

## 8 State Welfare Policy and the Juvenile Crime Debate

### *Introduction*

In recent years politics and public debate in Western Australia have been dominated by two topics: the various forms of political impropriety commonly known as 'WA Inc', and juvenile crime. It is an interesting conjunction. Both raise questions of personal and public morality; both require us to think hard about the structure and design of our social institutions. In the case of WA Inc the questions of personal and public morality have now been asked and answered—with general public approval—by the Royal Commission, though the institutional issues still require much further thought, of the kind pursued in this book.

There has been no 'Royal Commission' or anything like it into the juvenile crime question. A variety of parliamentary committees has considered aspects of the issue, but these have been superficial in both purpose and performance. Of course, the subject is not one which a Royal Commission could hope to deal with, since the issue is not one of the performance or abrogation of public duties. Nevertheless, public concern about the issue is in part a concern to see that we make clear the requirements of citizenship in our society and that we foster a culture and morality in which 'marginalised' young people both belong to and contribute positively to our shared social world. The first step by the Lawrence government in dealing with the problem, the 1992 Serious Repeat Offenders legislation, was a 'law and order' response, one which had widespread political and public support (protests from some in the welfare world notwithstanding). No-one feels comfortable about leaving the matter there, but once we move beyond that narrow focus the issues soon get lost in a fog of well-meaning woolly-mindedness.

## *Reform and Recovery*

The argument to be presented in this chapter will be based upon a longer analysis currently in progress. In places it will be necessary to jump to conclusions which that analysis has not yet established. The justification for this is that in practical policy matters it is impossible to do nothing; to attempt to do nothing is to permit things to go on as they have been going on, which may well be worse than leaping to conclusions. Where such leaps are taken they will be signalled as such.

The topic under consideration has been introduced under the heading of 'state welfare policy and the juvenile crime debate'. Both terms require discussion. The scope and limitations of state welfare will be considered in due course. 'Juvenile crime' is a matter of public importance partly in itself, but mainly because the phenomenon is a symptom of larger social changes and problems. This chapter is mainly about those larger matters. 'Juvenile crime' is the starting point only; it is a justifiable starting point because crime data supply us with some important relatively hard evidence about the larger matters.

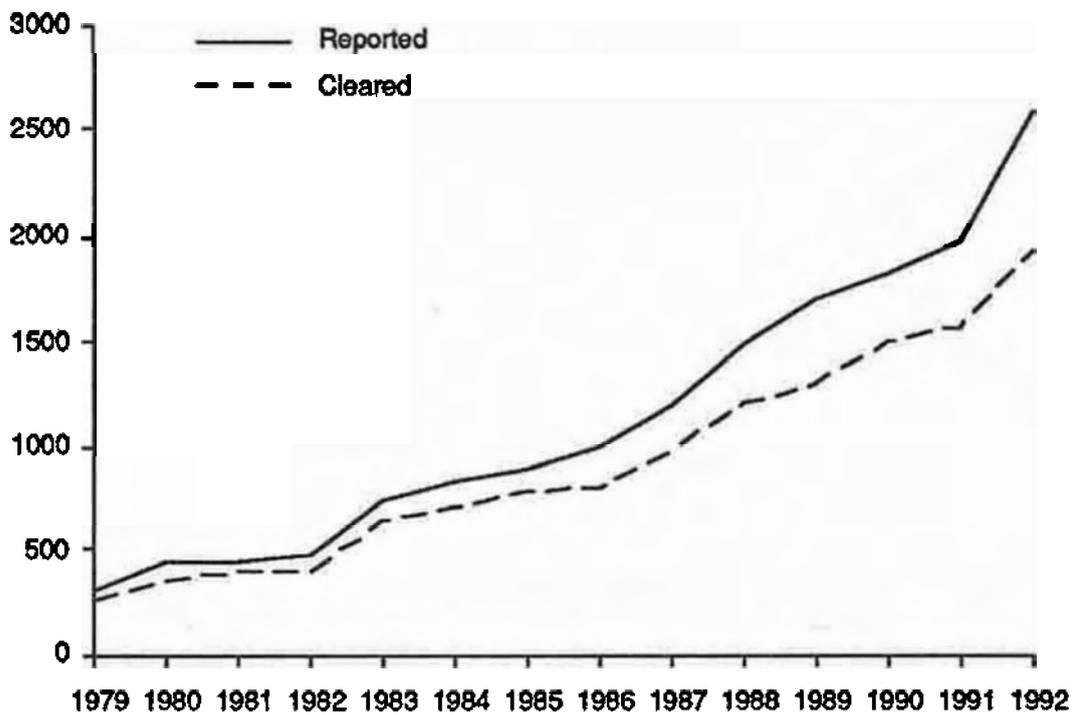
### *The Crime Evidence*

As the accompanying charts show (see Figures 8.1–8.4), the common belief that Western Australia is experiencing a crime upsurge is correct. The evidence can be summarised as follows:

- In the last decade crime of most kinds has been increasing rapidly, according to police reports. Before 1984 the rate of rise was low. Since 1984 police reports of most types of crime have at least doubled; some have trebled; sexual assault reports have increased eight-fold. In 1991-92 alone, reports of sexual assault doubled. (By way of comparison, the state's population increased by only about 25 per cent in the last decade.)

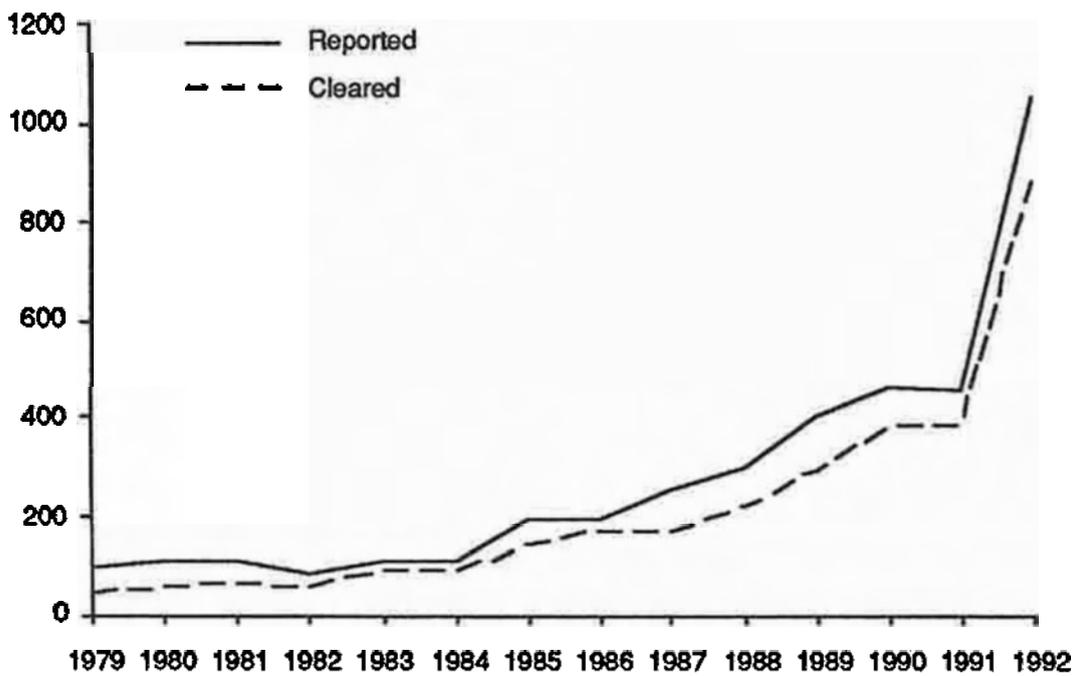
The real crime rate is of course not directly measurable. Reported crime is a good index of the real crime rate, so probably real crime has increased at much the rate that these figures suggest. Conviction rates are not a good index; for property offences, convictions by police have fallen well behind the reported crime rates. However, serious personal crimes are being convicted at a rate close to the reported crime rate, and vehicles reported as stolen are recovered at a rate close to the rate of reports; both of these facts indicate that reported crime corresponds to real crime.

**Figure 8.1: Crimes Reported to Police—Serious Assault**  
(Year ended 30 June)

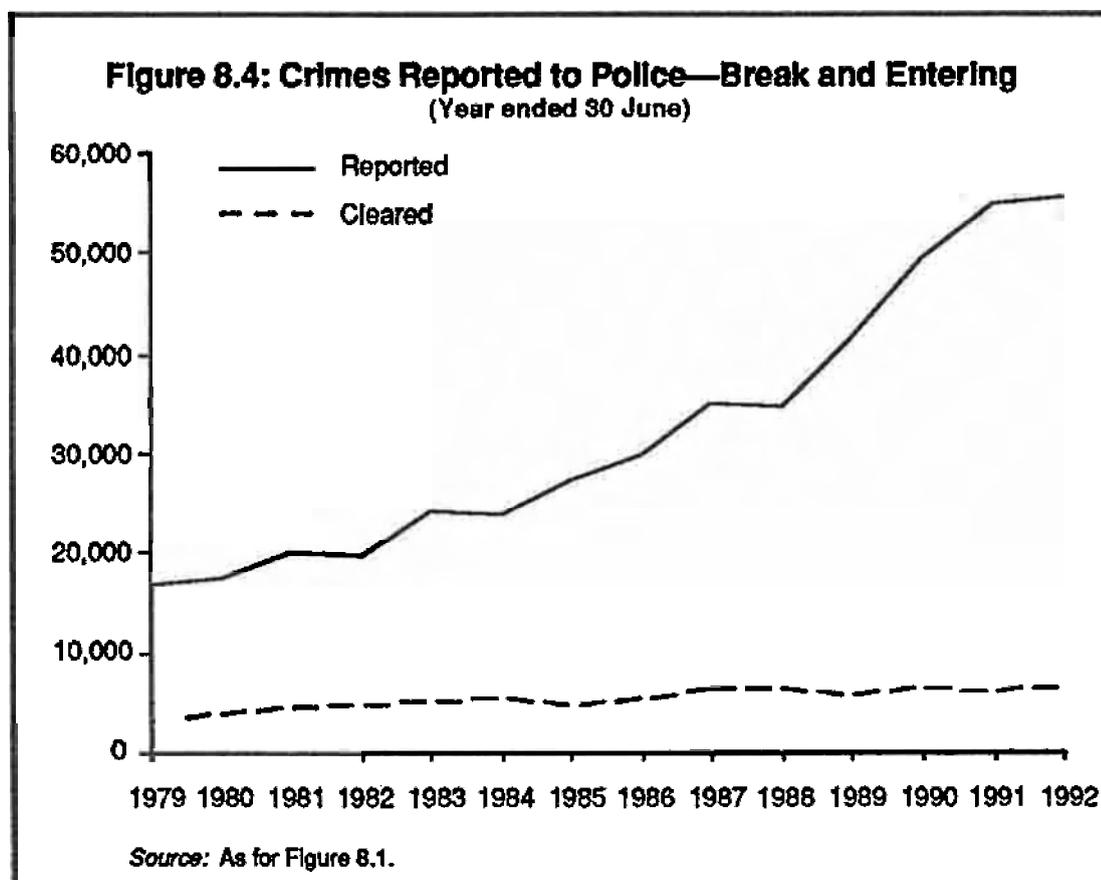
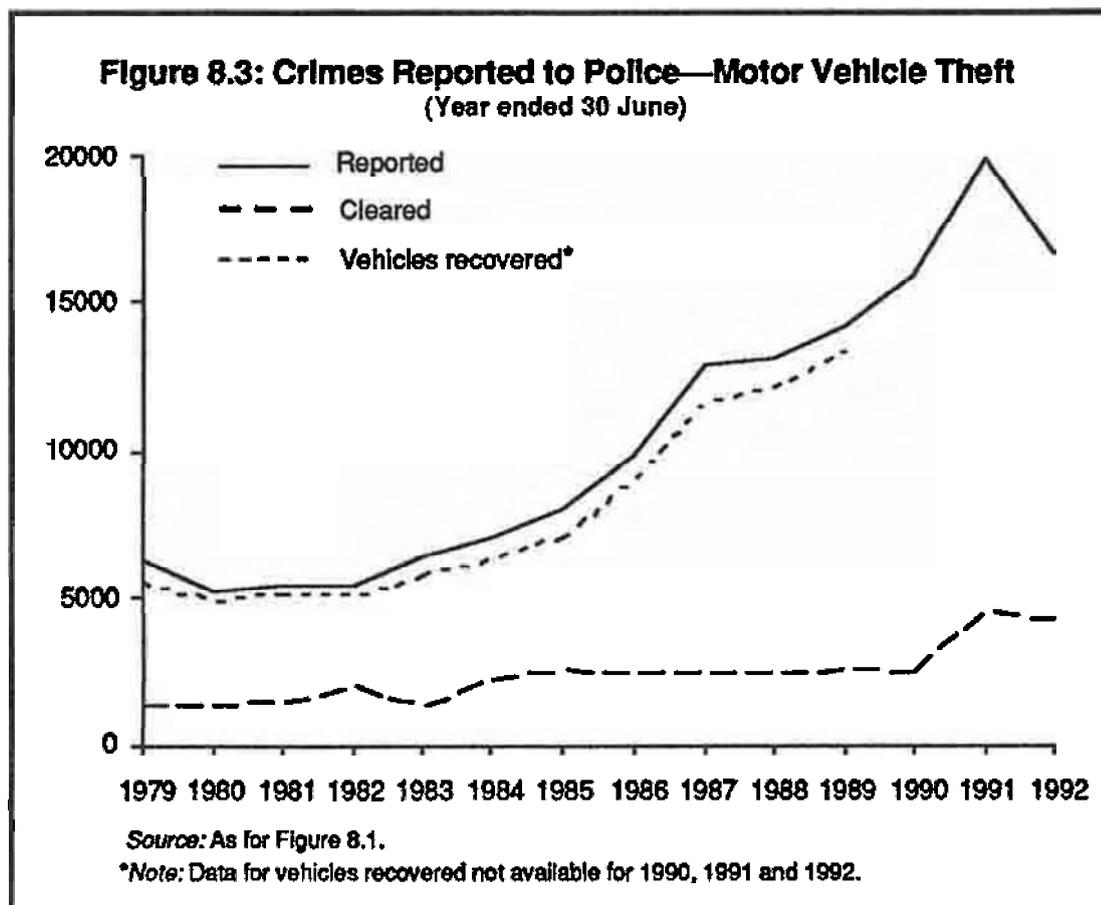


Source: ABS Cat. No. 4103.5, *Compendium of Demographic and Social Statistics, Western Australia*, 1991, pages 90 and 91; WA Police Department, *Annual Report*, 1992, pages 26-28.

**Figure 8.2: Crimes Reported to Police—Rape (Sexual Assault)**  
(Year ended 30 June)



Source: As for Figure 8.1.



Victim surveys tend to suggest that real crime levels are higher than reported crime levels (perhaps twice as high), but, even so, we can take the changes in the rate of reported crime as reflecting changes in the real crime rate.<sup>93</sup>

- The crime rise has occurred among both adults and juveniles. Juvenile crime is merely more visible and publicly shocking than adult crime. Most crime is crime by teenagers and young adults, aged between 14 and 22.

The crime rise has occurred in both rural and urban areas, so it is unlikely to be a function of 'urbanisation'.

- Most crime—about 80–90 per cent—is male crime. The female crime rate is rising at least as fast as the male rate, though from a much lower base.
- Aboriginal youth is vastly 'over-represented' in the crime rise, and also in court appearances and the prison population.
- Some of this crime rise is by 'serious repeat offenders', but even if we deduct their contribution there is still a serious crime rise occurring.

Sentencing practices ('leniency') may or may not have permitted the growth in the crime rate, but they are not a basic explanation of the rise. It is unlikely that 'tougher' sentencing will go far towards reducing the crime rate, though it may halt the crime increase.

- Policing practices have changed relatively little in the 1980s, and so are unlikely to have contributed positively or negatively to the crime data. Police numbers have fallen behind somewhat in proportion to reported crimes, despite a fifty per cent increase in numbers since 1983.

### *The Social Background*

Policy formation requires some account of the causes which lie behind these changes. If we misunderstand the causes, policy decisions may merely aggravate the problem. Good intentions are not enough; there is by now substantial evidence that government actions, most especially welfare policies, influence social life in all sorts of unintended ways. It will be contended here that well-meant but ill-con-

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93 On crime measurement see James Q. Wilson and Richard J. Herrnstein, *Crime and Human Nature*, New York, Simon and Schuster, 1985, pages 30–35.

sidered government interventions at both national and State levels have played a large part in creating the crime rise.

The (bi-partisan) Select Committee on Youth Affairs, in its 1992 Discussion Paper No. 3, *Youth and the Law*, includes a short discussion of 'Causes of Offending', based on public submissions to the committee. The paper lists eight possible causes: *family breakdown, unemployment, poverty, educational failure, child abuse, drug and alcohol abuse, underlying psychological or psychiatric conditions, and wardship*.<sup>94</sup> The list is a plausible one, as far as it goes, though other possibilities need to be considered. To think sensibly about this sort of issue we need to be able to distinguish between correlates, conditions, causes and consequences. And to do this we need to look at the trends through the late 1970s and early-to-mid 1980s, the crucial period in which the crime rise seems to be rooted.

We also need direct evidence on the lives and experience of offenders. This we now have, in a 1992 study of 409 young people in Longmore Remand and Detention Centre by psychologist Phil Watts, which was focused mainly on drug-taking behaviour and on suicidal tendencies, but which also collected data on family background. The study population was highly representative of young serious offenders: median age 15–16; 90 per cent male, 10 per cent female; 50 per cent Aboriginal, 50 per cent not; 18 per cent at school, 10 per cent working, 72 per cent unemployed. Although they are a young group, 34 per cent had been away from school for at least two years.<sup>95</sup>

In this present discussion, two assumptions will be made: that the 1992 Longmore group is typical of all serious juvenile offenders of the past decade; and that older offenders are similar to this group in most respects. Many of today's older offenders are of course the young offenders of yesterday; some are the older brothers and cousins of today's Longmore group.

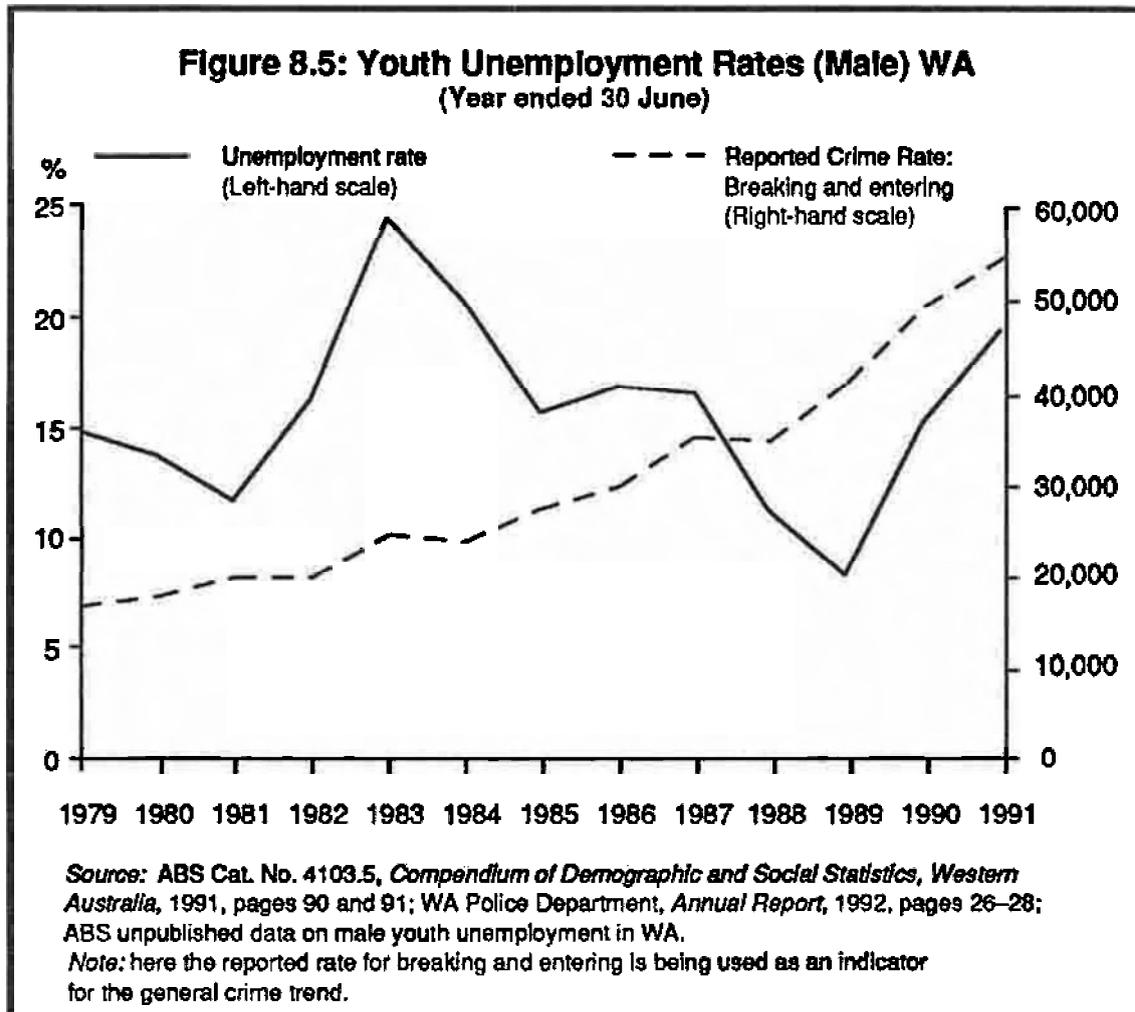
Watts' study shows very high levels of *unemployment* (72 per cent), though such a young group would not normally be expected to be in the workforce. We can assume that most older offenders are also unemployed. Does this make unemployment an important cause of offending? Analysis of the period shows that, contrary to common belief, youth unemployment trends bear little relation to crime rates.

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94 Select Committee on Youth Affairs, Discussion Paper No. 3, *Youth and the Law*, 1992, pages 10–13.

95 Phil Watts, *Youth in Custody Project: A Profile of Juvenile Offenders' Drug Use Patterns*, Longmore Remand and Assessment Centre, DCS, May 1992, page 6.

As Figure 8.5 shows, in 1982–84 crime was low while unemployment was high. Between 1983 and 1988 unemployment fell as crime rose.



To say this is not to downgrade the importance of employment. Clearly, since so many offenders are unemployed and since being employed makes people feel valued and part of a social order, it is a significant background condition to the problem. But to describe it as a background condition is to say that by itself it could not and did not produce the crime upsurge. The unemployment of the offenders may itself be a product of other factors; they may be—as many have said they are—unemployable.

The facts about *poverty* are open to debate. On this subject we have to work from Australia-wide data, but on most such matters Western Australia is fairly typical. ABS data on changes in (pre-tax) income distributions in the 1980s show two trends: rapid gains by the highest income decile only; and heaviest losses to middle-income groups. The two lowest income deciles lost income share slightly, but their loss was only half that of the third and sixth deciles, and only a

third that of the fourth and fifth deciles. In other words, bottom income groups gained at the expense of the middle, and all lost against the highest.<sup>96</sup> Taxation, of course, will tend to level off these apparent disparities, as also will non-cash benefits to pensioners and beneficiaries, making the lowest income deciles relatively better off. In general, since the mid-1970s welfare payments have more than held their value against inflation, while wages have made little or no real gains. All of this does not add up to a picture of increasing immiseration of the poor.

Youth incomes did fall in the 1980s, but since most offenders were unemployed this fall is irrelevant to them. The income fall will have raised the relative value of unemployment benefits, making welfare subsistence more tempting. The replacement in 1988 of Unemployment Benefit for under-18s with a Job Search Allowance of lesser value may have lowered the incomes of some young people, but it comes too late to explain the mid-1980s crime rise. In the mid-1980s young unemployed were eligible for substantial benefits; this did not prevent a rapid upturn in the juvenile crime rate.

There is a very strong correlation between *educational failure* and youth crime. Only 18 per cent of the Longmore survey group were attending school; 34 per cent had not attended for two years. A Department for Community Services survey found that '87 per cent of the children of compulsory school age who had appeared in court five times or more had not been at school for a year'. It is said that most young offenders are unable to read or write.<sup>97</sup>

Some hold that this failure is being brought about by processes in the schools; others that it has its origin outside school, mostly in the family. It is said by those of the first view that 'the education system through large class sizes, inappropriate teaching methods and lack of individual support leads to poor achievers falling behind', causing them to give way to despair and anger.<sup>98</sup> Was support for such students withdrawn in the 1980s? It would seem not. Expenditure per secondary student per year did not fall; class sizes did fall. Retention rates rose dramatically (for males as well as females) between 1980 and 1991—just when offenders were dropping out of school.<sup>99</sup> No-one thinks that school standards and expectations rose much in this period; many think that they fell, so offenders are unlikely to have

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96 ABS, *Social Indicators 5*, Table 6.1.1, page 244.

97 *Youth and the Law*, *op. cit.*, page 11.

98 *Ibid.*, page 12.

99 ABS, *Social Indicators 5*, Figure 4.1.3, page 120.

been 'pressured' out of the school system by excessive academic demands.

The alternative view is that a new population of students arrived in the schools in the late-1970s, who for non-school reasons found themselves unable to cope with school life. As one submission to *Youth and the Law* put it, 'These children have not acquired the life-skills which are informally part of the school system and, therefore, they cannot participate in a classroom setting'.<sup>100</sup> A Deputy Principal of a primary school described a playground world of gangs, vandalism, verbal abuse and violence, adding that 'The majority of these children's parents acknowledge their children's antisocial behaviour but have lost control in directing them due to inconsistent measures of discipline and parental supervision'.<sup>101</sup> These parents had had advice and assistance from the local social worker, the school guidance officer and the police community liaison officer, to no apparent avail.

The evidence sketched here does not strongly support the thesis that the schools themselves are failing their weaker pupils. It tends to point to prior causes, causes which operate earlier and deeper than school practices (though obviously school discipline failures can make matters even worse).

*Child abuse and neglect* was also considered a contributing cause to the crime rise. There are a number of difficulties in discussing this claim. One is a paucity of evidence: Western Australia has no publicly available long-term analysis upon which we can draw. Another is the elasticity of the concepts. All will agree that rape or persistent and pointless beatings are forms of abuse, but the surrounding penumbra of possibilities is a very grey area. A parent trying to keep a child in line with physical punishment may well be doing the best he or she knows, and using methods accepted by peers and the child. Welfare professionals who would prefer some other forms of control may simply be reflecting nothing more objective than their own judgement and *milieu*.

The absence of evidence makes it impossible to say whether serious abuse or neglect of children increased in the early 1980s. Submissions to the Select Committee are not reported as noting child abuse as a significant causal factor in Western Australia, with the exception of one youth worker from Karratha who commented on a high incidence of sexual abuse as a cause. The Longmore survey has

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100 *Youth and the Law*, page 11.

101 *Ibid.*, page 12.





































