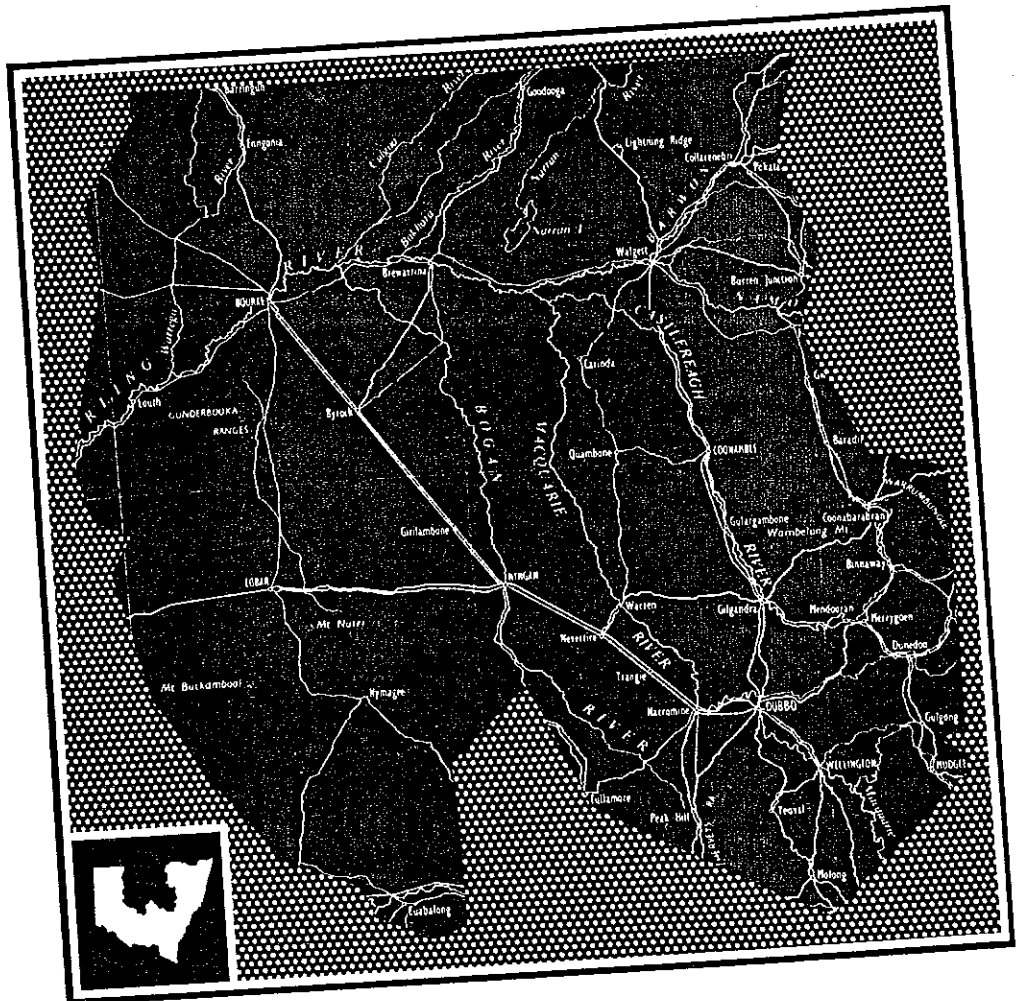


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Criminal Justice in North-West New South Wales





**CRIMINAL JUSTICE
IN NORTH-WEST
NEW SOUTH WALES**

Chris Cunneen
Tom Robb

1987

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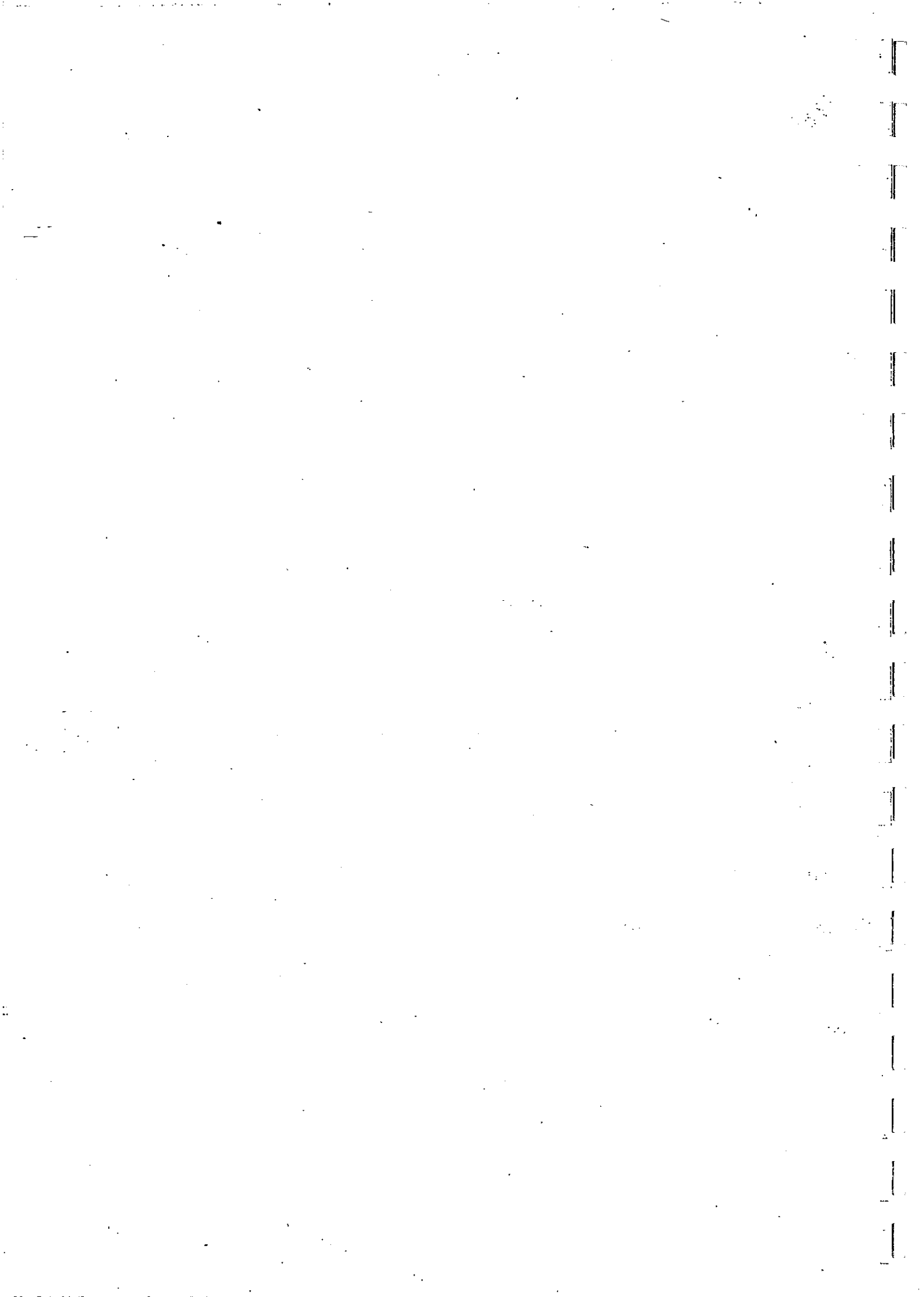
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PREFACE

The issue of law and order is often in the forefront of public debate. However the debate, in many instances, lacks a clear grounding in empirical research. This report began as an investigation of claims which were made concerning a perceived breakdown of law and order in the north-west of New South Wales, in the region known as Orana.

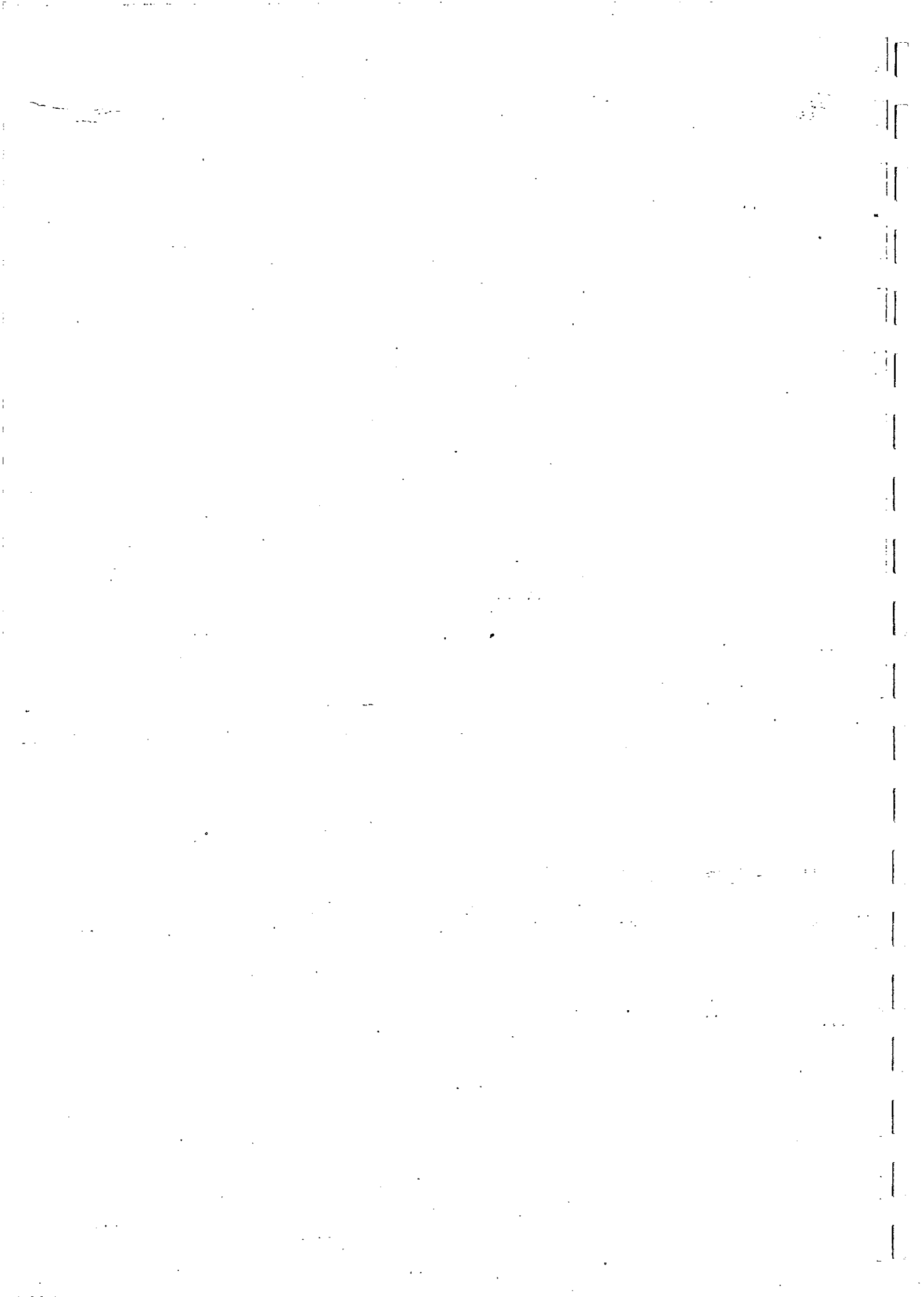
The report has taken the claims raised in the debate over law and order and subjected them to considerable testing and analysis. The study is important for the communities in the region. It examines historical and contemporary social and economic issues which surround the problem of crime and public order.

Most importantly the research contained in this report provides clear evidence of the degree of intervention by the criminal justice system into the lives of Aboriginal people in the region. The picture drawn is far from idyllic. It shows the need for a re-thinking on the part of white Australia as to the effect its legal institutions have had, and are having, on Aboriginal Australians.

Like most Bureau publications this work is a collective effort. In particular the assistance of Ms. Julia Baly, who contributed substantially in the collection of data, is acknowledged. Other research assistance was provided by Ms. Annie Mara and Ms. Nihal Danis. The report was typed by Carmel Byrne and Tina Manoleras and edited for publication by Jan Houghton. Many other persons at the Bureau provided time and assistance and their contribution to the report is acknowledged.

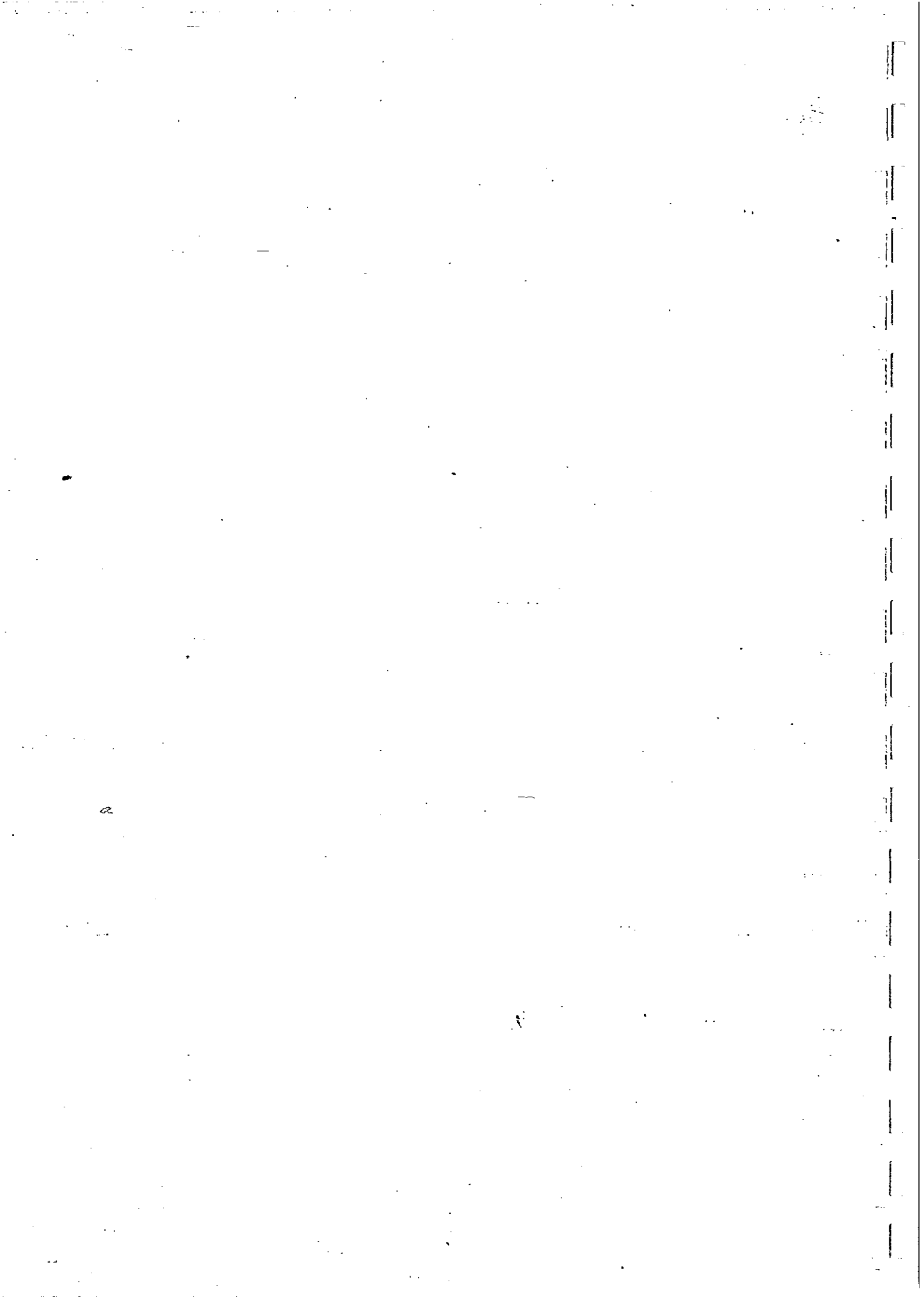
In conducting this research project, which involved considerable field work, the good will and assistance of a number of organisations has been indispensable. The Bureau acknowledges the help provided by court staff at the various local courts examined in the research, by police officers at the stations where charge books were examined, by the Police Planning and Research Unit in Sydney, by the Aboriginal Legal Service and the Western Aboriginal Legal Service, and by various Aboriginal and non-Aboriginal people who gave up time to discuss issues examined in this report.

Dr A.J. Sutton
Director



CHAPTER 1

**THE CLAIMS OF A
LAW AND ORDER CRISIS
IN NORTH-WEST N.S.W.**



1. Introduction

During 1985, claims were made in various towns in the north-west region of N.S.W. (Orana) that there was a 'crime wave' in the region and a breakdown of law and order amounting to a 'crisis' in the administration of criminal justice. Public meetings were held and a delegation including local Members of Parliament met with the then Premier, the Hon. N. K. Wran, Q.C., M.P. The events leading to these representations are discussed briefly below. One of the actions taken by the then Premier was to request the Bureau of Crime Statistics and Research to investigate and report on the claims concerning crime in the region.

The terms of references were as follows:

- (a) To assess the relative rates of, and factors involved in, offending within the Orana region; with particular reference to the alleged involvement of Aborigines and juveniles.
- (b) To evaluate the effectiveness of existing law and procedure in dealing with the alleged offending.
- (c) To examine the role and response of other government agencies in dealing with offences and offenders within the region.
- (d) To analyse media treatment of law and order issues within the region.
- (e) To assess community attitudes towards problems of law and order within the region.

1.1 Summary of complaints

The main complaints concerning the perceived law and order breakdown were extensive and reach well beyond areas which are properly the concern of the criminal justice system. The major claims, however, concerning the law and order breakdown may be summarised as follows:

- (a) There is a crime wave in Dubbo and the Orana region more generally.
- (b) The crime problem is caused by a minority of hard core recidivists.
- (c) The police are powerless to intervene to control 'street crime' since the repeal of the Summary Offences Act.
- (d) There is a lack of police presence (visibility) on the streets.
- (e) Penalties handed down by the courts do not reflect the seriousness of the crime.

- (f) Goals are too 'soft' for convicted criminals.
- (g) The new procedures for dealing with juveniles hamper police power.
- (h) Juveniles, because of the lack of parental control, lack of school discipline and inadequate control by the Department of Youth and Community Services, commit a large number of offences and that number is increasing.
- (i) The police are unable to deal with Aboriginal offenders because of Aboriginal Legal Services.
- (j) Aboriginal people commit disproportionately more (street) offences than non-Aboriginal people.
- (k) There has been a growth in unreported crime in the region as people become more disillusioned with the police and/or court response.

The above summary is obviously a reduction of the various issues and concerns which present themselves at different times and by different interests. However the list captures the main problems as they have been expressed by the Orana Law and Order Forum and other concerned community members.

1.2 The first law and order forum

The first event which may be said to have signalled the beginning of public debate on the perceived 'law and order' crisis in north-west N.S.W. was a public meeting called by the Orana Law and Order Forum Committee. The aim of the committee which had been formed one month prior to the public meeting, on August 10, 1985, was to express "deep concern at the decline of law and order throughout the Orana region - a concern shared by many thousands of our fellow citizens" (Daily Liberal, 31/8/85, p.1).

The first public meeting of the Law and Order Forum was held at Dubbo Civic Centre with an estimated attendance of 2,000. At that meeting a document entitled "Proposed Aims of Law and Order Meeting" was circulated (the eleven points in this document are reproduced in Appendix A, 1.1).

A number of claims were made about crime in Dubbo during the proceedings of the meeting. It was stated that as few as forty people were responsible for the crime problem in Dubbo. However because of 'new laws' police were alleged to be powerless to deal with the problem. The courts and magistrates were ineffective because of weak laws.¹

¹Minutes, 10/9/85, p.2.

It was also claimed that figures on juvenile crime in Dubbo indicated that 60 per cent of such crime was committed by Aborigines.²

By the close of the meeting it had been resolved that the aims and motions of the meeting be forwarded to the Premier, the Minister for Police and the Assistant Commissioner of Police. The document entitled "Proposed Aims of Law and Order Meeting" (Appendix A, 1.1) was expanded through motions carried at the meeting to include three additional points:

- (a) capital punishment be reintroduced for certain crimes;
- (b) the success of the meeting be submitted statewide;
- (c) the resolutions of the first public meeting of the Orana Law and Order Forum committee be forwarded to the State Government.

For the purposes of the study the meeting was important in the crystallisation of demands for change and in the decision of participants at the public meeting of the Orana Law and Order Forum Committee for a delegation to meet with the Premier.

1.3 The delegation to State Parliament of the participants at the public meeting of the Orana Law and Order Forum Committee

On the 12th November, 1985, a delegation from the Orana region met with the Premier Mr. Wran, the Minister for Police, Mr. Anderson and a representative from the Attorney General's Department. The purpose of the meeting was "to discuss ways and means of combating excessive crime" in the region. As indicated above, the delegation had its roots in the earlier public meeting in Dubbo. The substantive claims that were rehearsed in the meeting were not dissimilar to those outlined in 1.1 above. It should also be noted that, at that meeting and after, a series of submissions from individuals, business and other organisations were presented to the Premier.

1.4 The Bourke 'riot'

On the 28th August, 1986 there occurred in the north-west township of Bourke an alleged riot involving Aboriginal young people and the town's police. The riot led to the arrest of 16 people who were charged with 54 offences. The riot was important because it gave rise to another series of calls for a solution to the law and order problem in the north-west.

After the riot, two public meetings were held in Bourke on the 31st August, 1986 and the 4th September, 1986. Eleven points emerged from the two meetings concerning the 'problems' in Bourke.³ The

²Minutes, 10/9/85, pp.3-5.

³Minutes, Bourke Disturbances: Sydney Group, Ministry of Aboriginal Affairs, October 20, 1986.

points are fully listed in Appendix A (1.3). Some of the issues had been raised before, in particular questions of parent's accountability for children, the juvenile cautioning system, the need for activities for youth and the problems of unemployment. However several points emerged that were either not raised in previous 'law and order' claims or were, in fact, the opposite to other claims. These included the need to investigate the claim that Aborigines are still disadvantaged by current laws, the need to identify the authors of racist literature in the town, and the need to recognise that racism exists amongst only a small proportion of the community. It was apparent in the issues raised at the meetings that a tension existed between those who saw the problem as one of law and order and those who saw the problem as one of racism. This tension between the two 'definitions of the problem' has remained.

On the 8th September, 1986 a delegation from Bourke met with the State Minister for Aboriginal Affairs, the Minister for Police and various representatives from the Police Department, the Commonwealth Department of Aboriginal Affairs and the N.S.W. Anti-Discrimination Board. What emerged from that meeting was a decision to set-up a Consultative Committee to investigate the riot and the issues which flowed from it. The Consultative Committee was divided into a Sydney committee made up of representatives from various State departments and a Bourke committee to be comprised of six Aboriginal members and six non-Aboriginal members.

Following the riot in Bourke the Attorney General requested that the project initiated by the Premier in November 1985 expand its scope to include an account of the disturbance in Bourke and its ramifications for the overall question of law and order in the north-west region.

1.5 The second law and order meeting in Dubbo

A second public 'Law and Order Forum' was held in Dubbo on Sunday, February 15, 1987 attracting a crowd of 2,000. It had always been intended that a second meeting would be called after the initial meeting in September 1985.

During the course of 1986, there were periodic references to the need to call the second meeting.⁴ The direct impetus for the second meeting, however, came in October 1986 when the N.S.W. Police Department released their annual statistics which showed a 30 per cent increase in the number of crimes reported in the Dubbo Police District. It was after the release of these figures that it was announced a second 'law and order' meeting would be held (Daily Liberal, 24/10/86, p.1.).

⁴These calls were made by representatives of the Law and Order Forum Committee. See, for example, the Daily Liberal articles on the following days: 2/4/86, pp.1,8; 3/4/86, p.3; 19/5/86, p.1; 21/8/86, p.1; 29/8/86, p.3.

The public meeting was described as a success by the organisers. Some twenty two demands were formulated by the group (See Appendix A, 1.2 for a full list of the demands made at the February 1987 meeting), however the bulk of these demands were the same as those formulated at the September 1985 meeting. New demands which were placed on the agenda included a lowering of the rate at which fines are 'cut out' in prison to \$5 a day, the introduction of a single Legal Aid system which would not be available if the person was found guilty of the offence, the re-instatement of the four R's⁵ into schools and a feasibility study of establishing a reserve police force in N.S.W.

1.6 Evaluating the claims of a law and order crisis

The above is only a brief summary of the history of the alleged 'law and order' crisis. It should be apparent, however, that what constituted the law and order crisis was complex and multi-dimensional. As such, there are serious methodological problems in verifying or falsifying a hypothesis concerning the existence of a 'crisis'. First, some of the issues which have been raised can be dealt with substantively. For example, some claims concerning the juvenile cautioning system (as it has come to be known), such as the claim that no record is kept for first cautions issued, are simply incorrect. Secondly, other issues can be tested empirically: certain increases and decreases in the levels of reported adult and juvenile crime can be measured, although, as demonstrated in Chapter 3, there are still problems with the statistics collected and what they actually reveal. A third group of issues may have some light thrown on their validity through historical research. For example, the claim that "the cold, hard facts are that since the Summary Offences Act was repealed the police have lost control of the streets" (Western Herald, 29/8/86, p.1) can be tested to some degree through historical research.

However there are still problems with a fourth set of issues which essentially refer to a sense of morality and propriety. These issues are political in the broad sense of that word. That is, they define some behaviour as acceptable and other behaviour as unacceptable. Thus the claim that 'life was better' under the Summary Offences Act, or that a social and moral 'breakdown' has occurred within society are quintessentially concerned with relations of power and the exercise of power over what is 'acceptable' and what is 'unacceptable'. At this stage, the questions which become paramount are, as noted by Chambliss (1976), 'whose law' and 'what order' are we discussing? The issue as it is raised here bears directly on problems of methodology. If a central part of the concern that a law and order 'crisis' exists revolves around the questions of consensus and appropriate social behaviour, then there simply cannot be an adequate explanation of whether such a crisis exists at an empirical level. In other words, no matter what the quantitative and qualitative data demonstrate about continuities and changes in criminal behaviour, policing strategies or the functions of the

⁵Reading, writing, arithmetic and religion.

judiciary, there can still remain perceptions of disorder at the level of thought or ideology. That is, there remain conceptualisations concerning the nature of disorder which are simply unverifiable. For instance, how do we determine whether there has been an increase in abusive language towards police? Or that Aboriginal people have become more resentful? Claims which were made in submissions to the Premier on the 12th November, 1985.

This research project has attempted to deal with what might be called the 'multi-dimensionality' which is embodied in the claims of a law and order crisis through the use of a number of methodological strategies. Those research strategies are listed below and are designed to evaluate the various claims and sets of issues which have arisen.

- (a) A survey was conducted of police statistics for the region for the period 1976 to 1986 to evaluate the long term nature, extent and change in crimes reported to and cleared by police in the Orana region.
- (b) An analysis was made of Police Charge Books from the stations of Bourke, Brewarrina, Dubbo, Walgett and Wellington for the period 1/7/85 to 30/6/86 to evaluate the nature and extent of police charges during the 'crime wave' period and to evaluate differences between Aboriginal and non-Aboriginal charging patterns.
- (c) An analysis was made of Local Court records from the courts of Bourke, Brewarrina, Dubbo, Walgett and Wellington for the period 1/7/85 to 30/6/86 to evaluate sentencing patterns for adult and juvenile offenders during the 'crime wave' period for the purpose of analysing disparities between Orana and the rest of the state, and between Aboriginal and non-Aboriginal persons convicted of offences.
- (d) A survey was conducted of Children's Court statistics for the period 1984 to 1986 for juveniles charged with criminal matters whose usual place of residence was a Local Government Area within the North West Statistical Division. The survey enabled an evaluation of trends in juvenile offences in the region as a whole and between different areas within the region.
- (e) A regional comparison was made of Children's Court statistics for juvenile criminal matters from the regions of Orana, the Murrumbidgee and Clarence for the period 1984 to 1986 to enable an evaluation of the nature and extent of juvenile matters in Orana as compared to two other rural regions in N.S.W.
- (f) The Juvenile Reports submitted by police stations in the Orana region were collected for the period 1/9/85 to 30/6/86 to enable a regional view of the operation of new police procedures for dealing with juveniles in regard to the number of cautions

issued, to whom and for what reason. Information on Juvenile Report forms also enabled an evaluation of various claims concerning the new procedures in regard to police discretion in laying criminal charges.

- (g) To ascertain the Aboriginality of people brought before the criminal justice system, a cross-referencing method was used based on the records of the Aboriginal Legal Service, the Western Aboriginal Legal Service, the legal representation recorded in court records, the knowledge of the legal representatives, the knowledge of the Clerks of the Local Court and the knowledge of Aboriginal people within the various communities.
- (h) A survey of unreported crime in Dubbo was conducted during June 1986 to evaluate the claim that victims of crime were no longer reporting crimes to police.
- (i) A survey of the print media from the region was conducted with the view to analysing the representation of crime, law and order in the media. The survey was used to gauge public debate and to collect the pronouncements of public figures on the 'crisis'. The survey was also used to evaluate the claim that Aboriginal people were unfairly represented in the media in regard to criminal activity. During the course of 1986 the following newspapers were collected for a minimum of six months: Western Advocate, Bathurst; Western Herald, Bourke; Daily Liberal, Dubbo; Gilgandra Weekly, Gilgandra; Narromine News, Narromine; Warren Advocate, Warren; Walgett Spectator, Walgett; Wellington Times, Wellington.
- (j) A comparison of Police Charge Books for the selected years of 1964 and 1974 for the stations of Dubbo, Bourke, Walgett and Brewarrina was conducted to enable a broad historical comparison to the present situation, to evaluate claims concerning the repeal of the Summary Offences Act, and to evaluate previous levels of crime.
- (k) Historical research was conducted using primarily secondary sources and some oral history to ascertain the background to the present claims of a crisis.
- (l) A series of interviews were conducted in Bourke with representatives of both the Aboriginal and non-Aboriginal community to ascertain the various perceptions of whether a law and order crisis existed and, if so, what were the parameters and causes of that crisis.
- (m) Information was collected on social indicators for the Aboriginal communities in the north-west with particular attention to unemployment with the view to analysing the relationship between criminal activity and social and economic position.

- (n) An extensive literature survey was conducted for available material on the relationship of Aboriginal people to the criminal justice system with the view to analysing explanations for comparable situations elsewhere.

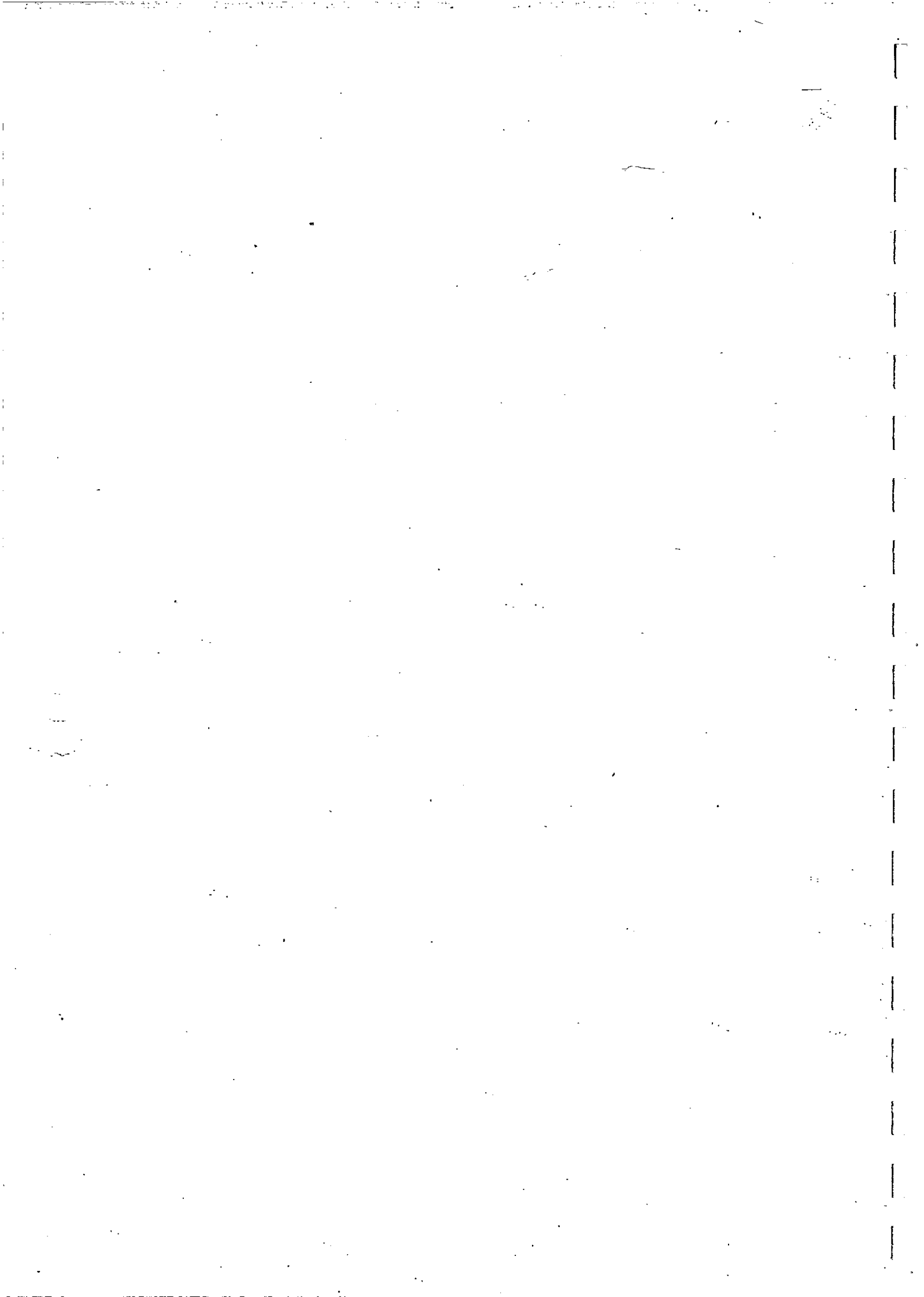
It will be noted from the above list that there has been a primary concentration on five cities and towns: Dubbo, Bourke, Brewarrina, Wellington and Walgett. The reason for this concentration is twofold. Firstly, the areas have been noteworthy because of the number of meetings and complaints which have developed around the issue of law and order. In particular Dubbo, Bourke and Wellington have been at the forefront of public meetings, petitions etc. which have demanded government intervention. Secondly, the five areas have the most significant concentrations of Aboriginal people in the region. As we have already shown in outlining the claims of the law and order groups, there is a common thread which sees Aboriginal people as a cause of the 'decline' in the standards of law and order. Conversely, there have been claims by Aboriginal people in those towns that they are the victims of discriminatory practices in the administration of justice. It therefore seemed appropriate that we concentrate the research on the selected areas.

1.7 Structure of the report

The chapters which follow address various issues raised in the terms of reference (section 1). Chapter 2 provides background information on the region and its demography. The chapter then analyses available information on unemployment and other social indicators in the region. Chapter 3 reviews the available evidence relating to the claims of a law and order crisis and evaluates the notion that such a crisis exists in Orana. Chapters 4 and 5 present an analysis of police and court records for a twelve month period in five major Orana towns: Dubbo, Bourke, Brewarrina, Walgett and Wellington. Chapter 6 analyses information on juvenile justice in Orana including a review of available statistics and an evaluation of the new police procedures for dealing with juveniles. Chapter 7 presents the evidence of an unreported crime survey conducted in Dubbo. Chapter 8 summarises data on the Bourke riot and then moves to a discussion of the history of Aboriginal police relations and law and order concerns in the selected Orana towns. The Conclusion draws together the major results of the research project and its relevance to an understanding of Aboriginal over-representation in the criminal justice system.

CHAPTER 2

**THE ORANA REGION:
DEMOGRAPHIC, ECONOMIC
AND SOCIAL BACKGROUND**



2. Introduction

The aim of this chapter is to define the 'Orana' region for the purposes of the present study, to provide some general background information on the region and its people, and to provide more specific information on the socio-economic background of Aborigines living in the area.

The 'Orana' region is variously and, at times, vaguely defined. Depending on the intended purpose of the exercise, the region may be seen as roughly coextensive with the North-West Statistical Division (as defined by the Australian Bureau of Statistics, A.B.S.) or with the Dubbo police district. These two areas do not quite coincide, the police district being slightly larger, but the difference is not great (about 2% in population terms).

For comparisons on a regional basis, the following statistical survey uses either the North-West Statistical Division or the Dubbo police district (as appropriate) as the basis for comparisons. The particular region used is indicated in each case.

There are 14 Local Government Areas (L.G.A.s) in the North-West Statistical Division, as shown in Table 2.1.

TABLE 2.1
Local Government Areas in the North-West Statistical Division

L.G.A.	Population 1984
Bogan	3,800
Bourke	4,300
Brewarrina	2,450
Cobar	5,900
Coolah	4,250
Coonabarabran	7,250
Coonamble	5,950
Dubbo	30,500
Gilgandra	5,050
Mudgee	14,700
Narromine	6,550
Walgett	7,450
Warren	3,950
Wellington	8,950
TOTAL North-West	111,050

(Source: A.B.S. Regional Statistics, 1986)

The total area of the region is almost 200,000 square kilometres and the total population about 111,050. That is, about 2 per cent of the State's people live in about one quarter of it's area in Orana.

2.1 Population characteristics

There are three 'Principal Urban Centres' (i.e. towns with populations over 5,000) in the region, Dubbo (23,986 city:28,900 shire), Mudgee (6,015 town:13,500 shire) and Wellington (5,280 town:9,050 shire). About 30 per cent of the population of the region lives in these 'urban' areas, compared with 88 per cent statewide. Dubbo shire has the highest percentage 'urbanisation' (the ratio of people living in the town to the total population of the shire) at 83 per cent, a figure which is comparable with that for the state overall. Figures for the other centres are Mudgee with 45 per cent and Wellington with 58 per cent. (Source; New South Wales Year Book, 1985)

These figures are somewhat 'artificial' however, depending as they do on the size of the shire defined around the urban area.

Table 2.2 (below) shows that the Aboriginal population of the North-West Statistical Division is the second highest of any region in the state in absolute numbers, behind only the Sydney region.

TABLE 2.2
Aboriginal population (1981 census)

Statistical Division	Aboriginal population	Total population	Aboriginal %	% of State's Aboriginal Population
Sydney	10,053	3,279,500	0.307	28.4
Hunter	1,797	472,900	0.380	5.1
Illawarra	1,553	305,200	0.509	4.4
Richmond-Tweed	1,643	132,350	1.241	4.6
Mid-North Coast ...	2,831	176,200	1.607	8.0
Northern	5,139	178,250	2.883	14.5
North-West	6,240	108,550	5.749	17.6
Central West	1,563	164,900	0.948	4.4
South-East	1,279	139,200	0.919	3.6
Murrumbidgee	1,438	144,300	0.997	4.1
Murray	976	100,800	0.968	2.8
Far West	839	32,400	2.590	2.4
TOTAL	35,351	5,234,550	0.675	100.0

(Source: N.S.W. Department of Aboriginal Affairs, 1984)

However, the North-West region has by far the highest proportion of Aboriginal to total population, being twice as high as the next highest proportion and about nine times the State average. In addition, Dubbo has the highest proportion of Aboriginal people to total population of any city (pop. > 20,000) in the state. These figures must be treated with some caution, however. It has been about five years since the last census, and actual populations may vary somewhat from the projections given.¹

More recent, and potentially more reliable, estimates of the Aboriginal population of the North-West Statistical Division, and its distribution throughout the region, were derived from profiles compiled by the Department of Aboriginal Affairs (D.A.A.) and are given below in Table 2.3. Population estimates made by the Aboriginal Development Corporation (A.D.C.) are also shown in Table 2.3 and are often widely discrepant with the D.A.A. figures. This discrepancy may have occurred because the survey of population was taken at different times (usually the D.A.A. figure is some six months more recent than the A.D.C. figure) and may reflect either different survey methods or actual changes in population levels, for example, due to the movement of seasonal workers.

Whatever the acknowledged difficulties with the population figures given, it remains the case that Orana has the highest proportion of Aboriginal inhabitants of any region in the State. In the L.G.A. of all major towns in the region, Aborigines comprise about 10 per cent or more of the total population ranging from Dubbo, with about 10-15 per cent up to Brewarrina, where perhaps as many as one-half of the inhabitants are Aboriginal.

There is a further point of explanation to Table 2.3. The population of the L.G.A. should not be confused with the population of the township bearing the same name. Thus the L.G.A. of Walgett has a (1985 est.) population of 7,450 but the town of Walgett has a locally estimated population of little more than 2,000. Similarly Brewarrina township has a considerably smaller population (estimated less than 2,000) than Brewarrina L.G.A. The point is important because the proportion of the town's population which is Aboriginal is shown to be considerably higher if the population base used is that of the town rather than the L.G.A. Thus it is not uncommon for people to refer to Walgett's Aboriginal population as comprising up to 60 per cent or 70 per cent of the town's total population. These towns often have a number of Aboriginal communities both in the town and

¹Figures are likely to be particularly inaccurate for Aboriginal populations due to difficulties in collecting data on mobile populations. A survey of the Aboriginal population of Bourke during the early 1970's obtained significantly different results from the 1971 Census (Kamin, 1978). Fisk (1985:3-4) has claimed that the 1981 Census "eliminated many of the problems encountered in the 1976 Census". However in the 1981 Census there was still "serious under-enumeration of Aborigines in Victoria and significant under-enumeration in N.S.W., Tasmania and Queensland". Fisk adds that Gray and Smith have calculated that the 1981 census figures for the Aboriginal and Torres Strait Islander population of N.S.W. would need to be increased by a minimum of 13 per cent in order to accurately reflect actual population numbers.

TABLE 2.3
Distribution of Aboriginal population of North-West Region

L.G.A.	Total Population of LGA (1985 est.)	Aboriginal population				Aboriginal proportion		
		DAA estimate	ADC estimate	ABS 1981	DAA %	ADC %	ABS %	
Bourke	4,250	1,005	1,000	818	23.6	23.5	19.2	
Brewarrina*	2,410	1,193	520**	732	49.5	21.6	30.4	
Dubbo	31,050	2,800	4,500	992	9.0	14.5	3.2	
Walgett	7,450	1,401	1,040	1,193	18.8	14.0	16.0	
Wellington	8,900	584	700	464	6.6	7.9	5.2	
Gilgandra	5,050	300	300	269	5.9	5.9	5.3	
Narromine	6,500	275	190	288	4.2	2.9	4.4	
Warren	3,950	300	310	281	7.6	7.8	7.1	
TOTAL	69,560	7,858	8,560**	5,037	11.3	12.3	7.2	

N.B. Population estimates for the shire as a whole were projections of the A.B.S. estimates for 1984 to 1985.

*Including Goodooga and Goodooga Reserve.

**Excludes estimate for Goodooga and Goodooga Reserve which was not available for A.D.C. figures only.

its near vicinity. The Aboriginal population of Walgett is made up of communities living in the township, across the river at Namoi Reserve and nine kms. away at Gingie Reserve. Strictly speaking one could argue that Aboriginal people living on a Reserve nine kms. out of a township should not be regarded as part of that town's population. However, in social, economic and political terms the Reserve population is connected to, and regarded as, part of the township. Their actual location out of the town is due to historical circumstances and particular government policies.

It would appear that, since 1981, there has been an increase in the proportion of the population of the Orana region which is Aboriginal. This increase may be as large as 157 per cent if the D.A.A. figures for 1986 are compared with the census figures for 1981 (7.2 per cent of the population up to 11.3 per cent) or even 171 per cent if the A.D.C. figures are used in this comparison (up to 12.3 per cent of the population). Much of this increase has probably occurred in Dubbo city, given that it is the main growth centre in the region. It must be stressed, however, that the A.D.C. and D.A.A. population figures are likely to be subject to large sampling errors, as they are not collected under controlled conditions. The census figures for Aboriginal populations may also be noted as inaccurate. Nevertheless, although the exact size of the relative increase in the Aboriginal population of Orana cannot be confidently stated, the evidence suggests that some increase has occurred in the Aboriginal proportion of the district above that is displayed in Table 2.2.

From 1976 to 1981 (A.B.S., 1984) the majority of L.G.A.s in the north-west region had either slowly declining population levels (average annual rate of change between -1.60 per cent to -0.30 per cent in five L.G.A.s) or were relatively stable in population terms (the average annual rate of change was between -0.30 and +0.30 in 6 L.G.A.s). The remaining three L.G.A.s increased by an average annual rate of change of over 2 per cent (see Table 2.4).

Although there was an overall population growth in the region in excess of 1 per cent (1.12%) between 1976 and 1981, this was almost entirely due to growth in Dubbo (growth rate 3.82 per cent), Mudgee (2.46%) and Cobar (2.38%), the remainder of the region being either relatively stable, or declining.

The same growth centres appeared in the 1981 to 1984 figures (A.B.S., 1986) although the growth rate in Dubbo, alone of the three, decreased from the 1976-1981 level. On the other hand, many more L.G.A.s within the district declined in population during this period and the overall growth rate for the region fell to 0.77 per cent.

The picture presented is one of moderate population growth in the three 'growth centres' (which is, or has, levelled out in Dubbo) while the remainder of the area is slowly declining, particularly in areas such as Bourke and Brewarrina.

TABLE 2.4
Average annual rate of change in population

L.G.A.s	1976-81	1981-84
Coolah	-0.68	-0.31
Coonabarabran	-0.29	-0.23
Dubbo	3.82	1.81
Gilgandra	0.29	0.20
Mudgee	2.46	2.88
Narromine	0.04	-0.55
Wellington	-1.07	-0.48
Bogan	0.21	-0.18
Coonamble	0.05	-0.33
Walgett	0.11	-0.22
Warren	-0.34	-0.42
Bourke	-1.47	-1.21
Brewarrina	-1.60	-1.69
Cobar	2.38	2.93
AVERAGE	1.12	0.77

The 1981 census figures on population movement from 1976 to 1981 show that 51.3 per cent of those moving into Dubbo came from either Sydney or the remainder of the north-west region. Half of the new arrivals were in the 5-14 years and 25-35 years age groups. This suggests an influx of 'young' families into the Dubbo City shire. Those leaving tended to be 15-24 years of age going to Sydney (that is, those who would most likely be seeking increased opportunities in employment, education or recreation).

A similar pattern occurs in Mudgee shire, except that the 35-54 age group was more evident amongst those entering the shire than the 25-35 age group, and the great majority of the migration in and out of the shire was to and from Sydney, rather than the rest of the north-west region.

No such clear pattern is discernable for Cobar shire and all movements are much less marked.

In terms of gross demographic characteristics, the Orana region does not present a single, homogenous entity. Areas within the region differ in their population density, size of towns and racial mix. As Chapters 3 and 4 show, the nature and relative frequencies of various types of crime committed within each area differs over the region as a whole. Again, areas such as Dubbo are expanding in population, undergoing increased urbanization and, as a consequence, may be shifting their economic base away from the servicing of the local

farming industry and into more tertiary industries servicing the city itself. Conversely, other areas more generally affected by the farming recession, such as Bourke, are declining in population as people drift to the growth centres in search of work, educational opportunities or diversion. In addition, the percentage of the population of Dubbo which is Aboriginal is increasing.

In the following sections of this chapter, a more detailed evaluation will be presented of the economic and socio-demographic features of Orana. It is important to recognise that crime and 'crime waves' occur within a social and economic framework. Thus to understand the present concern with crime in Orana it is necessary to have some clear understanding of the wider dynamics. Particular attention has been given to the question of Aboriginal unemployment and social factors as the 'crime wave' is often presented as an Aboriginal problem.

2.2 The Orana region: unemployment

To understand the economic position of Aboriginal people in Orana it is necessary to briefly indicate some of the general features of Aboriginal employment and unemployment in N.S.W. The initial information is based on the Commonwealth Employment Service (C.E.S.) statistics of unemployed persons seeking work in N.S.W. Comparisons have been drawn from C.E.S. bulletins for the following quarters: December 1984, December 1985, and December 1986.

Table 2.5 shows that, as a percentage of the total population registered as unemployed, the proportion of Aborigines has grown steadily in recent years. The significance of the growth can be further illustrated when one considers that the Aboriginal population for the state is 0.7 per cent of the total population (1981 Census).

TABLE 2.5
N.S.W. registered unemployed

Quarter	Total registered unemployed	Aboriginal registered unemployed	Aboriginal percentage
December 1984	305,228	5,862	1.9
December 1985	311,780	6,443	2.06
December 1986	345,940	9,261	2.67

The last evaluation of Aboriginal unemployment rates came from the 1981 Census. At that time Aborigines in N.S.W. had an unemployment rate of 32.9 per cent, while the N.S.W. total unemployment rate was

measured at 5.6 per cent (see Department of Aboriginal Affairs, 1984:131). It is also significant that N.S.W. had the highest Aboriginal unemployment rate in Australia.

The C.E.S. statistics also indicate a higher concentration of younger people amongst unemployed Aborigines than amongst the total unemployed population in N.S.W. Table 2.6 shows that, for the period analysed, Aboriginal persons in the 15 to 19 year old age group and the 20 to 24 year old age group consistently form a higher percentage of Aboriginal unemployed than the equivalent age groups in the total population.

TABLE 2.6
N.S.W. registered unemployed by age

	Age	Total Aboriginal	Age	Total Aboriginal
	15 - 19	z	20 - 24	z

a) Aboriginal Persons

December 1984	1,826	31.1	1,493	25.5
December 1985	1,998	31.0	1,624	25.5
December 1986	2,547	27.5	2,451	26.5

	Age	Total unemployed	Age	Total unemployed
	15 - 19	z	20 - 24	z

b) All Persons

December 1984	75,387	24.7	71,232	23.3
December 1985	74,248	23.8	73,857	23.7
December 1986	73,201	21.2	78,924	22.8

The statistics indicate that the higher percentages of unemployed are particularly noticeable in the 15-19 year old age group within the Aboriginal population. As of December 1986, 27.5 per cent of Aborigines registered as unemployed were 15-19 years old as compared to 21.2 per cent for the total registered unemployed population.

The duration of unemployment for young Aboriginal persons is also shown to be longer than for the total population. Table 2.7 demonstrates that, for those in the 15-19 age group registered as unemployed for the December 1986 quarter, there is a higher proportion of Aborigines registered for nine months or more than for the total registered unemployed population. Conversely a higher percentage of the total young population were unemployed for a shorter period than were young Aborigines: 57.4 per cent of the total unemployed between the ages of 15 and 19 were unemployed for less than three months as compared with 45.1 per cent of Aborigines.

TABLE 2.7
Length of unemployment (N.S.W.)
December quarter 1986

Length of unemployment	Aboriginal	Total
	%	%
<u>9 months or more</u>		
15 - 19 years	19.5	15.9
20 - 24 years	24.1	24.5
<u>Less than 3 months</u>		
15 - 19 years	45.1	57.4
20 - 24 years	34.5	39.9

Several commentators (Windschuttle, 1981; Stricker and Sheehan, 1978) have noted the problem of high levels of youth unemployment in Australia. What is of significance in this case is that Aboriginal youth are unemployed to a greater extent and for a longer duration than youth in the wider community.

The size of the Aboriginal unemployed population in N.S.W. has been indicated. Of further interest is the labour force participation rate. In N.S.W., the rate of participation in the labour force is considerably lower for Aboriginal people at 49.7 per cent than the rate for all Australians at 61.1 per cent (1981 Census). The labour force participation rate refers to the working age population who are either employed or registered unemployed. The significance of the considerably lower participation rate of Aboriginal people is that it shows that more than half of the working age population do not participate or seek work in the official labour market. This point gives some indication of the size of 'hidden' unemployment.

Furthermore the 1981 Census shows that for N.S.W., the median family income for Aboriginal persons is only 54.7 per cent of the median family income for all persons (see Department of Aboriginal Affairs, 1984:48). In N.S.W. individual income for Aboriginal persons was 56.5 per cent of non-Aboriginal individual incomes. The point is, quite simply, that Aboriginal people receive about half of the annual income of other Australians.

Looking at employed persons, Aborigines were concentrated more in the trades, process work, farming, fishing, timber getting, the armed forces, sport and recreation. At the national level, according to the 1981 Census, 18.9 per cent of Aborigines described their occupations as 'white collar' compared to 44.4 per cent of all Australians. At the opposite end, a further 19 per cent of Aborigines did not state or inadequately described their occupations. In addition to this Aborigines were heavily concentrated in certain occupations within the categories of trades, process work, farming, etc. For instance 14.2 per cent of Aboriginal males employed were farm workers compared to 2.5 per cent of all Australians employed. For Aboriginal women who were employed, 11.8 per cent were housekeepers and cooks, compared to 5.5 per cent of all women employed. The Report of the Committee of Review on Aboriginal Employment and Training Programs (Miller Report) draws three conclusions from the information on Aboriginal employment. Firstly that there are a considerable number of occupations in which Aboriginal people have no or little representation. Secondly that much Aboriginal employment is concentrated in relatively few occupations. Thirdly that Aboriginal employment is concentrated in low skilled occupations. (Report of the Committee of Review, 1985:58.)

What can be concluded from the above information of income and employment is that the Aboriginal population in N.S.W. falls within a section of the community suffering from poverty and unemployment. This conclusion has been repeatedly confirmed in various studies. The Henderson Inquiry into Poverty in Australia (1973) concluded that Aboriginal and Torres Strait Islanders fared worse in terms of almost every social indicator than any other group in Australian society. The Kirby Inquiry into Labour Market Programmes (1985) indicated that Aboriginal people were in a worse position in regards to access to employment, training and education than any other group. The Miller Report concluded that those Aboriginals who were employed were:

"Concentrated in fewer occupations, mainly in the less skilled and lower paying jobs that require little or no qualifications for entry to them; (in) jobs that are more likely to be casual, temporary or seasonal in their tenure; and the jobs that Aboriginal people tend to have are more rapidly declining in the labour market because of structural and technological change."

(Report of the Committee of Review, 1985:24)

In explaining the economic relationship between Aboriginal and white society in N.S.W. it is necessary to use the notion of labour force segmentation. Labour force segmentation refers to the process of fragmentation of the labour market which divides workers into fractions or segments within the proletariat (Collins, 1978:43). Each segment corresponds to significantly different conditions concerning the exchange of labour power and the employment of labour. Those conditions refer to the nature of the job and its conditions (e.g. skilled/unskilled, dirty/clean, etc.) and the wages that are paid for the work. Furthermore the segmentation is a process which is constituted through factors such as race and gender. It is clear that the characteristics of comparatively higher unemployment, lower labour force participation, lower earnings and higher concentration in certain occupational categories point to a particular position of Aborigines within the labour market. In regard to the Orana Region it could reasonably be expected that an even greater concentration exists in low paid occupations within the rural sector. In general the movement towards trades and process work occupations amongst Aborigines has reflected the increasing urbanisation of Aborigines (Collins, 1978:76). With the exception of the Dubbo Municipality where more 'urban' type occupations may be available, the remainder of the area is overwhelmingly agricultural.

The Orana Region is the district in N.S.W. with the largest per cent of its workforce employed in agriculture: 30.3 per cent (Powell, 1985:100). A study by Powell and Mandeville (1978) looked at the economic structure of the Central Macquarie Statistical Subdivision, an area including Dubbo and comprising about a quarter of the total Orana region. The area is representative of regions in the sheep-wheat zone. Several points made by Powell and Mandeville are of significance in understanding employment in the region and the problems of rural recession that is also affecting the area:

"Agricultural production represented a major part of the output of the region but represented a lesser proportion of employment than output; that proportion of employment was declining as farming became more capital intensive and farmers made more use of specialist services from off the farm.

Relatively little of the major agricultural products... are subject to regional processing being exported from the region in the same form as they left the farm gate.

Most agricultural production was exported from the region... in this respect the regional economies were directly dependent on world commodity markets.

The relatively small manufacturing industry... is predominantly small local service type manufacturing such as the fabrication of buildings, structures and some machinery, printing, food manufacturing and meat processing.

The main contribution to regional production and employment lay in tertiary sectors."

(Powell, 1985:113)

Figures on rural unemployment in Australia indicate that N.S.W. has a higher mean rural unemployment rate (males 7.6 per cent, females 9.3 per cent) than the mean urban unemployment rate for both males and females (males 5.7 per cent, females 8.2 per cent). N.S.W. is the only state where the mean rural unemployment rate exceeds the urban rate (based on the 1981 Census, see Powell, 1985:135). Only one rural region (Tasmania, 7.7 per cent) has a higher mean rate than rural N.S.W. The differences between rural and urban unemployment rates in N.S.W. are particularly noticeable for young people (15 to 19 year olds) where the respective rates for males are 16.1 per cent and 11.3 per cent and for females 24.2 per cent and 19.9 per cent.

In regards to the Orana region the mean unemployment rate for males was 7.8 per cent and females 7.3 per cent (Powell, 1985:157). For males this represented the third highest mean rate after Richmond-Tweed and Mid North Coast for any statistical division in N.S.W. The mean rate for females was mid-range for all N.S.W. statistical divisions.

It can be concluded, based on the 1981 Census, that the Orana region has been particularly affected by high unemployment rates in comparison to the rest of the state. The importance of this is further highlighted when one considers that N.S.W. has high rural unemployment compared to the rest of the nation.

More specific information on the number of unemployed people registered at Dubbo and Bourke and the proportion who are between the ages of 15 and 24 years old is shown in Table 2.8.

TABLE 2.8
Registered unemployed Dubbo and Bourke C.E.S.
for selected quarters

Quarter	Dubbo		Bourke	
	Total persons No.	Youth* %	Total persons No.	Youth* %
December 1984	3,757	53.8	901	60.1
December 1985	3,464	55.6	683	55.3
December 1986	4,594	52.5	1,361	54.3

*Percentage refers to proportion of persons aged 15-24 years of total number of registered unemployed.

Table 2.8 shows aggregate numbers of people registered at C.E.S. offices in Bourke and Dubbo. These two offices cover most of the Orana region. However some towns and shires like Walgett are covered under the Narrabri C.E.S. The numbers registered at Dubbo and Bourke, while showing something of a reduction up to December 1985, have increased substantially to December 1986. The percentage of people seeking employment who are between the ages of 15 and 24 have been indicated. While this percentage fluctuates it is consistently higher than the state average (see Table 2.6). The higher percentage of young people seeking work can be accounted for by reference to both Aboriginal unemployment patterns and the rural labour market.

Figures for Aboriginal unemployment are not usually broken down by C.E.S. offices at the regional level. However a realistic estimate of Aboriginal unemployment in the Orana region can be gained from other sources. It has been noted that many Aborigines do not register with C.E.S. offices (Aboriginal Training and Employment Branch, Commonwealth Employment Service; Select Committee of the Legislative Assembly (N.S.W.) upon Aborigines, Second Report, 1981:242). Reasons for failure to register offered by the Aboriginal Training and Employment Section included the failure to see any value in registering, disillusionment, cultural barriers and the alternative drawing of pensions. One study estimated that the real level of unemployment was over 50 per cent (Select Committee, 1981:242). The Select Committee also noted that in some country areas they visited that unemployment was almost total (1981:243).

A more recent study by the Department of Aboriginal Affairs (D.A.A.) designed to gather profiles of Aboriginal communities confirms the view that there is chronic Aboriginal unemployment in Orana which is not directly visible from the C.E.S. statistics. In September 1985 the D.A.A. had profiles of Aboriginal communities completed which showed the number of Aborigines in each community, the number employed and, in some cases, the number receiving unemployment benefits. The information was unavailable for all Aboriginal communities in the Orana region, however Table 2.9 gives figures on several major communities.

The D.A.A. profile also looked at Aboriginal employment opportunities and preferences. Most communities listed local government, other public sector (such as the D.M.R.) and pastoral work such as farmhands, shearing, seasonal labour and cotton chipping as opportunities available for employment. Some communities such as Dodge City (Brewarrina), Barwon 4 (Brewarrina), Namoi Reserve (Walgett) and Wellington listed opportunities as minimal, limited or none. Aboriginal employment preferences reflected the restricted opportunities. Labouring and farm hand were the most frequently recorded preferences. Others included trades and public sector work. Some communities simply stated 'nothing specific' (Dodge City), 'whatever they can get' (Narromine) or 'outdoor employment' (Gilgandra). The result of the profiles closely coincide with information previously presented in this paper and with other

studies. The Select Committee found that Aborigines were typically employed in poorly paid jobs as labourers, farm workers and service, sport and recreation workers, with much of the employment available in rural areas being seasonal (1981:243). The study by Kamien (1978) of Aboriginal people in Bourke also presents a similar picture.

Both the Select Committee investigation and the Aboriginal and Training Section of the C.E.S. have found that the Aboriginal employment situation has declined over the last ten years. The restructuring of the rural sector, the introduction of new technology and the rural recession have all contributed to a worsening in employment opportunities for Aborigines in rural areas.

TABLE 2.9
D.A.A. community profiles: September 1985

Community	All Aboriginals	Employed (including part/time)	Receiving unemployment benefits
Wellington	584	43	180
Gilgandra	300	24 (4 p/t)	Not known
Namoi Reserve	209	12	118
(Walgett)			
Goodooga Reserve	50	1	Not known
Goodooga Town	245	8	Not known
Barwon 4	114	8 (5 p/t)	Not known
(Brewarrina)			
Dodge City	134	0	Not known
(Brewarrina)			
Bourke Reserve	115	10 (3 p/t)	Not known
Bourke	890	57	Not known

Roy (1986:64) interviewed property owners in Walgett who stated that twenty to thirty years ago many properties employed five to ten permanent staff. By the early 1980s this had been reduced to two to three permanent staff and at the time of the interviews (1984) none of the property owners employed any permanent staff. The point is also confirmed by the Miller Report which notes that the Aboriginal population in small country towns had often "formed the backbone of a much needed rural workforce which has lost its position owing to changes in technology, the changing nature of rural industries, and increased competition from non-Aboriginal workforce." (Report of the Committee of Review, 1985:37). The social aspect of unemployment is captured succinctly in evidence presented to Select Committee (N.S.W.), by an Aboriginal person from Wellington.

"7563. Do you have anything to say about unemployment?

Answer: There is terrible unemployment among Aborigines here. We have no jobs. One boy had to leave school because he was a bit of a nuisance. There ought to be a training programme for some of these people so they do not just sit in park benches in town doing nothing...

7566. What employment is there for Aboriginal children when they leave school here?

Answer: There is nothing at all..."

(Select Committee, 1981:822)

The Select Committee also took evidence from the Aboriginal vocations officer employed by the C.E.S. in Dubbo. The officer confirmed points that have been argued in this section: that unemployment for Aboriginal people in the area covered by Dubbo C.E.S. (of which Bourke C.E.S. is a branch office) was generally high and more extreme in smaller towns such as Brewarrina (1981:850).

There is another aspect to the economic position of Aboriginal people in the north-west which deserves mention. The Miller Report noted that:

"The Aboriginal population have often become important to the economic base of such North-western towns now, not because of their labour, but because of significant government funds which they attract into the area."

(1985:37)

The point has also been raised in the study by Fisk (1985). Fisk noted that in small non-Aboriginal towns (where there is a sizable minority of Aboriginal persons) such as exist in Orana, that during depression and periods of high unemployment Aborigines are more adversely affected because they are in open competition with non-Aboriginal labour (1985:15). However in the long-term, social security payments have tended to take the slack of low-paid work. Rowley (in Fisk, 1985) did a more recent comparison to his 1965 study of N.S.W. north-west towns and concluded that in some ways Aboriginal people were better off in respect of housing ownership and consumer durables, but there was no progress in levels of income and wage employment was harder to find. The reason that (already low) incomes had not declined further was due to substitution of social security payments (see Fisk, 1985:44). That this was not the preferred manner of gaining income is apparent from previous evidence, and other studies. When Alexander (1985:29) asked his sample of 100 Aboriginal inmates in N.S.W. gaols about work he found that 74 per cent expected to get a job when released. A re-current theme in the interviews conducted in this research with Aboriginal people in Bourke was the lack of work and the social effects of this unemployment.

In summary then the section on employment and unemployment indicates the more general structural position of Aborigines in relation to the labour market in N.S.W. It also examines the economic base of the Orana region and the manner in which employment opportunities for Aboriginal people have declined over recent years.

To a large extent the historical causes of Aboriginal poverty and unemployment has been ignored. The late Charles Rowley stated:

"White poverty is the product of maldistribution within the majority. Aboriginal poverty on the other hand, a condition beyond the general statistics, arises from conquest and colonization."

(Cited, Select Committee, 1981:8)

It is important to recognise that the forcible alienation of Aboriginal people from their land and the destruction of their economic system has, historically, caused the present position of the Aboriginal people. However it is equally important to analyse the present structural determinants which maintain a system of impoverishment. For this reason, the theoretical work on labour market segmentation seemed an appropriate way of analysing the general economic position of Aborigines. That economic position can be summarised as follows:

- * grossly higher unemployment rates;
- * significantly higher youth unemployment rates;
- * longer duration of unemployment;
- * significantly lower labour force participation rates;
- * grossly lower median family income;
- * grossly lower individual income;
- * grossly higher concentration in low status jobs.

For Aboriginal people, their segmentation within the work force as unemployed, underemployed or low paid employees inevitably effects their lives around conditions of poverty, infant mortality, illness and deprivation. In the next section other social indicators will be outlined.

2.3 Other social indicators in Orana

The information provided on social indicators refers directly to the Orana region (or communities within it) when available. When this information is not available other figures relating to the position of Aboriginal people in N.S.W. are used.

The studies of alcoholism and delinquency cited below have indicated that alcohol abuse is caused by an absence of worthwhile alternatives, as a means of relieving tension. A study noted by the

Select Committee (1981:562) and published in the Medical Journal of Australia argued that an Aboriginal child had an ingrained low self-esteem by seven years of age "which has been imprinted on him by the situation and basically by the assessment of him by white society." (1981:562).

The Select Committee (1981:576) was presented with evidence from a worker with the Aboriginal Health Unit of the N.S.W. Health Commission, relating to hospital admissions for alcohol-related conditions in N.S.W. (see Table 2.10).

TABLE 2.10
Hospital admissions in N.S.W. for alcohol-related conditions

Condition	Aboriginal	Non-Aboriginal
	Rate per 1,000	
Alcoholism	17.2	1.8
Cirrhosis	1.2	0.4
Peptic ulcer	4.2	2.4
Diabetes	7.2	2.0
Hypertension	10.4	2.8
Bronchitis	44.5	8.4
Pneumonia	17.8	3.4
Influenza	4.4	0.9
Acute respiratory disorders	54.0	7.3
Assault	11.7	1.0
Road traffic accidents	11.9	8.1
Burns	2.5	0.5
Falls	16.5	9.0

(Source: Select Committee, 1981:576)

It has been noted that it is social and economic deprivation which is the major contributing factor to ill-health amongst Aboriginal people. The Select Committee in its Second Report (1981) noted that for Aboriginal people in N.S.W. infant mortality was higher and life expectancy lower than for the general population. It also noted that there were more deaths amongst Aboriginal people caused by pneumonia, gastroenteritis, other diarrhoeal diseases, cirrhosis of the liver, pancreatitis and cot deaths than amongst the general population. In rural N.S.W. diabetes and hypertension were higher for Aboriginal people, and hospital morbidity for Aboriginal people was 2.5 times higher than for non-Aboriginal persons (Select Committee, 1981: 143-145). The Select Committee concluded that the state of Aboriginal health was so bad that if similar patterns were common among non-Aboriginal people "there would be widespread community outrage".

Since the Select Committee concluded its report in 1981, a report was prepared by Smith and Thomson (1985) using the figures of an earlier 1980-1981 mortality study. Smith and Thomson conclude that "there is no evidence that substantial improvements have occurred since the deliberations of these two committees... the persistence of an extremely high level of Aboriginal mortality is confirmed..." (1985:1). Smith and Thomson show that the difference in life expectancy between Aboriginal and non-Aboriginal persons in N.S.W. is as follows:

	<u>Males</u>	<u>Females</u>
Aborigines (N.S.W.)	48.3 years	57.3 years
Non-Aborigines (N.S.W.)	70.9 years	77.7 years

The results, according to Smith and Thomson, show that for Aboriginal people:

"The overall mortality situation has not improved significantly over the past quarter of a century. While death rates in infancy and early childhood have declined substantially, the mortality experience of Aborigines throughout the adult years has worsened... Internationally, those countries with an expectation of life at birth most similar to that of Aborigines include Bolivia, India, Pakistan, Cameroon, Haiti and Lesotho."

(Smith and Thomson, 1985:7-8)

The Select Committee was scathing in its comments on Aboriginal housing and commented particularly on conditions in the north-west:

"Your Committee observed deplorable accommodation at three major centres in the North-west: Bourke, Brewarrina and Walgett..."

(1981:44)

That these three areas should be seen as deserving special mention is relevant given that the First Report had already established that throughout N.S.W., eight Aboriginal communities were without electricity; in four communities there was no method of sewerage disposal; in eighteen others there were no sewerage or septic system, instead sanitary pan collection, public blocks or pit toilets were used; and in eight communities there was no running water (Select Committee, 1980:46). In May 1983, Arthur Roy noted that at Namoi Reserve, Walgett, no dwellings were connected to water or sewerage facilities, no sanitary collection service was available. Water was available at stand pipes, there was no bathing or laundering facilities and residents had to make their own provision for effluent disposal (1986:65). When the research team visited Bourke and Walgett during the later part of 1986 new housing had been constructed at the Bourke Reserve and at Gingie Reserve, Walgett.

Electricity had been connected to Gingie Reserve but at the time was cut-off, because of an inability to pay a bill of several thousand dollars. The houses on the reserve were 'bulk-billed' for electricity, that is, a single bill was presented to the whole Reserve.

It has been noted that the percentage of Aboriginal people with educational and vocational qualifications is much lower than the general community (D.A.A., 1984:38). The relationship of Aboriginal young people to the education system in the north-west is of particular importance for a number of reasons. Firstly, it has been noted previously that there is a high level of youth unemployment amongst the Aboriginal community. Secondly, it will be shown in Chapter 7, that a large number of Aboriginal young offenders are unemployed at the time of their offence and, further, that public institutions (such as schools) are often the target of juvenile crime. For these reasons, the particularly poor relations which seem to exist between the Aboriginal community and local high schools in some towns in Orana is of concern. A similar picture has emerged from a number of different sources. Again the Select Committee heard in evidence from Wellington that:

"They (Aboriginal children) are not encouraged enough to stay at school. If any of the kids have a problem at school they are told that as soon as they are 15 they can get out...

They should be encouraged to go through further in their education. They should not be told to get out of school when they are 15 because they are nuisances."

(1981:822)

The research team was told similar stories by different Aboriginal people in Bourke. One woman stated in answer to a question on why frustration came out in young Aboriginal people as 'rioting':

"They know. They know when they go and ask for jobs and jobs go to white kids rather than to the black kids. Even our school system. They know how they were treated at school. For instance I've got a son who's doing year 10 at the moment. A couple of weeks ago I got a letter to say that his school certificate was in jeopardy. So my husband and I went up to see the Principal. The Principal sat with us and we knew he wasn't one bit interested in our son. He wasn't even interested in talking to us. He kept looking over his shoulder to see who was coming in the door. And he more or less said really M. shouldn't be at school because he's sixteen years of age. And what I said to him was look don't you think there should be more support given to our child because No. 1 he's an Aboriginal and he's doing year 10 and to give him support from within the school they could use him as a

model for the rest of the Aboriginal kids. And he said that once a kid's turned 15 years of age he can't wait to get them out of the school."

(see Appendix E for full text of interview)

In another interview in Bourke, an Aboriginal woman stated the following:

Interviewer: "What sort of problems do they (Aboriginal youth) face and what sort of things do they get involved in?"

Answer: "Well there's a lot of things. School. There's a problem at the school. The kids are expelled. They've got nothing else to do. There's not enough employment in the town. There's a lot of drugs here. Kids as young as ten year old taking drugs and alcohol."

(see Appendix E for full text of interview)

The belief of these people that Aboriginal students were forced out of school for one reason or another has been given some independent corroboration by a recent N.S.W. Department of Education report on high school and central school retention rates for pupils staying on from Year 9 to Year 12. Bourke had the lowest average retention rate at 10 per cent followed by Brewarrina at 13 per cent, in N.S.W. In the Final Report on Bourke Disturbances by the Ministry of Aboriginal Affairs it was noted that research had estimated a truancy rate for Bourke High School at 22.5 days per child per term with 91 per cent of absences unexplained.

A further survey conducted by Gillon, Knight and Harris (1987) looked at reasons for Aboriginal youth leaving school early. They interviewed 23 Aboriginal youth who were an average age of 19 at the time; on average they had left school at 15 years of age whilst in Year 9; the average length of unemployment was three years, all were currently unemployed. They stated their major reason for leaving school was problems with teachers.

The final area in the review of 'social indicators' is a brief comparison of statistics on the number of 'apparent single-parent families' and the number of children dependent on pensioners and beneficiaries. Table 2.11 shows the proportion of 'apparent single-parent families'.

Table 2.11 shows that the region has a higher-than-state average of 'apparent' single parent families and that they form a higher proportion of all families with children under 16 years of age. In particular Bourke and Brewarrina have a high proportion of single-parent families.

TABLE 2.11
Apparent single-parent families (1981 Census)

Town	As a Proportion of:	
	(a) All families	(b) Families with children under 16 years of age
Bogan	6.9	15.2
Bourke	9.9	21.6
Brewarrina	12.0	24.6
Coolah	4.4	10.6
Coonabarabran	6.8	15.7
Coonamble	9.0	20.0
Dubbo	9.6	20.1
Gilgandra	7.1	16.0
Mudgee	5.3	12.9
Narromine	6.5	14.8
Walgett	7.8	19.6
Warren	7.0	15.0
Wellington	8.4	21.8
North-west (Orana) ...	8.0	18.0
New South Wales	6.1	15.7

(Source: A.B.S., Census 1981. Families with Children Under 16 Years, N.S.W.)

Table 2.12 shows the number of children who are dependent on pensioners and beneficiaries in Orana as at January 1987.

Table 2.12 shows considerable variation in rates between L.G.A.s. However Brewarrina (161.2) has by far the highest rate at nearly double the average (83.8). Brewarrina, Bourke, Walgett and Wellington are the four L.G.A.s with the highest rates. It has already been noted that a large section of Aboriginal income derives from social security, and Fisk (1985:83) maintains that "perhaps the most significant statistic of Aboriginal poverty is the degree of dependence on social security". The information then on the general dependence on social security, the large number of single-parent families and the considerably larger rates of children dependent on welfare incomes is important for several reasons. Firstly, it means that poverty is particularly strong amongst Aboriginal children

because, as the Select Committee (1981:246) noted, the Aboriginal population is generally quite young and therefore dependent on whatever income is brought into the family by the income-earning adults. Secondly, in the context of the law and order group's claims to make parents financially responsible for fines or compensation which arise out of juvenile offending, it is apparent that there would be little capacity to pay from groups already financially dependent on social security.

TABLE 2.12
Number of children dependant on pensioners and
beneficiaries², January 1987

L.G.A.	Children	Population ³	Rate per 1,000
Bogan	178	3,800	46.8
Bourke	494	4,300	114.9
Brewarrina	395	2,450	161.2
Cobar	355	5,900	60.2
Coolah	218	4,250	51.3
Coonabarabran	513	7,250	70.7
Coonamble	556	5,950	93.4
Dubbo	2,242	30,500	73.5
Gilgandra	388	5,050	76.8
Mudgee	1,072	14,700	72.9
Narromine	497	6,550	75.9
Walgett	881	7,450	118.2
Warren	250	3,950	63.3
Wellington	842	8,950	94.1

(Source: Department of Social Security, January, 1987)

2.4 Summary

The Orana region does not present a single, homogenous unit. There are important differences between towns. However there are also some important general characteristics concerning the economic infrastructure and its dependency on rural products. Furthermore the region has a large Aboriginal population, and in fact, in some towns in Orana the relative proportion in the population of black to white is the highest anywhere in N.S.W.

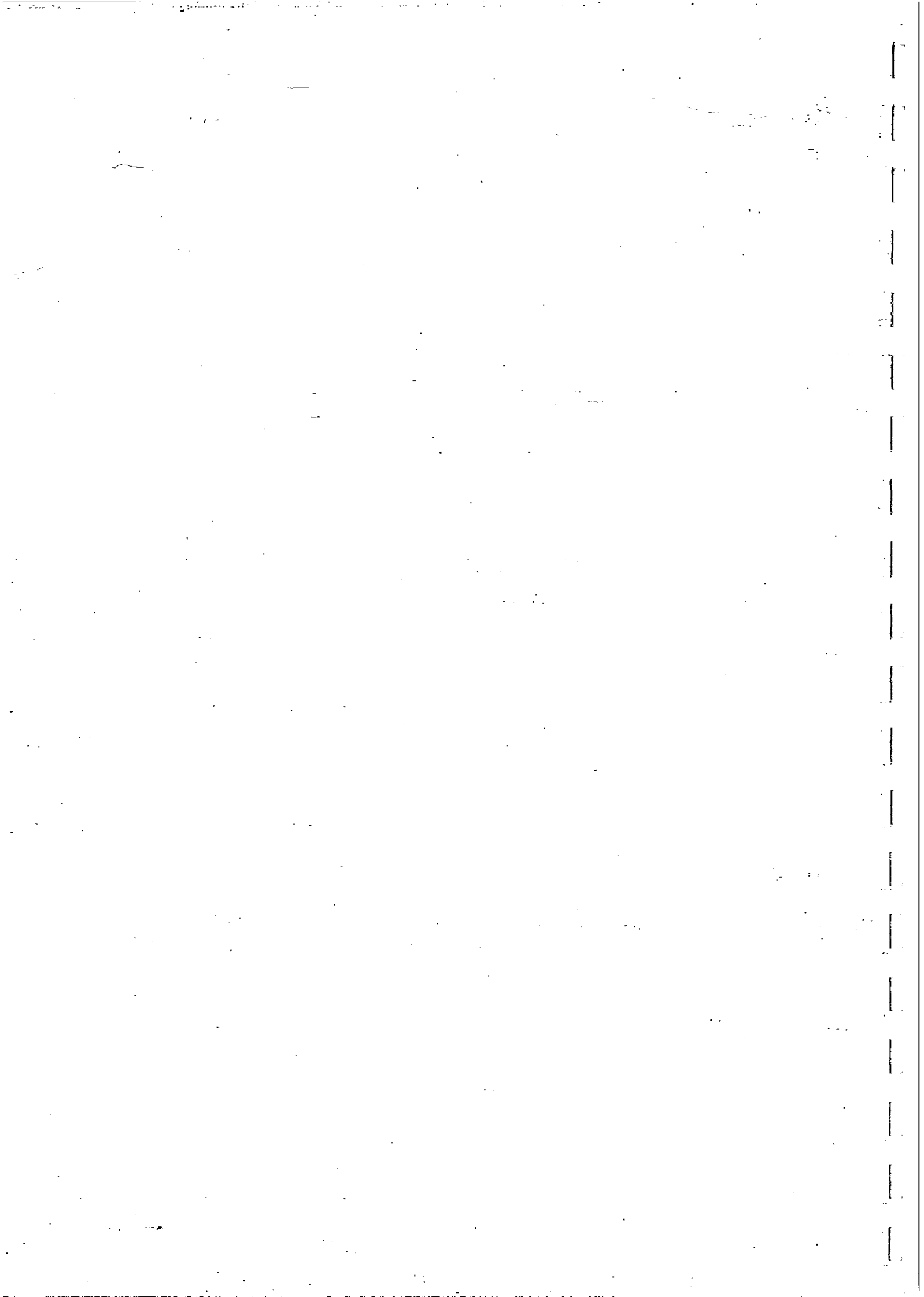
This chapter has indicated the general economic and social characteristics of Aboriginal people in Orana. The rates of unemployment for Aboriginal people range from high in some

²Includes Age, Invalid, Widows, Supporting Parents and Other Pensions; Unemployment, Sickness and Special Benefits.

³1984 Estimates.

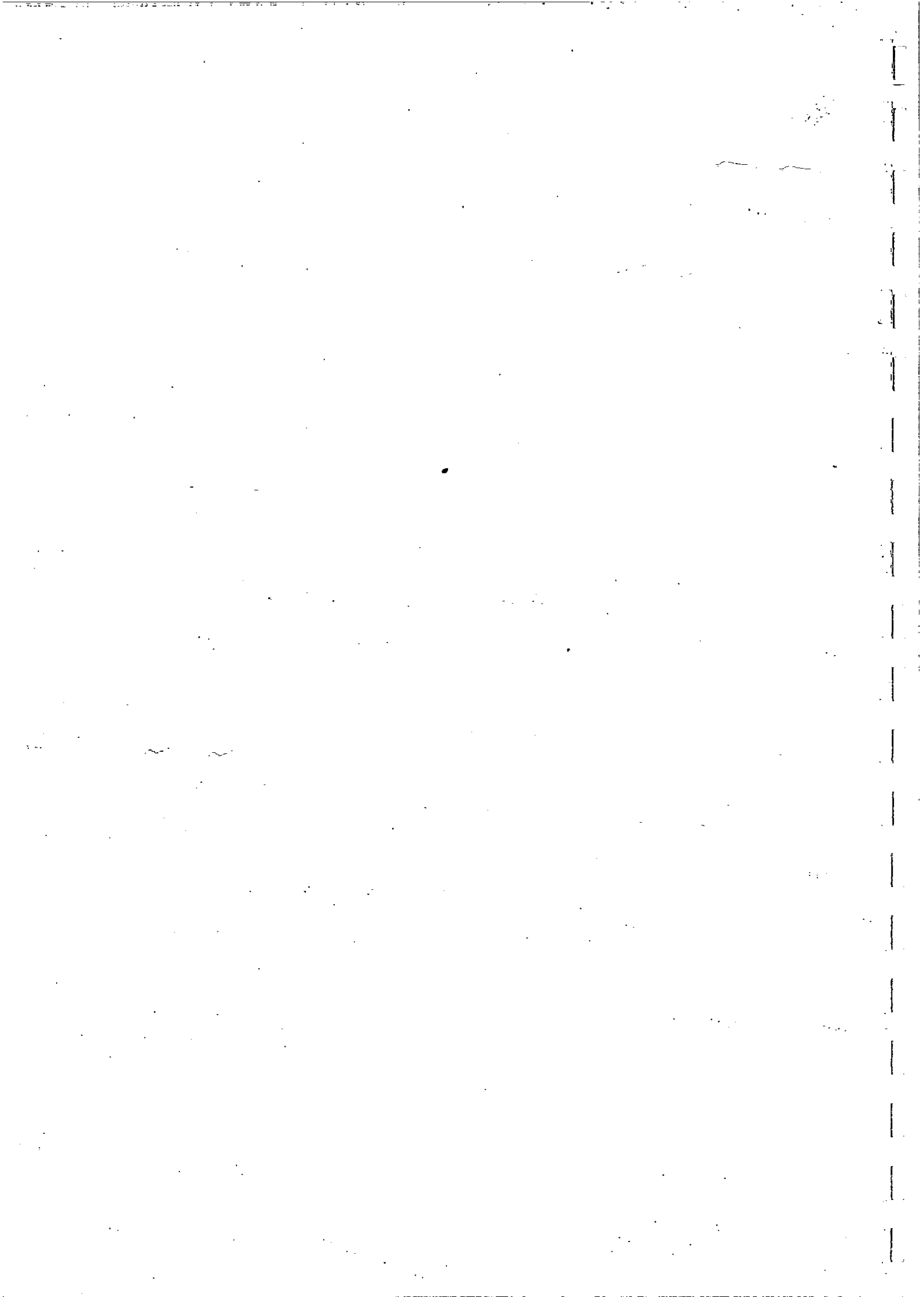
communities to virtually total unemployment in others. The employment situation has deteriorated for Aboriginal people due to rural recession and technological change. In summarising the social indicators for Aboriginal people in the Orana region, it is apparent that, in areas of housing, health, education, and dependence on social security, Aboriginal people are severely disadvantaged. In particular it has been acknowledged that it is young people and children who bear the brunt of this disadvantage.

The purpose of this chapter has been to situate the remaining discussion in this report within an economic and social context. Other commentators (Dunstan, 1976a and 1976b; Braithwaite, 1979; Windschuttle, 1981) have noted in various studies the strong inter-relationship between crime and other indicators including health, housing, education and unemployment. The point to be made here is that crime is a social phenomenon and can only be understood within a wider context. Problems of law, order and criminality in Orana cannot be explained if they are removed from the context in which they occur.



CHAPTER 3

**CRIME STATISTICS FOR
DUBBO DURING THE 'CRIME WAVE'**



3. Crime statistics: some problems

Ordinarily, the claim that a 'crime wave' is occurring, suggests that there has been a sudden (usually recent) upsurge in the number of crimes being committed in an area; and it is this part of the claim of a law and order 'crisis' which concerns us here. While such a claim appears to be a fairly simple matter to evaluate, and while it may hold a great deal of emotional investment to either those making it or those wishing to deny it, such a claim is, in practice, impossible to test.

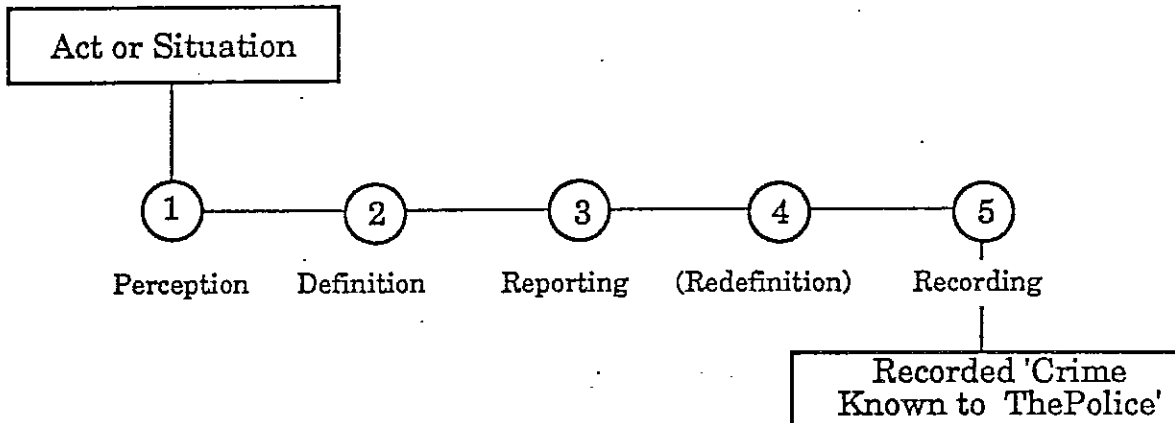
One reason for this is that there is simply no way of measuring the amount of 'crime' actually committed. Any estimate of the 'level of crime' will not only depend upon a count of the number of 'crimes' committed. Rather, it will also depend upon the effects of a number of other factors, which must also be taken into account when assessing claims of a change in the level of crime, in this case a 'crime wave'. Sparkes et al (1977:6) illustrate the problem in regard to the official police statistics on 'crimes reported to the police'.

"The recording of an event or state of affairs in the statistics of 'crime known to the police' is the outcome of a sequence of social and psychological processes. First, the act or state of affairs must be perceived by someone: property must be missed in suspicious circumstances, A's fist must be seen to collide with B's nose. Next, the person who perceives such a thing must recognize or interpret what he or she sees, or classify it as being a thing of certain kind. In Wittgenstein's (1953) terminology, the event must not only be seen in the most literal sense of 'seeing', but must also see it as something;... he must define the situation in some way. (For example, what he sees may be an act of physical violence; he may define this as an argument, a fight, a joke, a bit of childish misbehaviour, a justified response to provocation, an assault or an attempted murder). Assuming that he defines it as an illegal act of some sort, he must decide whether or not to report it to the police.

If the police learn of an incident, a separate process of redefinition may take place, since the police may take a very different view of what happened from that taken by the person who called them. Finally, if the police do define the act as an illegal one, they must record it in the appropriate way in the official statistics. Diagrammatically, this process can be represented as in Figure [3.1]."

This set of processes may be studied individually in order to estimate the amount which each process contributes to any change in the level of accepted crime reports. Thus, apart from a change in the

actual level of the commission of crimes, a change in reports may be due (at least in part) to changes in the perception, definition, reporting, redefinition, or recording of events thought to be crimes. Some material bearing upon the the first three of these factors is presented in Chapter 7 and the latter two issues are discussed in Chapter 4.



The processes of societal reaction to crime and recording by Police

FIGURE 3.1

In passing, it may be noted that not every stage in this process is necessary for an offence to be recorded. For example, where police are the 'victims' of a crime, or present when it occurs, no reporting stage will be required. In addition, it is possible for an error to occur at any stage of the process, such that;

"an event may be misperceived or wrongly defined as involving a crime, and that non-events may be reported to the police or recorded by them: it is not the case that a crime must in fact have occurred, for the processes of perception, definition and reporting to take place."

(Sparkes et.al., 1977:6)

Again, some of these issues are further discussed in Chapters 4 and 7.

As well as the factors just discussed, the number of accepted reports of crime will also depend upon particular activities of the police, such that variations in police practices may also produce changes in the numbers of crimes recorded. For example, various British studies indicate the practice of 'no-criming', that is, where police do not accept the report of crime. Bottomley and Coleman (1981) claim 17 per

cent of assaults were not accepted by police as crime. Sparkes et al (1977) maintain in their study that 25 per cent of all crime reported to police in Hackney and Brixton (London) was 'no-crimed'. The other police practices which can seriously effect crime statistics has been termed 'up-criming' and 'down-criming' (Jones, Maclean and Young, 1986).

'Down-criming' occurs when a report is recorded as being less serious than it really is. 'Up-criming' occurs when the report is recorded as more serious than incident really is. Examples of the former are cases of serious domestic violence which are treated as common assault/assault female or a minor offence against good order. An example of the latter might be a case in which a minor assault was recorded as attempted murder, or the example of 'bag snatching', below. In contrast to the 'no criming' case, however, police intervention may actually lead to more serious offences being committed and subsequently charged. For instance, where individuals' original detention as an intoxicated person results in having criminal charges of resist arrest, assault police or malicious injury laid against them. Thus in all three potential areas listed above, the original incident has had its meaning changed after the police have officially defined it as a particular crime.

More prosaically, perhaps, it should be remembered that a general increase in police activity may also produce an increase in recorded offences, at least for certain types of crime. For example, a 'blitz' on traffic infringements may increase the number of persons booked, without any necessary increase in actual offending. Of more relevance to the situation in Orana, a similar 'crackdown' on public order offences may create a similar apparent increase in that category of offences.

In general, there needs to be an awareness, as Jones et al (1986:80) suggest, of the point that police statistics are not necessarily simple, veridical "indicators of crime (but also) law enforcement practice. The statistics are the end product of a particular set of law enforcement activities."

These issues are not peripheral concerns but have quite dramatic implications for criminological research which is forced to rely on police statistics as an indicator of criminal activity in the community. Various research projects undertaken by the N.S.W. Bureau of Crime Statistics and Research have previously encountered this problem. For instance the study on robbery and armed hold-up (forthcoming) notes how the activity of 'bag-snatching' can be recorded as either (the more serious) assault and rob or (the less serious) steal from the person. Indeed it was noted how the offence actually changed between the original charge laid and the court appearance.

A change in the number of crimes which become known to police may, however, accurately reflect a change in the number of incidents which are occurring. But for this to be so there must be no corresponding changes in the number of events perceived by the community in the first place, defined to be a crime (by either the law or the community), reported to the police or accepted by them as a genuine report and hence properly recorded. The assumption that such variables remain constant is difficult to maintain - there are obviously changes to laws, to communities' attitudes to various behaviours and to police methods of recording crimes. For instance, differences in police recording methods can cause considerable confusion about the incidence of criminal activities. Bonney (1987) has noted the manner in which a single sexual assault can give rise to a number of reports. This has occurred when the single incident is later coded as a number of different types of sexual assault presumably due to some confusion as to which category the assault would fall under.

The end result is the perception, based on the statistics, of more occurrences than in reality occurred. An apposite example of the process of overcounting for this study was provided by the Police Superintendent of Dubbo when he noted the wide discrepancy between the figures which Dubbo police kept for the region and the figures of reported crime released by the Police Department through the centralised computer records. He made the point that a single crime could produce up to four different entries in the computer (Daily Liberal, 17/2/87, p.3).

In summary, the kinds of things which influence these 'other' components of the apparent crime rate are quite different from the factors which influence the actual commission of the crime in the first place. Therefore an investigation of an increase in police crime figures must look at those things which affect firstly, people's perceptions and definitions of crime, secondly, their decision to report, or not to report crime and thirdly, police practices in dealing with crime reports. Such material is presented below (in Chapters 4 and 6), but the immediate task is to examine what information is available on 'crime rates' and to assess their bearing on the claims of a 'crime wave' in Orana.

3.1 Police accepted reports of crime

One effect of the shortcomings of the official statistics outlined above is to reduce the extent of what can be legitimately claimed on the basis of the 'accepted reports of crime' figures. As the name itself suggests, these figures reflect only some of the incidents actually occurring, and so is perhaps more appropriately labelled the 'apparent crime rate' than the more often used 'crime rate'.

This is not to say that police figures give no information about crime rates but, rather, that they should be read in conjunction with the available information on (or estimates of) the factors which

combine to produce those figures, before conclusions are drawn about the actual number of crimes being committed.

Indeed the criticism of the police figures noted so far only show that they are inaccurate measures not that they are invalid ones. Thus, such figures do reflect in some way the number of crimes committed, the question is to decide how well they do this. While it is difficult to make an exact estimate of the effect of the 'other' factors (such as reporting, recording, etc.) which influence the statistics, the likelihood is that these effects are not so large as to completely devalue the statistics as an indicator of crime trends. It is unlikely that all changes in official crime statistics can be plausibly accounted for in terms of systematic changes in the perception, definition, reporting and recording of 'crimes'. Therefore some changes in the statistics must reflect real changes in incidence. Again, these 'other' factors will differentially affect the rates for different categories of offence. For example, a missing object is a more ambiguous occurrence than an armed hold-up in that the former more easily admits of alternative definitions as either crime ("it was stolen") or not crime ("it was lost"), than does the latter. It is also more open to variation in being noticed in the first place, and to being subsequently reported to police and so on.

In addition most surveys of unreported crime in Australia (e.g. A.B.S. (1975), Minnery (1986), and below) suggest that the main reason that crimes go unreported (and, therefore, possibly, unnoticed, undefined etc) is that they are considered 'trivial' by the victims. The suggestion is that more serious crime will be more often reported and hence the police figures on this will be a more accurate reflection of the incidence of this type of crime. Some obvious exceptions to this can occur, the most notable being the low reporting of sexual assault.

In general, the number of accepted reports of crime is an estimate of the number of crimes actually committed and, like any estimate, is subject to some degree of error in its estimation. The size of this error is, of course, very difficult to specify, and will arise as a result of the interaction of a number of factors. An attempt to overcome the limitations of the police figures in providing a picture of events may be made by considering individual offence categories separately and by attempting to gauge the size of any effect of other factors which influence the exact numbers quoted in the statistics. These matters are further considered below, and are the general objectives of Chapters 4, 6, and 7.

3.2 Crime rates in Dubbo and other country police districts

As indicated in Chapter 1, the complaints of a 'crime wave' in Orana culminated in a 'Law and Order' rally in Dubbo in September 1985 and, obviously, referred to events taking place before that date. Thus, if

a crime wave was to appear in the police figures of accepted reports of crime, it should have been manifest in the comparison between the 1983/84 and 1984/85 figures, since the latter cover the great majority of the period in which the 'wave' was alleged to have occurred. Such a comparison is the subject of the present section.

Also, there have been no claims of 'crime waves' in other country districts, from which it may be presumed that the alleged wave in Orana (or, alternatively, the perception of that wave) is unique to that district. It is also possible that changes in the crime patterns in Dubbo may be part of a more widespread change in country districts. An examination of the figures from those other country districts allows a comparison of Dubbo district with them, and an assessment of Dubbo's relative standing in those figures. This will show Dubbo is (a) alone in experiencing a sudden large increase in crime, (b) experiencing part of a statewide large increase in crime, (as is sometimes claimed by the law and order advocates) or, (c) experiencing much the same (perhaps more moderate) changes in crime levels as any other district.

These country district crime rates may be put into perspective by considering the comparable rate for the metropolitan area for the same periods. Using A.B.S. estimates of the metropolitan population for 1984 to calculate the 1983/84 rate, and the 1984/85 rate quoted in the 1985/86 Police Annual Report, the metropolitan crime rate increased from 7,787 reports per 100,000 persons, to 7,868 reports per 100,000 persons. This was an increase of about 1 per cent, in contrast to the 2.4 per cent increase experienced in country areas. On the other hand, the average crime rate in country areas was below that of the metropolitan area, moving from 4,794 reports per 100,000 in 1983/84, to 4,910 in 1984/85.

As shown by Figure 3.2¹, the percentage increase in the reported crime rate in Dubbo between 1983/84 and 1984/85 was not particularly marked, relative to other country districts. The increase was equal fifth highest (with Parkes) and was not significantly different from the average of the changes for each country district (3.9%).

Nonetheless, it should be noted that in both years, the reported crime rate in Dubbo was the second highest among all country districts. Thus, although the change in reported crime rate was not particularly notable, the absolute rate was relatively high compared to other country districts, though not when compared with the metropolitan area.

In fact, more detailed figures are available for the Dubbo district only, for this period. These figures show that the change in crime rate in Dubbo over this time, may be less than suggested by the Annual Report figures. These figures, and others, were supplied by the Police Department, Research and Development Branch and are the

¹Police figures for the population of the Dubbo district vary somewhat from the A.B.S. figures for the north-west region, possibly due to the slight differences in the areas covered. The police figures on population given in the 1983/84 Annual Report and projections into 1984/85, based on A.B.S. estimates of population change, have been used in Figure 3.2.

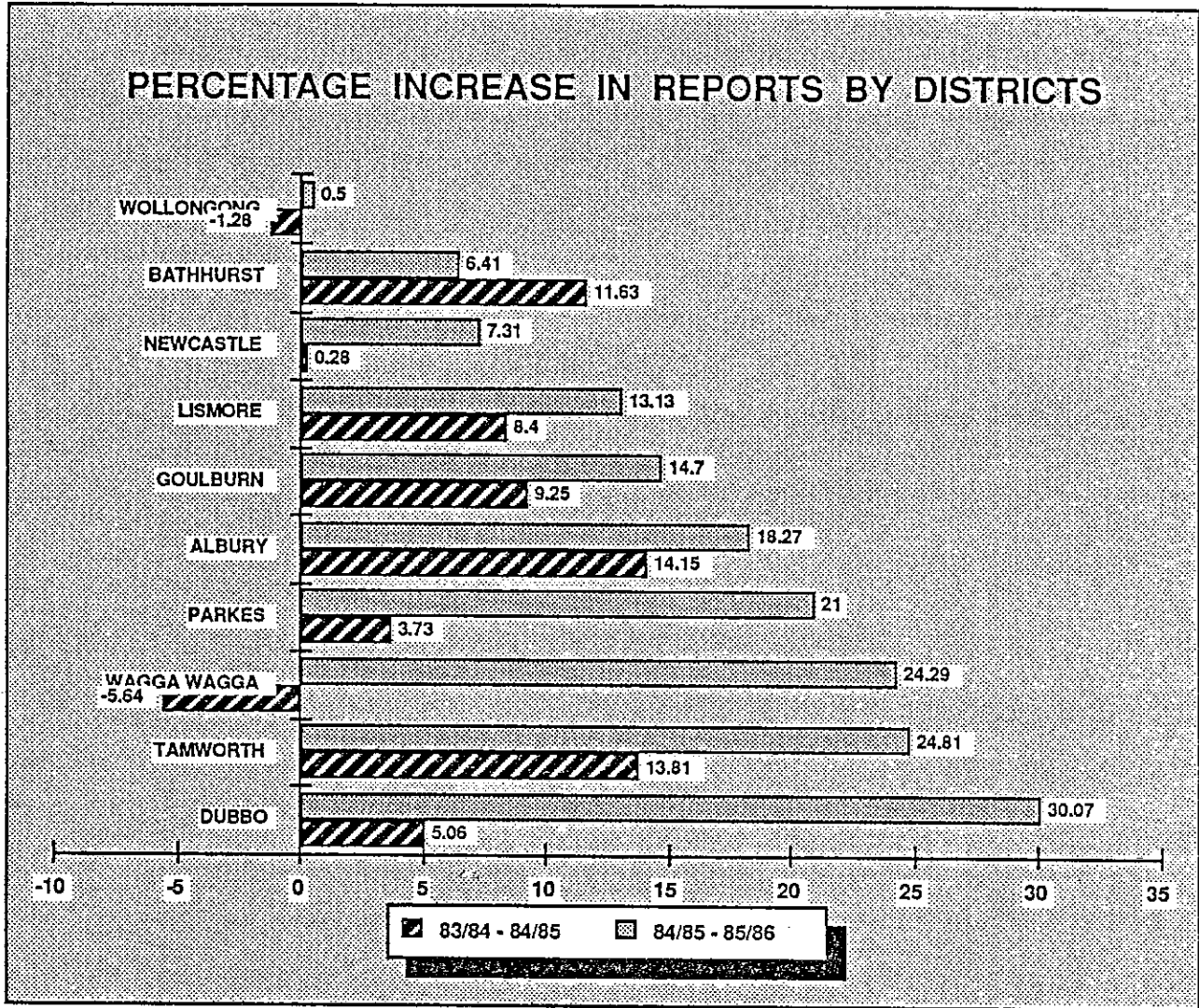


FIGURE 3.2

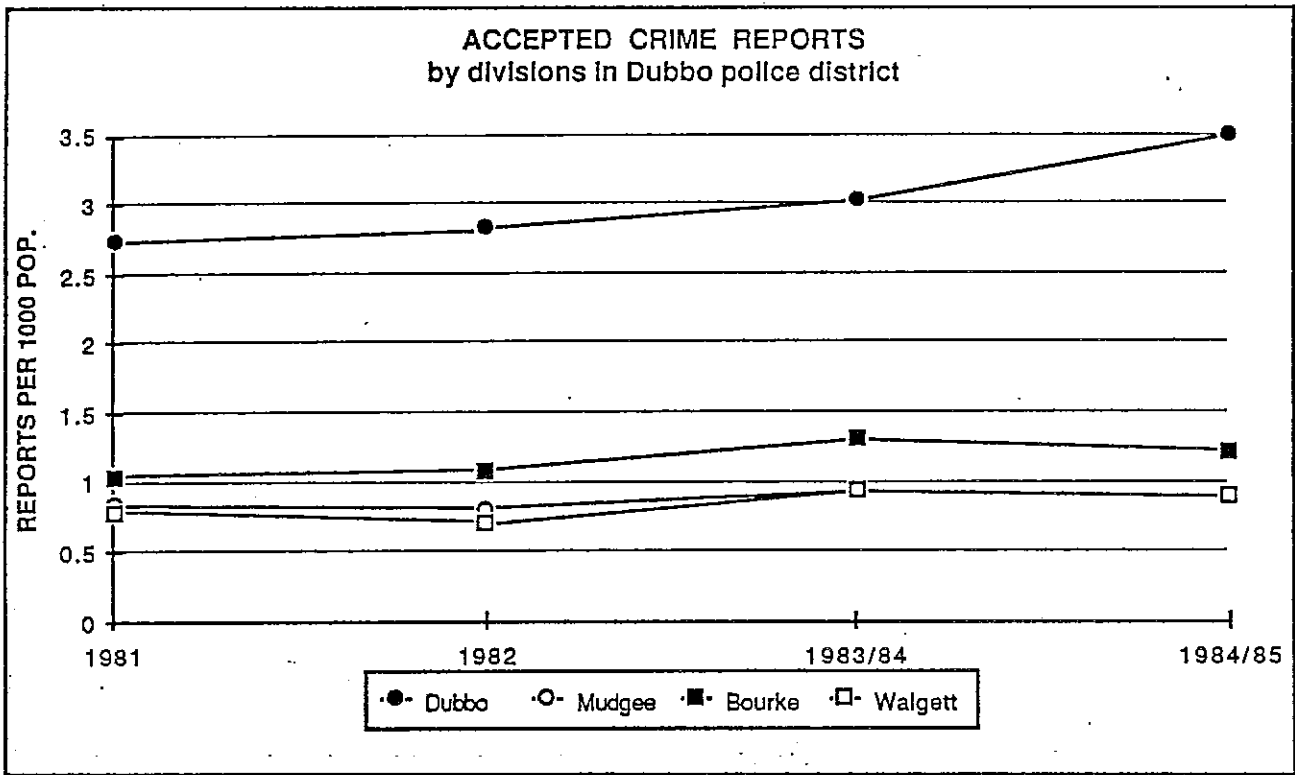


FIGURE 3.3

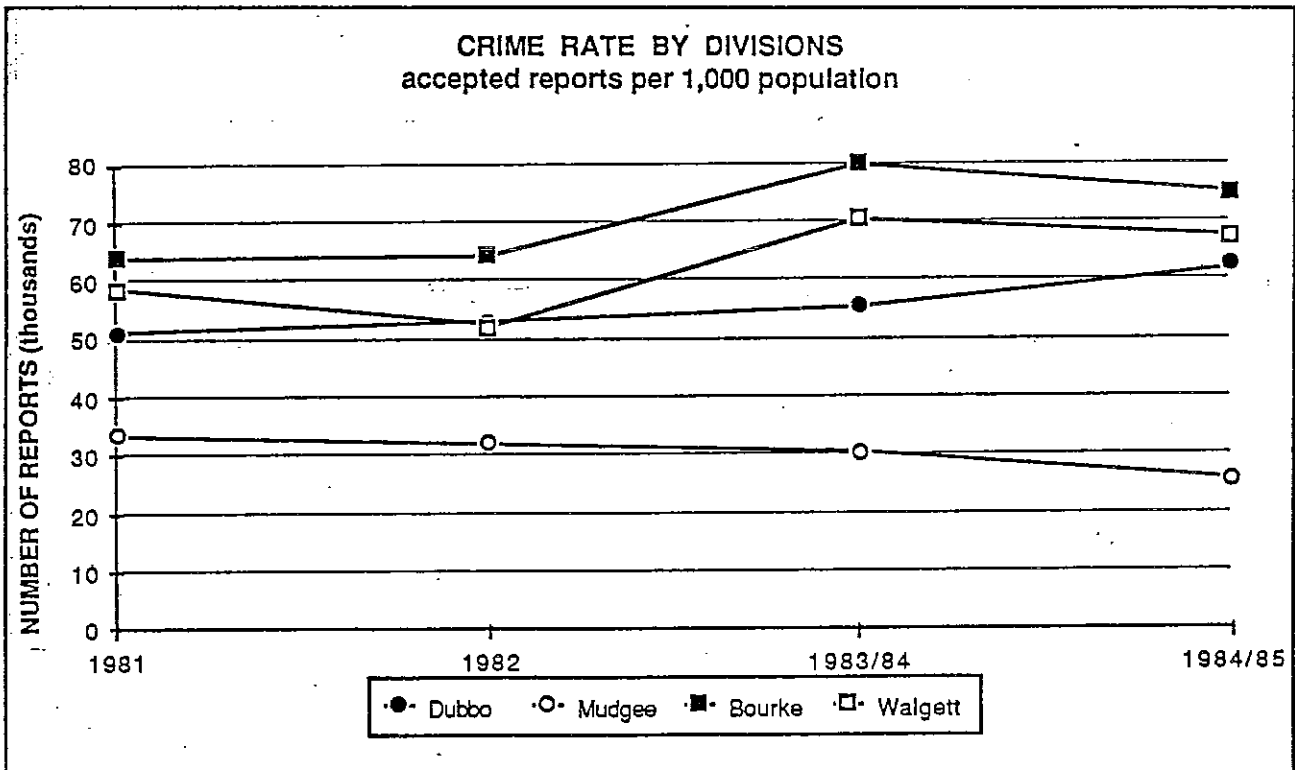


FIGURE 3.4

source of crime figures reported in the remainder of this chapter, unless otherwise stated.² On the more recent figures, the percentage change in the number of accepted reports in Dubbo from 1983/84 to 1984/85 was only 3.2 per cent, not 4.3 per cent (i.e. a change in reports from 6,107 to 6,303 and in rate from 5,402 to 5,533 per 100,000 population.)

None of this suggests that there has been any large or unusual increase in accepted reports of crime in the Dubbo district, relative to other country districts and, though the crime rate is increasing in most of those districts, including Dubbo, the rate in country areas remains considerably lower than that in the Sydney metropolitan region.

Against this, there has been an increase in the absolute number of accepted reports in Dubbo in recent years. Due to the change in reporting of these figures from calendar to financial years, which occurred between 1984 and 1985, comparisons of the figures for 1984/85 and 1983/84 with earlier years do not include the first six months of 1983. Thus there is an 18 month gap between the 1982 and 1983/84 totals in Figures 3.3 and 3.4. Nevertheless, inspection of Figure 3.3 reveals that the increase in overall numbers of accepted crime reports was not uniform throughout the Dubbo district in the period from 1983/84 to 1984/85. After a period of stability in 1981 to 1982, the number of accepted reports from Mudgee, Bourke and Walgett Divisions actually declined between 1983/84 and 1984/85, whereas there has been a marked increase in the Dubbo division during the same period. This pattern is also reflected in the changes in crime rates over this period (see Figure 3.4), which also show a decline in all divisions except Dubbo, which increased.

The implication here is that, although there is no marked increase in total crime in the Dubbo district as a whole, the declines in the less populous divisions of that district have obscured the size of the increase in Dubbo division itself. In fact, that increase in Dubbo division was 14.4 per cent compared with decreases of 13.8 per cent, 6.8 per cent, and 4.6 per cent in the Mudgee, Bourke, and Walgett divisions respectively. Similar figures apply to the changes in crime rates.

In summary, the claims of a dramatic increase in crime during 1984/85 cannot be justified on the basis of the police statistics on reported crime. It should be noted, however, that the number of reported crimes per head of population is high in the Dubbo district, relative to other country districts, though not in comparison with the metropolitan area. Also, the actual increase in Dubbo district does

²These figures were extracted from the police computer system somewhat after the Annual Report figures, and thus include additional reports processed by the system after the extraction date of the Annual Report. This process of revision of police figures is a continuing one, so the exact figure for a given period will depend on the extraction date. Detailed comparisons between years may become problematic even if the extraction dates is the same in each year since this assumes that the rate of processing of forms is constant between years. See Chapter 4.

not reflect the fact that the increase was not evenly distributed across divisions within that district. Only Dubbo division (comprising the L.G.A.s of Dubbo, Gilgandra, Narromine, Wellington, and Warren) showed an increase in reports during this period, while all other divisions registered a fall in the reported crime rate. It is notable that the shires in the Dubbo division are among the most vocal in the area in their representations on the 'law and order' issue (see Chapter 1), although Bourke (which showed a decrease) was also prominent in the issue.

3.3 Patterns of crime in Dubbo 1983/84 to 1984/85

Another aspect which is obscured by only looking at the total number of crimes reported, is the relative number of different types of crime reported, and the changes in this over time. When a 'crime wave' is alleged, one possibility is that 'crime' in the area has become more 'visible' not because it is more frequent, but because the type of crime being committed (or reported) has changed to more noticeable offences, such as 'street crime' or offensive behaviour. If so, this should be revealed by an examination of the relative incidence of the types of crimes reported, that is, the pattern of crime in the area. This data is presented in Table 3.1.

TABLE 3.1
Accepted police reports, Dubbo Division
1983/84 and 1984/85

Offence	1983/84	1984/85
Against person	420	520
Steal/violence	68	75
Breaking/dwelling	631	518
Breaking/other	780	818
Larceny/property	2,077	2,170
False pretences	529	164
Sexual offences	63	71
Motor vehicle theft	331	409
Drug offences	238	340
Arson	21	41
Miscellaneous	949	1,177
TOTAL REPORTS	6,107	6,303

The net increase between financial years 1983/84 and 1984/85 was 196 offences. The bulk of the increase was in miscellaneous offences (228), offences against the person (100) and larceny from property (93). There was a marked decline in the number of false pretences (-365).

As with the changes in the absolute numbers of reports and rates of reported crime, the types of offences reported differ within the various divisions of the Dubbo district. Table 3.2 shows the change in crime reports between 1983/84 and 1984/85 in each of the divisions which make up the Dubbo district, for major offence categories. It is clear from the table that Dubbo division was responsible for the overall increase in reports evident in the Dubbo district; each of the other divisions showing a decline in reports. This pattern, however, was not uniform across all offence categories. In particular, large increases were evident in the Dubbo division for larceny, motor vehicle theft, and miscellaneous offences.

In Mudgee division, there was a general decline in most categories and, although four categories did show increases, these were small in absolute terms.

In Bourke, there were increases in offences against the person, drug offences and, to a much lesser extent, sexual offences, and miscellaneous offences. These increases were, however, more than offset by reductions in the categories of break and enter into dwelling, larceny, and false pretences.

Walgett, despite an overall fall in the number of reports, showed increases in all categories except false pretences and steal with violence. Increases in offences against the person, property breaking, larceny, drug offences, and miscellaneous offences were all notable. The substantial decrease in false pretences masks what is otherwise an increase in reported crime in Walgett.

In summary, in the twelve months preceding June 1985, there appears to have been a considerable increase in miscellaneous offences and larceny from property, particularly in Dubbo and, to a lesser extent, in Walgett. In addition, Dubbo had a large increase in reported car thefts. Increases in other types of crime, where they occurred, were distributed across divisions and, with the exception of drug offences, were relatively small.

3.4 Summary

At this point it is important to remember that the figures presented so far represent those for the period during which the alleged crime wave was supposed to have taken place, and show the most that could have been known about overall levels of crime in the Dubbo district at that time. In general, the figures provide little evidence for a marked increase in the 'rate of crime' in Dubbo district as a whole, such as would be expected if a 'crime wave' had, indeed, taken place there at the time claimed. Against this, there was some increase in reported crime for the district, but this increase was not particularly large, relative to increases in other country areas; nor was the increase confined to the Dubbo district.

TABLE 3.2
Change in crime reports 1983/84 to 1984/85

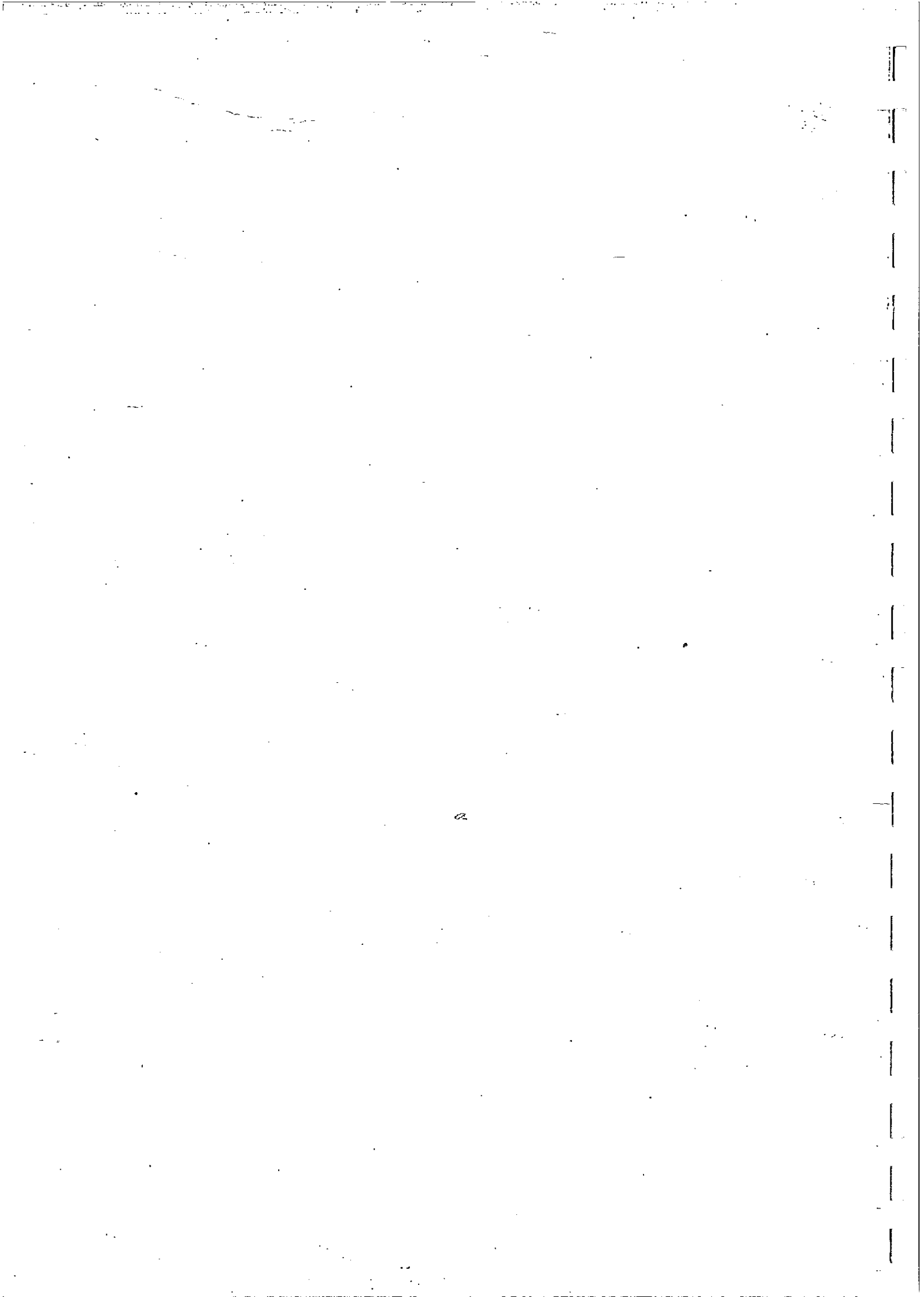
Offence	Dubbo Division	Mudgee Division	Bourke Division	Walgett Division	Total District
Offence against the person	34	12	21	23	100
Steal/violence	7	6	-5	-1	7
Break, enter dwelling	-52	-39	-43	21	-113
Break, enter other	27	-10	1	20	38
Larceny	135	-65	-38	61	98
False pretences	-56	-9	-62	-238	-365
Sexual offence	1	-3	8	2	8
Motor vehicle theft	102	-17	-7	0	78
Drug offences	41	18	21	22	102
Arson	4	6	6	4	20
Miscellaneous	197	-9	8	32	228
TOTAL CHANGE	440	-110	-90	-54	201
% of population June 1984	49.5	23.6	14.8	12.1	100.0

Nevertheless, although the increase in reports in Dubbo was not particularly marked, the rate of reports per head of population was high relative to all other country districts, though not to metropolitan ones.

The increase in reported crime in Dubbo was not uniform throughout the district. The Dubbo division, alone, showed an increase, while the remaining three divisions registered a decline in the number of reports. This decrease in the other divisions partially masked the size of the increase in Dubbo division.

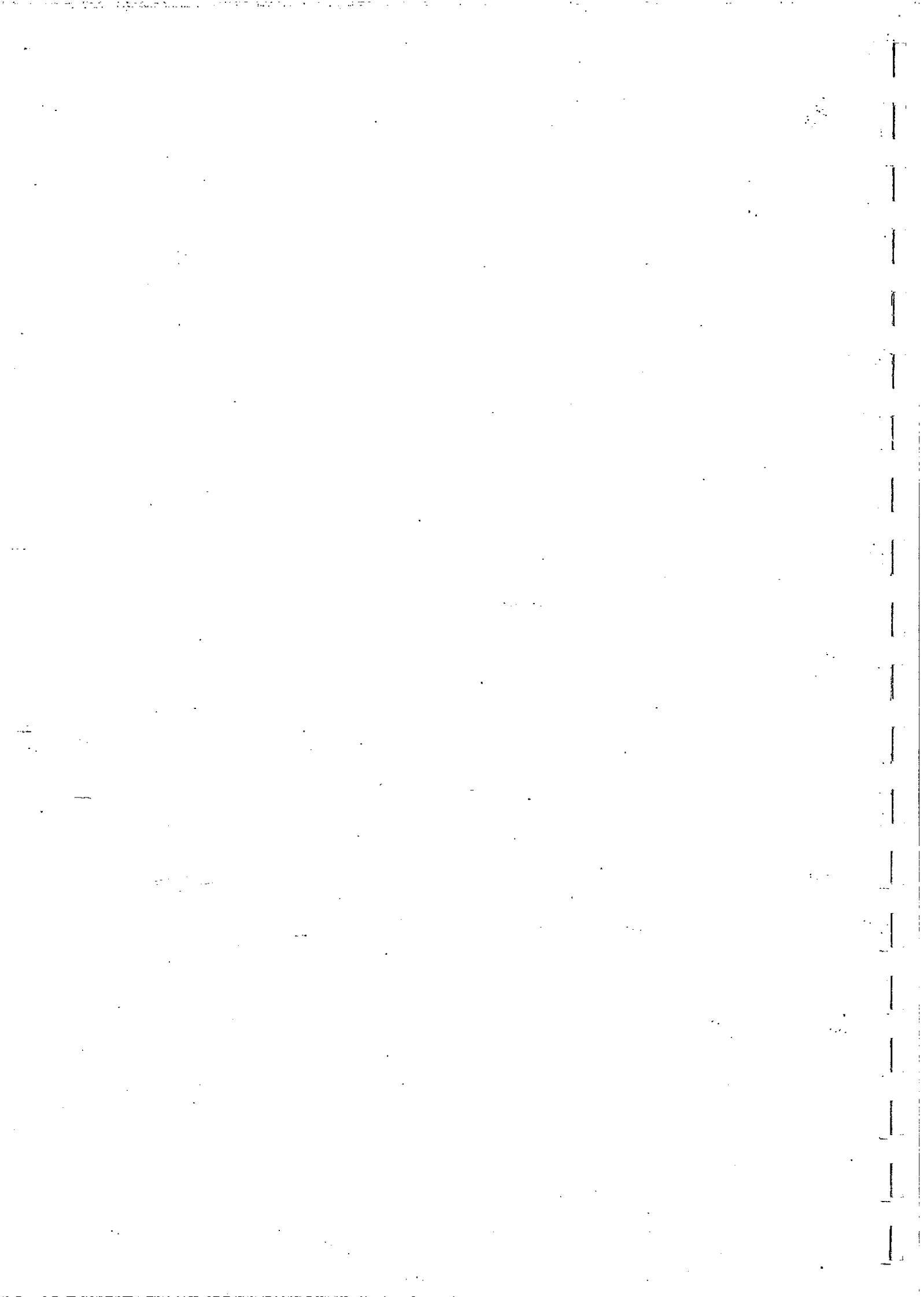
In addition, the increase was not uniform across offence categories, with the Dubbo division experiencing its largest increases in larceny from property, motor vehicle theft, and miscellaneous.

Also, as noted, it cannot yet be determined to what extent the figures reflect changes in the numbers or types of crimes being committed, or changes in the perception and reporting of crime to police. The latter issues will be further taken up in Chapter 7 on unreported crime.



CHAPTER 4

**ANALYSIS OF MORE
RECENT CRIME STATISTICS**



4. The 1985/86 crime figures

On the basis of the foregoing survey of crime statistics and the later study of unreported crime (Chapters 3 and 7), it might be tempting to be dismissive of the claims of a 'crime wave' in the Orana region as an over-reaction, perhaps due to poor or incomplete information, on the part of the public. However this is not to say that there is no genuine community concern about crime nor, indeed, that the people of Dubbo have nothing to be concerned about. Rather, what is suggested is that 'the problem' in Dubbo is not crime per se, but may, for some reason, only be expressed in those terms. What evidence was available at the time of the original complaints of a crime wave, showed relatively small increases in crime rates in Orana as a whole, with declines in some areas. The 1985/86 Police Annual Report figures, however, provide some evidence that concern about the rate of crime increases is, apparently, not entirely unfounded in the Dubbo district.

It is important to realize that the following figures (see Table 4.1) were released well after (by some 12 months) the height of the complaints about crime in Dubbo. They also cover a different period to those complaints. The principal 'law and order' meeting in Dubbo was held in September 1985 and, therefore, referred to events preceding that date; the meeting(s) in Bourke had been held the previous February. In contrast, the police figures to be presented in this chapter cover the period 1 July 1985 to 30 June 1986 i.e. the period immediately following the complaints. Thus the claims of a 'crime wave' were part of the constellation of events which led to the present reported crime figures, though their precise influence on those figures is, as yet, unknown.

The most striking feature of the 1985/86 figures (see Table 4.1) is that they show that there was an increase of 30 per cent over the preceding years figures in the total number of reported offences in the Dubbo district. In addition, as Table 4.2 shows, the Dubbo district had the largest increase of any police district in the state, quite unlike the position it had in preceding years in such rankings (see 3.3) in which it was somewhere near the middle of the ratings for country districts (6th of 10).

Equally noticeable is that the mean change in the number of accepted reports for all country areas more than doubled between 1984/85 and 1985/86, rising from an average increase of 5.9 per cent to an average increase of 16.1 per cent. In contrast, the mean change in the number of reports for metropolitan districts was an increase of only 1.5 per cent, with four districts showing a fall in the number of reports.

The implication of this is that at least part of the increase in overall figures for the Dubbo district is associated with its being a country district; though the nature of the common factor (if any) within country districts which is causing the increase in reported

TABLE 4.1
Dubbo Police District

Annual Report
1/7/84 - 30/6/85

Annual Report
1/7/85 - 30/6/86

Change
offences
recorded

Offences recorded
Clear up
Rate/100,000
Offences recorded
Clear up
Rate/100,000
Offences cleared
Rate/100,000
Offences cleared
Rate/100,000

Crime classification	No.	No.	%	No.	No.	%	No.	%	Change
Offences against the person	540	411	76.11	461.54	696	81.90	584.87	28.89	
Motoring offences (Crimes Act)	9	9	100.00	7.69	10	100.00	8.40	11.11	
Sexual offences	71	59	83.10	60.68	104	66.35	87.39	46.48	
Property Breakings	1,339	203	15.16	1,144.44	1,622	16.34	1,363.03	21.14	
Theft without violation of premises	2,206	308	13.96	1,885.47	2,684	16.65	2,255.46	21.67	
Motor vehicle thefts	409	105	25.67	349.57	408	16.67	342.86	-0.24	
Offences involving fraud	164	86	52.44	140.17	274	67.88	230.25	67.07	
Drug offences	338	328	97.04	288.89	455	96.48	382.35	34.62	
Arson	39	6	15.38	33.33	45	6.67	37.82	15.38	
Malicious injury and damage to property	773	182	23.54	660.68	1,115	28.07	936.97	44.24	
Other coded offences	383	323	84.33	327.35	744	86.29	625.21	94.26	
TOTAL OFFENCES	6,271	2,020	32.21	5,359.81	8,157	36.93	6,854.61	30.07	

(Source: Police Department Annual Report 1985/86)

TABLE 4.2
Reported offences in country police districts

District	Number of accepted reports			Change	83/84 - 84/85
	1984/85	1985/86	Change		
Dubbo	6,271	8,157	+ 30.07	1,886	5.06
Tamworth	6,609	8,249	+ 24.81	1,640	13.81
Wagga Wagga	5,302	6,590	+ 24.29	1,288	- 5.64
Parkes	4,419	5,347	+ 21.00	928	3.73
Albury	5,204	6,155	+ 18.27	951	14.15
Goulburn	7,444	8,538	+ 14.70	1,094	9.25
Lismore	15,069	17,047	+ 13.13	1,978	8.40
Newcastle	25,845	27,734	+ 7.31	1,889	0.28
Bathurst	5,443	5,792	+ 6.41	349	11.63
Wollongong	17,759	17,847	+ 0.50	88	- 1.28

Average change (all districts)	1984/5 - 5/6	12.42%
Average change (all districts)	1983/4 - 4/5	6.10%
Average change (country districts)	1984/5 - 5/6	16.05% [o = 8.90]
Average change (country districts)	1983/4 - 4/5	5.94% [o = 6.35]

crime rates is not yet clear. An obvious candidate for this common factor would be the impact of the rural recession, some facets of which have been discussed below, in the various sections on unemployment. An attempt to estimate the size of this effect would, however, require detailed economic analyses beyond the scope of the present report.

All this assumes that the increase in accepted reports reflects an increase in the actual incidence of various types of crime but, while this may be the case, it does not follow from this that the size of the increase in accepted reports is an accurate indicator of the size of the increase, if any, in crimes committed. A number of factors suggest that, in fact, it is not an accurate indicator.

- (a) As indicated above, there has been considerable publicity about 'law and order' issues over the period in question and this may have influenced (1) people's perceptions of events as crimes (2) their decision to report the event to police, and (3) the police decision to 'accept' the report.
- (b) In response to the expressed concerns of the community, the local police instigated a 'crack down' on crime in the form of the 'Dubbo District Strategic Plan' which was expected to bring about 'improvement' by October 1985. Such programmes may lead to an increase in the detection and/or prosecution of various categories of offence (especially 'public order' type offences).
- (c) During the period in question, the police methods of recording the accepted reports was changed from a system which called for printed forms to be sent to a central registry in Sydney and thence coded for the departmental computer, to an on-line, immediate data entry system. The change will have had a once only effect in artificially inflating the size of the increase in reports in Dubbo. This is because, under the old system, reports received after the closing of the records for that year (17/9/85 for the 1984/85 figures) are not counted as part of the total reports for the base year against which the following year is compared. The number of such 'uncounted' reports is likely to be very much reduced with the new system as many fewer reports will be received late. Reports not on the system at the time of the extraction date for the Annual Report figures are added later to produce 'updated' figures for the period in question. An indicator of the maximum size of this effect can be gauged by comparing the updated figures for 1984/85 (extracted 27/8/86) with the earlier figures (Police Annual Report 1985/86). The difference in the number of reports is 294, resulting in a total of 6,565 reports for the year (rather than the 6,271 shown in the non-updated Table 4.1). In the extreme case that no further reports are entered for 1985/86, the actual increase from 1984/85 to 1985/86 would have been 24.2 per cent. In practice, the result will be

somewhere between this figure and the 30.07 per cent recorded in the annual report figures. The disturbing effect of instituting on-line data collection systems was also noted when police records were computerised on the Crime Intelligence and Information System (Police Annual Report 1971:1), which also created a apparent increase in reported offences.

Thus, it is not yet clear to what extent the police figures reflect an increase in crimes committed or, instead, reflect changes in these other factors which influence the apparent crime rate without necessarily any change in the number of crimes. It would appear, though, that the police figures on the number of reported offences overestimate any actual increase in crime in 1985/86.

In addition, it would appear that some part of the increase in reported crime in Dubbo district is not peculiar to it, but is shared with most other country police districts.

It is worth noting that the increase, whatever its actual size, is not uniformly distributed across offence categories. This may be (at least in part) due to the differential effects of the factors (other than the actual rate of offending), noted above. For example, the numerically largest increase in Dubbo (and, in fact, for 8 of the 10 country districts) was for 'theft without violation of premises', whereas 'motor vehicles theft' showed one less offence than in the previous year. The largest percentage increase, however, was for 'other coded offences', with a change of 94.26 per cent, compared to motor vehicle theft with - 0.24 per cent (see Table 4.1).

This category of 'other coded offences' is not further broken down by the Police Department for the Dubbo district, although this breakdown is given (in the Annual Report) for all country districts. The category includes such offences as offensive behaviour, offensive manner, hinder police, resist arrest, etc. These are often the kind of 'public order' offences referred to in complaints from Dubbo, and some further information on these types of offences is presented in the analysis of the police charge books given below. Before doing so, however, it is necessary to consider some quite different shortcomings of the police figures, some of which bear upon issues raised in the allegations of a 'crime wave' in Dubbo.

4.1 Some factors not included in police statistics

Although the police records indicate an arrested persons declared occupation, and thus give some indication of a person's socio-economic status (albeit unverified), this data is not reported in the Police Department Annual Report figures. Perhaps more importantly, in the light of some of the claims made about the race of offenders in the Dubbo district, the race of an arrested person is no longer recorded by police in the charge books. (Though the police assessment of the race of an alleged offender is recorded on Police

Incident and Arrest (P.I.A.) and Person of Interest (P.O.I.) forms, it is not further recorded nor analysed, by police). In particular, in the Dubbo district, it would be of great value to know whether or not an offender is Aboriginal, however uncertain that judgement may occasionally be.

Lastly, the number of 'accepted reports of crime' is not a count of the number of persons allegedly committing crimes, for it is a count of incidents and/or offences, the particular mix of which varies with offence category. For example, six juveniles stealing a car together would result in only one addition to the count of motor vehicle thefts, whereas an individual arrested for three break and enters will mean three counts added to the tally of property breakings.

Some indication of the number of persons arrested is necessary to evaluate some of the claims made about the numbers of people responsible for the majority of crime in Dubbo and Bourke (see Chapter 1), and to assess how many are of Aboriginal descent.

Some of this information was obtained from the police charge books for 1985/86 in the Dubbo district (see 4.2 below), the remainder from consultation with police, court and legal representatives (see below).

4.2 Analysis of police charge books 1985/86

Those complaining of a crime wave have claimed that the bulk of the crime problem in the Dubbo district could be attributed to the actions of Aborigines. At the Dubbo 'Law and Order' meeting, one speaker claimed to have obtained figures from police which showed that Aborigines were responsible for 60 per cent of crime in Dubbo. As noted above, however, such information is not collected in any systematic way by the police, nor analysed by them.

The purpose of the current section is to attempt to estimate the actual proportion of Aborigines in the crime statistics for Dubbo, by analysing the available data on those offences for which an alleged offender was charged. Obviously, this does not cover those offences in which the offender is unknown and it is possible the proportions of Aborigines and non-Aborigines in the unarrested offender group is different from their relative proportions in the arrested group.

Nevertheless, since the only available data is for those offences for which someone has been arrested, it is necessary to use this information in estimating the proportion of all offences committed by the two main racial groups, Aborigines and non-Aborigines, of concern in the present report.

The data on persons arrested is contained in police charge books, held at the stations where the alleged offender is charged. Consequently, all events recorded in the police charge books at

Bourke, Brewarrina, Dubbo, Walgett and Wellington between July 1, 1985 and June 30, 1986 were recorded, coded and placed on a Burroughs main frame computer in a form suitable for analysis using the Statistical Package for the Social Sciences (SPSS). These towns were selected since they were the principal ones in the region and the main sources of complaints about crime. Towns in the Mudgee division of the Dubbo police district were not examined, as there were no claims of a crime problem in that area. In addition, since the charge books did not record whether or not an alleged offender was of Aboriginal descent, an attempt was made to otherwise determine this information. This was done by showing a list of the names of all alleged offenders to either (a) representatives of the (Western) Aboriginal Legal Service, or members of the Aboriginal Community associated with them (b) senior officers of the court or (c) senior police in each town, depending on availability. Those making the judgement were asked to indicate whether the alleged offender was 'definitely aboriginal', 'definitely non-aboriginal' or 'unknown'. This information was used in the following analysis.

Overall numbers of offences, offenders and arrests

The total number of arrests is less than the 3,012 offences cleared by police (see Table 4.1) during the period mainly because not all stations in the district were included in the sample of stations chosen and because an alleged offender may have committed more than one offence per arrest. In addition, an offence may be 'cleared' other than by an arrest, for example, in suicide cases. Table 4.3 (a) and (b) is not a count of the number of separate alleged offenders (see next page) as the same alleged offender can be charged

TABLE 4.3(a)
Arrests in principal towns 1985/86

Town	Number of arrests	% of arrests	% of population in L.G.A.*
Dubbo	996	47.1	57.4
Wellington	311	14.7	16.5
Brewarrina	129	6.1	4.5
Bourke	367	17.3	7.9
Walgett	309	14.6	13.8
Unknown	4	0.2	0.0
TOTAL	2,116	100.0	100.0

*Local Government Area.

with more than one offence, and may have been arrested more than once over in the 12 month period. The table shows, however, that the proportion of all arrests occurring in Wellington, Brewarrina, and Walgett is approximately the same as the proportion of the total population living in each of these shires. Dubbo has only 85 per cent of the number of arrests which would be expected on the basis of its population share, whereas Bourke has more than twice as many arrests as expected.

As shown in Table 4.3 (b), the arrests made were not evenly distributed amongst the racial subgroups in the area. The majority of these arrests (1,125 or 53.2 per cent) were laid against persons of Aboriginal descent, 912 or 43.1 per cent were against non-Aboriginal persons and 79 or 3.7 per cent were against persons of unknown race. This is in spite of the fact that Aborigines form only a minority (about 14 per cent) of the total population of the five L.G.A.s in question. The breakdown by each town in the region is as follows:

TABLE 4.3(b)
Arrests by race 1985/86

Town	Aboriginal		Non-Aboriginal		Unknown	
	No.	%	No.	%	No.	%
Dubbo	318	31.9	629	63.2	49	4.9
Wellington	172	55.3	122	39.2	17	5.5
Brewarrina	115	89.1	14	10.9	0	0.0
Bourke	283	77.1	83	22.6	1	0.3
Walgett	237	76.7	64	20.7	8	2.6
Unknown					4	100.0
TOTAL	1,125	53.2	912	43.1	79	3.7

Strictly speaking, it is not possible to tell from these figures alone whether Aborigines are over-represented in the figures since the number of arrests or proportion of Aborigines etc. in the figures cannot be directly compared with overall proportions in the general population, unless the charges per person is the same for each group. This is not, in fact, the case (see Table 4.4).

Table 4.4 shows that the number of charges laid against each person arrested is higher for Aboriginal suspects than for non-Aboriginal ones in all towns studied. The ratio of the number of charges per

Aboriginal person to the number of charges per non-Aboriginal person varied between 1.02 in Walgett and 1.84 in Wellington, with an average value of 1.36. That is to say, an Aboriginal person arrested in Wellington faced nearly twice as many charges as a non-Aboriginal person, over the 12 months studied.

TABLE 4.4
Number of charges per arrest

Town	Aboriginal	Non-Aboriginal	Unknown
<u>(a) Dubbo</u>			
Number of arrests	318	629	49
Number of charges	673	1,268	113
Number of persons	196	503	38
Charges per arrest	2.12	2.02	2.31
Charges per person	3.43	2.52	2.97
Arrests per person	1.62	1.25	1.29
<u>(b) Wellington</u>			
Number of arrests	172	122	17
Number of charges	397	241	40
Number of persons	86	96	12
Charges per arrest	2.31	1.98	2.35
Charges per person	4.62	2.51	3.33
Arrests per person	2.00	1.27	1.42
<u>(c) Brewarrina</u>			
Number of arrests	115	14	0
Number of charges	234	29	0
Number of persons	79	13	0
Charges per arrest	2.03	2.07	0.0
Charges per person	2.96	2.23	0.0
Arrests per person	1.46	1.08	0.0

TABLE 4.4
Number of charges per arrest (continued)

Town	Aboriginal	Non-Aboriginal	Unknown
<u>(d) Bourke</u>			
Number of arrests	283	83	1
Number of charges	647	179	1
Number of persons	168	70	1
Charges per arrest	2.29	2.16	1.00
Charges per person	3.85	2.55	1.00
Arrests per person	1.68	1.19	1.00
<u>(e) Walgett</u>			
Number of arrests	237	64	8
Number of charges	496	150	13
Number of persons	182	56	4
Charges per arrest	2.09	2.34	1.63
Charges per person	2.73	2.68	3.25
Arrests per person	1.30	1.14	2.00
<u>(f) TOTALS</u>			
Number of arrests	1,125	912	79
Number of charges	2,447	1,867	167
Number of persons	711	738	55
Charges per arrest	2.18	2.05	2.11
Charges per person	3.44	2.53	3.04
Arrests per person	1.58	1.24	1.44

By comparison, in Walgett, an Aboriginal person faced about the same number of charges as a non-Aboriginal one over the study period. In general, Aboriginal persons arrested faced more than one-third again as many charges as non-Aboriginal persons. This data would have to be read in conjunction with information on the type of offences involved (see below) as well as some estimates of the relative seriousness of the offences, before any judgement is made about police practices in this area. For example, Aboriginal persons may face more, but less serious, charges than non-Aboriginals.

A further implication of Table 4.4 is that, although the number of charges per arrest is fairly similar for Aborigines and non-Aborigines, the number of arrests per person is consistently higher for Aborigines than non-Aborigines. This varied from a ratio of 1.14 to 1 in Walgett, up to 1.59 to 1 in Wellington, with an average of 1.28 to 1. That is, Aborigines were arrested about 15 per cent more often (on average) than a non-Aborigine in Walgett, and almost 60 per cent more often in Wellington. It is worth noting that the mean number of charges per arrest is fairly constant at about 2 charges per arrest across all towns, and appears to stay at that level regardless of the number of arrests of a given individual in the period studied.¹

The picture would appear to be that Aborigines were more often arrested than non-Aborigines, but both faced similar numbers of charges each time they were arrested. A given Aboriginal offender, because of the greater number of arrests, faced an average of almost twice as many charges as a non-Aboriginal in a given time. The number of charges per arrest remains fairly constant regardless of race and regardless of how often an alleged offender is arrested, suggesting that (1) detected re-offenders do not commit increasing numbers of detected offences between successive arrests and/or (2) the police do not become more 'punitive' by increasing the number of charges laid on successive arrests of the one person. Overall, when these figures are compared with the 'general population' statistics given in Chapter 2, there would appear to be a prima facie case that Aborigines are over-represented in the 'crime figures' - though the reason for this over-representation is not yet clear.

Incidence of re-offending

The rates of offence per arrest, per person etc, considered so far are average rates and may obscure differences in the pattern of multiple offences, particularly between races. In addition, more detailed information on this pattern will allow an evaluation of the claims that most of the crime in Orana is due to a few individuals repeatedly offending. This claim is of particular significance since it has been advanced as a justification for a 'vigilante-like' response to those identified as habitual offenders (see Chapter 1). Table 4.5 shows the number of distinct individuals, and the number of times each was arrested in the 12 month period studied, broken down by the race of the individuals, for each town in the study sample.

What stands out clearly from Table 4.5 is that claims such as '40 (or 60) people are responsible for most of the crime in Dubbo' are greatly exaggerated. In the year studied, over four fifths of all arrests in Dubbo were due to people being arrested only once, and a similar (though somewhat varying) pattern is evident in all towns

¹The correlation of the numbers of charges on each arrest with the total number of arrests in the 12 month period was extremely small, $r = 0.00$ for Aborigines, $r = 0.02$ for non-Aborigines and $r = 0.01$ overall. This indicates that these factors were independent of each other. Thus the number of charges laid by police at each arrest did not tend to increase as a person is arrested more often.

TABLE 4.5
Persons arrested by total arrests

Aboriginality	Total arrests							Total
	1	2	3	4	5	6	7	
(a) Dubbo								
Aboriginal	138	23	22	6	1	3	3	196
Non-Aboriginal	431	46	15	4	2	1	4	503
Unknown	32	5	0	1	0	0	0	38
Total	601	74	37	11	3	4	7	737
Percentage	81.6	10.0	5.0	1.5	0.4	0.5	1.0	100.0
(b) Wellington								
Aboriginal	48	16	7	7	5	3		86
Non-Aboriginal	77	13	6	0	0	0		96
Unknown	8	3	1	0	0	0		12
Total	133	32	14	7	5	3		194
Percentage	68.6	16.5	7.2	3.6	2.6	1.5		100.0
(c) Brewarrina								
Aboriginal	55	17	5	0	1	1		79
Non-Aboriginal	12	1	0	0	0	0		13
Total	67	18	5	0	1	1		92
Percentage	72.8	19.6	5.4	0.0	1.1	1.1		100.0

TABLE 4.5
Persons arrested by total arrests (continued)

Aboriginality	Total arrests								Total
	1	2	3	4	5	6	7	8	
(d) <u>Bourke</u>									
Aboriginal	105	35	16	5	4	2	0	1	168
Non-Aboriginal ...	60	8	1	1	0	0	0	0	70
Unknown	1	0	0	0	0	0	0	0	1
Total	166	43	17	6	4	2	0	1	239
Percentage	69.5	18.0	7.1	2.5	1.7	0.8	0.0	0.4	100.0
(e) <u>Walgett</u>									
Aboriginal	138	37	4	2	1				182
Non-aboriginal ...	56	4	0	0	0				60
Unknown	3	1	0	0	0				4
Total	197	42	4	2	1				246
Percentage	80.1	17.1	1.6	0.8	0.4				100.0

TABLE 4.5
Persons arrested by total arrests (continued)

	Total arrests								Total
	1	2	3	4	5	6	7	8	
<u>(f) Overall</u>									
Aboriginal	484	128	54	20	12	9	3	1	711
Non-Aboriginal ...	636	72	22	5	2	1	4	0	742
Unknown	44	9	1	1	0	0	0	0	55
Total	1,164	209	77	26	14	10	7	1	1,508
Percentage	77.2	13.9	5.1	1.7	0.9	0.6	0.4	0.2	100.0

N.B. Percentages may not sum to exactly 100 per cent due to rounding errors.

studied and the region overall. On the other hand, there is a relatively small number of what might be called 'chronic' alleged offenders in each town (with, for example, more than two arrests in the year), but these account for less than 10 per cent of all arrests. However, although the 'chronic' arrestees are not "responsible for most of the crime", the number of such alleged offenders is comparable to that claimed; for example, there were 62 people (of whom, incidentally, 35 or 56 per cent are Aboriginal) with more than two arrests in Dubbo, compared with the 40 - 60 claimed. It would appear that either (1) any offence committed by a 'chronic' offender, who is possibly quite well known in the town, is more notable (or, possibly, more annoying, or both) to those making these claims about offender numbers or (2) the complainants have a narrower definition of 'crime' than the legal one, and see certain (perhaps more 'public'?) classes of offence as more notable and/or of more concern. Possibilities (1) and (2) are not mutually exclusive.

The first possibility is effectively a claim about individuals' judgements of, and responses to, events and, as such, is not easily evaluated other than by the public statements of those people. Such an evaluation is to some degree always subjective. Measuring it requires rather more interpretation on the part of the evaluator than is required by an objective evaluation. Some information bearing on this issue is presented below. The second possibility admits of some further evaluation by considering the figures on the number of persons arrested for various categories of offence. This is also further discussed, below.

Over-representation of Aborigines

As shown in Table 4.5 (f) above, when only those persons arrested more than once are considered, the proportion of arrests of Aborigines increases from 47.1 per cent to 67 per cent. Thus Aborigines are, again, over-represented in the 're-offenders' (or, more accurately, the re-arrest) figures, even if we assumed that there are equal numbers of Aborigines and non-Aborigines in the population of the towns surveyed which, as pointed out in Chapter 2, is not the case. The over-representation of Aborigines in the arrest figures is highlighted by considering the arrest rates per head of population of each racial category as shown in Table 4.6.

This table compares the estimates of the Aboriginal population of the Local Government Areas (L.G.A.'s) of the study towns, with the number of persons arrested overall in those towns.

The level of over-representation of a given group in the arrest figures may be computed by dividing the percentage of all arrests which that group comprises by the percentage of the general population formed by that group. If a certain racial group makes up the same proportion of all persons arrested as it does of all persons in the population, the figure dubbed the 'over-representation' factor in Table 4.6 will equal 1. All the non-Aboriginal figures display ratios less than this, suggesting the non-Aboriginal sub-populations are not being arrested as, in a purely statistical sense, they 'should' be, that is, not as often as expected, given their frequency in the general population.

Table 4.6 clearly shows that Aborigines are over-represented in the arrest figures in comparison with the rates that might have been expected on the basis of the proportion(s) of the population(s) they comprise. Overall, they are over-represented by a factor of about three and a fifth times (that is, the percentage of all persons arrested divided by the population percentage). This factor ranged from just under two in Brewarrina to over six in Wellington, though it should be noted that the Wellington police indicated that many crimes committed in Wellington (and, hence, arrests recorded there) were committed, they believed, by people from Dubbo. If the majority of such visitors were Aboriginal, this may account for Wellington's apparently much higher over-representation factor. No data is available however, to test this.

Table 4.6 also shows that, in a single year, an average of almost one in ten Aboriginal persons were arrested in the towns studied, ranging from about one in twenty persons in Dubbo to about one in six persons in Bourke. In comparison, an average of rather less than two in a hundred non-Aboriginals were arrested, ranging from just over two in a hundred in Bourke to one in a hundred in Walgett.

Some further insight into the nature of, and factors possibly involved in, the offences committed in the Orana region can be gleaned from a consideration of each type of offence in turn.

TABLE 4.6
Comparative arrest rates, 1985/86

(a) Aboriginal

	(a)	(b)	(c)	(d)	(e)	(f)
Towns	No.	Percentage of L.G.A. population	Persons arrested	% of Aboriginal population arrested	% of all persons arrested	Over- representation factor
Dubbo	3,650	11.8	196	5.4	26.6	2.3
Wellington ¹	642	7.2	86	13.4	44.3	6.2
Brewarrina ²	1,193	49.5	79	6.6	85.9	1.7
Bourke	1,005	23.6	168	16.7	70.3	3.0
Walgett	1,401	18.8	182	15.3	74.0	3.9
TOTAL	7,891	14.6	711	9.0	47.1	3.2

TABLE 4.6
Comparative arrest rates, 1985/86 (continued)

(b) Non-Aboriginal

(a)	(b)	(c)	(d)	(e)	(f)
Number	Percentage of L.G.A. population	Persons arrested	% of Non-Aboriginal population arrested	% of all persons arrested	Over-representation factor
Towns	No.	No.	%	%	%
Dubbo	27,400	503	1.8	68.2	0.8
Wellington	8,258	96	1.1	49.5	0.5
Brewarrina	1,217	13	1.1	14.1	0.3
Bourke	3,245	70	2.2	29.3	0.4
Walgett	6,049	60	1.0	24.4	0.3
TOTAL	46,169	742	1.6	49.2	0.6

Figures given are the mean of the A.D.C. and D.A.A. estimates given in Table 2.3. D.A.A. estimate only (includes Goodooga).

(f) is derived by dividing (e) by (b)

Types of offences reported

The Police Annual Report statistics have, in recent years, broken down the set of reported offences into a number of offence categories. These categories do not necessarily coincide with some of the categories of crime in popular usage and, in particular, there is no one category which covers the notion of 'street crime', so often raised in complaints from Orana and elsewhere. In addition, some of these categories are, for the present purposes, too broad. For example 'offences against the person' covers everything from the threat of an assault to murder, and 'miscellaneous offences' although covering a wide range of offences may, in fact, be mostly composed of only a few of this range. An alternative, though similar, categorisation to that used by police is given below in an effort to further illuminate the nature and extent of 'crime' in the area.

The following sections provide data on each type of offence for which there was a sufficient amount of data to attempt meaningful comparisons between racial groups. Each table (4.7 to 4.25) shows the number of charges of each type which were laid against alleged offenders of each racial group, as well as the number of distinct persons of each racial group arrested in the twelve months studied.

The persons arrested are also specified by race and their frequency in the five towns studied in order to indicate the relative levels of offending for each racial group in each town.

Assault occasioning actual or grievous bodily harm

As noted in Table 4.7, the police figures vary in the accuracy with which they depict the actual incidence of offences of various categories. In general, however, the more serious the offence the more likely it is to be reported, and the higher the likelihood of it being 'cleared up' by police. A greater clear-up rate means that a larger percentage of offenders become known to police and hence, the more accurate a picture of offences and offenders is presented by the police figures. The overall clear-up rate for all offences against the person is about 80 per cent in the Dubbo district, and is likely to be even higher for the sub-category of serious assaults considered here.

Despite the small number of cases in some towns, it is clear that Aborigines are greatly over-represented in these figures, especially in the towns of Bourke, Brewarrina and Walgett where only one non-Aborigine was charged, compared to 41 Aborigines. Even in Dubbo and Wellington, the percentage of Aborigines charged (45.2 per cent and 65.2 per cent respectively) was much higher than expected on the basis of the frequency of Aborigines in the populations (11.8 per cent and 7.2 per cent respectively).

TABLE 4.7
Charges/arrests: assault occasioning actual
or grievous bodily harm

	Charges	%	Persons	Charges per person
(a) Number of charges, all towns				
Aboriginal	85	71.4	70	1.21
Non-Aboriginal	32	26.9	26	1.23
Unknown	2	1.6	1	2.00
Total	119	100.0	97	1.23
	Aboriginal	Non- Aboriginal	Unknown	Total
(b) Number of persons arrested				
Dubbo	14	17	0	31
Wellington	15	8	1	24
Brewarrina	10	0	0	10
Bourke	21	1	0	22
Walgett	10	0	0	10
Total	70	26	1	97
Percentage	72.2	26.8	1.0	100.0

It would appear that the arrests for serious assault are very frequent in, or exclusive to, the Aboriginal community in the towns studied in the Orana region. The names of the victims of these assaults were not analysed to determine the Aboriginality of the victims but, although no quantitative information can be given here, it was the strong impression of the researchers that the great majority of the names of victims, appeared as offenders in the same, or other, offence categories, and that many such victims were Aboriginal. If so, then the pattern of violence in the region follows that of other communities in general, and of other Aboriginal

communities throughout Australia (Wilson, 1982). That is, the violence is largely contained within a community, and, within that, to a smaller number of people who may well be involved as victims or offenders in other offences.

Note that this category does not include robbery and, though it may include some assaults which occurred during robbery, this category of assaults is not coextensive with 'muggings'.

Common assault

TABLE 4.8
Charges/arrests: common assault

	Charges	%	Persons	Charges per person
(a) Number of charges, all towns				
Aboriginal	151	74.4	120	1.26
Non-Aboriginal	50	24.6	37	1.35
Unknown	2	1.0	2	1.00
Total	203	100.0	159	1.28
	Aboriginal	Non-Aboriginal	Unknown	Total
(b) Number of persons arrested				
Dubbo	39	21	1	61
Wellington	17	10	1	28
Brewarrina	8	0	0	8
Bourke	29	5	0	34
Walgett	27	1	0	28
Total	120	37	2	159
Percentage	75.5	23.3	1.3	100.0

The offence category of common assault displays a similar pattern of over-representation to that of the assaults occasioning actual or grievous bodily harm depicted in Table 4.7. There were very few (6)

non-Aborigines arrested in the towns of Bourke, Brewarrina and Walgett compared with 64 Aborigines; that is, 91.4 per cent of all persons arrested for common assault in these towns were Aboriginal. In Dubbo and Wellington, the percentage of Aborigines arrested was 63.9 per cent and 34.4 per cent respectively, again considerably higher than expected on the basis of the proportion of the population they constitute in those towns.

Assault police

TABLE 4.9
Charges/arrests: assault police

	Charges	%	Persons	Charges per person
(a) Number of charges, all towns				
Aboriginal	91	83.5	60	1.52
Non-Aboriginal	16	14.7	12	1.33
Unknown	2	1.8	1	2.00
Total	109	100.0	73	1.49
	Aboriginal	Non- Aboriginal	Unknown	Total
(b) Number of persons arrested				
Dubbo	6	11	0	17
Wellington	8	0	0	9
Brewarrina	8	0	0	8
Bourke	22	1	0	23
Walgett	16	0	0	16
Total	60	12	1	73
Percentage	82.2	16.4	1.4	100.0

It would appear from Table 4.9 that 'assault police' is a charge used almost exclusively against Aborigines in most towns, with the notable exception being Dubbo. There, although the figures show an

over-representation of Aborigines by a factor of about three (35 per cent of those arrested were Aboriginal vs the expected 11.8 per cent), the numbers involved in this comparison are small and this result must be interpreted with caution. Excluding Dubbo, 54 of 55 (96.4 per cent) of all assault police charges were laid against Aborigines.

Assault female

TABLE 4.10
Charges/arrests: assault female

	Charges	%	Persons	Charges per person
(a) Number of charges, all towns				
Aboriginal	96	64.0	78	1.23
Non-Aboriginal	51	34.0	43	1.19
Unknown	3	2.0	3	1.00
Total	150	100.0	124	1.21
	Aboriginal	Non-Aboriginal	Unknown	Total
(b) Number of persons arrested				
Dubbo	24	31	2	57
Wellington	7	6	1	14
Brewarrina	5	1	0	6
Bourke	31	5	0	36
Walgett	11	0	0	11
Total	78	43	3	124
Percentage	62.9	34.7	2.4	100.0

Again, as with other categories of assault, there is a considerable over-representation of Aborigines in the number of persons arrested for 'assault female', especially in Bourke and, though the numbers are small, Brewarrina and Walgett. In these three towns, 88.7 per

cent of those arrested were Aboriginal, whereas in Dubbo and Wellington, the percentages were 42.1 per cent and 53.8 per cent respectively, which is still well above the expected rate based on the relative population proportions.

Other offences against the person

The category of 'other offences against the person' includes a range of offences. Among them are abduction, abortion, rob (no weapon), rob (weapon, not firearm), rob (firearm), demand money with menace, and extortion. About 85 per cent of the offences in the category, however, is constituted by robbery without the use of a firearm.

TABLE 4.11
Charges/arrests: other offences against the person

	Charges	%	Persons	Charges per person
(a) Number of charges, all towns				
Aboriginal	31	60.8	24	1.29
Non-Aboriginal	18	35.3	12	1.50
Unknown	2	3.9	2	1.00
Total	51	100.0	38	1.34
	Aboriginal	Non- Aboriginal	Unknown	Total
(b) Number of persons arrested				
Dubbo	4	5	0	9
Wellington	4	5	2	11
Brewarrina	6	0	0	6
Bourke	5	2	0	7
Walgett	5	0	0	5
Total	24	12	2	38
Percentage	63.2	31.6	5.3	100.0

In this category the numbers of cases involved are too small to attempt detailed comparisons, but it would appear that the pattern set in other types of offences against the person is repeated here. That is, a large over-representation of Aborigines in the arrests in Bourke, Brewarrina and Walgett and a less marked, though still much higher than expected representation of Aborigines in Dubbo and Wellington.

All offences against the person

The following table summarises the results for the offence categories given so far.

TABLE 4.12
Arrests/charges: all offences against the person

	Charges	%	Persons	Charges per person
(a) Number of charges, all towns				
Aboriginal	454	71.8	352	1.29
Non-Aboriginal	167	26.4	130	1.28
Unknown	11	1.7	9	1.22
Total	632	100.0	491	1.29
	Aboriginal	Non-Aboriginal	Unknown	Total
(b) Number of persons arrested				
Dubbo	87	85	3	175
Wellington	51	29	6	86
Brewarrina	37	1	0	38
Bourke	108	14	0	122
Walgett	69	1	0	70
Total	352	130	9	491
Percentage	71.7	26.5	1.8	100.0

The overall picture of 'offences against the person' is one of massive over-representation of Aborigines in the numbers of persons arrested. The estimated proportion of Aborigines in the total population of the five towns is about 13.8 per cent and yet they accounted for 71.7 per cent of arrests, an over-representation by a factor of about five (5.2). This disproportion was especially marked in Wellington as shown in Table 4.13, though the lower ratios in Brewarrina, Bourke and Walgett do not reflect the finding that almost all persons arrested for offences against the person in these towns were Aboriginal.

TABLE 4.13
Offences against the person
Over-representation of Aborigines

Town	% of Aborigines in total population	Aborigines arrested as % of all offenders	Over-representation factor
Dubbo	11.8	49.7	4.2
Wellington	7.2	59.3	8.2
Brewarrina	26.3	97.4	3.7
Bourke	23.6	88.5	3.8
Walgett	18.8	98.6	5.2

It is difficult to believe that the very low number of arrests of non-Aborigines in the smaller towns of Bourke, Brewarrina, and Walgett accurately reflects the actual rate of the commission of these offences in those towns. It is possible that: (1) complainants and/or police operate on different criteria for the reporting of offences, or the pressing of charges, when dealing with Aboriginal offenders or; (2) they use similar criteria regardless of the race of the offender but, whatever these criteria are, the nature of the acts committed by Aborigines more often exceeds the set criteria or; (3) some combination of these. Effectively these theories are equivalent, in explanatory power, if not in their consequences, and can be used to 'explain' any set of arrest rate data. Intuitively, however, option (3) is the most plausible theory as it posits some mix between the biases of the complainants/police, and possible differences in the acts of Aborigines and non-Aborigines (for example, in perceived seriousness). The quantitative data that are necessary to test such a theory are, however, unavailable.

In terms of the patterns of various offence types, it is useful to consider the possible over-representation of individual towns within the region in the figures for 'offences against the person'. This is given in Table 4.14.

TABLE 4.14
Offences against the person
Over-representation of towns

Towns	Population proportion %	Proportion of offenders %	Over- representation factor
Dubbo	57.4	35.6	0.62
Wellington	16.5	17.5	1.06
Brewarrina	4.5	7.7	1.71
Bourke	7.9	24.8	3.14
Walgett	13.8	14.3	1.04

N.B. The 'over-representation' factor in this case, is obtained by dividing the percentage of the total offences against the person occurring in each town, by the percentage of the total population in that town. It is not an indicator of the level of Aboriginal over-representation.

Clearly, Bourke is greatly over-represented in its share of the offences occurring in the five towns. Even though Aborigines appear to commit a disproportionate number of these offences, this result cannot be due simply to the proportion of Aborigines in the population there as the towns of Brewarrina and Walgett have similar (or higher) proportions and yet experience closer to the expected percentage of offences. At least some of this disproportion in Bourke may be due to the number of police stationed there. There were about 28 police stationed there compared with about 31 in Dubbo although Dubbo had roughly seven times the population. In fact, Bourke had about four times the number of police per head of population as the state average (1:128 vs 1:506 approximately). This is apparently reflected, for example, in the number of persons arrested for 'assault police', which in Bourke numbered 23, compared with Dubbo's 17. The mechanism by which greater police numbers may be translated into greater numbers of offences cannot be discerned from the present data, but it is at least plausible that some of the imbalance between the towns may be due to differences in the level of police activity, more particularly perhaps, in regard to specific offence types. In the case of 'assault police' offences for example, it may not be surprising that, if there are more police to be assaulted, more are assaulted. More commonly, perhaps, if more police are available to attend, for example hotel brawls, these may more often result in assault charges.

In contrast to Bourke, Dubbo is somewhat under-represented in the level of offences against the person, compared to other towns in the region. The towns of Wellington and Walgett have almost exactly the expected number of offenders. Brewarrina occupies an intermediate position between these extremes.

Sexual assault and other sexual offences

TABLE 4.15
Charges/arrests: sexual assault and other sexual offences

	Charges	%	Persons	Charges per person
(a) Number of charges, all towns				
Aboriginal	25	32.5	16	1.56
Non-Aboriginal	49	63.6	25	1.96
Unknown	3	3.9	3	1.00
Total	77	100.0	44	1.75
	Aboriginal	Non-Aboriginal	Unknown	Total
(b) Number of persons arrested				
Dubbo	7	21	2	30
Wellington	2	2	1	5
Brewarrina	2	2	0	4
Bourke	4	0	0	4
Walgett	1	0	0	1
Total	16	25	3	44
Percentage	36.4	56.8	6.8	100.0

In general, for this offence category, the numbers of charges laid in each town are too small to make realistic comparisons between Aborigines and non-Aborigines in those towns. Overall, however, it would appear as though there is still some over-representation of Aborigines, with the possible exception being in sexual assault arrests in Dubbo. This over-representation is, however, much less marked than in the category of 'offences against the person'.

Break and enter offences

TABLE 4.16
Charges/arrests: break and enter offences*

	Charges	%	Persons	Charges per person
(a) Number of charges, all towns				
Aboriginal	164	78.1	106	1.55
Non-Aboriginal	44	21.0	34	1.29
Unknown	2	0.9	2	1.00
Total	210	100.0	142	1.48
	Aboriginal	Non-Aboriginal	Unknown	Total
(b) Number of persons arrested				
Dubbo	30	30	2	62
Wellington	33	3	0	36
Brewarrina	14	0	0	14
Bourke	16	0	0	16
Walgett	13	1	0	14
Total	106	34	2	142
Percentage	74.6	23.9	1.4	100.0

*Includes break, enter and steal; break and enter with intent.

As shown by Table 4.16, the pattern of over-representation is again present in the figures for this offence category; in some cases, markedly so. If the figures for Dubbo are excluded, 92 per cent of all apprehended break, enter and steal (B.E.S.) suspects were Aboriginal, as were 100 per cent of those charged with the intent to commit a felony (B.E.I.). In Dubbo, about half the alleged offenders in each category were Aboriginal.

It would appear unlikely that virtually no B.E.I. or B.E.S. offences were committed by non-Aboriginal offenders in most towns, and this suggests that the apprehension rates may not accurately reflect the rates at which Aborigines and non-Aborigines actually commit crimes in this category. This is compatible with the relatively low clear-up rate for B.E.S. offences which was only 16.3 per cent in 1985/86, in the Dubbo district. This low clearance rate allows considerable room for variation between the racial mix of the population of all actual offenders, and the mix of the population of those apprehended for the offence since the majority of offenders are unknown to police. It is possible that differential rates for Aboriginal and non-Aboriginal arrests for B.E.S. may be partly a product of different detection rates by police, rather than different commission rates by the various racial groups. Unfortunately, no data is available to test this hypothesis.

In 48 of the 115 arrests for B.E.S., the estimated value of goods taken (if any) was recorded. Because the amount of data available is too small to permit comparisons between Aboriginal and non-Aboriginal arrests, there is no good evidence for differences between these groups but, overall, about two thirds of the offences were relatively minor, involving amounts of \$100 or less, while about one eighth were fairly serious as they involve amounts of \$1,000 or more. The median value of amounts stolen was \$20. As noted above, however, this is not necessarily an accurate picture of all offences committed.

Stealing offences

TABLE 4.17
Charges/arrests: stealing offences

	Charges	%	Persons	Charges per person
(a) Number of charges, all towns				
Aboriginal	163	54.7	96	1.70
Non-Aboriginal	120	40.3	98	1.22
Unknown	15	5.0	11	1.36
Total	298	100.0	205	1.45

TABLE 4.17 (continued)
Charges/arrests: stealing offences (continued)

	Aboriginal	Non- Aboriginal	Unknown	Total
(b) Number of persons arrested				
Dubbo	37	73	8	118
Wellington	15	7	3	25
Brewarrina	16	1	0	17
Bourke	16	8	0	24
Walgett	12	9	0	21
Total	96	98	11	205
Percentage	46.8	47.8	5.4	100.0

The estimated value of goods stolen was recorded with the 'stealing' charges for 162 of the 235 cases, and provided the following information. The median value of the thefts in this category was \$29 and ranged from \$0 (for attempted thefts) up to \$5,000. In 20 per cent of cases, either no goods were actually stolen or the value of the goods stolen was less than \$1; 72 per cent of all values recorded were \$100 or less and 3 per cent were for \$1,000 or more. The picture is one of a number of small thefts, rather than large ones, and is consistent with the sizeable proportion of shoplifting offences in this category. There was little difference between the Aboriginal and non-Aboriginal groups in the value of goods stolen. Again, it should be noted that this may not be an accurate picture of all stealing offences committed as the clear-up rate for this offence type was only 16.65 per cent during 1985/86 in the Dubbo district.

Motor vehicle theft

As for motor vehicle theft, the figures given here do not necessarily indicate the number of cars stolen, nor the number of incidents of theft. Typically, more than one offender will be involved in the theft of a car, and so the number of persons arrested may overstate the number of vehicles allegedly stolen by those persons. In addition, if the different racial groups tend to differ in the size of the groups of people who steal a motor vehicle, this may account for some of any differential representation of those groups in the arrest figures. Thus, the finding that roughly three quarters of those arrested for motor vehicle theft are Aboriginal may indicate

either (1) that three times as many incidents of such thefts involve Aborigines, or (2) that three times as many Aborigines are involved in each theft, or some combination of these factors.

TABLE 4.18
Charges/arrests: motor vehicle theft

	Charges	%	Persons	Charges per person
(c) Number of charges, all towns				
Aboriginal	70	74.5	49	1.43
Non-Aboriginal	16	17.0	13	1.23
Unknown	8	8.5	5	1.60
Total	94	100.0	67	1.40
	Aboriginal	Non-Aboriginal	Unknown	Total
(d) Number of persons arrested				
Dubbo	15	8	2	25
Wellington	10	1	1	12
Brewarrina	6	0	0	6
Bourke	10	3	0	13
Walgett	8	1	2	11
Total	49	13	5	67
Percentage	73.1	19.4	7.5	100.0

Nevertheless, Aborigines are again over-represented in the arrests for both of these types of offence. They account for 46.8 per cent of distinct persons arrested, and 54.7 per cent of charges, for stealing. These figures are even greater for arrests involving motor vehicle thefts, where Aborigines account for almost three quarters of both persons arrested, and charges laid (73.1 per cent and 74.5 per cent, respectively).

Drug offences

TABLE 4.19
Charges/arrests: drug offences

	Charges	%	Persons	Charges per person
(a) Number of charges, all towns				
Aboriginal	70	27.1	42	1.67
Non-Aboriginal	178	69.0	84	2.12
Unknown	10	3.9	5	2.00
Total	258	100.0	131	1.97
	Aboriginal	Non-Aboriginal	Unknown	Total
(b) Number of persons arrested				
Dubbo	15	57	4	76
Wellington	6	9	0	15
Brewarrina	1	4	0	5
Bourke	13	6	0	19
Walgett	7	8	1	16
Total	42	84	5	131
Percentage	32.1	64.1	3.8	100.0

Table 4.19 shows evidence of reduced over-representation of Aborigines in the drug offences category, as that group accounted for only 32.1 per cent of persons arrested and 27.1 per cent of charges laid. This is still higher than expected, however, given their population proportion of about 14.6 per cent. A possible exception to this reduced over-representation occurred in Bourke, where 13 of 19 persons arrested were Aborigines, but the amount of data available is too small for confident conclusions on this point.

As shown in Table 4.20, the majority of drug offences involved hemp (88%), while only about 9 per cent involved heroin. The remainder involved the abuse of a range of pharmacological products, mainly tranquillisers.

TABLE 4.20
Drug charges by drug type and race of alleged offender

	Aboriginal	Non- Aboriginal	Unknown	Total	%
Hemp	62	155	10	227	88.0
Heroin	8	15	0	23	8.9
Other	0	8	0	8	3.1
Total	70	178	10	258	100.0

Arson

Only five persons were arrested for arson during the study period, two each in Dubbo and Wellington and one in Walgett, and all five alleged offenders were non-Aboriginal. However, the numbers involved are again too small to draw any firm conclusions on the relative rates of offending by the various races in this offence category. The clear-up rate for this offence was only 6.67 per cent in 1985/86, the lowest of any offence category in the police annual report figures so the bulk of actual offenders remained unknown to police.

Fraud

The number of offenders in this category was, again, relatively small (44 in total) and so no conclusions can be drawn about relative rates of arrests for each race in individual towns though, overall, 18 offenders (40.9%) were Aboriginal. Most incidents of fraud involved passing bad cheques (or attempting to) and, as is often the case with this type of offence, the number of charges per arrest was relatively high, ranging up to 23 for one non-Aboriginal offender. Average charges per person were 4.23 for Aborigines (77 offences) and 4.5 for non-Aborigines (108 offences).

Drink driving offences

In theory, at least, the number of persons charged with driving with greater than the prescribed content of alcohol (P.C.A.) and other, similar, drink driving charges might more accurately reflect the actual rate of commission of the offences in the population, since the bulk of such charges may be laid as the result of random breath tests (R.B.T.). If so, then tests performed on the various groups within the community would be random samples of those groups and the arrest rate should accurately reflect the commission rate for that group.

Thus, a finding of 'over-representation' of a group would provide strong evidence that this group simply committed more offences (for whatever reason), rather than the more involved relationship between commission rates and arrest rates which normally occurs (see Chapter 3).

TABLE 4.21
Charges/arrests: drink driving offences

	Charges	%	Persons	Charges per person
(a) Number of charges, all towns				
Aboriginal	131	31.2	119	1.10
Non-Aboriginal	275	65.5	246	1.12
Unknown	14	3.3	14	1.00
Total	420	100.0	379	1.11
	Aboriginal	Non-Aboriginal	Unknown	Total
(b) Number of persons arrested				
Dubbo	29	162	8	199
Wellington	19	37	2	58
Brewarrina	14	3	0	17
Bourke	20	16	0	36
Walgett	37	28	4	69
Total	119	246	14	379
Percentage	31.4	64.9	3.7	100.0

In practice, however, such tests may not be 'random' in any scientifically acceptable sense. The areas chosen for testing are likely 'trouble spots', 'suspicious' cars may be more often pulled over, familiar cars (perhaps belonging to previous offenders) may be more often detained and so on. In addition, not all P.C.A. arrests may be the result of R.B.T., though the percentage of the total arrests in the present data which are not due to R.B.T., is unknown. As a consequence, potential advantages of results for P.C.A.'s in the

depiction of the relative rates of offending between population subgroups may be somewhat reduced. Differences in the representation of the various towns in the figures (above or below the frequencies expected on the basis of their relative populations) may be more likely an indication of variations in police activity in regard to drink driving matters between towns. For example, smaller towns (such as Bourke) may have no permanent R.B.T. unit.

In the case of drink driving, the over-representation found in other offence categories is also present, though it is rather less marked. For example 29, or 14.6 per cent of those arrested for drink driving in Dubbo were Aboriginal, which is close to the expected 11.8 per cent. On the other hand 19, or 32.8 per cent, of those arrested in Wellington were Aboriginal compared with the expected 7.2 per cent, and in the remaining towns 71, or 51.2 per cent were Aboriginal rather than the expected 25.5 per cent.

As might be expected from the relatively greater size of Dubbo, the factors that may reduce the randomness of R.B.T. (see above), are minimised there. Thus, as the element of randomness increased in the detection procedure, the over-representation of Aborigines declined towards the expected population frequencies. Given this, the arrest figures for drink driving may give some indication of the degree of discretionary practice in general on the part of police, by providing a rough 'baseline' (i.e. a measure of 'no discretionary practice') against which the overall arrest rates for other offences (which may involve more discretion than drink driving offences) can be measured. The effect of the potential shortcomings of the measure (i.e. those factors which reduce the 'randomness' of arrests; see above) is to understate the level of any discretionary practice on the part of police, though the present data do not permit an estimate of the size of this understatement.

An alternative interpretation of the reduced over-representation of Aborigines in this offence category is simply that less Aborigines have cars, or that drink driving is not a 'favoured' crime amongst Aborigines. If this interpretation were correct, however, it would be expected that the level of over-representation in other offence types involving cars would also be reduced. This is not the case (see Table 4.22). The 'evening out' of the over-representation of Aborigines is not present in other 'motoring' offences of a more minor nature and, thus, the initial interpretation appears more plausible.

Other traffic offences

The offences in this category very often involve driving without a licence and, as a result, a good proportion are composed of 'unlicensed driver', 'unregistered vehicle' and 'uninsured vehicle', which frequently occur together. These charges are of some importance in that they figure largely in the warrants matters, which may result in persons 'cutting out' fines in police cells.

TABLE 4.22
Charges/arrests: other traffic offences

	Charges	%	Persons	Charges per person
(a) Number of charges, all towns				
Aboriginal	528	44.8	195	2.71
Non-Aboriginal	586	49.7	211	2.78
Unknown	64	5.4	15	4.27
Total	1,178	100.0	421	2.80
	Aboriginal	Non-Aboriginal	Unknown	Total
(b) Number of persons arrested				
Dubbo	52	149	11	212
Wellington	22	19	2	43
Brewarrina	20	3	0	23
Bourke	45	20	0	65
Walgett	56	20	2	78
Total	195	211	15	421
Percentage	46.3	50.1	3.6	100.0

As pointed out in the section (above), on drink driving, the level of Aboriginal over-representation is still high for traffic offences, with 46.3 per cent of those arrested for traffic offences being Aborigines. This is about three and one third times what would be expected on the basis of their population frequency, and undercuts the hypothesis that the reduced over-representation of Aborigines in the drink driving arrests was because Aborigines had less access to motor vehicles.

Public order offences

A number of complaints about 'law and order' in the Dubbo district, and a number of respondents to the unreported crime survey in Dubbo city (see Chapter 7), have claimed that offences against good 'public order' are of particular concern in those areas.

There is no single category of offences in the police statistics which corresponds to the notion of a 'public order' offence. Such a notion covers some percentage of the offences in a number of categories, including 'offences against the person', 'offensive behaviour', 'malicious injury' and what is dubbed here 'other police offences' such as resist arrest, hinder police etc. In order to establish a category of 'public order' offences, it would be necessary to be able to classify offences, not so much by the behaviour that is manifest in them (as is usually done) but, rather, on the basis of whether they disrupt 'good' public order. Such a judgement would obviously be 'subjective' in a way in which judgements about manifest behaviour are not and, in view of the concern expressed about such offences, any judgement given would be highly controversial. In the absence of the information on the details of each offence, then, this report will follow the police figures in not offering a classification of 'public order' offences, though some breakdown of the various related offence categories is given in Appendix B. Table 4.23 presents a summary of the overall results for the associated offence types of offensive behaviour/manner, other police offences, and malicious injury/damage.

TABLE 4.23
Charges/arrests: miscellaneous 'public order' offences

	Charges	%	Persons	Charges per person
(a) Number of charges, all towns				
Aboriginal	559	70.7	368	1.52
Non-Aboriginal	220	27.8	156	1.41
Unknown	12	1.5	12	1.00
Total	791	100.0	536	1.48
	Aboriginal	Non-Aboriginal	Unknown	Total
(b) Number of persons arrested				
Dubbo	92	112	9	213
Wellington	39	19	2	60
Brewarrina	36	2	0	38
Bourke	112	17	1	130
Walgett	89	6	0	95
Total	368	156	12	536

The category of offences in the police annual report figures which showed the largest percentage increase in the Dubbo district between 1984/85 and 1985/86 was that labelled 'other coded offences'. This category increased by 94.3 per cent over that period, going from 383 offences in 1984/85 to 744 a year later. In 1985/86, about 20 per cent of the offences in this category was made up of charges of 'carry cutting instrument whilst in custody' (0.9%) 'goods in custody' (12.5%), 'receiving' (6.3%) and 'unlicensed pistol' (0.9%). These charges form the basis for the section (below) on 'other charges' and will be further discussed there. Of the remaining 80 per cent of charges, a considerable number were made up of offensive manner/behaviour and resist arrest/hinder police etc. charges, as displayed in Table 4.23. These charges are, typically, only laid when the police are present at the time the offence is allegedly committed or, in the case of the 'police' offences, require the presence of police in order for the offence to occur. This is in contrast to, for example, break, enter and steal, which is typically reported to police by the victim, and is reflected in the relative clear-up rates for types of offences, about 85 per cent for 'police related' offences compared with about 15 per cent for break, enter and steal in the Dubbo District. Thus, offensive manner/behaviour and resist/hinder are charges which involve perhaps the greatest degree of police discretion in their application and, as such, offer the best available indicator of the level of policing of groups within a community.

Given the Dubbo district police's stated intention of cracking down on 'public order' offences in their 'Dubbo Area Strategic Plan', in force during the period covered by the figures, it would appear necessary to attempt some estimate of that part of the increase which was due to extra police activity.

It could be argued from the characteristics of the 'other offences' category, that it may be used to provide a very rough estimate of the proportion of the overall increase in crime reports which is due to extra activity on the part of the police. This is because the numbers of offences recorded in this category will, at least in part, depend on the level of police activity, rather than simply upon the level of offending in this category.

One estimate of the proportion so due, may be obtained by considering how much of the increase in total reports of crime was made up of 'other offences' in the police statistics on reported crime. About one fifth (19%) of the total increase was from this category, which implies that up to about one fifth of the 30 per cent increase in the Dubbo district in 1985/86, may have been due to increased police activity. This assumes, of course, that there was no increase in the 'other offences' category independent of police activity. In compensation for this, however, it does not take into account increases in other crime categories, such as drug offences, or offences against the person, or malicious injury (see below) which may, in part, also involve increases due to extra police activity.

These considerations will tend to cancel each other out and, in any case, were likely to be small, relative to the size of the increase in 'other offences'. Thus, they may be ignored in the estimation of the increase in overall reported offences which is due to extra police activity. The best available estimate of this, therefore, is about a 6 per cent total increase i.e. one fifth of 30 per cent.

Malicious injury/damage, on the other hand, is a category which appears to be made up of a number of groupings of offences with quite different characteristics. These may be roughly divided into vandalism, which is frequently mistaken for the malicious injury category as a whole, and other destructive acts. The former would describe those acts commonly thought of as vandalism; that is damage to public places (parks, schools etc.) and utilities (buses, trains etc.). In these offences, the offender(s) are unknown, are rarely caught, and are often presumed to be juveniles. The damage incurred in these offences may range from a few, to many thousands of dollars (e.g. in attacks on schools). In contrast, in some proportion of malicious injury offences, the offender is known, is frequently caught, and is often a non-juvenile. The cost of these sub-group offences rarely exceeds a few hundred dollars. Typical examples of this kind of offence (labelled here 'other destructive acts') from the Dubbo district are (1) a fight, or a refusal of service at a hotel, which leads one of the (frequently inebriated) participants to break a hotel window or door or (2) in resisting an arrest a struggle ensues and police equipment is damaged (or this may occur later in police cells).

Thus, it is the latter sub-category of offences, in which the offender is caught, which will provide the great majority of offenders on which the current figures (Appendix C, Table 8) are based. The clear-up rate for the malicious injury category (28 per cent in 1985/86) should therefore reflect the percentage of the offences in the 'other destructive acts' category, and the change in clear-up rate may more accurately reflect change in this sub-category of offences, than does a change in total offences in the malicious injury category. If this is so, the 1985/86 increase in the 'other destructive acts' sub-category would be of the order of 72 per cent on the previous year, while the increase in 'vandalism' (in the usual sense of that word) would have been about 36 per cent, rather than the 44 per cent increase suggested by the overall category of malicious injury.

In terms of the representation of Aborigines and non-Aborigines, these offence categories show similar patterns to previously cited categories. For offensive behaviour and other 'police' offences, over 70 per cent of persons arrested were Aboriginal, rather than the 14.6 per cent expected from their proportion in the population; while nearly two-thirds (64%) of those arrested for malicious injury were Aboriginal.

This over-representation was particularly marked in Bourke, Brewarrina and Walgett, the percentage of Aboriginal suspects being 89 per cent (rather than the expected 25.5 per cent) in the case of

offensive behaviour, 90.1 per cent for other police offences, and 91.8 per cent for malicious injury. Percentages for Dubbo varied from 38.7 per cent (malicious injury) to 47.6 per cent (offensive behaviour). In Wellington, the proportions varied from 56.3 per cent (offensive behaviour) to 84.6 per cent (other police offences). As for the cost of offences, the value of the damage done was recorded in the case of 107 of the 231 charges laid. The median value of damage caused was \$98 and ranged from less than \$1 to \$3,027. There was no evidence of any reliable difference between Aborigines and non-Aborigines in the value of damage caused. Once again, however, these figures do not reflect the value of all damage actually inflicted, only those cases for which an alleged offender was arrested, and the amount was recorded in the police charge books.

Other offences

TABLE 4.24
Charges/arrests: other offences

	Charges	%	Persons	Charges per person
(a) Number of offences, all towns				
Aboriginal	202	55.5	121	1.67
Non-Aboriginal	146	40.1	77	1.90
Unknown	16	4.4	9	1.78
Total	364	100.0	207	1.75
	Aboriginal	Non-Aboriginal	Unknown	Total
(b) Number of persons arrested				
Dubbo	26	44	3	73
Wellington	28	19	5	52
Brewarrina	7	1	0	8
Bourke	35	8	0	43
Walgett	25	5	1	31
Total	121	77	9	207
Percentage	58.5	37.2	4.3	100.0

As noted above these are principally 'receiving' and 'goods in custody' charges, with some small percentage of 'carry cutting instrument whilst in custody' and 'unlicensed pistol'. In addition, there will be included a small number of each of a wide range of other charges, such as gaming and betting, licensing, firearms offences etc.

Given the heterogeneity of this residual offence classification, it is perhaps better to omit interpretive comments on it. It may be noted, however, that the typical factor of over-representation of Aborigines is once again present. As usual this phenomenon is more marked in the smaller towns of Bourke, Brewarrina and Walgett, where 81.7 per cent of offenders were Aboriginal, compared with the 35.6 per cent in Dubbo. In both areas, on the other hand, the Aboriginal offence rate was about three times the expected population level.

4.3 Summary of police charge book statistics

It is apparent from the figures quoted above, and summarised in Table 4.25, that Aborigines are over-represented in the statistics for every category of offence, though in varying degrees. This over-representation occurs in both the number of offences and the number of persons charged, though not in the number of offences at each arrest. In charges laid per person, Aborigines, because they are arrested more often in a given period, have higher rates than non-Aborigines overall. This effect is most marked in the offence categories of break, enter and steal, break and enter with intent, stealing and offensive manner/behaviour. Rates per non-Aboriginal are higher on this measure for the categories of drug offences and malicious injury.

Thus, in 1985/86, roughly half (47.1%) of those arrested in the towns studied were Aboriginal, and a similar proportion (54.6%) of detected offences were (allegedly) committed by Aborigines. There is no evidence that a few, chronic offenders commit the majority of all crimes, though there are some 'chronic' offenders and certain classes of offence do have numbers of offenders close to that suggested in the complaints from Dubbo. This suggests that the complainants are not concerned with 'crime' per se, but with particular types of offence only.

4.4 Commentary on Aboriginal over-representation

The explanation given of the over-representation of Aborigines in the police statistics, depends crucially upon one's position on two issues. Firstly, do the police figures accurately reflect the numbers of crimes actually committed? 'Accurately' here does not need to mean 'exact', but rather the weaker claim that, despite some (perhaps estimable) errors, the figures are sufficiently accurate for at least gross discriminations between groups to be legitimately

TABLE 4.25
Level of Aboriginal over-representation by offence type, 1985/86

Offence type	Aboriginal		Non-Aboriginal		Unknown		Aboriginal over-representation factor (persons)
	Persons %	Offences %	Persons %	Offences %	Persons %	Offences %	
Aggravated assault	72.2	71.4	26.8	26.9	1.0	1.6	4.9
Common assault	75.5	74.4	23.3	24.6	1.3	1.0	5.2
Assault police	82.2	83.5	16.4	14.7	1.4	1.8	5.6
Assault female	62.9	64.0	34.7	34.0	2.4	2.0	4.3
Other offences against person	63.2	60.8	31.6	35.3	5.3	3.9	4.3
Sexual assault	31.6	28.6	63.2	69.0	5.3	2.4	3.2
Other sexual offences	41.7	37.1	50.0	57.1	8.3	5.7	2.9
Break, enter and steal	71.4	75.5	26.5	23.2	2.0	1.3	4.9
Break, enter with intent	81.8	84.7	18.2	15.3	0.0	0.0	5.6
Stealing	46.8	54.7	47.8	40.3	5.4	5.0	3.2
Motor vehicle theft	73.1	80.5	19.4	13.0	7.5	6.5	5.0
Drugs	32.1	27.1	64.1	70.0	3.8	3.9	2.2
Fraud	40.9	38.9	54.5	54.5	4.5	6.6	2.8
Drink driving	31.4	31.2	64.9	65.5	3.7	3.3	2.2
Traffic	46.3	44.8	50.1	49.7	3.6	5.4	3.2
Offensive behaviour	70.8	73.6	26.5	24.4	2.7	2.0	4.8
Other police offences	71.0	74.0	27.5	25.3	1.4	0.7	4.9
Malicious injury	64.2	63.2	33.5	35.1	2.2	1.7	4.4
Other offences	58.5	55.5	37.2	40.1	4.3	4.4	4.0
Overall	47.1	54.6	49.2	41.7	3.7	3.7	3.2
% of population	14.6	0.0	85.4	0.0	N/A	N/A	N/A

made. If the answer to this is 'yes', then the police statistics can be used as a measure of the incidence of crimes, and as a potential indicator of any differential actions in police behaviour. On the other hand, if police figures are too inaccurate to be useful, then they cannot be used even to indicate that any actual 'over-representation' has occurred. It is clear that the present report accepts the former view, rather than the latter, despite the acknowledged problems with police figures. Secondly, do Aborigines actually commit more offences? If it is believed (on evidence other than police statistics) that Aborigines do, in fact, commit a disproportionate number of offences than non-Aborigines, then the over-representation is apparently easily explained: Aborigines commit more offences and are therefore arrested more often than non-Aborigines. (It remains to be shown, of course, that the level of over-representation is the same as the level of over-commission of offences.) If this were so, it would show that the police arrested persons independently of race. Alternately, if it is believed (again on evidence other than police statistics) that Aborigines do not commit a disproportionate number of offences, the over-representation in the statistics may be explained as 'discrimination' on the part of the police, in that they preferentially arrest Aborigines, rather than non-Aborigines. In this case the extent of the (apparent) over-representation is an indicator of the level of police discrimination, the perceived accuracy of the indicator depending on the view taken of the initial accuracy of the police statistics.

As usual, an intermediate view is also possible. In this case that Aborigines do commit a disproportionate number of offences, but not so great a disproportion as the figures suggest. Thus, this model proposes that there is a mixture of over-commission of offences by Aborigines and discriminatory practice by police.

Unfortunately for all of these views, independent evidence on the 'real' level of offending by Aborigines, which could be used to test between them, is not forthcoming. It is difficult to imagine how suitable information (that is, not anecdotal) could be gathered. Obviously the police statistics cannot be used as a measure of their own accuracy, and without an objective assessment of the level of offending, we have only police claims of impartiality, and other groups counter-claims of partiality, on which to decide the issue.

On the other hand, it seems unlikely that the level of over-representation can be accounted for solely in terms of discriminatory practice by police. For example, the police could potentially discriminate in two ways to produce the over-representation. Firstly, by not arresting non-Aborigines although they had committed an offence or, secondly, by arresting Aborigines although they had not committed an offence. If the first case were the only source of

over-representation, it would imply that the number of offences allegedly committed by Aborigines (2,447) was actually 14.6 per cent of all offences (assuming that Aborigines don't actually commit a disproportionate number of offences, but they are always arrested if they do commit an offence and are detected by police). This would mean that the police would have to have 'ignored' $(2,447/0.146) - 1,867 = 14,893$ offences committed by non-Aborigines.

Conversely, if the second case (above) were true, and the only source of over-representation was that police discriminated by wrongly imposing charges on Aborigines when they had not committed any offence (again assuming that Aborigines don't commit a proportion of offences, and that non-Aborigines are always arrested when they commit an offence and are detected by police), the arithmetic invites no less incredulity. In this case, the 1,867 offences by non-Aborigines would be 85.4 per cent of all committed offences, and police would have to have 'invented' $2,447 - ((1,867/.854) - 1,867) = 2,128$ offences on the part of Aborigines.

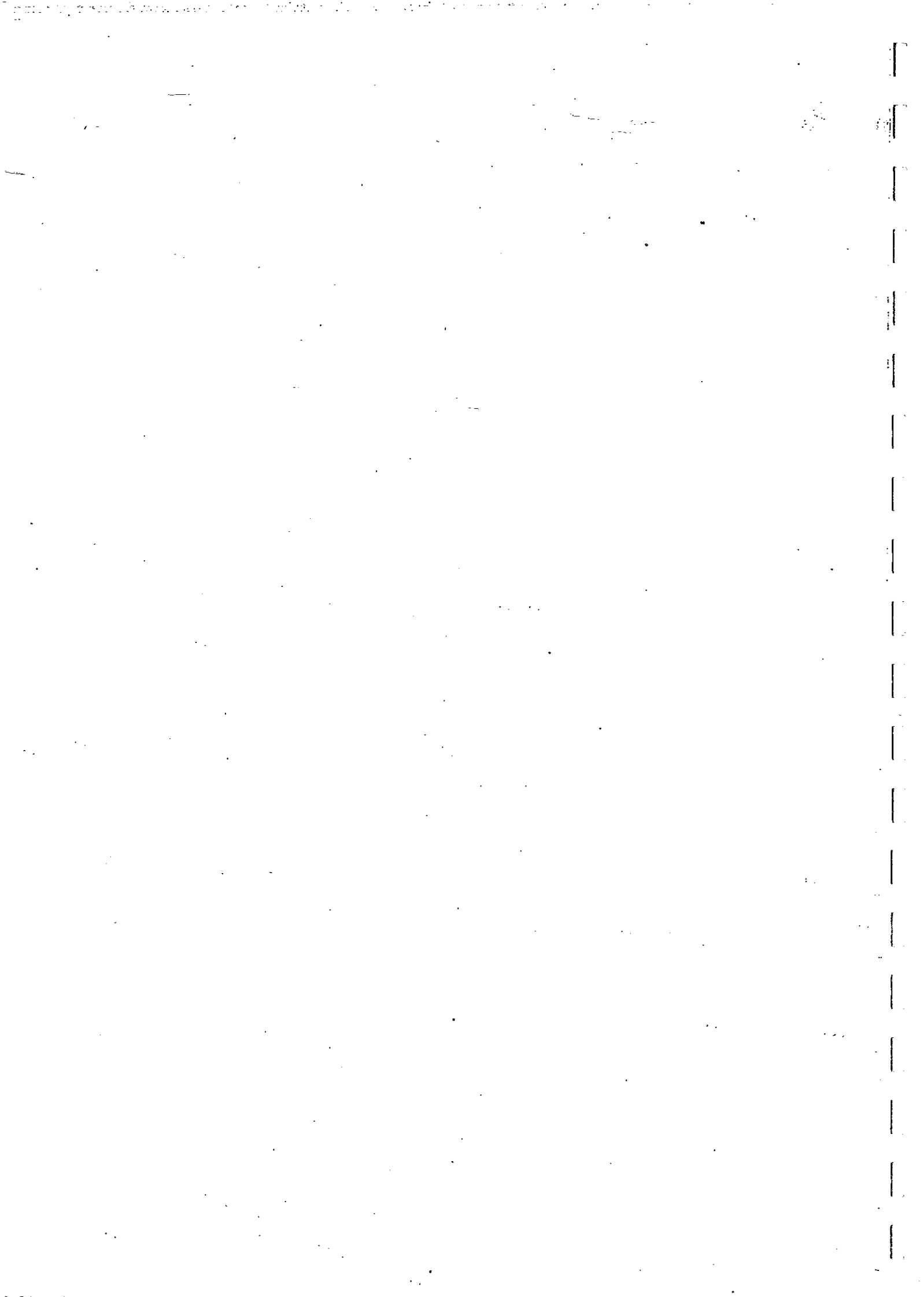
However unlikely such explanations appear for the overall figures, they may have some force when considering certain offence categories e.g. assault police, resist arrest, hinder police, in which the police have, potentially, the greatest latitude in their decision to lay charges since they themselves are the 'victims' of the offence and thus need not act in the interests of a third party victim. However this may be, it does not seem likely that the apparent over-representation of Aborigines in the police statistics can be explained by either of these extreme positions. Of course, an intermediate position which allows for both the non-arrest of non-Aboriginal offenders and the 'over-arrest' of Aboriginal offenders, might be constructed to give a more plausible account of the over-representation.

Even if some proportion of the over-representation were due to such discriminatory actions by police, it seems likely that at least some, and perhaps most, of the over-representation of Aborigines is due to higher actual commission rates of offences by Aborigines than non-Aborigines.

The crucial issue, then, is the reason for Aboriginal over-representation in reported offence figures. This question is further addressed in Chapter 8.

CHAPTER 5

ANALYSIS OF COURT RECORDS



5. Sentencing and recidivism

As detailed in Chapter 1, a number of complainants have claimed that the alleged crime problem in Dubbo is, at least in part, caused by the failure of the courts to impose sentences of sufficient severity to deter potential offenders from committing crimes. Even where this is not directly expressed, it is one obvious rationale behind calls for tougher sentencing. The other, perhaps less obvious rationale, is the desire to see offenders receive a 'suitable' punishment for their crimes. This was a sentiment expressed by a number of respondents to the unreported crime survey of Dubbo (see Chapter 4). It is also put forward, by the 'Law and Order' meetings in Dubbo in the claim that the penalties handed down by the courts do not reflect the seriousness of the crime i.e. they are too lenient.

It is well beyond the scope of the present report to offer a detailed presentation of the arguments and the extensive literature concerning deterrence (e.g. Beyleveld, 1980). It is worth pointing out, however, that very few studies have ever shown a strong relationship between the general level of sentencing and the general level of reported crime (i.e. it has not been demonstrated that higher sentences reduce crime). In addition, few studies have shown that higher penalties deter offenders from re-offending (Hood and Sparkes, 1970; Gibbs, 1975). This latter finding is important in the light of a second claim by the law and order lobby in Dubbo, that the crime problem is caused by a minority of 'hard-core' recidivists (see Chapter 2) and that harsher sentencing is an appropriate means of preventing these people from committing further offences.

It should be noted that, ultimately, no empirical study (including this report) can demonstrate whether sentences are 'too lenient' or 'too severe'. These are essentially value judgements and cannot, therefore, be true or false. The most that might be shown is that sentencing in the Dubbo district was different from that in other areas, but this would not show that the sentencing in Dubbo was 'inappropriate'. It is possible that any differences in sentencing patterns in Orana may be due to differences in the nature, or 'seriousness', of the offences committed in each area, or to differences in other criteria on which sentencing is ostensibly based, such as the prior records of offenders. Unfortunately there is no method for objectively assessing the 'seriousness' of an offence as this, too, is a value judgement. The sentence imposed by the judge or magistrate, who are the persons who normally make this judgement on society's behalf, obviously cannot be used to independently assess their own 'appropriateness', and the data that might enable such an independent assessment (i.e. the details of the cases), are unavailable.

In view of these difficulties, and in the absence of the resources to conduct a full study of sentencing in Orana, the present chapter attempts to examine the possibility of any gross differences in sentencing between Orana and the remainder of New South Wales.

Secondarily, the chapter presents a summary of the available evidence from the court records for 1985/86 on the sentencing of Aborigines and non-Aborigines in Orana.

5.1 The Orana Courts and N.S.W.

The following information was extracted from the records of court proceedings held by the N.S.W. Bureau of Crime Statistics and Research, for the period 1980 to 1985. They cover those cases finalised in the Courts of Petty Sessions (now Local Courts) in each year of that period, but include only the principal offence in each determination (i.e. the 'most serious' charge). Offences heard in Children's Courts are not included as matters concerning juveniles are discussed in Chapter 6.¹ The courts defined as 'Orana' courts were: Bourke, Brewarrina, Cobar, Coonamble, Dubbo, Dunedoo, Enngonia, Gilgandra, Lightning Ridge, Narromine, Nyngan, Walgett, Wanaaring, Warren and Wellington.

The following information is not intended as a thorough study of sentencing in Orana. A number of factors militate against its use in this way. The offences have not been rated, independently of the outcomes themselves, for their relative seriousness. Nor has an attempt been made to match offences on the other criteria which have been found to alter the sentences imposed, such as the presence of mitigating circumstances or co-offenders etc. It is not intended, therefore, to provide this data as a means of assessing the performance of the local magistrate, whose judgements are the basis of the data. Such an inquiry would require a much more sophisticated analysis and is well beyond the scope of the present report.

Trends in penalties

One way to assess the changing response of the courts to the offences before them, is to examine the trends over time in the relative rates of the various penalties imposed for various categories of offence. This is done in Tables 5.1 to 5.4. The offence categories chosen are the ones of particular concern to the 'Law and Order' complainants and are respectively, offences against the person, break, enter and steal, larceny and offensive behaviour. A comparison of the overall sentencing pattern for all offences in Orana and the state as a whole is given in Table 5.5.

The most common sentence imposed for an offence against the person in Orana was a fine, but many more charges were withdrawn or dismissed in each year (usually for want of prosecution or non-appearance of

¹Also not included are drug offences, drink driving, and intoxicated persons matters, the former two because they were not of particular concern in the alleged crime wave, the latter because it is no longer dealt with by the Local Courts (since the decriminalization of the matter by the Intoxicated Persons Act, 1979).

the parties). Since 1980, the number of charges withdrawn or dismissed has declined, but this has been largely countered by a similar increase in the number of 'not guilty' findings. The suggestion is that, rather than the courts imposing lower penalties over time, a greater number of cases which are unlikely to result in a successful prosecution are coming before the courts, with a resultant rise in the 'not guilty' findings. While the reasons for this are not known, it is worth noting that such changes may be more likely to lead to a public perception that more offenders are being 'let off' by the courts when, in fact, the number of outcomes other than 'not guilty' or 'withdrawn/d dismissed' has increased over time, from 40.1 per cent to 48.6 per cent. Within the latter group, there has been an increasing use of fines, but a corresponding decrease in recognizances. In addition there is a small, and fluctuating growth in the use of the s.556A provisions - in both Orana and New South Wales. This suggests more first offenders are coming before the courts since the s.556A provisions are intended for use only with first offenders, or those with trivial prior records. On the other hand, it may simply reflect a greater willingness to use these provisions with first offenders on the part of the magistrates.

In short, there is little evidence that the Orana courts have imposed smaller sentences over time for offences against the person, though there appears to be an increase in litigiousness in Orana for this offence category. Nevertheless, whatever factors are causing this increased litigiousness, are not confined to the Orana region. The increase in the number of matters found 'not guilty' has also occurred in the figures for the State as a whole since 1980 (see Table 5.1 (b)), though the absolute percentage in this category has been consistently higher in Orana.

There has not, however, been a similar increase to that found in Orana, in not guilty findings throughout the state. On the other hand, like Orana, the percentage of outcomes other than not guilty or withdrawn/d dismissed has increased in N.S.W., as has the use of fines though, until 1985, the percentage of fines in Orana was lower than for the state as a whole. Recognizances are the preferred sentences statewide for offences against the person, and have been steadily increasing as a percentage of all sentences in the states as a whole, in contrast to their decline in Orana, where a fine is the preferred sentence. Which of these sentences is seen as 'more severe' will, of course, depend on the amount of money involved, the offenders capacity to pay, and the conditions placed on the recognizance. Thus it is not clear from this data alone whether the Orana courts impose more, or less, severe sentences for offences against the person than the courts in the state overall. It is worth noting, however, that custodial sentences were not commonly applied in Orana (3-4 per cent of sentences, which is similar to the state average) suggesting that the majority of non-indictable offences against the person are relatively minor.

Table 5.2 reveals that the Orana courts are somewhat less likely than all New South Wales courts to impose a custodial sentence for break, enter and steal offences, the exception being 1981 with a 30.7 per cent imprisonment rate in Orana, compared with the N.S.W. rate of only 19 per cent. In all other years, the state figure was an average of roughly 7 per cent higher than Orana's but this would amount to a difference of only three to five offences per year in Orana and so it would be premature to draw any conclusions from this apparent discrepancy.

In both jurisdictions the most frequently applied penalty was a recognizance, though the relative popularity of this sentence has also been declining in both jurisdictions; to the point where imprisonment has overtaken it as the preferred penalty in N.S.W. as a whole, though not in Orana.

In general, it would appear that since 1980, a defendant facing a larceny charge before an Orana Court, in comparison to all N.S.W. courts was; fractionally more likely to be judged not guilty, rather less likely to have the charge withdrawn or dismissed, about equally likely to attract either a fine or recognizance (the preferred punishments), and rather more likely to receive a custodial sentence. The likelihood of a custodial sentence has fluctuated in both jurisdictions though the trend has been a rising one in Orana since 1980 and since 1982 in the remainder of the state. The relatively large fall in percentage terms in Orana in 1985 amounts to a difference of only 13 cases, which were mostly accounted for by the rise in not guilty findings and fines imposed.

Table 5.4 show that a defendant facing an offensive behaviour charge in Orana, in comparison with N.S.W. as a whole, is slightly less likely to be found not guilty, roughly equally likely to have the charge dismissed or withdrawn, and more likely to receive a fine (the most common sentence in both jurisdictions) than a recognizance. Custodial sentences were not imposed in Orana, and were only very rarely imposed statewide. Broadly speaking, the sentencing pattern in Orana is very similar to the state as a whole for offensive behaviour charges.

The remaining offence categories contained too few observations to attempt detailed comparisons with the state averages, but Table 5.5 summarizes the data for all offence categories for the Orana region and for N.S.W. generally.

In general, an average defendant facing the Orana courts, in comparison with all N.S.W. courts, has been;

- (a) about 10 per cent to 50 per cent more likely to be found 'not guilty'. Not guilty findings have increased slightly both in Orana and throughout the state over the period 1980 - 1985;
- (b) about 30 per cent to 80 per cent more likely to have the charge withdrawn or dismissed (most commonly because of a failure of

TABLE 5.1
Court outcomes by offence category

Offences against the person, (a) Orana (b) New South Wales

Outcome	1980		1981		1982		1983		1984		1985	
	Z		Z		Z		Z		Z		Z	
	(a)	(b)	(a)	(b)	(a)	(b)	(a)	(b)	(a)	(b)	(a)	(b)
Not guilty	5.0	8.0	6.0	7.1	9.0	7.7	8.8	8.9	15.9	8.4	13.4	9.0
Withdrawn/dissmised	54.9	49.3	54.9	48.0	44.0	45.6	48.2	38.8	43.5	34.7	38.0	32.3
Recognizance forfeited	0.3	1.0	0.0	0.2	0.6	0.2	0.0	0.2	0.0	0.2	0.0	0.1
S.556A	2.8	5.6	3.2	6.0	5.1	6.3	2.1	7.3	5.1	8.4	5.9	8.2
Rising of the court	0.3	0.3	0.0	0.2	0.3	0.2	0.0	0.1	0.0	0.2	0.5	0.2
Fine	12.3	15.6	14.6	17.2	21.4	19.0	14.7	19.0	20.0	20.1	23.4	21.4
Recognizance	20.9	17.0	18.1	17.0	15.1	16.8	21.9	20.8	12.2	22.5	15.2	23.1
Community service order	0.0	0.2	0.0	0.7	0.0	0.7	0.2	1.1	1.0	1.8	0.2	1.7
Imprisonment	3.7	3.0	3.1	3.6	4.2	3.6	4.0	3.8	2.3	3.7	3.4	4.0
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
Number of Offences	359	6,811	315	6,614	332	6,355	421	7,123	395	7,216	440	8,265

(a) Orana courts
(b) Remainder of New South Wales
N.B. Columns may not sum to 100% due to rounding errors

TABLE 5.2
Court outcomes by offence category

Break, enter and steal, (a) Orana (b) New South Wales

	1980		1981		1982		1983		1984		1985	
	X (a)	X (b)	X (a)	X (b)	X (a)	X (b)	X (a)	X (b)	X (a)	X (b)	X (a)	X (b)
Not guilty	4.9	5.6	2.6	5.1	8.3	5.9	4.5	4.7	6.3	4.0	5.7	4.2
Withdrawn/dissmised	4.9	15.6	7.7	16.0	8.3	14.2	2.3	11.0	0.0	9.3	1.4	8.5
Recognizance forfeited	0.0	2.4	0.0	0.7	2.1	0.8	0.0	0.6	0.0	0.8	1.4	0.6
S.556A	0.0	2.8	5.1	1.8	0.0	1.8	0.0	1.5	0.0	1.4	0.0	1.5
Rising of the court	0.0	0.2	0.0	0.1	0.0	0.1	0.0	0.1	0.0	0.1	0.0	0.3
Fine	9.8	8.3	0.0	8.7	22.9	8.9	15.9	8.6	25.0	8.0	20.0	8.1
Recognizance	61.0	42.8	53.8	44.3	41.7	41.0	63.6	38.5	43.8	32.1	40.0	31.7
Community service order	0.0	1.5	0.0	3.7	0.0	5.1	0.0	8.1	6.3	13.5	10.0	12.3
Imprisonment	19.4	20.7	30.7	19.6	16.7	22.3	13.7	26.9	18.8	30.7	21.5	32.8
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
Number of Offences	41	988	39	1,015	48	1,128	44	1,589	32	1,854	70	1,626

(a) Orana courts
(b) Remainder of New South Wales
N.B. Columns may not sum to 100% due to rounding errors

TABLE 5.3
Court outcomes by offence category

Larceny, (a) Orana (b) New South Wales

	1980		1981		1982		1983		1984		1985	
	(a)	(b)	(a)	(b)	(a)	(b)	(a)	(b)	(a)	(b)	(a)	(b)
Not guilty	8.8	4.4	5.4	4.1	4.7	4.6	8.0	4.6	2.2	4.0	6.1	4.5
Withdrawn/dismitted	5.9	3.7	4.9	3.7	2.1	3.2	2.8	2.9	0.5	2.9	0.6	3.0
Recognizance forfeited	0.6	1.2	0.0	0.4	0.0	0.3	1.1	0.4	0.0	0.2	0.0	0.3
S.556A	5.3	10.4	4.9	10.7	9.4	11.4	10.8	12.3	7.7	13.7	7.3	12.7
Rising of the court	0.0	0.4	0.0	0.5	0.0	0.3	0.6	0.3	0.0	0.4	1.8	0.4
Fine	49.4	59.1	50.8	59.1	55.2	58.9	59.1	56.9	60.4	55.6	62.8	54.1
Recognizance	21.8	14.0	22.7	15.0	16.7	14.6	8.0	13.8	12.1	12.9	12.8	13.3
Community Service Order	0.0	0.6	0.0	1.2	0.0	1.3	0.0	2.6	3.8	3.1	1.8	3.1
Imprisonment	8.2	6.0	11.3	5.3	12.0	5.5	9.7	6.2	13.1	7.3	6.7	8.5
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
Number of Offences	170	10,961	185	10,601	192	11,844	176	12,610	182	12,703	164	11,678

(a) Orana courts
(b) Remainder of New South Wales
N.B. Columns may not sum to 100% due to rounding errors

TABLE 5.4
Court outcomes by offence category

Offensive behaviour, (a) Orana (b) New South Wales

	1980*		1981		1982		1983		1984		1985	
	(a)	(b)	(a)	(b)	(a)	(b)	(a)	(b)	(a)	(b)	(a)	(b)
Not guilty	3.5	4.2	4.9	5.3	5.1	4.8	4.9	6.1	2.0	4.4	1.9	4.4
Withdrawn/dismissed	4.9	7.7	5.3	5.9	10.1	5.8	9.8	6.4	5.6	9.7	3.7	5.6
Recognizance forfeited	2.1	4.1	0.4	0.8	0.6	0.7	0.0	0.9	0.0	0.4	0.0	0.5
S.556A	4.6	7.6	4.5	7.3	4.5	8.7	0.6	8.3	8.6	9.4	3.7	10.0
Rising of the court	0.4	1.7	0.4	1.2	0.0	1.4	0.6	1.3	0.5	0.6	0.5	0.5
Fine	83.2	69.1	82.7	74.5	79.2	72.7	84.0	71.4	81.7	69.8	88.8	74.1
Recognizance	1.4	5.1	1.9	4.7	0.6	5.2	0.0	5.1	1.5	5.0	1.4	4.3
Community service order	0.0	0.1	0.0	0.1	0.0	0.1	0.0	0.1	0.0	0.3	0.0	0.2
Imprisonment	0.0	0.4	0.0	0.3	0.0	0.7	0.0	0.5	0.0	0.4	0.0	0.5
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
Number of Offences	285	3,930	266	3,609	178	2,899	163	2,667	197	3,124	214	3,135

(a) Orana courts
(b) Remainder of New South Wales
* Includes 2% of offences charged under summary offences act (repealed 1979) but not determined till 1980.

TABLE 5.5
Court outcomes by offence category

All offences, (a) Orana (b) New South Wales

	1980		1981		1982		1983		1984		1985	
	(a)	(b)	(a)	(b)	(a)	(b)	(a)	(b)	(a)	(b)	(a)	(b)
Not guilty	5.6	4.8	5.1	4.6	6.2	4.9	8.0	5.5	7.6	5.2	7.7	5.7
Withdrawn/dissmised	18.8	14.6	18.7	13.6	17.5	12.4	20.1	11.5	17.6	10.4	16.4	10.3
Recognizance forfeited	0.6	2.4	0.3	0.4	0.6	0.3	0.2	0.4	0.2	0.3	0.5	0.3
S.556A	3.2	6.3	3.9	6.1	4.8	6.5	4.1	7.3	6.0	8.1	5.6	8.0
Rising of the court	0.3	0.5	0.1	0.6	0.2	0.5	0.2	0.4	0.3	0.5	1.3	0.5
Fine	54.5	53.4	54.1	55.9	52.7	56.5	49.9	53.1	51.3	52.1	50.5	51.6
Recognizance	12.6	12.2	11.5	12.3	10.6	11.8	12.4	13.1	9.3	13.1	11.1	13.2
Community service order ...	0.0	0.7*	0.0	0.7	0.0	1.3	0.2	2.2	1.2	3.4	1.7	2.9
Imprisonment	4.4	5.1	6.3	5.7	7.3	5.9	5.0	6.4	6.5	7.0	5.1	7.6
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
Number of Offences	1,485	41,690	1,368	42,868	1,347	45,813	1,330	45,606	1,295	46,615	1,429	47,115

(a) Orana courts
(b) Remainder of New South Wales
* Includes periodic detention. Community Service Order introduced July 1980.

parties to appear, or for want of prosecution). This outcome is declining steadily as a percentage of all outcomes throughout the state, but less obviously so in Orana;

- (c) about equally likely to receive some form of custodial sentence;
- (d) about equally likely to receive a fine or to forfeit a recognizance;
- (e) less likely (by about 35 per cent to 100 per cent) to receive a 'first offenders' discharge under the section 556A;
- (f) less likely (by about 60 per cent to 100 per cent) to receive a nominal sentence of 'rising of the court' (excluding 1985), though this sentence is given very rarely in either jurisdiction;
- (g) less likely, though not consistently so, to receive a recognizance. The use of recognizances has slowly increased in N.S.W. but, though oscillating, has declined somewhat in Orana;
- (h) less likely, to receive a Community Service Order, or periodic detention. Despite perhaps limited opportunities for the application of this penalty in Orana, its use has continued to increase each year from 1982 onwards, following the statewide trend.

In summary, a prosecution is less likely to proceed to sentence in Orana, and if it does, the defendant is slightly less likely to be found 'guilty' than in the rest of N.S.W. On the other hand, having been found guilty, the defendant is more likely to receive a possibly more severe sentence, in the form of a fine rather than a bond or a nominal sentence, but about equally likely to be imprisoned.

On the basis of these comparisons, it would appear that there is little prima facie evidence that the Orana courts are being particularly 'lenient' (or, for that matter, particularly 'severe') in their sentencing, relative to the average for the state as a whole. This picture is similar, though with some qualifications, in the specific offence categories of offences against the person, break, enter and steal, larceny, and offensive behaviour, areas of particular concern in the complaints from Orana.

5.2 Aborigines and the Orana Courts

Given the considerable over-representation of Aborigines in the arrest figures for Orana (as discussed in Chapter 6), it is of some interest to examine the outcomes of the courts process with respect to these alleged offenders, and to see if they are similarly over-represented in court appearances and if there are any differences in the sentencing of Aborigines and non-Aborigines.

The following is a summary of all cases before the Local and Children's courts in Dubbo, Wellington, Brewarrina, Bourke, and Walgett and the District Court in Dubbo from July 1985 to June 1986. It was prepared from data collected from the court papers held on the Local Courts in the towns mentioned. The period surveyed is the same as that covered by the previously presented analysis of police charge books, but the cases involved in each are not the same (though they overlap to a considerable degree), as there is inevitably some delay between arrest and court appearance. Nevertheless, this data is the most recent available set of court outcomes, and covers some of the period of the alleged 'crime wave' in the Dubbo district, though the information for all courts in the area is not yet available (as at 11/03/87). The data given here do not provide a basis for comparison with earlier years, though the first half of the 1985/86 financial year data overlaps with the 1985 court statistics. Unlike earlier years data, the 1985/86 summary given here includes all offences, not just the principal offences (allegedly) committed by a given offender. In addition, Children's Court outcomes are not included in the earlier data. Nevertheless, the following summary permits a comparison of the treatment of various groups within the area at the hands of the local courts, in particular the Aboriginal and non-Aboriginal populations of the area.

Specifically, this data allows an assessment of such claims as "90 per cent of people appearing in Bourke court are Aboriginal." (Sydney Morning Herald, 21/6/86, p.15).

Aboriginal appearances in Orana Courts

Table 5.6 presents the numbers of appearances made by alleged offenders in the five main towns of Orana, broken down by race and by town of appearance, for 1985/86.

The table shows that Aborigines accounted for almost 53 per cent of all appearances in the five towns in 1985/86, ranging from 32.4 per cent of appearances in Dubbo to 91.8 per cent in Brewarrina. These figures for appearance contrast with the numbers of the Aboriginal population of the L.G.A.'s of the five towns, which is only 14.6 per cent of the total. That is, Aborigines are over-represented in the appearance figures by a factor of 3.6. This factor is given for each L.G.A. in the final column of Table 5.6, and shows that Aborigines may account for between 1.9 and 7.1 times more appearances than would be expected on the basis of their frequency in the population, depending on the town in question.

Table 5.7 reveals that, on average, Aborigines appeared slightly more often than non-Aborigines (1.37 appearances versus 1.16) and faced more charges at each appearance (2.04 versus 1.66). This resulted in each Aboriginal person who appeared in the year, facing almost one more charge, on average, than each non-Aboriginal person who appeared.

TABLE 5.6
Appearances by Aboriginality and town of appearance, 1985/86

	Aboriginal		Non-Aboriginal		Unknown		Total		Aboriginal Over-representation factor*	
	No.	%	No.	%	No.	%	No.	%	No.	%
Dubbo	264	32.4	503	61.6	49	6.0	816	45.4	2.7	
Wellington	142	51.4	110	39.9	24	8.7	276	15.4	7.1	
Brewarrina	67	91.8	6	8.2	0	0.0	73	4.1	1.9	
Bourke	228	71.7	83	26.1	7	2.2	318	17.7	3.0	
Walgett	247	78.4	61	19.4	7	2.2	315	17.5	4.2	
Total	948	52.7	763	42.4	87	4.8	1,798	100.0	3.6	

*Percentage of appearances divided by percentage of the population which is Aboriginal.

TABLE 5.7
Summary of court appearances 1985/86
in the five principal towns of Orana

	Charges per person	Charges per appearance	Appearances per person
Aboriginal	2.80	2.04	1.37
Non-Aboriginal	1.93	1.66	1.16
Unknown	2.10	1.86	1.27
TOTAL	2.36	1.86	1.27

The outcome of all this, is that Aborigines accounted for 48.6 per cent of the 1,420 distinct persons who appeared in 1985/86 period, 52.7 per cent of the 1,798 appearances and 57.6 per cent of the 3,351 charges faced in that time. More details may be found in Appendix C.

Table 5.8 displays the level of over-representation of Aborigines in terms of the number of distinct persons appearing. This controls for any differential effects of persons appearing more than once in the given period which, as Table 5.7 shows, is slightly more often in the case of Aborigines.

TABLE 5.8
Level of over-representation of Aborigines

	Aboriginal persons	Proportion of persons appearing	Expected from population	Over re- presentation factor
	No.	%	%	
Dubbo	185	28.4	11.8	2.4
Wellington	90	43.5	7.2	6.0
Brewarrina	61	87.7	49.5	1.8
Bourke	163	67.9	23.6	2.9
Walgett	191	75.2	18.8	4.0
TOTAL	690	48.6	14.6	3.3

These 'over-representation' factors are very similar to those given in Table 4.6, Section 4.2 for arrests.

Incidence of re-offending

As noted above, the claim has been made that the crime problem in Orana is due to the actions of a few chronic offenders, perhaps as few as 40 - 60 people in Dubbo, and correspondingly less in the smaller centres. This issue has been addressed already in Chapter 4, but it remains of interest to discover what proportion of those appearing in the courts have a prior criminal record, and the number of appearances made by individuals during the 12 month period studied. Both these pieces of information provide some indication of the level of re-offending. It is not a complete picture since not all offending is detected, or reported, not every offence results in an arrest, and not every case need come to court.

Nevertheless, evidence of alleged offenders criminal records were sought in the court papers of the five principal towns and, where a prior conviction had been recorded, this was noted.

Such a record of prior criminal activity should be kept with the court papers, whenever evidence of that activity is brought before the court in conjunction with sentencing. Thus the failure to find a copy of the prior record of an alleged offender may mean either; that the record was not entered in evidence because the charge(s) was withdrawn, dismissed, or found not proven; or that the record was not introduced, probably on the direction of the prosecutor; or that the record was erroneously not kept with the court papers or; that there was no previous criminal record. The finding of 'no prior record', therefore, will somewhat over-estimate the number of persons without a previous record. While the size of the error is not known with certainty, it is not likely to be large. These findings are given in Table 5.9.

TABLE 5.9
Percentage of persons with no previous non-traffic conviction

	Aboriginal		Non-Aboriginal		Unknown		Total	
	No.	%	No.	%	No.	%	No.	%
Dubbo	104	56.2	293	69.1	35	83.3	432	66.4
Wellington	52	57.8	73	74.5	11	57.9	136	65.7
Brewarrina	40	65.6	4	80.0	1	100.0	45	66.2
Bourke	72	44.2	43	61.4	3	37.5	118	49.2
Walgett	123	64.4	47	78.3	2	66.7	172	67.7
TOTAL	391	56.5	460	70.0	52	73.2	903	63.5

Almost two-thirds of those who appeared in the Orana courts in 1985/86 appeared to have no previous criminal record. A notable exception to this is Bourke where only about half of those appearing had no prior record. Only about 56 per cent of Aborigines had no prior record, compared with 70 per cent of non-Aborigines.

Another indication of re-offending, the distribution of the number of court appearances in the twelve months studied, is given in Table 5.10.

TABLE 5.10
Number of appearances of individuals by Aboriginality

	Number of appearances							Total number	%
	1	2	3	4	5	6	7		
	%	%	%	%	%	%	%		%
Aboriginal	76.0	15.0	6.2	1.6	0.9	0.1	0.1	690	48.6
Non-Aboriginal ...	87.5	9.9	1.8	0.5	0.2	0.2	0.0	657	46.3
Unknown	84.5	1.1	0.3	0.1	0.0	0.0	0.0	73	5.1
TOTAL	81.8	12.5	4.0	1.0	0.5	0.1	0.1	1,420	100.0

It is clear that the great majority of persons (81.8 per cent) appeared only once in the Orana courts in 1985/86, and only about 6 per cent appeared more than twice. As might be expected on the basis of Table 5.7, Aborigines appeared somewhat more often than non-Aborigines in that period, with 24 per cent of Aborigines appearing more than once, compared with 12.5 per cent of non-Aborigines.

Outcomes of matters heard

Given the disproportionate numbers of Aborigines appearing in the courts in Orana, it is of interest to see whether or not they are dealt with differently from non-Aborigines by those courts. It should again be noted that the following data does not provide a comprehensive study of the sentencing matters in Orana, nor does it allow a decision as to whether or not one group or another is treated 'inappropriately', 'more harshly' or 'leniently' etc. The following analysis only seeks to show whether or not differences exist in the sentencing patterns for Aboriginal and non-Aboriginal groups of (alleged) offenders.

Again, the outcomes displayed in Table 5.11 do not cover all offences. Offence categories which contained small numbers of offences, or had not been cited as part of the alleged 'crime problem', or both, were excluded. Those offence groups included are assault occasioning actual or grievous bodily harm, common assault, assault female, assault police, break, enter and steal, stealing, drugs, malicious injury/damage, and offensive behaviour/manner. Separate tables for each of these offence categories may be found in Appendix C. Table 5.11 shows the grouped outcomes for these offence categories, broken down by Aboriginality.

As displayed in Table 5.11, the principal differences between outcomes for Aboriginal and non-Aboriginal offenders are in the areas of charges withdrawn/dismissed, fines, and custodial sentences. Almost one quarter (23.7%) of Aborigines had the charges against them withdrawn or dismissed in comparison to one sixth (16.7%) of non-Aborigines. Many of these matters involve assault charges and appear to be private prosecutions. It was the impression of some police and court officials that many of these withdrawn assaults were either domestic, or between friends and frequently resulted in neither party appearing at the court, with the result that the matter was dismissed. It was pointed out by court officials in Bourke, that many people pleaded 'not guilty' to assault charges, as this could delay the hearing of the case for six to nine months, by which time the affair was usually forgotten.

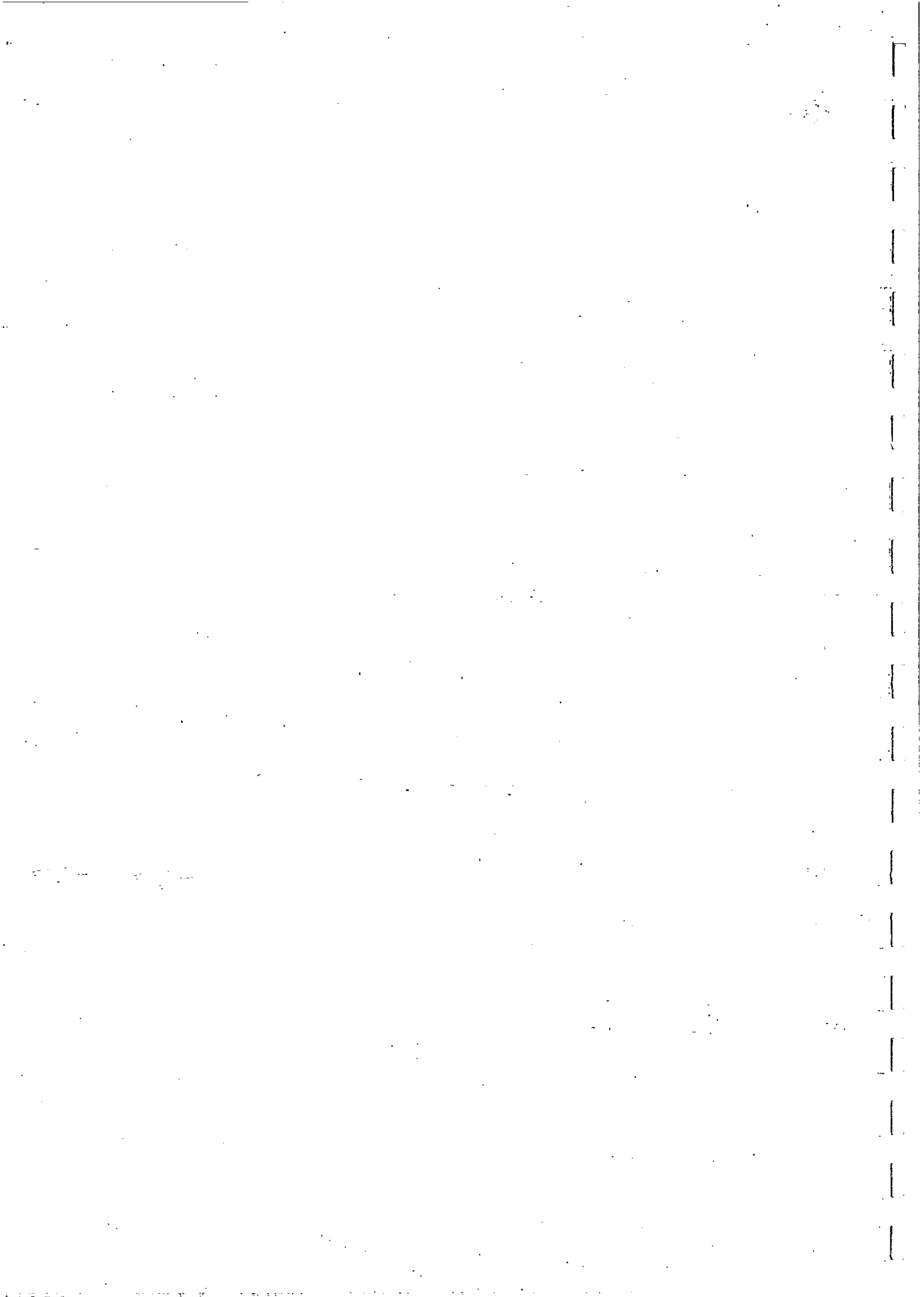
Half (50%) of non-Aborigines compared with a little over a third (36.8%) of Aborigines received a fine. On the other hand, Aborigines more often received a custodial sentence than non-Aborigines (7.8 per cent of outcomes versus 2.2 per cent). The remaining differences between the two groups are too small to be reliably interpreted.

Overall, for the selected categories of offence, during the 1985/86 period, an offender brought before the Orana courts had:

- . about one chance in five of having the charge withdrawn or dismissed;
- . about one chance in two hundred of being found 'not guilty';
- . about one chance in thirty of receiving some form of 'nominal' sentence (s.556A, rising of the court, or juvenile caution);
- . a better than even (54%) chance of receiving some form of monetary penalty;
- . about one chance in ten of receiving some form of custodial sentence.

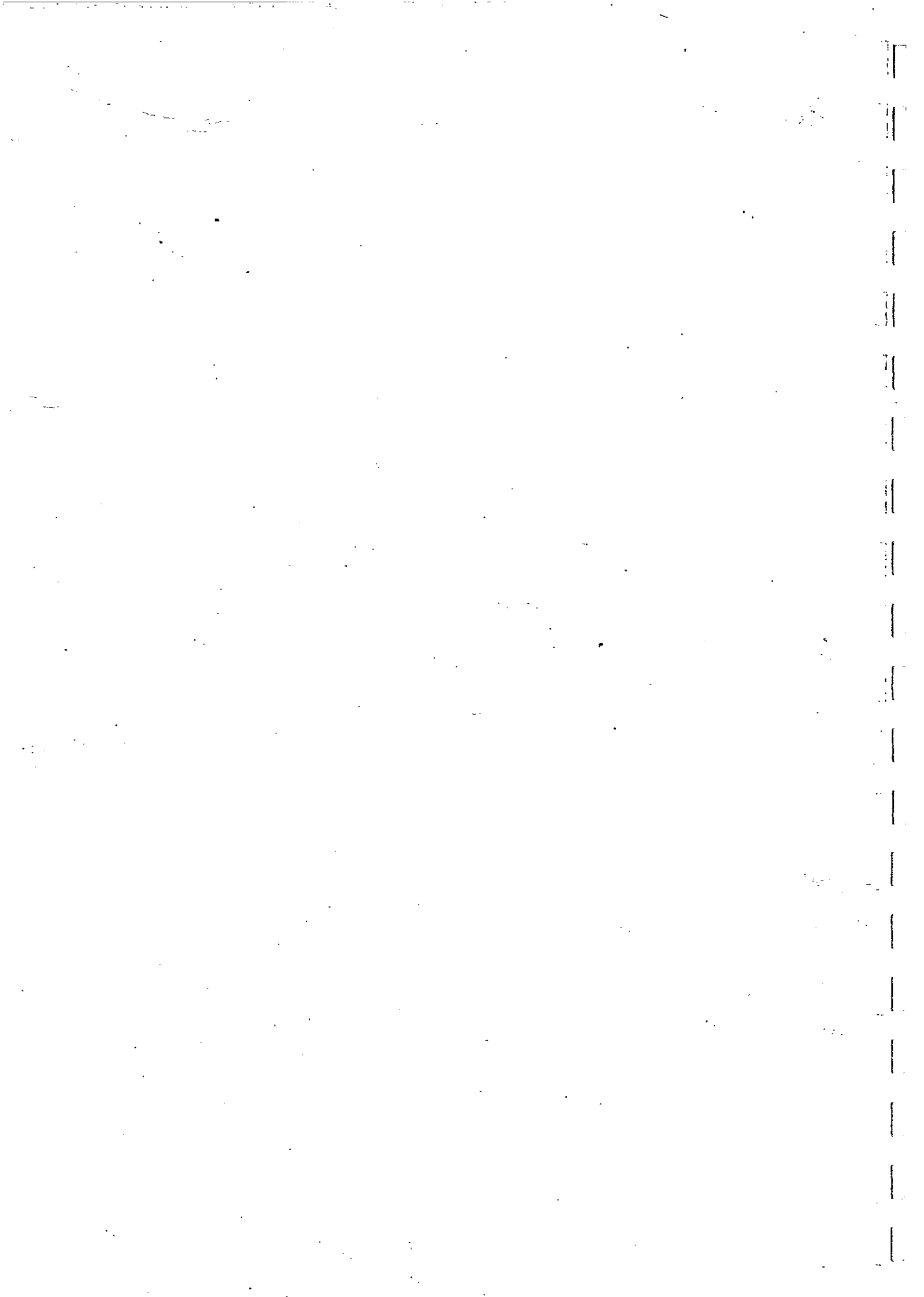
TABLE 5.11
Court outcomes, Orana 1985/86
All selected offences

Outcome	Aboriginal		Non-Aboriginal		Unknown		Total	
	No.	%	No.	%	No.	%	No.	%
Not guilty	1	0.1	4	1.1	0	0.0	5	0.5
Withdrawn/dismissed	163	23.3	60	16.7	9	17.6	232	20.9
Recognizance forfeited	7	1.0	6	1.7	1	2.0	14	1.3
S.556A	12	1.7	16	4.4	2	3.9	30	2.7
Rising of court	3	0.4	0	0.0	0	0.0	3	0.3
Fine only	257	36.8	180	50.0	18	35.3	455	41.0
Recognizance	88	12.6	50	13.9	10	19.6	148	13.3
Fine & recognizance	9	1.3	3	0.8	0	0.0	12	1.1
Community service order	5	0.7	6	1.7	0	0.0	11	1.0
Periodic detention	3	0.4	0	0.0	0	0.0	3	0.3
Imprisonment	54	7.8	8	2.2	5	9.8	67	6.0
Other	54	7.7	18	5.0	4	7.8	76	6.8
Juvenile to institution	27	3.9	3	0.8	0	0.0	30	2.7
Juvenile caution	2	0.3	2	0.6	0	0.0	4	0.4
Unknown	14	2.0	4	1.1	2	3.9	20	1.8
TOTAL	699	100.0	360	100.0	51	100.0	1,110	100.0
Percentage		63.0		32.4		4.6		100.0



CHAPTER 6

**JUVENILE JUSTICE IN
THE ORANA REGION**



6. Introduction

In the previous two chapters data has been presented on police charges and court appearances for all persons at the selected police stations and court houses in Orana. In the following chapter data concerning juvenile crime in the region is analysed to determine the validity of various claims made by the 'law and order' groups. In particular claims that juvenile crime is on the increase and the cause of the Orana crime wave, that most of the juvenile crime is committed by Aboriginal youth, that the juvenile cautioning system has led to a loss of police power and increase in crime and that the Orana region might be somehow 'different' in the level or nature of juvenile crime (see Chapter 1 generally) are assessed to the extent that the data will allow.

The chapter analyses juvenile court appearances for Orana and other regions over a three year period to ascertain the nature and extent of criminal matters. Rates of juvenile offending are calculated for Local Government Areas (L.G.A.'s) within the region, for the region as a whole and for comparable regions as a means of comparison. The chapter also includes an analysis of the new police procedures for dealing with juveniles and compares the use of cautioning, citations and criminal charges. Finally there is a brief discussion of public order offences by juveniles.

6.1 Juvenile criminal matters for L.G.A.s in the Orana Region

The purpose of this section is to compare recent figures on juvenile matters in Orana with figures for previous years to determine if there have been any sudden changes which would indicate a 'crime wave'. The collection of the data also demonstrates differences within the region.

The data is based on appearances in Children's Courts. The information is collected by the Planning and Research Section of the Department of Youth and Community Services (Y.A.C.S.). As with all data from Y.A.C.S. the following statistics are based on the final appearances of juveniles in Court. Thus the figures do not represent distinct persons. If a young person appears more than once within the twelve month period then each appearance which is finalised is counted. The figures for the region are based on accumulated figures for Local Government Areas. It is necessary to remember that an L.G.A. is represented if the usual residence of the young person is within that area. Thus the figures do not represent the number of criminal complaints that have been laid within the L.G.A. The figures do, however, represent the number of charges or complaints laid against young persons whose usual residence is within the area. A particular problem which arises when analysing the data by L.G.A. for the Orana region is the fact that the size of the data sample is comparatively small because the population of each L.G.A. is, in many cases, only a few thousand persons.

Table 6.1 shows the number of court appearances for criminal matters by juveniles from each L.G.A. in the Orana region over a three year period from July 1, 1983 to June 30, 1986. The three year period was chosen because it provides the longest duration for comparable Y.A.C.S. statistics which are available and also covers the two years prior to, and the twelve months including the claims of a crime wave in Orana.

TABLE 6.1
Juvenile criminal matters by L.G.A. in the Orana Region

L.G.A.	Juvenile criminal matters			Percentage change
	1983/84	1984/85	1985/86	1984-1986
Bogan	13	13	11	-15.4
Bourke	68	63	54	-26.0
Brewarrina	17	27	20	17.6
Cobar	35	23	30	-14.3
Coolah	2	3	4	100.0
Coonabarabran	19	16	11	-42.1
Coonamble	36	35	23	-36.1
Dubbo	160	126	145	- 9.4
Gilgandra	14	23	12	-14.3
Mudgee	28	25	31	10.7
Narromine	13	24	11	-15.4
Walgett	42	86	70	66.7
Warren	11	8	7	-57.1
Wellington	57	69	87	52.6
Orana	515	541	516	0.2

The information contained in Table 6.1 shows that, for the region, the number of appearances for juveniles from the area has remained stable with a 0.2 per cent change from 1983/84 to 1985/86. Looking at the individual L.G.A.s in the region there were some changes. In Bogan, Bourke, Coonamble, Coonabarabran, Dubbo and Warren the figures showed a downward trend. While in Walgett and Wellington there was an upward trend. The number of young persons who had criminal cases determined from Brewarrina, Coolah, Cobar, Gilgandra, Mudgee and Narromine fluctuated over the three year period. The last column in Table 6.1 indicating percentage change shows some dramatic variations, however, it is necessary to remember that for most L.G.A.s in Orana the actual number of juvenile appearances is quite small. Thus Coolah showed a 100 percent increase between 1983/84 and

1985/86, however, the actual number only increased from two to four appearances. While there is no indication from the data of any upsurge in juvenile appearances for the region as a whole, it is noteworthy that Walgett and Wellington did show an increase which was the most substantial change in raw numbers for the whole region.

While the overall number of appearances from the region remained stable during the three year period there was some change in the nature of the criminal offences which made up the total. Table 6.2 shows the number of offences by offence category and the percentage change over the period.

TABLE 6.2
Juvenile criminal matters by offence category in Orana

Offence category	Juvenile criminal matters			Percentage change
	1983/84	1984/85	1985/86	1984-1986
Homicide/assault	20	62	59	195
Sexual offences	2	8	9	350
Robbery and extortion	0	2	2	200
Breaking and entering	120	102	114	-5
Motor vehicle theft	36	53	59	64
Other theft offences	195	148	103	-47
Offences against good order ..	55	72	80	45
Drug offences	7	14	9	28
Driving offences	25	34	47	88
Other offences	55	46	34	-38
TOTAL	515	541	516	0.2

Appearances for criminal offences which increased the most during the three years were, in order of actual magnitude, assaults, offences against good order, motor vehicle theft and driving offences. There was a slight increase in sexual offences. Appearances for break and enters, drug offences, robbery and extortion fluctuated slightly. Appearances for criminal offences which decreased were 'other theft offences' and the category 'other offences' (which includes property damage). The percentage change is shown in the far column of Table 6.2 but can be misleading because of the small numbers involved (for example sexual offences, and robbery and extortion).

Table 6.3 shows the level of representation for juvenile criminal matters from each L.G.A. expressed as a rate per 1,000 of population for the three year period to 1985/86.

TABLE 6.3
Rates of juvenile criminal matters by L.G.A.

L.G.A.	Juvenile criminal matters per 1,000 population ¹		
	1983/84	1984/85	1985/86
Bogan	3.4	3.4	2.9
Bourke	15.8	14.6	12.5
Brewarrina	6.9	11.0	8.2
Cobar	5.9	3.9	5.1
Coolah	0.8	0.7	0.9
Coonabarabran	2.6	2.2	1.5
Coonamble	6.0	5.9	3.9
Dubbo	5.2	4.1	4.7
Gilgandra	2.8	4.5	2.4
Mudgee	1.9	1.7	2.1
Narromine	2.0	3.7	1.7
Walgett	5.6	11.5	9.4
Warren	2.8	2.0	1.8
Wellington	6.4	7.7	9.7
North-west (Orana) region	4.6	4.9	4.6

Table 6.3 demonstrates that the number of criminal matters which are determined for juveniles from the various L.G.A.s is not in accordance with what could be expected if the matters were evenly distributed by population throughout the region. Furthermore, for most L.G.A.s the rate has remained historically consistent over the three year period.

Compared to the regional rate, the L.G.A.s in Orana which are consistently low over the three period by population are: Bogan, Coolah, Coonabarabran, Gilgandra, Mudgee, Narromine and Warren. The L.G.A.s which are close to the regional rate are: Cobar, Coonamble and Dubbo. The L.G.A.s which have a high rate for the three year period in the region are: Bourke, Brewarrina, Walgett and Wellington.

The information presented in Table 6.3 on criminal matters in various L.G.A.s in itself does not demonstrate which criminal categories serve to heighten the juvenile rate. Because the actual number of criminal incidents in each offence category is so small when broken down to the L.G.A. level it is impossible to accurately show the distribution of juvenile offences year by year in each L.G.A.. If there are only a dozen or so criminal matters over all categories determined against juveniles from a Local Government Area in a twelve month period (which

¹Based on A.B.S. 1984 population estimates. As indicated in Chapter 2, population changes have not been great.

is the case for Bogan, Coolah, and Warren), then even the smallest variations will appear large when expressed as a percentage. As a method of counteracting the relatively small frequencies, the number of juvenile criminal matters have been combined for the three year period for each L.G.A. and expressed as a rate per 1,000 of population for each criminal category. Those L.G.A.s in Orana which fell below a total figure of 50 juvenile criminal matters² for the three year period were eliminated (Bogan, Coolah, Coonabarabran, Gilgandra, Narromine, and Warren).

Table 6.4 shows the rate of various offence categories for selected L.G.A.s in Orana for the period of July 1, 1983 to June 30, 1986. As a point of comparison the rate of juvenile criminal matters for 1983/86 for the Orana region is included in the last column.

Table 6.4 shows there are no simple conclusions to be drawn about a 'crime wave' in the Orana region. The four L.G.A.s which experience high rates of juveniles appearing in criminal matters (Bourke, Brewarrina, Wellington and Walgett, see Table 6.3) also have higher rates than the regional rate in the offence categories of assault, break, enter and steal, motor vehicle theft, other theft and offences against good order. There are, however, some differences in the rates between those four L.G.A.s. Bourke has the highest rate in the region for assault, motor vehicle theft, other theft, offences against good order and driving offences. Brewarrina has the highest rate for break and enters (although a relatively small actual occurrence).

It cannot be concluded that the high rates of criminal matters per head of population in certain L.G.A.s is related to an upsurge of particular criminal activities across the region. Rather it would appear that the high rates of some L.G.A.s is broadly based across a range of criminal categories. This is particularly true for L.G.A.s such as Bourke, Walgett and Wellington which have both a high rate per head of population and substantial occurrences of juvenile criminal matters. It would seem that the rate per head of population is of a broad nature and of more long standing duration than a sudden 'breakdown' in law and order. This point in no way diminishes the significance of the extraordinarily high rates which are apparent in some areas. It does suggest, however, the need to look well beyond notions of a 'crime wave' to understand the persistent and localised nature of that over-representation.

6.2 A comparison of juvenile criminal matters for N.S.W. and the Orana, Murrumbidgee and Clarence Regions

In the following analysis the Orana region (North West Statistical Division) has been compared with the Murrumbidgee Statistical Division, the Clarence Statistical Subdivision and the general N.S.W. rates. The comparison has been carried out for detected criminal matters committed

²The number 50 was chosen as a minimum figure for which any meaningful distribution of criminal categories could be conducted.

TABLE 6.4
Rate per 1,000 of population* for juvenile criminal matters: 1983 - 1986

Offence category	Selected Local Government Areas										Orana
	Bourke	Brew'a	Cobar	C'amble	Dubbo	Mudgee	Walgett	W'ton	Orana		
Homicide/assault	8.1	4.1	0.9	1.0	1.1	0.5	2.2	2.1	1.3		
Sexual offence	0.9	0.0	0.0	0.0	0.3	0.1	0.0	0.2	0.2		
Robbery/extortion	0.0	0.0	0.0	0.0	0.1	0.0	0.3	0.0	0.0		
Break, enter and steal	7.4	11.0	2.9	6.2	2.1	1.0	6.7	5.1	3.0		
Motor vehicle theft	7.0	2.5	1.5	0.7	1.3	0.3	3.0	2.2	1.3		
Other theft	8.6	4.1	4.9	3.4	5.5	1.4	6.0	6.8	4.0		
Offences against good order	7.4	2.9	2.9	1.7	1.2	0.4	4.2	2.7	1.9		
Drug offences	0.0	0.0	0.2	0.7	0.4	0.0	0.8	0.1	0.3		
Driving offences	2.1	0.0	0.5	1.0	1.1	0.9	1.2	1.8	1.0		
Other	4.2	7.4	1.2	1.2	0.9	1.1	2.3	2.7	1.2		

*Based on A.B.S. 1984 population estimates.

by juveniles whose usual residence was within a Local Government Area encompassed by one of the above statistical divisions or subdivision.³

Care must be exercised to ensure that a basis for regional comparisons exists. The choice of the two regions to compare with Orana was based on three deciding factors. Firstly, the two regions, of all the statistical divisions and subdivisions in New South Wales, are closest to Orana in population size.⁴ Secondly, both regions were rural but also contained urban centres (Wagga, Grafton, Coff's Harbour). Thirdly, the age distribution of the two regions was not so different to Orana as to make a comparison for juvenile offences impossible.⁵

Table 6.5 shows the number of juvenile criminal offences determined over a three year period in the three regions and for N.S.W. generally. It also shows the rate of juvenile criminal matters per 1,000 of population for the three regions and for N.S.W. based on 1985/86 figures.

TABLE 6.5
Juvenile criminal matters by region

Region	1983/84	1984/85	1985/86	1985/86
	No.	No.	No.	Rate per 1,000
Orana	515	541	516	4.6
Murrumbidgee ...	512	470	454	3.1
Clarence	243	241	161	1.6
N.S.W.	16,040	17,107	14,400	2.6

The trend over the three year period for Murrumbidgee, Clarence and N.S.W. has been for the number of juvenile criminal matters to fall. This has not been the case for Orana where the number has remained stable. The 1986 rate of juvenile criminal matters per 1,000 of population for the three regions and N.S.W. shows a greater rate of juvenile offending in Orana.⁶

³The caveats made in Section 6.1 of this chapter concerning statistics drawn from the Children's Courts also relate to the following analysis.

⁴The population of the three regions estimated at June 30, 1984 are as follows: Orana, 111,100; Murrumbidgee, 145,250; Clarence, 102,700.

⁵The age distribution of the three regions is as follows:
Orana: 0-14 years: 28%; 15-24 years: 16%; over 25 years: 56%.
Murrumbidgee: 0-14 years: 28%; 15-24 years: 18%; over 25 years: 54%.
Clarence: 0-14 years: 25%; 15-24 years: 14%; over 25 years: 61%.

⁶The slight variations in the age structure provide no explanation for the difference in rates.

Table 6.6 breaks down the juvenile criminal matters for the three regions and the state into the major criminal categories. The information has been expressed as a rate per 10,000 population because of the smallness of some of the numbers involved.⁷ The figures for robbery and extortion, drug offences and sexual offences are too small at a regional level to make any reliable comparisons and have been omitted.

TABLE 6.6
Rates of juvenile criminal matters by offence category

Offence category	Orana	Murrumbidgee	Clarence	N.S.W.
	(Rate per 10,000 population)			
Homicide/assault	5.0	2.4	0.7	1.8
Breaking and entering	10.2	7.8	5.0	4.0
Motor vehicle theft	5.3	2.9	1.1	4.0
Other theft offences	9.2	6.5	4.3	5.4
Offences against good order ...	7.2	3.4	1.1	6.1
Driving offences	4.2	3.6	1.7	2.1
Other offences	3.1	2.8	1.2	1.5

Table 6.6 shows that the Orana region has a higher rate per 10,000 of population in all categories of offences listed, both compared to the other regions and to N.S.W. The substantially higher rates across all categories suggests that the over-representation is not due to the occurrence of a large number of particular types of crimes but is more indicative of a broad-based over-representation in the criminal justice system.

6.3 Changes in police procedures for dealing with juveniles: The impact on Orana

The following section analyses how the new police procedures (commonly referred to as the new 'cautioning system') for dealing with juveniles have been working in Orana up to June 30, 1986. The analysis is based on the Juvenile Reports which are submitted to the Department of Youth and Community Services whenever a child or young person⁸ is detained by police. Juvenile Reports are submitted irrespective of whether a person has no formal action taken against them, receives a caution, is cited to appear in court or is formally charged with a criminal offence.

⁷The raw numbers on which Table 6.6 has been calculated are shown in Appendix D, Table 1.

⁸That is, a person between the ages of 10 (the age of criminal responsibility) and 18 years (the age of legal adulthood).

As noted in Chapter 1, the introduction of new police procedures have caused considerable controversy and a great deal of misunderstanding about the nature of those changes. Complaints about the new scheme have come from politicians, members of the public and police themselves. It would, therefore, seem appropriate to describe exactly the new procedures and what they are meant to achieve.

The new procedures for juveniles

The Department of Youth and Community Service's booklet Reorganisation of Young Offender Services provides information and guidelines on the new police procedures which were introduced on September 1, 1985. It is from this booklet that the following, necessarily brief, summary of the new procedures is drawn.

The police may deal with an alleged young offender in the following ways:

- (i) When the officer decides that the offence is trivial the discretion to warn the juvenile may be exercised. Police have always had this discretion but until now it was not formally recognised. A warning will not result in the young person having his/her name on the Juvenile Offender's Index. However, the officer records the young person's name and offence in their official police notebook. If the offence has been reported to police and resulted in an accepted crime report by police (Police Incident Report being submitted), then the 'crime' is 'cleared' by the officer who issued the warning, through filling out a Juvenile Report.
- (ii) When a police officer decides that formal action should be taken against a young person the matter is referred to a senior police officer for a decision. The senior officer has fourteen days to decide whether to caution or prosecute the young person. If a caution is to be issued several factors have to be taken into consideration. Firstly the juvenile must admit the offence and agree to be cautioned. For certain specified offences cautions cannot be used and the apprehending officer can immediately charge the juvenile. Juveniles can receive more than one caution, however, a senior officer can refuse a caution if the juvenile has previous convictions. Cautions can also be refused by senior officers where the nature of the offence is serious, where there is a failure to establish identity or to provide an address, or for 'other' reasons.

All cautions are recorded on a Juvenile Report and the names of young people who receive cautions are entered on the Juvenile Offenders Index.

The use of a juvenile caution in no way effects claims of compensation. The existing rights of compensation for victims of juvenile crime remained the same under the new scheme.

When a caution has been decided upon by a police officer then the young person receives a notice to attend the police station to be cautioned. The young person is accompanied by a parent, guardian or chosen adult at the time of the caution.

The caution is issued by a senior officer who explains the serious nature of the criminal offence and the fact that further commission of offences may lead to court action.

- (iii) A senior police officer may decide to prosecute the young person by way of citation or summons. In these instances, the young person is either cited or summonsed to appear in a Children's Court where the matter will be listed to be heard by a magistrate. A citation is a simplified form of a summons which can be issued 'on the spot'. Like a summons it avoids the process of charge and bail.
- (iv) Under the new procedures, a juvenile will be dealt with through the process of a criminal charge in the following circumstances: Where the alleged offender has previously failed to appear; has failed to provide an address; for particular reasons is unlikely to appear if cited/summonsed; or has been involved in violent behaviour and should not be released into the community. For specific offences of armed robbery; homicide; sexual assault categories 1 or 2; culpable driving; illegally supplying prohibited drugs, plants, drugs of addiction or prescribed restricted substances; or inflict grievous bodily harm or malicious wounding, then the offender is charged. For any of the circumstances or offences mentioned in section (iv), the apprehending police officer may proceed to charge.

The procedures which have been outlined above show that many of the claims made about the new cautioning system are, in reality, based upon an erroneous view of how those procedures operate. The notion that 'no records are kept' and therefore the same juveniles can continue to receive cautions is inaccurate. Also inaccurate is the view that police have lost power to deal with juvenile offenders. The new procedures in fact widen the potential use of police discretion. Similarly, the view the juveniles must be cautioned is simply not true. There are many circumstances as outlined above which can prevent a young person from receiving a police caution. And finally the view that the issuing of a caution precludes a claim from the victim for compensation is also incorrect.

The new procedures for dealing with juveniles were introduced as part of a programme to divert minor offenders from the juvenile justice system at the earliest possible stage. It rested on the assumption that research had shown that most young offenders only commit one offence and 'grow out' of delinquency; that diversion was certainly no less a deterrent to re-offending than court proceedings; and that, in N.S.W., young people from poor areas were more likely to go to

court and to receive heavier sentences (Reorganisation of Young Offender Services, p.2). Thus diversion through a set of procedures based on cautioning was seen to be an effective means of minimising contact for minor young offenders with the justice system. In the sections that follows there will be an evaluation of the implementation of those new procedures.

An overview of juvenile cautions in Orana

From the introduction of the new procedures on September 1, 1985 to 30 June, 1986 there were 132 cautions issued to juveniles from police stations in the Dubbo Police District (Orana). Of the 132 cautions, 46 (34.8%) were issued to Aboriginal youth and 86 (65.2%) were issued to non-Aboriginal youth. The fact that Aboriginal juveniles received 34.8 per cent of cautions issued in the region shows a degree of over-representation. However the exact level is not easy to gauge because of problems with population figures. As indicated previously (Chapter 2), the 1981 Census figure for North West N.S.W. show the Aboriginal population as approximately 6 per cent of the total population. This is an underestimation given figures calculated by the Department of Aboriginal Affairs and the Aboriginal Development Corporation. A more accurate figure would be in the order of 7.5 per cent (Chapter 2). In discussing Aboriginal young people, it is also necessary to remember that the Aboriginal population is skewed towards the younger age group in comparison to non-Aboriginal Australia. It has been noted (Department of Aboriginal Affairs, 1984) that a higher proportion of the Aboriginal population is under 20 years of age compared to the non-Aboriginal population. In N.S.W. some 47.5 per cent of the Aboriginal population is under 15 years of age, compared to 26.5 per cent for the total population (Select Committee, 1981: 246). However, even if we doubled the 7.5 per cent estimate of the total Aboriginal population to 15 per cent to take into account the higher proportion of younger Aboriginal people in the community to non-Aboriginal people it would not be possible to explain the over-representation through age-structure. Even a figure of 15 per cent of the youth population as Aboriginal, which gives generous allowances for statistical under-counting and age structure, means that the proportion of cautions issued (34.8%) is more than double what could be expected.

Males, irrespective of race received the bulk of cautions⁹. Overall, 105 cautions (80%) were issued to male juveniles, and 27 (20%) to female juveniles. Table 6.7 shows the age by Aboriginality of juveniles who received cautions.

The age of juveniles who received cautions also appeared to be independent of race.¹⁰ Thirty percent of cautions were issued to young people of the age of 14 years and 19 per cent were issued to thirteen year olds. Thus, almost half of all cautions were given to young people between the ages of thirteen and fourteen inclusive.

⁹The relationship of race to gender was not statistically significant (chi-squared=1.4, df=1, p>0.05).

¹⁰There was no statistical significance between age and race (chi-squared=6.9, df=3, p>0.05).

TABLE 6.7
 Juvenile cautions by age. Dubbo Police District
 September 1, 1985 - June 30, 1986

Age of juveniles	Aboriginal	Non - Aboriginal	Total	
	No.	No.	No.	%
10 - 12 years	9	6	15	11.4
13 years	10	15	25	18.9
14 years	14	25	39	29.5
15 - 17 years	13	40	53	40.2
TOTAL	46	86	132	100.0

The bulk of juveniles who received cautions were school children at the time of their offence as Table 6.8 shows.

TABLE 6.8
 Juvenile cautions by employment status. Dubbo Police District
 September 1, 1985 - June 30, 1986

Employment status	Aboriginal	Non - Aboriginal	Total	
	No.	No.	No.	%
Employed	1	14	15	11.4
Unemployed*	8	11	19	14.4
School	37	61	98	74.2
TOTAL	46	86	132	100.0

*Includes one pensioner.

Thus 74 per cent of cautions were issued to school children, the remainder being distributed between employed (11%) and unemployed (14%) youth. It is noteworthy that, of the Aboriginal children not at school, virtually all were unemployed, while for non-Aboriginal

children who were not at school most were employed. The relationship of race to employment status was significant at the 0.05 level (chi-squared=6.5, df=2).

The offence categories for which juveniles received cautions are shown in Table 6.9.

TABLE 6.9
 Juvenile cautions by offence categories. Dubbo Police District
 September 1, 1985 - June 30, 1986

Offence categories	Aboriginal	Non- Aboriginal	Total	
	No.	No.	No.	%
Assaults	4	3	7	5.3
Sexual offences	2	7	9	6.8
Break and enter	10	10	20	15.2
Motor vehicle theft	3	6	9	6.8
Other theft	16	30	46	34.9
Offences against good order ...	3	8	11	8.3
Drug offences	0	6	6	4.6
Other	8	16	24	18.2
TOTAL	46	86	132	100.0

The number of cautions by each offence category is too small to draw any but tentative conclusions concerning the offences for which Aboriginal as compared to non-Aboriginal youth receive cautions. It can be noted, however, the only offence categories which have an equivalent or greater number of cautions issued to Aboriginal youth are assaults and break and enters. There is also a further problem which would make a statistical comparison potentially misleading. The actual number of cautions issued does not necessarily refer to either individuals or criminal incidents. Nor does it necessarily give any picture of the social reality surrounding the event. For example, the three cautions for assault given to non-Aboriginal youth were given to the same person and arose out of a single incident. In the sexual offences category, all the nine cautions issued in the north-west were done so at one police station to one group of boys (which included Aboriginal youth but were mostly non-Aboriginal).

Juvenile cautions in Dubbo, Wellington, Walgett, Bourke and Brewarrina: a detailed analysis

For the purpose of gaining a clearer perspective of the types of incidents for which cautions were issued and to consider the law and order views that cautioning usurped the power of the court system and promoted crime, the use of juvenile cautioning will be examined more closely for the towns of Dubbo, Wellington, Bourke, Brewarrina and Walgett. As has been demonstrated earlier in the report, the towns selected are noteworthy for being at the forefront of complaints about law and order and also have a sizable Aboriginal population.

Table 6.10 shows the number of cautions issued from each of the five submitting stations by Aboriginality.

TABLE 6.10
Juvenile cautions by selected police stations
September 1, 1985 - June 30, 1986

Submitting station	Aboriginal	Non-Aboriginal	Total
Dubbo	3	16	19
Wellington	8	10	18
Bourke	2	4	6
Brewarrina	9	0	9
Walgett	10	0	10
TOTAL	32	30	62

In Dubbo, there were a total of 19 cautions issued to juveniles during the period under consideration. Three were issued to Aboriginal youth and 16 to non-Aboriginal youth. All cautions were issued to separate individuals.

The three cautions issued to Aboriginal youth were for assault, shoplifting and carrying a firearm under the age of 18 years. In the assault case, a 13 year old girl slapped the face of another girl in Victoria Park, after the students had left Dubbo High School for the day. In the case of shoplifting, a 15 year old girl removed a skirt from Woolworths and was detained. And in the case of carrying a firearm, a 14 year old boy was walking along a Dubbo street with an air rifle pretending to fire pellets.

¹¹See for instance the letter from the Clerk of the Local Court in Brewarrina (Appendix A, 1.4) to the Western Herald that the "new system will give juveniles the green light to commit any crime in the book in certain knowledge that they will just receive a caution."

Eight of the cautions to non-Aboriginal youth involved four incidents where there were two co-offenders. One incident involved breaking into a Grain Handling Authority's building and stealing a cassette player, padlocks and bandages. The offenders were 12 and 14 years old. The second group of co-offenders involved a 14 year old and 17 year old youth who went to the local squash centre and attempted to steal money from pockets and bags. The third group of co-offenders involved two 14 year olds who went camping in the Beni Forest, walked onto a property, broke into a shed and rode around on a motorcycle they found in the shed. The fourth group of co-offenders involved two 15 year olds who took an unlocked car with the ignition key from Narrandera to Parkes, where the vehicle ran out of petrol. They were detained in Dubbo after hitch-hiking there.

Of the eight other cautions issued to non-Aboriginal youth, three were for stealing: a 14 year old girl attempted to shoplift sunglasses, make-up and jewellery by placing them in her schoolbag; a 15 year old girl attempted to shoplift one pair of underpants; and a 17 year old boy stole a car radio from a vehicle in a car sales yard.

Two of the other cautions were for malicious injury. One involved destroying a roadside sign with a shotgun blast, another involved a 15 year old boy who put his fist through a telephone box window after an argument with his girlfriend. The remaining three cautions were for use of a firearm with disregard for safety, offensive behaviour and for making an annoying telephone call.

Eighteen cautions were issued in Wellington. Eight of the 18 cautions in Wellington were given to three 13 year old girls for shoplifting. Each caution contained two counts of shoplifting. On a Wednesday morning in December 1985, the three young schoolgirls, two of whom were Aboriginal, the other non-Aboriginal, went to six shops in Wellington and stole various items. They were detained by police and given eight cautions between them. Two points are noteworthy. Firstly, a simple count of cautions provides no necessary clue to the number of actual offences. Secondly, the issuing of more than one caution to a juvenile may or may not indicate actual re-offending. It may simply indicate a single incident for which a number of cautions were used. A further point of interest is that both Aboriginal and non-Aboriginal girls were involved. A salient reminder that notions of 'Aboriginal' crime may indeed be more mystifying than revelatory about the actual incidents which are being discussed.

Another two cautions, issued to 14 year old Aboriginal girls in Wellington, involved an incident in which they were co-offenders. In this case, the two girls stole clothing from a clothes line behind a house. Two more non-Aboriginal 14 year old girls received cautions for shoplifting two Glomesh purses from Grace Bros. in Dubbo. Another girl received a caution for stealing, after she and her girlfriend took a wheelchair from Bindawalla Hospital in Wellington.

According to the police statement, "the young persons then took the wheelchair from the hospital grounds and then commenced to wheel each other around the streets of Wellington".

The only other case of stealing for which a caution was issued in Wellington involved the theft of a bicycle by a 16 year old non-Aboriginal boy. The police were told by Youth and Community Services that the boy was mentally very slow and was about to be placed in a Rehabilitation Centre. This young person had been officially cautioned the week before the bicycle theft for malicious injury when he had broken a window at the Y.A.C.S. hostel he was staying in, after being locked out by another youth. This was the only actual case in Wellington of a re-offender being re-cautioned.

Two other cautions in Wellington were issued to two non-Aboriginal girls aged 12 and 14 for writing graffiti in the toilets at Wellington caves. The only caution for assault was issued to a 14 year old Aboriginal boy who punched another youth in the face.

In summary, the issuing of 18 cautions in Wellington involved 13 actual incidents of criminal activity, 12 distinct offenders and one re-offender who was re-cautioned.

In Bourke there were six cautions issued; two to Aboriginal youth and four to non-Aboriginal youth. All cautions were issued to distinct individuals and no cautions were issued to re-offenders within the study period. The two cautions to Aboriginal youth were both for stealing. One involved a 12 year old boy who broke into a primary school and stole assorted items such as handkerchiefs, bandaids, a screwdriver, etc. The other involved a 15 year old boy who stole a wallet from a shopping trolley.

Of the four cautions issued to non-Aboriginal youth, two cautions involved the same incident where 16 year old and 17 year old boys stole a UHF transceiver from a property they were working on. The remaining two cautions were issued to a 17 year old boy for making obscene telephone calls, and to a 14 year old boy for 'steal by finding' a motorcycle he claimed to have found off the side of the road. The motorcycle had previously been stolen.

In Brewarrina, the nine cautions were all issued to Aboriginal youth. Four of the cautions were issued to an 11 year old boy for a series of incidents which occurred during one evening. The child was in the company of older youths who were charged. The cautions were issued for malicious injury (to a wool bale); steal from motor vehicle, twice (a packet of Peter Jackson cigarettes and two cassettes), and illegally take motor-vehicle. According to the police statement, "the offenders attempted to start the vehicle but were unable to do so. They then attempted to push the vehicle along the roadway but were scared off when one of the juveniles accidentally hit the car horn".

The remaining five cautions were issued to five different Aboriginal youth and children for the following:

- Steal from dwelling: 10 year old and 14 year old girls were cautioned for the same incident.
- Steal motor cycle: 14 year old and 16 year old boys were cautioned for the offence. Another person (adult) was charged.
- Malicious injury: A 17 year old male was cautioned after an incident where the offender had caused damage to the house and car belonging to the mother of his de-facto. The woman had refused the offender entry into the house.

In summary, then the nine cautions for Brewarrina involved seven incidents of crime and six different offenders.

In Walgett there were ten cautions issued during the period, all against Aboriginal youth. All the cautions were issued to different individuals and involved nine different incidents. The single incident when two juveniles were cautioned involved an 11 year old girl and her 13 year old brother who were cautioned after an attempted break and enter into a local schoolteacher's house. No property was stolen.

There were cautions issued for two other cases involving theft. One was a case of shoplifting a 250gm block of chocolate to the value of \$1.20. The property was returned. The second involved a break, enter and steal where the offender who was cautioned was in the company of three other offenders who were charged with the offence.

Two of the cautions were issued for assault. In the first case a 15 year old Aboriginal boy was cautioned after kicking another boy in the main street of Walgett. The other caution involved a 14 year old boy. In this incident according to the police narrative:

"The young person went through a checkout operated by the victim and purchased a can of drink. There were words between the two over the young person not handing over the money for the drink, but he then gave the victim the money and left the store. When the victim was serving another customer the young person came back into the store and struck the victim once on the back of the head with an open hand and ran out of the store."

A 16 year old youth was cautioned for offensive behaviour. This incident involved a fight between two Aboriginal youth in the centre of the main intersection in Walgett, in front of the Walgett hotel. It occurred at 10.45 at night and according to police there were about 70 onlookers. The other participant was charged.

The final three cautions involved a 'peep and pry' where a 15 year old youth was watching a girl in the shower of a neighbouring house, the second involved 'hinder police' where a 15 year old boy had falsely claimed to police that he was the owner of a motorcycle which had been stolen, and thirdly a case of 'malicious injury' where a 14 year old boy damaged the car of someone with whom he had been arguing.

This section on cautions has been somewhat discursive, however, it is necessary to actually look in detail at the incidents for which juveniles receive cautions. Undoubtedly, the bulk of incidents are trivial. Graffiti, school fights, teenage pranks and shoplifting may all be annoying and illegal, however, they still should be seen for what they are - adolescent misbehaviour rather than serious criminal activity. Of course, there may be isolated incidents within the bulk of cautions which indicate a more serious dedication to criminal activity, such as some of the stealing incidents. However, these incidents are not the type of activities for which the bulk of cautions are issued. Furthermore, in cases where cautions for incidents of stealing or break and enter are issued, there is often older co-offenders who are, in fact, charged with the criminal offence.

The Law and Order Committee's view that the cautioning system has undermined police power, or the view that the result of juvenile cautioning will be a 'skyrocketing' of juvenile crime to 'inestimable levels' are simply not borne out by the facts. Most of the cautions go to young teenagers at school. Often it is only one or two of a group of offenders who receive cautions - the others being charged. Obviously the police retain and use the discretion available to them.

It is clear from the data that a proportionally large number of Aboriginal youth have received cautions. Although, interestingly, this shows wide variations between different towns and probably reflects particular police practices more than anything else. Thus Bourke police (where there is a large Aboriginal population) issued very few cautions and most of those to non-Aboriginal youth. Conversely Walgett and Brewarrina police (towns where there is also a high Aboriginal population) issued comparatively more cautions and exclusively to Aboriginal youths.

A question that was constantly raised by the Law and Order group was that juvenile cautioning would allow old offenders to be constantly re-cautioned because the police have no choice but to caution juveniles over and over again. It has been demonstrated that considerable discretion is available to police as to whether they

caution or not. However, it is also worth considering that of the 62 cautions that were analysed for Wellington, Dubbo, Bourke, Walgett and Brewarrina for the 10 month period, September 1, 1985 to June 30, 1986, there was only one case where a re-offender was given another caution. That case, involved a juvenile described as mentally handicapped who was under the supervision of Y.A.C.S.

In concluding this section, it is worth comparing the use of cautioning in Orana to the other rural regions mentioned previously (Murrumbidgee and Clarence) and to the N.S.W. generally. Table 6.9 shows the number of cautions issued¹² in the various regions for 1985/86 and the rate per 1,000 of population.

TABLE 6.11
Rates of cautioning per 1,000 population, 1985/86

Region	Cautions issued	Rate per 1,000
Orana	154*	1.4
Murrumbidgee	131	0.9
Clarence	45	0.4
N.S.W.	3,825	0.7

*This figure is higher than the number (132) used previously in this section because it refers to the full twelve month period.

There is no doubt that police in Orana are using the new cautioning scheme at a higher rate than in the other regions or the state more generally. It is also significant that, in the Orana region, the increase in the number of cautions issued has not seen a corresponding drop in the number of criminal matters brought before the court as has been the case in Murrumbidgee, Clarence and the N.S.W. as a whole (see Table 6.5). Thus, not only has the use of cautions been greater in Orana, it has been introduced on top of a relatively stable and high number of criminal matters. Although further research is required, this would indicate a substantial net-widening effect¹³ of the new scheme. Indeed, contrary to the claims of the law and order groups, the new cautioning system may be bringing more juveniles into the contact with the criminal justice system.

¹²Based on Y.A.C.S. statistics.

¹³Net widening refers to the effects of some diversion programmes which unintendedly enlarge the 'net' bringing individuals under the notice of the criminal justice system. Thus the effect, rather than diverting offenders away from the justice system, is to bring into contact individuals who would otherwise have been dealt with informally or not at all. See Borowski and Murray, 1985.

Juvenile citations in the Orana Region

After a decision has been made to prosecute a juvenile for committing a criminal offence, police can either proceed by citation, summons or charge. This section will consider the cases where juveniles have been cited to face charges before the magistrate in a Children's Court.¹⁴

Between September 1, 1985 and June 30, 1986, some 165 citations were issued in the Orana region. Of that number 79 (48%) were issued to Aboriginal youth and 86 (52%) were issued to non-Aboriginal youth. Allowing for the generous estimation of Aboriginal juvenile population at 15 per cent of the total, there is at least over-representation by a factor of three. Significantly, there is a greater degree of over-representation than for cautioning. At the crucial point between diversion from the criminal justice system (cautioning) and processing (citation) by the court system, Aboriginal juveniles increase their over-representation from a factor of 2 at the point of cautioning to a factor of 3 at the point of being cited to appear in a Children's Court.

Of the 165 citations, 135 (82%) were issued to males and 30 (18%) to females. There was no significant relation between race and sex in receiving a citation.¹⁵

Table 6.12 shows the distribution of citations by age and Aboriginality.

TABLE 6.12
Juvenile citations by age: Dubbo Police District
September 1, 1985 - June 30, 1986

Age of juveniles	Aboriginal	Non-Aboriginal	Total	
	No.	No.	No.	%
10 - 13 years	12	6	18	10.9
14 years	23	18	41	24.9
15 years	20	13	33	20.0
16 years	15	28	43	26.1
17 years	7	21	28	17.0
Unknown	2	0	2	1.2
TOTAL	79	86	165	100.0

¹⁴The information is drawn from completed Juvenile Report Forms.

¹⁵Chi-squared=3.6, df=1, p>0.05.

The relationship between Aboriginality and age was significant at 0.05 (chi-squared=13.6, df=4). There was again a tendency for Aboriginal youth cited to be appear in court tended to be younger than non-Aboriginal youth.

Table 6.13 shows the employment status of juveniles at the time of receiving the citation. There was a significant relationship between race and employment status at 0.05 (chi-squared=38.3, df=2). Most citations were issued against juveniles who were still at school (56%). However there tended to be more non-Aboriginal (63%) than Aboriginal juveniles (49%) at school at the time of the alleged offence. The major difference between the two groups is the level of employment. Only one (1%) Aboriginal juvenile was employed, while almost half the Aboriginal group (49%) were unemployed. Some 26 per cent of non-Aboriginal youth were employed and 12 per cent unemployed at the time of receiving the citation.

TABLE 6.13
Juvenile citations by employment status: Dubbo Police District
September 1, 1985 - June 30, 1986

Employment status	Aboriginal		Non-Aboriginal		Total	
	No.	%	No.	%	No.	%
Employed	1	1.2	22	25.6	23	13.9
Unemployed ...	39	49.4	10	11.6	49	29.7
School	39	49.4	54	62.8	93	56.4
TOTAL	79	100.0	86	100.0	165	100.0

The offence categories for which juveniles were cited to appear in the Children's Court for the Orana Region were as follows in Table 6.14.

Table 6.14 shows that break, enter and steal (30.9%) and other theft (27.3%) are the major offence categories for which juveniles were cited to appear in court. The next major category was motor vehicle theft (17%) and offences against good order (14%).

Although the numbers are small, there is some difference between the use of citations for offences committed by Aboriginal and non-Aboriginal youth. For Aboriginal youth, 38 per cent of citations were for break and enter compared to 24 per cent for non-Aboriginal

youth; 29 per cent of citations of Aboriginal youth were for car theft compared to 5.8 per cent for non-Aboriginal youth. Conversely, non-Aboriginal youth had almost five times as many citations for 'other theft' than Aboriginal youth, and more than twice as many for 'offences against good order'. However it should be noted that with the limited information available it is not clear whether the difference reflects the relative rates of offending, or shows the way those forms of offending are dealt with by the juvenile justice system. In other words, the variations could be due to either different patterns in offending or different patterns in treatment by police.

TABLE 6.14
 Juvenile citations by offence: Dubbo Police District
 September 1, 1985 - June 30, 1986

Offences	Aboriginal		Non-Aboriginal		Total	
	No.	%	No.	%	No.	%
Homicide/assaults	6	7.6	2	2.3	8	4.8
Sexual offences	0	0.0	1	1.2	1	0.6
Break and enter	30	38.0	21	24.4	51	30.9
Motor vehicle theft	23	29.1	5	5.8	28	17.0
Other theft	8	10.1	37	43.0	45	27.3
Offences against good order ...	7	8.9	16	18.6	23	14.0
Drug offences	0	0.0	2	2.3	2	1.2
Other	5	6.3	2	2.3	7	4.2
TOTAL	79	100.0	86	100.0	165	100.0

6.4 Juvenile criminal charges in selected Orana townships

The information contained in this section is for a slightly longer period than that presented in the section on cautioning and citations. It will be remembered that the new procedures for dealing with juveniles started on September 1, 1985 and it is from that date until the end of the 1985/86 financial year that the previous information refers - a period of ten months. However, when the research team collected information from police charges books, it did so for the full twelve month period 1/7/85 to 30/6/86. Thus there is a two month longer period included which preceded the introduction of the new procedures. The point is important in ascertaining what effects the new procedures may have had on the use of police charges.

Table 6.15 shows the number and percentage of charges laid against juveniles for each of the five selected police stations in Orana by Aboriginality.

TABLE 6.15
Charges against juveniles, 1985/86

Police station	Aboriginal		Non-Aboriginal		Unknown		Total	
	No.	%	No.	%	No.	%	No.	%
Dubbo	140	41.0	165	48.4	36	10.6	341	100.0
Wellington ...	118	78.7	32	21.3	0	0.0	150	100.0
Brewarrina ...	41	95.3	2	4.7	0	0.0	43	100.0
Bourke	144	91.7	13	8.3	0	0.0	157	100.0
Walgett	88	93.6	4	4.3	2	2.1	94	100.0
TOTAL	531	67.6	216	27.5	38	4.8	785	100.0

The numbers of charges laid against Aboriginal juveniles far exceeds their proportional population in the five areas. It is clear that nearly all juvenile charges laid in Bourke, Brewarrina and Walgett were done so against Aboriginal youth. The number of charges as a rate per 1,000 of population between Aboriginal and non-Aboriginal are shown in Table 6.16.

Thus, evident from Table 6.16, is the extraordinary difference in charge rates between Aboriginal and non-Aboriginal juveniles. It has been stated previously that the Aboriginal population structure is skewed towards younger persons. However the point offers little explanation for the gross levels of over-representation. In summary, the charge rates for Aboriginal youth are 6 times greater in Dubbo, 47 times greater in Wellington, 57 times greater in Brewarrina, 36 times greater in Bourke, and 90 times greater in Walgett than those which exist for non-Aboriginal youth.

Table 6.17 shows all criminal charges against Aboriginal and non-Aboriginal juveniles in Dubbo, Wellington, Brewarrina, Bourke and Walgett.

TABLE 6.16
Charge rates for Aboriginal and non-Aboriginal juveniles

Town	Aboriginal population ¹⁶	Charges	Rate per 1,000
a) <u>Aboriginal</u>			
Dubbo	3,650	140	38.4
Wellington	642	118	183.8
Brewarrina	898	41	45.6
Bourke	1,005	144	143.3
Walgett	1,401	88	62.8

Town	Non-Aboriginal population ¹⁷	Charges	Rate per 1,000
b) <u>Non-Aboriginal</u>			
Dubbo	27,400	165	6.0
Wellington	8,258	32	3.9
Brewarrina	2,512	2	0.8
Bourke	3,245	13	4.0
Walgett	6,049	4	0.7

The relationship between race and charges was significant at the 0.05 level (chi-squared=117.2, df=14). The greatest proportion of charges against Aboriginal youth were for motor traffic (13.6%) and break, enter and steal (13.6%), followed by assaults (11.9%), steal (11.1%), resist arrest (8.3%) and motor vehicle theft (7.5%). For non-Aboriginal youth the largest proportion of charges were for motor traffic (19%), steal (13.9%), other (12%), drugs (11.1%), PCA (8.8%) and assaults (8.8%).

¹⁶Population based on an average of the earlier different estimates, see Chapter 2, Table 2.3.

¹⁷L.G.A. population minus estimated Aboriginal population.

TABLE 6.17

Criminal charges against juveniles:
Dubbo, Bourke, Brewarrina, Walgett and Wellington

Charges	Aboriginal		Non-Aboriginal		Unknown		Total	
	No.	%	No.	%	No.	%	No.	%
Motor traffic	72	13.6	41	19.0	7	18.4	120	15.3
P.C.A.	9	1.7	19	8.8	2	5.3	30	3.8
Assaults/offences against the person	63	11.9	19	8.8	2	5.3	84	10.7
Sexual offences	14	2.6	10	4.6	7	18.4	31	4.0
Motor vehicle theft	40	7.5	6	2.8	3	7.9	49	6.2
Steal	59	11.1	30	13.9	16	15.8	95	12.1
Break, enter and steal	72	13.6	12	5.5	1	2.6	85	10.8
Break, enter with intent	31	5.8	1	0.5	0	0.0	32	4.1
Fraud	8	1.5	7	3.2	0	0.0	15	1.9
Drug charges	6	1.1	24	11.1	0	0.0	30	3.8
Malicious injury	32	6.0	9	4.2	4	10.5	45	5.7
Assault police	12	2.3	0	0.0	0	0.0	12	1.5
Resist arrest, etc.	44	8.3	5	2.3	0	0.0	49	6.2
Offensive behaviour	29	5.5	7	3.2	0	0.0	36	4.6
Other	40	7.5	26	12.0	6	15.8	72	9.2
TOTAL	531	100.0	216	100.0	38	100.0	785	100.0

In regard to the introduction of new procedures for dealing with juveniles, there is no evidence to suggest that police have lost power to arrest and charge juveniles. It is clear from the data that the use of arrest and criminal charge is the preferred manner by which police deal with alleged young offenders. Table 6.18 shows the relative use of cautions, citations and criminal charges in the five towns studied in detail:

TABLE 6.18
Dealing with alleged juvenile offenders:
Relative use of caution, citation and criminal charge, 1985/86

Station	Caution	Citation	Charge ¹⁸
Dubbo	19	35	284
Wellington	18	7	125
Brewarrina	6	13	36
Bourke	9	17	131
Walgett	10	3	78

In brief, the laying of a criminal charge as a method of proceeding against an alleged juvenile offender, was used 15 times more often than a caution in Dubbo, 7 times more often in Wellington, 6 times more often in Brewarrina, 14 times more often in Bourke, and 8 times more often in Walgett. It is also noteworthy that the two towns (Dubbo and Bourke) which had the most vocal complaints concerning juvenile cautioning as a 'soft option' have, in reality, the lowest use of cautioning in comparison to juvenile criminal charges.

To place the use of cautioning in the north-west into perspective, it is worth noting that where similar schemes exist in Victoria and Queensland, a caution is the most common way of dealing with juveniles. In Victoria 58 per cent and in Queensland 71 per cent of all formal interventions by police end in a juvenile caution (Luke and Thompson, 1986:2).

It is also significant that the rate of representation of Aboriginal juveniles is not constant between the different available methods used by police to deal with alleged young offenders. Table 6.19 shows the combined figures for Dubbo, Wellington, Brewarrina, Bourke and Walgett divided between Aboriginal and non-Aboriginal.

¹⁸The figures in this column have been reduced by two twelfths from the number of charges previously presented in this chapter to make it comparable with the data collected on cautions and citations. It will be recalled that the number of cautions and citations had been based on a ten month period (1/9/85 to 30/6/86) while the number of charges reflected a twelve month period (1/7/85 to 30/6/86).

TABLE 6.19
Cautions, citations and criminal charges by Aboriginality, 1985/86

		Aboriginal	Non- Aboriginal	Unknown	Total
Cautions	No.	32	30	0	62
	%	51.6	48.4	0.0	100.0
Citations	No.	35	40	0	75
	%	46.7	53.3	0.0	100.0
Charges	No.	531	216	38	785
	%	67.6	27.5	4.8	100.0

Table 6.19 shows clearly that while Aboriginal juveniles receive slightly more than half of cautions and slightly less than half of citations, they receive nearly 68 per cent of the criminal charges. That is, their level of over-representation both in actual numbers and proportionately, increases at the most serious end of the prosecuting 'scale'.

6.5 Public order and juvenile offences

In the remaining part of this discussion on juveniles, there will be an examination of various offences against police which are considered public order offences. It was noted in Chapter 1 that complaints have arisen concerning the perceived powerlessness of police to intervene over 'street offences' since the repeal of the Summary Offences Act and that there was also a view that Aboriginal people committed a disproportionately greater number of 'street offences'.

In the following section only the offences in one town (Walgett) will be considered to allow for a fuller discussion of the social dynamics in which those offences occur.

In Walgett, there were eight charges of resist arrest/hinder police and another of 'throw bottle' at police against Aboriginal youth. All of these charges, except one of 'hinder police', occurred in conjunction with other charges. The dynamics revolving around those charges will be examined to the degree that that available evidence allows.¹⁹

Sixteen year old school student Kevin Jones from the Namoi Reserve was arrested at 1 a.m. and charged with two counts of resist arrest

¹⁹Names and initials have been altered to prevent identification of individuals.

and one of offensive manner. According to the police narrative on the Juvenile Report Form:

"Police had dispersed a large number of Aboriginal persons who were gathered near the R.S.L. Club... then they observed the young person walk to the roller door at the Ambulance Station and kick it and then heard him use offensive language in a loud tone of voice. He was arrested a few minutes later... and walked to the rear of the police truck where he began to struggle violently. This struggle went on for some time with the young person continuing to use bad language and kick out at police. During this time a large number of persons formed in the area and police were struck from behind on numerous occasions whilst the young person continued to struggle with police. He was finally subdued and forced into the rear of the police truck."

Kevin Jones appeared in the Walgett Children's Court almost six months later to face the three charges. In evidence, police provided additional information. The language Kevin Jones had used was "You cunts come out" and when he was taken to the back of the police truck, he had grabbed the rear bumper and said to police, "You cunts can't do this to me". Police also revealed that Kevin Jones was 'subdued' when one police officer drew his baton and struck the defendant on the leg below his knee. The magistrate admonished and discharged the defendant on the charge of offensive manner and placed him on recognizance to be of good behaviour for two years on the other two charges.

There was one case of 'hinder police' against a fifteen year old unemployed Aboriginal boy. No information was provided about the actual occurrence, but it was detailed in court and on the Juvenile Report Form that the youth had been offered a caution on numerous occasions but had refused to attend the police station. When the case appeared in court as a criminal matter the magistrate dismissed the charge.

A third case involved a 16 year old, unemployed Aboriginal girl who was charged with unlicensed driver, offensive manner and resist arrest, all arising out of the single incident. In many ways the progression of the incident is typical of police/Aboriginal relations. According to the police narrative on the Juvenile Report Form, there is no mention of why the police stopped the vehicle. The narrative states:

"The Juvenile was observed to drive Holden utility X upon Race Course Road. Stopped, spoken to and she was unlicensed. When spoken to the juvenile became agitated and yelled obscenities. She was placed under arrest and when requested to get in the rear of the police truck she began to struggle. She was then carried bodily..."

Some six weeks later the girl appeared in court to face three charges. In evidence the police stated that the girl, when requested not to swear, had replied, "I don't fuckin' care". As to why the girl had been prosecuted by way of criminal charge, the reason stated on the Juvenile Report Form was 'serious nature of offence'. The girl was fined \$50 for each offence.

A fourth case involved a 17 year old unemployed Aboriginal girl who was charged with offensive manner and two counts of resist arrest. She was arrested at 11.35 p.m. at night in front of the Imperial Hotel in Walgett. According to police evidence she was involved in an altercation with another female and was heard to say, "You go and get my fuckin' mother". The police arrested the girl who resisted, she later attempted to run away from the police station. According to police evidence she said to one police officer, "You baldy-headed, buck-toothed cunt, I fuckin' hate you". When in the charge dock, the girl spat several times and said, "That's what I think of you fuckin' coppers". The girl was found guilty by the magistrate of all three charges and fined \$100 on each count.

The fifth case from Walgett involving an Aboriginal juvenile was a 17 year old unemployed youth who was charged with malicious injury (to police truck), offensive manner, throw bottle and assault police. All charges arose out of a single incident. According to the police narrative on the Juvenile Report Form:

"Police were called to the corner of Y street and X street re a brawl going on in the street. Police attended and during the ensuing events the above named juvenile was seen to throw a bottle at myself and conduct himself in an offensive manner generally."

The court case had not been determined during the period of data collection so the outcome to the four charges is unknown. It is significant that besides the public order and public property offences, there was also a charge of throw bottle which is an offence under the Local Government Act (see Chapter 8 for a further discussion of these types of charges).

The cases of police charges from Walgett are not untypical of other areas in the sample. In particular, it is necessary to be aware that offences of resist arrest or hinder police or assault police do not occur until after police intervention. Thus, in the cases outlined above, the eight charges of resist arrest/hinder police arose out of five incidents, involving five defendants who faced a total of eleven charges. Some as simple as 'unlicensed driver' (which is normally dealt with by summons) can give rise to numerous criminal charges and court appearances under certain circumstances. It is also clear from the evidence the very strong antipathy felt by Aboriginal youth towards the police.

6.6 Summary

The chapter has demonstrated that juvenile criminal matters, as recorded by court appearances by juveniles from Orana, were markedly stable over the three year period analysed. The period included the two years prior to, and the twelve months including, complaints about a law and order crisis.

There were, however, important differences within Orana with the L.G.A.s of Bourke, Brewarrina, Walgett and Wellington showing consistently higher rates of juvenile court appearances. Furthermore, in comparison to N.S.W. rates, and to other comparable rural regions, Orana showed higher rates of juvenile criminal matters.

The evidence presented also showed high levels of over-representation by Aboriginal youth in the juvenile justice system. That over-representation was not simply confined to some offences, although it was more extreme in certain offences.

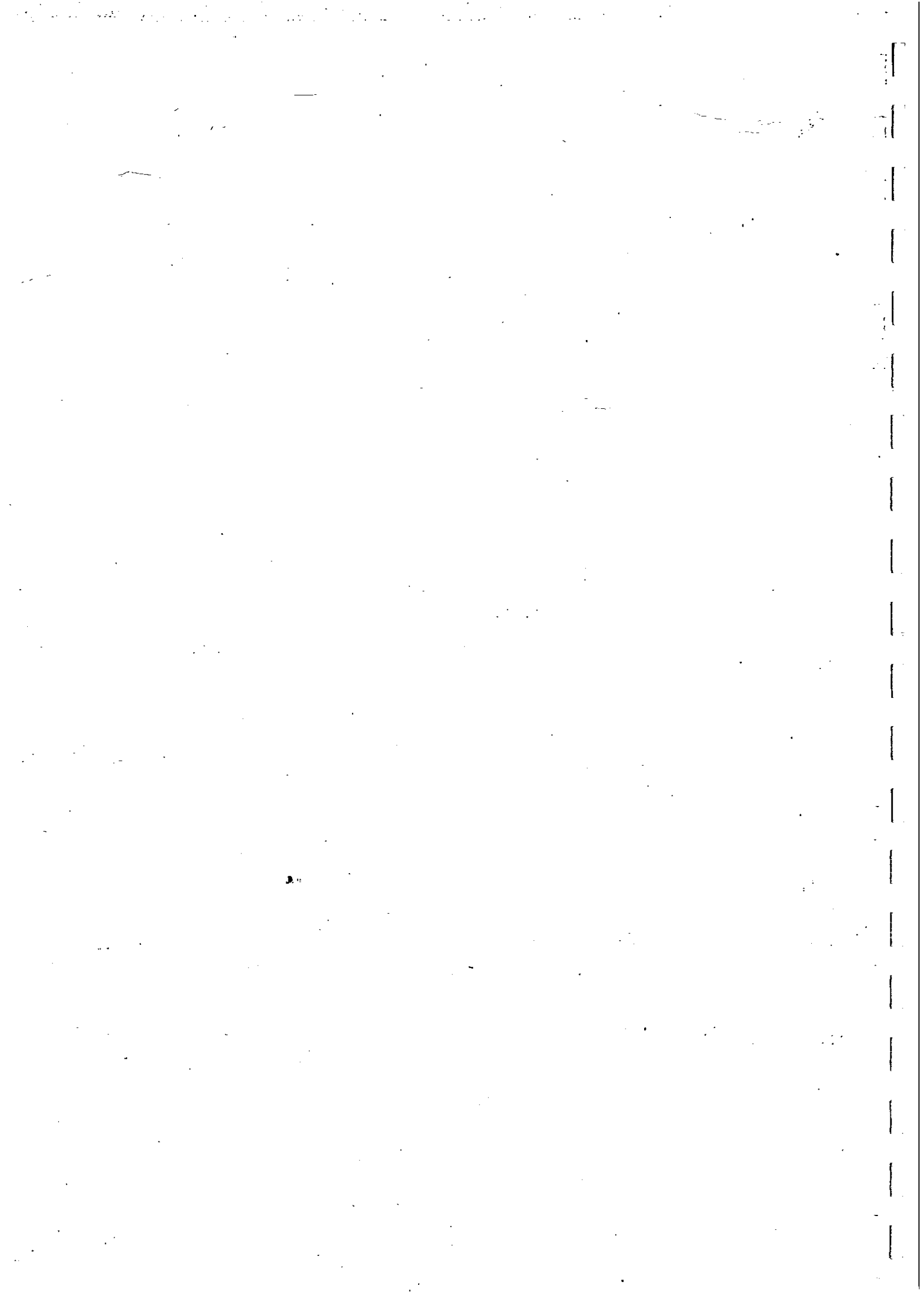
In addition it was shown that the degree of over-representation of Aboriginal youth increased at the more serious levels of intervention into the juvenile justice system. Aboriginal youth were most over-represented in the category of youth facing criminal charges.

In regard to the introduction of new procedures for dealing with juveniles the research has indicated a number of misconceptions with the 'law and order' view. It is evident from the foregoing discussion that police have both retained and continue to exercise considerable discretion in the issuing of cautions. The data shows irrevocably that the laying of criminal charges by police against juveniles is still the preferred manner for dealing with alleged juvenile offending.

Finally some attempt has been made to describe the arena referred to as public order offending through a discussion of charges relating to offences against police. While the description of offences were taken for only one town, there is evidence of considerable hostility between Aboriginal juveniles and police.

CHAPTER 7

**A SURVEY OF
UNREPORTED CRIME IN DUBBO**



7. Background

The claims of a 'law and order crisis' and the series of public meetings held in the towns of Dubbo, Wellington and Bourke called for a number of changes to the criminal justice system to combat a supposed increase in the crime rate in the area.

The Police Department, despite the claim (Daily Liberal, 2/12/86, p.1) that it did not share this view of the state of law and order in the Dubbo Police District, began to closely monitor 'crime levels' in Dubbo city in late 1985. This was done by collecting monthly tallies of the number of accepted crime reports in various categories of crimes, and comparing these with the same figures for the preceding year. These figures failed to show the dramatic increases in crime claimed to exist within the city (see for instance, Daily Liberal, 2/12/85, p.1; 3/4/86, p.3; 7/4/86, p.3).

As the alleged 'crime wave' failed to materialise in the police figures, claims were made that people, because they were so used to crime or because they thought police were powerless, were no longer bothering to report crimes of which they were the victims, thus 'explaining' the lack of significant increases in the police crime figures (for example, Daily Liberal, 3/12/85, p.1; Daily Liberal, 8-9/9/85, p.1).

A survey of unreported crime in Dubbo city was undertaken to assess the veracity of such claims. Dubbo city was chosen for the study of unreported crime firstly, because it was the principal source of complaints and secondly, because it is the largest town in the region and has the bulk of both the population and the crime reports. It was not chosen as being somehow 'typical' of the region, nor was it intended to generalise the results of the study to the remainder of the area.

7.1 Aims

This background to the survey determined its somewhat limited aims. The most important aim was to see whether or not the level of unreported crime in Dubbo was, in fact, different from the level reported for the rest of Australia, as estimated by the Australian Bureau of Statistics survey of victims of crime (1975). That is, was the reporting rate in Dubbo in some sense higher or lower than usual or was it typical of that found in the rest of Australia?

A second, and subsidiary, aim was to survey attitudes and opinions about crime and related matters amongst the population of Dubbo and, again, to compare these (where practicable) with the results from other studies using similar questions (for example, Congalton and Najman, 1973).

The survey was not intended as a 'victims' survey in the sense of being an attempt to compile a 'profile' of crime victims. Nor was it intended as a comparative study of victimisation rates, attitudes etc., between different sub-groups of the population, such as racial, social or spatial groupings. However interesting such comparisons may have been, neither time nor resources were available to gather a sample of suitable size to render the relevant statistical tests sufficiently powerful to reliably assess those comparisons.

7.2 Methodology

Questionnaire

Since the aim of the study was to compare rates of reporting of victimisation in Dubbo with rates reported in other, previously conducted, surveys on Australian populations, most of the questions were worded similarly to either the A.B.S. Victims of Crime Survey (1975) or taken from Congalton and Najman (1973). The remaining questions covered (i) the nature and number of victims services consulted, and an evaluation of these services (asked of victims only, on behalf of the N.S.W. Task Force on Victims and not included in the present results), (ii) the respondent's sources of information about crime and their judgement of which was the main source of that information (asked of all respondents), and (iii) what the respondent felt was the main problem with crime in Dubbo and, if there was one, what could be done about it (both also asked of all respondents).

The survey fell into three sections, a 'screening' section to sort victim households from non-victim households, a series of 'victim specific' questions on reporting and services and, lastly, a section on attitudes to crime asked of all respondents.

Sample

An a priori criterion for a satisfactory minimum of completed questionnaires was set at 250. There are 9,034 dwellings in Dubbo (A.B.S., 1981 census) which form about 7,914 separate households, assuming the same ratio of households to dwellings as found in the 1975 A.B.S. Victims survey (i.e. 0.876 to 1).

The number of surveys actually completed was 259 (one survey per household), making this an approximately 3.3 per cent sample of all households in Dubbo. By comparison, A.B.S. used a 0.2 per cent sample in their survey, while Congalton et al (1973) used only 0.05 per cent of their respective populations, though the absolute numbers surveyed were larger in both cases than in the present survey.

The dwellings were selected at random, firstly by choosing a street name at random from a pool of all street names in a given area of Dubbo, and then randomly choosing the section of dwellings on that

street to be approached (usually about five dwellings). Each of the dwellings in that section was approached, and when this number was exhausted, either by refusals or by completing a survey, the interviewers moved on to the next street on their lists. An attempt was made to represent all areas of Dubbo, and to give an even geographical spread of respondents, by dividing the city into ten roughly similar sized areas and collecting at least 25 surveys from each area. One area, in the centre of the city, was excluded as there were very few, or no, residents there. To enable comparison with the 1975 A.B.S. survey, victims under the age of 15 years were also excluded.

Collection

Personal interviews by interviewers instructed in the methods and aims of the survey were used to collect the survey data. Following A.B.S. procedure, an attempt was made to speak personally to the victim of any crime mentioned to the interviewer but, where this was not possible, a responsible adult from the same household was asked the victim specific questions on behalf of the absent victim. Where even this could not be done, because the answers were unknown (or the respondent refused) this has been indicated in the results.

Appropriate definitions (e.g. victim, crime type etc.) and qualifications (e.g. potential sampling and non-sampling errors) are those given in the 1975 A.B.S. report (p.4-6), and further detail on these matters may be found there.

The survey was conducted during the week of the 16th to the 22nd of June 1986, and asked about crimes occurring in the 12 months preceding the day of the survey.

Refusals

A household was not surveyed if: (1) no one was home, or the door was not answered; (2) a 'No hawkers or canvassers' sign, or similar, was displayed; (3) access could not be gained to the house (locked gates, dogs etc.); (4) an adult householder answering the door refused to do the survey. In addition, provision was made for the respondent to refuse to answer specific questions, particularly those which might create embarrassment or distress, for example, those relating to sexual offences.

Predictions

There were three broad outcomes which could be expected from the present survey:

- (a) The level of unreported crime may be higher than the level for the remainder of Australia, thus confirming the claims of the 'law and order' lobby.

- (b) The level of unreported crime may be not significantly different from the Australia-wide level, which would demonstrate no support for the claims of the law and order lobby.
- (c) The level of unreported crime may be lower in Dubbo than in other areas, which would not only refute the claims of the law and order lobby, but raise the question of what factors lie behind the perception of many that crime rates in Dubbo are higher than elsewhere.

7.3 Levels of unreported crime

Results

A total of 259 surveys were completed, one survey per household. Of these 107 (or 41.5 per cent) of households reported being the victim of one or more incidents in the preceding 12 months and, of these, 41 (15.8 per cent of the total) were victims of multiple incidents.

The principal result was that concerning the relative incidence of unreported crime in Dubbo compared with the results of the 1975 A.B.S. survey. These two sets of figures are given below in Figure 7.1 and Table 7.1

The data are given in terms of the amount of crime reported, following A.B.S. practice. The level of unreporting is not necessarily 100 per cent minus the reported percentage since in some percentage of cases, it was not known whether the crime was reported or not.

Table 7.1 suggests that residents of Dubbo were, on average, more likely to report offences than the Australian population as a whole.

The difference between the results for Dubbo and for the national survey by A.B.S. is 14 per cent, which is statistically significant at the $p = 0.05$ level.¹ This difference is reduced to 7 per cent (49 per cent vs 42 per cent) when the category of vandalism/arson is deleted from the Dubbo results and of 'nuisance calls' is removed from the A.B.S. results as these are not represented in the opposing set of figures. Nevertheless this 7 per cent difference remains significant at $p = 0.05$. Thus, there is less than one chance in twenty that the difference in the results between the present study and the A.B.S. results is the product of 'chance' alone, and it may be reasonably concluded that the level of unreported crime in Dubbo is significantly lower than that for Australia as a whole. That is to say, the theory of excessive under-reporting of crime in Dubbo cannot be supported from the present results. Indeed, these results support the opposing theory that crime is more often reported in Dubbo than it is Australia-wide.

¹The standard error of the percentage of total offences reported was 3.11%, thus the 95% confidence interval for that value is 51% +/- 5.12%. A.B.S. do not quote the standard error of the comparable figure from their report but, given their sample size, the error will be of the order of +/- 0.55%.

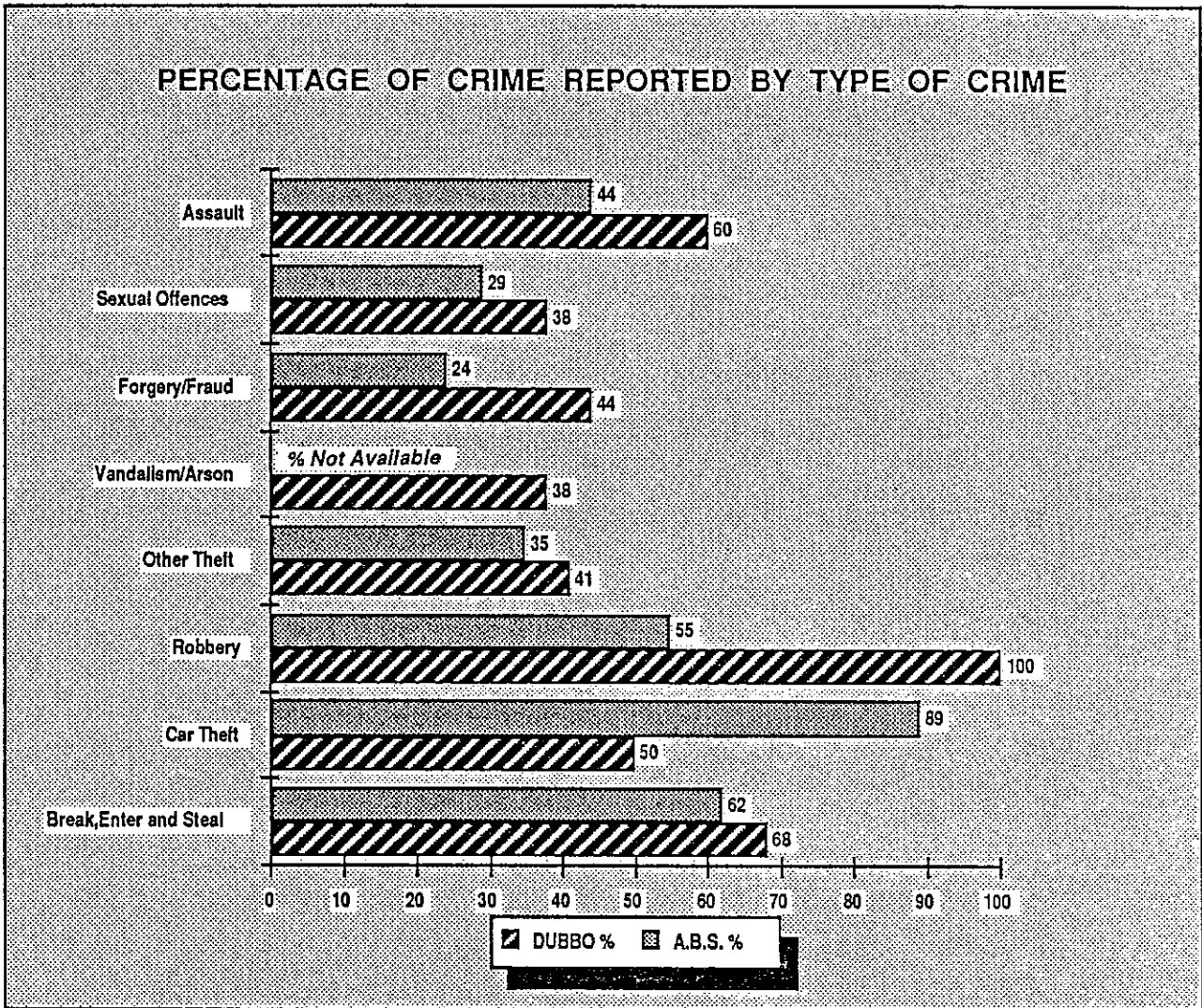


FIGURE 7.1

TABLE 7.1
Percentage of crime reported by type of crime

Offence	Dubbo %	A.B.S. %
Break, enter and steal	68.0	62.0
Motor vehicle theft	50.0	89.0
Robbery	100.0	55.0
Other theft	41.0	35.0
Vandalism/arson	38.0	N/A
Forgery/fraud	44.0	24.0
Sexual offences	38.0	29.0
Assault	60.0	44.0
Total, all offences	49.0	35.0

The number of incidents in each offence category is too small to permit similar statistical comparisons, as they are subject to relatively high standard errors. Nevertheless, the level of reporting appears to be higher in Dubbo than in the rest of Australia for all offence categories but one (motor vehicle theft) though the raw number of incidents in this category is fairly low (18) and the result, like other comparisons of individual offence categories, should be interpreted cautiously. For example, it would not be valid to draw such conclusions as 'every robbery is reported in Dubbo' or 'exactly half the car thefts in Dubbo are reported' from Table 7.1

Discussion

One possibility is that, rather than crime being 'over-reported' in Dubbo, there is simply (in Dubbo) a greater proportion of the types of crime which tend to have high reporting rates. Victims could, if this were the case, report the various categories of crime at rates similar to (or even less than) the rates for that category in other parts of the country but, because of the greater relative incidence of the types of crime with normally high levels of reportage, it appears as though all crime is being over-reported.

For this alternative explanation to be plausible, however, requires evidence of (i) a greater relative incidence of the 'normally highly reported' crimes (such as car theft) and (ii) 'normal' (or lower) rates of reporting for each crime category. Condition (ii) is not supported by the results displayed in Table 7.1, in which reporting rates for the various categories of crime appear to be higher in Dubbo than in the A.B.S. figures for all categories except that which is usually the most frequently reported category of crime, car theft.

In addition, while there are some differences between the relative percentages of the various crime types in the current and A.B.S. (1975 p.25) data, these differences are not reliable and, in any case do not appear large enough to support the alternative interpretation under consideration (see Table 7.2 - Congalton et al's results are also included for comparison as the available A.B.S. results do not cover all categories).

TABLE 7.2
Type of crime as a percentage of all crimes

Offence	Dubbo	A.B.S.	Congalton
Break, enter & steal	16.9	11	17
Motor vehicle theft	6.5	4	7
Robbery	0.7	1	2
Other theft	26.3	44	27
Vandalism/arson	16.5	N/A	9
Forge/fraud	12.9	15	11
Sexual offences	7.2	11	8
Assault	12.9	14	18

It would appear, then, that incidents perceived as crimes by the victims, are genuinely more often reported in Dubbo than on average, Australia wide. The present data do not, of course, explain why this should be so, but one possibility is that, due to the greater public awareness of the supposed 'crime wave' during the preceding 12 months in Dubbo, people are more likely to:

- (a) initially perceive an act or state of affairs (e.g. notice that something is missing in suspicious circumstances); or
- (b) classify that event as a 'crime'; or
- (c) decide to report the event to the police; or
- (d) some combination of these (Sparkes et al, 1977).

This, in turn, raises the possibility that a public cry of 'crime wave' becomes a self-fulfilling prophecy, as people become more sensitized to the issue of crime, hence report it more often, hence increasing the 'crime figures' for that period and thus confirming the original claim.

Regardless of which variable(s) influence the number of crime reports accepted by police, those which affect the rate of reporting of crime to police will do so by affecting the actions labelled (a)-(d) above. The possible role of the media in this process is further discussed below.

Reasons for reporting and non-reporting of incidents

Part of the decision to report an incident, perceived as a crime, to the police is that there will be some benefit or, at least, little or no cost, involved in doing so. In this light, the most commonly cited main reasons for not reporting in Dubbo [one response per respondent, N = 43] were that the offence was too trivial (49%) or that the police could not help (23%). All other reasons were cited less than 10 per cent of the time and could not be reliably ranked in frequency. Nevertheless, the two most common reasons stated in Dubbo are the same as the two most common reasons cited in the A.B.S. 1975 survey.

On the other-hand, the most common main reasons for reporting crimes were to punish the offender and to recover stolen property (both 31 per cent, N=52). Secondary reasons were to fulfil a moral obligation and to prevent the crime recurring (both 14 per cent), with other reasons being less than 10 per cent. Taken together with the higher level of reporting of crime in Dubbo, one interpretation of the results would be that, although the main reason for not reporting crime is because it is too trivial, what is considered a 'trivial' crime in other places is seen as serious enough to report to police in Dubbo. On the basis of the present data alone, only speculation could be offered as to the reasons for this difference in criterion.

7.4 Levels of concern about crime

A secondary purpose of the survey was to gain some insight into attitudes to crime in Dubbo. Both victims and non-victims were asked a series of questions, mostly taken from the earlier survey on Sydney households by Congalton (1973), concerning their feelings about crime. Any direct comparison between the results of these two surveys is obviously very tentative. Given the differences in time and setting, differences between the two surveys may not be unexpected. On the other hand, where similarities are found, they will be ones which, potentially, extend beyond the particular situations in which they were originally discovered.

Results were as follows:

Perceived safety of neighbourhood

Respondents were asked to rate how safe they felt while walking alone in their neighbourhood during the day (Table 7.3) and at night (Table 7.4), and were then asked how likely they were to experience an actual attack (Table 7.5). The results allow a comparison of the respondents' subjective fear of attack with their own estimate of how likely they are to experience one.²

²For all tables the number of victims is N = 107 and non-victims N = 152, total 259. Where columns do not sum to exactly 100 per cent, this is due to rounding error except for Tables 14 - 17 in which respondents could give more than one response and the totals are therefore greater than 100 per cent.

TABLE 7.3
Level of feeling of safety in own neighbourhood
during daylight hours

	Victim	Non-victim	Both	Congalton
	%	%	%	%
Very safe	72.9	70.4	71.4	87.9
Somewhat safe	24.3	26.3	25.5	8.9
Somewhat unsafe	0.9	2.6	1.9	2.4
Very unsafe	1.8	0.7	1.2	0.9

TABLE 7.4
Level of feeling of safety in neighbourhood at night

	Victim	Non-victim	Both	Congalton
	%	%	%	%
Very safe	16.8	16.4	16.6	35.6
Somewhat safe	30.8	25.0	27.4	27.9
Somewhat unsafe	24.3	30.3	27.8	21.4
Very unsafe	28.0	28.3	28.2	15.2

Congalton's results showed that the great majority of people felt very safe in the streets of their respective neighbourhoods, but that this feeling of safety declined markedly after dark. While this general pattern was repeated in the present results, the relative proportions of respondents in each category was rather different. In particular, although a similar proportion (approx. 96 per cent) of respondents felt safe on the streets in some degree in both studies, rather more felt 'very safe' in Sydney than in Dubbo (88 per cent vs 71 per cent). After dark, less than half the Dubbo respondents felt in some degree safe (44%), whereas almost two thirds (64%) of the Sydney respondents still felt so (see Table 7.5).

In contrast to this (again following Congalton's results), the number of people in the Dubbo survey who felt at all likely to be actually attacked on the street at night was considerably less than the number who felt in any degree unsafe (39 per cent vs 56 per cent). This

suggests that the feelings of insecurity amongst Dubbo residents, already rather greater than that found amongst Congalton's Sydney sample, is disproportionately higher than their own expectations of an actual attack, irrespective of the objective likelihood of that attack. None of these patterns are markedly different between victims and non-victims.

TABLE 7.5
Perceived likelihood of attack at night

	Victim	Non-victim	Both	Congalton
	%	%	%	%
Very likely	12.4	9.3	10.6	7.0
Somewhat likely	30.5	26.7	28.2	21.0
Somewhat unlikely	30.5	36.7	34.1	30.4
Very unlikely	25.7	27.3	26.7	41.2
Don't know	0.9	0.0	0.4	8.4

Congalton's results included a 'don't know' category which proved virtually unnecessary in the present study as only one respondent could not answer this question. Table 7.5 shows the original findings of Congalton's study, with a fairly high percentage of answers in the 'don't know' category. In order to make the results of the two studies more closely comparable, the 'don't know' category in Congalton's results may be distributed across his remaining four categories. There would appear to be an error in Congalton's table (1973:53), however, as the numbers given there sum to 108 per cent, rather than the expected 100 per cent. It appears most likely that the 'don't know' category should read 0.4 per cent rather than '8.4 per cent'. This finding would be consistent with the present results, and allow a direct comparison of the other categories between the two studies.

The greater degree of insecurity felt by Dubbo residents about walking the streets of their neighbourhood, extended to their concern about their households. Generally speaking, Dubbo respondents were more concerned than their Sydney counterparts about housebreaking, with some tendency for victims to be more concerned than non-victims although this was not a particularly marked difference.

TABLE 7.6
Level of concern about possible housebreaking

	Victim	Non-victim	Both	Congalton
	%	%	%	%
Very concerned	40.2	30.9	34.7	25.9
Somewhat concerned	43.9	48.0	46.3	41.7
Don't worry	15.9	21.1	18.9	32.3

This additional concern was apparently not sufficient, however, to produce a noticeably greater incidence in the keeping of firearms solely for the protection of the household.

TABLE 7.7
Percentage of respondents which claimed
to keep guns in the house solely for protection

	Victim	Non-victim	Both	Congalton
	%	%	%	%
Yes	16.2	11.2	13.2	11
No	83.8	88.8	86.8	89

It should be noted, though, that many interviewers indicated that they felt that the answers given to this question were often unreliable, and may under-estimate the number of firearms actually possessed by households, even if these firearms are not kept solely for 'protection'.³

Dubbo respondents were also asked about their degree of concern over leaving their house unattended while away on holidays. This question was not asked in Congalton (1973), but previous complaints from the Bourke area in submissions to the then Premier Mr. Neville Wran had cited the widespread fear of leaving the house unattended, as one factor necessitating a crackdown on 'crime' in that area. It was

³It is also worth noting that the then Superintendent of Dubbo Police District, Mr. Gudgeon, has estimated that in 1986 there were 60,000 guns in Dubbo city alone (Personal communication).

therefore considered worthwhile to see if such fears were widespread in the Dubbo area and, if so, obtain some estimate of the level of concern.

The results showed that, although rather more than one quarter of all respondents were 'very worried' about leaving their house unattended, somewhat more (29.6%) were 'not worried at all' (see Table 7.8).

TABLE 7.8
Level of concern about leaving house unattended

	Victim	Non-victim	Both	Congalton
	%	%	%	%
Very worried	38.3	19.7	27.6	N/A
Somewhat worried	34.6	49.3	43.6	N/A
Not worried	27.1	30.9	29.6	N/A

The distribution of replies for all respondents was not significantly different from the pattern expected if there was no widespread fear of leaving the house.⁴ This overall result, however, obscures the difference between the responses of victims and non-victims. While similar proportions of these groups were 'not worried at all', nearly twice as many victims as non-victims felt 'very worried' at the prospect of leaving their home unattended.

Overall, the picture is one showing Dubbo respondents as having a high level of and (in terms of their own perceptions about the likelihood of actual attack) perhaps unreasonable, fears about walking the streets and having their houses broken into. These fears have not, however, produced extreme measures such as buying guns solely for the purpose of protecting the home, nor marked concern about leaving the home unattended, though the level of concern is, at times, rather higher for those who have been the victim of some type of crime than for those who have not.

7.5 Opinions on the criminal justice system

Police

The great majority (80%) of respondents expressed some degree of approval for the way in which police carried out their job, only 7 per cent expressing disapproval (see Table 7.9). These figures

⁴That is, it is not significantly different from the expected frequencies predicted by the binomial distribution, and could have been by chance (Chi-Squared = 4.89, df = 2, p > 0.05). Note that this does not mean that there is no concern with leaving the house unattended, rather that the level of concern is not unusually high.

parallel Congalton's except in the 'don't know' or 'no opinion' category which is considerably higher in the present study in most questions dealing with the police. Why this is so cannot be determined from the present data alone, but it is notable that non-victims had higher (often much higher) 'don't know' rates in all questions about policing, suggesting that those with less contact with, or direct experience of police work, are less willing to express a definite opinion.

TABLE 7.9
Level of approval for the job done by police

	Victim	Non-victim	Both	Congalton
	Z	Z	Z	Z
Excellent	13.3	11.8	12.5	11.6
Good	41.9	46.1	44.4	44.4
Fair	30.5	19.7	24.1	31.2
Poor	8.6	5.9	7.0	10.4
Don't know	5.7	16.4	12.1	2.5

Although there was considerable general approval of the police work, when asked the more specific question of how well the police paid attention to complaints, the results were somewhat different.⁵

TABLE 7.10
Level of satisfaction with police attention to complaints

	Victim	Non-victim	Both	Congalton
	Z	Z	Z	Z
Excellent	13.3	9.9	11.3	58.4 } 61.4 'Approve'
Good	39.0	27.6	32.3	
Fair	18.1	12.5	14.8	
Poor	16.2	7.2	10.9	19.1 'Disapprove'
Don't know ...	13.3	42.1	30.4	19.5 'No opinion'

⁵Congalton's allowable responses were 'very good', 'pretty good' (taken here as 'approving'), 'not so good' (disapproving) and 'no opinion'. The 'excellent', 'good', and 'fair' categories from the present study may be pooled to provide a closer comparison with the 'approve' category in Congalton's results.

To have a definite opinion on this question presumably requires more direct experience of the police in operation, which is perhaps why over 40 per cent of non-victims and only 13 per cent of victims gave 'don't know' responses. Largely due to this factor, the approval rating of the police dropped from over 80 per cent to under 60 per cent on this question, though the 'disapproval' rate remained roughly similar. It may be noted however, that victims tend to rate police performance as 'poor' in this area more often than in the more general evaluation of the job done by police (16 per cent vs 9 per cent), most of these responses apparently coming from the 'fair' category. Congalton's results displayed a similar drop in police approval rating (87 per cent to 64 per cent) while his 'disapproval' rating increased (10 per cent to 19 per cent). Only about two-thirds as many respondents expressed 'no opinion' in the Congalton's study as did so in the present one (19.5 per cent vs 30.4 per cent).

One interpretation of these results is that public opinions about policing are not normally formed on the basis of first-hand experience of police work, but rather, of whatever information is propagated by police, media and other interested groups, on the status and efficiency of the police. This may create unrealistic expectations of what the police are capable of which are then not fulfilled when the experience of being a victim of crime brings them into contact with police, leading some who may have given police the 'benefit of the doubt' on the first question, to rate police performance as 'poor' on the latter question.

However, the general level of disapproval of the police's work was only about half that found in Congalton's survey, although the 'approval' rating was almost identical. This suggests, again, that Dubbo respondents are less informed about police activities than Congalton's or, alternatively, that they are just as informed but would rather offer no opinion, than a derogatory one.⁶

A very similar pattern of results was found when respondents were asked to evaluate the, again more specific, question of police performance in giving protection to the neighbourhood (see Table 7.11) and, mutatis mutandis, similar remarks to those made about the previous question may be made, again, about this one. Again, about 60 per cent of respondents, both victims and non-victims, to some degree approved of police performance in this area, a result which closely accords with Congalton's. About 10 per cent disapprove, about half Congalton's rate. A correspondingly greater number of people expressed no opinion.

⁶A possibility is that some respondents thought that the survey was being conducted by an agency connected with the police, and answered "appropriately". There may, of course, by other reasons why people, concerned about crime in their community, would not like to think that the police were not "doing a good job".

TABLE 7.11
Level of approval for the job police do in protecting people

	Victim	Non-victim	Both	Congalton
	%	%	%	%
Excellent	11.2	9.9	10.4	
Good	26.2	30.9	29.0	59.5
Fair	23.4	17.8	20.1	59.2
Poor	14.0	7.2	10.0	18.3
Don't know	25.2	34.2	30.5	22.5

Whatever reservations about police performance respondents express in other questions, these are no longer manifest when respondents were asked whether police powers should be increased or not (see Table 7.12). In this case, nearly 60 per cent felt that police should have more powers and less than 2 per cent felt they should have powers taken away. This contrasts with the 80 per cent who expressed a measure of approval for the job done by police. The apparent contradiction here might be resolved if respondents saw the former question as one of how well the police were doing their job within their present constraints, while the latter question concerns the effectiveness of the police's work. The implication would be that respondents feel that the police do 'as well as they can' under existing conditions but they are hampered in doing all that they might in some cases because of a lack of powers under various laws. Such opinions were informally expressed by several respondents and have been frequently (and less informally) expressed by police and their supporters in many places (see for example Daily Liberal 10/8/85, p.1; 12/9/85, p.8; and in statewide advertisements following the repeal of the Summary Offences Act in 1979).

It is, perhaps, surprising that although over 30 per cent of respondents were unwilling or unable to express an opinion on how well police responded to complaints or protected their neighbourhood, only about 5 per cent expressed no opinion on the issue of police powers (see Table 7.12). However, as with the issue of the job police are doing, respondents must rely to a great extent on information provided, directly or indirectly, by police themselves and their supporters. In fact, there has been in Dubbo, a recent and concerted campaign to provide just such information (to the effect that police require more power to deal with certain situations such as 'street crime', vandalism and juvenile crime, (see for example, Pamphlet for the Dubbo Law and Order Meeting, 10/10/85, 1.1, Appendix A, and the newspaper coverage of the event in the Daily Liberal at the time). It would appear that this information has been successful

in its aim of creating a strong public feeling that more police powers are required. For example, 60 per cent of Dubbo residents felt that police should have more power, compared with Congalton's finding of about 20 per cent in Sydney. The bulk of Congalton's subjects (64%) felt that police had sufficient power and over 9 per cent felt that their power should be reduced whereas only 1.6 per cent of Dubbo residents felt that a reduction was desirable.

TABLE 7.12
Preferred level of police powers

	Victim	Non-victim	Both	Congalton
	%	%	%	%
More	61.0	57.9	59.1	21.2
Enough	33.3	34.9	34.2	63.6
Less	1.9	1.3	1.6	9.2
Don't know	3.8	5.9	5.1	6.0

Overall, Dubbo respondents expressed high levels of approval for police and supported giving them greater powers in certain areas. (Respondents were not required to cite specific areas but a few spontaneously offered suggestions: these were 'Aboriginals' (4), domestic violence (4), juveniles and street crime (1 each)).

It is possible, however, that this high opinion is founded (perhaps necessarily) on second hand, and not necessarily accurate, information about police practice, which is not always borne out by direct experience.

Courts

In contrast to the situation of the job done by police in which only 7 per cent rated their performance as 'poor', over 40 per cent of respondents felt that the courts did a 'poor' job in dealing with crime, with a slight tendency for victims to rate the courts performance lower than non-victims (see Table 7.13). The overall pattern of ratings was fairly close to that found by Congalton, the greatest difference being, again, that many more Dubbo residents expressed no opinion on the courts.

All respondents were asked to nominate the main reason for their judgement of the courts' performance, to which 175 of 259 respondents replied. Their answers are summarised in Table 7.14. An overwhelming majority of respondents gave as the main reason for the courts' failings, that the sentences (or, rather, punishments) handed

out were too light (76%). A further 6.9 per cent felt that the courts were in some way biased, or unfair in their judgements. Respondents' answers made it clear that this bias was concerned with Aboriginal people and/or juveniles, who were felt to be leniently treated. Only about 17 per cent of respondents felt that the courts were doing the 'best they can' but that other factors, such as backlogs and delays, were to blame for the courts' inefficiency. Congalton's figures on this question are not easily comparable with the present results, since both cover a range of responses to open ended questions. When Congalton's results are summarised under the same headings as used in the present report, they suggest a similar ordering of responses. The percentages in each category, however, cannot be meaningfully compared with the present results as the content of each category is different in each study. For example, the 'bias' category in Congalton's results includes 16.9 per cent of responses suggesting that punishments are too harsh, a response not given in the present survey.

TABLE 7.13
Level of approval for the job done by courts

	Victim	Non-victim	Both	Congalton
	%	%	%	%
Excellent	2.8	2.0	2.3	2.6
Good	12.1	17.8	15.4	19.6
Fair	28.0	22.4	24.7	28.0
Poor	43.0	38.2	40.2	43.0
Don't know	14.0	19.7	17.4	6.9

TABLE 7.14
Principal reason for expressed disapproval of courts

	Victim	Non-victim	Both	Congalton
	%	%	%	%
Light punishment	68.7	80.6	76.0	43.5
Best they can	22.4	13.9	17.1	31.5
Bias/unfair	9.0	5.6	6.9	25.0

N (victims) = 67

N (non-victims) = 108

Somewhat surprisingly, given that one of the main reasons crimes were reported to police was to punish the offenders, the victims of those crimes tend, rather more often than non-victims, to feel that the courts do the best they can and, rather less often than non-victims, that punishments handed down by the courts are too light. This is not to say that every victim is less 'punitive' than non-victims, merely that this is possibly so on average. Another possibility is that, at least among those victims who offered reasons for their judgement of the courts' performance, there was (on average) a greater familiarity with the court system. This may enable victims to have a better understanding of, of sympathy toward, the role of the courts.

Nevertheless caution should be exercised in attempting to draw conclusions about the entire population of victims and non-victims from such small samples, as such inferences are statistically unfounded and thus unreliable. The 'victims are less punitive' theory (irrespective of the supposed causes of reduced punitiveness) is perhaps best viewed as a tentative suggestion, to be more fully evaluated by other research.

7.6 The general perception of 'crime' in Dubbo

At the conclusion of the survey, two open ended questions were asked to allow respondents a relatively unconstrained opportunity to voice their opinions about crime in Dubbo and possible solutions of it. Respondents were permitted to give as many responses as they wished to these questions, though most offered only one or two⁷.

When asked "What do you think is the main problem with crime or law and order in Dubbo?", most respondents offered one or more comments on what they felt were the causes of crime, though a minority of comments were on which specific types of crime were 'problematic', that is increasing. Thus, the following breakdown does not so much describe which offences respondents see as 'the problem' but rather their beliefs about what creates crimes of whatever type. For example, although 'street offences' is the least cited category, that does not mean there is little or no 'problem' with street offences in Dubbo. Any of the respondents who see, for example, 'insufficient police power' as the 'problem' may feel that it is a problem only because the police seem unable to control street offences. Nevertheless, it is of interest that supposed causes of crime are given greater prominence than the crimes themselves in the current survey. Some possible reasons for this are outlined below.

⁷The average number of responses to the first question was 1.46, and to the second was 1.36.

TABLE 7.15
Perceptions of the 'main problem' with crime

	Victims		Non-victims		Both	
	(a)	(b)	(a)	(b)	(a)	(b)
Insufficient/police power ...	18.7	14.2	21.7	13.7	20.5	14.0
Juveniles	24.3	18.4	19.1	12.2	21.2	14.5
Aborigines	23.4	17.7	12.5	8.0	17.0	11.6
Unemployment/economy	17.8	13.5	21.1	13.4	19.7	13.5
Drugs	7.5	5.7	13.8	8.8	11.2	7.7
Alcohol	4.7	3.5	8.6	5.5	6.9	4.7
Family break	5.6	4.3	14.5	9.2	10.8	7.4
Assault	0.0	0.0	5.9	3.8	3.5	2.4
Break & enter	3.7	2.8	5.9	3.8	5.0	3.4
Vandalism	3.7	2.8	4.6	2.9	4.2	2.9
Street offences	6.5	5.0	0.0	0.0	2.7	1.8
No problem	6.5	5.0	18.4	11.8	13.5	9.2
Don't know	9.3	7.1	10.5	6.7	10.0	6.9
Number of responses	N = 141		N = 238		N = 379	
Number of respondents	N = 107		N = 152		N = 259	

Column (a) figures are % of respondents
 Column (b) figures are % of responses
 Columns do not sum to 100 as multiple responses may be given by each respondent, allowing them to be counted more than once.

Four principal 'causes' of crime were singled out. 'Juveniles' was cited by over 21 per cent of respondents as the main 'problem' with crime, followed by 'insufficient police power' (20.5%), 'unemployment and the economic recession' (19.7%) and 'Aborigines' (17%). The various specific offence categories, such as 'break & enter' and 'assault' were all cited by less than 5 per cent of respondents and a number of 'secondary' causes, 'drugs', 'alcohol' and 'family breakdown' formed an intermediate group between specific offences and main causes. Notably, although the question required respondents to decide what the problem with crime in Dubbo was, and thus suggested that there was, indeed, a problem, over 13 per cent said that there was either no problem with crime in Dubbo or that it was no worse than elsewhere.

Although the overall pattern of results is similar for both victims and non-victims, there is some tendency for victims more often to ascribe 'the problem' to Aborigines and juveniles, while non-victims more often cited family breakdown, drugs and alcohol. The reasons for this difference cannot be determined from the present data,

though the effects of the victim's personal experience of crime cannot be excluded. Whether this experience serves to make them more informed about crime, or makes them more aware of 'crime information' received after the event in the media is not clear.

Regardless of these differences in the perceived causes of crime, victims and non-victims who felt that there was a crime problem were very similar in their suggestions as to what should be done about it (see Table 7.16). The main difference between them was, perhaps understandably in the light of the responses to the previous question, for non-victims to express a slight preference for 'greater job opportunities' and 'more family support' over the somewhat more immediate solution of 'neighbourhood watch', more often favoured by victims. In addition, some victims offered 'punitive' responses such as 'community crackdowns on crime' and 'focus on Aborigines', which non-victims did not.

TABLE 7.16
Proposed solutions to the crime problem

	Victims		Non-victims		Both	
	(a)	(b)	(a)	(b)	(a)	(b)
More police	24.4	17.7	29.6	22.1	27.3	20.1
Police more visible	18.9	13.7	17.6	13.1	18.2	13.4
Neighbourhood Watch	16.7	12.1	8.3	6.2	12.1	8.9
More jobs	8.9	6.5	13.9	10.3	11.6	8.6
Juvenile facilities	11.1	8.1	8.3	6.2	9.6	7.1
Less welfare	3.3	2.4	7.4	5.5	5.6	4.1
Family support	8.8	6.5	13.9	10.3	11.6	8.6
Improve education	7.7	5.6	4.6	3.4	6.1	4.5
Attack drugs	1.1	< 1	4.6	3.4	3.0	2.2
Community crackdown	5.6	4.0	0.0	0.0	2.5	1.9
Focus on Aborigines	13.3	9.4	0.0	0.0	6.1	4.5
Change courts	6.7	4.8	6.5	4.8	6.6	4.8
Don't know	11.1	8.1	19.4	14.5	15.7	11.5
Number of responses	N = 124		N = 145		N = 269	
Number of respondents ⁸	N = 90		N = 108		N = 198	

Column (a) figures are % of respondents.
Column (b) figures are % of responses.

⁸The number of respondents is less than that in Table 7.15, because those respondents who answered 'no problem' or 'don't know' to the previous question were not included in the results given in Table 7.16.

Easily the most popular proposed solution among all respondents who felt that there was a crime problem in Dubbo⁹ was 'more police', (20 per cent of responses, and 27 per cent of respondents - see Table 7.16) but that was frequently coupled with the suggestion that police should be more visible in the streets. Generally, 'social welfare' oriented solutions such as 'more jobs', 'increased juvenile facilities', 'less welfare', and 'more family support', were less popular than those responses concerned directly with police and police practices. Somewhat surprisingly, despite widespread disapproval of the performance of the courts in controlling crime, less than 7 per cent of respondents to this question felt that reform in this area was worth citing as a possible solution. This may reflect a lack of awareness of the courts and their function (see above), and suggests that police are generally viewed as the most important element in the control of crime, although some awareness is shown of those wider social problems which may create the conditions in which crimes are more likely to be committed in the first place.

This table, therefore, represents the views of those that clearly thought there was a crime problem in Dubbo, not the views of all respondents. Thus, for example, although 27.3 per cent of respondents to this question felt there should be more police in Dubbo to control crime, because of those excluded on the basis of the previous question, this opinion is actually supported by only 20.8 per cent of all respondents. One interpretation of this is that only one fifth of Dubbo residents feel that 'more police' are needed, or would be effective, in Dubbo.

7.7 Respondents information about crime

One factor which has been mentioned a number of times in the preceding analysis, has been the amount of information about crime possessed by the respondents. As opinions about 'crime' in general (rather than specific instances of it) may be formed, or profoundly influenced, by the nature and amount of information gathered by respondents from sources other than direct experience, it was decided to investigate the relative importance of the various sources of information available to respondents. Each respondent was asked to nominate the sources from which they ever received crime information (respondents could indicate as many sources as they wished), and then which of these was the main source. The results, in terms of the percentage of respondents citing each source, are presented in Tables 7.17 and 7.18.

It is clear that it is newspapers (and, from the responses, particularly local newspapers) which the greatest numbers of respondents (over 80 per cent) consult for information on crime, and which over 40 per cent of respondents consider to be their main source of such information. The percentage of people nominating the

⁹It must be noted that 13.5 per cent, or about one seventh, of respondents felt that there was "no problem" with crime in Dubbo, or that it was "no worse than elsewhere".

print media as their main source of information about crime was considerably greater than the percentage nominating the next most common categories, the electronic media, hearsay, and (considerably less frequently) personal experience. Victims, not surprisingly, were able to cite the direct experience of a crime (or crimes) as a source of information much more frequently than non-victims (21.5 per cent vs 7.25 per cent) but less than 3 per cent of victims (and less than 1 per cent of non-victims) cited this as their main source of information. This suggests that even victims do not see issues concerning crime simply in terms of their own (perhaps limited) personal experience of it, but rather, favour second hand reports of events and comments on those events provided by the newspapers.

TABLE 7.17
Sources of crime information

	Victim	Non-victim	Both
	%	%	%
Newspapers	83.8	82.2	82.2
Television	66.4	78.9	73.7
Radio	57.9	61.2	59.8
Talking/hearsay	42.1	43.4	42.8
Personal experience	21.5	7.2	13.1
Politicians	11.2	8.5	9.7
Church	6.5	6.6	6.6
Police	17.8	11.8	14.3

N.B. Columns sum to more than 100% as multiple responses could be given by each respondent, allowing them to be counted more than once.

The significance of this for the present study is that, during the last twelve months in Dubbo, considerable newspaper attention has been given to an alleged 'crime wave' in the area, and to the remedies proposed for that 'crime wave' by certain prominent individuals and groups within that community. This was over and above the usual coverage given to crime by the local paper. Amongst recent claims presented in the paper have been a number of statements which closely parallel those given by the respondents to this survey. For example, one set of claims frequently presented has taken the form "there is a crime wave in Dubbo and that this is principally due to juveniles (Daily Liberal, 13/7/86, p.3; Daily Liberal, 15/7/86, p.2) and Aborigines (Daily Liberal, 12/9/85, p.5; 16/9/85, p.4), against whom the police, who are understaffed (Daily Liberal, 19/5/86, p.1; 23/4/86, p.1), have insufficient legal powers to arrest these culprits (Daily Liberal, 12/9/86, p.1). Even if they

are arrested (it is said) the courts do not impose sufficient sentences to deter the offenders from committing more crime (Daily Liberal, 5/9/86). Indeed the situation is so bad that the "average citizen can no longer feel safe in the streets" (Daily Liberal, 9/9/85, p.1; 9,10/8/86, p.2; 1/8/86, p.1).

TABLE 7.18
Crime information (main source)

	Victim	Non-victim	Both
	%	%	%
Newspapers	37.4	43.2	40.7
Television	24.3	24.5	24.4
Radio	20.0	19.4	19.6
Talking/hearsay	14.8	10.3	12.2
Personal experience	2.6	< 1	1.5
Politicians	0.0	0.0	0.0
Church	0.0	0.0	0.0
Police	< 1	1.9	1.5

N.B. N (Victims) = 115 as 10 respondents would not decide between 2 'main' sources (usually TV and radio). Both replies were then counted separately. N (Non-victims) = 155, following the same procedure, as 3 respondents could not decide between Radio and TV.

A more detailed study of newspaper reporting in the Daily Liberal during 1986 (see Cunneen, 1987) has indicated both the restricted nature of the arguments presented in that paper concerning issues of criminal justice and the way in which Aboriginal people have been associated with crime. It was found that with articles in the paper relating to the administration of criminal justice and with Editorial comment in the paper that the Police Association and the Law and Order Committee were major sources of material and argument. Table 7.19 shows the source of information for newspaper articles dealing with issues of criminal justice during a three month period (April 1, 1986 to June 30, 1986).

The source of information for the various articles is important because of the connection between the information provided and the position argued within the articles. It is evident that articles on criminal justice focus on the need for more police and issues of law and order. The source of information for many articles are those groups with particular interests to promote: the Police Association and the Law and Order Committee. This is not to argue that the information provided is in some way 'wrong'. For instance, there is no simple truth or falsity in the claim that 'N.S.W. needs 2,000 more

police'. Such claims can only be determined through rational debate over future policy. To engage in that debate a balance must be presented of different arguments and viewpoints.

TABLE 7.19
Source of news items

Source of information	Main source	Subsidiary source	Total
Police Association	7	2	9
Police spokespersons	7	1	8
Law and Order Committee	3	4	7
Local Member of Parliament	3	0	3
Neighbourhood Watch Co-Ordinator ...	5	0	5
Bureau of Crime Statistics & Research/N.S.W. Attorney General's Department	3	0	3
Other	3	1	4
	31		

Table 7.20 shows the subject matter of twenty five editorials concerned with criminal justice during a nine month period.

TABLE 7.20
Major editorial topics

Topic	No.
More police	6
Law and Order Forum	5
Vandalism	5
Crime figures	3
Prisons/penalties/sentencing	3
Operation Noah	1
Police video interviews	1
Police/community consultation	1
TOTAL	25

The major editorial topics and the sources used as the information for those topics show a strong editorial comment on the issues raised by the Law and Order Committee. In particular the meetings of the Law and Order group, the issue of more police in Orana (which came from both the Police Association and the Law and Order Committee) and the issue of vandalism pre-occupied the editorials which were concerned with criminal justice.

The study by Cunneen also indicated that during certain periods, the Daily Liberal had openly associated Aboriginal people with crime. While this association was not the normal practice of the paper it was significant that some major examples of this style of reporting occurred during publicity around supposed crime waves. In particular, it was during the holiday weekend of October, 1984 when a large number of Aboriginal people visited Dubbo for a football carnival that complaints were made about an Aboriginal-inspired crime wave. Part of the editorial (entitled 'Outrage Over Crime Is Justified', 3/10/84, p.8) made the point that Aboriginal people were responsible for the disorder:

"It is clear that many Aborigines acted improperly at the weekend. They scattered bottles, cans and rubbish in public areas and congregated on street corners and near hotels. They created a worrying scene for other people in the city."

It was found that the paper only mentioned a person's racial or ethnic background if they were Aboriginal.

On a more general level, the views expressed in the local media on crime and criminal justice are reflected in the respondents' accounts of the causes and cures of the crime 'problem' in Dubbo, in their support for greater police powers and numbers, and their possibly somewhat exaggerated fears of walking the streets of their city.

This is not to say that the opinions expressed by the respondents on this survey are 'created' or 'caused' by the media (or, at least those media cited by the respondents) alone. As the media are quick to point out, there must be some willingness on the part of their audience to accept what is being said, in order for messages to 'get across'. However this may be, the findings of the current survey suggest that there is a great responsibility, upon the press particularly, to be aware of the extent to which they can and, apparently, do, influence both opinion on various issues related to crime, and the level of community concern about those issues.

This raises the possibility that the present survey data is more a reflection of possibly transient trends in the manner and type of 'crime' reported in newspapers rather than displaying more long-term underlying community attitudes. Further surveys, perhaps during periods where 'crime' is not such an important issue in the local

media, may be necessary to assist in more careful delineation of the causes of the opinions expressed, but further discussion on this point is beyond the scope of the present data.

7.8 Summary

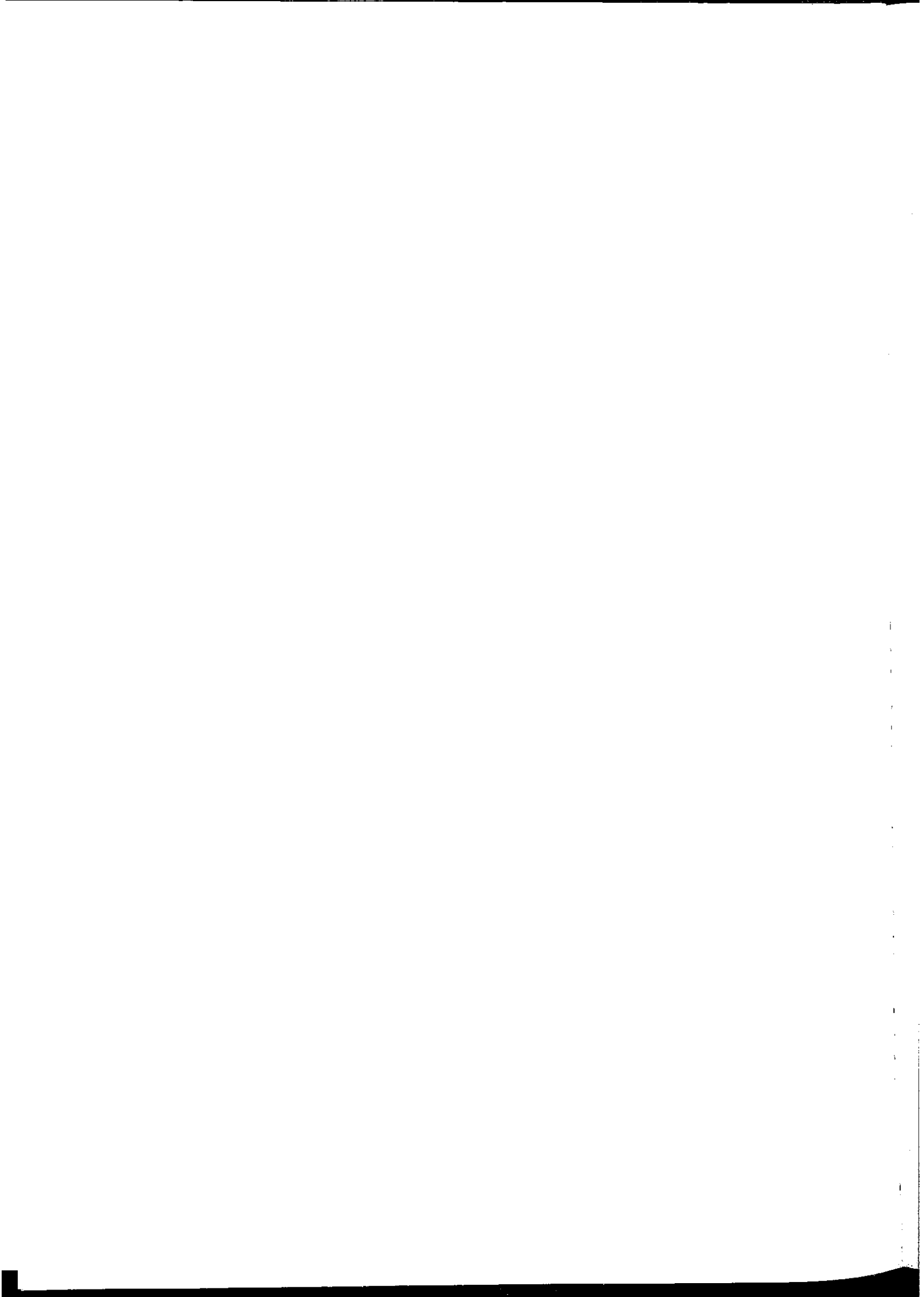
On the results of the present survey, Dubbo respondents appear to be more likely to report crimes than the average Australian, and to view crime more seriously. To some extent this concern with crime has led to somewhat unrealistic (in terms of their own expectations) fears about such things as the likelihood of being attacked in the street at night, with victims generally expressing greater concern about potential crimes than non-victims.

This is not to say that their fears are groundless, for crime does, of course, occur in Dubbo. Nor is it to say that their fears are in some sense 'out of proportion' to the level of crime which is actually happening in Dubbo, for it is not possible from the present data (nor indeed does any instrument exist which could produce the relevant data) to 'measure' both the level of crime and the level of concern about it in such a fashion as to allow the two to be meaningfully compared, nor to allow the setting of some 'objective' criterion of what is the 'appropriate' level of concern about a given level of crime.

In comparison to the sample of Sydney residents surveyed by Congalton (1973), Dubbo respondents appear to be more supportive of their police force and similarly critical of the Courts. They feel that crime problems can be overcome by introducing more police and by making them more visible, rather than by making court reforms. They were also more likely than those in Congalton's survey to feel that police should be given greater powers. Many of these attitudes have, however, been promoted by a recent media campaign on 'Law and Order' issues, largely in the local newspaper, which respondents see as their main source of information about crime.

CHAPTER 8

**ABORIGINES AND
LAW AND ORDER
IN NORTH-WEST
NEW SOUTH WALES**



8. Introduction

In earlier chapters, it was established that there had been no substantive evidence for the existence of a 'crime wave' during the period in which public meetings and delegations were most active. It has also been established that the clearest, distinctive feature of the criminal justice system in Orana is the large-scale over-representation of Aboriginal persons. In addition to these two points, there have been a number of confrontations between Aborigines and the police which have taken on the features of 'riots'. One such riot occurred during the period of this research project at Bourke on August 28, 1986.

In this chapter there is a brief description of the riot and its broad implications for the criminal justice system. That particular riot is placed in a wider perspective through historical research which analyses the twin features of the Orana situation: the over-representation of Aboriginal people and the view of a crime wave/social crisis. The historical research points to the persistency of Aboriginal over-representation and to the persistency of views that Aboriginal people were the cause of social disorder. It demonstrates the necessity to look beyond simple views of crime and disorder to deeper, underlying social and economic factors.

8.1 An account of the Bourke riot

The immediate background¹ to the riot was that a vehicle belonging to a non-Aboriginal person had its tyres slashed and some rifles stolen from inside. This occurred on the night of Wednesday 27 August, 1986. The owner, after repairing the vehicle, located a number of Aboriginal youths sitting by a fire in a vacant allotment in the 'Aboriginal' part of Bourke. For reasons which were not clear, one youth got into the car which drove off. Some distance down the road, the youth left the car, which then reversed over him. The driver reported the incident at Bourke police station at 1.15 a.m. The charge was recorded against him at 10.30 a.m. the next morning (Thursday) and he was bailed at 11.15 a.m. The total time in police custody was 10 hours. The driver was charged with 'negligent act causing grievous bodily harm' under the N.S.W. Crimes Act. The 16 year old youth who had been injured was flown by Air Ambulance to Sydney in a serious condition.

During the Thursday, rumours circulated through the Aboriginal community that the driver had 'only' been charged with negligent driving then released. This was perceived as discriminatory in relation to the way Aboriginals are treated for motor vehicle

¹To establish the events of the riot the research team conducted a number of interviews in Bourke. There were a total of fourteen interviews of seventeen people. Seven persons were non-Aboriginal and ten were Aboriginal. Interviewees included the Police Inspector, the Clerk of Local Court, officers of Y.A.C.S., local business proprietors, juvenile and adult offenders, and various Aboriginal community leaders. The interviews extended beyond the immediate events of the riot and ranged over associated issues. Texts cited in the report are in Appendix E.

offences. The Police Inspector told the research team he communicated with the 'leaders' of the Aboriginal community concerning the charges and how the offender had been treated. However, one of the Aboriginal persons interviewed told the research team that:

"There were representatives sent up to the police station, there was the Inspector, I don't know who spoke to him but he was very rude. If he'd just said look we've got so-and-so in here and we've charged him with this, he is going to court on such-and-such a date, people would have been happy with that."
(See Appendix E for full text)

The riot began on the Thursday evening in front of the Post Office Hotel. The incident started when the glass door at Elder's shop was broken. The main confrontation occurred in Oxley Street and in Adelaide Street.

Initially three police cars responded, some police were injured. The Inspector of Police went to the scene, withdrew the police present, called out other off-duty police and issued all police with riot equipment: helmet, shields and batons. Police were ordered to clear the streets down into Adelaide Street (the Aboriginal section of Bourke).

Two non-Aboriginal residents of Bourke who witnessed the riot told the research team that they considered it the worst confrontation they had seen in Bourke. It was the first time bottles filled with sand had been hurled at police. The two observers said that all participants were male and Aboriginal; the number of participants were estimated at 50 to 80 and of that number it was estimated that about 80% were juveniles. These broad details were confirmed in other interviews with Aboriginal observers of the riot. There were no substantial differences between Aboriginal and non-Aboriginal accounts of the riot.

There were also numerous reports of shots being fired during the riot. However, there were conflicting reports as to the number of shots, when they were fired and who fired them.

Between 11.45 p.m. Thursday, 28 August and 9.30 a.m. Friday a total of 16 individuals were arrested in relation to the riot. The general characteristics of those arrested were that all were Aboriginal and male. The distribution of ages was as shown in Table 8.1.

TABLE 8.1
Individuals arrested after Bourke riot, 28 August, 1986

Age	No.
11 years	1
14 years	2
15 years	4
16 years	2
17 years	2
19 years	1
20 years	1
21 years	1
29 years	1
36 years	1
TOTAL	16

Thus eleven of the sixteen arrested were juveniles, while three of the five adults arrested were 21 years old or less.

Of those arrested two were employed, seven were unemployed, six were school students, and for one there was no entry for employment status in the charge book.

It was also evident that there were strong ties between those arrested, some coming from the same families and/or living in the same house. One group came from close vicinity in the same street, four of them living next door to each other. In total, only one individual of the 16 arrested either did not live in the same street as another co-offender or have the same surname as another co-offender.

It is also clear that at least six of those arrested were well known to police. Three of the juveniles and three of the adults had been charged by police and/or appeared in court during the 12 month period 1/7/85 to 30/6/86. One of the juveniles had been charged previously with riotous assembly.

Forty-eight charges were laid at the time of arrest of the 16 individuals, another six charges were laid at court on September 2, 1986. Thus the total number of charges was fifty-four. A breakdown of those charges is shown in Table 8.2.

TABLE 8.2
Charges used in relation to Bourke riot, 28 August 1986

Charge	No.
Offensive manner	16
Riotous assembly	15
Throw missiles	15
Malicious injury	2
Resist police	2
Assault police	1
Assault occasioning actual bodily harm	1
Driving/P.C.A.	1
Driving/unlicensed	1
TOTAL	54

All of the offenders were charged with offensive manner and, either riotous assembly, or throw missiles; fourteen of the sixteen offenders were charged with both riotous assembly and throw missiles.

Some comment needs to be made in relation to the charges used against those persons involved in the riot. The charge of offensive manner (s.5, Offences In Public Places Act [NSW] 1979) is a public order offence which is commonly used by police throughout the State. However, fifteen persons in the Bourke riot were also charged with the Common Law offence of riotous assembly. Riotous assembly is a serious offence which had been rarely used in N.S.W. In this state, unlike other states in Australia, there is no statutory offence of riot. The common law charge of riotous assembly has no maximum sentence for the time of imprisonment. Punishment is at the discretion of the court. Riotous assembly is viewed as serious because it is both collective and it is directed against the state. Custodial sentences are deemed appropriate for convictions (for a further discussion of these issues, see Cunneen and Findlay, 1986). The first known convictions for common law riot in N.S.W. were recorded in March, 1987 against Masland and Emmett for participation in the 1985 Bathurst motorcycle 'riots'. One received a sentence of seven years with five years non-parole and the other a sentence of five years with four years non-parole period. One can appreciate then the seriousness of such potential convictions of a large number of Aboriginal people, the majority of whom are juveniles, in a small country town.

The research study found that the above riot was the second occasion in which charges of riotous assembly have been used in Bourke. The previous occasion was a confrontation between Aboriginal persons and

off-duty police at the Local Bowling Club, in August 1985. In that incident ten persons, including three juveniles (all of whom were Aboriginal), were charged with riotous assembly. This was the first use of the common law charge in Bourke, and followed shortly after the first known use of the charge in N.S.W. which had been in April 1985 at Bathurst. In the incident at the Bowling Club, a number of Aboriginal men attacked an off-duty sergeant who had previously spoken to an Aboriginal youth in the park adjoining the club. Police reinforcements were called and a brawl developed. Initially all persons were charged with the more usual offences of assault, assault police, resist arrest, hinder police and offensive manner. However, all had the additional indictable charge of riotous assembly laid at court. As yet no cases have been determined.

Fifteen of the sixteen persons arrested for the August riot were charged with 'throw missiles'. The charge of throw missile comes under the Local Government Act 41/1919, Ordinance 30, clause 35, which also includes throwing stones and has a maximum penalty of \$100. The use of the charge is interesting in that it reflects the use of wider legislation since the repeal of the Summary Offences Act in 1979 which had previously been used to cover such instances.

Immediately following the riot on September 2, 1986 a demonstration was organised by the Aboriginal community which took place outside the Bourke Court House. This was the day on which those charged with participation in the riot were to appear in court. It was also the day when the non-Aboriginal driver who had run over the Aboriginal youth was scheduled to appear.

Members of the Tactical Response Group (T.R.G.) were flown into Bourke from Sydney to police the Aboriginal demonstration. This was the first time the T.R.G. had been used in Bourke.

The Aboriginal juveniles were escorted, handcuffed, across the road from the police station to the court house. The non-Aboriginal person did not appear. It later transpired that his case had been adjourned to another date.

The research team was told by the local Police Inspector that the driver who had allegedly ran over the youth did not appear on the date set down because the Inspector had told the magistrate that he (the Inspector) could not guarantee the alleged offender's safety due to the demonstration. The Inspector also told the research team that he was aware that a precedent had been set by flying in the T.R.G. from Sydney.

The black community's response to the situation which occurred on the day of the demonstration was captured succinctly in one of the interviews conducted by the research team:

"But even the day when the court case came up. There was a demonstration out there. They (police) told that guy early in the morning not to appear in court. All the Aboriginal people wanted to see was that man brought across to court. That's all they wanted to see. But yet they wouldn't do that... And this is where the anger kept building up all the time. They brought over two Aboriginal boys handcuffed with about ten policemen surrounding these kids. They brought up the riot squad from Sydney and mingled with the crowd. But all the people wanted, they weren't going to smash the town up any more, they wanted to see that man brought over. To see justice being done... And this is why they say there is one law for the black and one for the whites..."

The research team conducted a series of interviews in Bourke after the riot of both Aboriginal and non-Aboriginal persons to gain views as to the cause of the riots.² Non-Aboriginal persons tended to see the cause of the riot and other disturbances in Bourke in terms of lack of authority, either by the police (because of limited power), by the parents, or by the school. While Aboriginal people also were critical of the lack of responsibility of some parents, there tended to be a stronger focus on unemployment, particularly amongst Aboriginal young people, and on the problems of Aboriginal/police relations. Both groups saw the use of drugs (marihuana and alcohol) as a problem amongst young people in Bourke.

Overall Aboriginal people tended to see the problem not as an Aboriginal problem and strongly resented the implication that it was constructed that way. On the other hand, non-Aboriginal persons tended to see it as a 'law and order' problem involving Aborigines. From the Aboriginal perspective the problem was a 'town' problem and involved the lack on all levels (social and economic) of acceptability of Aboriginal people in the town. In this context the view was summarised in one interview:

"So it's all these things. The kids know it. Really you know, from the moment you're born you realise you're black you've had it in this place..."

Interviewer: Given that most Aboriginal kids leave school at 15, what happens to them after they've left school?

After they leave school they either become alcoholics or drug addicts. They die before they get into their late twenties. They end up dying. The cemetery is full of people in their early thirties. They just rot, rot away... Nobody gives a damn, there's no work. There

²See footnote 1. for details of those interviewed, and Appendix E for full transcriptions of interviews cited in the report.

is work here, but work goes to the white people. It doesn't go to the black kids, they're not given a chance. Everybody's branded the same. If you're black, you're black."

Several Aboriginal persons who were interviewed mentioned one immediate cause of the riot, other than the motor-vehicle incident, to be the dissemination in Bourke the week prior to the riot of racist literature. Discussion of the literature is in Appendix A (1.5). What particularly upset Aborigines who were interviewed was the fact that racist literature could be disseminated with its author well-known in the community and nothing done about the situation. This problem has been taken up in the Ministry of Aboriginal Affairs Interim Report On Bourke Disturbances. What is of concern here is that such occurrences can spark volatile situations. The relatively open dissemination of the literature re-confirms a position of powerlessness amongst Aboriginal people. A 'riot' is an immediate and dramatic response to such powerlessness.

To summarise, it is important at a theoretical level to acknowledge that rioting is not an activity that is necessarily irrational or purposeless. As other research in Australia (Cunneen, Findlay, Lynch and Tupper, forthcoming) and overseas (Benyon, 1984) has demonstrated riots in general, and anti-police riots in particular, while being sparked by seemingly minor incidents may involve the release of considerable frustration. That frustration may be localised against the police for perceived discrimination or it may be the frustration born of a social and economic situation. The deeper levels of meaning attached to the riot at Bourke were recognised by older Aboriginal people. One woman who was interviewed stated:

"I'm not a violent person - I hate violence but I feel what happened needed to happen to really wake this town up and to get people off their backsides and to realise something's got to be done in Bourke."

In this sense riots are a protest, a form of direct protest by otherwise powerless groups. This view is widely supported by an international literature and series of government inquiries and commissions (Scarman Report [U.K.], the Kerner Commission [U.S.A.]) which have investigated riots of a similar nature overseas.

8.2 The extent of police intervention into Aboriginal life

Historically in north-west N.S.W., Aborigines have been constantly viewed as a 'problem' by sections of the non-Aboriginal population. Central to this view has been the attribution to all Aboriginal people as a group, the blame for various forms of social disorder. Today, extreme solutions to the 'problem' are openly canvassed. Cowlshaw (1986:17) notes one response in Bourke to be, "I'd like to shoot anything with a bit of colour in it", and this research team

was told in an interview in Bourke that "bombing that (Aboriginal) end of town might help". While these positions are probably not typical, they do indicate a level of acceptable discourse about the 'problem' of Aborigines. The responses also indicate an "objectification and homogenisation of Aborigines... in the constant discussions of 'them'" (Cowlshaw, 1986:18).

The historical association of Aboriginal people with a 'law and order' problem is one theme which will be examined in this chapter. There is, however, another side to the historical account and that is the actual relationship between Aborigines and the criminal justice system. From this perspective one might piece together the long-term effects of the Aboriginal position on law and order given the fact that police, magistrates and other government officers have intervened into the lives of Aboriginal people in a form and to an extent not known to other Australians. It is only through understanding this history that 'riots' such as that previously described can be understood and explained.

It is imperative to recognise that the first contact between Aborigines and British systems of law was in the act of dispossession. The legal doctrine that Australia in 1788 was a res nullius (a thing which has no owner, the legal equivalent of a desert island) and therefore developed as a settled colony has been, as Hookey (1984: 2) notes, "an eminently convenient doctrine to support white settlement in Australia and the disposal of Aborigines". From the Aboriginal perspective the crisis in the maintenance of social order and the rule of law began in 1788.

The government established the Mounted Police in 1825 and contact between the police and Aborigines was largely based on the continuing process of dispossession. Ronalds, Chapman and Kitchener (1983) have suggested that the nature of the early contact with police may, in part, account for present attitudes. Many of the tasks conducted by the Mounted Police would have been carried out by the army in other colonial frontiers (such as the United States). Thus as Foley (1984) notes, the police were carrying out duties of a paramilitary nature. This development of the police was of significant difference to the emergence of the modern police in Britain which centred on the maintenance of public order in the expanding working class cities of the 19th century. In colonial New South Wales the maintenance of order on the frontier had a specific meaning.

"It is the duty of the officers at all times and opportunities to disperse any large assemblage of Blacks; such meetings, if not prevented, invariably lead to depredations and murder."

(Instructions to the Native Mounted Police,
1858, cited in Foley, 1984:166)

The massacre of Aboriginal people during the period of colonisation is a fundamental part of Aboriginal history and contemporary Aboriginal culture. Many non-Aboriginal people have attempted to deny

its importance. Yet it is argued here that this side of black/white relations is crucial to understanding Aboriginal attitudes towards police and towards law and order more generally. The memory of the massacres in north-west N.S.W. has been handed down from one generation to another. It reflects more strongly than any other historical events the continuing crisis of law and order for Aborigines. Marie Reay, who spent considerable time as an anthropologist studying Aboriginal communities in north-west N.S.W. during the 1940s, noted in 1949 that:

"In the mixed-bloods (sic) memories, their history as a group is dominated by a long tradition of persecution, which has changed in form but not intention. In the past, Aborigines were slaughtered and exploited, deprived of their land and herded on to government stations. Today they are chased from their chosen campsites, segregated in hospitals and places of entertainment, and subjected to humiliation on the score of colour."

(Reay, 1949:101)

More recent oral histories collected by Heather Goodall (1982) and Arthur Roy (1986) indicate that the memories of early massacres around Bourke, Brewarrina and Collarenebri are still very much alive and part of contemporary Aboriginal culture. Roy (1986: 38) interviewed Eric Hilt in Brewarrina who had the oral history of the Hospital Creek massacre passed on to him by a survivor of the massacre who had died in 1919.

While it is not argued that police were involved in all or even most of the massacres, it needs to be acknowledged that this historical record shows clearly the inability of European law to protect Aboriginal people. Conversely, there are many memories of the police acting against Aboriginal people. In interviews conducted by the research team in Bourke, one Aboriginal man recalled the death of an Aboriginal person in the cells at Bourke in the 1950's, the popular memory is that he was killed by the police. Another Aboriginal woman interviewed during the study stated that:

"... this is why the people feel like they do with the police. For instance, I saw the police come to my house, we used to live in an old shack down the reserve, and drag my father out, and kick and kick and kick him. I saw that. I would be 32 years of age and that's still on my mind...
Look at my husband, (his) mother and father were told to move their old tin humpy from where they had it. And they didn't because my father-in-law was out of town at the time. My mother-in-law was there with eight little kids. So the police came down driving a bull dozer and knocked the house on top of them. It didn't happen generations ago. It happened only in our generation."

(See Appendix E for full text of Interview)

Historically the police have had, and practiced, a level of intervention into the lives of Aboriginal people which would not be considered permissible for any other group within the community. From the establishment of the Aborigines Protection Board in 1883, the police played a fundamental role in the Board's bureaucratic structure and day-to-day activities. Indeed, as Goodall has noted:

"It is difficult to decide whether the police should be regarded as agents of the Board or whether the Board itself should more properly be seen as an arm of the Police Department in view of the role of the Commissioner of Police as ex officio Chairman of the Board and the appointment of all officers of Police as 'Guardians' of Aborigines after the 1909 legislation."
(Goodall, 1982:178)

The Aborigines Protection Act of 1909 embodied the legislative power to exert massive control over the movement and lives of Aboriginal people. It remained in force until 1969. To enforce the legislation the Aborigines Protection Board relied heavily on the police because of its own shortage of staff. Thus, historically, the police "were the group of whites with whom the adult Aboriginal population had most contact in the towns, and the police held a peculiar position of power over Aborigines" (Goodall, 1982:178). Some idea of the power base on the Board itself can be gained from the fact that, besides the Chairperson who was Commissioner of Police, six of the other ten members were graziers and the remaining four were politicians (Roy, 1986: 75).

Under the 1909 Act, the police were expected to conduct a number of functions which were of both a 'protective' and 'prosecutorial' nature. Goodall has noted twelve functions the police were asked to fulfil by the Board between 1914 and 1934. Many of these functions remained intact until 1969.

1. Issue rations to Aborigines.
2. Reduce the ration lists by investigating all applicants and issuing rations only to 'deserving' cases.
3. Force children to attend school by withholding rations if they did not comply.
4. Refuse rations to Aborigines in order to 'persuade' them to go to another locality or to move onto an Aboriginal reserve or station.
5. Decide whether or not an Aborigine was sick enough to see a doctor.
6. Patrol and maintain order on unsupervised Aboriginal reserves.

7. Recommend on the disposal of reserve land.
8. Expel 'trouble makers' from Aboriginal reserves.
9. Remove children from their parents and send them to the Board's 'training homes', on the grounds that they were 'neglected' or that they were 14 years of age.
10. Institute proceedings against Aboriginal parents who took their children away from Aboriginal reserves or from schools in an attempt to escape the Board's decision that their children should be removed from them and 'trained'.
11. Expel light-coloured people from Aboriginal reserves and stop them from returning to their families still living on reserves.
12. Institute proceedings to remove whole Aboriginal communities from certain localities, under section 14 of the Act.
(Goodall, 1982:179)

There is little doubt that the implementation of those demands brought about widespread fear and dislike of the police. The previously quoted extracts from contemporary interviews in Bourke show the functions for which police were remembered.

One of the single most destructive parts of the 1909 legislation was the removal of Aboriginal children. The removal was carried out by police or welfare officers. Read (n.d., p.9) has estimated that over five and a half thousand children were removed from Aboriginal families in N.S.W., and Goodall (1982: 73) has noted that the removal was resisted by parents at every step. The importance of this policy is manifold. On the one hand, the purpose of removing the children was to counter the "positive menace to the State" which the ever-increasing and non-assimilated Aboriginal population was supposed to represent (Read, n.d., p.5). That is, the maintenance of social order from a white perspective demanded the control and eventual genocide of Aborigines. When the original legislation of 1909 was found to be too constrictive because it had to be proven before a magistrate that the child was 'neglected'³, the law was changed in 1915 to allow removal without a court hearing if the Aborigines Protection Board considered it to be in the interest of the child's moral or physical welfare.

From an Aboriginal perspective this solution to the 'Aboriginal problem' was disastrous. It is clear that the maintenance of order from a white perspective meant an unprecedented level of family disruption amongst Aboriginal people by various State agencies. Those who have written of the experiences of 'apprenticeship' demonstrate clearly the demoralizing and often cruel experience that it was (Clare, 1978; Mathews, 1977; Tucker, 1977). The level of intervention by the State has deeply penetrated the Aboriginal view

³Under the meaning of the Neglected Children and Juvenile Offenders' Act, (N.S.W.), 1895.

of what the 'rule of law' has meant for them within European society. The long term ramifications are still present. As Ronalds, Chapman and Kitchener (1983:177) note:

"The fear that the police were arriving to take the children meant that all the Aboriginal community treated any arrival by police with fear and suspicion. Indeed, some of the children forcibly removed by the police... are now the adults being regularly arrested by police for the alleged commission of street offences. It is therefore not surprising that there are many levels of tension and conflict between the two groups..."

It is evident from the foregoing discussion that the role of police in controlling Aboriginal communities has historically extended far beyond the application of criminal law as it is normally meant to apply to other Australians. The police have traditionally had extensive power embodied in such legislation as the Aborigines Protection Act, (N.S.W.) 1909. However, other more recent forms of legislation, ostensibly meant to deal with the maintenance of public order in a public place, have also been interpreted in such a way that Aboriginal 'Reserves' in N.S.W. have been defined as 'public places'. Therefore the Reserves are open to the same discretionary public order policing which would normally only occur for other people in the 'street' (Anti-Discrimination Board, 1982:200-202).

The historical evidence presented in this section shows that it is reasonable to argue that the level of police intervention into the lives of Aboriginal people is quite incomparable to that experienced by non-Aborigines. It also provides the necessary background for explaining how seemingly singular instances, such as occurred in Bourke, can precipitate a riot. The history of police intervention is still a contemporary part of Aboriginal culture.

8.3 'Law and order' and the 'social visibility' of Aboriginal people in historical perspective

While on the one hand it is possible to demonstrate the level of intervention into the lives of Aboriginal people, it is also apparent that complaints about the social visibility of Aboriginal people have also had an historical continuity. It would seem that a popular 'remedy' for the Aboriginal 'problem' has rested on the assumption that law and order would be achieved if Aborigines were made 'invisible' through more policing of the streets and the imposition of curfews, etc. There has been an underlying belief that if Aborigines were removed from 'public' places then law and order would be reinstated.

The following section will present the substantial historical evidence relating to the north-west of N.S.W. which demonstrates that considerable efforts at both policing and social policy were designed to effect the social control of Aboriginal people. Furthermore, these efforts often took the form of an alleged 'law and order' crisis. In some towns the history of law and order campaigns dates back a considerable length of time. In other towns the complaints have been more recent. In the case of each of the five selected north-west towns (Brewarrina, Walgett, Dubbo, Wellington and Bourke) the background of law and order debates and the evidence of criminal justice intervention is brought forward to the contemporary period.

Brewarrina and Walgett

Both Goodall (1982) and Roy (1986) in their historical research have shown how Aboriginal people from Angledool, Tibooburra and Quambone were 'concentrated' at Brewarrina during the 1930s. Roy (1986:17) argues that this forcing together of alien tribes into poor physical surroundings controlled by poor quality staff of dubious morality, has led to serious social problems.

During this period of 'concentration' there was pressure placed on the police by the Local Council to keep Aborigines out of the town. Heather Goodall (1982:181-185) has shown very clearly how the links between the Local Council, the police and local Justices of the Peace operated to keep Aboriginal people 'invisible'.

During the 1920s, the Local Council had demanded of the Aborigines Protection Board, the removal of all Aborigines "from the precincts of the town" (cited in Goodall, 1982:194). However in the 1930s the Council put pressure directly on the police. According to Brewarrina Council Minutes, 18/10/35, a letter was written to the police requesting that:

"All the Abos congregating at night mainly between the Hall and C. W. Crane's store to be kept moving."
(Goodall, 1982:181)

The matter was again raised in Council a few weeks later under the heading "Aboriginals at Night". The item read:

"Sergeant to be written to stating clearly the position which is still unalleviated and asking if more drastic steps will be taken."
(Goodall, 1982:181)

Two years later the matter was again raised by the Council in its minutes. Correspondence was sent to the local police requesting "co-operation in having the streets properly patrolled and that Aboriginals be not allowed to congregate in the streets" (Goodall,

1982:182). Goodall notes that it was the local Justices of the Peace who determined the charges of vagrancy, drunkenness, and street offences which police used to 'clear the streets'. Most importantly "the Justices were often active members of the very local authorities which were instructing police to control the movements of Aborigines" (Goodall, 1982:185). Indeed in the case of Brewarrina in the mid-1930s, the two Aldermen New and Coleman either moved or seconded the motions concerning the calls for police restrictions on Aborigines. Both New and Coleman were local Justices who then sat on the Bench in judgement on Aborigines brought before the court. (Goodall, 1982:185). There is no reason to suppose that similar situations did not occur in other north-west towns. According to Goodall, "Brewarrina simply placed on record the mechanisms of local control" (1982:181).

Jimmie Barker (Mathews, 1977:145) has recalled feelings amongst Aboriginal people towards police during the 1930s:

"The attitude to the police among people living at the Mission was always one of fear. No Aborigines would ever go near the police station or a policeman. When help was needed the police would be the last people approached, probably because the normal words of greeting from a policeman were: 'What do you want, boong?' or 'Hey, Charcoal, come here'. In those days the police regarded the dark people as something worse than animals. They handcuffed men and hit them on their heads with batons for their amusement. The Aboriginal was frequently innocent. We had every reason to fear the police. One night, just as people were going into the picture show, they hit a man until he was unconscious; a few months later the man died. They were cruel and terrible to all Aborigines. In those days a dark man would run and hide if he saw a uniformed policeman approaching. This is not the case today."

Substantial historical and anthropological research (Goodall, 1982; Reay, 1945, 1947 and 1949) demonstrates that Walgett and its immediate area (including Collarenebri) had also been the site of various complaints concerning Aboriginal people and 'law and order' for some time. There has also been some earlier research on offence patterns by Aboriginal people in Walgett by Reay (1945) and Rowley (1972a:357).

Goodall notes that complaints about Aboriginal people in Walgett dated back to the turn of the century, when the Namoi Reserve was gazetted near the town. White townspeople complained to the Aborigines Protection Board because the Reserve was so close to the town and the Aborigines were identified as a 'problem' (Goodall, 1982:45). The Board created a new Reserve at Gingie, nine kilometres out of Walgett. However, although some Aborigines moved to Gingie, others continued to stay on at Namoi.

The segregation of Aboriginal people in all social spheres of life continued in Walgett through to the 1960s. The daily practices of policing and criminal justice were an important part of achieving that segregation. The use of a curfew in Walgett was one aspect of achieving control and segregation. Goodall, in the oral histories she collected from Walgett, gathered the following first-hand accounts of police control over Aborigines:

"They'd chip anyone. As long as you had a bit of dark colour in you, they'd chip you... We had no right to go anywhere, you couldn't be seen up the street after 6 o'clock at night, unless you had a good reason, like working."

Interviewer: "Would the police stop you?"

"Yes, my word. And if we used to have bags, going home (people used to give us food and that sometimes, to take home) they'd pull you up, have a look in, see what you had in there. They'd think we'd be stealing something,... they were horrible, really."

Another Aboriginal resident of Walgett recalled the 6 p.m. curfew and what would happen if an Aboriginal person was caught on the streets after that time:

"They'd (the police) give 'em a toe up the backside... or they'd arrest 'em and charge 'em with drunkenness, something like that..."

(Goodall, 1982:164)

The recollections of curfew in Brewarrina and Walgett are important given that one of the 'solutions' currently proposed by various proponents of the 'law and order' lobby is the imposition of a curfew. The point is that this is exactly what has occurred in the policing of Aboriginal people in the north-west. The imposition of a curfew on juveniles through bail conditions is still used in Bourke and Wellington (see Ombudsman of N.S.W., 1986:193).

The segregation of Aboriginal people existed in many social activities. Theatres had roped off special sections, hotels refused drinks, hospitals had separate 'wards' (usually the verandah for Aborigines) and State schools could refuse Aboriginal children (Roy, 1986:92). In her study of Walgett in 1945, Reay noted that, in general, the rationale or ideology behind restricted Aboriginal access to various institutions and leisure activities was usually couched in terms of the claim that Aborigines were 'unclean' (Reay 1945:298). Reay also did a study of Collarenebri, a town 60 kilometres from Walgett, in 1947. Collarenebri is in the north-west region and is under the police division of Walgett. Some extracts from Reay's study give clear indication of the policies of segregation which existed in living areas, entertainment, education, hospitalisation and burial.

"The chief means of entertainment in Collarenebri are the cinema and dancing. Films are shown in a hall built for that purpose, and, in summer in an open air theatre. In both the Aborigines are required to sit in a separate block of seats... This segregation is ostensibly based on the Aborigines' alleged dirtiness. Aborigines are not permitted to attend dances held in the Town Hall... Again the exclusion is ostensibly based on hygienic grounds, but the following statement by a middle-aged white woman is probably nearer the true reason: 'We see enough of them in the street without having them at dances, too'. Nevertheless, Aborigines are not permitted to hire the hall for holding dances of their own."

(Reay, 1947:7-8)

Reay's earlier 1945 study of Walgett is probably the first breakdown of convictions against Aborigines in the town. Reay surveyed a ten year period, although she did not give numbers for all offences. Assaults, for instance, were not included, nor were offensive and riotous behaviour. The results are presented in Table 8.3.

TABLE 8.3
Convictions against Aborigines, Walgett 1934 - 1943

Year	Drunkenness	Indecent language	Sexual offences	Vagrancy	Stealing
1934 ...	11	2	5		
1935 ...	27	2	1		
1936 ...	29	3	0		
1937 ...	28	4	0		
1938 ...	12	2	0		
1939 ...	37	8	1		
1940 ...	105	15	1		
1941 ...	93	17	1		
1942 ...	110	12	5		
1943 ...	111	18	1		
TOTAL	563	83	15	13	10

(Adapted from Reay, 1945:299-302)

Reay notes that for the decade she analysed, the overwhelming majority of police convictions of Aborigines were for drunkenness. She adds that her anthropological studies of the Aboriginal

communities in the area suggest that drunkenness is "a symbol of defiance. It is the outward proof that he (the Aboriginal person) has been successful in flouting an unjust law. Imprisonment does not worry him for there is no shame attached... This pride in being drunk expresses the Aborigine's contempt for a law which they consider unnecessary and ineffective" (Reay, 1945:301).

The segregation and separation of Aboriginal people in Walgett and elsewhere was not a matter that went uncontested. In the context of the present claims of 'law and order' breakdown, the response to the Freedom Ride through Walgett in February 1965 is worth considering. Charles Perkins (1975) has recounted the full events of the Freedom Ride in N.S.W. One of the primary purposes of 'the Ride' was to draw attention to segregation. Perkins notes that in Walgett the group organised a demonstration in front of the RSL - a club where Aborigines were prevented from joining. Later, members went to a clothing shop to oppose the rule that Aborigines were not allowed to try-on clothing.

It is significant that the justification for segregation was couched in terms of the maintenance of law and order. The Sydney Morning Herald (16/2/65, p.1.) reported that:

"Other white residents said that Aborigines, comprising about half Walgett's population, brawled, had bouts of drunkenness and used very bad language. 'There are times when you could cut the language they use with a knife', the Shire Clerk said."

It is also noteworthy that when Aborigines attempted to confront that segregation as they did in Walgett, Moree and other towns, their efforts were tainted with the brush that it was all a communist conspiracy. Shortly after the Freedom Ride, The Bulletin published an article lamenting the influence of the Communist Party of Australia in Aboriginal organisations ('After the Freedom Ride', Bulletin, 27 March, 1965, p.42).

There is some evidence from the 1960s which indicate that the bulk of public order charges continued to be laid against Aboriginal people. In 1965 Rowley did an inter-state comparison between Aboriginal and non-Aboriginal offenders for the types of offences they were charged with. In each state Rowley used a metropolitan and non-metropolitan area to compare charges. In N.S.W. one of the non-metropolitan areas was Walgett. Rowley combined the police charge figures from the stations at Walgett, Wilcannia, Nowra, Moree, Kempsey and Condobolin. The figures were based on a six month period 1/7/65 to 31/12/65 and were furnished by the local police who divided the groups into non-Aborigine and Aborigine (Rowley 1972a:352-357). Table 8.4 shows Rowley's results as a percentage of offence types for each group.

TABLE 8.4
Offence types for non-metropolitan N.S.W.

Offence type	Aboriginal	Non-Aboriginal
	%	%
Drunkenness, disorderly	67.9	37.0
Offences against the person	1.7	5.6
Aboriginal legislation	10.6	0.0
Other	19.8	57.4
TOTAL	100.0	100.0

(Adapted from Rowley, 1972a:357)

Rowley was aware of the wider social implications of the patterns of crime within a particular, identifiable group of people. Rowley wrote:

"Where there are no political institutions through which the protests of an entrapped indigenous minority or of a colonised majority, may be effectively formulated and expressed, it is reasonable to look for the results of frustration in the crime records."

(Rowley 1972a:352)

As part of the current research, Police Charge Books in Brewarrina were analysed for the twelve month period of 1964.⁴ The purpose of this historical research was to gain some notion of continuity or change in the policing of Aborigines in Brewarrina and to provide some comparison with the previously cited research.

Table 8.5 shows the number of charges in Brewarrina for the twelve months of 1964 against Aborigines and non-Aborigines; 96.9 per cent of all charges laid by police in 1964 in Brewarrina were against Aboriginal people and they comprised 97.4 per cent of all arrests made. There is no accurate information, on the number of Aboriginal people living in the Brewarrina area at that time (1964). However it can be reasonably assumed, based on later census information that Aboriginal people made up about 30 to 40 per cent of the population

⁴The year 1964 was chosen because of the availability of Police Charge Books in the N.S.W. State Archives. Originally a comparison was done between Brewarrina, Bourke, Walgett and Dubbo. However because police recording practices varied between the towns only Brewarrina's records contained a breakdown of alleged offenders by Aboriginality.

in the Local Government Area. A rough estimate of the number of Aboriginal people living in Brewarrina in 1964 would be 900 to 1,000 persons. The actual 800 arrests of Aboriginal people were made up of 227 distinct individuals, 215 of which were male and 12 were female. It is evident from the charges and arrests that virtually all policing efforts were directed at Aboriginal people.

TABLE 8.5
Brewarrina police charge books 1964

	Charges		Arrests	
	No.	%	No.	%
Aboriginal adults	844	94.6	800	95.5
Aboriginal juveniles	21	2.3	16	1.9
Non-Aboriginal adults	22	2.5	19	2.3
Non-Aboriginal juveniles	5	0.6	3	0.3
TOTAL	892	100.0	838	100.0

Table 8.6 shows the breakdown of charges laid during 1964 into various categories of offences.

It is evident from Table 8.6 that the vast bulk of charges against Aborigines were for drunkenness. The charge of drunkenness comprised 76 per cent of all charges against Aboriginal adults and 75 per cent of all charges laid for the year. If we add the charges of drunkenness to the other public order offences of offensive manner, unseemly words, etc.; vagrancy; and assault and hinder police, then the public order offences total 96.1 per cent of all charges laid against Aboriginal adults. The charges related to public order laid against Aboriginal adults and juveniles comprise 93 per cent of all charges laid against all persons. The information shows quite clearly the continuities in police role from the 1930s, the period which Goodall researched, through to the 1960s. Furthermore, of the 892 charges laid by Brewarrina police in 1964, only 27 were determined by a magistrate. Those 27 charges related to stealing, motor traffic, assault police, malicious injury and vagrancy. All other charges, that is 97 per cent of all charges, were heard and determined by six local Justices of the Peace.

TABLE 8.6
Police charges, Brewarrina, 1964

Offence	Aboriginal adult	Aboriginal juvenile	Non-Aboriginal adult	Non-Aboriginal juvenile	TOTAL
Drunkenness	639	10	18	2	669
Alcohol on reserve	11	1	0	0	12
Offensive manner/unseemly words, etc.	154	7	2	0	163
Vagrancy	10	0	1	0	11
Assault/hinder police	8	0	0	0	8
All stealing	6	0	0	0	6
All motor traffic/DUI	5	0	0	0	5
Malicious injury	3	0	0	3	6
Other offences on reserve	3	0	0	0	3
Warrants	4	0	0	0	4
Other offences	1	3	1	0	5
TOTAL	844	21	22	5	892

Arthur Roy (1986:113-114) recounts a personal experience in Brewarrina which occurred in 1974. Roy spent eight years in the north-west working with the Department of Youth and Community Services. His recollection gives some idea of the continuities from the 1930s in regard to policing and also suggests one of the reasons for the extraordinarily high number of drunkenness charges. Roy writes:

"One evening I was drinking in the back bar at Brewarrina Hotel with a white work mate and a large number of Aboriginal men. No-one was drunk, but at 10 p.m. the police paddy wagon backed up to the entrance and all the Aboriginal drinkers were ushered into the vehicle, while I and my associate were pushed to one side. The Murris (Aboriginals) spent the evening in the lock-up despite our protests."
(Roy, 1986:113)

During the 1970s, the N.S.W. Bureau of Crime Statistics and Research attempted to overcome the problem of not being able to identify individuals as Aboriginal and non-Aboriginal in criminal justice research by establishing a framework of analysis based on 'Aboriginal towns'. These were the 19 Local Government Areas in N.S.W. with the largest number of Aboriginal people residing in them. Eleven of the nineteen towns identified were in the Orana region.

In a study of public drunkenness offenders for 1979 (Bureau of Crime Statistics and Research, 1980:9), it was found that three of the five L.G.A.s in country regions with the highest rates of public drunkenness were in the Orana region. The results are shown below in Table 8.7. Brewarrina is at the top of the list, followed by Bourke, with Walgett in fifth place.

TABLE 8.7
L.G.A.s in country regions with the highest rates of
public drunkenness, 1979

L.G.A.	Number of distinct persons charged	Number of arrests per offender	Rate of distinct Persons charged per 1,000 population
Brewarrina	239	11.2	85.4
Bourke	315	2.7	62.4
Central Darling	91	2.9	28.4
Wentworth	162	1.9	24.0
Walgett	174	3.3	23.1

(Source: N.S.W. Bureau of Crime Statistics and Research, 1980:9).

There is obviously a level of some consistency in the number of people charged with drunkenness in Brewarrina. Substantial evidence indicates that those arrested continued to be Aboriginal people. Milne (1981:6) points out that the rate of arrest in 'Aboriginal towns' compared to the State generally was fourteen times higher during the period 1974 to 1979.

With the introduction of the Intoxicated Persons Act (1979) in March 1980 the criminal offence of drunkenness was repealed although police retained the power of detention. In the first statistical survey of the new legislation north-west N.S.W. had the highest rate of all Aboriginal detentions in N.S.W., 88 per cent of all Aborigines detained in N.S.W. were in the north-west (see Table 8.8). Almost 80 per cent of detentions in the north-west during 1981 occurred in Brewarrina and Walgett (N.S.W. Bureau of Crime Statistics and Research, 1984:29). In fact, Brewarrina and Walgett accounted for 51 per cent of all Aboriginal detentions under the Act in N.S.W. in that year. Independent of Aboriginality, Brewarrina and Walgett had the largest number of detentions for any place outside the Sydney metropolitan area.

TABLE 8.8
Detentions, Intoxicated Persons Act, 1981

Police station/proclaimed place	Aboriginal		Non-Aboriginal		Total
	No.	%	No.	%	
Brewarrina police station ...	3,860	97.2	113	2.8	3,973
Walgett police station	2,423	95.4	117	4.6	2,540
Total north-west	7,899	88.2	1,055	17.8	8,954
Total New South Wales	12,240	17.1	59,240	82.9	71,480

(Source: N.S.W. Bureau of Crime Statistics and Research, Intoxicated Persons 1981).

Thus, even though changes in legislation had occurred, there remained an extremely large number of Aboriginal people detained for intoxication in Brewarrina.

The most recent data on detentions and receptions⁵ under the Intoxicated Persons Act are shown in Table 8.9 and refers to the year 1986. Brewarrina again heads the list for detentions and

⁵Person detained by police under the Intoxicated Person's Act may be held in police cells or in other designated proclaimed places. Voluntary agencies which are designated proclaimed places 'recieve' persons under the Act rather than 'detained'. However it is not always clear from the statistical returns whether persons have been 'detained' or 'received', that is, whether the admission is voluntary or involuntary.

receptions in a non-metropolitan area with a total of 3,670, of which 84.7 per cent were Aboriginal. The majority of detentions and receptions occurred in the voluntary agency designated as a proclaimed place which is an importance difference to the earlier data.⁶ However in absolute numbers there were still a sizeable group of Aborigines detained in Brewarrina police cells (326). Walgett also had an extraordinarily high number of Aboriginal detentions and receptions. In fact, Brewarrina and Walgett had a combined total of 5,722 detentions and receptions of Aboriginal persons. This number was 41 per cent of all detentions and receptions of Aborigines in N.S.W. It has been previously calculated that the combined Aboriginal population of Walgett and Brewarrina to be in the order of 2,300, based on Department of Aboriginal Affairs (D.A.A.) figures (see Chapter 2). There were thus the equivalent of 2.5 detentions and receptions for every Aboriginal man, woman and child.

However one wishes to interpret the data shown in Table 8.9 in regard to voluntary and involuntary detentions and receptions, it is evident that the number of detentions and receptions indicate a social problem of some considerable magnitude in Brewarrina and Walgett. Furthermore, the number of detentions in police cells is high. In view of the actual size of these two small country towns, the number of detentions and receptions as a proportion of all Aboriginal detentions and receptions in N.S.W. is extraordinary. Importantly while the place of detention has changed in both towns between 1981 and 1986 to include designated proclaimed places in the community, the absolute number has remained high.

Complaints about the breakdown of law and order and a rising crime rate have re-emerged again in the 1980s in Brewarrina. The Clerk of the Local Court/Shire Councillor wrote a letter to the Bourke newspaper, The Western Herald (16 August 1985, p.4) claiming a rising crime rate particularly amongst youth.⁷ However, as Roy (1986:124) points out the number of convictions against juveniles for criminal matters has fallen from 35 in 1977/78 to 20 in 1982/83. The further information that was presented in Chapter 6 indicates that while the number of juvenile criminal matters in Brewarrina is comparatively high, that rate, in itself, has remained historically stable.

Bourke

In the early 19th century Bourke was originally established as the Fort Bourke stockade (1835) and to some extent the 'frontier' image has remained. It would also appear that Bourke, because of its location, has historically had a large contingent of police. In the early 20th century there were nine police officers and an Aboriginal 'tracker' (N.S.W. Police News, December 1985, p.6).

⁶At the time of the 1981 data on Intoxicated Persons there was no proclaimed place in Brewarrina other than the police cells.

⁷For the full text of the letter by the Clerk of the Local Court/Shire Councillor see Appendix A (1.4).

TABLE 8.9
 Detentions and receptions of intoxicated persons, 1986

Town	Aboriginal		Non-Aboriginal		Unknown		Total	
	No.	%	No.	%	No.	%	No.	%
BREWARRINA								
Proclaimed place	2,783		379		160		3,322	
Police station	326		18		4		348	
Total	3,109	84.7	397	10.8	164	4.5	3,670	100.0
WALGETT								
Proclaimed place	2,369		57		41		2,467	
Police station	244		10		5		259	
Total	2,613	95.8	67	2.5	46	1.7	2,726	100.0
BOURKE								
Proclaimed place	586		51		18		655	
Police station	63		16		9		88	
TOTAL	649	87.3	67	9.0	27	3.6	743	100.0

TABLE 8.9
Detentions and receptions of intoxicated persons, 1986 (continued)

Town	Aboriginal		Non-Aboriginal		Unknown		Total	
	No.	%	No.	%	No.	%	No.	%
DUBBO								
Proclaimed place	20		68		8		96	
Police station	120		170		26		316	
Total	140	34.0	238	57.8	34	8.2	412	100.0
WELLINGTON								
Police station	43		26		5		74	
Total	43	58.1	26	35.1	5	6.8	74	100.0
NEW SOUTH WALES								
Proclaimed place	9,944		55,157		1,240		66,341	
Police station	4,068		13,342		4,507		21,917	
TOTAL	14,012	15.9	68,499	77.6	5,747	6.5	88,258	100.0

Kamien, who was a doctor in Bourke for a number of years, has provided some insight into the development of the town and area (Kamien, 1978). He notes the early decimation of Aboriginal people in the area with the Aboriginal population declining from an estimated 3,000 people in the district in 1845 to 3 by 1915 (Kamien, 1978:15-16).

Aboriginal people began moving back into Bourke during the 1930s, many of them Aborigines who had been 'concentrated' in Brewarrina, but sought work in Bourke in the newly established meat works.

In 1946 an Aboriginal Reserve was declared just outside of the town under the jurisdiction of the Aborigine's Welfare Board. Kamien notes that pressure was put on all Aborigines by the Health Inspector to move there. The Aboriginal population was recorded at 55 persons in 1948 (Kamien, 1978:17). Arthur Roy also makes a point on the site of the reserve as a social comment on the perceived position of Aborigines in the local society. He notes that the Reserve was not enclosed by the town's levee banks and that it was located in the same area as the rubbish tip and sewerage treatment works (Roy 1986:104).

Of some importance to this study is the possible ramifications of the physical segregation mentioned above. Again Arthur Roy notes that after serious flooding in Bourke in 1984, the Shire Clerk refused to provide a truck to help evacuate residents from the Reserve. The action was perceived as gross discrimination and after that decision there were attacks on Council property (1986:127). Roy suggests that it is possible to link vandalism to the results of racial injustice. He writes:

"The mechanism suggested is perceived racism by Aboriginal parents causing depression among the Murri (Aboriginal) community as a whole. The small number of youth who offend repeatedly are affected by this depression and hit out often at the imagined cause of their worries... It is not considered (here) all vandalism is political. Some arises through lack of supervision, lack of employment, boredom and poverty."

(Roy 1986:127)

During the mid 1960s, Charles Rowley included Bourke in his survey of Aboriginal communities referred to previously. According to Rowley (1972a:298) local Aboriginal people in 1964 found Bourke to be a 'good town'. Aboriginal women were working in shops and hotels, and Aboriginal people could use the services and institutions. This 'progressiveness' was reflected in the fact that Aboriginal women could use the labour ward at the hospital. Rowley noted that according to the Welfare Officer the Aboriginal population in the town was 400, although there were others who were 'integrated' (1972a:798). Rowley also noted that the Aboriginal population was divided into three groups with about 168 people on the Reserve, an

'unauthorised' fringe group in the town and others who were established in the town (1972a:300). The Reserve was described as having no electricity or water in the dwellings, although communal taps had been introduced in 1964.

By the time Kamien wrote his book reviewing the conditions of Aboriginal people in Bourke in the early 1970s there were already complaints that have come to be associated with a 'law and order' crisis in that town. Before describing more fully the complaints, it is worthwhile considering the socio-economic portrait drawn by Kamien. He noted that the Aboriginal men had work with the Shire, the Department of Main Roads, the railways, the Post Office, while others worked on rural properties or at the meatworks. Some families travelled annually for fruit picking. Women took jobs casually during fruit harvesting or at the meat works (1978:28). No Aborigines had a school certificate, poverty was widespread (1978:28-29). With regards to housing in Bourke there were over 7.9 Aboriginal persons per dwelling compared to 3.8 non-Aboriginals per dwelling in Bourke in June 1971 (1978:174).

As a doctor who had treated Bourke's Aboriginal population Kamien's assessment of the medical condition was as follows: The infant mortality rate of Aboriginal children in Bourke was 88 per 1,000, for non-Aboriginal children it was less than 10 per 1,000 (1978:84); 50 per cent of Aboriginal children had trachoma (1978:90); 72 per cent of Aboriginal children needed medical attention, while 79 per cent of Aboriginal adults needed medical attention (1978:107); amongst Aboriginal children, Kamien detected the prevalence of parasites, trachoma, dental caries, running ears, perforated ear-drums, bronchitis, impetigo, ringworms and anaemia. Kamien found that patterns of coping with stress were different between males and females, women reacted with anxiety and depression, men with denial and addictive drinking behaviours (1978:139). Women relieved their stress through analgesial powders, while Kamien estimated from a survey he conducted that 53.2 per cent of men were heavy drinkers consuming more than 80 grams of alcohol per day (1978:146).

Kamien also looked at arrests during 1971 and 1972 and concluded that 50 per cent of Aboriginal men over 15 years of age and 8.5 per cent of women were arrested at least once during the two year period (1978:150). Most of the arrests were for disorderly behaviour, others for misdemeanours committed while drinking.

Kamien also noted that drinking was a sign of protest by Aboriginal people. He wrote:

"The simplistic view held by many rural whites and police that the zealous prosecution of drunken Aborigines will drive them to temperance was not only lacking in historical perspective but was almost certainly counter-productive, in that it ensured that Aborigines would register their protest by further

drunkenness. A less interfering and more lenient policy together with the repeal of discriminatory legislation may at least reduce some of the alienation from and anger at the norms, values and practices of white society, which is one cause of Aborigines turning to drink."

(1978:150)

There is a sense when one reads Kamien's account of Bourke in the early 1970s that changes of a substantial nature were occurring within the Aboriginal community towards white society. Kamien noted that Aborigines believed that white people, government, and police would not give them a "fair go". He wrote:

"Bourke Aborigines were angry and until recently had not been able to express their anger... This ranged from the massacre of their forebears to their present humiliated conditions... I had the moving experience of seeing more than 30 Bourke Aborigines in tears when discussing how and where their ancestors were shot down..."

(1978:39-40)

Similar to Roy's comments of some of the causes behind public disorder quoted previously, Kamien noted that he saw various forms of disorder among the young as a way of rebellion against their position in the local society. Importantly for our study of the present law and order crisis, Kamien documented what he termed the 'white backlash' against Aboriginal public behaviour (1978:79). Kamien's account of the early 1970s provides the first documentation in Bourke of what were seen to be a 'law and order' problem. Significantly these complaints arose during the period in which the Summary Offences Act, 1970 was in force. Kamien noted the prevalence of white stereotypes of Aborigines as dirty, drunk, unintelligent, lazy and ungrateful. The stereotypes were reinforced in the local media (Kamien 1978:41-42). In the early 1970s, Aborigines became increasingly vocal about their position. On National Aborigines Day 1972, Aboriginal workers withdrew their labour causing inconvenience to the local economy and closing the meatworks for the day (Kamien, 1978:61). According to Kamien's evidence there was an increase in arrests of Aboriginal people for drinking on the Reserve and those who owned cars were reported being stopped on that day and immediately after (Kamien, 1978:61).

Through the Aboriginal Advancement Association there developed an increased politicization of local Aborigines in Bourke who spoke out against discrimination and issues such as the detaining of Aboriginal children as young as 8 years old in police cells (Kamien, 1978:62). The local white response foreshadowed in many ways the current climate. It was noted that rumours concerning 'black power' and racial violence were evident. A decline of standards reportedly had occurred because Aborigines had become 'cheeky', and Kamien also

noted complaints which were published in various local and Sydney newspapers by non-Aboriginal Bourke residents which maintained that whites were now discriminated against because of preferential social services (1978:80-81). Local petitions were also collected aimed at keeping Aboriginal people out of houses in the town. Kamien summarised what he saw to be the basis of white resistance to change:

"For many whites the beginnings of the social development of Bourke Aborigines was not a state of temporary anxiety or a challenge to adapt to change; it was a warning of further anxiety to come, with a possible loss of power, prestige and the reduction in the gains from their vested interests in maintaining the status quo of Aborigines.

The American psychologist Morton Deutsch has drawn attention to the fact that social scientists have, *too often assumed that the social pathology has been in the ghetto rather than in those who have built the walls that surround it, that the 'disadvantaged' are the ones that need to be changed rather than the people and the institutions who have kept the disadvantaged in a submerged position.* (Deutsch, 1971:569)"

(Kamien, 1978:82)

The present research group undertook an analysis of reporting of 'crime waves' in the local newspaper (Western Herald) to gain a perspective on the current issues and it was found that reports of 'crime waves' dated back to 1971, the period to which Kamien's analysis applied. There were continual complaints concerning the demise of law and order in Bourke from 1971 through to 1985 and the beginning of the present campaign. Many of the complaints explicitly blamed Aboriginal people. It is beyond the limits of this research to give an exhaustive account of the continuities of the 'law and order' complaints through the 15 year period. However a summary of the main issues is provided.

Complaints in the early 1970s centred around issues of vandalism, assaults and the failure of Bourke juries to convict even on supposedly strong evidence (Western Herald, 5/2/71, p.2; 16/4/71, p.1; 21/1/72, p.1). In various offences Aborigines were depicted as the offenders although no other ethnic or racial group received special attention (for instance, 'Assaulted by Aboriginal', Western Herald, 24/8/73, p.1).

By the mid 1970s, break and enters and shoplifting also were locally seen as a problem of some concern. In particular a security service was established in Bourke in mid-1975 to counter-act what was being described as an "uncontrollable increase in break and enters" (Western Herald, 24/10/75, p.1). However after six months the security officer left Bourke because of threats which were being made against him. Complaints were made by businessmen of "youths

loitering around shop doorways and generally making themselves obnoxious" (Western Herald, 21/11/75, p.1). Themes which have become standard now seem to have been established during this period of the mid-1970s. In particular notions that a small group of individuals were criminally responsible for disorder is apparent:

"Bourke has a certain element of savage vandals who are virtually running riot in our town."

(Western Herald, 21/11/75, p.1)

It would appear that after the publicity involved in the resignation of the security officer, the police increased their profile. The weekend after the resignation, the police made 25 arrests most of which were for public order offences and driving offences except for the charging of four children for break and entering.

It is significant that the police use of public order offences was said to be "appreciated by the townspeople as vandalism and break and enter appeared to be getting out of hand" (Western Herald, 17/10/75, p.1). Furthermore during this period there are complaints concerning the treatment of juveniles by the courts:

"With most of the trouble coming from juveniles it is very frustrating for the police who apprehend culprits only to see them let off with, in most cases, only a warning."

(Western Herald, 17/10/75, p.1)

Throughout 1976 to 1979 there were a continual stream of complaints in the local media concerning gangs, vandalism, hooliganism, car theft and break and enters (see Western Herald, 5/11/76, p.1; 1/7/77, p.1; 8/7/77, p.1; 15/12/78, p.1; for examples).

It was during 1979 that notions of a crime wave became fully articulated and that Shire President, Trevor Randall, became a spokesperson for the law and order lobby. The Western Herald (2/2/79, p.1) reported a 'Crime wave in Bourke' early in 1979 and released the news that Randall and Bourke Shire Council had prepared a submission on the situation to be presented to then Premier, Neville Wran.⁸ There was also considerable publicity concerning businesses who were being discouraged from continuing in the town because of the lack of security.

Within the above context there was predictable resistance to the introduction of the new Offences In Public Places Act (NSW) 1979. There had already been complaints about the collapse of law and order over a number of years prior to 1979, and the first 'submission' from Bourke pre-dated the new legislation. The Shire President was

⁸As a result of the deputation there were government assurances that Bourke Police station would be manned 24 hours a day and extra police would be available. In October 1979 an additional Sergeant 3rd Class and three additional constables were appointed.

outspoken in the local media that the new Act was "unbelievable", that "police now have little power" and that "politicians do not understand the position in western towns" (Western Herald, 15/6/79, p.1).

In early 1980 the first two shops began to brick-up their windows as a response to vandalism. Those shops were the Permewan's Store and the Shire President, Trev Randall's newsagency and gift shop. Randall stated that he "had to do something to protect the front of his shop as he has come under 'special attention' from a certain minority group in our town" (Western Herald, 8/2/80, p.1).

It is evident that with the development of a 'north-western' law and order campaign in 1985, sections of the Bourke community had already been promoting such views for several years and had been involved in previous submissions to government on the issue. Certainly pressure on the State government has been effective in gaining a 24 hour police station at Bourke and considerable increases in police numbers as Table 8.10 demonstrates:

TABLE 8.10
Authorised police strength, Bourke 1976 - 1986

Year	No. of Police
1976	13
1979	16
1980	21
1982	24
1983	25
1984	26
1986	27

(Source: N.S.W. Police Department)

However this policy of increasing police strength has not been successful in improving Aboriginal/police relations (as indicated by recent disturbances), nor in increasing feelings of security within the community (there are still perceptions of a 'crime wave') nor in dramatically changing the rates of offending (as Chapter 4 and 6 indicate). The failure of a policy of simply increasing police strength is a clear indication of the failure to see public disorder and crime as a social phenomenon not amenable to simple 'deterrence'.

Dubbo and Wellington

Dubbo and Wellington are not towns which historically were known for 'problems' with law and order. Rowley (1972a:196) in his survey of Aboriginal communities noted that neither town had a well known Aboriginal community nor a special reputation for racial disorder. Dubbo had been in the 1930s a centre for Aboriginal activism under the leadership of Bill Ferguson, Pearl Gibbs and Jack Patton. Rowley also notes that Dubbo had been a traditional camping area and meeting place for Aborigines before white people came to the area. It remained administratively important for Aboriginal people because it was a centre of administration with an Area Welfare Officer and an Aborigine's Welfare Board Hostel (Rowley 1972a:198).

At the time of Rowley's survey (1964/65), Dubbo had a small Reserve about eight kilometres out of town and about 30 families living in the town. Wellington had Nanima Reserve just outside the town, and had a history of being one of the first Aboriginal missions established with Fort Wellington in 1830. Rowley noted that in 1964 there was no employment in the town of Wellington for Aborigines, but some were employed in the market gardens which was the main source of employment.

The research team was unable to locate any specific complaints concerning law and order, or complaints about crime which was related to Aboriginal people in either Dubbo or Wellington for the decade of the 1970s. However by the time the N.S.W. Select Committee of the Legislative Assembly Upon Aborigines was collecting its evidence in 1980 the situation had changed somewhat. Aboriginal people gave evidence to the Committee of what they saw as police brutality towards Aboriginal people in Wellington (Select Committee, 1981:824-827). The Dubbo City Council put a submission to the Select Committee (1980:380-384) which recognised that the number of Aboriginal people in the city had grown quickly and that there had tended to be a blaming of Aborigines for vandalism in the town and resentment of perceived 'advantages' which they had such as the Secondary Schools Assistance Scheme for Aboriginal students. The Dubbo council's submission noted that, although Dubbo was not part of the Aboriginal Family's Resettlement Programme, a large number of Aboriginal people had come from Bourke, Brewarrina and Walgett. Council noted that 10 per cent of Housing Commission stock was allocated to Housing for Aborigines (H.F.A.) accommodation. There were also four hostels for Aboriginal people in Dubbo, two of which were for young students attending the Technical College.

The movement of Aboriginal people into Dubbo in the late 1970s and 1980s is an important element to the development of a 'law and order' lobby. Current D.A.A. community profiles put the Aboriginal population of Dubbo at 3,000 to 4,500 (see Chapter 2) which would make it the largest group of Aboriginal people in a city in N.S.W. outside of the metropolitan area. A similar figure was quoted by Roy

(1986:131) of between four and five thousand Aborigines in Dubbo coming mainly from the north-west. Table 8.11 shows the change in Aboriginal population in Dubbo:

TABLE 8.11
Dubbo Aboriginal population

Year	No.
1971	345
1976	760
1981	992
1986	4,000 (estimate) ⁹

The first formulation of a 'law and order crisis' in Dubbo emerged during 1982 with a proposal for a Public Protection Bill in the N.S.W. parliament. The Bill was introduced as a private member's Bill in November 1982. It was intended that the Bill would "give to the police the power they so desperately need to regain control of the streets... a control which they lost on the introduction of the Offences in Public Places Act." (Hansard, 27, 11/11/82, p.2,625.)

The necessity for the new Bill was presented in the context of "the tensions that are now so evident in many western towns." (Hansard, 27, 11/11/82, p.2,630.) Attention was drawn to Daily Liberal reports that youth in Walgett were over-turning garbage bins into shop doorways, while the police were without power to deal with the situation. During the second reading of the Bill, a letter was presented which had been signed by fifteen shopkeepers in Dubbo complaining of juvenile behaviour.¹⁰

In the context of the present developments of a 'law and order crisis', the provisions of the Public Protection Bill are important. The Bill allowed for the re-enactment of certain provisions of the repealed Summary Offences Act, with increased and severe penalties for street offences. An important new section of the Bill was to introduce an offence of loitering (Cl.28) in a public place with a penalty of \$500.

Clause 29 gives police the power to remove from the street any person under the age of 16 years who is loitering in a public place after 11 p.m. According to Cl.29, police "shall be permitted to use such force as may be reasonably necessary to give effect to such direction" (Public Protection Bill, 1982, Cl.29). Clause 30 allows parents to be convicted for juveniles who are found loitering under cl.29 more than three times within three months.

⁹ Figures from 1971 - 1981 are based on A.B.S. Census data, 1986 is based on D.A.A./A.D.C. and independent estimates.

¹⁰ See Hansard, 27/11/82, pp.2, 631-2 for text of letter.

The Bill also increased the penalty for resisting arrest to \$1,000 and substantially re-enacted the Summary Offences Act with the additions described above. The Bill was not passed.

Some mention has been made (see Chapter 7) of the events surrounding the Aboriginal Football Carnival in October, 1984. This event was the next stage in the evolution of a law and order campaign in Dubbo. It is significant that during the Football Carnival in the vicinity of 3,000 Aboriginal people visited Dubbo for the weekend. There was a direct continuity from the Football Carnival to the later Law and Order Forums in the process of formulating the law and order debate.

After that particular weekend, an article in a local paper Daily Liberal, 5/10/84) called upon residents in Dubbo to write down their complaints concerning the 'crime wave'. Some of these letters were later included in the submissions presented to the Premier by the Orana Delegation some thirteen months later (see Chapter 1). In historical hindsight there is some comparison to be made between the events in Dubbo during the 1980s and Brewarrina in the 1930s. In both communities there was a relatively sudden increase in the Aboriginal population, there was a high level of visibility of the Aboriginal people in the town - in itself partly due to high levels of unemployment - and there were demands from the local businessmen/political figures that the police 'do something' about the problem. It would appear highly significant that when the 'law and order' issue was first raised through the Public Protection Bill in 1982, it was 'local businessmen' in Dubbo who were quoted as the primary complainants.

Little background information was available on the development of a 'law and order' lobby in Wellington. It has been noted previously in this chapter that evidence was presented to the Select Committee (1981) concerning police treatment of Aborigines, however it is not until the 1985 period that complaints of 'law and order' are apparent in Wellington. During 1985, the local newspaper, the Wellington Voice, ran several exaggerated and outrageous stories concerning Aboriginal involvement in crime. In August 1985 the Wellington Chamber of Commerce began pushing for a 24 hour police station in the town and an increase in police numbers.

The themes which were raised at the Wellington 'Law and Order' meeting were very similar to the previous Dubbo meeting. For instance the audience was told that laws were pathetically weak and non-parole periods were pathetically short, while "a breach of the traffic laws draws harsher penalties than that handed out to criminals" (Wellington Times, 4/12/85, p.1). Local police were also in attendance at the meeting.

8.4 Summary

The chapter has brought together a number of issues from an historical perspective. That perspective throws considerable light on the present view of a 'crisis' in law and order in the Orana region.

The chapter began with the recent event of the riot in Bourke involving (predominately) Aboriginal youth and police. It then canvassed the historical detail demonstrating the degree of police intervention into the life of Aboriginal people, which suggests in the long term some of the deep underlying hostility felt towards police. It has also been necessary to look more closely at the local historical level to understand the development of the perception of a 'law and order' crisis in the various towns and to simultaneously understand what policing has meant to Aboriginal committees at the local level.

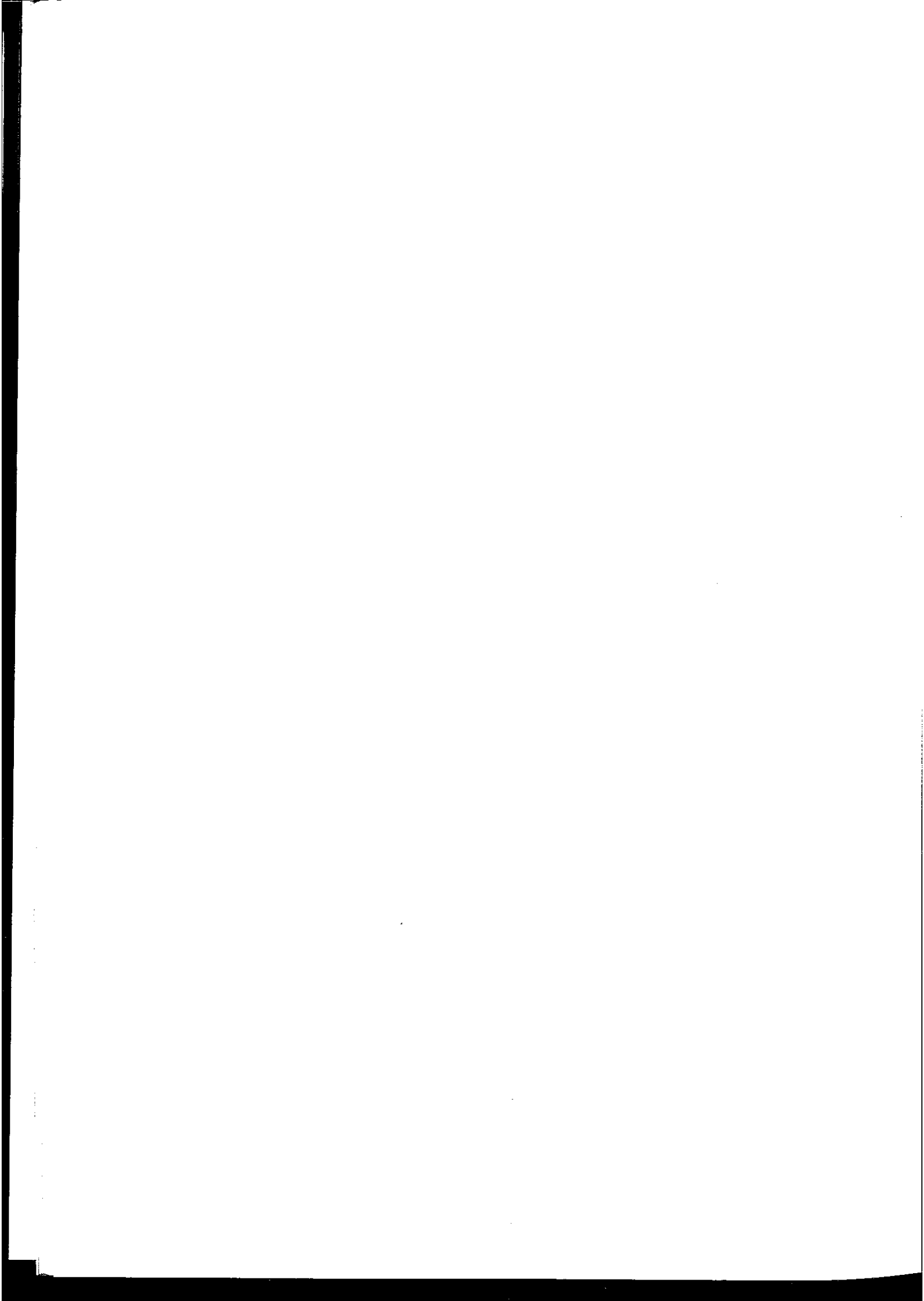
The towns which have been the focus of this research have varying histories of complaints and conflict involving Aboriginal people. In particular, Walgett and Brewarrina have a history of attempts to 'legally' control local Aboriginal populations which dates back well into the early part of this century. In Bourke, the development of perceptions of a law and order breakdown have occurred since the early 1970s, while in Dubbo and Wellington the process has been more recent still.

The historical research shows that central to complaints about law and order in the region has been the social 'visibility' of Aboriginal people. In the more recent period official segregation has broken down and legislation which enabled the easy removal of Aboriginal people has been repealed. Far from being a period of 'idyllic' existence, life for Aboriginal people under former legislation involved substantial loss of liberties.

Furthermore there are strong historical reasons for the over-representation of Aboriginal people in the criminal justice system. In the towns where evidence was available virtually all policing efforts were directed at maintaining (non-Aboriginal) public order and were directed against Aboriginal people. In addition the types of behaviour complained about have a recurrent theme. In the midst of the period during which the Summary Offences Act was in force there were complaints about vandalism 'out of control' in Bourke for instance. The point is not that vandalism has not been a recurring problem, but rather that the legislation in place at the time did not necessarily have any deterrent effect. In other words, the historical record demonstrates the need to look towards the social and economic circumstances behind both the behaviour and the response, rather than seeing a particular response of more police or more severe legislation as some type of solution. In this context it is also necessary to remember that each of the towns surveyed have their own, in some cases long-running, history of localized conflict and attempts at control.

This chapter concluded the historical survey by moving forward to the development of more recent complaints concerning law and order in Wellington and Dubbo. The fundamental argument has been that an understanding of those complaints needs to be understood within the wider social and historical dynamics surrounding questions of Aboriginal over-representation in the criminal justice system and the perceptions of law and order crisis.

CONCLUSION



Summary

In response to the claims raised concerning law and order in Orana and as outlined in Chapter 1, this report has found the following to be an accurate reflection of the situation in the region.

At the time of the alleged crime wave, reported offences increased by only 4 per cent in Dubbo district. Five of the other nine country districts had the same or higher increases over the same period. In the year following the complaints (1985/86), reported offences rose by over 30 per cent in Dubbo district, the largest increase of any district. This latter increase is only partly due to an increase in actual offending. The majority of it was probably due to an increase in the reporting of crime to police, and to changes in police practices and procedures (eg. 'crack downs', the computerisation of the data collection system).

Nevertheless, the rate of reported offences in Dubbo is consistently high (in the top two of country districts), at about 5,500 per 100,000 population. This is, however, lower than the average metropolitan rate of roughly 7,800 per 100,000 population.

In 1985/86 in the towns of Bourke, Brewarrina, Dubbo, Walgett, and Wellington, 'once-only' offenders accounted for 77 per cent of all arrests. Aborigines tended to be arrested more often than non-Aborigines (an average of 1.58 arrests per person arrested vs 1.24 arrests).

There was no evidence that police have no power to control street offences. They can, and do, bring a variety of charges.

An increase in police visibility was felt to be an appropriate solution to the crime problem in Dubbo city by 18 per cent of those residents who thought there was such a problem (13.5% of residents thought there was no problem).

The main problem with the juvenile cautioning system appears to be continuing 'mis-understandings' of its operation on the part of the police, courts staff, and the general public.

The number of juveniles appearances in Orana declined slightly between 1984/85 and 1985/86 (from 541 to 516 ie. 4.6%). However, in 1985/86 Orana had 4.6 juvenile appearances per 1,000 population, compared with 2.6 in the state as a whole. There is a marked difference in the rate of charges between Aboriginal and non-Aboriginal populations. This varies up to 184 per 1,000 for Aboriginal youth in Wellington compared with 4 per 1,000 for non-Aboriginal youth in the same town.

The charge rates for Aboriginal youth in 1985/86 were 6 times greater than for non-Aboriginals in Dubbo, 47 times greater in Wellington, 57 times greater in Brewarrina, 36 times greater in Bourke, and 90 times greater in Walgett.

Aborigines were over-represented in the major towns surveyed in the region in every offence category in 1985/86. They accounted for 47.1 per cent of persons arrested, but only 14.6 per cent of the population of those towns. This means they were over-represented by a factor of 3.2. They were similarly over-represented in court appearances (52.7% and an over-representation factor of 3.6).

Police patently do charge Aborigines. There was no evidence that Aborigines were dealt with in any markedly different way to non-Aborigines in the Orana Local courts in 1985/86. The main difference was in the area of withdrawn cases (usually domestic assaults). Aborigines received a sentence of imprisonment more often than non-Aborigines, but this difference disappears when offenders with prior criminal records are ignored (these being more prevalent amongst Aborigines).

Explaining Aboriginal over-representation

Two points in a discussion of Aboriginal over-representation in the criminal justice system in Orana are apparent: the over-representation is both persistent and extensive. That is, levels of over-representation have persisted historically despite changes in legislation and broader policy; and the levels of over-representation are extensive in the sense of their magnitude. Aboriginal people are not slightly over-represented. They are grossly over-represented in relation to their population size.

In essence there is a dual explanation for the over-representation of Aboriginal people. Part of that explanation accepts a higher rate of the commission of offences by Aboriginal people and seeks to explain that through socio-economic factors. The other part of the explanation of over-representation rests on the acceptance of a level of over-policing. That is Aboriginal people are policed in a way different from, and at a level higher, than that for non-Aboriginal people. Both parts of this explanation rest on a strong historical continuity in the position of Aboriginal people in white society.

The broad parameters of Aboriginal poverty in Orana have been documented in this report and indicate an extent of poverty which places Aboriginal people at the lowest point on all major social indicators. In relating those social indicators and the levels of unemployment to over-representation in the criminal justice system, it is impossible to point to any simplistic causal relationship between the factors. However, as indicated in Chapter 2, considerable research by other researchers has indicated that there is a strong relationship between socio-economic position and levels of criminal activity. Other research cited in Chapter 8 indicate the way in which some Aboriginal crime may be seen as a protest against perceived discrimination and social conditions.

The question of over-policing has been touched upon in various chapters of this report. In Chapter 8 the notion of over-policing was particularly important in explaining the historical relationship between Aboriginal people and non-Aboriginal society. Graphic examples of over-policing were evident in the imposition of curfews and the charges of drunkenness. As a result of over-policing, any community will show high statistics for crime.

In Chapter 6 attention has been drawn to the relationship between over-policing and the charges of assault police, hinder police, resist arrest and the fact that it is in those areas that levels of Aboriginal over-representation reach their peak.

Attention has also been drawn to the sheer number of police stationed in small communities such as Bourke. In this sense over-policing has a mundane and obvious existence.

Another form of 'over-policing' is in the use of particular legislation. The research team had the opportunity of looking at all charges laid by police in a particular period. It was noted in Chapter 8 that the common law offence of 'riotous assembly' was used on several occasions in Bourke. Previous to this, McCorquodale (1982) had noted the use of common law offences, 'unlawful assembly' and 'affray' against Aboriginal persons after a civil disturbance at Taree. At the time McCorquodale was Principal Legal Officer of the Commonwealth Deputy Crown Solicitor's Office in Sydney. He stated:

"Both 'unlawful assembly' and 'affray'... are common law misdemeanours, punishable by fine and imprisonment at the discretion of the court... What is curious is that police should have placed such reliance on what was once considered a common law relic which had fallen into desuetude until its latter-day revival in England. Whereas it would have been perfectly in order to have invoked the far less serious statutory offence of 'seriously alarm or seriously affront' this new method of crowd control was seized upon instead."

(McCorquodale, 1982:292)

The use of the common law offence 'riotous assembly' is in fact more serious in its potential results than 'unlawful assembly' (see, Halsbury's Laws of England and R. V. McCormack [1981] V. R. 104).

The other area of unusual use of legislation involved the preferring of charges under the Local Government Act in situations of public disorder. The charges used in Bourke, Brewarrina, and Walgett under this Act were: throw stones/missile (Local Government Act, 41/1919 Ord. 30 c135); throw bottle/glass (Local Government Act, PtIX, s249 c[1]); destroy glass receptacle/bottle (Local Government Act, Ord.48 d20); take/consume intoxicating liquor in park (Local Government Act, Ord. 48 d20). All involved Aboriginal persons. There was some indication that the use of the charges arose out of incidents of

Aboriginal/police conflict.¹ The purpose behind the use of such legislation was probably best summarised by a police officer at Walgett who, when questioned by the research team about the use of the charge 'destroy glass receptacle', commented that "there was more than one way to skin a cat".

One final area of over-policing which deserves attention is an analysis of the nature of police response to collective disturbances. While this response to a disturbance may quell it in the short term, in the longer term it may have the opposite effect of entrenching and prolonging opposition. In this sense the bringing in of outside police such as the T.R.G. may in fact exacerbate tensions and lead to more conflict. The point does not deny the reality of community unrest, but it does demand some sensitivity in the manner in which it is approached. There are already long-standing allegations by the Aboriginal community that tear-gas was used in September 1984 to quell a disturbance at a Saturday Football match in Bourke (see the Department of Aboriginal Affairs, Bourke Office, summary paper Community Unrest At Bourke). If those allegations are true, this episode would be a unique event in Australian history, and one which does not bear repetition.

It might be noted that the over-commission of offences by Aboriginal people and over-policing are not necessarily two separate issues but indeed feed off one another as part of a continuum. In this sense the historical relationship of Aboriginal people to policing is important. A part of Aboriginal popular memory in the north-west is the history of large scale police intervention into everyday life. As a response to that history there is often aggressive hostility shown towards police in the public sphere.

There is one final point to be made in regard to the present resurgence of the law and order campaigns in north-west N.S.W. Fay Gale (1964) noted over twenty years ago in her study of Aborigines in South Australia, that white residents in country towns which contained a large Aboriginal population, and whose economic status was depressed exhibited the most unfavourable attitude to Aboriginal people. It may well be that the current campaigns, coming as they do in the wake of rural recession, rest upon similar scapegoating of those sections of the community historically in conflict with perceived dominant values and institutions and simultaneously easily 'identifiable' as a potential source of 'disorder'.

¹In 12 of the 19 cases where these charges were laid other charges were also used, and in 8 of the cases there were references in the court records to incidents described as 'disturbances' and 'brawls' and associated charges of resist arrest and assault police were also laid.

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APPENDIX A

1.1 Law and Order Meeting, Dubbo, September 10, 1985 Proposed Aims

1. To have the Summary Offences Act reintroduced in a form that will give the Police Force sufficient power to control lawlessness on the streets and bring back a situation where the law abiding members of the community can again use the streets and public places without fear of an interference from those elements in society that create situations of fear and interference.
2. To bring about, by Public Demand, a penal system that provides a minimum Gaol sentence of realistic duration for offenders who commit serious crime and for such sentences to be fully served.
3. That the public demand than an inquiry be set up to determine why Gaols cannot be largely self supporting and the massive cost of keeping offenders in gaol reduced or eliminated.
4. To bring about legislation to protect law abiding citizens who assist the Police with information and evidence that brings about the apprehension of criminals by the introduction of a system that allows for evidence to be given by way of sworn affidavit where that persons name and address are not made available to persons other than the Magistrate or Judge.
5. To bring about a situation that requires the authorities to seek public reaction and assent to changes in the laws or the introduction of new laws that affect the behaviour and responsibility of Society.
6. To have all persons of or above the age of 16 years defined as adults for the purpose of the law.
7. To have the age of culpability reduced to persons of the age of 8 years and above.
8. By public demand require the Government to provide nothing less than 'Life Imprisonment' for all persons convicted of dealing in or distributing drugs.
9. In cases in which it can be established that lack of parental control directly contributed to the commission of a crime by juveniles, the parents of such juveniles be subject to a penalty and be liable personally for any damages suffered by any person or as a result of such crime.
10. To restore the provisions of the Consorting Act to read 'reputed criminals' in lieu of 'convicted criminals' being persons with whom it is an offence to be consorting to enable Police to have powers to deal with modern day drug offenders.

(from pamphlet 'Proposed Aims of Law and Order Meeting).

1.2 Law and Order Meeting, Dubbo, February 15, 1987
List of Demands

1. To have the Summary Offences Act reintroduced in a form that will give the Police Force sufficient power to control lawlessness on the streets and bring back a situation where the law abiding members of the community can again use the streets and public places without fear of an interference from those elements in society that create situations of fear and interference.
2. To bring about by public demand, a penal system that provides a minimum gaol sentence of realistic duration of offenders who commit serious crime and for such sentences to be fully served. And that concurrent sentences be abolished and hard labor introduced.
3. By public demand require the Government to provide nothing less than 'Life Imprisonment' for all persons convicted of dealing in or distributing drugs.
4. To restore the provisions of the Consorting Act to read 'reputed criminals' in lieu of 'convicted criminals' being persons with whom it is an offence to be consorting to enable Police to have powers to deal with modern day drug offenders.
5. That existing provisions for the issue of telephone warrants be expanded to cover urgent matters relative to crime.
6. That control of prisons be restored to prison authorities with the object of permitting stricter discipline and control of inmates to prevent escapes and maintain order within the gaol system.
7. That the public demand that an inquiry be set up to determine why Gaols cannot be largely self supporting and the massive cost of keeping offenders in gaol reduced or eliminated.
8. That disciplinary authority of teachers in schools be firmly reinstated.
9. Except in the case of genuine first offenders the juvenile cautioning system be scrapped.
10. In cases in which it can be established that lack of parental control directly contributed to the commission of a crime by juveniles, the parents of such juveniles be subject to a penalty and be liable personally for any damages suffered by any person or as a result of such crime.
11. To have all persons of or above the age of 16 years defined as adults for the purpose of the law.

12. To have the age of culpability reduced to persons of the age of 8 years and above.
13. To bring about a situation that requires the authorities to seek public reaction and assent to changes in the laws or the introduction of new laws that affect the behaviour and responsibility of Society.
14. To bring about legislation to protect law abiding citizens who assist the Police with information and evidence that brings about the apprehension of criminals by the introduction of a system that allows for evidence to be given by way of sworn affidavit where that person's name and address are not made available to persons other than the Magistrate or the Judge.
15. That demands be made to the State Government and the Opposition to reply specifically to these resolutions on Law and Order and such replies to be provided before April 30, 1987 and that reports initiating from the special police task force resulting from the first public meeting on Law and Order in Dubbo be made available to the people of the Orana Region before March 15, 1987.

If satisfactory replies are not received to the resolutions of this meeting by April 30, 1987, then the Orana Law and Order Committee will urge and assist other towns in calling mass public meetings throughout New South Wales on matters relating to law and order issues prior to the next State Elections.

16. That immediate steps be taken to provide more Corrective Services institutions in view of the serious lack of present facilities. Such future institutions be humane and not lavish in detention facilities.
17. That the present system of serving one day detention for each \$50 of outstanding fines after conviction be amended to \$5 per day. This would result in convicted persons paying fines of perhaps \$200 instead of spending 40 days in detention instead of four days. This would encourage the prompt payment of such fines rather than face an extended period of detention. The courts to also have powers to apply civil processes including bankruptcy to enforce payment of a fine.
18. To bring about legislation to protect law abiding citizens who assist the police with information and evidence that brings about the apprehension of criminals by the introduction of a system that allows for evidence to be given by way of sworn affidavit where that persons name and address are not made available to persons other than the magistrate or judge. It is not intended that the right of cross-examination by defence council be removed.

19. That a new Legal Aid system be introduced and it be available to all residents of New South Wales regardless of race, creed or colour, subject only to an income test.
20. That any person pleading Not Guilty to any criminal charge who is subsequently found guilty of such charge and having been granted legal aid shall have such aid withdrawn and shall bear the full costs incurred.
21. That the government be requested to re-instate the "four Rs" that include Reading, Writing, Arithmetic and Religion into the education system.
22. That the State Government be requested to hold an inquiry into the feasibility and value of a reserve police force in this State along the lines of that in the United Kingdom and other countries. If the inquiry recommends so to create such a force forthwith.

(from Daily Liberal) February 16, 1987, page 8).

1.3 The Findings of the Meetings Held in Bourke on Sunday,
31st August and Thursday 4th September, 1986

1. The need to investigate the claim that Aboriginals are still disadvantaged by current laws.
2. The need for parents to be made more accountable for their childrens' whereabouts and actions at all times of the day.
3. The need to provide more activities to occupy the spare time of our youth.
4. The need to amend the law to give Police the power to send children and youths home from the streets unless they have good reason for being there.
5. The need for every member of the community to assist in clamping down on under aged drinking the peddling of drugs.
6. The need to identify the authors of racist literature and to obtain their removal from the town.
7. The need to conduct some form of Youth Forum by which the young members of the community can express their wishes in relation to activities.
8. The need to find some solution to the unemployment problem in the town and district.
9. The need to recognise that racism exists amongst only a small proportion of the community and for every effort to be made to break down such racism.
10. The need for all members of the community to assist in identifying the small number of crime offenders involved in crime and bad behaviour in the town.
11. That representations be made to the appropriate authorities requesting a Parliamentary Inquiry into the problems of Law and Order in Bourke and in western New South Wales generally.

1.4. Letter to the Western Herald, 16 August 1985, p.4., from Clerk of the Local Court, Brewarrina.

Letter to the Editor

24 Naveena Street,
Brewarrina, 2830
5th August, 1985

The Rising Crime Rate

Dear Mr. Carmichael,

Once the average country person regarded crime as mere a disease of the cities, but this is now not the case as crime is rife in the rural communities and it is getting worse as each year passes.

Why is it so? It is my strong belief that there are four reasons for this:

Firstly, unemployment creates boredom and reduced income for some. This boredom leads to drinking heavily and this in turn results in bouts of depression leading to crimes of violence, dishonesty, drug abuse and just pure vandalism.

Secondly, parental guidance is nearly always lacking in respect of young offenders who form the core of people appearing before the Courts. Young Offenders are those aged from fourteen years to twenty four years and some are classed as Children, Young Persons or indeed Adults by our Court system.

The lack of parental guidance results for many reasons. One major reason is parents taking a keen interest in alcohol, drugs, clubs and pubs and no interest in their own offspring (such as attending school functions). They rarely instil in their child constant discipline and allow their child to roam the streets without check at night. There are parents who know no better themselves as they have never had parents taking any interest in them.

Thirdly, politicians in this State of New South Wales seem to take the view that offenders should be patted on the head and told not to do it again. Correcting the offender through rehabilitation seems to be the only theme they know about or worry about.

The Criminal Justice System in our State fails to provide any deterrent to any would-be offender whatsoever. Maximum fines are extremely low (except in respect of drink/drive offences) and gaol terms are rare.

The politicians are more concerned at the overcrowding of our gaols (which is due to so many people clamoring to get into our gaols to "cut out" their accumulated fines) and providing comforts for prisoners.

The latest farce is the proposal to increase the default period on fines from one day for every \$25 worth of fine to one day for every \$50 worth of fine. The reason is to reduce the number of fine defaulters in prison as they supposedly are unable to pay off the fine. What absolute rubbish! A fine is imposed as a penalty (a deterrent) and should be imposed equally to all sections of the community. The effect of these proposals will be an increase in the number of offenders "cutting out" their fines rather than pay them because this is what happened when the government changed the default period some seven years ago.

The other suggestion was to give fine defaulters community work. Whilst this is a grand and idealistic proposal it could not possibly be administratively possible. The result of these proposals is the offender gets off lightly and the offender can see that there is no deterrent from offending.

Lastly, the judiciary (whether they be magistrates or judges) are not providing a deterrent to would-be offenders when some magistrates and judges constantly resort to giving offenders good behaviour bonds without any real punishment attached to them. Some offenders appear so regularly, that they end up on numerous bonds, sometimes at the one and the same time.

The judiciary continue to give small fines for major offences and it is rare for gaol sentences to be given, considering the number of crimes there are committed each year in the state. Rarely do offenders receive the maximum penalties and if a gaol sentence is given rarely does the offender serve the non-parole period, let alone the full sentence.

This lack of any deterrent makes the job of the police pointless, makes the many victims angry to such a point that they consider re-prisals (that is taking the law into their own hands); makes the system of justice in this state a laughing stock and worst of all, encourages the offender to re-offend.

In South Australia, recently, the government there amended their Police Offences Act designed as their Attorney-General, Mr. Sumner said, "to find an appropriate balance between the rights of the community to security, protection and freedom to go about their lawful business on the one hand, and the rights of an accused to a free and unprejudiced trial on the other."

Over thirty penalties were increased including an increase from \$200 or twelve months gaol for assaulting police to \$8,000 or two years gaol. The offence of hindering police now carries a maximum fine of \$2,000 or six months gaol rather than \$100 or six months. Also the South Australian offence of Disturbing the Peace now attracts a penalty of \$1,000 or three months imprisonment, which is up from \$100. In N.S.W. the penalty for a similar offence is merely \$200.

The proposal to bring in a system of police cautions for juveniles is another item designed to usurp the Court System and the desire of the society that all offenders who break society's rules should not only be dealt justice but also be seen to have been dealt justice. This new system will give juveniles the green light to commit any crime in the book in the certain knowledge that they will just receive a caution.

The Brewarrina Shire Council (of which I am a member) has decided to pressure the Government for action (similar to that taken by the South Australian Government) to protect the freedom and security of its citizens and its own property which is regularly vandalised.

Is it not now the time for us to do the same, so that our children will grow up in a society to learn that society's rules are there to be obeyed by all, under sufferance of penalty. The alternative is for the crime rate to continue to soar and the law abiding citizens of this nation to live in constant fear of life and limb.

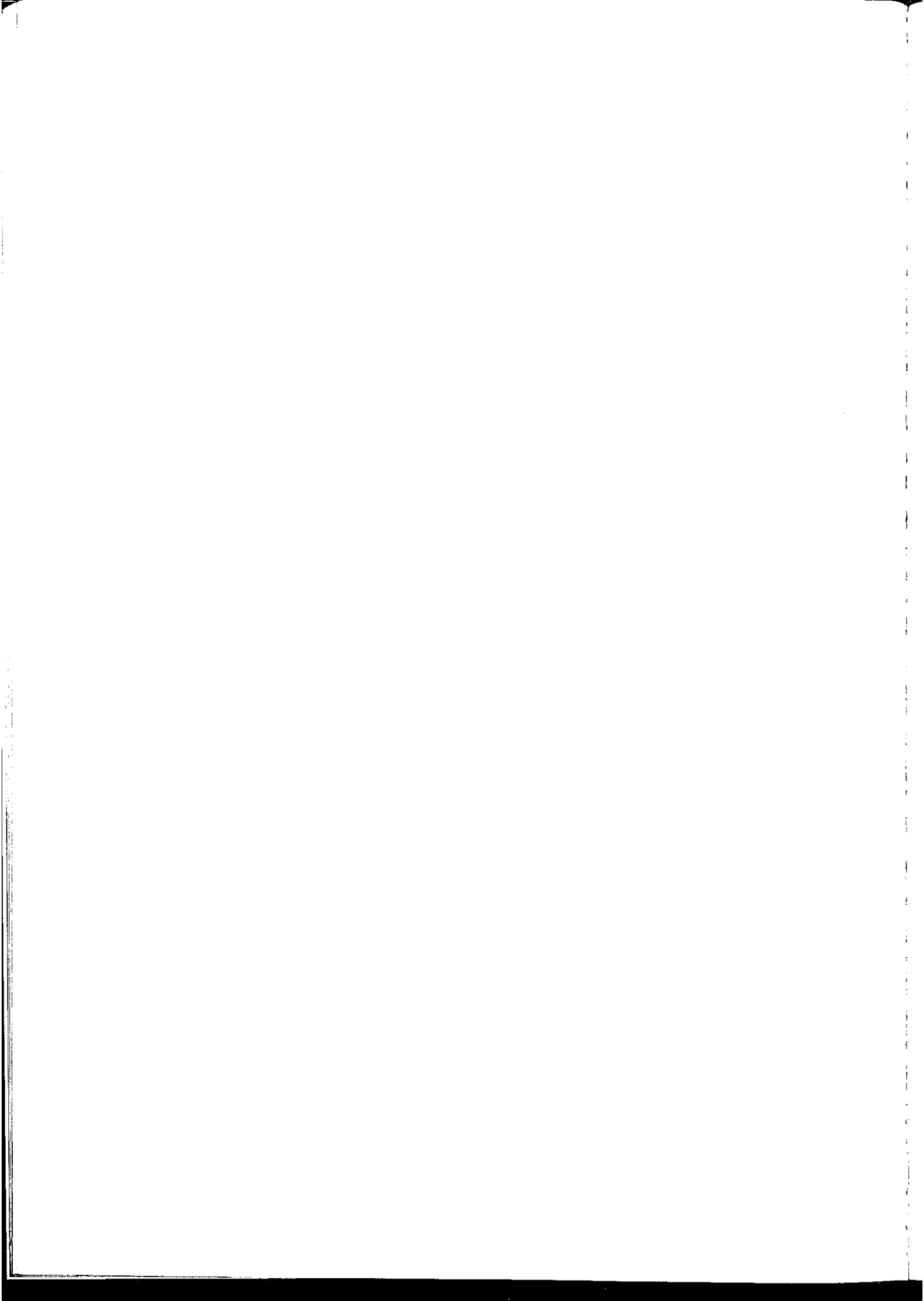
Yours sincerely,
- MARK OLSON

1.5 Letter Distributed to Aboriginal Organisations in Bourke

On the 22 August 1986 a letter, produced on a word-processor, was distributed to Aboriginal organisations in Bourke. The Bureau of Crime Statistics and Research is in possession of a copy of that letter.

The letter is highly offensive to Aboriginal people in general (continually referring to 'coons') and to Aboriginal women in particular. Because of the degree of offensiveness and because the letter enables identification of Aboriginal people in Bourke and a leading Aboriginal person in N.S.W., it has been decided not to reproduce the 'literature' in this report.

For the purposes of this report several features of the letter are important. Firstly, it was distributed in the town the week before the riot. Secondly, the author of the letter is apparently well known in the community. Thirdly, the letter's central feature (other than its overt racism) is the complaint of Aboriginal juvenile crime in Bourke.



APPENDIX B

TABLE 1
Arrests for miscellaneous "public order" type offences

(a) No. of charges, all towns: offensive behaviour, offensive manner

	Total	%	Persons	Charges per person
Aboriginal	217	73.6	155	1.40
Non-Aboriginal	72	24.4	58	1.24
Unknown	6	2.0	6	1.00
Total	295	100.0	219	1.35

(b) No. of persons: offensive behaviour, offensive manner

	Aboriginal	Non-Aboriginal	Unknown	Total
Dubbo	40	40	4	84
Wellington	9	6	1	16
Brewarrina	12	0	0	12
Bourke	53	10	1	64
Walgett	41	2	0	43
Total	155	58	6	219
Percentage	70.8	26.5	2.7	100.0

(c) No. of charges, all towns: other police offences

	Total	%	Persons	Charges per person
Aboriginal	196	74.0	98	2.00
Non-Aboriginal	67	25.3	38	1.76
Unknown	2	0.7	2	1.00
Total	265	100.0	138	1.92

TABLE 1 (continued)
Arrests for Miscellaneous 'public order' type offences

(d) No. of persons: other police offences

	Aboriginal	Non- Aboriginal	Unknown	Total
Dubbo	23	29	2	54
Wellington	11	2	0	13
Brewarrina	13	2	0	15
Bourke	23	3	0	26
Walgett	28	2	0	30
Total	98	38	2	138
Percentage	71.0	27.5	1.4	100.0

(e) No. of charges, all towns: malicious injury/damage

	Total	%	Persons	Charges per person
Aboriginal	146	63.2	115	1.27
Non-Aboriginal	81	35.1	60	1.35
Unknown	4	1.7	4	1.00
Total	231	100.0	179	1.29

TABLE 1 (continued)
Arrests for miscellaneous "public order" type offences

(f) No. of persons: malicious injury/damage

	Aboriginal	Non- Aboriginal	Unknown	Total
Dubbo	29	43	3	75
Wellington	19	11	1	31
Brewarrina	11	0	0	11
Bourke	36	4	0	40
Walgett	20	2	0	22
Total	115	60	4	179
Percentage	64.2	33.5	2.2	100.0



APPENDIX C

TABLE 1
Assault occasioning actual or grievous bodily harm, court outcomes

	Number of outcomes			Total	%
	Aboriginal	Non-Aboriginal	Unknown		
(a) Persons with no criminal record prior to 1985/86					
Not guilty				16	51.6
Withdrawn/dissmised	12	3	1		
Recognizance forfeited				2	6.5
S556A	2	0	0		
Rising of court				3	9.7
Fine only	1	1	1	4	12.9
Recognizance	2	1	1	4	12.9
Fine & recognizance	1	1	0	2	6.5
Community Service Order					
<u>Periodic detention</u>					
1 month or less				3	9.7
1 month - 6 months				1	3.2
6 months - 1 year					
1 year - 2 years					
Other	2	1	0	3	9.7
Juvenile to institution	1	0	0	1	3.2
Juvenile caution					
Unknown					
Total	21	7	3	31	
Percentage	67.8	22.6	9.7		100.0

TABLE 1 (continued)
Assault occasioning actual or grievous bodily harm, court outcomes

	Number of outcomes				Total	%
	Aboriginal	Non-Aboriginal	Unknown			
(b) Persons with a prior criminal record						
Not guilty	0	1	0	1	2.2	
Withdrawn/dismised	11	3	0	14	31.1	
Recognizance forfeited						
S.556A	1	0	0	1	2.2	
Rising of court						
Fine only	4	0	0	4	8.8	
Recognizance	4	3	0	7	15.6	
Fine & recognizance	1	1	0	2	4.4	
Community Service Order	1	0	0	1	2.2	
<u>Periodic detention</u>						
1 month or less	1	0	0	1	2.2	
1 month - 6 months	5	0	0	5	11.1	
6 months - 1 year	1	0	0	1	2.2	
1 year - 2 years	1	0	0	1	2.2	
Other	5	0	0	5	11.1	
Juvenile to institution	1	0	0	1	2.2	
Juvenile caution						
Unknown	1	0	0	1	2.2	
Total	37	8	0	45		
Percentage	82.2	17.8	0.0		100.0	

TABLE 2
Common assault, court outcomes

	Number of outcomes				Total	%
	Aboriginal	Non-Aboriginal	Unknown			
(a) Persons with no criminal record prior to 1985/86						
Not guilty	0	1	0	1	1.3	
Withdrawn/dissmised	31	6	5	42	56.0	
Recognizance forfeited						
S.556A	3	1	0	4	5.3	
Rising of court	1	0	0	1	1.3	
Fine only	11	4	0	15	20.0	
Recognizance	7	1	1	9	12.0	
Fine & recognizance						
Community Service Order						
<u>Periodic detention</u>						
1 month or less						
1 month - 6 months						
6 months - 1 year						
1 year - 2 years						
Other	2	1	0	3	4.0	
Juvenile to institution						
Juvenile caution						
Unknown						
Total	55	14	6	75		
Percentage	73.3	18.7	8.0		100.0	

TABLE 2 (continued)
Common assault, court outcomes

	Number of Outcomes			Total	%
	Aboriginal	Non-Aboriginal	Unknown		
(b) Persons with a prior criminal record					
Not guilty	19	4	0	23	37.1
Withdrawn/dissmised					
Recognizance forfeited					
S.556A					
Rising of court					
Fine only	16	2	1	19	30.6
Recognizance	6	0	0	6	9.7
Fine & recognizance					
Community Service Order					
<u>Periodic detention</u>					
1 month or less	1	0	0	1	1.6
1 month - 6 months	5	0	0	5	8.1
6 months - 1 year					
1 year - 2 years					
Other	5	1	1	7	11.3
Juvenile to institution					
Juvenile caution	1	0	0	1	1.6
Unknown					
Total	53	7	2	62	
Percentage	85.5	11.3	3.2		100.0

TABLE 3
Assault female, court outcomes

(a) Persons with no criminal record prior to 1985/86

	Number of outcomes			Total	%
	Aboriginal	Non-Aboriginal	Unknown		
Not guilty					
Withdrawn/dissmised	19	13	2	34	58.6
Recognizance forfeited					
S.556A	2	2	1	5	8.6
Rising of court					
Fine only	2	1	0	3	5.2
Recognizance	2	3	0	5	8.6
Fine & recognizance	2	0	0	2	3.4
Community Service Order					
<u>Periodic detention</u>					
1 month or less					
1 month - 6 months					
6 months - 1 year					
1 year - 2 years					
Other	2	3	1	6	10.3
Juvenile to institution					
Juvenile caution					
Unknown	1	1	1	3	5.2
Total	30	23	5	58	
Percentage	51.7	39.7	8.6		100.0

TABLE 3 (continued)
Assault female, court outcomes

	Number of outcomes			Total	%
	Aboriginal	Non-Aboriginal	Unknown		
(b) Persons with prior criminal record					
Not guilty				9	22.5
Withdrawn/dissmised	7	2	0		
Recognizance forfeited					
S.556A					
Rising of court					
Fine only	6	1	0	7	17.5
Recognizance	10	3	1	14	35.0
Fine & recognizance	2	0	0	2	5.0
Community Service Order	1	0	0	1	2.5
<u>Periodic detention</u>					
1 month or less					
1 month - 6 months	0	1	1	2	5.0
6 months - 1 year					
1 year - 2 years					
Other	4	0	0	4	10.0
Juvenile to institution	1	0	0	1	2.5
Juvenile caution					
Unknown					
Total	31	7	2	40	
Percentage	77.5	17.5	5.0		100.0

TABLE 4
Assault police, court outcomes

	Number of outcomes			Total	%
	Aboriginal	Non-Aboriginal	Unknown		
(a) Persons with no criminal record prior to 1985/86					
Not guilty					
Withdrawn/dissmised	1	0	0	1	9.1
Recognizance forfeited					
S.556A					
Rising of court	4	0	1	5	45.5
Fine only					
Recognizance					
Fine & recognizance					
Community Service Order	1	0	0	1	9.1
<u>Periodic detention</u>					
1 month or less					
1 month - 6 months	2	0	0	2	18.2
6 months - 1 year					
1 year - 2 years					
Other	2	0	0	2	18.2
Juvenile to institution					
Juvenile caution					
Unknown					
Total	10	0	1	11	
Percentage	90.9	0.0	9.1		100.0

TABLE 4 (continued)
Assault police, court outcomes

	Number of outcomes			Total	%
	Aboriginal	Non-Aboriginal	Unknown		
(b) Persons with prior criminal record					
Not guilty					
Withdrawn/dismised	1	1	0	2	5.4
Recognizance forfeited	2	0	0	2	5.4
S.556A					
Rising of court	14	2	1	17	45.9
Fine only	3	2	0	5	13.5
Recognizance	2	0	0	2	5.4
Fine & recognizance					
Community Service Order					
<u>Periodic detention</u>					
1 month or less	2	0	0	2	5.4
1 month - 6 months	4	1	1	6	16.2
6 months - 1 year					
1 year - 2 years					
Other					
Juvenile to institution	1	0	0	1	2.7
Juvenile caution					
Unknown					
Total	29	6	2	37	
Percentage	78.4	16.2	5.4		100.0

TABLE 5
Break, enter and steal, court outcomes

	Number of outcomes			Total	%
	Aboriginal	Non-Aboriginal	Unknown		
(a) Persons with no criminal record prior to 1985/86					
Not guilty	18	0	0	18	30.5
Withdrawn/Dismissed	0	1	0	1	1.7
Recognizance forfeited	0	1	0	1	1.7
S.556A					
Rising of court	3	1	0	4	6.8
Fine only	13	3	2	18	30.5
Recognizance	1	3	0	4	6.8
Fine & Recognizance					
Community service order					
Periodic detention					
1 month or less	1	0	0	1	1.7
1 month - 6 months					
6 month - 1 year					
1 year - 2 years					
Other	6	1	0	7	11.7
Juvenile to Institution	2	0	0	2	3.4
Juvenile Caution	3	0	0	3	5.1
Unknown					
Total	47	10	2	59	
Percentage	79.7	16.9	3.4		100.0

TABLE 5 (continued)
Break, enter and steal, court outcomes

(b) Persons with a prior criminal record	Number of outcomes			Total	%
	Aboriginal	Non-Aboriginal	Unknown		
Not guilty					
Withdrawn/Dismissed	2	3	0	5	10.4
Recognizance forfeited					
S.556A					
Rising of court					
Fine only	3	2	0	5	10.4
Recognizance	8	2	0	10	20.8
Fine & Recognizance	1	0	0	1	2.1
Community service order	0	1	0	1	2.1
<u>Periodic detention</u>					
1 month or less					
1 month - 6 months	5	3	0	8	16.7
6 months - 1 year	4	0	0	4	8.3
1 year - 2 years	2	1	0	3	6.3
Other	5	0	0	5	10.4
Juvenile to Institution	6	0	0	6	12.5
Juvenile Caution					
Unknown					
Total	36	12	0	48	
Percentage	75.0	25.0	0.0		100.0

TABLE 6
Stealing, court outcomes

	Number of outcomes				Total	%
	Aboriginal	Non-Aboriginal	Unknown			
(a) Persons with no criminal record prior to 1985/86						
Not guilty	0	1	0	1	0.9	
Withdrawn/Dismissed	14	10	1	25	21.7	
Recognizance forfeited						
S.556A	1	5	0	6	5.2	
Rising of court						
Fine only	7	26	5	38	33.0	
Recognizance	9	15	3	27	23.5	
Fine & Recognizance						
Community service order	0	1	0	1	0.9	
<u>Periodic detention</u>						
1 month or less	2	0	0	2	1.7	
1 month - 6 months	3	0	0	3	2.6	
6 months - 1 year						
1 year - 2 years						
Other	4	1	0	5	4.3	
Juvenile to Institution	2	2	0	4	3.5	
Juvenile Caution	1	0	0	1	0.9	
Unknown	0	2	0	2	1.7	
Total	43	63	9	115		
Percentage	37.4	54.8	7.8		100.0	

TABLE 6 (continued)
Stealing, court outcomes

	Number of Outcomes			Total	%
	Aboriginal	Non-Aboriginal	Unknown		
(b) Persons with prior criminal record					
Not guilty	2	4	0	6	7.3
Withdrawn/Dismissed	1	0	0	1	1.2
Recognizance forfeited	0	1	0	1	1.2
S.556A	2	0	0	2	2.4
Rising of court	17	17	4	38	46.3
Fine only	9	3	1	13	15.9
Recognizance	0	1	0	1	1.2
Fine & Recognizance					
Community service order					
<u>Periodic detention</u>					
1 month or less	1	0	0	1	1.2
1 month - 6 months	5	0	1	6	7.3
6 months - 1 year	1	0	1	2	2.4
1 year - 2 years	1	1	0	2	2.4
Other	1	1	1	3	3.7
Juvenile to Institution	5	1	0	6	7.3
Juvenile Caution					
Unknown					
Total	45	29	8	82	
Percentage	54.9	35.4	9.8		100.0

TABLE 7
Drug offences, court outcomes

	Number of outcomes			Total	%
	Aboriginal	Non-Aboriginal	Unknown		
(a) Persons with no criminal record prior to 1985/86					
Not guilty					
Withdrawn/Dismissed	2	5	0	7	11.7
Recognizance forfeited					
S.556A	0	4	0	4	6.7
Rising of court					
Fine only	11	26	0	37	61.7
Recognizance	1	4	0	5	8.3
Fine & Recognizance					
Community service order					
<u>Periodic detention</u>					
1 month or less					
1 month - 6 months					
6 months - 1 year					
1 year - 2 years					
Other	3	2	0	5	8.3
Juvenile to Institution					
Juvenile Caution					
Unknown	2	0	0	2	3.3
Total	19	41	0	60	
Percentage	31.7	68.3	0.0		100.0

TABLE 7 (continued)
Drug offences, court outcomes

	Number of outcomes			Total	%
	Aboriginal	Non-Aboriginal	Unknown		
(b) Persons with criminal prior record					
Not guilty					
Withdrawn/Dismissed	1	1	0	2	4.0
Recognizance forfeited	1	1	0	2	4.0
S.556A	1	0	0	1	2.0
Rising of court					
Fine only	16	21	1	38	76.0
Recognizance	0	3	0	3	6.0
Fine & Recognizance					
Community service order					
<u>Periodic detention</u>					
1 month or less					
1 month - 6 months	2	0	0	2	4.0
6 months - 1 year					
1 year - 2 years					
Other	0	1	0	1	2.0
Juvenile to Institution					
Juvenile Caution					
Unknown	0	0	1	1	2.0
Total	21	27	2	50	
Percentage	42.0	54.0	4.0		100.0

TABLE 8
Malicious injury/damage, court outcomes

	Number of Outcomes			Total	%
	Aboriginal	Non-Aboriginal	Unknown		
(a) Persons with no criminal record prior to 1985/86					
Not guilty					
Withdrawn/Dismissed	13	1	0	14	17.5
Recognition forfeited	3	4	1	8	10.0
S.556A					
Rising of court					
Fine only	13	16	2	31	38.8
Recognition	5	4	1	10	12.5
Fine & Recognition					
Community service order	1	0	0	1	1.2
<u>Periodic detention</u>					
1 month or less	1	0	0	1	1.2
1 month - 6 months	2	0	0	2	2.5
6 months - 1 year					
1 year - 2 years					
Other	5	3	1	9	11.3
Juvenile to Institution	1	0	0	1	1.2
Juvenile Caution	1	2	0	3	3.8
Unknown					
Total	45	30	5	80	
Percentage	56.3	37.5	6.3	0.0	100.0

TABLE 8 (continued)
Malicious injury/damage, court outcomes

(b) Persons with prior criminal record	Number of outcomes			Total	%
	Aboriginal	Non-Aboriginal	Unknown		
Not guilty	1	0	0	1	1.2
Withdrawn/Dismissed	4	0	0	4	5.0
Recognizance forfeited	0	1	1	2	2.5
S.556A	33	16	2	51	63.8
Rising of court	7	2	0	9	11.3
Fine only					
Recognizance					
Fine & Recognizance					
Community service order					
<u>Periodic detention</u>					
1 month or less	0	1	0	1	1.2
1 month - 6 months	5	0	1	6	7.5
6 months - 1 year					
1 year - 2 years					
Other	2	0	0	2	2.5
Juvenile to Institution	4	0	0	4	5.0
Juvenile Caution					
Unknown					
Total	56	20	4	80	
Percentage	70.0	25.0	5.0		100.0

TABLE 9
Offensive manner/behaviour, court outcomes

	Number of outcomes			Total	%
	Aboriginal	Non-Aboriginal	Unknown		
(a) Persons with no criminal record prior to 1985/86					
Not guilty					
Withdrawn/Dismissed	3	4	0	7	13.2
Recognizance forfeited					
S.556A	1	1	0	2	3.8
Rising of court					
Fine only	20	15	0	35	66.0
Recognizance	2	1	0	3	5.7
Fine & Recognizance					
Community service order					
<u>Periodic detention</u>					
1 month or less					
1 month - 6 months					
6 months - 1 year					
1 year - 2 years					
Other	2	2	0	4	7.5
Juvenile to Institution					
Juvenile Caution					
Unknown	1	1	0	2	3.8
Total	29	24	0	53	
Percentage	54.7	45.3	0.0		100.0

APPENDIX D

TABLE 1
Regional comparisons of juvenile criminal matters
Offences determined over a three year period
1/7/83 - 30/6/84; 1/7/84 - 30/6/85; 1/7/85 - 30/6/86

		Murrumbidgee	Clarence	Orana	N.S.W.
Homicide assaults	1983/84	27	7	20	654
	84/85	24	12	62	957
	85/86	35	7	59	971
Sexual offences	83/84	7	-	2	90
	84/85	12	1	8	92
	85/86	4	1	9	110
Robbery and extortion	83/84	-	2	-	71
	84/85	-	-	2	141
	85/86	5	1	2	174
Breaking and entering	83/84	93	54	120	2,282
	84/85	97	59	102	2,434
	85/86	113	51	114	2,188
Motor vehicle theft	83/84	40	17	36	1,917
	84/85	47	7	53	2,132
	85/86	42	11	59	2,154
Other theft offences	83/84	153	69	195	4,668
	84/85	120	75	148	5,085
	85/86	94	44	103	2,914
Offences against good order	83/84	40	18	55	2,371
	84/85	64	29	72	3,292
	85/86	50	11	80	3,315
Drug offences	83/84	8	22	7	676
	84/85	22	25	14	1,035
	85/86	17	5	9	594

TABLE 1 (continued)
 Regional comparisons of juvenile criminal matters
 Offences determined over a three year period
 1/7/83 - 30/6/84; 1/7/84 - 30/6/85; 1/7/85 - 30/6/86

		Murrumbidgee	Clarence	Orana	N.S.W.
Driving offences	83/84	45	16	25	961
	84/85	46	13	34	1,003
	85/86	53	18	47	1,156
Other offences N.E.C.	83/84	99	38	55	2,350
	84/85	38	20	46	936
	85/86	41	12	34	824
TOTAL	1983/84	512	243	515	16,040
	1984/85	470	241	541	17,107
	1985/86	454	161	516	14,400

APPENDIX E

INTERVIEW WITH A.K.1

Interviewer: Can you tell me what you actually saw of the riot?

Interviewee: I just saw something that festered over many years and it just came to a head. You see it nearly every day. You see the anger, the frustrations in people and what happened it just triggered everything off. It's something that's happening - it's been happening here in Bourke for years. I saw a couple of kids the other day walking down the main street with bottles in their hands and they were throwing them across the road. What annoys me about the whole thing is that people tend to look at Aboriginal people. They point their finger at the Aborigines. It's a problem - it's a black and white problem in this town. What I saw of the riots that night I saw people throwing bottles. I see that nearly every Wednesday night.

Interviewer: When you say its frustration and anger, what is it frustration and anger about?

Interviewee: Its about ... blacks are not given a fair go in this town. What have we got? You walk down the street - you don't see any black people in the shops. Our money goes into this town but yet nobody is given the opportunity in the work force. My husband for instance, he worked on the DMR for 15 years and he was always a truck driver. They started to put men off. Who was the first to go? My husband. And there was white men who started there only six months before retrenchment came and my husband was the first one to go and he was there for 15 years. So to me it all goes back to discrimination because he's black.

I'm not a violent person - I hate violence but I feel what happened needed to happen to really wake this town up and to get people off their backsides and to realise something's got to be done in Bourke. Even though it was at the expense of a little boy. Something like that had to happen.

Interviewer: So you saw it as a release of something that's building up for a long time? Why has it come out in the kids do you think? What other people have said it was mainly kids that were involved?

Interviewee: They know. They know when they go and ask for jobs and jobs go to white kids rather than to the black kids. Even the whole school system. They know how they were treated at school. For instance I've got a son who's doing Year 10 at the moment. A couple of weeks ago I got a letter to say that his School Certificate was in jeopardy. So my husband and I went up to see the Principal. The Principal sat with us and we knew he wasn't one bit interested in our son. He wasn't even interested in talking to us. He kept looking over his shoulder to have a look who was coming in the door. And he

1A.K. is an Aboriginal woman in Bourke. All names in the interview have been changed to non-identifiable initials because of the sensitivity of the material involved.

more or less, in fewer words said really, Bill shouldn't be at school because he's sixteen years of age. And what I said to him, look don't you think there should be more support given to our child because he's an Aboriginal and he's doing Year 10 and to give him support from within the school they could use him as a model for the rest of the Aboriginal kids. And he said that once a kid's turned 15 years of age he can't wait to get them out of the school.

Interviewer: Is that what he said?

Interviewee: Yes. So it's all these things. The kids know it. Really you know from the moment you're born you realise you're black you've had it in this place.

As I said I don't think I'm a violent person but this is the only way we can get results is through violence.

Interviewer: With school, how many Aboriginal kids would go on to Year 10?

Interviewee: I think we've only had about, in the history of Bourke, about 10 Aborigines going on to Year 12. And the ones who do go on to Year 10, they're the sport kids in the school. They keep them there because they're good footballers or cricketers. And they end up giving them this piece of paper when they complete Year 10. There has been students over at the Tech who have completed Year 10 and can't do simple addition and simple multiplication say - the School Certificate is nothing to those kids. Because they were just kept there because they were good sportsmen.

Interviewer: What are the problems that the Aboriginal kids face at school? What sort of problems do they face?

Interviewee: Well I worked in the school and I was a Teacher's Aide for 10 years and I often saw new teachers come into the school and they'd sit in the staff room and they were told, "now this child is so and so's kid - they're parents are alcoholics." The teachers know and they get a one track mind about Aboriginal kids. It's Bourke in general. They just go down town and they see three or four old alcoholics sitting in front of Half Case. So every Aboriginal person is in that category. So why should they teach our kids at school because they're going to end up alcoholics, so they're better off teaching the kids whose fathers plays golf or plays bowls with them.

Interviewer: What about the riot itself. What did you actually see of it?

Interviewee: I just saw a lot of angry and frustrated people just letting off steam. But as I said you drive down there tomorrow night and you'll see it out there. That night, that night after the little boy got ran over there was just more people who joined in on it.

Interviewer: So it's something which is happening all the time?

Interviewee: It's happening all the time. It's just that that night when it happened to that kid just more people joined in.

Interviewer: What about the police response to it?

Interviewee: Well I spoke to a lot a people and I felt very angry because the police would not communicate with the Aboriginal people. Particularly... there was representatives sent up to the police station, there was the Inspector, I don't know who spoke to him but he was very rude. If he'd have just said look we've got so-and-so in here and we've charged him with this, he is going to court on such-and-such a date, people would have been happy with that. But even the day of the court case when there was a demonstration out there. They told that guy early in the morning or whenever, not to appear at court. All the aboriginal people wanted was to see that man brought across to the court. That's all they wanted to see. But yet they wouldn't do that. The Aboriginal people were here to see that man being charged. But they didn't see it. And this is where the anger kept building up all the time. But yet they brought over two Aboriginal boys handcuffed with about ten policemen surrounding these kids. They brought up the riot squad from Sydney and mingled with the crowd. But all the people wanted, they weren't going to smash the town up anymore, they wanted to see that man brought over. To see justice being done. Yet they done it to two Aboriginal kids because they threw stones or whatever at police vehicles. We felt the whole thing was covered up by the police. That man was kept hidden and the police wouldn't communicate with the people, the day he was supposed to brought over to be charged they didn't bring him over. But yet they were doing it to Aboriginal people. And this is why they say there is one law for the black and one for the whites.

Interviewer: What was the feeling amongst your people in the demonstration. What was the feeling when the two kids were brought out in the handcuffs?

Interviewee: Anger. It just stoked it all up again. All the people wanted was to see the police bring that man over and charged. There was no way they would have attacked the police really. Well they were outnumbered because they had a squad up there and everything. But they just wanted justice to be done. They brought those two kids over here in handcuffs surrounded by ten police officers. Well why couldn't they do to that man? And if that would have happend the people would have walked away and said Good, now we've seen justice being done. But it didn't happen.

Interviewer: What do you think is going to happen with the kids? Most of the people who were arrested were juveniles. What do you think is going to happen when they are brought up before the court?

Interviewee: I don't think anything will happen. But see the bitterness is still there with the people because the kids have been charged, they have been treated like criminals, they were held in a police station, they were brought across like criminals, but that man hasn't. He was charged. But we feel that he wasn't treated the same way the kids were treated. And to me he has committed a worse crime than those kids by running over that kid. These kids were just throwing bottles and missiles and whatnot at a police van.

Interviewer: Given that most Aboriginal kids leave school at 15, what happens after they've left school?

Interviewee: After they leave school they either become alcoholics or drug addicts. They die before they get into their late twenties, they end up dying. The cemetery is full of people in their early thirties. They just rot, rot away after that. Nobody gives a damn. There's no work. There is work here but work goes to the white people. It doesn't go to the black kids, they're not given a chance. Everybody's branded the same. If you're black, you're black. My husband and I come from Bourke, we've lived here all our lives, I've lived on a reserve, in an old tin humpy, with my sister sharing a little single bed with me. My aim in life was I wanted better than that and I stuck at it. My husband and I went away five years ago and did our teacher training. We've come back into this community, but we're still black. People treat us, we're still black regardless of our going away and doing our training. I did my training with a person who is here in Bourke and while we were in Bathurst she was like a rash, she was all over us. She came to Bourke, she came round to my house two nights and she started to listen to them, you don't talk to black people down the main street. Now I see her down in the supermarket and when she sees me she takes off, she doesn't want to talk to me because she's out in public. It's like with a person who was a very good friend of mine and she was seen coming round to my house a few times and word was out that my husband was knocking her off. I don't live down the other end of town, I live just around the corner here but I'm not accepted by the white people. People use me as an example. They say look at A.K. She doesn't get around brawling around the street. Now look at A., she owns her own home. She drives a Commodore around. Now why can't the rest of the blacks be like A.? I'm used as an example all the time. Which is something I hate. I go to the police station and as soon as I walk in "Oh how're you going A.? What can I do for you A.?" I go into the shops the same thing happens. Yet I've seen another black person walk in behind and I've seen people throwing money at that person rather than have that contact with them by handing them the change. They throw the money at them. And I've seen people going to the police station and even while I was there, and the manner in which they've spoken to another Aboriginal person.

Interviewer: What was it like growing up? Have things changed much since you were a teenager growing up here?

Interviewee: No. I think it will be a long long time before things are changed in this place. Things have got worse.

Interviewer: I have talked to quite a few white people since I've been here, they always hark back to the sixties and say we didn't have these sorts of problems then. But then when I talk to the Aboriginal people, in the sixties they were living in appalling housing conditions outside the town.

Interviewee: And they had those welfare laws over them in the sixties, in 1967 they abolished the Dog Tag Act. My father's got one. He was the only black person in Bourke who held one of those certificates. Which allowed him not only to drink but to walk the streets as a citizen. If he didn't produce it he was locked up. He was allowed to go into the pub with that. If he was on the street and if he didn't have his dog tag well he was "vag". They put a vagrancy charge upon him.

Interviewer: Is that something which is constantly talked about amongst Aboriginal people?

Interviewee: Yes. But then this is why the people feel like they do with the police for instance. I saw the police come to my house, we used to live in an old shack down the reserve, and drag my father, and kick and kick and kick him. I saw that. I only 32 years of age and that's still on my mind. And yet I try not to show it or pass it on to my kids.

Interviewer: But the kids are obviously aware of all this.

Interviewee: Of course they are. Their parents have told them these things. Look at my husband, he lived out at Wanaaring. They were told, my husband's mother and father told to move their old tin humpy from where they had it. And they didn't because my father-in-law was out of town at the time. My mother-in-law was there with eight little kids. So the police came down driving a bull dozer and knocked the house on top of them. It didn't happen generations ago. We are still part of what happened. My husband was in that house when it was knock down by the police. And all this is passed on to the kids.

Interviewer: In some ways it looks like things are improving like housing and things like that.

Interviewee: Look you can provide all those material things. If you can't give people pride and you can't make that person feel good about themselves, well other material things are useless. You've got to feel good about yourself. You've got to be able to walk around with your head held high. You've got to be able to say, "well I own this because I've worked at that" and feel good within yourself. Material things will never give that person that feeling. This is what's happening to Aboriginal people. They say "Give them a house that'll make them happy". You prop them in a house but you're still not building up their confidence or anything.

Interviewer: Particularly when they are without jobs.

Interviewee: Right. Like my father had thirteen children and he worked his guts out. And he was a very proud man. Proud that he was able to provide for his family. And that was in the sixties. And this is why I say that things have got worse because there were jobs then. Even though the job my father had was a jackies job. He use to cart those shit things around. He was still proud of himself because he had a job. Where are the jobs today? As I said, you go down the street you've got not one black person working in any of the shops.

Interviewer: How many Aboriginal kids in the town have a job, ones that have left school?

Interviewee: I couldn't name any off the top of my head.

Interviewer: So it's virtually all of them unemployed?

Interviewee: Yes.

Interviewer: What do you think about all this stuff that's come out about the problem of law and order, the problem of street offences and implicitly in that it's Aboriginal people causing the problem?

Interviewee: I feel that a little bit more power should be given back to the police. But not the power they had where they could just walk in and grab people and arrest them. Like when you couldn't go down to the pub and have a drink because you knew that at ten to ten the police would go in and arrest everybody in the bar. You know maybe not the power back the police power but back to Y.A.C.S. where more pressure should be put upon parents to have their kids at home rather than their kids roaming around the streets at all hours of the night. I see the biggest problem also is drugs. Drugs are a very big problem in Bourke.

Interviewer: Is it all Aboriginal kids that are committing the crimes of one sought or another?

Interviewee: The kids that were kicked out of school, 15, 16 and 17 years old. The majority of those kids are responsible for everything that is happening here. Its that age bracket that are doing it.

Interviewer: What's the reason for doing it?

Interviewee: For drugs. A lot of them do it so whatever they get they sell for drugs. A lot of them do it just like a boy told me a couple of weeks ago. He does it because he just wants to get back at white people.

INTERVIEW WITH J.H.2

Interviewer: What did you see of the riot?

Interviewee: I didn't see the riot - I heard what was going on and what started it off - the young boy getting run over. I think things were stirring up before that, because there is a lot of things going on in Bourke. For instance racist literature and what different people in the community have been saying. This is one example of the literature which was going around town before the riot and there are more.

Interviewer: There's more than this?

Interviewee: Yes. There's more than this. The first one that came out was aboriginal employment and that was in school. So we took the kids out of school for two weeks over that. The thing just started going haywire after that. That was a couple of years ago. The year before '84 I got one of those documents in the mail again which came from Newcastle and it was a textile factory. The building belonged to the Salvation Army and they had a textile factory there and that's where this letter came from. It was addressed to 28 Merton Street which was the DAA's office. So the acting area officer there then, he fished around to see where it came from in the first place. The other one that was in the school was the same sort of document, it was an employment one and that came in about 1982, I'm not sure. The one that came out before the recent trouble was put under a door, it was an aboriginal accounting service, it's got no name on it, there's no name to say that it is an Aboriginal accounting service. That was given to me, I've got the original, and I stamped that I received it and this is where all the copies given to the aboriginal people. It was shown to Trevor Randall and it was shown to the police and they just said to tear it up but this one is the second worst one besides the employment one. That was worse. The others were just running X.and Y. (Aboriginal women in Bourke) down. It run them down, criticising the way they spoke and everything like that, like broken English, they weren't saying their words properly and all that. It was done by one fellow in Bourke but he doesn't come from Bourke he's just a blow-in, he's been here for about 12 months or so. The same fellow did this recent one. That was done by a computer, a data processor, that's where that came from. We found out that the same fellow who was writing them before did this one. It was brought out at a public meeting at Widgery Hall and that bloke took off because he started writing things down. When my sister got up and said, I think the person I'm talking about is present in this room, that's when he took off, so he's guilty. And he was handing them around too.

2J.H. is an Aboriginal woman in Bourke. All names in the interview have been changed to non-identifiable initials because of the sensitivity of the material involved.

Interviewer: So the people in the Aboriginal community were aware this (literature) before the riot started?

Interviewee: The people in the aboriginal community were aware of that before the riot started. Because this is the main part of it here, this one, this is the worst part, what they're saying about the parents. They read all that.

Interviewer: The main fact that caused the riot was that Brendan was run over the night before or in the early morning - do you think it was the worst confrontation?

Interviewee: I think it is the worst we've ever had in town because there was a gun shot, people firing guns. The Aboriginal kids didn't have guns. There was some white person driving around in a ute firing the shots and I think the police were as well. Because they were all young fellows and they were all in front of my house and they did not have any guns, all they had was bottles and stones, that's all they were throwing at the van and probably hit some of the police in the face throwing missiles.

Now I've lived in Bourke all my life, my family lived here for years and years, and my family one of the older families in the Aboriginal community who have lived in Bourke. The police they provoke the juveniles in doing a lot of things. Someone was having a fight in the street, if someone from the community broke it up - fair enough - but once the police gets in that's when everything starts going. Most of the time I'm not there when things happen but you hear it from other people, you hear what's been said by the police.

I've got a good relationship with the police but there's two fellows here that's not liked, and I don't like them either, the two policemen in the police force and I think there's far too many for a small town.

A lot of the things could be prevented from happening if the police were to do their duty properly.

Interviewer: In what ways?

Interviewee: I'll tell you in what ways. Now I know we've had dances and what not down at our own hall and there's big blues have broken out and you ring for the police to come down. They will not get out of the car and try and stop it. I know they're frightened. They'll wait until someone is seriously hurt before they do anything about it. When they go into these jobs that's what they're trained to do. I don't see them doing their job, what they should be doing as policemen.

I know for one instance, it's a personal thing, my son was killed in a car accident in 1984. He was going to football. It happened just outside of Byrock. He was 19 years old at the time, that was two

years ago. I just forget what time it happened but there was four other boys involved that were in the car and the police didn't get down there till I'd say half an hour later or longer, I'm not too sure. They took statements from the boys to say that my son was driving the car. And those boys, and I know for a fact, that they're all telling lies. One of the boys was driving because I know my son never used to drive his car on long distance. Now I'm still suffering over it today. He would have been 21 now and he's fathered a little girl, she's a three year old. One of the boys were driving. We found out that it because two of the boys that was in the car said it directly to me that T wasn't driving his car. And the police took those boy's statements, up at the hospital then, later on they wrote things down. Because T couldn't defend himself, he was unconscious and they said T was driving the car. I had a look through their statements. One of the boys that gave me the information never even mentioned T driving the car. And I went through that with the Inspector, that was Inspector Y then. I've spoken to other police about it and I don't know what to do, what I should've done at that time. I don't know if it's too late to do it or not because I feel those boys told a lie. Now the other son, Steven, he brought one of the boys down which was a white boy, the other three were aboriginal, brought him down home to my place and spoke to me and I said to him "if you believe that T was driving the car I want you to bring the other boys with you and tell me and my family who was driving the car". I said I'll believe you. I said I just want to get peace in my mind. The boy never came back to us, never came back and I knew he was telling a lie. It was said from two of the boys, young B.R., I'll give you their names, and A.G., they were the two that told us that Troy was not driving his car, that S.K. was the driver. I know it was an accident but it's in the records that my son was driving his car and I just want to have that cleared because he was not driving his car and I don't know how I'd go about it. I suppose should have asked for an inquest into the accident. There wasn't a post mortem. They didn't do that. I had that letter from the Coroner's office in Dubbo there wasn't to be an inquest, they didn't feel it was necessary to have one or something like that. I suffered very badly over it and one of the police are still here in town as far as I know and I've asked him over and over. Inspector Y. then, told me to go and get evidence off these boys. Now I don't think it was my duty to go round and get evidence off these boys, asking them to sign a statement to say who was driving. I'm still feeling it because it will be with me for the rest of my life. To know that these boys are telling lies. The police weren't particularly interested as far as I can see. All they had were these statements. I read all their statements and they're not all the same. Now I just can't be bothered with them I can't talk to them. The kids were my son's friends, best friends actually, went to school with some of them. But I suppose I should've got more legal advice on the matter. But I did speak to the Aboriginal Legal Service and they got all the information they got from the police and that's all they did. No one's done anything about it. It'll be still with me.

Interviewer: Do you think in general, other than what's happened to you, that the police pay any attention to complaints from the Aboriginal community? Do they treat complaints the same from the Aboriginal community as they would from the white community?

Interviewee: No not really. I know a lot of people have taken complaints to the police and they haven't done anything about it. They say, if the person might not turn up at court, there's no use them taking a statement.

But I know here in Bourke they've (the police) given my brother a hell of a doing. They belted him last week it was, or the week before last, just got back from Sydney, it was on a Wednesday night, Wednesday or Thursday night anyway, and they belted him up. He had bruises all over his head, his arms, they had eight charges on him. To my own immediate family, like my brothers and sisters, because there's fifteen of us, I don't care my brothers might have records as long as my arm but they don't get treated properly. They get bashed up every time they're in gaol, they get bashed up, the main offender for the bashing is J.B. and I'll tell you that now. He's not liked by the Aboriginal people and neither is A.R. They are hated by the Aboriginal people. They have both been here a fair while. J.B. has been here for a long time and I think it's about time he moved on. Some of them have taken action against the police for brutality and some of them haven't because they wouldn't have enough proof. That's the thing.

Interviewer: Is that something that's felt by kids, teenage kids when they're involved in throwing rocks, and bottles or whatever at the police - is that something that they're conscious of?

Interviewee: Yes. Sometimes if the kids get locked up. I remember, I don't know if you've had someone talking about a dead snake but one young boy was in the cell up there in the women's cell. They threw a dead snake in there on him.

Interviewer: Who threw the dead snake?

Interviewee: One of the police threw it. Nothing was said about that. It was told to the Inspector about it and the detectives. It was just funny on their part. That kid could have died from shock. Because I'm scared of snakes, I don't care whether they're dead or alive. They are dangerous things. Another instance where they've held a gun at kids. Put the gun on them.

And every court day... I know Aboriginal people get into a lot of mischief and so do non-Aboriginals. I know what's going on in the town... It's happening every court day, it's Aboriginal people and it's a lot of them at this court house every court day. You've only got to look at the files, the court lists to see how many Aboriginal people.

Interviewer: When you say that a lot of Aboriginal people get into mischief and a lot of white people as well, what sort of things are a problem with kids in town. What sort of problems do they face and what sort of things do they get involved in?

Interviewee: Well there a lot of things involved. School. There's a problem at the school. The kids are expelled. They've got nothing else to do. There's not enough employment in the town. There's a lot of drugs here. Kids as young as ten year old taking drugs. Alcohol. At a very early age. The youngest one I know of is about eight, drinking, plonk too not just beer. I think it's too easy for young people to get alcohol. It's not only Aboriginal kids, it's young white kids, they're under age, they're in hotels, they're in clubs, because I am a member of all the clubs here and you do see a lot of young people.

Interviewer: What about work? Is there much work?

Interviewee: There's no work. The only type of work that is being put into this area is the CEP which you have to fill out an application. That's the only employment and the kids get sick of it after a while because they are into a job with no supervision. The people that's, say for instance with myself, which is a big organisation that I work for, and we've had two CEP going, one was brush fencing and the other was passive and recreation for the reserve. There's no one there properly to supervise the jobs. I couldn't do it because I've got other commitments.

This last C.E.P job was organised through Widgery. The one before that, the brush fencing, was organised through Cottage Industries. And this last one was organised through DAA with a spokesman from the Reserve, with Widgeree being the sponsoring body. There was never anything in there for a supervisor to supervise the kids to give them training. They are sort of put into a job they know nothing about. So I think in future when people apply for these funds to put in for a supervisor, fees for money for a supervisor for a person that's got some knowledge about him, about the work.

Interviewer: Is there any other opportunities, permanent, proper, full-time opportunities?

Interviewee: No. Nothing that I know of. The only other thing is if they want to join the Public Service. They do an exam which is held in Dubbo I think, and go down there.

Interviewer: What happens to the Aboriginal kids who are out of school either because they are expelled or they leave at 15, whatever reasons, what happens to them after that?

Interviewee: They're out on the streets. Walking the streets. Drinking. Smoking drugs, taking drugs. I don't know. I don't know who's to blame whether it's the parents or the school or whatever.

If there was proper employment I don't think we'd have half the trouble. Because years ago they used to have a relief thing. The Shire used to have it. They'd go around doing curb and guttering and things like that. And that used to go for ages. And there wasn't any drugs here.

Interviewer: Have the problems got worse in the last couple of years?

Interviewee: Yes they have got worse. Whereas you never used to see kids on the street years ago, if you were up the street they used to say, you're not supposed to be out late at night, get off the street and if you are not gone when I've returned. That was it, kids were gone. But today...

I think with the police liaison, these liaison officers for the community, I think things might change a bit.