

**INQUIRY INTO COMMUNITY BASED SENTENCING  
OPTIONS FOR RURAL AND REMOTE AREAS AND  
DISADVANTAGED POPULATIONS**

**Organisation:** Bega Valley Shire Council  
**Name:** Clr David J Hede JP  
**Position:** Mayor  
**Telephone:**  
**Date Received:** 30/05/2005

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**Theme:**

**Summary:**



"Enjoy the Sapphire Coast"

## BEGA VALLEY SHIRE COUNCIL

Council Chambers: Zingel Place, Bega NSW 2550  
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YOUR REF: Community Based Sentencing Options  
OUR REF: Crime Prevention  
CONTACT NO. Jeff McKenzie-6499 2298

30 May 2005

The Director  
Standing Committee on Law and Justice  
NSW Legislative Council  
Parliament of NSW  
Macquarie Street  
Sydney NSW 2000

Dear Sir/Madam

**Re: Inquiry into community based sentencing options for rural and remote areas and disadvantaged populations**

I am responding to the letter of 29 April 2005 from the Hon Christine Robertson MLC, Chair of the Standing Committee of Law and Justice, requesting that Bega Valley Shire Council make a submission to this inquiry.

Council has sought submissions from the local community on this matter and the attached response, which is generally supportive of a widening of the range of community based sentencing options available in the Bega Valley Shire, is presented for the Committee's consideration.

I note that the Committee is likely to conduct a hearing in Bega in late June 2005. Council would be pleased to make available its Crime Prevention Officer, or other staff that the Committee believes may be able to make relevant comments, to attend the hearing should the Committee wish to obtain oral evidence from Council to clarify or expand upon this submission.

Yours sincerely

**Cr David J Hede, JP**  
**Mayor**

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# **Bega Valley Shire submission to the NSW Legislative Council Standing Committee on Law and Justice.**

## **RE: Inquiry into community based sentencing options for rural and remote areas and disadvantaged populations**

### **Introduction**

The Bega Valley Shire Council appreciates being given the opportunity to make a submission to the Standing Committee on Law and Justice about the need to widen the range of community based sentencing options available to the district courts in the Shire. This submission is broadly supportive of widening the range of community based sentencing options.

In Section 1, this submission provides background information on the geography, demography, economy and crime statistics of the Shire that is relevant in this context. In Section 2, the effects of these factors on the Shire's community, the offenders' support network and offenders themselves are addressed.

### **Section 1: Bega Valley Shire: geography, demography, economy and crime**

#### **1) Location and history**

Bega Valley Shire is located on the south-eastern coastline of New South Wales and extends from Bermagui to the Victorian border. Bega Valley Shire is approximately half way between Sydney and Melbourne. The Shire has an area of 6,052 square kilometres. The large geographical size of the Shire creates a range of planning challenges for an area with a small but widely dispersed population – 4.9 people per square kilometre compared with eight people per kilometre in the state as a whole.

The Bega Valley Shire is bounded by the spectacular Great Dividing Range to the west and the oceans of the Sapphire coast to the east. Four mountains dominate the geography of the Shire. Gulaga to the north marks the entrance to the Shire. Biamonga (formerly called Mumbulla) in the centre of the Shire provides a dramatic backdrop to the town of Bega. Mount Imlay is the dominant geographical feature in the south of the Shire. Brown Mountain provides the western overpass into the high country of the Monaro and on to Canberra.

The traditional owners and inhabitants of the Bega (Biggah) Valley are the communities of the Yuin and Monaro nations. From time immemorial they have been the inhabitants, custodians and owners of the land, sea and waterways in the area now called the Bega Valley Shire. Colonisation and white settlement of the area occurred in the early nineteenth century and were focused on the older settlements of Bega and Eden and the farming, agriculture and fishing industries.

Since the 1970s there has been a rapid expansion of towns and subdivisions along the coastal fringe of the Shire around Bermagui, Tathra, Merimbula, Pambula Beach and Twofold Bay.

Bega Valley Shire – LGA Map with Towns & Villages, 2004



KEY

- Vegetation
- Major highways
- Other roads
- Shire Border

## 2) Demographic data

Information about the make-up of the population of the Bega Valley Shire, relating to its size, age, projected growth, proportion of Indigenous Australians and income are presented below.

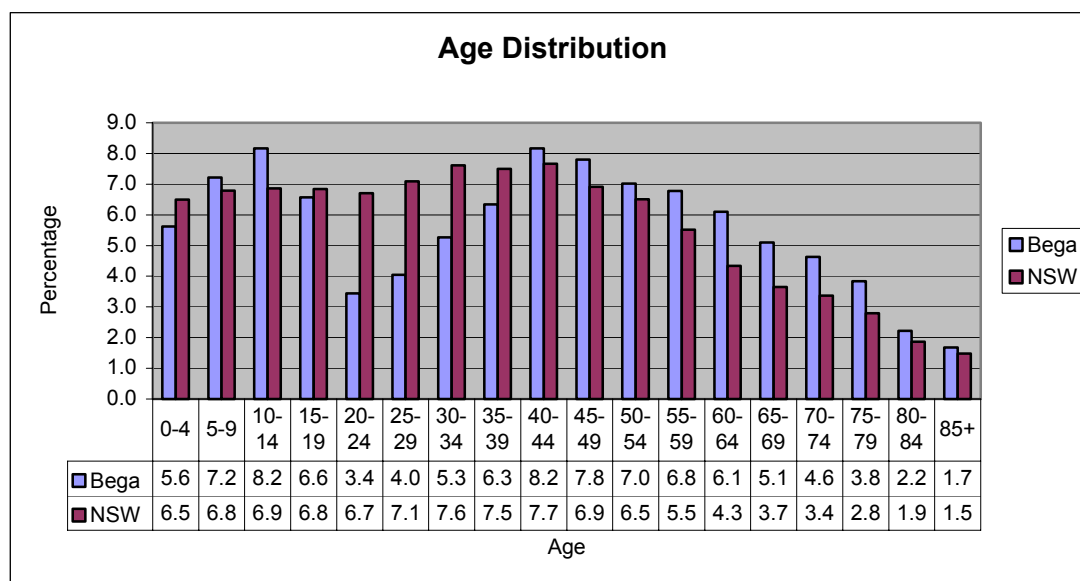
### a) Population

The Australian Bureau of Statistics (ABS) put the Estimated Resident Population of the Bega Valley Shire in 2002 at 31,164 people. The annual growth rate of the Shire between 1997 and 2001 was 1.6%. That was some 41% faster than the NSW statewide growth rate of 1.13%. Between 2001 and 2002 the ABS's growth estimate for the Bega Valley Shire of 1.5% was 50% higher than the 1% growth figure for the state as a whole.

### b) Age distribution

The table below shows the age distribution of the Bega Valley Shire as at the Census in 2001 compared with the age distribution for NSW as a whole. The under-representation of people between ages 15 and 40, together with the over-representation of people aged over 40 are apparent.

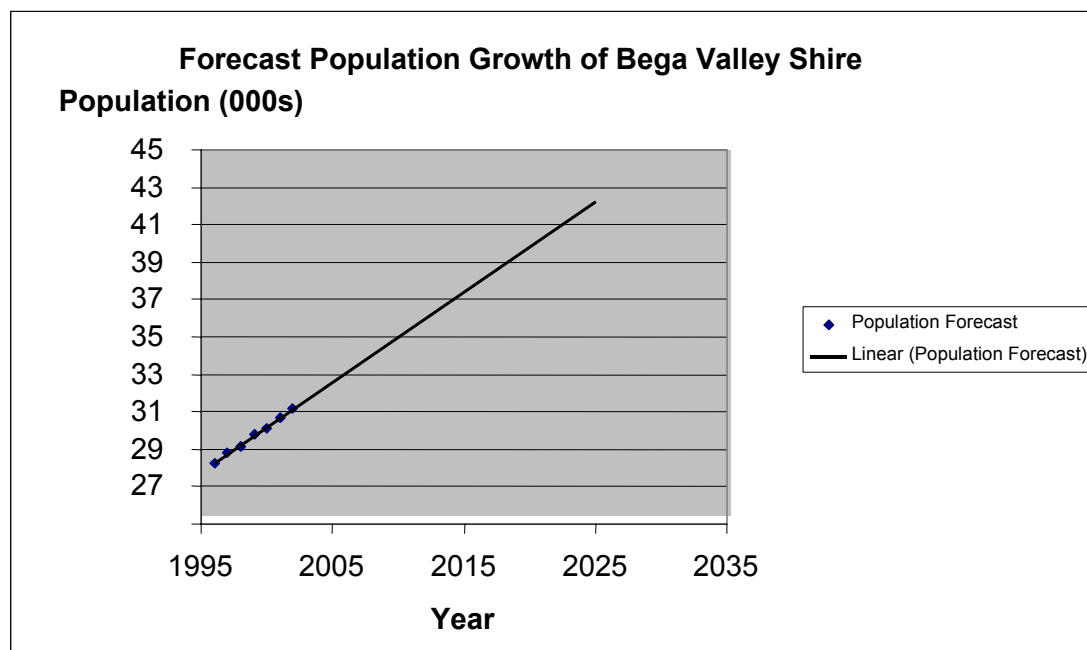
### Bega Valley Shire and NSW – Age Distribution 2001



(Source: ABS NSW Regional Profile 2004)

### c) Forecast Population growth to 2025

ABS population data for the Bega Valley Shire has been plotted on a graph and projected until 2025 on the assumption that conditions like net migration, birth rate and death rate remain as they were during the years 1996 to 2002.



Note: The linear projection has a correlation coefficient (r2) close to 1, which means there is a high level of confidence if conditions remain the same as in the base years of 1996 to 2002

### d) Aboriginal and Torres Strait Islanders

At the Census of 2001 the ABS recorded 617 Aboriginal and Torres Strait Islanders, which was an increase of 19.3% on the 1996 Census population of 517. This increase was much larger than the 6.6% increase in the population of the Bega Valley Shire as a whole.

The Experimental Estimate of the ABS put the 2001 population of Aboriginal and Torres Strait Islander people in the Shire at 724 – considerably higher than the Census figure. According to the Experimental Estimate more than half the Aboriginal population was aged 19 or younger. The Aboriginal population in the Shire in 2001 was 2.4% of the total population compared with 2.1% in NSW overall.

### e) Income

The 2001 Census data shows that the median weekly income range for the Bega Valley Shire was \$200 to \$299. This was lower than the median for the South East Statistical District of which it is a part and for the State as a whole (both were in the \$300-\$399 median range). Nearly a third of all households in the Bega Valley Shire who answered the income questions in the 2001 Census had a household income of less than \$400. This proportion of low-income households was much higher than the State wide average of 23.5%.

## Proportion of Households With Weekly Incomes of \$399 or less by region

Region	Weekly Incomes under \$399 (percentage of families) *
<b>Bega Valley Shire (A)</b>	<b>32.6</b>
Sydney SD	19.1
Hunter SD	29.4
Illawarra SD	28.3
Richmond-Tweed SD	34.3
Mid-North Coast SD	35.7
Northern SD	30.5
North Western SD	30.4
Central West SD	29.3
South Eastern SD	28.5
Murrumbidgee SD	26.8
Murray SD	28.3
Far West SD	39.7
<b>New South Wales</b>	<b>23.5</b>

\*Percentage of those reporting a household income in the Census.  
(Source: ABS Census 2001)

Australian Taxation Office figures for the 2000-01 financial year confirm the comparatively low incomes of people in the Bega Valley Shire. The mean taxable income of the 11,470 taxable individuals in the Shire was \$32,262. This was 22% less than the NSW mean taxable income of \$41,623.

### 3) Crime in the Bega Valley Shire

The table overleaf summarises a selection of crime data in the Bega Valley Shire. In general, many property crimes occur at a lower or equal rate than NSW averages, but crimes against the person and drug and alcohol related crimes are more prevalent. Domestic violence is thought to occur at a higher rate than State averages but comprehensive data on this is limited.

## Bega Valley Shire Crime Data 1999-2003

Type of offence	1999-2003 5 YEAR AVERAGE			Source: NSW Bureau of Crime Stats
	TOTAL	OFFENCES	RATE PER	100,000 POPULATION
	NSW	BV Shire	NSW	BV Shire
Assault	66734.8	301.8	1019.0	999.6
Break and enter - dwelling	74500.2	140.0	1140.1	467.2
Break and enter - non-dwelling	45307.0	211.2	693.3	702.6
Malicious damage to property	94300.2	442.8	1441.4	1468
Possession and/or use of cannabis	11965.6	92.0	182.9	305.3
Other drug offences	3047.4	22.2	46.5	73.6
Offensive conduct	4370.6	39	66.72	129.1
Breach Apprehended Violence Order	11518.6	68.6	175.86	225.6
PCA	23983.0	172.3	294.2	573.6

## Section 2: Current sentencing options in the Bega Valley Shire: an opportunity for greater equity

### 1) Effect of location on offenders' support networks

The time that residents of the Bega Valley Shire must spend in order to visit an imprisoned family member or friend is a severe and practical deterrent to visitation. The cost of public transport is very high and often unaffordable for low-income earners.

The residents of the Bega Valley Shire are substantially disadvantaged by the remoteness of the area and the inaccessibility of many commercial and government services that are located in major centres of NSW. The Shire is serviced by two main roads: the Prince's Highway from the north and south and the Snowy Mountains Highway from the west. There are significant barriers to timely and safe commuting to regional centres because of the poor standard of these roads, the lack of public transport infrastructure and the significant travel times to the cities of Wollongong, Sydney and Canberra. A resident of Eden would need to allow at least six hours to drive to Wollongong, allowing for minimum recommended safety breaks. While public transport is available in the form of buses to major centres, the time required for each trip significantly exceeds that of driving oneself and the. For example, the Countrylink



bus service, Eden to Wollongong, takes over 9 hours each way and costs \$78 per adult passenger each way.

## **2) Effect of socio-economic profile on offenders' support networks**

For many residents with children, it would be highly impractical, and probably unsafe, to make a one-day return journey to any existing NSW correctional facility. The limited income of many Bega Valley Shire residents and households could severely hamper their ability to visit an incarcerated family member. The cost of transport to and accommodation near the place of imprisonment would be either prohibitive or a severe constraint to many residents of the Bega Valley Shire. This means that offenders who are subject to a custodial sentence experience an additional punishment associated with isolation from family and support networks, which offenders incarcerated in metropolitan areas, may not experience.

## **3) Gaps in the availability of sentencing options in the Bega Valley Shire**

The relatively small population of the Bega Valley Shire and its spread across a large geographical area means that the range of community service order options is smaller than in more populous areas and/or those with more employment options in the specified non-profit sector. Additionally, the types of work available in the Shire are limited, particularly in relation to light work and weekend work that would be the only possible options for some offenders.

Weekend or periodic detention is not an available option in this Shire, because there is no suitable detention facility. The nearest available centre is in Wollongong, and as previously mentioned, this is not a practical alternative for most offenders in the Shire. The mandatory starting and finishing time of weekend detention would not permit many offenders, because of the travelling times involved, to combine traditional employment with periodic detention.

At present there is no home detention option available in the Bega Valley Shire. This option may be a possibility if the Department of Corrective Services is able to provide the required administrative and logistical support.

The Aboriginal communities of the Bega Valley Shire do not have the range of sentencing options available elsewhere. In particular, in the Nowra district the program known as "Circle Sentencing" has been hailed as largely successful. This program enables Aboriginal offenders to be dealt with in culturally appropriate ways that are largely consistent with and appropriate to mainstream sentencing requirements.

## **4) Alternative or additional Sentencing Options**

While punishment is a prime aim of sentencing perpetrators of crime, a society that is affected by crime has at least a great stake in seeing rehabilitation of the offender. In order to reduce the possibility of re-offending, many courts mandate offenders' participation in rehabilitatory programs.

A prime example of a need for a rehabilitation approach can be seen when considering domestic violence. The trialling of the program known as Staying Home, Leaving Violence (SHLV) has recently commenced in the Bega Valley Shire. This program harnesses the resources and services of many community agencies and the Police to ensure that the perpetrator of domestic violence must leave the place of residence shared with the victim. As men are most often the perpetrators of domestic violence, this usually entails the woman in a relationship staying in the family home. This arrangement is much less disruptive to affected women and children than

the previous practice which usually resulted in them seeking alternative accommodation.

Well-designed and implemented programs that educate perpetrators of violence into eliminating violent behaviour from their relationships have proven to have an encouraging success rate in other parts of the State. Providing ready access to a program designed to change the behaviour of perpetrators of domestic violence would complement SHLV and increase the effectiveness of this changed approach, which penalises offenders more than victims. It would help to build greater community awareness of the unacceptability of domestic violence and reduce the number of potential offenders and victims in the community.

The logic behind this rehabilitation approach could also be extended to entail enabling the court to mandate involvement in accessible driving education programs, the management of alcohol and drugs and alternative dispute resolution methods.

#### **5) Benefits that may be expected from an increase in the availability of community based sentencing options in the Bega Valley Shire**

An increase in the effectiveness in various sentencing options could be expected. There is no evidence that any one sentencing option is universally effective in the prevention of re-offending. However, some measures will be more effective than others, depending on the individual concerned and other factors. It therefore seems logical that the wider the range of sentencing options available to the local magistrate, the greater is the possibility that he or she will be able to match an appropriate sentence to the circumstances of the offender before the court.

Providing sentencing options that reduce the possibility of recidivism in the Bega Valley Shire would be beneficial for our community as a whole as well as victims, offenders' support networks and offenders themselves.

At present there are clear inequities in the sentencing treatment of residents of the Bega Valley Shire to the majority of NSW residents. It is accepted that there are benefits to living in the Bega Valley Shire and that residents are usually happy to accept a lower level of services and conveniences enjoyed by city residents in order to enjoy a reduced pace of life and a more natural environment. However, it could be argued that basic human rights such as consistency of treatment by the law, for offenders, victims and the victimised society, should be assiduously applied. At present, because of the limited range of sentencing options available, many offenders in the Bega Valley Shire must receive punishments that are either less or more severe than equivalent offenders in areas with all sentencing options available. Increasing the range of community based sentencing options would be a factor in redressing these inequities.

Such an increase in options would also provide greater equity for the support networks of offenders. The combination of the low socio-economic profile of the Bega Valley Shire and the long distances that people must travel to reach existing correctional facilities produces a clearly inequitable situation for families and friends of imprisoned offenders. These people are much less likely to be able to offer those offenders their support and encouragement than the majority of NSW residents in similar circumstances who reside much closer to existing correctional facilities.

If there is not to be an increase in the range of community based sentencing options in the Bega valley Shire the current inequities are likely to continue. The adverse effects of this regime will probably include a diminution of the strength of relationships over the period of incarceration in distant correctional facilities. This

could be expected to result in the greater possibility that offenders on release will have a smaller support network than those who have been more regularly supported while imprisoned. This could be anticipated to continue the possibility of a higher recidivism rate in offenders with less experience of adequate support.

## **Conclusion**

The Bega Valley Shire Council is supportive of widening the range of community based sentencing options that are available to courts in the Shire. It is believed that NSW courts do not presently offer equitable treatment to the residents of the Bega Valley Shire because the range of community based sentencing options is limited compared to those available to residents of more populous areas of the state. Council believes that the judicial system will be able to function more effectively than at present by enabling offenders to receive sentences that are more suitable to their circumstances and commensurate with the offence.