

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

Organisation: Charles Sturt University
Name: Mr Bill Anscombe
Position: Senior Lecturer
Telephone: 02 6933 2631
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Theme:

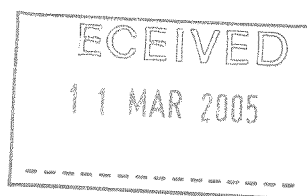
Summary:

Law - Submission to the Standing Committee on Law and Justice - Community based Sentencing Options

From: "Anscombe, Bill" <BAnscombe@csu.edu.au>
To: <lawandjustice@parliament.nsw.gov.au>
Date: 11/03/2005 1:59 PM
Subject: Submission to the Standing Committee on Law and Justice - Community based Sentencing Options
CC: "Collingridge, Michael" <MCollingridge@csu.edu.au>, "Gorman, Lyn" <LGorman@csu.edu.au>

Dear Rachel
Please find attached my submission to the above enquiry. Thank you for our phone discussion on Wednesday
Best wishes

Bill Anscombe
Senior Lecturer
Charles Sturt University
Locked Bag 678 Wagga Wagga 2678
02 69332631
banscombe@csu.edu.au



The Hon Christine Robertson
Chair – Standing Committee on Law and Justice
NSW Legislative Council
Parliament House
Macquarie Street
Sydney NSW 2000

Dear Christine,

Thank you for the opportunity to contribute to this important review. While my submission will not answer some of the questions posed in the discussion paper, I will principally address the issues of the state of rural and remote communities, Correctional programme logic including community Corrections, make some comment about Community Service Orders and suggest some possible ways forward.

I have attached a copy of a chapter (Appendix 1) that I was invited to write and that has recently been published (January 2005). This book been edited by Sean O'Toole and Simon Eyland (both NSW Department of Corrective Services employees). My chapter relates to a disadvantaged population (the over-representation of Indigenous persons in Custody). The book which deals with Correctional issues does not have a chapter relating to rural and remote corrections and continues the time-honoured tradition of focussing on the prisons rather than on the community. Your committee is no doubt aware that while offenders serving sentences in the community are more numerous than those in custody (notwithstanding the rise in imprisonment) that the resources allocated to community corrections are far fewer than prison resources and the resources for rural and remote corrections are fewer again.

Personal Declaration

1. I am a Senior Lecturer at Charles Sturt University based at Wagga Wagga with responsibilities in Social Work, Corrections and Child Protection. I have been at the University for 10 years.
2. I have had nearly 20 years experience in the NSW Department of Corrective Services in the Probation and Parole Service where I have worked as a Probation and Parole Officer, a Resident Probation and Parole Officer (Inverell), a District Manager (A/Bathurst, Wagga Wagga), a Regional Operations Manager (A/Dubbo and Wagga Wagga) and A/Regional Director (Southern Region).
3. I have occupied a joint appointment with the University and the NSW Department of Community Services for almost 5 years.
4. I have been the Director of Child and Family Services (Western) within the Department of Community Services for 2001 and had responsibility for an area that was 72% of NSW geographically and an operational staff of about 160 people spread over 25 rural and remote centres.
5. I am currently a member of the NSW Department of Community Services Research Council.
6. I have been the initiator and Course co-ordinator of the Post-Graduate Correctional Management Programmes run from the University.
7. I have been a victim of crime and a participant in the Juvenile Justice Conferencing process.
8. I have been a key researcher at the Centre for Rural Social Research at Wagga Wagga.
9. I am not, and have never been a member of any political party.

Rural and remote Inland NSW – an overview

I am unsure of the level and depth of knowledge of the Committee in relation to living and working in rural and remote Australia and particularly inland and western NSW. I am sorry if this is old ground – but increasingly Regional and Rural NSW are alienated from both the political, executive and administrative decision-making of the State. In the area of Community Corrections, the decision in 1992 to close two of five Regional offices (Wagga Wagga and Dubbo) and to restructure the Community Corrections Service on a wedge shape that had Regional Offices at Hurstville, Blacktown and Newcastle meant the effective loss of, at least, a distinctive rural and remote voice and the loss of advocacy for those areas. This is

highlighted by the failure of Corrections to be represented in a meaningful way in the RCMGs of Riverina/Murray and Orana/Far West.

This section discusses the concept of community, discusses the definitional issues of rural and remote and discusses the nature of community, rural adjustment pressures, highlights the distorted development and disadvantage of some areas of the State of NSW when compared to other areas and highlights the areas of diversity that could become strengths for future development and progress.

The Nature of community

Community is a concept that can be constructed in different ways. Some writers use the term to mean a geographic entity defined by physical boundaries such as a neighbourhood or locality. Others use the term to refer to common attributes which are used to identify membership (eg Christian community, gay and lesbian community, Goths, etc). The term is sometimes used to define both attributes and locality (Ashmont, Community of the Redeemer; Turvey Park Parents and Citizens Association).

Plant, in his book *Community and Ideology*, offers the most systemic examination of the problems of the usage of the term, emphasising the distinction between "descriptive" and "evaluative" elements in the use of the term. The evaluative ideological assumptions of the user of the term must be seen as integral. Plant locates the "rediscovery of community" in the 18th and 19th century German social and political theory. The Greek *polis* was defined as the paradigmatic community and the ideal of a culturally, politically, participatory homogenous social system.

Clarke (1981) highlights that community can be locality, social activity, social structure and/or a community of sentiment (eg shared beliefs). Whatever the definition, the two fundamental communal elements of any social system are a ***sense of solidarity*** and a ***sense of significance***. These two elements of community are closely linked. Rarely can a person feel a sense of belonging to a group without also gaining a sense of significance. De Shazer (1991) talks about the importance of 'solution focused stories' which are more likely to produce transformation than complaint focused stories.

The notion of community is an important one. An underlying theme is the question of what constitutes a community that can care effectively for its members. Exploring the notion of community reveals a great variety of definitions. Hillery (1968) found ninety-four different definitions of community. Warren (1963) talks about communities, as historically having five functions – production, socialization, social control, social participation and mutual support. Kenny (1995) makes the point that community is essentially a subjective notion, and we define community as what we experience as community.

Ife (1995, p. 90-91) writes of community as 'a form of social organization' with:
human scale ie a size where interactions are readily accessible to all;
identity and belonging – a sense of identity from belonging to a community;
obligation – a sense of rights and responsibilities;
'gemeinschaft'- people can interact with each other in a variety of roles and as whole people; and
culture – local culture expressing the unique characteristics of that community.

Writers of community work are also explicit about the range of frameworks and tools used. Rothman and Tropman's three models of community work help clarify the particular approach or approaches being taken. They suggest that community work can be considered in terms of locality development, social action or social planning. Locality development which is closest to community development "presupposes that community change may be pursued optimally through broad participation of a wide spectrum of people at the local community level in goal determination and action (p. 5)". Social planning emphasises 'a technical process of problem-solving with regard to substantive social problems'. Social action assumes 'a disadvantaged section of the population that needs to be organized in order to make adequate demands on the larger community for increased resources or treatment more in accordance with social justice' (p.6).

Peace, harmony and community development

'Positive peace' refers to the egalitarian distribution of power and resources and an absence of structural violence (Galtung 1995,p.15). Positive peace involves the broader framework of development theory, and thus fits together with community development theory. Positive peace involves social justice and sustainable development through strategies such as non-violence and policy-making based on respect, reflection and responsibility (Swan 2000,p.2). Kenny (1994) shows that notions of transformation are implicit in the term development. Community development is therefore concerned with bringing about change in society through the community.

Communities can best be understood as organic rather than mechanistic; dynamic and interrelated with environment, rather than constant in structure and form. Each community has its own attributes, depending on the local social, economic, political, cultural, environmental and person/spiritual characteristics.

Community building refers to strengthening social interactions within a community by bringing people together and helping them to communicate in ways which build genuine dialogue, understanding and potential for social action. The fundamental principle of community building is empowerment. Social capital and capacity building also offer significant contributions to understanding of the principles and processes of community building (Maloney, Smith & Stoker 2000).

Rurality in Australia

Australia is one of the world's most highly urbanized countries and (with the exception of Antarctica) the least densely populated overall. While one per cent of the continent's total land area contains 84% of all Australians, 50% of the continent contains only 0.3% of the population (McLennan 1997, pg. 76). By 1994, 71.5% of the Australian population was living in the eight State, Territory and National Capitals and six other major cities of 100,000 persons or more. By 1991 14.7% of the population, or just over 2.6 million people were living in places with fewer than 1000 residents and 28.5% (or a little more than 5 million people) were living in places with fewer than 100,000 residents. Rural Australians are scattered throughout the continent in an enormous number of diverse settlements. As at 1986, there were 1489 settlements ranging in population size from 200 to 100,000 people. Castles (1995) provided an overview of the rural population – noting that men outnumber women; rural males are slightly older than urban males; rural women are slightly younger than urban females; proportionately more children are under 17 years than in urban areas; young adults (17-35 years) are proportionately fewer in rural areas; in rural areas there are proportionately more married couples; more nuclear families, and fewer divorced, separated and widowed people; rural people are more likely to be self-employed and to work from home; proportionately more rural people are in the private sector than the public sector of employment; rural people work longer hours and are more likely to work from home than their city counterparts.

Defining Rural, Remote and Regional Australia

While the definition of "rural" has had little consensus, very useful contributions have been made (Martinez-Brawley 1984; Ginstaug 1977; Cheers 1987;) to the definitional issue. The Australian Bureau of Statistics defines a rural area as any area with a population under 1000 people. This definition is, of course, inadequate as it defines places such as Bourke and Walgett as urban areas. The definition used by the Productivity Commission in respect of its Telstra enquiry makes use of terms such as urban, major rural, minor rural and remote. The NSW Department of Community Service defines areas in the Western region of NSW as urbo-rural, rural and remote. In popular mythology, regional and rural Australia is the "bush" – a term that denotes stereotypes; classifies without appreciating diversity; and conjures images that may have no relationship with the reality. This mythologising is largely an allegorical working-approach based on a conceptualization of rural involving backward and unsophisticated populations and geographic, social and structural isolation. The mythical "normative" rural location has a small central population surrounded by smaller hamlets, mining and/or agricultural areas. It is geographically isolated by hundreds of kilometres from other similarly sized or larger population centres. The popular ideology involves social and structural issues including a limited employment and social service base, restricted post school opportunities; conservative values; male dominated decision-making; and an ideology

(or mythology) of "one big happy family", mateship, independence and interdependence and a value on community.

In reality, rural communities may share some characteristics but are each uniquely different. They are places not defined by words but rather by images – images often made and maintained in urban Australia.

The term "regional" is also contested. Lennon and O'Neil head a section of their SGS Economic and Planning Report "The Bush is Important, but the Cities are Regions Too". They say (2003, pg 5):

The term regional should not be restricted to Australia's rural and remote areas. In popular culture "regional Australia" generally invokes feelings and thought of the outback or the "bush", and the authors acknowledge that this is a real and valid definition. It is with very good reason that recent policy efforts by the State and Commonwealth Governments have placed much of their attention to dealing with the social and economic dislocation in the regional, rural and remote Australia as these are the areas that have been hardest hit by the impact of globalization and structural reform.

Nevertheless, a failure to consider our metropolitan regions on an equal footing with those in rural and remote Australia would serve to ignore significant pieces of the jigsaw that is "regional Australia"....It is for this reason that Councils surveyed as part of the DoTaRS (Department of Transport and Regional Services) –funded study were identified according to their classification of Local Governmentaccording to the following categories; metropolitan Council, Urban fringe Council, Regional Councils, Rural Councils and remote councils"

Despite rhetoric to the opposite, Australia does not have a history of strong regional foundations (Cheers 1995 pg. 5-6) or a history of local self-reliance and self government. Major regional development initiatives have been dominated by urban based central governments.

Equally, it is a myth that most rural people are farmers. Depending on how they are defined, between 3.7 and 17.1 per cent of rural people are engaged in farming (Sher and Sher 1994 pg13). The rural workforce is small, productive and efficient

Measured by employment figures, the percentage of people employed in the 2001 ABS figures by industry composition are:

Field	Sydney	Central West	Murrumbidgee	Murray
Agriculture	0.6%	14.2%	17.0%	17.5%
Mining	0.1%	2.6%	0.1%	0.1%
Manufacturing	12.4%	11.5%	10.7%	13.2%
Wholesale and Retail Trade	19.8%	18.7%	21.1%	19.4%
Services	39.0%	24.1%	21.6%	22.2%
Government	3.5%	4.0%	5.7%	4.0%
Other Industries	24.7%	24.8%	23.9%	23.6%

Field	Far West	NSW	Australia
Agriculture	11.8%	3.3%	4.1%
Mining	6.3%	0.5%	0.9%
Manufacturing	3.8%	11.3%	12.4%
Wholesale and Retail Trade	20.1%	19.8%	20.2%
Services	28.9%	35.39	33.0%
Government	4.4%	5.0%	4.5%
Other Industries	24.6%	25.1%	24.9%

The data suggests that it is in the area of services that rural and regional areas do poorly regarding employment.

Notwithstanding that most rural communities are more than farmers, farming considerations often dominate the discussion of rural communities as though agriculture was the sum total of rural communities. It needs to be acknowledged that agriculture is significant to many communities in rural Australia. However, as a mythology exists about "the bush", so also a mythology exists about rural communities being "agricultural communities". The voices of many others do not get heard. It can be construed that the National Farmers Federation (and other farm groups) speak for Rural Australia. In reality, the National Farmers Federation and other Agricultural bodies (including Research and Development Groups) have a membership slightly under 50% of the eligible producers who themselves number between 130,000 and 150,000 agricultural enterprises.

Some of the demographic characteristics include

ID	Name	2002	2001	1997	Density
105	Sydney	4167002	4128272	3928658	343.1
140	Central West	178417	177660	173309	2.8
150	Murrumbidgee	152902	152466	149619	2.4
155	Murray	113956	113397	111352	1.3
160	Far West	24155	24403	25109	0.2
91	NSW	6634110	6575217	6276961	8.3

ID	Name	Age pension	Disability support pension	Newstart allowance	Parenting payment - single	Youth allowance	Other pensions and allowances	Total selected income support customers
105	Sydney	323780	107331	90971	74826	68379	117041	782328
140	Central West	18245	7677	4929	4136	3900	5309	44196
150	Murrumbidgee	13982	5273	3527	3410	3045	4117	33354
155	Murray	11865	4117	2855	2636	2333	3211	27017
160	Far West	3316	1853	1223	796	572	1171	8931
91	NSW	601465	217165	178699	141472	124441	211170	1474412

The issue of definition has not been settled and will remain an area of contest. Particularly, as shown by the Lennon and O'Neil quotation, where there are resource implications, the terms regional and rural will be malleably applied to the end that secures the most financial or political advantage. This is evidenced by the Commonwealth Department of Transport and Regional Services' Regional Communities Programme which identifies urban areas in the Sydney Statistical Division as Regional and funds them under that programme (2003/4 RCP funded projects – include Bondi, Redfern and other central Sydney locations).

Rural Community Adjustment Pressures – an overview

Ongoing adjustment pressures continue to impact on regional, rural and remote communities and point to an ongoing need to consider future options to maximise their commercial and social outcomes. Many of these pressures are generic in nature. These drivers include many that are external to particular localities including:

- Fluctuating terms of trade and commodity prices;
- The increasing aggregation of farm/property sizes and scale;
- Changes in markets and consumer preferences;
- Resource access;
- Climate change;
- Land value and peri-urban competition for land;

Legislation including water, vegetation and employment;
International agreements including the General Agreement on Trade and Tariffs and The United States of America and Australian Free Trade Agreement;
The deregulation of industries and markets and the development of monopolies or oligarchies in upstream processors and wholesalers;
The cost of capital (interest and other rates);
The maintenance of rebates and subsidies (eg the Fuel Excise rebate);
Technological change and innovation;

There are other drivers of change for rural communities, including demographic changes that impact on the social structure of the community and the commercial purchasing patterns. These include the following:

Youth migration to cities – Cities and larger regional centres attract young people because of educational, social opportunities and diverse career choices (Barr 2003:3).

Ethnic change – a growing Indigenous population in the NSW Western Area and other remote/semi arid communities.

Overall population decline in small to middle sized centres – Neil Barr (2003:4 quoting Stayner 1997) notes that there has been “a continuing trend of depopulation of the hinterland and growth of a limited number of regional centres.”

Loss of infrastructure and social networks – The economic case for private sector activity and for government funding for infrastructure is closely linked to population, and as infrastructure and commercial activity declines, rural communities begin to bypass their local centre to shop and do financial business in larger centres. This further erodes the viability of infrastructure and small business in small local centres. In addition, the growth of large-scale enterprises in agriculture has been accompanied by increased use of the Internet to source best-price inputs to production – often at some distance from the local region.

Terms of trade and farm scale

In the past two decades commodity prices have continued to trend downwards, while many input costs have climbed. One response has been to increase farm size. The dairy industry is indicative of the trends. In 25 years, the volume of milk production by Australian dairy farms has increased by 50%, while the number of dairy cows has not changed and the number of dairy farmers has declined by 80% (DRDC 2003 quoted in Barr 2003:1). In addition, the two large retail companies (Coles and Woolworths) controlled 50% of the retail milk market prior to dairy deregulation whereas they currently control 76% of the milk market. Farm gate prices have fallen in “real terms”. As the producers have been deregulated and reduced in number – with the consequent impact upon the rural communities - a duopoly has effectively regulated the retail market through a pricing mechanism.

Rural and Remote Disadvantage

Notwithstanding the enormous economic and social contribution that rural Australia makes to the national economy and national well-being, numerous reviews have found that rural Australian are disadvantaged on a range of social, physical and economic indicators when compared to urban Australians (Cheers 1990b, 1994; Sher and Sher 1994). The more remote the location, the greater the relative disadvantage. This disadvantage is in respect of relative socio-economic disadvantage, social deprivation, material well-being and quality of life indicators that are actuarially or statistically based (Australian Government commission of enquiry into Poverty 1975; Walmsley 1980; Glover and Woolcott 1992; Bushtalks – The Human Rights and Equal Opportunity Commission 1998). Statistical evidence points to rural populations having higher economic disadvantage (Castles 1995, pg473); higher farm and non-farm poverty (Lawrence and Share 1993 pg5); less security and availability of housing (Hudson 1992); limited employment opportunities, poor pay and low skill employment (Lawrence and Share 1993 pg. 5); premature mortality, high suicides rates and a host of other health factors; lower educational achievements; and lower standards and availability of essential services.

The SEIFA scale is the measure by the Australian Bureau of Statistics that measures relative socio-economic advantage and disadvantage. The SEIFA index uses four indexes (Index of Relative Socio-economic Advantage; Index of Relative Socio-economic

Advantage/Disadvantage; Index of Economic Resources; and Index of Education and Occupation). Each index summarises different aspects of Socio-economic conditions in an area which are obtained from using the technique of principal component analysis. High scores on the SEIFA scale indicates relative advantage and low scores indicate relative disadvantage

Name	Index of Relative Socio-Economic Advantage/Disadvantage
Sydney	1051.3
Central West	954.1
Murrumbidgee	955.8
Murray	959.0
Far West	908.7
NSW	1015.3

Health

The disparity between rural and other communities is most powerfully revealed in the poorer health status of people living in rural and remote communities. Higher mortality rates, higher rates of hospitalisation and disadvantage in terms of access to health services. Rural Australians have mortality rates between 10 and 40% higher than for the nation as a whole (NRHPF & NRHA, 1999:38). Mortality rates worsen the more remote the location of the community. Death rates from all sources of injury are twice as high in remote areas compared with capital cities (AIHW, 1998:20).

Rural populations have above average rates of premature mortality and death through heart disease, cancer, suicide and tuberculosis.

Poverty and the associated family problems which arise from income deprivation are higher in rural than urban areas.

Aborigines have a mortality rate over four times that for non-Aboriginal people and life expectancy is about 20 years lower. Data from the Murray Mia Health group on Wilcannia place Aboriginal life expectancy for that community at 36.6 years for a male and 42.3 years for a female. While there may be methodological concerns with the data, early death and low life expectancy is undeniable.

Data from the Australian Institute of Health and Welfare show that non-metropolitan residents experience significantly higher mortality than metropolitan residents; and that non-metropolitan residents have higher death rates for all major causes of death, except for cancers and mental disorders. (*Catholic Welfare Discussion Papers - On Rural Australia*).

Rural communities have a general lack of medical services. Metropolitan residents are serviced by 325 doctors per 100,000 people compared with only 142 per 100,000 people in rural areas (Northern Daily Leader, 26 July 1997, p. 1.)

Education

In terms of retention rates, in 1997 Year 12 completion rates were some 65% for the nation as a whole, but in remote areas it was only 52%. For males in remote areas, only 43% completed Year 12 (MacDonald, 2000:3). The Bush Talks study found that while 25% of rural children entered tertiary education in 1989, by 1997 it had fallen to only 16% (HREOC, 1999:12.).

Child Protection and Child Health

The Child Death review Team Annual Report (2003) states:

"The most remote regions of NSW have the highest rate of child death in the State. In 2003 the rate in the most remote regions was 103.7 per 100000 children... This is three times

greater than the death rate seen in highly accessible areas (30.1/100000) and accessible areas (39.0/100000)".

"Children living in the most disadvantaged areas of the State showed higher death rates both from external causes and morbid conditions, compared to living in the least disadvantaged areas".

Services and essential services

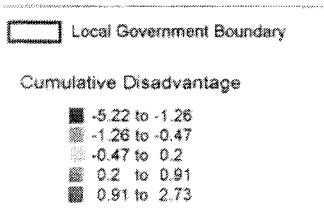
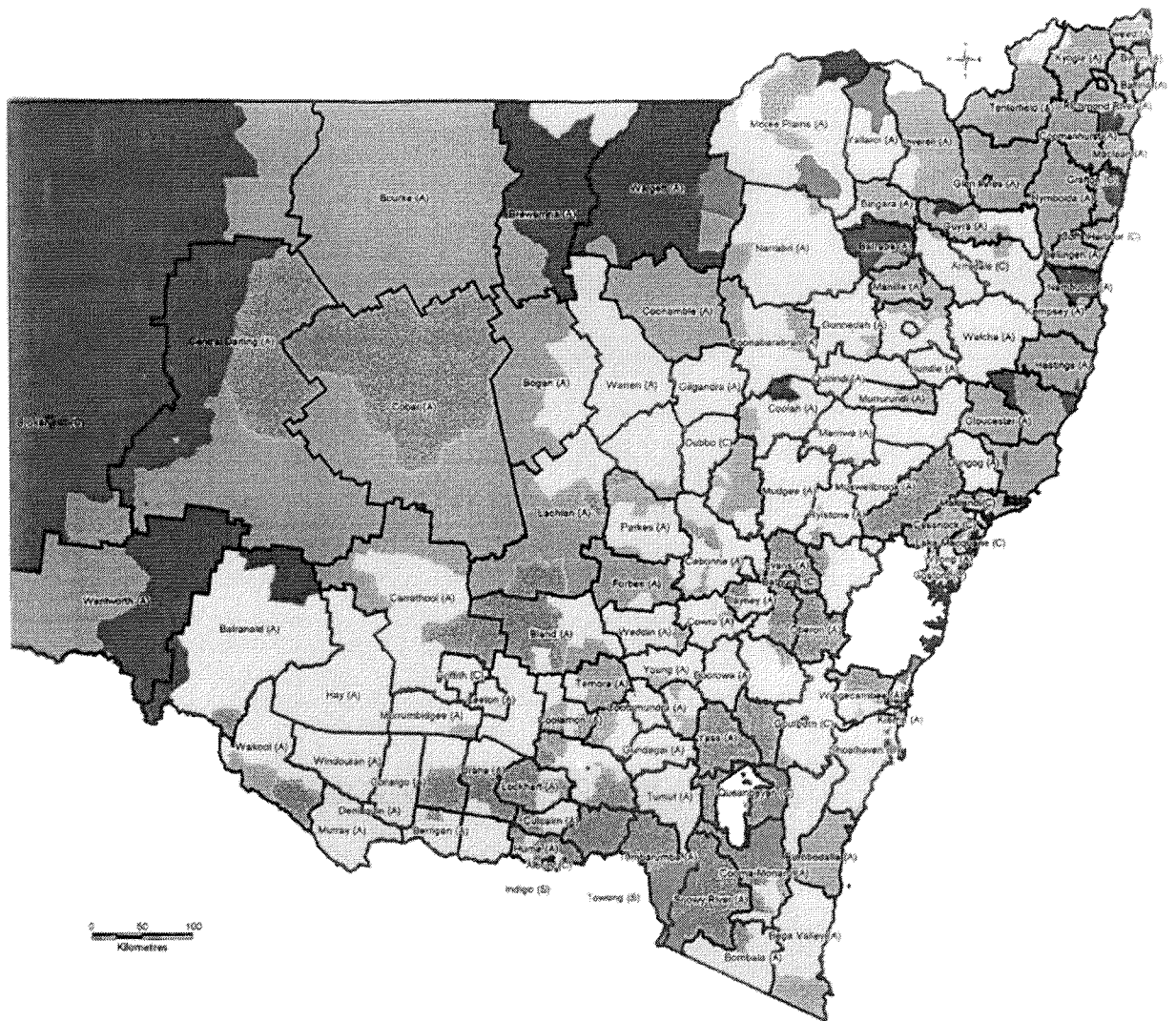
Social Researchers have established that rural regions contain Australia's most disadvantaged populations. Rural Australia has also endured a massive withdrawal of other essential services by both the private sector and governments. This is occurring at a time of growing need in rural Australia for essential services.

Rural Disadvantage is well established. In NSW Dr Tony Vinson has visually mapped areas of disadvantage.

Figure 11: Map showing the distribution of Social Disadvantage in New South Wales excluding Sydney

Unequal in Life: Distribution of Social Disadvantage in NSW

New South Wales excluding Sydney



Based on 1996 Postal Area Boundaries
 Source: See text references
 Produced by: WESTIR Ltd PO Box 457 Blacktown NSW 2148
 Ph: 02-96223011 Fax: 02-96223500
 e-mail: westir@pnc.com.au

Employment in Rural Areas

The HREOC noted that in a two-year period from 1996-1998 Regional Australia lost 28,534 jobs. Major sources of jobs lost in regional Australia, 1996-1998

Agriculture	10,500
Banks	4,800
Coal Mining	3,800
Steel Works	2,750
Telstra	2,266
Meat Works	1,944
Clothing	1,044
Metalliferous mining	900
Manufacturing	530

(Source; HREOC, 1999:16)

Assuming a very conservative parameter of \$30,000/job; this equates to a loss of \$856,020,000 in a two-year period and prior to the drought.

Employment figures indicate a massive under-representation in the Service sector. The Australian Commodities (Vol 9 no 1 March, 2003) reported on employment in services. Services were defined as communication services, property and business services, health and community services, cultural and recreational services, personal and other services. While the national average in the 1996 census was 31.79% of the workforce in services – in Griffith it was 4.38%, Narrabri 5.01%, Wee Waa 3.51%, Bourke 7.18% and Wilcannia 8.05% was the highest of the 11 communities reviewed.

There is a serious under-representation of the service sector in rural and regional areas when compared to the national figures. .

Statistics from the DSRD (Department of State and Regional Development) indicate that 80% of all finance employment is in Sydney Statistical Division and 76% of all the state's computing services are in Sydney Statistical Division.

Income

Rural people are demonstrably poorer than their urban counterparts.

Details from the 2001 Census for the areas are:

Name	Median weekly individual income	Median weekly family income	Median weekly ho
Sydney	\$400-\$499	\$1,000-\$1,199	\$800-\$999
Central West	\$300-\$399	\$800-\$999	\$600-\$699
Murrumbidgee	\$300-\$399	\$800-\$999	\$700-\$799
Murray	\$300-\$399	\$800-\$999	\$600-\$699
Far West	\$200-\$299	\$600-\$699	\$400-\$499
NSW	\$300-\$399	\$800-\$999	\$800-\$999

Internet Access

The Australian Bureau of Statistics reports on internet usage. As at August 2001, 3.9 million Australian households had a home computer in their home. 78% of these (that is the 3.9million) households are in Capital cities. The two strongest correlates of household computer ownership were being based in a metropolitan area and having an income in excess of \$50,000. The following is a small comparison between national figures and those in selected rural and regional areas in this study area.

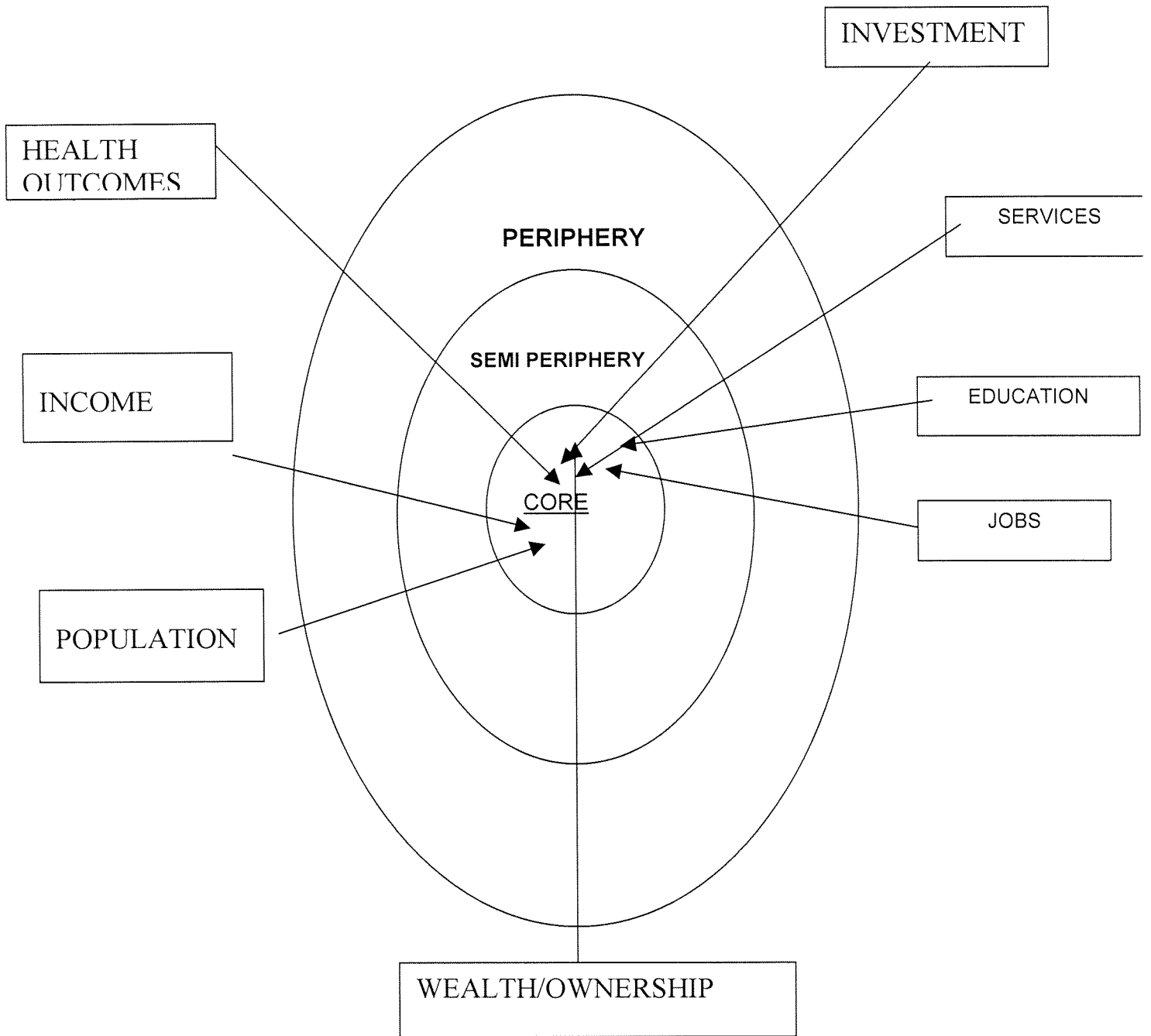
Location	Computer Access	Internet Access
Australia	56%	37%
Wagga Wagga	43.1%	26.8%
Albury	41.2%	26.8%
Dubbo	35.4%	22.6%
Broken Hill	31.1%	20.5%
Central Darling	18.4%	11.8%

Home computers and internet access are directly related to income with (as at November 2000) 77% of households with incomes of more than \$50,000 have home computers, while it was 37% for those with incomes less than \$50,000. Internet access was respectively 57% (over \$50,000) and 21% (under \$50,000). ABS 8147.0 Nov. 2000

Distorted Development

One would think that rural and remote areas must be unproductive and undeserving of services. However while a small number of Australians live in rural or remote communities and the output of farm sector represents a declining share of Australia's Gross Domestic Product, this nonetheless accounts for approximately 42% of the nations export (NRHPF & NRHA 1999:28).

Emmanuel Wallerstein discusses the concept of distorted development. The analysis suggests that there is a central core surrounded by a semi periphery and periphery. The core attracts development from the periphery and semi periphery. It can be argued that, almost like a black hole, the core attracts development, population, wealth and influence from the periphery and semi-periphery. In NSW, the core can be conceived of as the Sydney area with the semi-periphery being Newcastle, Wollongong, the Western Suburbs of Sydney and the Blue Mountains. The periphery is all the other areas of the State. Thus, when the Premier's Department speak of Regional jobs, the vast majority have been developed in the Newcastle, Central Coast and Wollongong areas.



The writer approached the NSW Premier's Department by letter on the 22nd of July 2003 in relation to rural and regional jobs and the centralization of processing positions to Liverpool form Wagga Wagga, Dubbo and Orange as part of the *buslink* changes. (*Buslink* is the administrative structure that has four client departments providing Human Resource, finance and processing services). The letter to the Premier's Department asked for details of the location of all Senior Executive Service people on the premise that the high value and influential jobs were located in Sydney. It asked for a listing of jobs created or move to rural and regional areas: access to rural Community Impact Statements; the impact of *buslink* on rural and regional jobs; and the economic modelling for the future development in rural and regional areas.

The response illustrated the issue of the definition of rural and regional. The response read:

"By the end of May 2003, the Government has relocated 1942 jobs to rural and regional NSW and created a further 2889 positions in rural and regional NSW.

The Government's relocation achievements include:

Workcover and Long Service payments to Gosford (560 jobs)

Police Assistance Line to Tuggerah (218)

Registry of Co-operatives to Bathurst (43)

Police Traffic Infringement Bureau to Maitland (150)

Department of Local Government to Nowra (60 jobs)

Police Firearms Registry to Murwillumbah (50 jobs)

Sustainable Framing Systems Branch (Native Vegetation Unit) to Wellington (24 jobs)

Pillar Administration (Was the Superannuation Corporation) to Wollongong (311 jobs)

Department of Agriculture positions to country areas (142 jobs)"

It is interesting that the NSW State Government has a Minister for Regional Development who is also the Minister for the Illawarra. There is a Minister for the Hunter and a Minister for Western Sydney. Of the jobs listed above (that is "deconstructing" the data and excluding the unsited Agriculture jobs) 117 were located outside the Sydney, Hunter or Illawarra area. The State Government clearly considers the Hunter and the Illawarra as "regional" and has a special cabinet portfolio for those areas.

The response from the A/Director-General of the Premier's Department did not detail co-measurable job losses in rural and regional areas. The response also confirm that Rural Community Impact Statements that are mandatory by Government Departments prior to implementing changes that would impact upon rural and regional employment were Cabinet documents and covered by Cabinet privilege and are not available to the public. Whether Rural Community Impact statements were undertaken in respect of the collapsing of three areas into one in the Department of Community Services, the amalgamation of areas in the NSW Department of Education with the loss of rural jobs, Police area command to Wollongong from Wagga Wagga, the changes to *buslink* with its consequent loss of positions in rural areas, the centralisation of the intake function for Child Protection to Parramatta, the centralization of the ambulance call centre to Wollongong, the Western region of the Department of Juvenile Justice (86% of the State) having its regional office at Wollongong with the loss of influence from rural and remote areas, and the Health changes that will see large regions and the subsequent loss of local, rural and regional influence, are simply not attainable.

The NSW Department of State and Regional Development website indicates that the Sydney Statistical Division (4.1 million people of a State population of 6.5 million – that is 63% of the State population) has 85.5% of the States finance and insurance, 79.9% of the property and business services, 76% of the wholesale trade, 74% of the transport and storage; 72% of cultural and recreational services and 72% of the personal services. The vast majority and a disproportionate percentage of these services are located within the Sydney Statistical division. The tendency is to aggregate to the core and away from the periphery.

Distorted development may also be occurring in relation to capital being attracted to urban areas from rural and regional areas. The sale of Telstra represents a particular issue of concern in relation to flow of capital and access by rural and regional people to ownership of Telstra. Much of the discussion has been on service levels, but of equal importance is the discussion on ownership. Rural and regional Australians had an equal proportion of the common-wealth of the nation and were co-owners of the telecommunication network prior to 1996.

The question of whether capital is being attracted to the core at the expense of the semi-periphery and periphery remains open in the light of the inability to secure the information from urbo-centric organizations. In some situations it is very clear. Capital flows of research funding from the Australian Research Council (2000) has seen about 75% of the funding going to 8 Universities in metropolitan areas with 12 regional Universities receiving 4% of the available funding.

Population is being attracted to the core. While some rural and regional areas are seeing a population decline, there is concern over the reality that the Sydney area is attracting 1000 new residents per week. A summit in 2004 to address the concerns of the infrastructure and viability of this growth is evidence of the growth at the core.

Classifying Rural Communities

Partly in an attempt to breakdown the mythology of the "bush", the NSW Department of Community Services (Western Areas) has developed (2000/2001) an approach that will give recognition to the very wide diversity of communities in the DoCS Western area and to the reality that communities are in a constant state of change. Rural communities are, in the mythology, places of reliability and dependability. The reality is that they are extremely vulnerable to climatic conditions, subject to major changes in policy and many, being single industry communities, are susceptible to commodity prices, international markets and a host of other factors beyond the immediate control of the community. In recognition that rural communities are diverse and that communities based on locality are places of change, the Department has developed a four stage classification of regional and rural communities in Western NSW. Communities may be at a particular stage and hold many or all of the characteristics of that stage. However, the stages are not to be seen as prescriptive and immutable but rather as diagnostic and a benchmark against which action can be taken..

Western NSW communities can be located upon a continuum from impoverished through to mature. It is as possible for communities to develop towards maturity as well as move towards impoverishment. Decisions taken outside the community have the potential to move communities in one or other of the directions. Taking this approach means that there is recognition of the dynamic interplay between community- and outside-of-community forces. It addresses the mythology of urban areas by creating rural and regional areas as places of action and dynamism and challenges the consensus view of society and suggests a conflictual view of the inter-relationship between rural and urban is appropriate.

Impoverished communities are characterised by having few opinion makers; power vested in few people; few services and /or fragmented services; little information, or the information is held by the few; a lack of social cohesion; a lack of acknowledgment or respect for diversity; vandalism / violence / lawlessness; visible drug and alcohol issues; social isolation/ disempowerment, low employment or (high "unemployment"); cultural and spiritual quality of life experienced as lack of connectedness; inertia and expectation of external solutions; a lack of mechanisms for "belonging"; a lack of shared community visioning; and dependency.

Emerging Communities are characterised by having mechanisms to stimulate leaders/catalysts and opinion makers; small scale/practice; few services – emerging coordination – gap identification; information access points clearly identified and information broadly available; responsive to community; increased tension; developing mechanisms and exercising of community voice; groups and communities of shared interest forming values, beliefs and expectations that are articulated in behaviours; a focus on shared community responsibility and recognition of community members contribution to wellbeing and health of the community; community action strategies; alternate employment / training;

community participation with diversification of opportunities emerging; community identification / belonging with confidence and pride; and emerging cultural and spiritual connectedness.

Maturing communities are characterised by having a dynamic diverse range of catalysts, champions, opinion makers and ambassadors; advocates; mixed service systems; coordinated collaborative reinvigorating, regenerative responses to need; creative and challenging outcomes focused on clients and the community; information readily accessible in multiple formats; community profile to which the community is responding; community participation mechanisms and community visioning processes which are integrated into general community life; organisational and social constructs that support effective use of community resources, harnesses energy, builds diversity and solution building that is based on inclusion; formal and informal community organisation for wellbeing and health of all members; organised and spontaneous community solution building; and relationships and interrelationships emerge that are celebrated /strengthened; a dynamic economic/ social interface; preventative and diversionary processes prominent in the law and order and tertiary systems; and independence moving to Interdependence

Matured communities are characterised by having formal processes for community representation; participation from all sectors of the community; service systems that are operative including funding and service provision; a healthy market economy free of monopolies and oligopolies; charity models formalised into fundraising; sophisticated community and social constructs; tolerance of diversity; inclusion of difference; information available that is current, targeted or responsive; accessibility of information to all; community expectation for increased government visibility and action in a partnership with the community responsibility and care; enhanced informal care systems; community Reconciliation approaches and Alternative Dispute Resolution mechanisms; interdependence and co-operation; and community confidence and shared vision of the future.

Communities are complex and multi-dimensional. They contain within them a range of social, political, economic, ecological.

Understanding the place of Rural and regional communities

Given the contribution that rural Australia makes to the national economy and social infrastructure, explanations of rural disadvantage are desirable. Two explanations are propounded by Cheers (2001). Firstly, threshold arguments bring together the notions of a dispersed small population and economic factors such that it is difficult to economically provide the range of services required to sustain a quality of life commensurate with that enjoyed by urban Australians. One of the weaknesses of the threshold arguments is that it makes the urban quality of services the standard against which to measure rural quality of life and disadvantage. It is an urbocentric position. Secondly, political economy arguments assume that national resources are limited and are distributed according to the perceived needs of capital and the national economy through the balancing of competing interests of governments who, through political expediency, give primacy at varying times to economic, social, cultural, ecological or spiritual values.

Rural living and lifestyle is engaged in a process of change. The continuing urbanization of Australia has eroded the political base that rural Australia once enjoyed. The changing national economic circumstances with a focus on service industries rather than agricultural and manufacturing industries has impacted on rural Australia. Of enormous significance to rural Australia is the globalization of capital and the rise of agribusinesses which are beginning to replace the family farm. These macro-forces are beyond the control or influence of rural or regional economies or policy makers. There are those that argue that global capital and its attendant movements of money and industries around the world to places with the lowest input costs is even beyond the influence of the Nation State (Australia). One of the impacts of this process of change is a stronger sense of isolation. This isolation is more than a geographic phenomena, as Australia moves increasingly to an information or knowledge based society, rural Australia's isolation is coming to mean isolation from knowledge at an affordable price. Changes in technologies have the potential for positive and negative impacts

on rural Australians. The internet and its attendant commercial uses may break down the sense of isolation in rural Australia by bringing the world to rural Australia – but it may also see the movement of social capital (defined as the network of relationships and services) away from rural communities. Telecommunication changes have the potential to see the loss of employment in rural areas – but also the potential for increased employment in those rural areas that attract and retain a teleservice centre.

Rural NSW has been, and is a productive, efficient and viable part of Australia that makes a very substantial contribution to the national economy and the social fabric of Australia. Rural Australia continues to face social and economic disadvantage by comparison to urban Australia. There are very substantial changes occurring in the macro environment that have a significant impact upon rural areas. A key component in responding to the challenges that face rural Australians is to ensure that they receive a fair and just proportion of the economic benefits of change and to ensure that political economy arguments and arguments based on human rights rather than threshold arguments are used in order to advance the interests of rural Australians.

Correctional Programmes Logic and Contextual changes occurring in relation to Community Corrections.

Community Corrections in NSW is dominated by a conservative view of corrections and wed to a casework model. Its ideology is to locate individual responsibility for offending and decontextualize the criminal act from the, often disadvantaged, community. Community development, restitution, and structural approaches to corrections are rare or non-existent in NSW. Community Corrections has experimented with methods such as groupwork – but these have been educational rather than therapeutic. The dominant model of intervention is casework - of a crisis intervention nature built on a poorly considered risk management approach. A social democratic or pluralist model is absent.

Scientific research conducted over decades suggests that criminal justice approaches that emphasise increasing policing and increasing severity of punishment in most cases fail to effect significant reductions in crime. Homel (1994) indicates that such approaches are enormously costly and that they may even indicate an increase in crime rate.

In 1988, a Conservative Government was elected in NSW on a Law and Order platform. Over a three year period the prison population increased from 4003 (a rate of 70.7 per one hundred thousand) to 5919 (with a rate of 100.2 per one hundred thousand). This rate was the highest rate since 1907. Under the Carr Labour Government, the number of prisoners in NSW has risen to 9000 – up by 3000 since 1995. Auditor General, Bob Sendt notes that the daily cost of keeping a prisoner in NSW is \$68547 per year or \$187.80/day (Auditor General's report to Parliament 2004). The costs vary according to classification with maximum security prisoners costing \$79829/year, medium security prisoners cost \$63016 per year and minimum security prisoners cost \$61813/ year.

Sullivan (1997) analysed Australian crime rates. She claimed to document increasing community lawlessness which she attributed to cultural and social change especially in family life and child rearing practices. The risk of crime seems to be exacerbated by creating communities that are not inclusive of diversity among families and youth. Communities need to provide many social pathways for their members. King (1998) indicates that in the past 25 year the percentage of dependent children living below the poverty line has almost doubled. The Submission of the NSW Department of Community Services to the Legislative Council enquiry very adequately details the changes in the State of NSW in relation to families and these are often compounded in rural and remotes areas.

Approaches to crime prevention may be divided into four groups following the distinctions made by Farrington (1996).

The criminal justice prevention approach refers to "traditional deterrents, incapacitation and rehabilitation strategies, operated by law enforcement and the criminal justice systems" (Farrington 1996, p 18).

Situational prevention "comprises of opportunity-reducing measures that:

Are directed at highly specific forms of crime

Involve the management, design or manipulation of the immediate environment in a systemic and permanent way.

Make crime more difficult and risky or less rewarding and excusable as judged by a wide range of offenders" (Clarke 1997, p 4).

Community (social) prevention "refers to interventions designed to change the social conditions or institutions that influence offending (Farrington 1996, p 18).

Developmental prevention which refers to interventions designed to inhibit the development of criminal potential in individuals (Farrington 1996, p 18).

The Cost of Crime

Socially, crime damages the fabric of community by promoting distrust, instilling a sense of threat, destroying confidence in the power of the judicial system and ultimately with the adoption of a "fortress mentality". Bright (1997) says "those who argue that the measures necessary to prevent crime will cost a lot of money should be reminded that crime is already costing a lot of money" (p 99). Any cost of crime assessments must take into account second generation effects. The impact of events on one person's life is not only on that person's life but also affects the lives of the next generation they raise.

The Australian Psychology Society Report reviewed in the APS Observer (1997, p 19) says "no matter how much we learn about the socialization process and no matter how much we learn to change attitudes, beliefs, and other cognitions, we are unlikely to prevent violence unless we can alter the environmental factors in a child's life that promote aggression. Consequently we need to examine how we can change neighbourhoods, schools, and families, so that they are less conducive to the development of violent behaviours."

Wetherburn and Lynd (1997) record that poverty, unemployment, sole parent families, lack of residential stability and crowded living conditions were all related to measures of abuse and neglect on the one hand and to juvenile crime on the other. The strongest predictor of juvenile crime of all the factors measured was neglect and abuse.

Sherman (1997 b, p 1) says "family factors have a major effect on crime. Family-based prevention can directly address those risk factors with substantial success". The more, and earlier, the risk factors that are addressed, it seems, the better. Programmes for infants and young children may be most cost-effective in the long term, even if they are expensive in the short term. Combining home visiting with pre-school education reduces crime committed by children when they grow up. Rigorously evaluated pilot projects with tightly controlled prevention services are consistently effective. Most of the conclusions have been independently reached by diverse scholars and discipline groups (Yoshikawa 1994; Tremblay and Craig 1995; Hawkins, Arthur and Catalano 1995; Crowell and Burgess 1996). Given the normal disagreement among social scientists, the level of consensus about their conclusions is striking".

Greenwood et al (1996) in a sophisticated approach to estimating the cost effectiveness of approaches to crime preventions indicated that "California's three strike law is estimated at achieving a 21% reduction in crimes (crimes that cannot occur while people are in gaol) at a cost of \$US5.5 billion per year. For less than an additional billion dollars, graduation incentives and parent training could roughly double that crime reduction, if they are as effective as our analysis suggests." (Greenwood et al 1996, p 5).

Wetherburn and Lynd (1997 p viii), state "assuming other factors remain unchanged, an increase of one thousand additional neglected children would result in an additional 256 juveniles involved in crime. Alternatively, and again assuming other factors remain unchanged, an increase of 1000 additional poor families will result in an additional 141 juveniles involved in crime".

The National Crime Prevention document highlights the factors that have been linked to anti-social or criminal behaviour. These factors are stated as:

RISK FACTORS				
Child Factors	Family Factors	School Context	Life Events	Community and Cultural Factors
prematurity low birth weight disability prenatal brain damage birth injury low intelligence difficult temperament chronic illness insecure attachment poor problem solving beliefs about aggression attributions poor social skills low self esteem lack of empathy alienation hyperactivity/ disruptive behaviour impulsivity	<i>Parental characteristics:</i> teenage mothers single parents psychiatric disorder, especially depression substance abuse criminality antisocial models <i>Family environment:</i> family violence and disharmony marital discord disorganized negative interaction/ social isolation large family size father absence long term parental unemployment <i>Parenting style:</i> poor supervision & monitoring of child discipline style (harsh or inconsistent) rejection of child abuse lack of warmth and affection low involvement in child's activities neglect	school failure normative beliefs about aggression deviant peer group bullying peer rejection poor attachment to school inadequate behaviour management	divorce and family break up war or natural disasters death of a family member	socioeconomic disadvantage population density and housing conditions urban area neighbourhood violence and crime cultural norms concerning violence as acceptable response to frustration media portrayal of violence lack of support services social or cultural discrimination
PROTECTIVE FACTORS				
Child Factors	Family Factors	School Context	Life Events	Community and Cultural Factors
social competence social skills above average intelligence attachment to family empathy problem solving optimism school achievement easy temperament internal locus	supportive caring parents family harmony more than two years between siblings responsibility for chores or required helpfulness secure and stable family supportive relationship with other adult small family size	positive school climate prosocial peer group responsibility and required helpfulness sense of belonging/ bonding opportunities for some	meeting significant person moving to new area opportunities at critical turning points or major life transitions	access to support services community networking attachment to the community participation in church or other community group community/cultural norms against

of control moral beliefs values self related cognitions good coping style	strong family norms and morality	success at school and recognition of achievement school norms concerning violence		violence strong cultural identity and ethnic pride
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It can be argued that conceivably many of those members of the society that are most disadvantaged find their ultimate exclusion from society in the cells of the nation's prisons.

While the evidence mounts for a different approach to corrections that involves prevention, the way a particular problem is defined in a social realm strongly influences approaches to remediation (Callaghan 1988, Caplan and Nelson 1975, Kilman and Warwick 1978). Furthermore the definition can determine both the focus of intervention and the techniques employed, resulting in the dismissal of alternatives. The identification of the problem is a value judgement that identifies perspectives - social work, sociological, political, economic. Kelman and Warwick (1988-78 pg.11) argue that such influences will encourage the setting of goals which will "accrued to the benefit of their group at the expense of the target population". The influence of the dominant claim makers in a social phenomena reinforce their values and their proposed solutions. The dominance of economic rationalism and a political concern to be seen to be "firm but fair" has dominated the correctional sphere.

The explanation of causes of rising imprisonment has concentrated on the individual. The interventions proposed have focussed on a limited range of options arising from a retributive philosophy of justice and corrections. The need for professionals and governments to locate the causes within an individual accounted for the rejection of a structural approach to managing rising prison populations. An individual retributive model which is person-centred upon blame and institutional-solutions has dominated Australian thinking.

A binary decision-making model is established. In a linguistic slight of hand, social and political transformation as well as alternatives to imprisonment are rendered invisible and a false duality of choice is created. Imprisonment largely relies upon blame and responsibility being placed on individuals for making "wrong" or "irresponsible" choices (Kitzinger and Perkins 1993). This basic assumption masks that choices are constrained and controlled by the material and cultural context as well as political contexts in which individuals live. Douglas (sited in Kitzinger and Perkins 1993) claims that "When material conditions eliminate 99% of the options, it is not meaningful to call the 1% of things choice".

Location of Correctional Centres

As urban clustering continues and some regional economies decline, rural communities "bid" for a prison. In NSW, for example, the announcement that the Government would be opening what in the event become Junee Prison initially attracted 70 "bids" by 62 separate Local Government areas, eager to trade land, fast track or even bypass planning procedures and offer other incentives in return for the supposed economic benefits that would flow (NSW Public Accounts Committee 1993, p 127). In the case of the Junee Correctional Centre, Junee was losing population and its economy was in steep decline. The decline was due to restructuring of rail by the State Government with the subsequent loss of 127 jobs. The fear of the Junee Consultative Committee was that the former "Rail town" would become known as the "GaoI town". Junee is some 600 km from Sydney, which is the main catchment area for prisoners who are accommodated there. Visits to prisoners are thus problematic, a situation exacerbated by the fact that Junee now exists in a public transportation partial vacuum. The soon-to-be-constructed public prison at Wellington was keenly sought after by rural communities in the area for its supposed benefits. Similarly, the newly opened prison at Kempsey was sought after by numerous local Government areas.

Arguably, corrections is one of the significant growth areas in terms of employment and rising and growing numbers of "clients". Wallenstein' view of core, periphery and semi-periphery is important as a consideration. The cost of land and labour in rural areas make them attractive as correctional sites. There is an argument that the prisons are then filled with the uneconomic and socially unproductive urban poor and oppressed. While much development of high value industries (computing, banking etc) are being centrifugally attracted to the core, low value, low wage, low status and low skilled industries (such as corrections) are being centripetally thrown out to the periphery and semi-periphery. The annual statistics on Corrections in NSW seem to support this view. In NSW the annual inmate census (2003) of the Department of Corrective Services shows that there were 8009 full-time prisoners and 787 Periodic detainees on 30/6/2003 incarcerated. While inland NSW is about 10% of the State's population (this includes the areas West of the Blue Mountains and so includes the correctional Centres at Goulburn, Tamworth, and Glen Innes), as at 30/6/03, inland NSW had 2926 full time inmates (36.53% of the state full-time inmates) and 75 Periodic detainees (9.5% of the State Periodic Detainees) and therefore has 34.11% of the total prison population. From the inmate census of the Statistical sub-division, 11.9% of the prison population comes from the drawing area of the 4 statistical sub divisions and 14.5% of the prison population comes from within the drawing area that houses 34.11% of the total state prison population. The Sydney Statistical Division contributes 57% of the inmate population and houses 3075 (38%) of the State inmate population. The State's largest prison for sentenced prisoners is at Junee. There is prima facie evidentiary support for the proposition that high skill, high wage and high status positions are being created, imported or attracted to the Sydney Statistical Division while low wage, low status jobs and unproductive or poor people are being exported to rural and regional inland NSW.

Prisons and Prison Logic

Prisons are inherently destructive places. Communities are places that can grow significance and solidarity.

Prison rehabilitation or habilitation programmes operate on the most spurious of programme logic. Prisons, by their very nature, are artificial places that, in only the most tangential way, represent any likeness to normal community living. Prisons may serve a multiplicity of ends. For some in the community, prisons are places of punishment. For others, prisons represent specific deterrence for the individual offender. For others, prisons offer a general deterrence that underpins the behaviour of the whole of society. For others, prisons are primarily a place of rehabilitation. In reality prisons are the receptacle for the male (in general) failures of other systems including family, education, employment and social systems.

All but an extremely small proportion of the prison population will be released into the community. The real issue involves determining whether imprisonment has resulted in a better human being taking their place in the world. In practice, the programme logic of prisons operates in the following manner : -

Take Prisoner A: The mythologically normal prisoner.

He (for prisoners are overwhelmingly male) will be young, undereducated (the majority have not completed high school) and be unemployed at the time of the offence. In addition, about 74-81% of prisoners self-report a drug and alcohol problem; up to 30% will have psychiatric disabilities and/or developmental delay; and there will be a disproportionately large indigenous group (1 in 5 Australian prisoners are Indigenous). Overwhelmingly, parental and family ties will be either disrupted or destructive.

The Courts hold Prisoner A responsible personally and individually for his offending behaviour.

Add Prisoner A to 749 others (in the case of some Correctional Centres) who exhibit Prisoner A's characteristics in a greater or lesser degree.

Put this amalgam of A and 749As in an environment that is controlling and creates dependency.

Then remove the vast majority of decision-making, including all money, any legitimate expression of sexuality, some civil rights, and practical life skills including when you will get

up, when and what you will eat, what you will do, with whom you will co-habit and a myriad of seemingly small and insignificant decisions.

Multiply these factors by time which has nothing to do with individual needs or a carefully planned programme of re-integration - but has only to do with the politics of legislators and the nature and expediency of judicial discretion operating at the insistence and persuasion of state or privately financed advocates.

Equals: The outcome at the expiry of the appropriate time is a (hopefully) well adjusted habilitated or rehabilitated A (or at least an A no more damaged than when he went to prison) who is ready to again resume his place in the community and begin to fulfil his part in the social contract between the State and its citizens.

This practice of the Prison Programme logic is the raw material of fantasy, not the insightful thinking that is well reasoned and promotes positive decision-making or behavioural change.

While the prisons are changing in the way that they are designed, constructed, financed and managed, they continue to build on flawed programme logic and continue to disadvantage those already significantly disadvantaged by their lifestyle, background and circumstances.

The Community Correction logic is often placed against the prison logic rather than being seen as fundamentally different. The Discussion Paper for example, refers to "lighter", "more economical" etc and establishes the point of comparison as prisons and urban models. It is my view that community corrections involves a fundamental move towards community-offender reconciliation and restitution that is both individually and structurally based. There are times when the community needs to change as much as the individual. Individual offenders arise from and live within a community. Many that are sent to the flawed institutional logic described above will return to their community, post-institution. Solutions that see that individuals develop or re-establish a sense of solidarity and a sense of significance are needed.

In this regard, rural and remote areas provide an excellent opportunity for well-constructed and well- designed and implemented programmes that address individual offending within the community. These programmes will need to be based around conflict resolution and re-integration into the community. A well-constructed Victim-offender Reconciliation programme offers much but will need to address the entrenched bias and prejudices within communities. It would be great to see well-funded and creative community development approaches and groupwork approaches to addressing criminal acts.

While I do not like comparing the costs of community corrections against the costs of imprisonment, at the kind of costs that are noted by the Auditor-General – potential exists to develop a "**life-coaching team**" that works with individual offenders on a face-to-face and almost continual basis. They would have very small caseloads and would address the offending behaviour and its underlying structural issues of under-employment, under-education, poverty etc. Rather than invest in electronic monitoring, the State investment would be in behaviour and attitude change. An argument could be advanced that many offenders are people that the community has substantially under-invested in except for opportunity-denying remedies. For example, the cost of a base grade probation officer is (say) \$70000 per year with on-costs. That is about the cost of one year of imprisonment. While there are many cost benefit approaches, it would be a mistake to evaluate a human service on a simple cost-benefit financial analysis over the short term. Meta-studies in the Human Services (eg Child Protection, Education, Corrections) are showing that benefits accrue over the long-term while costs are immediate or short term. Thus in the area of early intervention in childhood, \$1 spent saves \$7.20 in costs by age 25 years. It is critical to consider the downstream benefits of any programme

A number of valuation techniques are available to produce monetary estimates of programs including market-based techniques, surrogate techniques, survey techniques, productivity techniques and remedial cost techniques. Each of the above techniques has their strengths and their limitations and inherent assumptions.

Market-based techniques require observable market prices to value changes in items such as earnings, remedial costs, and preventative expenditures. Market prices require a valuation of on-going benefits (eg reputation, taxation revenue lost, repeat business etc).

Surrogate techniques use price differentials in a related (or surrogate) market to estimate the value people place on particular choices. A serious problem with the surrogate market technique is that related markets may depend on a variety of factors and may not be entirely analogous with the market it is modelling. The pricing may simply be incorrect or unprovable.

Survey based techniques are used in the absence of data on market prices and rely indirectly or directly upon the willingness of people to pay for particular services that are used. The most prominent of the survey based techniques is the contingent valuation technique, which seeks the personal valuations of survey respondents for particular services. From these responses, choice modelling techniques can extract the willingness of individuals to pay for particular services and determine the cost point at which individuals will cease to consider a social benefit or service. These techniques examine preferences in terms of the contribution of a number of attributes of a particular product or service, as that relates to the final choice. As contingent valuation techniques are survey based and therefore can estimate altruistic value, the techniques are flexible. The major weakness of the contingent valuation technique is that there is a risk that respondents may misinterpret the question or attempt to behave strategically. Hypothetical bias may occur where respondents overestimated or underestimate their willingness to respond to the hypothetical situation described in the survey. Strategic bias occurs when individuals respond in a way that undervalues or overvalues their real evaluation in order to skew the results to a particular favourite position. It can be considered an "economic version" of the "Hawthorne Effect".

Productivity techniques use market prices and observable outcomes. Productivity techniques generally do not capture the value of consumer surpluses and typically underestimate total benefits. Productivity techniques have high reliability of results and are relatively easy to apply. The limitation is that it typically underestimates the total benefits of the program (especially social benefits), because it is unable to capture the value of either the consumer surpluses or altruism.

Remedial cost techniques involve identifying expenditures that would be required in order to remedy damages that have occurred. By identifying these remedial expenditures, the technique provides a value of benefits that could be realised by remediation, prevention or initiatives. Typically, the remedial cost technique assumes that the benefits of remedial activity exceed the cost. A major limitation of this approach is the remedial cost techniques do not entirely remove the negative effects of a particular action. They are not entirely able to be remedial.

Preventative expenditure techniques are also very relevant to this review especially in the area of recidivism.

The solution is not that difficult. In many areas of rural NSW, there is a very significant over-representation of police. The last time (some time ago) that I looked at the community of Walgett, there were 27 police for a population of less than 3000 people. This is much higher than the State policing rate. While no members of the community would like to see the "investment" of the State to disadvantaged areas decreased (27 police at say \$35000/ year – very very conservative parameters – is an investment by the State of \$945000/year - a very large investment in the area), the outcomes for the community may be more effective if there were less police enforcement and more drug and alcohol counsellors, more DV workers, more teachers, life-coaches, educational opportunities, functional job network providers etc – that actually addressed the individual and community deficiencies in a way that was creative and functional. But re-worked urbo-centric solutions are unlikely to be very effective.

Community Service Orders

The logic and practice of Community Service Orders need to be carefully considered. When Community Service Orders were introduced, they were a form of punishment that was a direct alternative to imprisonment. The essence of Community Service Orders is that an offender works (or does programmes) rather than being sent to prison. However, the situation is much changed since the introduction of CSOs. In Indigenous Communities CDEP participants are required to do community work in order to access Commonwealth Benefits. They elect to become CDEP participants. The participation can amount to two or three days (15 hours/week) work in exchange for a Centrelink benefit of \$191/w. Other work-for-the-dole schemes have been introduced. In a recent Conference with Centalink, I have raised the issue of parity between work done for the purposes of retaining a Benefit and work done in exchange for not going to prison. Under current Centalink guidelines a minimum of 210 hours/6 months (age dependant) can be required in exchange for keeping the Centalink payment. Centalink breaching regimes are quite severe. Given the unemployment in rural and remote and Indigenous communities, there is *a priori* evidence for confusion regarding the equity between a criminal sanction and a requirement for Centalink purposes. One wonders if the criminal sanction has lost some efficacy as other non-criminal work requirements have developed.

Conclusion and Future Directions

Tomison and Wise (1999) have shown the association between stressful, negative community conditions and maladaptive coping behaviours and social dysfunction. Memmott et al (2001) describe the pattern of some Indigenous communities as "dysfunctional community syndrome".

In this authors view, the future approach needs a framework that takes account of multiple societal, family, community and individual factors in an holistic way. Understandings of oppression (possibly based on the work of Friere), passive welfare, racism, silence and denial (both within and outside of the community), distorted development and a commitment to economic and social empowerment will be necessary pre-conditions for changing Community Corrections. Models of intervention may have the following characteristics (modified from Blagg 2000 – in relation to family violence):

- Programs that are customised to meet the needs of specific locations;
- Programs based on community development principles and models of empowerment rather than on casework alone;
- Programs that are linked to health, housing, education etc in an holistic way;
- Programs (where possible) that employ and up-skill local people;
- Programs that are linked to progressive education;
- Programs that employ a multi-disciplinary approach;
- Programs that emphasise partnerships between communities and correctional and other services;
- Programs that focus upon working with men;
- Programs that emphasise healing and reconciliation rather than adversarial programmes;
- Programs that promote positive pro-social role models and whole family models;
- Programs that enhance existing functional community structures and groups and challenge dysfunctional communities;
- Community Corrections Services that are advocates for community change;
- Departments of Corrective Services that are involved in whole community change in alliance with the communities; and
- Empowering correctional and justice programs that restrict and reverse the debilitating effect of crime and corrections within communities.

There are differing paradigms of corrections and criminology. There are differing paradigms of welfare intervention. In my view, until the social and structural disadvantages of the rural and remote communities are addressed from a basis of community empowerment and creative approaches that are locality specific, and until the social conditions that promote crime and offending behaviour are addressed in a cooperative, reconciliatory and just way, then the future may be the continuation of flawed logic, singular static casework approaches and "more of the same".

This submission has endeavoured to locate rural and remote community corrections in communities rather than in urbo-centrally-designed top-down structures, while recognising

the realities of current comparative neglect of those areas. Rural and remote areas have long been neglected in many areas including community corrections. Community Corrections itself has long been the forgotten arm of a Department that is dominated by the high cost, high staff, high visibility issues of the institutions.

Again, I appreciate the opportunity of submitting and wish you well in your deliberations.

AW (Bill) Anscombe
Charles Sturt University

The over-representation of Indigenous persons in custody

Bill Anscombe Charles Sturt University

Foley (2003) is critical of the academic discourse in Australia which constructs a Western perspective of Indigenous reality and which presents racially biased constructions of the "truth". It needs to be acknowledged that this chapter has been written by a non-Indigenous person and the chapter needs to be viewed with that "bias" taken into account. Professor Mick Dodson (2003: 8) says that he is "unable to give comfort to the view that a non-Indigenous person should leave public statements on these questions to Indigenous people alone. The tragic circumstances ... are not alone the business of those who suffer them."

A prominent historian considers the history of Indigenous people's relationship with Europeans as being the transition from "tribesman to prisoner". Whatever view one may take of the "history wars", colonisation or invasion and a host of other issues related to the relationship between Indigenous and non-Indigenous Australians, the fact is that many Indigenous Australians' lives are significantly impacted upon by crime, policing and corrections. Information, narratives and analysis emerging from the Gordon Inquiry, the *Bringing Them Home Report* ("Stolen Generations" Report), the Royal Commission into Aboriginal Deaths in Custody, and numerous coronial inquiries are evidence that Indigenous people are affected by criminal behaviour, welfare approaches, correctional organisations and law enforcement programs.

The facts

In 2004, 20 per cent of the Australian prison population was Indigenous. The 2001 ABS Census Reports indicated that the Aboriginal population was about 2 per cent of the Australian nation.

Nearly 55 per cent of all prisoners in 2004 were males aged between 20 and 34 years. The 25 to 29 year age group had the highest imprisonment rates

for both males and females, with 659 male prisoners per 100,000 adult males (a 3% increase on the 2002 rate) and 53 female prisoners per 100,000 adult females (a 5% increase on the 2002 rate). Between 1993 and 2003 the female

prisoner population has increased by 110 per cent, in comparison to a 45 per cent increase in the male prisoner population.

The Royal Commission into Aboriginal Deaths in Custody (RCIADIC), headed by Commissioner Elliott Johnson, handed down its findings on 15 April 1991. According to the Royal Commission:

On an Australia-wide basis an Aboriginal was 27 times more likely to be in police custody than a non-Aboriginal, and the figure was 15 times in New South Wales, 13 times in Victoria and three times in Tasmania. Australia wide an Aboriginal was 11 times more likely to be in prison than a non-Aboriginal, and in New South Wales eight times and in Tasmania three times " (Wooten 1991: 21-22, cited in White and Perrone 1997)

While it is recognised that prisoners in general tend to come from the

young adult range, this tendency seems to be even more marked for Aboriginal prisoners” (Johnston 1991: 168)

The Royal Commission into Aboriginal Deaths in Custody was established in October 1987 and reported on 99 deaths of Indigenous people between the 1 January 1980 and 1 May 1989. The RCIADIC was a response to growing public concern that deaths in custody of Aboriginal and Torres Islander peoples were too common and public explanations were too evasive. There was an underlying theme that foul play may have been a factor. The conclusions reached in RCIADIC final report did not support the expectations of systemic and deliberate foul play. The Commissioners, however, did find that there appeared to be little appreciation of, and less dedication to, the duty of care by custodial authorities and their officers and found system defects, failure to exercise proper care and in general a poor standard of care. The RCIADIC established that Aboriginal people in custody do *not* die at a greater rate than non-Aboriginal people in custody. However, the Commission concluded, “*what is overwhelmingly different is the rate of which Aboriginal people come into custody, compared to the rate of the general community*”. The report stated:

[T]he conclusions are clear. Aboriginal people die in custody at a rate relative to the proportion of the whole population which is totally unacceptable and which would not be tolerated if it occurred in the non-Aboriginal community. But this occurs not because Aboriginal people in custody are more likely to die than other in custody but because the Aboriginal is grossly over represented in custody. Too many Aboriginal people are in custody too often.

Commissioner Johnson, in the overview of the National Report, highlights the importance of history and the consequences of that history. The clear tone of the report is upon reducing the number of Aboriginal people in custody with a focus upon Aboriginal empowerment and self-determination. The final National Report (p 27) says:

[T]he principal thrust of the recommendations, as of the report, is directed towards the prime objectives – historically linked – of the elimination of disadvantage and the growth of empowerment and self-determination of Aboriginal society.

In the years since the publication of the RCIADIC, the situation has deteriorated in terms of over-representation of Aboriginal people in custody, rather than ameliorated.

Theoretical perspectives

1. Criminological perspectives

Criminologists from differing paradigms may have differing explanations for the over-representation of Indigenous people in correctional settings. Some criminologists, for example, will locate criminal behaviour from the structural criminology approach seeing the over-representation as a response to social injustice and inequalities. Those operating from a volitional perspective may well see the over-representation as a result of individual choice and individual behaviour.

2. Welfare perspectives

In explaining social phenomena, a wide range of perspectives can be used. Some will see the explanation of the existence of social welfare from a purely

individual perspective while others will adopt a political or communitarian approach.

3. Discussion

Weatherburn et al (2003), in explaining the over-representation of Indigenous peoples in prisons and criminology, state:

[T]he simplest explanation for the state of affairs is Aboriginal over representation in crime. The dominant focus of scholarly attention in relation to Aboriginal over representation in the criminal justice system, however, has been upon systemic bias of the law, the exercise of police discretion and operation of the criminal justice system.

This article highlights the contribution that Aboriginal offending makes to Aboriginal over-representation. The authors do not dispute the contribution of the history of colonisation and concede that prejudice and discrimination of Indigenous people at the hands of police and the criminal justice system has been substantial, but they underline that focusing on crime will highlight the limited value of diversionary policies as a way of reducing Aboriginal over-representation. The critical issue is to significantly impact on the underlying causes of high crime rates in Aboriginal communities.

The causes of Indigenous over-representation in prisons are matters highlighted by the RCIADIC and include socioeconomic disadvantage, chronic unemployment, substantial substance abuse, family dissolution and alienation from economic, social and political structures. These have been most recently highlighted in the Indigenous section of the Australian Bureau of Statistics Year Book.

A second group of factors influencing over-representation is systemic biases at varying points of the criminal justice system. An analysis of police cautioning, police utilisation of summonses, Court Attendance Notices and court appearance rates for Aboriginal juveniles, for example, show that Aboriginal young people receive fewer cautions, fewer summonses and Court Attendance Notices but have higher rates of arrests and are significantly over-represented in the Juvenile Justice Centres when compared with non-Indigenous young people.

Weatherburn et al (2003) assert that:

[A]ll discriminatory treatment of Aboriginal people by prison, police and the court system is an historical fact, the leading current cause of Aboriginal over representation in prison is not systemic bias but high rates of Aboriginal involvement in serious crime.

They conclude that the primary focus in reducing Indigenous over-representation must be upon reducing Indigenous crime – not changing the response of the criminal justice system. Significantly, much of the violent crime committed by Aboriginal offenders is committed against other Aboriginal people – often women and children (Harding et al 1995: 36-44).

Logically, both perpetrators and victims are over-represented in the Indigenous community.

To sustain this view, systemic bias needs to be limited in definition to systemic bias of the justice and correctional authorities. There is overwhelming evidence of the social exclusion of Indigenous people from the mainstream of society. For example, the Australian Bureau of Statistics (ABS 4221.0) in describing schools in Australia indicated that the apparent retention rate in 2002 of full-time students from year 7 to year 12 is 75 per

cent while for those full-time Indigenous students it is 38 per cent. The Indigenous population is much younger (median age 20 years) than the total Australian population (median age 34). The Indigenous population is predicted to grow at the rate of 5.3 per cent per year, which is much faster than the total Australian population with a growth rate of approximately 1.0 per cent in the 2003-04 financial year.

Of persons aged 15 years and over, 3 per cent of Indigenous people – compared with 5 per cent of non-Indigenous people – were at university. However, in the age range 18-24 years, 5 per cent of Indigenous people were at university compared to 23 per cent of non-Indigenous people.

The unemployment rate is higher for Indigenous people, being 17.6 per cent compared with 7.3 per cent for all Australians as at February 2000 (ABS 2000). This figure excludes the 26 per cent of “employed” Indigenous people in the Community Development Employment Program (CDEP) which is a “work for the dole” scheme operated through the Aboriginal and Torres Strait Islander Services (ATSIS). In the 2001 census, Indigenous people of labour force age were three times more likely than non-Indigenous people to be unemployed (20% compared with 7%).

In the 2001 census, 59 per cent of non-Indigenous people aged 15 years and over were employed compared to 42 per cent of Indigenous people; 32,000 Indigenous people are recorded for administrative purposes by the Aboriginal and Torres Strait Islander Services as CDEP participants. Significantly 55 per cent of Indigenous people are employed by the private sector compared to 82 per cent of non-Indigenous people.

At the 2001 census, the mean (average) gross household income for Indigenous persons was \$364 per week, corresponding to 62 per cent of the income for non-Indigenous persons (\$585 per week). The ABS indicates this disparity reflects lower household incomes received by households with Indigenous people. The tendency is for those households to have more inhabitants than non-Indigenous households. In the five years between the 1996 and the 2001 Census the average equivalised gross household income for Indigenous persons rose by approximately 11 per cent compared with a 13 per cent rise for non-Indigenous persons after making adjustments for inflation and using the consumer price index. In terms of income distribution, 40 per cent of the total Australian population was in the lowest or second lowest income quintiles. Among Indigenous persons this figure was 72 per cent. Only 5 per cent of Indigenous people were in the top one-fifth (20%) of income distribution.

Indigenous people are much more likely to be renting homes (63%) than purchasing (19%) or owning their homes outright (13%). The Australian Housing Survey, reported in Edwards and Madden (2001) found that one-third of community-owned or managed permanent housing in discrete locations were found to be in need of major repair or demolition. Fifteen per cent of households with Indigenous persons were considered overcrowded, compared to 4 per cent of non-Indigenous households.

Aboriginal and Torres Strait Islander children are over-represented in child protection systems by an overall rate ratio of 3.2 to 1 (ABS 4704.0). The incidence of Indigenous children coming into the care and protection of the State is about six times of that of non-Indigenous children.

Aggregated data for 2000 and 2001 in relation to juvenile detention

centres for Australian shows that 43 per cent of detainees (aged 10 to 17 years) were Indigenous.

The average age of an Indigenous mother in the two-year period prior to 2000 was 24.7 years compared with an average age for of 29.2 years for non-Indigenous mothers. Indigenous mothers were twice as likely to have children of low birth weight (13%) than non-Indigenous mothers (6%). The comparative rates of perinatal death in 1998-2000 indicated 20 stillbirths out of every thousand births for Indigenous mothers compared with ten stillbirths out of every thousand where the mother was non-Indigenous. Hospitalisation rates are several times higher among Indigenous peoples. Hospitalisations attributed to assaults are eight times higher for Indigenous males and 28 times higher for Indigenous females when compared with their non-Indigenous counterparts.

Indigenous people aged 18 years and over were twice as likely to be current smokers (51%) compared with non-Indigenous people (24%). Interestingly, Indigenous adults aged 18 years and over were less likely (42%) than non-Indigenous adults (62%) to have consumed alcohol in the week prior to the National Health Surveys. Of those Indigenous people who consumed alcohol their level of risky/high drinking was 29 per cent compared to 17 per cent of non-Indigenous consumers. There is repeated association between substance abuse and violence in Indigenous communities (Atkinson 1991; Fitzgerald 2001; Robertson 2000). According to Noel Pearson:

Ours is one of the most dysfunctional societies on the planet: surely the fact that the per capita consumption of alcohol in Cape York is the highest in the world says something about our dysfunction. (cited in Robertson 2000: 71)

The ABS (4704.0) concludes, "after adjusting for different population compositions, Aboriginal and Torres Straight Islander peoples are shown to be dying at three times the total population rates".

These tragic national figures can often mask very real regional differences. According to data given to the Wilcannia Health Service Development Transitional Plan in 2000, the average life expectancy for an Aboriginal man living in Wilcannia was 36.7 years and for an Aboriginal woman 42.5 years. The estimates show the life expectancy in that particular location to be far lower than people living in NSW.

Given the demographic distribution of Indigenous people with a far heavier concentration in rural and remote areas, it would be significant to consider regional variations and regional figures as well as national statistics.

Summary and future directions

Tomison and Wise (1999) have shown the association between stressful, negative community conditions and maladaptive coping behaviours and social dysfunction. Memmott et al (2001) describe the pattern of some Indigenous communities as "dysfunctional community syndrome".

Indigenous over-representation in prisons has increased rather than decreased. Indigenous people continue to be disadvantaged in a range of areas including health, housing, employment and education. Aboriginal offenders offend (at least in the serious offence categories) at a higher rate

than non-Indigenous people. Many of the victims (of Aboriginal offenders who end up in custody) are themselves Indigenous.

Robertson states:

Indigenous people generally have been profoundly affected by the erosion of their cultural and spiritual identity and the disintegration of family and community that has traditionally sustained relationships and obligations and maintained social order and control. (2000: xii)

In this authors view, the future approach to redressing the continuing and escalating over-representation of Indigenous people will need to be understood within a framework that acknowledges the past and takes account of multiple societal, family, community and individual factors in an holistic way. Understandings of oppression (possibly based on the work of Friere), passive welfare, racism, silence and denial (both within and outside of the Indigenous community), distorted development and a commitment to economic and social empowerment will be necessary pre-conditions for reversing the trend towards increasing over-representation of Indigenous people.

Models of intervention may have the following characteristics (modified from Blagg 2000 – in relation to family violence):

- Programs that are customised to meet the needs of specific locations;
- Programs based on community development principles and models of empowerment;
- Programs that are linked to health, housing, education etc in an holistic way;
- Programs (where possible) that employ and upskill local Indigenous people;
- Programs that respect traditions and traditional law and custom;
- Programs that are linked to progressive education;
- Programs that employ a multi-disciplinary approach;
- Programs that emphasise partnerships between communities and agencies;
- Programs that focus upon working with men;
- Programs that emphasise healing;
- Programs that promote positive pro-social role models and whole family models;
- Programs that enhance existing functional community structures and groups;
- Community Corrections Services that are advocates for community change;
- Departments of Corrective Services that are involved in whole community change in alliance with the Indigenous communities; and
- Empowering correctional and justice programs that restrict and reverse the debilitating effect of crime and corrections within communities.

There are differing paradigms of corrections and criminology. There are differing paradigms of welfare intervention. These paradigms and approaches can be applied to the over-representation of Indigenous people. In the author's view, until the social and structural disadvantages of the Indigenous community are addressed from a basis of self-determination and self-governance and until the social conditions that promote crime and offending behaviour are addressed in a cooperative, reconciliatory and just way, then the future may be an escalating number and rate of Indigenous people in Australian prisons.