



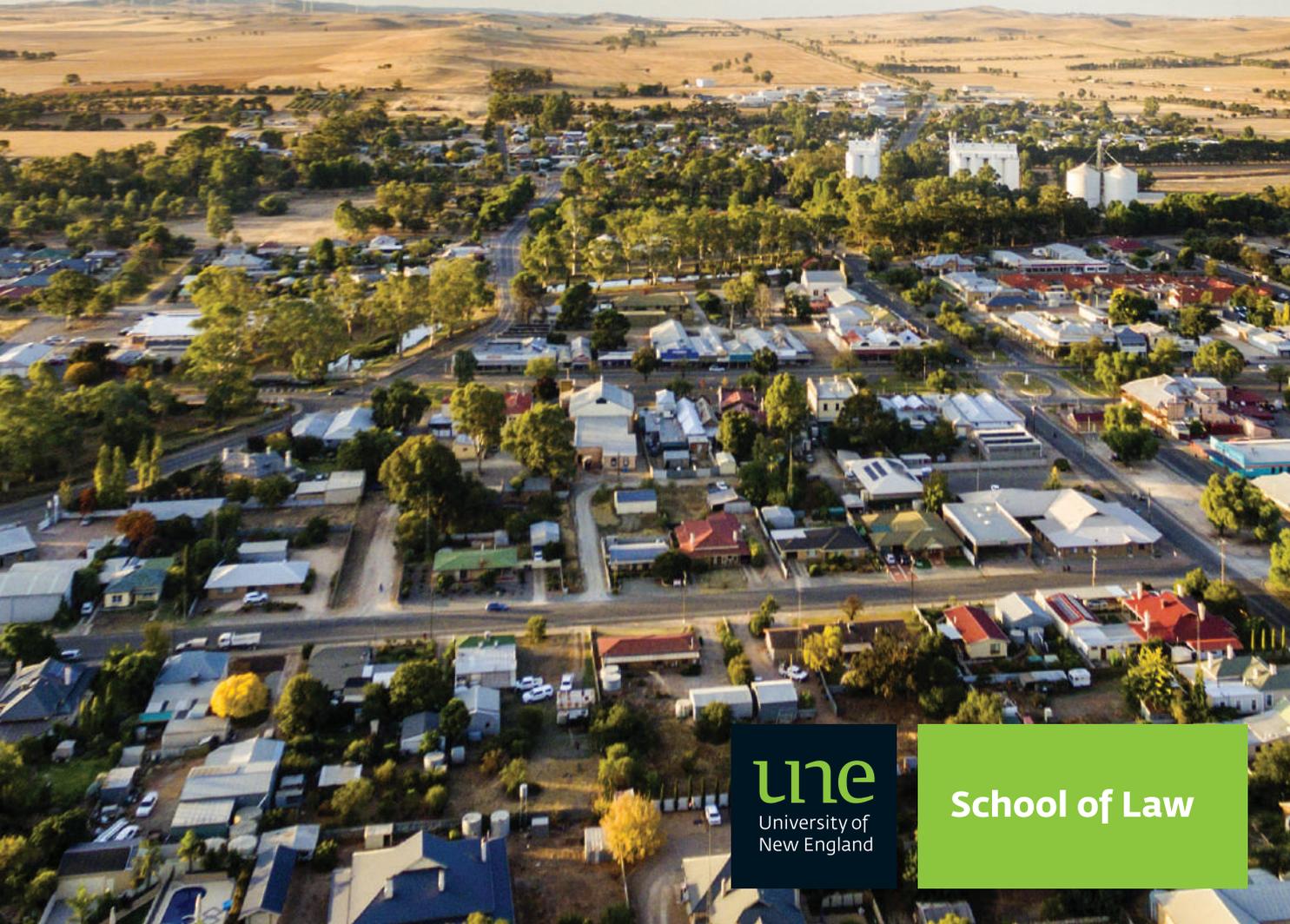
The UNE School of Law, presents

# Rural Crime and the Law Conference /2018

*A conference on rural crime, law and practice, and the criminal justice response*

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EVENT PROGRAM

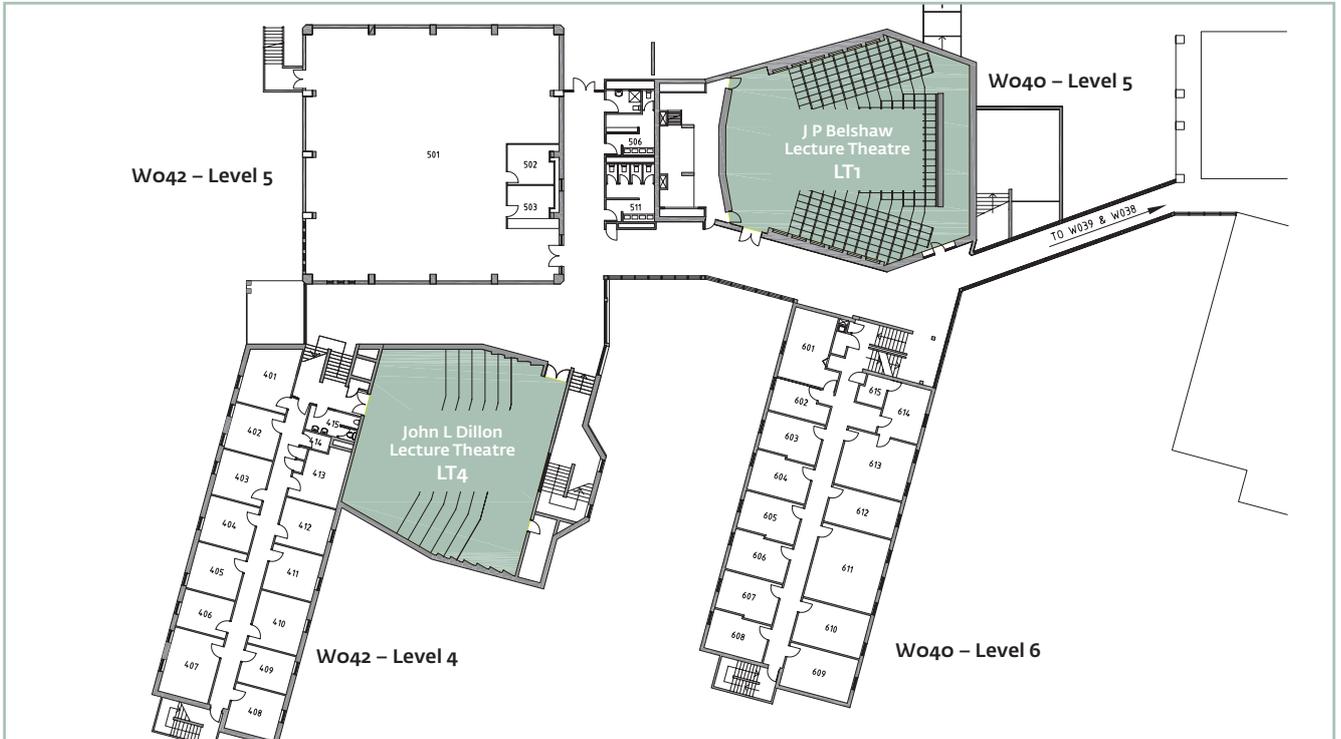


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University of  
New England

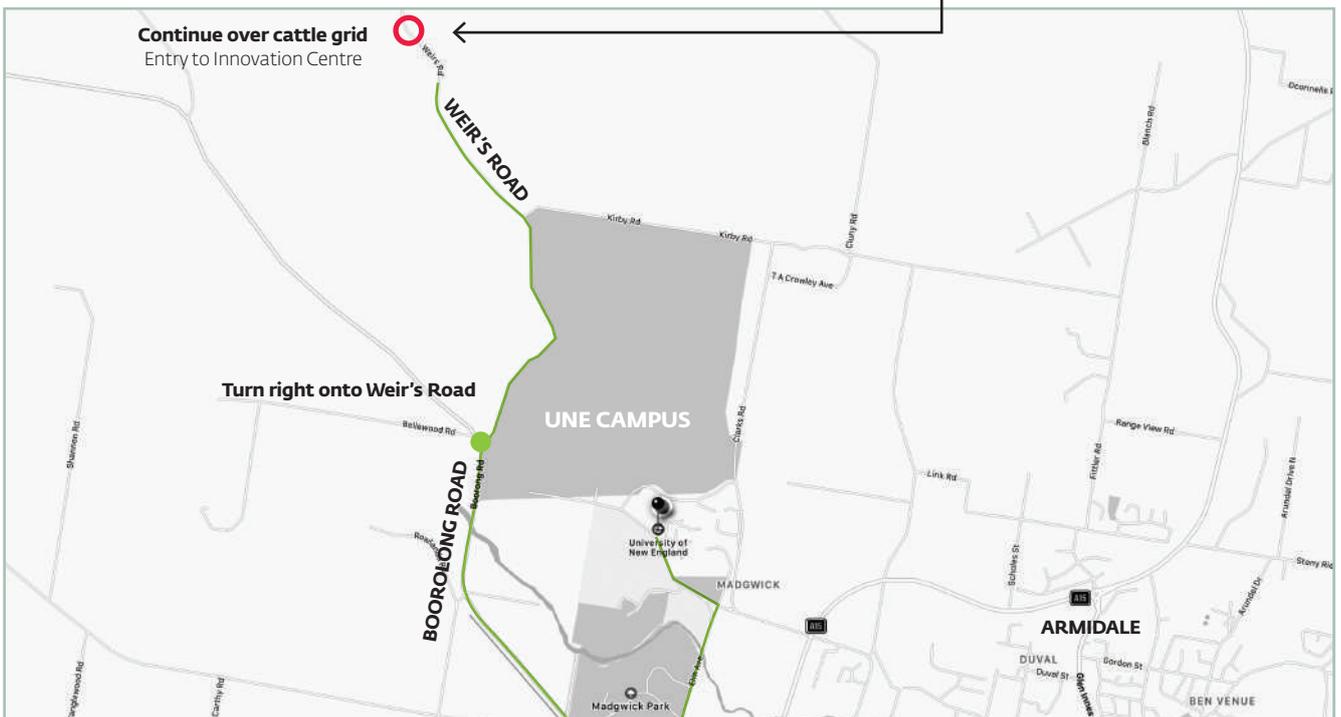
**School of Law**

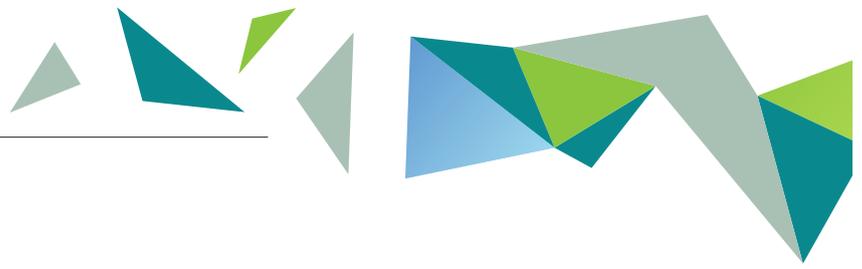
## UNE Campus Map

The conference is located in the EBL buildings, W39, W40 & W42



## UNE Kirby SMART Farms Innovation Centre, Weirs Road





# Rural Crime and the Law Conference /2018

*A conference on rural crime, law and practice, and the criminal justice response*



Dear Delegates,

Welcome to the University of New England. It is fitting that this Rural Crime and the Law Conference is being held here in Armidale, because UNE was Australia's first university established outside a metropolitan area. Since 1955 we have been dedicated to supporting the health of rural and regional communities — not just in the New England and North West NSW, but across Australia and overseas. Low levels of educational attainment have been linked to an increased likelihood of criminal activity. UNE has from the beginning adopted the philosophy of the University's first Vice-Chancellor, Robert Madgwick, who believed that *"a university education should be available in a democratic society to all who can benefit from it"*.

UNE was a pioneer in distance education, creating the first external degrees that were full equivalents of a degree earned on-campus. Today we remain leaders in the field of distance education. We also offer those who want to learn at a tertiary level several pathways into a degree, because we understand that not all those with the intelligence and desire to learn have had the cultural background or resources to equip them for conventional admission. This is particularly the case in rural and remote areas.

As we address rural and regional disadvantage through education, we are also conducting research across a wide range of disciplines that collectively support the health and prosperity of communities outside metropolitan areas. UNE's work in criminology and law are fine examples of how our institution delivers special expertise focused on regional areas.

Congratulations to the organisers of the Rural Crime and Law Conference for hosting this important discussion. I hope all delegates take away new ideas and information that enhances our ability to address rural crime, and the legal processes necessary to effectively deal with it.

## **Professor Annabelle Duncan**

Vice-Chancellor, University of New England  
University of New England

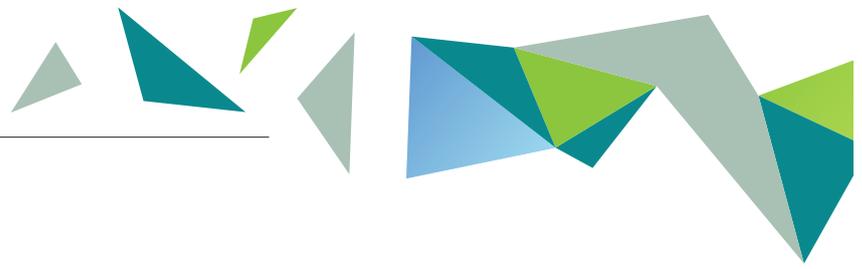
# Rural Crime and the Law Conference /2018 Program

**Welcome Drinks** / Wednesday 28th November 2018 / 18:00 – 19:00

'Charlies Last Stand' corner of Jessie and Beardy Streets

**DAY 1** / Thursday 29th November 2018

TIME	PLENARY:	LOCATION
08.00 – 08.45	REGISTRATION DESK OPEN, TEA AND COFFEE	Foyer
08.45 – 09.00	<b>Official conference opening:</b> PDVC Prof Todd Walker <b>Acknowledgment of Country:</b> Paul Martin (Chair)	LT4
09.00 – 09.45	<b>Keynote Address: Russell Hogg:</b> <i>Law, Crime, Justice and the Australian Rural Imaginary</i>	LT4
09.45 – 10.30	<b>Keynote Address: John Nicholson SC:</b> <i>Equal or Unequal Opportunities within the Criminal Justice System from a Rural and Regional Perspective</i>	LT4
10.30 – 11.00	MORNING TEA/NETWORKING	Foyer
<b>CONCURRENT SESSIONS:</b>		
11.00 – 12.30	<b>Session 1. Rural crime and the law:</b> Paul Sattler (Chair) Ben Livings: <i>Examining Disparities in Rural and Urban Sentencing</i> Justine Howard: <i>Food security and the law</i> Stephen Ryan: <i>Firearms Legislation</i>	LT5
11.00 – 12.30	<b>Session 2. Technological dimensions of rural crime:</b> Paul Martin (Chair) Paul Martin, Mark Perry and Vivek Nemane: <i>Technological dimensions of rural crime</i> Phil Kowalick: <i>Cybercrime and Agribusiness</i> Kathy Rankin: <i>The use of technology by Animal Activists and Intensive Livestock Industries</i>	LT4
12.30 – 13.30	LUNCH	
<b>PLENARY:</b>		
13.30 – 14.15	<b>Keynote Address:</b> Magistrate Chris Bone: <i>The view from the bench</i>	LT4
14.15 – 15.00	<b>Keynote Address:</b> Diana Eades: <i>Communication between Aboriginal and non-Aboriginal speakers of English in legal contexts</i>	
15.00 – 15.30	AFTERNOON TEA/NETWORKING	Foyer
<b>CONCURRENT SESSIONS:</b>		
15.30 – 17.00	<b>Session 3. Support programs and services in rural areas:</b> Helena Menih (Chair) Natalie Thomas & Helena Menih: <i>Understanding prisoner re-entry challenges in rural areas in Australia</i> Lauren Humby: <i>Pawsitive Solutions: Prison Dog Programs in Australia</i> Greg Davison: <i>Building a Case for Health KPIs in the Australian Custodial System: A Practitioners Perspectives</i>	LT5
15.30 – 17.00	<b>Session 4. Crime on farms:</b> Elaine Barclay (Chair) Alistair Harkness: <i>Farmers' perceptions of crime and attitudes to policing in Victoria</i> Kreseda Smith: <i>The Emergence of Ungoverned Space in the British Countryside</i> Emmanuel Bunei: <i>Livestock theft in Kenya: Trends, Tales and Responses by farmers</i>	LT4
17.00 – 17.20	RAPPORTEUR REPORT AND CLOSE	LT4



## DAY 2 / Friday 30th November 2018

TIME	PLENARY	LOCATION
08.00 – 09.00	REGISTRATION DESK OPEN, TEA AND COFFEE	Foyer
09.00 – 09.45	<b>Keynote address:</b> Steve Bradshaw: <i>The Bradshaw Review: NSW Stock Theft, Trespass and Illegal Hunting</i>	LT4
09.45 – 10.30	<b>Keynote address:</b> Willie Clack: <i>A Comparison of Rural Crimes in Australia and South Africa</i>	LT4
10.30 – 11.00	MORNING TEA/NETWORKING	Foyer
<b>CONCURRENT SESSIONS:</b>		
11.00 – 12.00	<b>Session 5. Policing Rural Crime:</b> Elaine Barclay (Chair) Deputy Commissioner NSW Police Gary Woyboys and Commander Geoff McKechnie: <i>NSW Police: The NSW Police response to rural crime</i>	LT4
11.00 – 12.00	<b>Session 6. Violence in rural communities:</b> Helena Menih (Chair) Bridget Harris: <i>Rurality, Domestic Violence and Spatiality</i> Carolyn Burgess: <i>Domestic Violence in rural communities: The Service Providers' Perspective</i>	LT5
<b>CONCURRENT SESSIONS:</b>		
12.00 – 13.00	<b>Session 7. Crime in rural Australia:</b> Elaine Barclay (Chair) Andrew Moriarty: <i>Illegal hunting in NSW - defining the problem and understanding the risks</i> Ruth Delaforce: <i>Organised Crime In Rural Australia: Exploring The Networks of Protection</i>	LT5
12.00 – 13.00	<b>Session 8. Environmental crime and the law:</b> Robyn Bartel (Chair) Robyn Bartel: <i>Is environmental law the poor cousin or the canary in the coalmine? The case for treating all regulatory failures as having common cause(s)</i> Tanya Howard: <i>Resistance to environmental regulation in rural Australia – the tragic case of R V Ian Robert Turnbull.</i>	LT4
13.00 – 14.00	LUNCH	
14.00 – 16.00	FIELD TRIP ON FARM CRIME PREVENTION, UNE SMART Farms Innovation Centre, Weirs Road Armidale	
14.00 – 15.00	<b>Session 9. Environmental harms:</b> Robyn Bartel (Chair): Jacky Williams: <i>Sustainability or erosion of democracy: NRM public service delivery by Not-For-Profits</i> Siva Barathi Marimuthu & Asril Amirul Zakariah: <i>The Legal Protection of the Tasik Chini Biosphere Reserve: Criminalisation of Environmental Harms.</i>	LT4
14.00 – 15.00	<b>Session 10. Policing in rural communities:</b> Kyle Mulrooney (Chair) Matt Allen: <i>The New Police and Rural Crime: Illicit Distillation in Early New South Wales</i> Nicole Asquith: <i>Proximity and small town policing</i>	LT5
15.00 – 15.30	<b>Rapporteur Report and Close</b>	LT4
15.30 – 16.00	AFTERNOON TEA/FAREWELL	Foyer

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# Rural Crime and the Law Conference

## /2018 Invited Speakers Bios



**Russell Hogg**

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Russell is Adjunct Professor, Faculty of Law, at Queensland University of Technology. He previously taught at the UNE Law school. Throughout much of his career, he has taught, researched and published on issues concerning the law and crime in rural Australia. He has authored (with Kerry Carrington): *Policing the Rural Crisis* 2006 and written/edited *Crime in Rural Australia* 2007.



**Chris Bone**

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Magistrate Bone retired in 2015 after a career spanning more than 30 years. His service on the bench included courts in Inverell, Ballina, Batemans Bay Armidale, Tamworth, Grafton, Lismore, Moree, Bega, Cooma and Queanbeyan.



**John Nicholson**

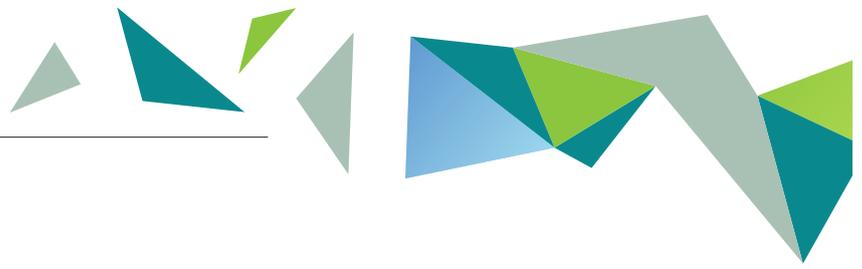
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John Nicholson SC retired in 2016 having served 15 years on the bench. He currently practises as a barrister at Sir Owen Dixon Chambers. He is passionate about the over representation of Indigenous people in prison and the lack of sentencing options in rural New South Wales.

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**“Identify what works and what does not, where the gaps exist between the law and community expectations, and seek ways to improve practice by all stakeholders in rural Australia.”**

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## Diana Eades

Diana is Adjunct Professor UNE and is a sociolinguist who specialises in intercultural communication and language in the legal process, particularly focusing on the use of English by, to and about Aboriginal people. Her publications include the lawyers' handbook *Aboriginal English and the Law* (1992, Queensland Law Society), the research book *Courtroom Talk and Neocolonial Control* (2008, Mouton de Gruyter) the university textbook *Sociolinguistics and the Legal Process* (2010, Multilingual Matters), and the co-edited research book *Discursive Constructions of Consent in the Legal Process* (2016, Cambridge University Press).

A collection of some of her writing over three decades was published as *Aboriginal Ways of Using English* (2013, Aboriginal Studies Press). She has provided expert evidence in criminal cases and tribunals in three states and the Northern Territory, and from 1995-1999 she was President of the International Association of Forensic Linguists.



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## Steve Bradshaw

Steve Bradshaw is a former Assistant Commissioner NSW Police Force. He retired in 2010 following a career spanning 41 years which included five years as the Commander of Western Region. Throughout his career he strove to positively affect rural communities in NSW and was awarded an Australian Police Medal for distinguished service. Steve currently farms at Maules Creek.

Steve is the author of the 2016 *Bradshaw Report*, a review of laws concerning stock theft, trespass and illegal hunting in NSW. The report included 22 recommendations for improvement in responding to rural crime from both an operational and legislative perspective.



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## Willie Clack

Willie is a lecturer at the University of South Africa School of Criminal Justice, specialising in Rural Crime. He also farms in the North West Province and serves on a wide range of agricultural institutional boards in South Africa including:

- Chairperson: The National Livestock Theft Prevention Forum;
- Vice Chairperson: Red Meat Producers Organisation;
- Member of the Livestock Identification and Traceability System Forum; National Animal Health Forum and Red Meat Industry Trust.

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# Rural Crime and the Law Conference

## / 2018 Invited Speakers Abstracts

### Russell Hogg

Queensland University of Technology

*Law, Crime, Justice and the Australian Rural Imaginary*

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Thinking seriously about law, crime and justice in rural Australia requires us to reflect more deeply on settler relationships (both historical and contemporary) to rural life. I argue that this relationship is characterised by ambivalence, if not contradiction, and has been so throughout settler history. The rural occupies a distinctive and cherished place in the national identity of what is perhaps the most urbanised country in the world. Given its thinly populated interior there are even questions as to what is 'rural' and where rural Australia begins and ends. Projected images of rural community, caring and cohesion as source and symbol of national unity are also belied by underlying divides – socio-economic, cultural, political – that were constitutive of Australian rurality, and which, in mutated and sometimes pronounced forms, are shaping its present and future. Bush traditions are claimed to be a great incubator of Australian egalitarian culture, and yet there are serious inequities between urban and rural Australia and deep within rural Australia itself. The many fault lines and discontents of the rural cannot but leave their imprint on crime and the administration of justice in rural settings. The issues are too often overlooked in sentimental and mythologizing portrayals of Australian rural life. A more honest reckoning with the past and its current legacies is essential as a foundation for building more just, inclusive and sustainable rural futures.

### Chris Bone

*The view from the bench*

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Thirty years on the bench in rural New South Wales provides a wealth of stories in this presentation concerning presiding over cases concerning stock theft, offences relating to the abalone industry and the forestry industry. The role of a magistrate in a rural area will be discussed considering the perceived leniency of the magistracy, the call from some quarters for mandatory sentencing, sentencing in traffic matters involving accused living in rural areas, and the need to take into account the wishes of a rural community when deciding matters.

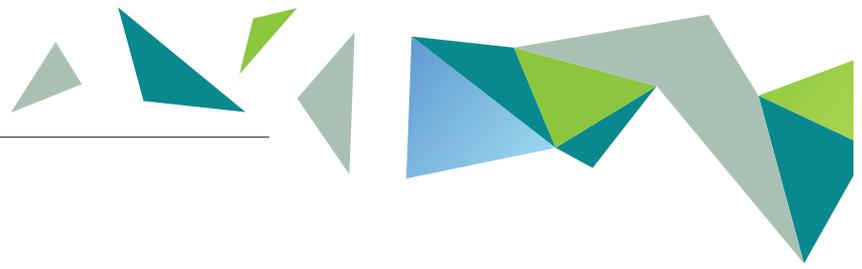
### John Nicholson

*Equal or Unequal Opportunities within the Criminal Justice System from a Rural and Regional Perspective?*

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The criminal justice system involves more than just what happens in criminal court proceedings. The absence of opportunities and resources can impact, sometime unfavourably upon the outcome of criminal sentencing procedures, and rehabilitation outcomes and crime levels in the bush. Specialists Courts have important roles to play within the criminal justice system. Their absence in rural regions also comes at a price. Opportunities and absent resources are identified; the reasons for their absence is explored and the consequences to both the litigant and the community are discussed.





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## Diana Eades

University of New England

*Communication between Aboriginal and non-Aboriginal speakers of English in legal contexts*

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Many Aboriginal people speak English in their dealings with the law, but successful communication is often compromised by a range of linguistic and cultural issues. This paper will overview some of the subtle but important ways in which Aboriginal ways of speaking English differ from general Australian English – especially some of the implications for intercultural communication in the law from two centuries of the Aboriginalisation of English. The talk will start with consideration of Aboriginal people who speak English as their second (or third, or fourth ...) language including those whose main language is Kriol. Much of the talk will then focus on those who speak an Aboriginal English variety as their first and main language. Some examples of Aboriginal ways of using English will be drawn from accent, vocabulary and meaning. But greater attention is needed on what is arguably the central issue for intercultural communication in legal contexts: contrasting assumptions and practices in how information is sought and given.

## Steve Bradshaw

*The Bradshaw Review: NSW Stock Theft, Trespass and Illegal Hunting*

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This presentation provides an overview of the findings of the review of current laws around stock theft, trespass and illegal hunting in New South Wales conducted for NSW Police in 2016. Interviews and meetings were held with landowners, government agencies, industry representatives and rural residents across western New South Wales. Stock theft, rural trespass and illegal hunting were reported to be major concerns for rural and remote communities. A number of recommendations were generated to improve current laws and regulations, police practices, and sufficient resources for rural police to enable them to effectively police crime and support rural residents.

## Willie Clack

University of South Africa

*A Comparison of Rural Crimes in Australia and South Africa*

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Rural criminology as a neglected scholarly study, bounced into the spotlight over the past two to three decades as scholars began researching the phenomenon. Lately, claims are made that rural criminology now receives the attention justified in the academic fraternity. A predicament for rural criminologists is that the world is not equal and although rural crime is researched in the developed world, this is not the case in developing countries. The questions arise: is rural defined the same in different countries; and then, is there a difference in crime on agricultural land and in small towns? This paper will firstly address the question whether 'rural' in Africa means the same as on other continents. Secondly, the paper will compare the types and prevalence of agricultural crimes between Australia (NSW) and South Africa to determine significant differences or similarities.

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# Rural Crime and the Law Conference

## / Concurrent Sessions:

### Session 1:

#### Rural crime and the law

##### Ben Livings

University South Australia

*Examining Disparities in Rural and Urban Sentencing*

It is well known that there are differences in sentencing practices when it comes to criminal offenders in rural and urban courts, and these differences result from a number of factors. For instance, rural areas do not have the resources to enable some of the community punishments that are therefore only available to courts in urban areas. In addition, courts looking to the circumstances of an offender must consider the disproportionate effect that some punishments (such as the suspension of a driving licence) will have on somebody who lives in a rural area. This paper foreshadows an empirical project examining disparities in sentencing practices between rural and urban courts and asks whether difference is an essential part of ensuring individualised justice in sentencing.

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##### Justine Howard

University of Notre Dame

*Food Security and the Law*

This paper will highlight Australia's international legal obligations regarding food security. Pertinent international treaties and agreements that impact Australia's food security will be considered. It will discuss what is needed to ensure Australia's domestic laws do not contravene its international obligations concerning food security.

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##### Stephen Ryan

Evatt Chambers

*Firearms Legislation*

This paper simply and practically examines Firearms Prohibition Orders and suspension and revocation of firearms licences with a particular look at police powers with respect to each of these actions and the rights of appeal against these actions. The paper will provide an overview of how and why police can issue Firearms Prohibition Orders, how and why they can suspend and then later revoke a firearms licence and then look at gun owners' rights to have their licences returned.

### Session 2:

#### Technological dimensions of rural crime

##### Paul Martin, Mark Perry & Vivek Nemane

University of New England

*Technological dimensions of rural crime*

Technology is essentially 'the ways people get things done', and so pervades human activities including all aspects of rural crime. These aspects include the nature of crimes, methods for carrying out crimes, enforcement activities, judicial activities and even penalisation. Change pervades many if not most technologies. "Rurality" involves unique dimensions for all of these aspects, and these dimensions are also undergoing change. In this paper we will consider the following aspects of the intersection between technology, crime and rurality:

1. How technological change is (or is likely to) driving new forms or subjects of criminality;
2. Options for the use of new technologies to implement controls over crime;
3. Law and policy challenges of these intersections.

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##### Phil Kowalick

University of New England

*Cybercrime and Agribusiness*

Cybercrime currently costs the Australian community about \$2.1 trillion annually and that figure is expected to rise to about \$6 trillion in 2019. Given that the Australian Criminal Intelligence Commission (ACIC) estimates that serious and organised crime costs Australia about \$36 billion annually, the seriousness of cybercrime cannot be underestimated. The impacts of cybercrime on the community are serious, but the additional impacts in the rural context are acute because they play out alongside other unique pressures experienced in agribusiness. The paper examines cybercrime and what particular issues affect people in rural Australia. The response by governments, advocate groups and organisations and individuals to protect against cybercrime are discussed and some observations made about possible policy and approaches by government at Commonwealth and State/Territory levels.



## Session 3:

### Support programs & services in rural areas

Research for this paper involved structured interviews, focus groups and workshops aimed at enabling the development of a new National Plan to Combat Cybercrime. The research was undertaken in 2017 and early 2018 with Commonwealth and state and territory government departments and agencies, public bodies and advocate groups to examine cybercrime, identify its elements and possible mitigation strategies for government and society, particularly those who are victims of cybercrime.

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#### Kathy Rankin

NSW Farmers

##### *The use of technology by Animal Activists and Intensive Livestock Industries*

Australian agriculture practice demonstrates some of the highest animal welfare standards in the world. The value of primary production is directly related to the care and attention that is provided by farmers to ensure optimum growing conditions. In 2017 the cost to the farming community of rural crime, including stock theft and trespass was estimated to be over \$2.5 million. The true cost is much higher, as this does not include the impact of illegal surveillance activities by individuals and groups with an animal activism agenda. Filming equipment and surveillance systems, including unmanned drones are an example of a broader, innovative development in new surveillance technologies and their use. While the agricultural sector values these technologies as productivity enhancements, this same technology is increasingly used to progress negative agendas and campaigns with impunity by animal activists, and provide intelligence to undertake trespass and farm theft. NSW Farmers' considers that the following principles integral to the way in which the law responds to this criminal activity –

- ensuring that the legal frameworks are fit for purpose and can account for future technological developments;
- that the rights and responsibilities of both those under surveillance and those initiating the surveillance have equal rights to protection and prosecution; and
- that primary producers are adequately supported with regard to responding to trespass and associated illegal surveillance.

#### Natalie Thomas & Helena Menih

University of New England

##### *Understanding prisoner re-entry challenges in rural areas in Australia*

Whilst prison populations in most Australian states have been increasing over the past decade, the majority of these prisoners will be released back into the community at some stage – therefore, re-entry and reintegration should be prioritised in terms of research and policy development. A significant portion of these prisoners will return to rural and remote areas of Australia. Geographic location and the destination to which formerly incarcerated people return can significantly affect the re-entry experience and impact on recidivism. This paper explores the challenges of prisoner re-entry in a rural context, including social structural factors, employment and economic conditions, community stigma, access to housing, and access to services. The paper also considers the implications of these challenges for service planning and policy.

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#### Lauren Humby

University of New England

##### *Pawsitive Solutions: Prison Dog Programs in Australia*

With the prison population steadily increasing in Australia and over half of prisoners reoffending, it is evident that prison is ineffective for deterring and rehabilitating current and future offenders and reducing recidivism. As a result, there has been a gradual shift toward community corrections, placing an emphasis on interventions that address the criminogenic needs of prisoners. One such intervention is the implementation of prison dog programs (PDPs). PDPs involve a dog being paired with one or more specially selected inmates, who train, socialise and care for a dog for a specified period of time or until the animal is ready to be rehomed or move on to advanced training as an assistance or service dog. This presentation examines the nature and extent of PDPs in Australia and explores how these programs can help prisoners desist from crime. Recommendations will also be made to assist the development, implementation and evaluation of current and future PDPs.

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## Session 3:

Cont...

### Greg Davison

University of New England

*Building a Case for Health KPIs in the Australian Custodial System: A Practitioners Perspectives*

In this paper I will consider the case for the introduction of health KPIs for the treatment of Indigenous people in custody. By presenting four stories from my time working in the custodial system, I argue that in order to address the alarming incarceration rates of Indigenous people, there has to be a greater focus on 'trauma informed processes', empowering individuals and the introduction of custodial health interventions, prior, during and after a custodial sentence.

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## Session 4:

Crime on farms

### Alistair Harkness

Federation University

*Farmers' perceptions of crime and attitudes to policing in Victoria*

Recognising that the impact of acquisitive crime on farms is both economic and social, the Victorian Farm Crime Research Project is an ongoing endeavour to examine farm crime in Victoria. Specifically, the Project is considering attitudes of farmers and farming communities to criminal justice responses to farm crime; assessing existing policing practices and analysing alternatives; and determining a suite of strategies for prevention and control of crime against farms and for improvement of service delivery by the criminal justice system in Victoria.

A quantitative survey of Victorian farmers was conducted between August 2017 and October 2018, with responses received both online and via hardcopy surveys returned. The survey sought information from farmers on experiences of farm crime, perceptions of crime and justice in rural Victorian settings, reasons for reluctance to report farm crime, attitudes to police and policing, and around crime prevention behaviours.

The aim of this paper is to report on and assess results from the survey, providing results of parametric testing on a series of Likert scale questions which enable a comparative analysis of concerns about crime, victimisation and crime reporting behaviours in rural Victoria. The central focus of the paper will be on attitudes to rural policing and awareness of specific policing initiatives.

### Kreseda Smith

Harper-Adams University UK

*The Emergence of Ungoverned Space in the British Countryside*

Police and farmers in Britain have differing views on the effectiveness, and measures of effectiveness, of the policing of rural and farm crime. Farmers are increasingly reporting feeling abandoned by the police, while the police are trying to resource rural policing against a backdrop of budget cuts, inadequate strategic guidance, and a lack of understanding of the impact of rural and farm crime. Interviews were conducted with Police and Crime Commissioners and Crime Prevention Advisors across four rural police forces in England. In addition, interviews and focus groups with farmers provide a contrasting view of the issues of farm crime.

The research found that police services in England suffer from mediocre levels of confidence among farmers, a result of providing poor response and feedback to incidents. This in turn results in low levels of reporting of crimes by farmers. The police are dealing with increased demands with much lower budgets and few opportunities for specialist training. This combined with ineffective strategic responses and a lack of understanding of farmers' situations in regard to the impact of farm crime, results in the police being perceived as ineffective in deterring rural criminals. This paper will explore this situation as a specific policing issue and argue that rural policing requires specialist training in order to tackle existing and future issues such as 'County Lines' rural drug trafficking.

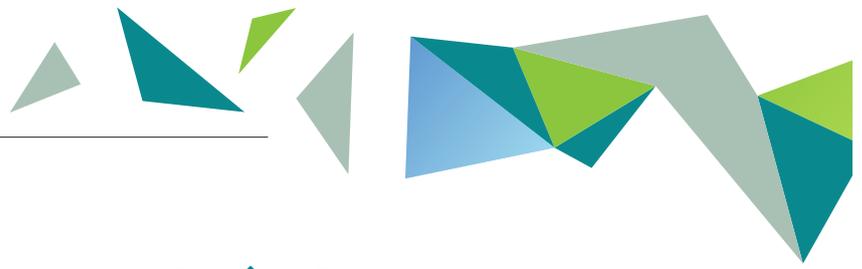
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### Emmanuel Bunei

University of New England

*Livestock theft in Kenya: Trends, Tales and Responses by farmers*

Although livestock theft has remained one of the dynamic rural crimes in Africa; recent studies shows that there emerging trends and responses by farmers. The study combines the documentary analyses of official livestock theft statistics reports with media reports (newspaper articles and video news) to provide a critical understanding of livestock theft from third world country like Kenya. Findings show that livestock theft is increasingly becoming costly to farmers both financially, socially and psychologically. It is also making farmers to change their physical and, social arrangements to reduce victimization. The paper concludes by suggesting by suggesting a research agenda to improve the understanding of livestock in the African context.



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## Session 5: Policing Rural Crime

### Deputy Commissioner Gary Worboys and Commander Geoff McKecknie NSW Police

#### *The NSW Police response to rural crime*

One of the recent strategies/concepts for policing rural crime is the move from Rural Crime Investigators to Rural Crime Prevention Teams in the New South Wales Police Force. Our corporate sponsor is supported by a state coordinator and three teams headed by Detective Sergeants each with analytical support. The concept has gained a good deal of momentum not just in the investigative space but also in the community engagement and prevention space right across country NSW. We have partnered with Farmers NSW in a regime of farmers/friends community meetings, tackled illegal hunting and trespass with operations now using aircraft to assist, we have moved into the CCTV and trail cam space, partnering more and more with DPI and their game licensing area and run rural crime workshops for our own police at the smaller country locations. Much has occurred including a stronger use of social media and main stream media, 'uniform' of sorts that fit the role, all to promote our cause and look for information of perpetrators and victims.

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## Session 6: Violence in rural communities

### Bridget Harris Queensland University of Technology

#### *Rurality, Domestic Violence and Spatiality*

Domestic violence is rarely examined in a spatial context. This is a significant oversight, as the incidence and impacts of abuse and stalking and, responses to such harms differ greatly, depending on the place and space in which it is enacted. Informed by interviews with victim/survivors and non-government and government practitioners in rural Australia, this paper explores experiences, risk and regulation of domestic violence. A spatial framework is applied, involving a study of places (fixed geographic locations) as well as spaces (that are created by acts, actors, actions and ideologies which manifest in places). Attention is also given to the notion of spacelessness: the ways that technologies provide borderless zones for perpetration of violence, for victim/survivors to seek support and information and, for advocates seeking to prevent violence, protect and empower women and, administer justice.

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### Carolyn Burgess

#### *Domestic Violence in rural communities: The Service Providers' Perspective*

This paper presents the unique issues of service provision in a rural community where everyone knows everyone else. Research has shown that domestic violence increases as a consequence of bushfires, floods and drought. Many incidents go unreported primarily because priority is given to the practicalities of addressing the crisis, and an acknowledgement that everyone is under stress.

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## Session 7: Crime in rural Australia

### Andrew Moriarty

Department of Primary Industries Game Licensing Unit

*Illegal hunting in NSW – defining the problem and understanding the risks*

Illegal hunting is a major component of Rural Crime throughout NSW. It is estimated that illegal hunting is the only rural crime that has seen successive increases over the last 5 years, in some years as high as 28%. The DPI Game Licensing Unit and NSW Police co-regulate hunting in NSW through a collaborative and wide ranging approach that includes elements of education, licensing, stakeholder support, intelligence and on ground operations to both monitor and target high risk areas.

Critical to regulatory strategies is an underlying understanding of where and when illegal hunting occurs as well as the motivations of different classes of illegal hunters including those using firearms, bows and pig hunting with dogs. This paper will explore the risks around illegal hunting as well as how regulatory strategies are formulated to address illegal hunter behaviour.

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### Ruth Delaforce

Charles Sturt University

*Organised Crime In Rural Australia: Exploring The Networks of Protection*

Organised crime is often perceived as an urban activity. With high population density, easy access to transport systems, large and varied markets, and offering anonymity, the urban environment is conducive to organised criminal activity. However, illegal activities and criminal networks may similarly emerge from and extend into rural communities. There is a gap in the literature on the extent of organised criminal activity in Australian rural and remote communities. Australia's isolation and the 'tyranny of distance' can facilitate covert illegal operations, where police-population ratios are low and cross-border, urban-rural, criminal networks may evade detection. In the last fifty years, Australian criminal networks have increasingly exploited these gaps in rural policing, assisted by recent advances in technology and improved transport infrastructure. The policing of criminal activities may be compromised, particularly where surveillance and intelligence collection occurs in small, isolated, communities. This paper examines policing challenges when identifying, disrupting and preventing organised crime activities in rural and remote settings. The case studies presented consider the production and distribution of prohibited substances, and trafficking in flora and fauna. These studies reveal the significance of protection networks for organised crime actors, and the impact upon rural communities, where police responses may be delayed and investigations undermined by fear of reprisal.

## Session 8: Environmental crime and the law

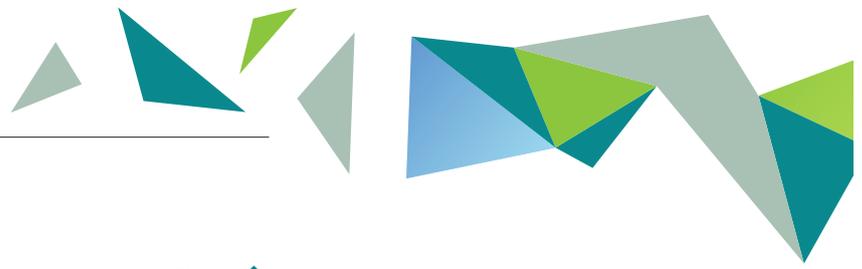
### Robyn Bartel

University of New England

*Is environmental law the poor cousin or the canary in the coalmine? The case for treating all regulatory failures as having common cause(s)*

Environmental crime has often been considered the poor cousin of 'real' crime, and environmental law not 'really' law, given its relatively recent history and its focus on the natural world, far from the human-centred concerns of traditional law. Regulatory failure is endemic, and evident recently in high profile cases in New South Wales regarding land clearing, water theft and waste dumping. Similar poor performance is demonstrated in other state jurisdictions and has negatively affected Australia's international relationships, for example in the biosecurity arena and in the live export trade. Nor do the pastures grow greener elsewhere. Rather there appears to be an epidemic of declining interest in, and regression of, environmental protection and controls internationally. However, contrary to the notion that the experience of environmental law is singular, these trends may not be unique to environmental crime. Environmental law may indeed be the proverbial canary in the coalmine. Recent experience in Australia has seen the performance of the banking and financial service industries, the health sector, particularly aged care, and education providers placed under increasing scrutiny, which has revealed pervasive and systemic failures of both internal and external compliance systems, including corporate governance as well as external regulation.

A comparative analysis of the erosion of the degree and quality of regulatory oversight in several areas of public policy reveals that there may be some common causes underlying the issues affecting, and undermining, regulatory success in these diverse fields, including declining norm agreement, the increasing fracturing of self from public interest, and stark imbalances of knowledge and power within society. Such factors are hardly new however traditional solutions based on growing community cohesion, acceptance and appreciation through education are unlikely to be successful, given their patchy track records, especially when they have been predicated on assumptions of deficiency within relatively powerless groups. Interventions may perhaps be more productively directed towards the more powerful members of our society, based on the proficiency of those lower down the food chain. Lessons learned from the experience of 'educating upwards' in workplaces compromised by unethical leadership are evaluated for their applicability and transferability elsewhere. The potential of 'upward ethical leadership' (Uhl-Bien & Carsten, 2007) to improve environmental compliance and the performance of law and regulation more generally is considered. There may be particular advantages for rural communities in such approaches.



## Session 9: Environmental harms

### Tanya Howard

University of New England

*Resistance to environmental regulation in rural Australia – the tragic case of R V Ian Robert Turnbull.*

Current legal and policy frameworks for environmental management fail to adequately address the complex social dynamics underpinning rural community notions of legitimacy and resistance (Kennedy, 2017). Australian farmers see environmental regulation as a significant infringement on their autonomy as land managers (Schirmer, et al., 2016). The 'regulatory burden' imposed by overlapping environmental regulation has recently identified as a significant source of conflict and tension in rural communities (Productivity Commission, 2016). Affected communities express concern about their ongoing economic viability and actively dispute the legitimacy of law and policy that is seen as unfair, complex or overly interventionist (Abel et al., 2016).

In 2014 these concerns erupted onto the national stage, when a NSW public servant engaged in environmental protection was killed in a confrontation over illegal land clearing. The perpetrator was a land holder with a history of non-compliance with the requirements of the NSW Native Vegetation Act 2003 and had been subject to a series of prosecutions in the NSW Land and Environment Court. Political suggestions that the crime was somehow justified by "bad legislation" (Coffs Harbour MP Andrew Fraser) and was the explosive expression of a long-standing "sore point" (NSW National Party leader Andrew Stoner), drew attention to the growing prevalence of civil disobedience, non-compliance and criminal activity linked to environmental law and policy in rural Australia. In 2017, the NSW Coroner ordered an inquest into Glen Turner's death (scheduled for June 2018) to better understand the factors contributing to this tragic event. This paper situates this event in the context of broader research which explores the intersection of environmental law, rural sociology/criminology and natural resource policymaking. The rural landscape is changing as new coalitions emerge between interest groups that were previously antagonistic, prompted by increasing dissatisfaction in rural communities about the design and implementation of environmental law and policy. The link between increasing norms of civil disobedience in rural communities affected by land use conflict and other instances of law breaking and resistance requires deeper investigation in the Australian context.

### Jacky Williams

University of New England

*Sustainability or erosion of democracy:  
NRM public service delivery by Not-For-Profits*

There is much debate about the recent Great Barrier Reef Foundation grant of \$444 million to address the various natural resource management (NRM) issues to ensure protection of the reef, and on this occasion it is a considerable amount of public funding with questionable transparent grant allocation processes. However, NRM by Not-For-Profits (NFPs) has become a predominant form of public service delivery since the 1990s with the amount of public funds devolved to NFPs in the billions. This neoliberal model has resulted in NFP entities such as incorporated associations, companies limited by guarantee and other structures undertaking public service delivery in the absence of many of the democratic attributes of government, which begs the question: are we eroding our democracy and paving the way for an increase of rural crime such as fraudulent use of public funds or breaching National Competition Policy and associated laws? Will bodies such as the Barrier Reef Foundation be legally challenged in the future as to their mixed roles, which include that of public authority or agency through the provision of public benefit? *Qld Law Society Inc v The Information Commission and SJ English* 1996 QSC provides an appropriate precedence for NFP entities to assist define their role and better shape their governance, which found in the case of NFPs delivering public benefit on behalf of the government that "it depends upon the reading of the preamble and s4 as though the word 'government' is spelt with a capital 'G' whereas it is not so in either case. In this context the expression connotes government in its broad sense. There is nothing to recommend that it should be limited to the formal institutions of the government, rather than former, and indeed the reference to 'government' rather than 'the government' supports the broader meaning".

This paper will present examples of how devolution to NFP entities can erode our democracy and question whether new legal structures or institutional arrangements are required to ensure the attributes of our democracy are embedded within government with a little 'g'.

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## Session 9:

### Environmental harms cont...

#### **Siva Barathi Marimuthu (Sharlene), Asril Amirul Zakariah**

**University of New England**

*The Legal Protection of the Tasik Chini Biosphere Reserve:  
Criminalisation of Environmental Harms.*

The understanding of the environmental law has evolved significantly in recent times, and it provides the means of punishment or deterrent through criminalisation, policing and prosecution. Environmental crime can be defined as the perpetration of harm against the ecosystem and its inhabitants that violate the law. This is of high importance in protected areas such as the UNESCO Biosphere Reserves that focuses on the synergistic relationship between man and environment. This paper looks into the issue of environmental protection of the Tasik Chini Biosphere Reserve located in the rural area of the State of Pahang, Malaysia.

The biosphere reserve status is up to review by UNESCO in 2019 and the alarming state of the lake ecosystem due to unabated anthropogenic interferences give rise to the risk of the area of losing its international recognition. Thus the need to look into the extent of legislative protection of the area through the environmental crime perspective. In the first section of the paper, the author describes the environmental harm that is afflicting the area based on the activities of logging, mining and agriculture. Next, the author reviews the corpus of legislation which is currently enforced in Malaysia. Although the study finds that there is no specific legislation dedicated to the biosphere reserve, there does exist relevant applicable laws which are sufficient for the purpose of criminalisation of environmental harm. This paper aims to explore the gaps and how the area can be better policed and managed against environmental crime.

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## Session 10:

### Policing in rural communities

#### **Matt Allen**

**University of New England**

*The New Police and Rural Crime: Illicit Distillation in Early  
New South Wales*

Illicit distillation is a distinctively rural crime, with long traditions in the British world. As the eighteenth century 'fiscal-military' state became increasingly reliant on excise revenues to fund its overseas wars, rural traditions of distilling excess crops were increasingly criminalised.

This led to the emergence of both drinking cultures centred on illicit spirits and aggressive enforcement of excise laws, especially in rural Ireland. This drinking culture and the challenges of policing it were both transported to the penal colony of New South Wales at a time when new criminological ideas, and specifically, new approaches to policing and the maintenance of urban public order were transforming policing practice. Using a case study of the efforts to police illicit distillation in the colony, this paper will explore how such new ideas about policing clashed with the realities of rural crime.

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#### **Nicole Asquith**

**Western Sydney University**

*Propinquity and small town policing*

While Tönnies concept of *gemeinschaft* – close-knit, intimate and mechanical—captures much of the flavour of the "rural idyll" of Australian rural, regional, and remote (RRR) communities, recent increases in crime reported to the police highlight the "rural horror" that may demand a response more associated with urban *gesellschaft* communities (Harkness, Harris & Baker 2016). In this paper, I argue that a critical point of difference between RRR *gemeinschaft* and urban *gesellschaft* communities is propinquity: nearness in terms of place (proximity), time (shared events), relation (kinship), and affinity of nature (similarity).

As a result of propinquity, the relationship between the public and the police becomes increasingly intimate and affinity from shared values develops; this can be both beneficial and adverse in effect. On one hand, an intimate community relationship can promote greater information sharing and communal participation in crime prevention. On the other hand, affinity could bias officers' perceptions of their community, and limit the ability for officers to effectively police matters 'close to home'. The higher degree of propinquity also means that the community knows where the officer lives (possibly alone), what they do when they are off-duty, and what their attitudes and opinions are towards particular community affairs. In this paper, I consider how propinquity changes the nature of RRR policing, and police officers professional, social and intimate relationships. I posit that urban policing has much to learn from RRR policing, especially in terms of community policing strategies adopted by city police to make up for their absent propinquity.



# Crime Prevention Workshop

## UNE SMART Farms / 30 November, 2018

Delegates are invited to join with local farmers to attend a workshop on crime prevention on farms conducted by NSW Police

- **Date: Friday 30 November 2018**
- **Time: 14:00 – 16:00**
- **Location:**  
**SMART Farm Innovation Centre,  
Kirby Located on Weirs Road**
- The UNE SMART Farms Innovation Centre is 10km north of the campus. See map inside front cover.
- For those delegates without a vehicle, a bus will be leaving the conference at 13:50 and returning at 16:00.

### The program also includes:

- Presentations on the latest innovation in smart ear tags for livestock with GPS motion monitoring  
**David Smith, Ceres Tags**
- An overview of DNA Testing for stock identification for court evidence  
**Katie Eager**
- An overview of the latest research at UNE SMART FARMS  
**Rachelle Hergenhan**

- Visit [une.edu.au/smartfarms](http://une.edu.au/smartfarms)

**une**  
University of  
New England

**SMART  
Farms**

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## If you would like to know more ...

### **The International Journal of Rural Law and Policy**

The International Journal of Rural Law and Policy is a peer reviewed journal covering the many interdisciplinary and complex issues which make up rural and regional law and policy. Papers presented at this conference will form a special issue on Rural Crime in 2019.

See <https://epress.lib.uts.edu.au/journals/index.php/ijrlp>

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### **International Journal of Rural Criminology**

The International Journal of Rural Criminology ISSN: 1835-6672 (online) is a peer reviewed open access journal published bi-annually. It is another product of the 2006 conference at UNE but is now managed by the Ohio State University Knowledge Bank and edited by Professor Joseph Donnermeyer. The journal provides a forum for the publication of both empirical and theoretical work on rural crime in societies around the world.

See <https://kb.osu.edu/handle/1811/51122>

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### **The Rural Crime Listserve**

The Rural Crime Listserve serves as one type of worldwide outreach for rural criminologists and others interested in rural crime and the law everywhere. This listserv can bridge the isolation of rural scholars and practitioners scattered around the world. This listserv emerged from the 2006 Rural Crime Conference held at UNE in December 2006. It is currently managed by Professor Joseph Donnermeyer Ohio State University.

If you would like to join this listserv and link with others that share your interest and receive news of relevant news, events, conferences and latest research, please email Professor Joseph Donnermeyer at [donnermeyer.1@gmail.com](mailto:donnermeyer.1@gmail.com)

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### **The American Society of Criminology Division of Rural Criminology**

To bring more attention to issues of rural crime and criminal justice, the new Division of Rural Criminology was launched at the 2018 annual meeting of the American Society of Criminology in November in Atlanta, Georgia. However, the vision for this Division goes much further. It aims to have an international focus and serve as a network of scholars diligently striving to bring rural research to the forefront.

For further information please email Professor Joseph Donnermeyer at [donnermeyer.1@gmail.com](mailto:donnermeyer.1@gmail.com)

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“This conference will examine the efficacy of current laws, policy and practice relating to rural crime, and the criminal justice response. The objective is to identify what works and what does not, where the gaps exist between the law and community expectations, and what needs to change to improve practice by all stakeholders in rural Australia.”

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**For further information:**

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[facebook.com/UNELawschool](https://facebook.com/UNELawschool)  
[ebarclay@une.edu.au](mailto:ebarclay@une.edu.au)



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