

COMMUNITY SAFETY IN REGIONAL AND RURAL COMMUNITIES

Organisation: Country Women's Association Far North Coast Group
Date Received: 29 May 2024

Submission: Committee on Law and Safety NSW Parliamentary Inquiry: Community Safety in Regional and Rural Communities, May 2024

Submitted by the Country Women's Association Far North Coast Group

The CWA Far North Coast Group represents 17 branches in urban and rural communities located across six local government areas: Tweed, Ballina, Byron, Kyogle, Lismore and the northern part of Richmond Valley, comprising a total membership of more than 450. Our membership shares concerns about crime, youth crime and community safety.

Concerns over rural crime and youth crime are widespread among Country Women's Association members across the state. At our recent Country Women's Association of NSW Annual General Meeting (6-9 May 2024, Coffs Harbour), nearly 500 Branch delegates and observers from around NSW attended the Panel Discussion on Rural Crimes, with Cr Jamie Chaffey, Chairman Country Mayors Association of NSW & Mayor of Gunnedah Shire Council, Peter Price, CEO Crime Stoppers NSW and Adam DeMamiel, CEO and Director, Boys to the Bush. Representatives of the Rural Crime Prevention Team have also made presentations to our membership at past State Annual Conferences.

Compared with other states, New South Wales is poorly served by its police service. In their 2023 report *Crime, Law & Order*, the Country Mayors Association of NSW, reports that the ratio of one police officer per persons is 1:489 in NSW, 1:326 in QLD, 1:319 in VIC, and 1:301 in SA.

The lack of policing is felt acutely in regional, rural, and remote areas. The Country Mayors Association of NSW reports "that the average rate of recorded crime across rural and regional NSW is considerably higher than in Sydney for most offences considered."

Two resolutions carried at the recent CWA Coffs Harbour meeting instructed our state office bearers to advocate the NSW Government to reinstate a permanent police presence in rural towns where there are existing police station residences; and for the urgent and immediate action by the NSW Government to establish 24-hour policing in all larger rural, regional, and remote areas.

CWA Far North Coast Group supports these resolutions, but we also recognise that increasing the presence of police resources is not enough to reverse the trend identified by The Country Mayors Association of NSW. To address crime and reduce crime rates among young people there needs to be a change of culture: police resources need to address seemingly less 'important' crimes committed by younger and older offenders, such as trespass, as well as forms of bullying such as harassment and intimidation, *before* these escalate into violent crimes.

What is stalking, harassment and intimidation?

Harassment is not defined in the *Crimes (Domestic and Personal Violence) Act 2007* (hereafter the Crimes Act), but Anti-discrimination law defines this as any form of behaviour that is unwanted; offends, humiliates or intimidates; and creates a hostile environment.¹

Section 7 of the *Crimes (Domestic and Personal Violence) Act 2007* – hereafter the Crimes Act) defines **intimidation** as:

(a) conduct (including cyberbullying) amounting to harassment or molestation of the person, or

(b) an approach made to the person by any means (including by telephone, telephone text messaging, e-mailing and other technologically assisted means) that causes the person to fear for his or her safety or to another person with whom they have a domestic relationship, or

(c) conduct that causes a reasonable apprehension of injury or violence to the person or damage to property.

Citing Section 8 of the Crimes Act, the NSW Police website defines **stalking** as

the following of a person about or the watching or frequenting of the vicinity of, or an approach to a person's place of residence, business or work or any place that a person frequents for the purposes of any social or leisure activity.

It states that “stalking often involves a long term pattern of events which is why each and every incident and experience should be recorded and reported to the police.”² The website has examples of stalking such as unwanted messages delivered by various means, eg. online, as well as an awareness that they [victims] are being followed; and being continually stared at or gestured to by another person.

Data collected by the NSW Bureau of Criminal Statistics and Research (BOCSAR) reported 44,786 cases of intimidation, stalking, and harassment offences between July 2022 and June 2023.³ Such behaviour is all too common, and we therefore assume that youths are influenced by such behaviour, especially if it considered unimportant and of little consequence.

We acknowledge that the focus of the current inquiry is on youth crime. Our submission is pertinent to items (a), (d), (e), (f) and (g) of the terms of reference (see footnote).⁴

We contend that youths grow up in an environment where crime is not adequately addressed. We are of the view that the inadequate responses to adult crimes in rural and regional communities by the law enforcement, legal and justice system sets an example to young people and teaches them that the current system does not act as a deterrent to stealing, property damage, trespass, and personal assault, let alone bullying. Youths do not act within a vacuum, they observe and learn from their parents, other adults, their peers, as well as the institutions that they are surrounded by.

In 2001, in its publication *Measuring Wellbeing*, the Australian Bureau of Statistics (ABS) sets out a framework for collecting data about crime and the criminal justice system, which identified environmental context as one of three factors that determine the nature and extent of crime in society. The report suggests that environmental factors often determine the nature of the crimes that are committed, as well as the response of the criminal justice system:

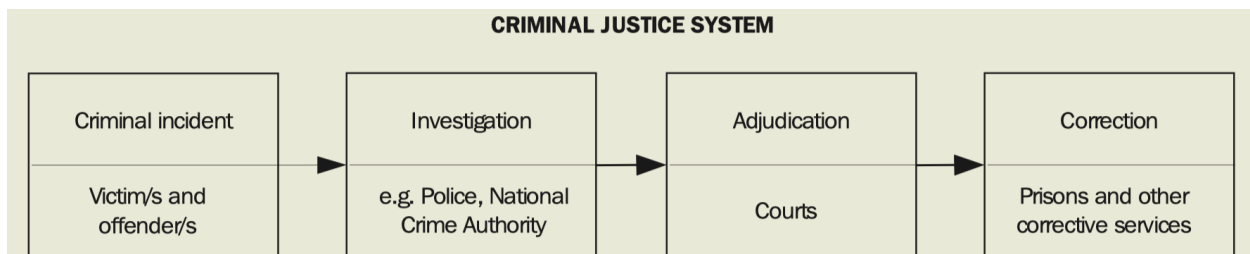
***Environmental factors** that affect offenders and victims include the physical, social, family, community, economic, cultural and political environments in which individuals live. Impoverished physical, social and family environments have long been considered to be primary determinants of the development of criminal behaviour. Living in poverty, isolation from social support and being raised in a violent family are examples of these*

types of environmental risk factors. A lack of community cohesion in one's neighbourhood, poor economic conditions in society and conflict-ridden cultural and political environments are also potential risk factors for crime — both for offending and victimisation. The rate of unemployment, extent of use of the welfare system and the varying levels of education in society can all influence the prevalence and nature of crime. For example, higher rates of unemployment can have an impact on levels of crime.

An important environmental element relates to geographical location. The profile of crime varies across geographical areas both at the macro level (among States and Territories in Australia) and at the micro level (for example, between different suburbs or even different streets within a suburb). These differences in crime can be linked with regional differences in social, demographic and economic conditions. Understanding the nature of these links is important because it can shed light on how to manage and prevent crime (pp. 247-8).

Similarly, a *Strategic Policy Brief* published by New Zealand's Ministry of Justice, identifies family, education, economics, community and peers, and alcohol and other drugs as risk factors for involvement in crime by children.⁵

The ABS suggests that a useful approach to identify and describe concerns regarding crime and the criminal justice system is to follow the typical flow of activity through the criminal justice system itself (see the figure below). This submission applies this 'flow and activity' approach using anecdotes from some of our members to illustrate the problems with current practices.



(From ABS, 2001, p. 248)

Victim experience

Among our Group membership there is a general lack of satisfaction with the NSW Police when they are called out to incidents of crime.

Anecdotally, members from one branch located in a small rural town that was heavily impacted by the 2022 floods, reported an increase in youth crime, particularly with break and enter. Elderly residents being victimised resulted in elevated levels of fear and stress in the community. Their concerns included a lack of police presence, and the inadequate response to calls for help.

In more rural locations trespass is a major concern. Two members of the CWA Far North Coast Group suffered common assault, harassment, stalking, and intimidation committed by their

neighbours caught trespassing and damaging their rural properties. Both accessed information from online sources – NSW police, court, legal and community websites.⁶ Both members sought assistance from local police and an Apprehended Violence Order (AVO) was served on their respective neighbours.

In both cases the offenders continued their harassment, stalking and intimidation, contravening their AVOs, necessitating further assistance from the local police to try and put a stop to it.

In both cases the victims felt that the police response was inadequate. They felt that the police downplayed the seriousness of the offences and provided conflicting and confusing advice, especially in relation to collecting evidence. They felt that police arbitrarily re-classified criminal offences down to the civil offences (such as fencing) that may have sparked the disputes, thereby diminishing police response. One member expressed her view to police that the issue was never about the civil matter since the neighbour refused to discuss his demands with her. She believes that the neighbour's true intention was to bully and harass her to force her to sell her property. In another incident, contact with more senior police revealed that police records about the case were incomplete and inaccurate.

In separate incidents police warned CWA members not to waste police time. On another occasion an officer advised the victims not to ring police unless there was a violent incident. Currently, some 12 to 18 months later their respective neighbours continue to stalk, harass, and intimidate them knowing that police will not attend for such 'minor' behaviour.

In both cases our CWA members experienced escalation of the dispute resulting in violence. One member and her teenage son were assaulted by the neighbour causing injury. The other member first contacted police when the neighbour's trespass behaviour escalated to using a vehicle to attack her housemate. Both experienced law enforcement practices that contradicted online and legal advice. Both rate their experiences of the system as unsatisfactory at best, and non-existent at worst. Both felt utterly unsupported since there appear to be no support services for victims of crime where this concerns non-domestic violence and assault.

Their experience is not unusual. In a 2020 survey of farm crime conducted by The Centre for Rural Criminology at New England University (UNE), a staggering 82% of respondents were most worried about trespassing, followed by break and enter (74%), the theft of livestock (72%) and illegal shooting/hunting (66%). However, most farmers were unlikely to report every incident of trespass: "reluctance to report crime revolved primarily around a lack of confidence in police capacity to solve the crime, as well as perceptions of barriers to investigating crime in rural spaces... farmers also expressed high levels of worry of revenge or retaliation from offenders if they were to report."⁷

Support services

Conflict with neighbours is 'the worst conflict ever' in the words of a solicitor consulted by one member. The issues are widespread but seem complex and difficult to resolve, and the legal process is slow. State-wide crime statistics provided by the BOCSAR show that between July 2022 and June 2023, there were 32,391 assaults recorded for non-domestic violence; 34,700 domestic violence related assaults; and 44,786 intimidation, stalking, and harassment offences.⁸

In the domestic sphere, the fear, stress, and disruption caused by assault, stalking and other forms of intimidation and violence has given rise to many support services (in person and online)

available to victims – women and families; victims of violent crime and sexual assault; refugees and Aboriginal people.

None appear to be available to victims of non-domestic crime. Anecdotally, we have heard of instances where inadequate police intervention sees a desperate victim take matters into their own hands, and resort to a counter assault on the offender, which then resulted in the victim being charged, and having to sell their property. Lack of early intervention will often result in escalation. The social harm is obvious but delaying intervention to ‘save money’ will result in additional expense to the public and additional pressure on police efforts, court costs, time, etc.

In rural regions support services are even harder to find. One CWA member sought advice from a psychologist to gain insights into the offender’s behaviour and was given clear instructions enabling her to respond appropriately to the offender and cope with the situation. The psychologist warned her that a satisfactory outcome could take years, in part relying on the offender to become bored with the situation and turning their attention to another target.

Clearly there is a need for establishing support services for this category of victims including in regional and rural communities.

Court and lawyers

The experience of the court process and legal advice also proved disappointing. An Apprehended AVO) can be requested by victims or by police. If police serve the AVO, it takes effect immediately. When the victim makes the application, the order is served by police, a hearing takes place at a future date, which may or may not result in an AVO being served on the offender.

One CWA member made an AVO application on advice from police after meeting with them to report the vehicle attack. It took three weeks before the order was served on the neighbour. Meanwhile, the neighbour continued to trespass on her property knowing that police were unlikely to respond to her call for assistance, and with the court hearing still several weeks away.

A lawyer engaged prior to the court hearing used stills from a video recording of the attack in support of the victim’s application. The result was an interim order (of several months duration), a recommendation to organise mediation hosted by the Community Justice Centre (CJC), and a return to court if the parties could not come to an agreement.

By now this member had spent several thousands of dollars on legal fees to support her case against the offender. The experience was instructive. The details of the case – the offender’s claim that this was a dispute over fencing, the bullying, harassment and attack with a vehicle that accompanied his claim – were divided into separate elements requiring different legal expertise devoid of the context needed for rational and effective adjudication.

The fencing dispute was treated separately, resulting in yet more harassment, intimidation and trespass, and remains unresolved while the matter is being processed through the NSW Civil and Administrative Tribunal. The member has no doubt that an agreement on a fence will not result in the offender ceasing his intimidating behaviour.

Legal costs quickly mount up with lawyers charging upwards of \$10 a *minute*! Mediation was not compulsory, and the matter of the assault could have been presented to court. However, the lawyer was of the view that the evidence (several videos, diaries, photos of trespass and damage

to property) was not sufficient to ensure success (despite earlier assurances from both police and the lawyers that we needed to collect evidence with photos and videos). The collection of such material is arduous, almost obsessive and the member reported taking hundreds of photos to support her claims. There was also confusion about the legality of evidence collected, and what would be admissible. The issue of what is admissible legal evidence was not mentioned on the websites consulted, or in discussions with police.

Both CWA members report that throughout the ordeal neither police, nor lawyers bother to visit the site where an assault takes place. Therefore, they rely solely on full and accurate descriptions of topography and the physical properties of the sites, which may shed light on the extent of risk from a violent action to a victim, such as steepness and slipperiness of a slope. This shortcoming was palpable during the mediation with the Community Justice Centre, which was conducted by phone, with the mediators located in Paramatta.

Mediation with the Community Justice Centre

The Crimes Act encourages parties to resolve their dispute via mediation, which is conducted by the CJC, operating out of the NSW Department of Communities and Justice.⁹

The CJC claims an extraordinarily high success rate, with more than 80% of mediations leading to an agreement.¹⁰

One of our members participated in this process by telephone with mediators working from Paramatta. This raised problems with mediators grasping the nature of the problem. For example they did not know what a ‘slasher’ was, referring to equipment attached to a tractor to cut grass, nor could they appreciate the role of topography in a rural environment and how this might enable harassment and intimidation between neighbours.

Information provided by the CJC shows the process is largely designed for civil matters, not criminal offences that are the focus of the AVOs described here: common assault, stalking and intimidation.

Our member learned soon after commencing the mediation session that her primary concern – the violent attack – would not be discussed. The offender denied it had happened, and he also refused to discuss the civil matter. After four hours of mediation the agreement (not normally legally binding) amounted to a restatement of The Crimes Act pertaining to intimidation and stalking. CJC staff claimed success based on this agreement.

The mediators also demanded to know whether she would proceed with the scheduled court case where the charge of apprehended assault would be tested, and reminding her that if she lost the case, she would be required to pay the offender’s legal fees. Having already spent thousands of dollars on the matter, the member decided not to go ahead with the court case, while at the same time feeling manipulated by this process since it side-stepped her primary concern: the violent attack.

Five minutes after completion of the mediation, the neighbour resumed his stalking and intimidation of a member of her household. Clearly, success should be measured by the extent to which the mediating parties comply with an agreement, not simply that such an agreement has been made.

Rebuilding confidence in the crime and criminal justice system

Rebuilding confidence in the crime and criminal justice system is essential to communities seeking to achieve safer environments, not just for adults, but especially for younger generations.

UNE's Centre for Rural Criminology (CRC) points out that "solving crime is very important; however, the impact of victims simply feeling seen and heard cannot be overstated, especially when it comes to matters of satisfaction and confidence."

The experiences of our members have left them feeling that their concerns have not been heard, with police and the legal system making assumptions about the nature of the problem. For example, failure to recognise that an offender's civil claim may be used as a cover for pernicious stalking and intimidation motivated to force a neighbour and their family to move away.

The CRC study highlights several key issues that act as barriers to finding solutions against farm crime. We suggest that these barriers apply to the broader rural and regional community:

- very high levels of crime victimisation, and worry about crime victimisation;
- significant under-reporting of crime; and
- low levels of confidence in the police to deal with farm crime, along with low levels of satisfaction with the police and criminal justice system.

The CRC argues that these interrelated issues may hinder the ability of communities and police to prevent and respond to crime. People are less likely to report crime when they have little confidence in the police. Young people will pick up on this reluctance towards police involvement and where this is transmitted between generations a cultural environment will develop where this reluctance becomes the norm. As a result, the CRC points out that police ability to apprehend offenders will be limited and "result in an incomplete picture of actual offending rates for policy and decision-makers."

The CRC study asserts that victimisation rates amongst farmers must be reduced. We suggest that all victimisation rates in rural and regional communities more generally must be reduced to create a safe environment for all citizens, and especially our young people.

We recognise that the rural environment poses significant challenges to policing, and this underpins the CWA of NSW policies ratified by its membership, including the permanent presence of police where there are existing facilities, as well as the re-introduction of 24-hour staffing at police stations in larger regional centres.

We agree with the CRC that "the role of police action in terms of confidence building, reducing worry, increasing report etc. ultimately aids in reducing crime and disorder," and also agree that "explicit efforts, energies and resources should also be focused on key areas of victimisation," not just in areas of farm crime, but all key areas of rural and regional victimisation.

¹ <https://www.safework.nsw.gov.au/safety-starts-here/our-aboriginal-program/culturally-safe-workplaces/harassment>

² https://www.police.nsw.gov.au/crime/domestic_and_family_violence/what_is_stalking

³ https://www.bocsar.nsw.gov.au/Pages/bocsar_publication/Pub_Summary/RCS-Quarterly/RCS2023Q2-PageSummary.aspx

⁴ That the Committee on Law and Safety inquire into and report on:

(a) the drivers of youth crime across regional and rural NSW, particularly since the COVID pandemic;

- (b) how a whole of government approach can reduce the drivers and root causes of youth crime in regional and rural NSW;
- (c) the wraparound and diversionary services available for youth and families in the regions and rural areas and how they can be better matched to individuals, measured, improved and integrated into a coordinated approach to divert youth from crime, having regard to the NSW Government's commitment to working in partnership with Aboriginal people;
- (d) staffing levels and workforce issues, including police staffing, in regional and rural areas and how services can be improved to reduce youth crime in these areas;
- (e) recidivism rates in regional and rural areas, and related impacts on the community, services and law enforcement;
- (f) the range of functions being performed by NSW police officers, including mental health assistance and youth welfare, on behalf of other agencies in regional and rural areas, and the supports required to assist police; and
- (g) any other related matter.

⁵ <https://www.beehive.govt.nz/sites/default/files/Social%20Risk%20Factors.pdf>

⁶ For example:

https://www.police.nsw.gov.au/crime/domestic_and_family_violence/apprehended_violence_orders_avo;

<https://www.gotocourt.com.au/criminal-law/nsw/common-assault/>; <https://www.safework.nsw.gov.au/safety-starts-here/our-aboriginal-program/culturally-safe-workplaces/harassment/>;

https://www.police.nsw.gov.au/crime/domestic_and_family_violence/what_is_stalking<https://www.hrlc.org.au/news/2018/6/7/new-south-wales-introduces-broader-protections-from-hate-crime>

⁷ Mulrooney, K.J.D. (2021). *The NSW Farm Crime Survey 2020*. The Centre for Rural Criminology, University of New England. <https://spark.adobe.com/page/zsV05pknxX17N/>

⁸ https://www.bocsar.nsw.gov.au/Pages/bocsar_publication/Pub_Summary/RCS-Quarterly/RCS2023Q2-PageSummary.aspx

⁹ **Section 21** of the *Crimes (Domestic and Personal Violence) Act 2007*

21 Referral of matters to mediation

(1) If an application for an apprehended personal violence order is made to a court, the court—

(a) when considering whether to make the order—is to refer the protected person and the defendant for mediation under the *Community Justice Centres Act 1983* unless it is satisfied that there is good reason not to do so, and

(b) at any other time—may refer the protected person and the defendant for mediation under that Act.

(2) Without limiting subsection (1), in determining whether there is good reason not to refer a matter to mediation, the court is to consider whether—

(a) there has been a history of physical violence to the protected person by the defendant, or

(b) the protected person has been subjected to conduct by the defendant amounting to a personal violence offence, or

(c) the protected person has been subjected to conduct by the defendant amounting to an offence under section 13, or

(d) the defendant has engaged in conduct amounting to harassment relating to the protected person's race, religion, homosexuality, transgender status, HIV/AIDS infection or disability, or

(e) there has been a previous attempt at mediation in relation to the same matter and the attempt was not successful.

(2A) The existence of any one or more of the factors referred to in subsection (2) does not prevent a court from referring a matter to mediation.

(3) Nothing in this section affects section 24 of the *Community Justice Centres Act 1983*.

Note—

Section 24 of the *Community Justice Centres Act 1983* enables the Director of Community Justice Centres to decline to consent to the acceptance of a dispute for mediation and enables the Director or a mediator to terminate a mediation session at any time.

(4) The Director of Community Justice Centres is to provide a written report on the outcome of the mediation or attempted mediation to the court that referred the matter for mediation.

(5) On receiving a report under subsection (4), the court is to take such action in accordance with this Act as it considers appropriate in relation to the matter concerned and in doing so may take into account the contents of the report.

(6) If a matter is referred to mediation under this section without an order having been made, any proceedings in relation to the application are taken to have been stayed until a report is provided under subsection (4).

(7) If the Director of Community Justice Centres provides a report under subsection (4) or a mediator conducts a mediation of a matter referred under this section, the Director or the mediator is taken, for the purposes of the

provisions of the *Community Justice Centres Act 1983*, to be exercising those functions for the purpose of executing that Act.

¹⁰ [https://www.cjc.justice.nsw.gov.au/Documents/Factsheet-mediation-at-CJC-\[accessible\].pdf](https://www.cjc.justice.nsw.gov.au/Documents/Factsheet-mediation-at-CJC-[accessible].pdf)