder by Mr Neil Hamilton regarding the issues he considers to be of major concern in his work with victims of crime.

"The impact on Victims of Crime

In my role as Victim Support Counsellor I come into contact with people who have been victims of crime against a person and/or crime against property. The intensity of the crime and its resulting affect can often determine the level of trauma and consequent stress of the victim's experiences. The traumatic reactions are not only confined to the primary victim but may also include secondary victims, for example, family members and friends. The traumatic reactions that they present with are often similar. In my experience victims of crime often become hyper-vigilant, their views about themselves, others and the world changes and they tend to put measures into place to make themselves more secure. Some of them turn to self destructive behaviour such as alcohol or other drug abuse. Many of the clients that I have seen tend to feel helpless, vulnerable and powerless which can be exacerbated if the criminal justice system is seen as failing in its duties. For people who have been victims of crime against property they feel a sense of violation against their ownership rights. Often property is seen as an extension of ourselves and certain items have irreplaceable sentimental value. Victims of physical assault also experience a sense of violation – violation of their physical well being. For some these feelings do not dissipate and may result in them leaving town in search of a more secure environment.

For many victims of crime there are huge financial implications particularly for those people who do not have private medical cover and have to pay the cost of specialist medical services and ambulances. Many people have to also go on leave without pay to recuperate.

Admittedly, victims of crime can lodge a claim for Criminal Injuries Compensation but they would receive payment in excess of 12 months of lodging the claim. Often the money is required immediately to cover the cost of medical treatment or to replace the lost income.

Victims of crime may tend to experience feeling of anger first, towards the perpetrator of the offence and later towards the police and the criminal justice system. People often become distressed when they are made aware of the wait period before a case is set for trial and they become disillusioned when a sentence is passed that they feel is not adequate. This adds to their sense of disempowerment.

Many of the people that I have come into contact with are dissatisfied with the level of feedback from the police, many of them are unclear about the strategies that the police are putting in place to address issues that seem to be prevalent in the town, for example, home invasions

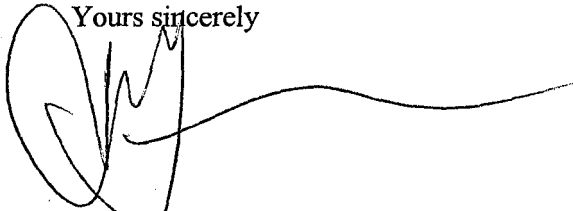
and assaults by unknown perpetrators. Some of them view the police as under resourced and feel that the formation of a vigilante group would assist the police in tackling these problems. They don't necessary view the formation of a vigilante group as breaking the law but as their contribution toward creating a safer society.

Many victims of crime are not aware of VSS because there aren't any formal protocols in existence between VSS and the police service. The service tries to identify clients as they progress through the court system but this is not ideal as many of them would have greatly benefited from counselling for their trauma reactions soon after the incident.

The impact of crime against primary and secondary victims is immense and is very often life changing. In my opinion victims of crime can be better supported if there is collaboration between key service providers, for example, VSS, the Police Department and the Director of Public Prosecutions."

Perpetrators of crime in the City of Kalgoorlie-Boulder are more likely to be alcohol or drug affected as there is a very high dependence rate in our community. There is also a particularly high number of young offenders and often this can be associated with lack of appropriate youth facilities and services and boredom. The City of Kalgoorlie-Boulder is addressing issues relating to both facilities and services for youth as a matter of priority.

Yours sincerely

A handwritten signature in black ink, appearing to be 'IAN FLETCHER', with a long horizontal flourish extending to the right.

IAN FLETCHER
Chief Executive Officer

Enc