

**Submission
No 187**

COMMUNITY SAFETY IN REGIONAL AND RURAL COMMUNITIES

Organisation: Bourke Shire Council

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**BOURKE
SHIRE
COUNCIL**

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OFFICE OF THE MAYOR

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4 June 2024

Mr Edmond Atalla MP
Chair
Community Safety in Regional and Rural Communities Inquiry
Parliament House
Macquarie St,
Sydney NSW 2000

Email: lawsafety@parliament.nsw.gov.au

Dear Mr Atalla,

I refer to the determination of the NSW Legislative Assembly that the Committee on Law and Safety inquire into and report on Community safety in regional and rural communities.

Council thanks the Legislative Assembly for its determination with Bourke Shire Council taking the opportunity to make a submission in respect of the Inquiry.

Shire Overview

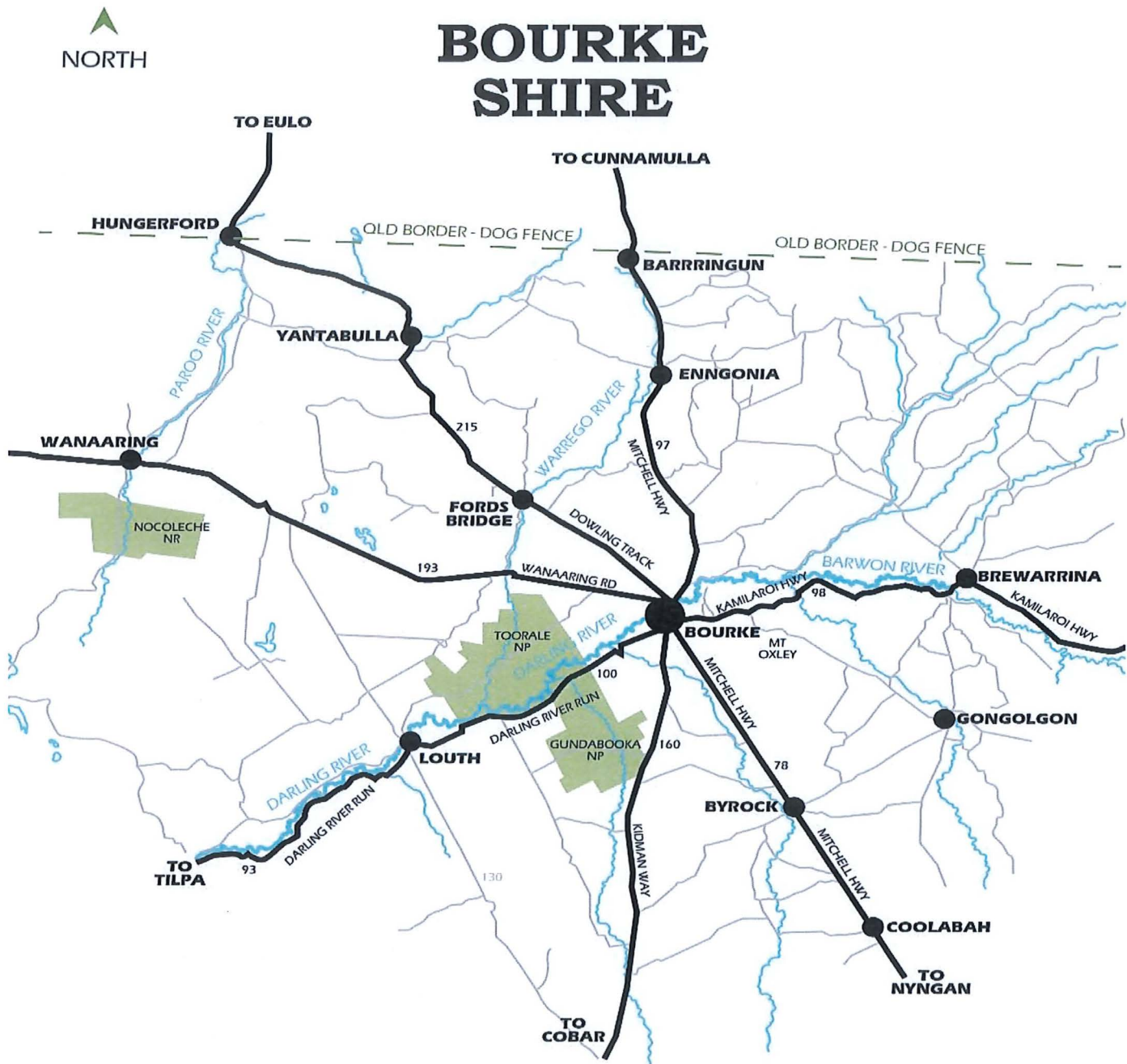
By way of background, the township of Bourke is located in Far North-western NSW, some 370km from the major regional service centre of Dubbo and 780km northwest from Sydney, on the banks of the Darling Baaka River, and at the intersection of three (3) significant cross country transport routes - the Kidman Way, Mitchell Highway and Kamilaroi Highway. The Shire's boundaries extend to the Queensland border which is 136 km north from the township of Bourke, south to Byrock (approx. 90 km from Bourke), west to Wanaaring (190 km from Bourke) and east towards Brewarrina with the Shire boundary being approximately 50 km from Bourke.

It is traditionally the country of the Ngemba/ Ngemba people, Bourke is now home to around 24 different recognised indigenous language groups. Many of Bourke's indigenous peoples are Wangkumara People from the Tibooburra region, but also include those from the Murawarri, Barkindji/ Gurnu and Yandruwandha Nations to name a few.

The Shire of Bourke is located within the Orana Region (Orana meaning 'welcome' in Wiradjuri), which stretches across the Central West and Western Region of New South Wales

(NSW). The Orana Region is the largest and most diverse region in the State and covers a quarter of NSW. The Shire itself covers 43,116 square kilometres, or 5.38% of the area of NSW, or similar in area to the country of Switzerland in Europe.

A map of the Shire, showing its various villages and neighbouring towns follows:



Considered a gateway into southwest Queensland and the far west of New South Wales, Bourke Shire is home to various small villages including Byrock, Enngonia, Fords Bridge,

Wanaaring and Louth, with the resident population of the Shire, as at the 2021 Census, being 2,340 people.

Nearly a third (30.25%) of Bourke residents identify as Aboriginal (708). This number is significantly above the National average of 2.8% noting that of those residents who do identify as Indigenous, 45% are aged 24 years or younger.

Between 2005 and 2020, Bourke's (estimated resident) population contracted by around 700 persons, equivalent to an average annual rate of contraction of 1.5% (or -1.5%), compared to the New South Wales average annual compound rate of growth of 1.3%.

Bourke's socio-economic index (SEIFA) sees it ranked as the 88th most disadvantaged LGA out of 544 local government areas with SEIFA scores in Australia with 456 local government areas being less disadvantaged with 87 local government areas being more disadvantaged. The Shire's disadvantage stems from its remoteness, lower economic opportunity, increased health issues, overall lower standard of living and the level of crime.



Aerial view of Bourke – Floods of December 2022.

The history of Bourke extends back to the late 1800's when paddle steamers operated on the Darling Baaka River, transporting wool and other goods to and from the then major inland port that Bourke was.

Much has changed over the years at Bourke since its early formative days. Its halcyon days are now behind it following the demise of the wool sector and the more recent impacts of the Murray Darling Basin Plan.

Today, Bourke is a service centre built on community services, administration, tourism, pastoral, and irrigation industries. Tourism features include Gundabooka National Park, Toorale National Park, Mt Oxley, Jandra Paddleboat, and the Back O' Bourke Exhibition Centre. More recently a state-of-the-art Goat Processing Abattoir, employing 180 people, has been successfully operated by Thomas Foods International,

Crime Overview

Unfortunately, over the years Bourke has been at the coal face of law and safety issues. In February 2013, the Sydney Morning Herald reported in respect of Bourke that "when compared with United Nations data, the crime rate of the Darling River town makes it more dangerous per capita than any country in the world." [Sydney Morning Herald 2 February 2013]

This is not a mantle that any town across the globe would aspire to and follows Bourke topping the state in six (6) of the eight (8) major crime statistics that the NSW Bureau of Crime Statistics and Research reported on. The Herald article also referenced the local police crime manager, at the time, who stated that "crime in town was opportunistic and primarily committed by disadvantaged youth with the big crime spike occurring at night and during the school holidays."

Off the back of Bourke's poor reputation in respect of crime, 2013 saw the Nation's first major justice reinvestment project commence operation in Bourke. Known as the Maranguka Community Hub, the Aboriginal-led place-based model of justice reinvestment, is a collaboration between the Bourke Tribal Council, Just Reinvest NSW and the community of Bourke. This long-term program has had a most positive impact on Bourke in terms of community collaboration with a resulting reduction in crime. In October 2023, the Maranguka Youth Support Model today received a gold award in the community-led category at the 2023 Australian Crime and Violence Prevention Awards. Council would encourage the Inquiry to meet with Mr Alister Ferguson, Chairman of Maranguka and the founder of Just Reinvest NSW, Judge Sarah Hopkins to allow them to fully articulate the operation and outcomes of Maranguka in Bourke.

Notwithstanding the community's efforts in reducing crime, following a very difficult lead into the Summer of 2022 in terms of youth crime in Bourke, Council in February 2022, reached out to the NSW Government, via the then Premier, the Hon. Dominic Perrottet. Council sought the assistance of the Government in regard to what it saw as out of control "youths who are simply on a path to long term incarceration. These youths are aged between 8 and 16 years of age. They are fearless and on a crime spree that will undoubtedly see them arrested, due to the

considerable efforts of local Police, and then face the prospect of long and extended periods of incarceration. The cycle of crime and incarceration seems to be endless."

As part of Council writing to the Government, a list of known incidents was collated. Such incidents commenced in October 2021 when four (4) youths held up at knife point a vulnerable community member in his residence, stealing his car and then travelling to Brewarrina, before stealing an ambulance and driving it back to and around the streets of Bourke, at high speed. The ambulance incident received national news coverage and included a local resident ringing 2GB Radio Host, Ben Fordham, and providing a live report as the ambulance careered around Bourke, with the witness stating, "They're going through solid give ways doing 130-140km." [Radio 2GB-Ben Fordham Show 14 October 2021]

To permit the members of the Inquiry to have a greater understanding of the gravity of the situation in Bourke at that time, and what residents were living with, and continue to live with, below is a list of some of the youth crime that occurred in Bourke during January and early February 2022:

- 2/1/2022 – Unknown young persons forced entry into the Bourke Bowling Club, stealing property.
- 3/1/2022 – Unknown young persons forced entry to a service station in Bourke.
- 4/1/2022 – Unknown young persons forced entry to a service station in Bourke. Investigations have identified a number of young persons involved.
- 4/1/2022 – Unknown young persons entered a motel room in Bourke, stealing property from the occupant inside.
- 8/1/2022 – Unknown young person's broke into a unit attached to a medical facility in Bourke, stealing a motor vehicle from a locum nurse before driving it through a hospital compound fence.
- 8/1/2022 – Unknown young persons (9-10 years old) entered the private room of an accommodation facility in Bourke occupied by a resident, before leaving. Police investigations have not been able to identify those involved.
- 13/1/2022 – Unknown young persons forced entry to an education facility in Bourke, allegedly stealing property. Police later identified one young person however unable to take action due to his age (9).
- 14/1/2022 – Unknown young persons forced entry into the house of a 90-year-old gentleman in Mooculta Street Bourke, stealing property when the owner was home.
- 15/1/2022 – Unknown young persons forced entry to a licensed premise in Bourke, stealing property.
- 16/1/2022 – Young person's broke into a licensed premise, stealing property. Following an investigation, a young person was arrested and charged for the alleged offences and is now before the Court.
- 17/1/2022 – Young person's again broke into a licensed premise, stealing property. Following an investigation, Police arrested and charged one of the young persons for the alleged offences and is now before the Court.
- 18/1/2022 – Young persons forced entry into a service station, stealing property. One person has been identified and charged with the offences and is now before the Court.
- 21/1/2022 – Unknown young persons attempted to force entry into a house on Darling Street Bourke occupied by an 80-year-old lady.

- 21/1/2022 – Unknown young persons forced entry to a business in Oxley Street Bourke. Police attended noting children nearby.
- 22/1/2022- Unknown young person's broke into a motel in Bourke occupied by a patron. Vehicle keys were taken from the room with the vehicle stolen. The vehicle was located burnt out in Bourke.
- 24/1/2022 – Police were patrolling Oxley Street Bourke when they identified a business had been broken into by unknown persons. A number of young persons were seen on CCTV footage nearby.
- 25/1/2022 - Unknown young person's broke into an accommodation facility located adjacent to the Bourke Multi-Purpose Centre occupied by student nurses. A 24-year-old male student nurse was confronted by young persons, menacing him with a knife, before leaving. The University of Sydney immediately required all students on practical training in Bourke to depart town with the University subsequently placing on hold any further students training in Bourke pending the outcome of a safety review and the completion of required works.
- 25/1/2022 – In the early hours, young persons forced entry into the residence of a single Mother in Wortumertie Street Bourke before stealing the victim's vehicle. The vehicle was later located burnt out in Bourke. Three young persons have been charged for these offences.
- 29/1/2022 – 30/1/2022 – Between the dates unknown persons tried to gain entry to a residence in Tudor Street Bourke however were unsuccessful.
- 4/2/2022 – Unknown young persons entered a motel room in Bourke occupied at the time by a visiting urologist. The unknown persons removed keys to a motor vehicle before stealing it. The vehicle was located later burnt out in Bourke.
- 5/2/2022 – Unknown young person's steal a local businessman's late model Nissan Patrol Wagon before driving it at high speed towards Enngonia before returning to Bourke. The vehicle was later located burnt out in Bourke.
- 6/2/2022 – Unknown young persons tried to gain entry to a house in Short Street Bourke, leaving when confronted by the occupants.
- 6/2/2022 – Unknown young persons forced entry into two (2) motel rooms in Bourke by kicking the open. One of the rooms was occupied by an adult victim. The young persons attempted to steal property and after a short confrontation, the youths left the location. The victim in this incident was the visiting Magistrate who had travelled to Bourke on the Sunday in readiness for Court on the Monday morning. The Bourke Western Herald reported the incident as follows:

"Visiting Local Court Magistrate, Theresa Hamilton was attacked in her Bourke motel room late on Sunday 6th February after three would-be thieves kicked a motel door in as she slept. The 66-year-old magistrate fought off her would-be muggers on two occasions.

About 11.40pm on Sunday 6 February 2022, three unknown males forced entry to the Darling River Motel room on Mitchell Street, Bourke. The group demanded cash and cars keys from Ms Hamilton – before one male wrestled her to the ground in an attempt to steal her handbag. The group left empty handed before returning a short time later and again attempted to take the handbag. After failing a second time, the group left empty handed. Bourke Police officers are investigating these offences and are appealing to the community for information. The owner of the Darling River

Motel, Costa Goumas, has contacted The Western Herald complaining bitterly about the regularity of room invasions at his motel. Mr Goumas said that government and business clients were ringing to cancel bookings at the motel, due to the current crime wave in Bourke. 'I am losing business every day because of this situation,' Mr Goumas said. 'And I have lost three managers in the last 3 months because people feel unsafe working in Bourke. My motel suffers break and enter issues every week, including the case of the doctor who had his money and car keys stolen from the motel, and his car stolen and burnt out,' he said. 'This just shouldn't happen – we pay our rates and our taxes – and we do not have any protection from the lawlessness of these young people'. [Bourke Western Herald 17 February 2022]

- 7/2/2022 – Unknown young persons forced entry to an accommodation facility in Anson Street Bourke.

Of considerable concern in respect of this list, is that many of the break and enters into residential premises targeted residences that were occupied by vulnerable members of our community. Where occupants were menaced, it was generally done with the perpetrators using a knife behind a covered or disguised face.

Whilst it both saddens and disappoints me to provide these examples of youth crime that have occurred in our small and remote locality, it is considered most important that the matters be brought to the attention the Inquiry, "warts and all."

Community Safety

Since the Summer of 2022 period, Police, Government and Non-Government agencies and Council have successfully focused on providing youth activities over the summer school holiday period to reduce the incidences of crime in the community during such periods. Despite the efforts, in March 2024, a five-year-old child with two 12-year-old children broke into a women's property at about 2am in the morning before taking her keys and stealing her car, Police later spotted the vehicle in town and tried to pull it over, sparking a brief pursuit that was called off when they realised the age of the occupants.

One must wonder why children as young as five and 12 years of age are wandering the streets of Bourke and getting into trouble at 2am in the morning. The answer is unfortunately simple..... quite often it is better than being at home. Whilst unrelated to the children who stole the vehicle in March 2024, a story had previously been related to me where two youngsters entered the Bourke Police Station at 6 am one Saturday morning, asking for a lift by Police to their home. The Police apparently asked where they had been all night with the response being along the lines that they had been wandering Bourke all night because it was safer than being at home. Illicit drug use, alcohol abuse, domestic violence, physical abuse, sexual assault are just some of the "safety issues" that these children potentially face as a reason for being away from their own house late at night. The issues facing these, and many other children, because of the detrimental activities of their parents and wider family, are complex.

Significant funding is allocated to Bourke for the engagement of Government and non-Government agencies to work with these dysfunctional families. Whilst these organisations struggle to recruit, engage and retain frontline staff in Bourke, coupled with the award

conditions of staff, it is questionable as to whether the resources are being appropriately allocated in our community. These comments are not directed at the hard - working frontline staff, but rather at those responsible for the allocation of funding and contracts. It would be good to see a "service mapping" project undertaken in respect of tracking the resources that come into Bourke, both through the Government and contracts issued to the Non-Government Agencies, the respective roles undertaken by the various organisations and the outcomes achieved. The constant level of crime and family dysfunctionality reflects that the current programs are not working. The current systems can appear fragmented with a mapping project providing an opportunity to define the services provided in Bourke and identify grey areas, overlap and oversight between the various agencies for a potential re direction of resources.

Just as Councils must report on a 6 monthly basis to the community in respect of the status of implementing its Delivery Plans, it is also considered that Government and non-Government agencies should be required to report to designated rural and remote communities their responsibilities, their programs, and the success/or otherwise thereof. The community deserves to know where the funds are being spent, what the programs are and what are the achievements against agreed performance standards. As it stands, there is no accountability to the community.

In terms of this lack of community accountability, it is often left to the Police to be "all things to all people" when issues do arise in the community. The level of crime in Bourke sees the NSW Police Force having a strong presence in the Shire. Along with a 24-hour station in Bourke with an officer stationed at Enngonia and another at Wanaaring, the community of Bourke is most fortunate to have a Police Force that takes on overarching roles in respect of the law and safety functions of Bourke.

In support of the role and performance of the Bourke Police, I was interested to recently read a quote attributed to the NSW Police Association President, Kevin Morton, where he stated that *"All over NSW, officers have come to work and at some point during that shift or due to the lack of available experts, they will be expected to be mental health clinicians, ambulance paramedics, relationship counsellors, prison guards, youth workers, Work-Cover investigators, family law solicitors, RSPCA inspectors, National Parks and Wildlife officers insurance data collectors, probation and parole officers and so many more jobs that Police have inherited over the year's."* [Sunday Telegraph 26 May2024].

Mr Morton's list of extra jobs is indicative of the situation in Bourke, and it would be remiss not to acknowledge the significant role that Police play in our community. The command works hard to address vacancies such that the complement of officers is as high as possible.

It is said in various circles, anecdotally, that when various offenders are in detention or gaol, crime diminishes in our community. It is of concern that some people get onto a treadmill of ever-increasing levels of crime resulting in more and more time incarcerated. It is considered imperative that an appropriate number of filled caseworker roles that work with youth when they initially come to the attention of Police or spend time in the Justice System following an indiscretion, are active in our community. These caseworkers need to reside in the Bourke community, with the number of caseworkers such that a 24/7 service is available.

The continual bailing of offenders and the issue of domestic violence have been well documented in recent times. Council looks forward to the recently enacted legislative reform packages in respect of these issues making a change and delivering safer communities across the State. Notwithstanding, where bail is provided, it is considered imperative that bail conditions are adhered to. To achieve this outcome will undoubtedly require resources to oversight those bailed. In addition, where bailed conditions are breached, it is considered that penalties should be increased.

Council is a member of the Country Mayors Association of NSW (CMA). It is supportive of the recommendations contained in the submission of the CMA dated 20 May 2024, as follows:

- 1) That, the NSW Government commit to increase spending on the NSW police force to increase front line policing numbers in Regional, Rural and Remote regions most at need.*
- 2) That, the NSW Government commit to the minimum staffing agreements (known in the NSW Police Force as First Response Agreements) for non 24-hour police stations all of which are located in Regional, Rural and Remote Local Government areas. This funding increase must be guided by an updated workforce plan endorsed by NSW police association and government.*
- 3) That, the NSW Government review the current formula used to assess staffing levels including the universally agreed outdated current model for those Local Government areas that do have a First Response Agreement in place.*
- 4) That, the NSW Government identify regional local government areas where the presence of a 24/7 police response is needed to curb escalating crime rates and the allocation of adequate resources to those areas. Additionally, there must be a strategy or mechanism implemented by the NSW Police Force to ensure that officers are retained and that any vacancies are managed to maintain 24/7 police services or business as usual.*
- 5) That, the NSW Government commits to greater education within the NSW Police to strengthen and support officers' confidence in recommending to the courts that bail be refused in those instances where there is a high degree of confidence that the offender will reoffend. Or in those instances where the offender presents a threat (imminent or otherwise) to others, in particular women experiencing intimate partner threats, intimidation or violence from an intimate partner or ex- partner.*
- 6) That, the NSW Government commits to greater education within the judicial system to encourage judicial officers to refuse bail under Section 22C of the NSW Bail Act 2013 where the authority has a high degree of confidence the young person will commit a serious indictable offence while on bail.*
- 7) That, the NSW Government ensures the allocation of additional resources to more adequately supervise offenders and their adherence to bail conditions.*

- 8) That, the NSW Government legislates tougher penalties for breach of bail conditions.
- 9) That, the NSW Government delivers on the recently announced legislative reform package including amendments to the Bail Act and the creation of a new offence for 'posting and boasting' are delivered.
- 10) That, consideration is given to relevant legislative authorities taking meaningful steps towards legislative reviews that impose tougher penalties and sanctions on social media platforms supporting 'posting and boasting' in the name of free speech. I.e., TikTok
- 11) That, the continuation of Stronger Country Communities Fund and the introduction of a new community safety project category to incentivise applications that focus on early intervention and diversionary strategies and capital works projects. The review should also consider reducing the mandatory minimum 50% co-contribution obligations for local government, which proves to be a cost prohibitive deterrent for smaller, rural, and regional Councils with a smaller rate base.
- 12) That, the NSW Government reinstate of the NSW Community Safety Fund, with a focus on youth diversionary programs, CCTV, and domestic and family violence initiatives.
- 13) That, the NSW Government give consideration for the expansion of Youth Justice Centres throughout regional NSW communities most at need and that are able to accommodate girls closer to their families.
- 14) That, the NSW Government retain the youth focussed roles within Regional NSW and increased funding for Youth Justice Caseworkers supporting young people after they have interactions with the police and justice system. With many providing outreach support covering massive areas, additional places are needed to address demand and reduce burnout rates.
- 15) That, the NSW Government fund and commit to open drug and alcohol rehabilitation centres throughout regional NSW within twelve months from endorsement of these recommendations.
- 16) That, the committee commit to hold hearings in the following regional communities according to their level of effect of incidents of crime.
- Moree Plains Shire Council, Muswellbrook Shire Council, Coonamble Shire Council, Coffs Harbour City Council, Lachlan Shire Council, Kempsey Shire Council, Bourke Shire Council, Dubbo Regional Council, Gunnedah Shire Council, Broken Hill City Council, Cobar Shire Council, Walgett Shire Council, Richmond Valley Council, Tamworth Regional Council, Orange City Council, Albury City Council, Armidale Regional Council, Parkes Shire Council, Wagga Wagga City Council, Wentworth Shire Council, Inverell Shire Council.
- 17) That, the NSW Government review Doli Incapax, its application and its effectiveness in actually managing youth re-offending rates.

18) That, the NSW Government investigate the functions being performed NSW police officers on behalf of other agencies such as prisoner transfer, mental health assistance and all other support functions that distract from front line policing and proactive policing and also impact on the response time to criminal activities in regional communities.

19) That, the NSW Government invest new funding of \$10 million annually to establish Specialist Workers for Children and Young People in every frontline domestic and family violence service in NSW

20) That, the NSW Government increase evidence-based men's support and behaviour change programs in regional areas to ensure accessibility, this program should be annual reviewed to track the success in reducing DV incidents.

21) That, the NSW Government match the Commonwealth Government's contribution of \$610 million for social housing and ensure specific allocation for women and children experiencing DFV. Pending the passing legislation of the Housing Australia Future Fund (HAFF), ensure 20% allocation of properties for women and children experiencing DFV.

22) That, the NSW Government ensure safe and affordable transitional housing for women and children exiting crisis refuges by assessing current availability throughout regional NSW and fund additional capacity particularly in regions where new core and cluster refuges will be built.

23) That, the NSW Government allocate ongoing funding to continue to build on existing research on DFV in regional areas, whilst also commissioning new research to ensure data and practice responses are timely, accurate and have a gendered lens.

24) Increase the amount of Temporary Accommodation (TA) from seven to 28 days, ensuring that there are a minimum number of dwellings for DFV victim survivors and invest in culturally safe crisis accommodation and accessible housing for First Nations women and their children, including any children under 18.

If the opportunity presents itself, I would like to extend an invitation to the committee to visit Bourke to gauge for themselves the impact of crime on our remote community and an impact that is unfortunately replicated in a number of other communities.

Considerable resources being expended on trying to rectify the situation which unfortunately to date has proved to be a bridge too far and it is clear a vastly different approach may be required.

Solutions to date have proved ineffective.

I wish the Committee the best in its deliberations and look forward to the finalisation of the Inquiry and the development of recommendations to Government that improves the quality of life for those of us who reside in regional and rural NSW.

Yours faithfully



Councillor Barry Holman
Mayor of Bourke Shire