

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

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**Date Received:** 3/02/2005

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**Theme:** Submission to Community based sentencing options for rural and remote areas and disadvantaged populations lodged by Sharon Payne

**Summary:**

There is overwhelming evidence that most if not all criminal activity arises from 'shame', which is the most pervasive influence over human behaviour. People tend to do more things to avoid shame than any other single motivator.

Shame that is not resolved becomes deeply ingrained in a person, (it could be from family fighting, negative messages from parents, rejection and racism at school etc) has some very clear effects – avoidance, isolation, attack self and attack others.

One or all of these can be present, people withdraw from society, they disconnect emotionally from other people in the community, identifying with a gang sometimes; they attack themselves with drugs and alcohol as well as other risky behaviour and they attack others, usually within their immediate family or peer group, but occasionally the violence spills over into hurting others.

The basic idea of circle sentencing or community courts is to re-connect the person emotionally with their families, their communities. Only then will they understand that what they do damages the community as a whole and take responsibility to heal. It seems then that these programs work when they connect the community and offender with the problem and the solution. They provide a fair process which for people is even more important than the actual outcome or sentence; participants get the chance to tell their story in a supportive environment. The causes of the offending behaviour are addressed which lessens the likelihood of re-offending.