

Submission
No 45

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

Organisation:

Name: Mrs Patricia Wagstaff

Telephone: 02 9639 4647

Date Received: 25/07/2005

Theme:

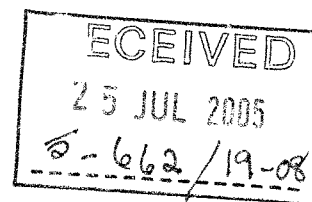
Summary:

Mrs P. Wagstaff
35 Tennyson Street
Winston Hills
N.S.W. 2153
Phone (02) 9639 4647

19th July 2005

Stranding Committee on Law and Justice
NSW Legislative Council
Parliament House

Committee Chair - The Hon Christine Robertson MLC.
Madam,



Ref.

Inquiry into community based sentencing options for rural and remote areas and disadvantaged populations.

I thank you for the chance you have provided for me to participate in the inquiry concerning "community based sentencing options for rural and remote areas". Due to ongoing ill health I have not been able to submit my submission as quickly as needed by your committee.

What is community based sentencing ?

page 3 - (2) - Some / all community based sentencing options to be "lighter" forms of punishment compared to imprisonment ?

To the offender community based sentencing could be considered a bonus in comparison to a term in prison that could be hundreds of kilometres from family surroundings. In comparison to the offender the victim could look upon community sentencing as another instance of the law not understanding the trauma they have been forced to live through. To have the offender walking around in the same area as they must live in could deepen the feelings of frustration, of anger, and resentment, that the crime had been downgraded in the eyes of the law.

(3) - Advantages / disadvantages of community based sentences in general compared to imprisonment ?

The Government would consider community based sentencing an advantage when the cost of prison life plus the cost of building new prisons is taken into consideration. The advantages could be considered on financial grounds only.

The disadvantages of community sentencing would only be felt by the victims and of the people who share the community that the offender could be sentenced to serve their time in.

(4) - Community based sentences are generally more economical than full time imprisonment.

As stated above financial benefits from community sentencing would certainly entice the Government to extol the virtues of that form of sentencing. Unfortunately financial benefit does not mean that the right decision is being made for the safety of the victim or the general public.

Rural and Remote Areas in NSW.

(1) - Public interest to tailor community based sentencing for rural and remote areas in NSW.

Only under extreme circumstances could community sentencing be considered applicable to public interest in rural areas. The safety of the community must be considered at all times.

In remote rural areas where a family is dependant on the offender to provide the family with the means to survive, ie - the running of a property or a farm, there is a need to consider a form of community sentencing with strict guidelines that must be followed through and not ignored by the offender or those in authority.

(2) -Which rural and remote areas in NSW is access to community based sentencing options a problem?

Remote areas that are not serviced by air and depend on vehicle availability make it difficult for the parole officer to carry out his duties successfully for the benefit of the offender. As stated above there must be on going guidelines as there must be checks carried out to ensure that the conditions placed upon the offender by the courts is carried through until the term of the sentence is completed.

Disadvantaged populations.

(1) - Do you think it is in the public interest to tailor community based sentencing for disadvantaged populations in NSW ?

Tailoring community based sentencing should not be restricted to what is considered "disadvantaged people" If community sentencing is to become a part of the prison system it should be used as an option for all those who face the courts of NSW. To not do so could be considered "discrimination"

(8) - Other issues - in relation to disadvantage groups.

The danger of selecting certain groups and classifying them as "disadvantaged" can lead to a mentality of "us against them", "we have no hope, no future" "it is not our fault, it is society's fault". With that attitude there is only trouble ahead for people so classified.

Eligibility for community based sentences.

(1) - Eligibility criteria for various community based sentencing options exclude some offenders from disadvantaged groups ?

What criteria do they use to classify the word "disadvantaged". I note that you have included in your list of "disadvantaged populations" offenders with a disability. I myself am classified as "disabled" yet I do not see myself as "disadvantaged"

(5) The only criteria to prevent an offender from obtaining community sentencing should be the crime that they have been convicted of, not their classification of "disadvantaged"

Types of community based sentences.

(2) - What obstacles exist to utilising good behaviour bonds in remote areas ?

Distance could be a major obstacle that could prevent a "good behaviour bond" being placed upon an offender by the courts. There is a need for those in authority to be sure that the offender is abiding by the courts ruling as even in remote communities the people of that area need to feel safe and secure.

Community service orders.

(1) - Availability of CSOs in rural and remote areas.

In rural areas such as Orange etc, there is scope for CSOs to be effective as the offender would be under the care of a parole officer or an officer of the courts discretion.

Remote areas the availability of community work could be non-existent or the availability of a parole officer to oversee such work would be too expensive to be considered as a possibility for a CSO.

Drug Court of NSW and the Youth Drug and Alcohol Court.

(1) - Would the Drug Court be beneficial in rural and remote areas in NSW ?

Rural towns such as Orange, Dubbo, etc could be able to carry a Youth Drug and Alcohol Court. This would make it possible for those who come before the courts in those areas to have the same chance of becoming free of drugs and alcohol as the offenders in the city areas have.

Unfortunately remote areas make it impossible to set up a Youth Drug and Alcohol Court because of the cost as well as the staff that is needed to run the centres to treat the offenders and guide them through the process of rehabilitation.

Periodic detention

(8) - What services need to be available to support periodic detention in indigenous communities ?

There would need to be a community centre where an offender could spend the time of periodic detention under supervision of an elder of the community. There would have to be community work that the offender must do while under supervision. Then the time that the offender spends with their family must also be under supervision so that the family feels safe and not under threat of the offender.

Home detention.

(10) - Other issues - relating to home detention.

For home detention to be effective the use of a device I believe is called "Star" that monitors the offender and notifies those in authority if the offender leaves the home without permission would be needed to ensure the offender obeys the courts ruling. I cannot see how this device could be effective in remote area, this would make home detention impossible for those areas. Without the "star" device how would the courts know if the offender was abiding by the courts or the parole boards rulings.

Home detention could be considered as a soft option for the offender, unfortunately it could also become a long hard sentence for the family that has to live with the offender.

With any form of community sentencing the aim is to consider the rights of the offender, would the time spent on community sentencing benefit the offender? What of the victim, where is their benefit in seeing the one who assaulted them treated with what they believe is -" kid gloves". When does the victim obtain the justice they seek and expect from the law courts of NSW?

Mrs Patricia Wagstaff

— P. Wagstaff