

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

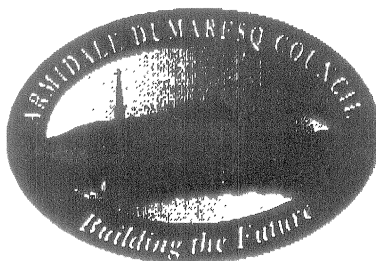
**Organisation:** Armidale Dumaresq Council  
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**Position:** Director Planning and Community Services  
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**Date Received:** 15/03/2005

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**Theme:**

**Summary:**

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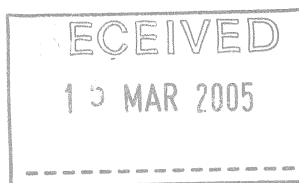


All Correspondence should  
be addressed to  
General Manager  
Armidale Dumaresq Council  
PO Box 75A  
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Your Ref:

Our Ref:

SG:A02/0261-5 - 1/2005/1708



Hon Christine Robertson MLC  
Committee Chair  
Legislative Council  
Parliament House  
Macquarie Street  
SYDNEY NSW 2000

10 March 2005

Dear Hon. Christine Robertson

**INQUIRY INTO COMMUNITY BASED SENTENCING OPTIONS FOR RURAL  
AND REMOTE AREAS AND SPECIAL NEEDS/DISADVANTAGED PERSONS**

Thank you for your letter of 28 January 2005, which has been passed to me by the  
General Manager for response. Please find enclosed Council's submission.

Yours sincerely

Stephen Gow  
Director Planning and Community Services

Enc.

Copy - Council Community Safety Committee

**SUBMISSION TO NSW LEGISLATIVE COUNCIL  
INQUIRY INTO COMMUNITY BASED-SENTENCING OPTION  
FOR RURAL AND REMOTE AREAS AND SPECIAL  
NEEDS/DISADVANTAGED POPULATIONS  
MARCH 2005**

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Council's current Community Safety Plan (which has been submitted to the Attorney General) has incorporated a range of initiatives in relation to new or alternative sentencing/penalty programs and strategies. The intention of this part of the Plan has been to identify programs or strategies which are working in other areas and look at the implementation of these programs in Armidale in order to reduce crime rates and incidences by repeat offenders.

Council staff and Council's Community Safety Committee have been working with a range of stakeholders in this regard and this is expected to continue. Current status is outlined below.

#### **Community Aid Panels**

Information received from Police to date is that such Panels have been hard to facilitate/auspice as there appears to be a lack of community commitment to this initiative.

#### **Youth Justice Conferencing**

A memorandum of Understanding between Armidale Dumaresq Council and the NSW Department of Juvenile Justice (JJ) was entered into by Council on 20 October 2003, in order to provide a positive work environment for young offenders and to establish a rehabilitation program for the benefit of the individual/individuals and the community, where Council property has been subject to damage by program participants.

To date, there has been one occasion when the YJC initiative was proposed to be utilised under the MoU. Council was contacted by JJ on 7 December 2004 to liaise and arrange suitable rehabilitation program for young offenders caught vandalising Council property. Unfortunately, the young offenders did not turn up for their appointment with Council's Human Resource Manager and JJ officers.

#### **Community Conferencing (Community-based services)**

In 2003, Council funded a workshop held by Terry O'Connell (Real Justice) for Council's Community Safety Committee members and volunteers from the Armidale Community Foot Patrol (ACFP).

Last report from the Community Conferencing group was 5 February 2004 informing us that they were meeting with members of a local Primary School regarding the implementation of this initiative in an educational context.

It is believed that this initiative struggles for volunteers to participate in the program.

## **Aboriginal Circle Sentencing**

This Program, which is understood to have been trialled successfully on the south coast, is targeted towards Indigenous adults only after Court appearances involving offenders to appear before a panel of Indigenous peers for advice, discussion and support. Council's initial position was to strongly support the use of Circle Sentencing in Armidale which has a high percentage of Indigenous people (1241 persons or around 5% of the Community in 2001, a 43% increase on the 1991 level), who, in common with other communities throughout Australia, appear to be over-represented in criminal justice statistics.

Mr Richard Torbay, MP for the Northern Tablelands advised Council on 5 May 2004 that Indigenous community members were working on identifying suitable panel members. However, due to the fact that Armidale currently has significant representation of five different Indigenous tribal groups, however, the local Indigenous community struggles to work cohesively and a suggestion has even been made locally that five different Circle sentencing Panels would be required.

No recent reports have been received regarding this initiative – from a Government perspective it is understood that support for circle sentencing locally is dependent upon community support and there seems to be little else Council can do at this time.

## **Merit Program**

This is a Program designed to support people with drug dependency following Court referral. This program has commenced in Tamworth. On 2 December 2003 advice was received from New England Area Health Service (NEAHS) in Tamworth that interim funding was projected until 31 December 2003. Negotiations were to continue with NEAHS, the Drugs Program Bureau and Federal Government.

To date, nothing further reported has been from NEAHS regarding the implementation of this program in Armidale, although this community's interest in hosting the program has been expressed to the Service.

## **PCA Offender Program**

In 2004, a Drink Driving Education Program was held in Armidale, Walcha and Guyra at NEAHS Community Centres.

## **SUMMARY/DISCUSSION**

Overall, Council wishes to encourage the implementation of alternative, community based sentencing arrangements in our area and sees such initiatives as capable of delivering more satisfactory, sustainable outcomes for offenders, victims and the community alike in comparison with the conventional criminal justice system. We understand that there is also support for such options being available both to the Police and judiciary.

Unfortunately, there is only so much an organisation such as Council can do in this field. Council can certainly play a facilitation role and in some cases, such as Youth Justice Conferencing, be come directly involved in offender rehabilitation.

To date, however, our experience is that these options remain fundamentally tied to resourcing by Government (for example, for supervision and case management) and crucially, to participation by community members in the relevant processes. Such participation may be constrained by lack of time, potential fear of reprisals, and also victim reluctance to participate in such arrangements. To date we are aware of few success stories locally which would act as a catalyst for such options to become more mainstream in future.

We would be interested in learning of the outcome of your enquiry to assist us in promoting alternative sentencing arrangements into the future.