

A submission to the Government of Western Australia by the Western Australian Committee of the Council for the National Interest.

LAW AND ORDER ISSUES

Background - In view of their own concerns and what they perceive as evident widespread community concern about law and order issues, members of the nine branches of the Council for the National Interest in Western Australia have participated in a public seminar on law and order issues and then examined and debated the transcript of the proceedings

The seminar was held on 19 July 1995 and was addressed by Dr Kim Hames MLA and Mr Peter Fitzpatrick AM JP, the Executive Director of the Law Society of Western Australia. Assistant Commissioner for Police, Mr Mel Hay and Mr David Northcott from the Ministry for Justice also attended.

Dr Hames reported to the seminar details of motions which were passed at a major public meeting held earlier in his State Electorate of Dianella.

Arising from all of these deliberations the members have proposed a two pronged approach to resolving these issues. This involves strategies for intervention and prevention to build law abiding communities in the future and strategies for dealing with the issues as they exist at the moment.

Strategies to build law abiding communities in the future through crime prevention based on community involvement and early intervention.

The following strategies as recommended by the members are seen as essentially long term measures which will take a generation or more to be fully effective but are essential to arrest and reverse the rising trend of crime.

- (1) **The Family** - The Traditional intact family is the cornerstone of our society. Federal Government tax and child care policies discriminate unfairly against the traditional two parent one income family and force many mothers into the workforce against their will. The increased stresses of two parents working, less time for parenting and care of children are factors in both juvenile delinquency and family breakdown. The overwhelming research evidence is that family breakdown is a factor in alcohol and other drug abuse by children and also in juvenile delinquency and adult criminality.

The State Government should therefore strongly urge the Federal Opposition to adopt policies which will:

- eliminate the unfair discrimination of the tax system against single income two parent families with dependent children;
- provide equity in the provision of child care assistance;
- as part of a fair family tax and income policy not as a welfare measure, give true freedom of choice to mothers (or fathers) who wish to remain at home to care for their dependent children

by the payment of a home child care allowance of around \$130-150 per week; this should be administered by the Australian Taxation Office;

- ensure that Government support for families is biased in favour of intact families with the objective of helping them stay together and that support for single and sole parent families is designed to restore them to financial independence as soon as reasonably possible;
- amend the United Nations Convention on the Rights of the Child to ensure that the rights and responsibilities of parents are made paramount;
- amend the Family Law Act to build a legal framework which supports marriage as an institution and way of life distinguishable from male-female cohabitation and other forms of domestic relationship. This involves the recognition of marriage as a special contractual relationship characterised by the voluntary exchange of vows and provide for the awarding of damages to the injured party if the contract is breached;
- provide substantial funds for universal pre-marriage education and for marriage counselling.

(2) Education - The State Government should reinforce the rights and responsibilities of parents and the values of the home by:

- include in all school curricula, as mandatory learning, a strong emphasis on a set of universal moral and ethical values based essentially on those of the "Ten Commandments" which are inherent in our criminal and civil laws drawn from Judaeo/Christian ethical codes;
- promoting these values as the community norm by which all citizens are expected to live stressing respect for individual rights but not to the detriment of community rights;
- including in school core curricula mandatory civics and Australian history courses providing knowledge and understanding of the Australian Constitution and respect for the institutions which flow from it and thus promoting a sense of national pride and unity;
- ensuring that there is in place an effective system of early intervention to identify 'problem students' whether they be school absentees or not and to identify and try to rectify the causes of the behavioural problems whether the causes emanate from the home, the school or elsewhere. This connotes a need to evaluate and, if necessary modify the diagnosis of Attention Deficit Disorder among young children, something which research suggests is inordinately and worryingly high in Western Australia by comparison with the rest of Australia;
- encourage the expansion of remedial education through the voluntary efforts of retired citizens;
- ensuring that teacher education provides graduation teachers with adequate skills to manage and control classroom behaviour including a "monitor" system to ensure continuing competency in all facets of teaching performance;

- expand opportunities for trade training and apprenticeships.
- (3) **Community** - To build on the processes outlined above the State Government should adopt and establish a system of community based Law and Order Councils which would:
- comprise a wide range of community representation - parents, students, business, local government, government, law and order agencies, health, education and church authorities etc many of whom would act in a voluntary capacity. It is not the purpose of this submission to provide detail. Appendix 1 outlines some possible ideas for such a Council;
 - be based around the district school as the centre of the community and would ensure much more comprehensive use of school assets, buildings, libraries, theatres, recreation facilities etc seen days a week;
 - provide facilities to assist the early intervention process described above;
 - develop a strong sense of belonging to a community which, when allied to the community values referred to above, would rekindle behaviour for the better.
- (4) **Drug Policies** - the whole National Drug Strategy should be overhauled to enable community wide education starting in primary schools aimed at preventing drug taking and building an anti drug culture. The failed philosophy of 'harm minimisation' should be scrapped and severe and mandatory penalties imposed on those convicted of supplying, growing, manufacturing, financing or distributing illicit drugs or involved in official corruption. Criminal penalties for possession and use must remain. Education will in the long term eliminate the demand for illicit drugs and hence the drug trade will then collapse.
- (5) **Unemployment** - the State Government should strongly urge both the Federal Government and Opposition to adopt 'guided market economics' to enable Australia to break out of the growth limitations of current market economic policies which keep growth to 'sustainable' levels, around 3.5% pa. Such a rate of growth is not sufficient to reduce unemployment. Guide market co-operation among all sectors will allow rates of growth substantially above 3.5% pa without inducing high inflation and higher current account deficits.
- There is also a role for compulsory superannuation to play in rebuilding Australia's manufacturing industries, industry by industry, to create sustainable employment for young people and others. A fully employed nation will be a much more crime free nation.
- (6) **National Service - Civilian** - unemployment people should have the opportunity to participate in a form of national service which could include reconstructing the nation's degraded land and water resources. Payment of an unemployment benefit should impose on the recipient an obligation to put something back into society which will assist in building a sense of national pride and unity.

Military - at least on a voluntary basis would provide skills training and transitional experience for many young people and would provide a link in the defence of Australia which has been sadly neglected by the Federal Government.

- (7) Prohibition of the promotion of illegal activity - laws should be introduced to prohibit under severe penalty the promotion of any form of illegal activity through any communication medium. Examples are the Internet, freely available cannabis smoking implements although possession and use of cannabis are illegal and advertisements in daily papers for prostitution.
- (8) Court diversion and mediation - these services should be expanded, for young first offenders, with the objective of finding alternatives to detention. Mediation with victims, at the option of the victim, could play an important role toward restitution of achieving 'unlikely to offend again' status among young people. Policies to make parents responsible for the behaviour of their juvenile children and for restitution are essential.

Strategies for dealing with law and order issues as they exist at the moment.

- (1) Self Protection - citizens must have a clear right to use reasonable force to defend themselves and their property;
- (2) Publicity - the names of juveniles 12 years old and upward should not be banned from publication upon their conviction.
- (3) Prison Reform - every convicted person sent to prison has the right to safety from physical harm and physical abuse, whilst in custody, and also the right to be released from prison as a better citizen than at the time of imprisonment. The following reforms are imperative:
 - the elimination of all illicit drugs;
 - comprehensive rehabilitation through training, education and productive work both in the prison and outside as appropriate. In this regard it is suggested that the Government should thoroughly investigate the reported success of the Oregon State Prison which trains and employs the inmates in profitable productive enterprises;
 - whilst meeting adequate health standards prisons should not be 'comfortable country clubs' but should be rather spartan accommodation.
- (4) Sentencing - punishment should fit the crime. Mandatory minimum sentences should apply. Parole or other reduction in sentences should be earned by good behavior or other achievements eg achieving educational qualifications.
- (5) Clean Slate - a procedure should be developed and adopted which would allow wiping the slate clean after varying periods of time depending on the nature, seriousness and frequency of the offence for which a person has been convicted.

- (6) Victim Support - victim support services should be expanded and developed.
- (7) Police Role and Performance - every possible step should be taken to enhance the co-operation between the police service and the community to build a greater understanding of and confidence in the police service. No other comment is considered to be appropriate pending the outcome of the Legislative Council enquiry into these matters.
- (8) Community Standards - much more stringent standards should be imposed on all media to safeguard community standards and deter violence, pornography and deviancy.

As a follow up project to provide a more informed basis for future policy making a comprehensive research project should be designed and implemented to ascertain the costs to the whole community of family breakdown and its causes, juvenile delinquency, the effect of pornographic and violent movies, videos and music and other aspects of the gradual decay of our society.

APPENDIX 1

Community Law and Order Council - Outline of possible structure.

Secretariate : Permanent and Funded by Government.

Membership : Permanent and Positional.

District Police Chief
Local Government Chief Executive
School Principal
Hospital Matron
District Court Judge or Justice

Membership : Voluntary and Elected.

Citizens : Eligible to vote and representative of parents businesses and Churches one of whom would be elected as chairman for a stipulated term.

Citizens : Non voting such as students representatives.

Function : To monitor incidence of crime its nature and type and co-ordinate the community's response.

To control and manage funds allocated to the community for discretionary items of expenditure on education, health, welfare, road works, policing and community amenities.

Voting : A formal procedure of voting will be needed to ensure probity and proper accountability and control. A system of incentives linked to attendance and voting eligibility may be desirable.

Additional Involvement : The possible involvement of those people in the community who are currently on parole, performing community services, under suspension or Court Order could be considered.

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NB: This is an indicative outline only. It is acknowledged that the final form of such a council will depend on a detailed study of all of the issues. A community Law and Order Council in an urban environment may well differ from one in a rural community. The mandatory nature of some appointments to

urban councils may not be suitable for rural communities, Moreover, in some rural communities there will be a need for participation by Aboriginal elders or committees of elders; such could also be the case in some urban communities.