

The Council of the
SHIRE OF BREWARRINA



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OUR REF:
YOUR REF:

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Review of the YOA and the CCPA
Legislation, Policy and Criminal Law Review
Department of Attorney General and Justice
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Submission – Review of Juvenile Offender Laws

The NSW Department of Attorney General & Justice has issued a consultation paper on the review of the Young Offenders Act and the Children (Criminal Proceedings) Act.

This submission outlines some of the views obtained from the Councillors of Brewarrina Shire Council.

Law and Order issues are very important to the community of Brewarrina, a remote western location, and recognised as a severely disadvantaged community with a high proportion (over 60%) of indigenous people, and very recently the subject of two Ombudsman reports, 'Inquiry into service provision to the Bourke and Brewarrina communities' and 'Addressing Aboriginal disadvantage: the need to do things differently'.

An unfortunate event within the last week (the serious assault of a 74 year old woman) highlighted the law and order issues within the community and resulted in a street march and rally by about 100 members of the community followed by a community meeting between police, Council and community members. The community members expressed their frustration at the level of lawlessness and their desire for perpetrators to be brought to justice and zero tolerance to be shown to offenders. The police expressed their frustration that community members are reluctant to provide information to them to enable them to pinpoint offenders and called on the community to support them in their endeavours to bring offenders to justice.



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The issues considered important by Council, although by no means considered to be exhaustive are as follows

- parents to be responsible for actions by juveniles for whom they are responsible - e.g. pay fines, reduce or suspend entitlements.
- tighten magistrates guidelines for sentencing e.g. after 1st offence, mandatory laying of charges
- introduce ways to discourage gang behaviour
- intervention to break the cycle of endemic behaviour in 'offender families'
- stronger penalties for drug dealers.
- Increase rewards for information leading to successful prosecutions.

Parents to be responsible for actions by juveniles for whom they are responsible - eg pay fines, reduce or suspend entitlements.

Council's view is that parents should be responsible for the actions of juvenile dependents and that if some punitive measures were put in place which would affect the 'hip pocket' of the parents, it would be a powerful incentive for the parents to have more control and influence over the actions of their juvenile dependents. There are many ways by which measures along these lines could be made effective. Making parents responsible for the payment of fines and reduction or suspension of entitlements are just two of the more obvious examples of measures that could be considered.

Tighten magistrates guidelines for sentencing e.g. after 1st offence, mandatory laying of charges

Juveniles currently undergo several cautions for offences before they are able to be charged with a crime and a conviction gained. Although the social justice reasoning for this is sound, discussions with local police indicate that in reality, juveniles know the rules and snub their nose at the system knowing full well that the system is going to work well in their favour. In the meantime, the community suffers from various offences committed by these juvenile offenders ranging from offences against both public and private property, shoplifting, petty thievery and break and entering.

Council strongly believes that after one caution, juveniles should then be chargeable for offences perpetrated which would get them off the streets giving the community much comfort, and also send a strong message to the offenders that their offending is not going to be tolerated.

Introduce ways to discourage gang behaviour

It is common knowledge that one juvenile is less likely to offend in isolation as opposed to the group behaviour commonly exhibited by gangs. The single juvenile, probably a law abiding citizen, carried along by the peer pressure and goading prevalent in gang behaviour, and probably fuelled by alcohol and/or drugs, is turned into a feared gang member and is likely to perpetrate any number of crimes and drive fear into communities.

Council believes that if measures could be introduced to curb or discourage gang behaviour, crime will be reduced and communities safer.



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Intervention to break the cycle of endemic behaviour in 'offender families'

In local communities, and Brewarrina is no exception, the existence of 'offender families' is well known. This behaviour is carried on from generation to generation, often fuelled by low socio economic circumstances, poor educational opportunities and poor societal lessons learned at home.

Council believes that intervention by social agencies may provide a circuit breaker into this cycle which may reduce the incidence of juvenile offences in this target group.

Stronger penalties for drug dealers

The potent combination of alcohol and drugs fuels the motivation for many crimes. Many more crimes are perpetrated by drug addicts needing their 'fix' and not having enough money to buy the drug.

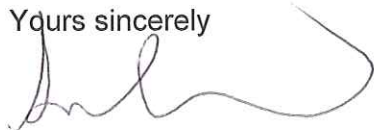
Council believes that stronger penalties against drug dealers would send a powerful message that drug dealing is a serious crime and will result in long jail custodial sentences. This message may reduce the incentive for drug dealers to entice juveniles to sample drugs and hence start them on the drug cycle themselves.

Increase rewards for information leading to successful prosecutions.

Rewards are currently offered by police for information provided which leads to successful prosecutions.

Council believes that that this reward system should be better publicised and where appropriate, higher rewards offered to encourage information to be provided to police.

Yours sincerely



Rod Shaw
General Manager



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