

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

Organisation: Bankstown City Council
Name: Mr Richard Colley
Position: General Manager
Telephone: 02 9707 9400
Date Received: 28/02/2005

Theme:

Summary:

28th February 2005

Director
Standing Committee on Law & Justice
Legislative Council
Parliament House
SYDNEY NSW 2000

Email: lawandjustice@parliament.nsw.gov.au

Dear Sir/Madam,

Inquiry into community based sentencing options for rural and remote areas and special need/disadvantaged populations

Thank you for the opportunity to make a submission to the above Inquiry. Council appreciates the involvement of local government in the public consultation process.

With regard to the issues raised in the discussion paper circulated for comment, Council would like to offer the following general comments:

- In areas like Bankstown City, where there are higher than average levels of social disadvantage (often quite localised), the impact of sentencing can be particularly onerous for families and dependants of offenders. In this context, community sentencing options which minimise this impact are certainly favoured.
- The ability, however, to balance the social, emotional and financial impacts on families with effective punishment/rehabilitation of offenders is obviously difficult. Sentencing options - including community sentencing - need to address this balance in the most effective way. Although we consider very real social benefits can be achieved for some families, we do not advocate community sentencing in circumstances where it unreasonably dilutes the severity of the crime in the mind of the offender or reduces motivation for rehabilitation relative to custodial sentencing.
- While the economics of community sentencing might be attractive to the government when compared with the incarceration of offenders in a prison setting, we would also ask that these economic benefits be carefully measured and not be seen to necessarily outweigh other key considerations like the appropriateness of the punishment for the crime committed or the likelihood of reoffending either during the sentencing period or in the longer term.

../2

- To elaborate on the benefits of community sentencing in disadvantaged or special need populations, there is considered to be real value to direct families and the wider community in allowing certain offenders to maintain some semblance or elements of 'normal life' while also receiving appropriate punishment. The well-being of family units and their members can be very tenuous in situations of economic hardship and community sentencing can contribute to more positive futures as long as, for instance, the offender is not actually a danger or threat to family members. The offender's own capacity to maintain employment or other community links can also be beneficial in terms of their longer-term mental health and socialisation.
- The Inquiry's discussion paper refers to a number of groups which might be described as 'disadvantaged populations'. It is suggested that this list might also include sole parent offenders as a particular category. Clearly the family impacts associated with this group of offenders can be extremely onerous, with children bearing a significant burden when standard incarceration options are favoured. It is within these single-parent situations that the impact of imprisonment is perhaps most felt in terms of impact on children, carers, and government and community support agencies.
- In relation to sentencing options such as community service orders and periodic detention, these can be most effective when they clearly establish a nexus between the crime committed and the form of punishment, and/or contain educative elements most appropriate to the offence or offender. By way of example, the boring and laborious task of graffiti removal (with some specific performance requirements) should produce a greater impact on young graffiti vandals than participation in a general litter clean-up along river foreshores or motorways.
- With regard to periodic detention, it is noted that this is possibly the highest impact community sentencing option in terms of the offender's family unit. Periodic detention can be disruptive to family routines and confusing to children, although still lower impact than standard incarceration. It does enable offenders to maintain links with employment, community and education, and in this regard can be a very balanced option in appropriate circumstances. Again, however, it will also be a question of how part-time deprivation of liberty actually impacts on the offender and its value as a deterrent to different people.
- Where there are care-giving issues involved - such as with single parent offenders, or those responsible for the care of aged or disabled family members, home detention can be the best sentencing model as far as minimising hardship for the offenders family. Its deterrent value, however, may be open to question, although this is likely to be dependent on the precise extent to which normal liberties are excluded and/or the transparency of such detention to the wider community. Offenders with disabilities (depending on the type/level of disability) may be more appropriately and sensitively dealt with in home detention than through a custodial sentence.

I hope that the above observations and comments will assist the Committee in its current Inquiry. Thank you again for the opportunity to comment, and please contact Council if further information or clarification is sought. Council's Manager Strategy & Policy, Diane Lawrence can be contacted on 02 9707-9615.

Yours sincerely,

Richard Colley
GENERAL MANAGER

DSN 1172169