

W.P. EDWARDS BA. LL.B
CONSULTANT



20 August 2021

Criminal Justice Inquiry – Submission

To the Members of the Social Issues Committee.

Please accept my submission to the Victorian Law Reform Commission (**VLRC**) **Response to Stalking, Harassment and Similar Conduct**, dated 9 July 2021, as the basis for matters to be raised and discussed in my submission before the Criminal Justice Inquiry. My submission to the VLRC addressed a number of issues, including a number of aspects that were outside the Terms of Reference provided to the VLRC for its consideration, which is the reason for why this submission is being presented to the Criminal Justice Inquiry.

I make the point that the issues addressed in my VLRC submission raise the point that the legal system incorporates both the civil as well as the criminal systems of justice and that between the two systems there are certain crossover points where the legal system has extreme difficulty in determining whether a matter is a civil issue or has it crossed the line to become a criminal matter. Concurrent with this problem is the issue of the personal social factors at play which have driven an individual to a point where the individual does not accept responsibility for his or her conduct and behaviour, which may be succinctly defined as the social and/or mental issues. In other words has our society become so complex and demanding that many parents are unable to properly provide, control and manage their children to a level that is acceptable to the prevailing legal standards required.

My VLRC submission seriously raises this issue as being one of the drivers of aberrant conduct and behaviours. In our present day society, who is responsible for the raising of our children if both parents are required work in order to keep a roof over their heads; provide for the children's needs; spend quality time with the children when the children are generally left at a crèche all day to enable both parents to work. Additionally, when the children become of school age they are left at school all day. The question must be considered where are children obtaining their values, standards, morals and ideals from? To leave these matters to the TV programs that are being watched in the household, or the play station games and other electronic devices that are being given to the young in order to keep them occupied and interested is totally unsatisfactory.

In my submission these problems need to be dealt with and considered in a holistic approach. Historically the males have always been "the man of the house" and this was an accepted norm until the end of the Victorian era when the suffragette movement gathered strength. By reasons of advancements in technologies over the 20th century women became more liberated due to the War(s); the Great Depression of the 1930s and in the latter half of

the 20th century, the Women's Liberation Movement. These changes provided social and economic development, however the demographic changes to the Australian society during the latter half of the 20th century have been enormous as firstly the White Australia Policy that had existed from the Australian gold rush era was torn down as immigrants from all over the world began to enter Australia as refugees following WW II.

From the 1980s onwards Australia has embraced multiculturalism in all its forms which has watered down the traditional demographic of most Australians being either born in England or of English descent. Until the 1950s 75% of Australia's population were placed in this category while their religious views were either Church of England or Catholic. In the last 80 years that demographic has changed which the church as a pillar of values for our whole community has seriously declined. In the 1970s the sanctimony of marriage was also devalued when it became far easier to obtain a divorce, and far less expensive. While all these changes were to the advantage of our society there has been a serious detriment to the proper raising of our young.

This is not to say that the Victorian standard of "spare the rod and spoil the child" was wrong nor was it unsuccessful. It had operated for many centuries in a more simplified world where there was a strict class structure and people accepted their social position in life. However the changes during the 20th century have brought with it a more egalitarian society and with it a perspective of entitlement and of selfishness. There are many males in our society who have not been able to adjust to the equality of women in our society because they were never raised in that manner. Our society lacks respect as greed and selfishness have taken over.

There are more crimes being committed by people who have been raised in disadvantaged backgrounds, as the rich get wealthier and the poor get poorer. It is this trend that needs to be addressed if criminal conduct is to be reduced. My submission to the VLRC has raised many of these issues for consideration, but merely talking about it will not address the core problem. Our child raising within the home as a family unit needs to be seriously looked at. We need to be able to identify "at risk children" at an early stage and to be able to provide to them the "stake that enables the sapling to grow straight". It is almost useless to try to straighten out the sapling when it has matured. The time to get to it is when it is developing.

While my submission to the VLRC makes suggestions along these lines it will take extreme effort to bring in change, but change needs to be made if the issue is to be fully addressed. In this capacity the police should be utilised as a resource that is able to identify at risk children. From that point onwards there needs to be a process through which the state is able to provide the necessary correctional needs to straighten out the aberrant behaviour that is the cause for the child's problems. This will need to be done in conjunction with the parents and if necessary parent counseling may be needed. There may also be a need for psychological and psychiatric testing of at risk children and monitoring of their progress as children need to be taught right from wrong.

Where in our system of child upbringing are children taught right from wrong if it is not being taught in the home? If children do not attend the church to obtain values, where do they get their values from? Implicit in this process is the need for our educational system to also take responsibility and correct deviant behaviour. The laissez-faire attitude towards discipline in

our education system is a contributor towards deviant behaviours developing without redress. Too many children these days are raised without have respect for any form of authority. If a child knows that he or she can get away with whatever they want to do, they will continue doing it. How many times can a parent (or a teacher) tell the child “*don't do that*” without exerting some form of sanction? Without a sanction a child will never fully appreciate that there are consequences attached to their behaviour. Sitting a child on a “naughty chair” does not create a sanction, nor does restricting a privilege like no TV for a week. The sanction must be real if discipline and respect are to be restored.

It is submitted that it is useless imposing sanctions upon adolescents if their characters and personalities have already been formed. Youth detention centers only create a resentment towards society by those who are placed there. They learn from other detainees what they may do and what perhaps they may not do and they form friendships within that environment. It is not surprising that the recidivism rate is totally unacceptable. The proper nurturing and care required when they were young has passed them by and the steps towards being recalcitrant offenders has already begun. Urgent remediation at an early age is required if the malaise in our society is to be redressed.

I believe that what I have submitted to the VLRC outlines a step in the right direction and may ultimately bring about the changes that are needed to remediate the failings in our community. Unfortunately, the many freedoms that we enjoy in our society also bring with it some serious disadvantages that need to be corrected. It is opined that the use of illicit drugs is a serious issue that needs to be controlled. The correlation between the use of drug taking and criminal behaviour must be examined more closely. Drug and alcohol abuse contribute significantly to criminal behaviour and these issues need to be addressed.

Submission provided by W.P. Edwards.