

# THE COMMUNITY SERVICE ORDER

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I have not prepared a formal paper, but will talk for about twenty minutes after which you can ask questions on the aspects of the work which interest you. I will talk about certain aspects of the work and the reasons why, and if you wish you can ask me some questions.

I have made a list of the aspects and these aspects are:

- when the community service order system started in New South Wales,
- the concept of the scheme,
- why the Tramway Museum was chosen as an agency,
- the approximate number of offenders referred to the the Tramway Museum and, perhaps, the percentage of success,
- reference to the skilled workers we have placed and to steering the offenders towards rehabilitation and community work, and hopefully to your organisation.

Don't shriek in horror as the offenders we refer to you are only minor offenders. I was only saying during the morning tea break that with the advent of the fine defaulters now, we are getting people not on leash. These are fine defaulters under the Community Service scheme and are only minor offenders.

The scheme commenced operating in New South Wales in 1979. The government of the day was anxious to reduce the prison population; that was the major reason for it. The original scheme was a pilot scheme and I was fortunate enough to be involved in that pilot scheme, not as an offender of course, and I was the Officer in Charge at Newtown at that time. We had the scheme operating at the Newtown and Sydney office at the time, this was the only one in the Sydney area. We also had Goulburn and Gosford, so the government was obviously very wary about how the scheme would work and they ran the pilot scheme for about a year before the scheme was extended through the whole of the state.

The magistrates and judges charging offenders with community service orders had to check to see whether they lived in those areas. There was a little bit of cheating by the judiciary at the time as they were so keen on the idea that they had offenders change their address to live in those areas. It certainly did not take long to kick off and it proved very popular with the judiciary.

The concept of the scheme is an alternative to imprisonment. The original idea was that the judiciary had to decide whether they really intended to sent the person to imprisonment, and if they were intent on sending a person to imprisonment then that person would not be considered for community service orders. There is a wider notion among the judiciary now, not all, but certainly the majority of the judiciary, that alternative to imprisonment is something that you could be imprisoned for. That is, any offence for which you could be imprisoned is an alternative to imprisonment. So it has taken on a much wider view and as a consequence the the offences have got a lot less offensive. That is, they are not so serious.

We do refer people with quite serious offences and I made mention of some with quite minor offences, but there are some who are out on some quite serious crimes, not necessarily in connection with that particular order but they may have a history of quite serious crimes. There is nothing you have to worry about as it is a very tightly run scheme. The person you would usually see, certainly in the Sutherland area there is a lady named Joy Toll, is what we call a Central Supervisor, whose responsibility is to check and see that the people

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are working. Behind the scheme there is a community service officer, that is a probation officer, who is really organising it and seeing that it is maintained properly. I insist that offenders be properly assessed and not just by the ordinary probation officer. Sexual offenders, drug offenders, violent offenders and alcohol-related offenders can not be referred to you unless they are assessed completely by the Community Service Officer. When we do refer these people to you we say to you that they have this type of history. We cannot tell you, of course, their exact history as under the policy we can not do that.

We would like to refer a particular person to you and we would say that they have a pretty bad history of, say, sexual offences, so we would tell you to be careful where you placed that person. We use the skill of the community service organiser before we refer anyone to you, and you would not get very many of those offenders. But in your circumstances, it might be a person who is known to be an exhibitionist. We would say to you he has a history of exhibitionism as we would not want that person placed in a position where he would be flashing in front of the trams and that sort of thing. [Laughter.] We might have a thief who is prone to take people's purses so I think we would need to be careful there.

But generally speaking, these people work very well, and if I may digress a bit, I mentioned earlier I have been adviser to the Parramatta citizens group. They are a group of prisoners who are in gaol, prisoners who would say they were in gaol and that sort of thing, and they would be able to come out and talk to people like yourselves. These prisoners come out of the security system with only a very small escort and some people were a bit nervous about there being only a couple of escorts. The meat of all this was if they escaped they would go back to prison and have to face the other inmates. They would be called the people who killed the golden goose so you don't break rules in prison. What happens here is the prisoners know that the authorities are letting some people out without a tight leash and there is the possibility of others being allowed out.

Any time you are not sure of anybody, if somebody is referred to you and you are not sure and want that person moved, then it is no problem at all to move that person to another organisation. We find your organisation is very good because it provides good solid manual work. There are positions there for skilled workers when we can provide them for you, not that we are able to provide too many for you, but it is a good alternative to imprisonment. Most of them appreciate that; they are getting the alternative rather than going to prison.

**Howard Clark (SPER):** We had one, if I may expand on what you just said, when we had a C.E.P. grant for construction of our track, we had one fellow in particular who decided to take his holidays from his employer. Instead of just coming on Saturdays, he worked out about four weeks by working with us every day on the track gang.

**Clive Parker:** That is so. They do that. That's the sort of thing where the organiser involved with the person may have arranged a break in their community service order. They may have had to complete a certain amount of work in their apprenticeship so we give him a break to finish that apprenticeship off. To get their hours up, the organiser will ask him whether he can be placed there for his holidays and it works out quite well. Most of them are quite comfortable there.

I think that the success rate now is quite high, whereas in the earlier part of the programme we had a lower success rate due to being referred these unstable people with a pretty bad record. But now, of course, we have a proper appreciation of these things. We now get a lot of people from the community who have been charged with PCA. They drive up in their cars, of course, and if caught driving whilst serving sentence for PCA they could lose their licences.

Why was the Tramway Museum chosen? Quite frankly, I don't know as I wasn't the officer at Sutherland at the time and I can only guess that it was seen that it would be an ideal organisation. You provide a good group of people, a good group of organisers. There are always quite a few at the organisation. I believe that you are a well organised agency so therefore have someone there to make sure these people are working properly. At the same time we also want them to have some satisfaction in their work, so in choosing the community service work we look for work which will satisfy them too. I always write a letter to them when they finish up and congratulate them on doing their part in the community and also try to suggest to them that

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it would be a positive experience for them working as volunteers, the true volunteers who are working for nothing, seeing that they get enjoyment in the work they are doing and hopefully they can get satisfaction from life itself, not necessarily working for the Tramway Museum but doing something else. I am hoping that some would, after doing 'voluntary' work with you, will want to be part of your organisation.

How many people have passed through the Tramway Museum? When we went through the books the other day we found that 64 people had gone through successfully. That's more than 64, much more than 64, have gone through successfully but sometimes we have had to move people, not because they were going bad with you, but because some other project needed their skill, but certainly 64 people did their complete hours with you successfully. I don't know the failure rate, but I don't think there were very many. I think at one stage we had silly people, they had been referred to us from another office as a matter of fact, who did a bit of urinating on the station or something like that. We moved them straight away. But they are very rare; hopefully anyway.

How do we place people? There is a fair deal of thought goes into the placement of people we place. We have quite a number of agencies and we have people working for St. Vincent de Paul, people working in the convents, with the Salvation Army and all those sorts of organisations. We are trying to place those people with a particular skill which will benefit an organisation, with that organisation and they will get some sort of satisfaction and hopefully help you people.

We try to direct serial offenders towards some kind of constructive leisure pursuit. Once again, we are trying to refer people to you not only for your assistance but for their own assistance, in that they may find that working for you is a worthwhile leisure pursuit and may join your organisation.

I don't know whether there is anything else you would want me to say. I could easily talk for more than half an hour about the scheme and I feel that the scheme is the best scheme I can think of in correction. Obviously there are people you can't place in the scheme because they have to go to gaol, but I still think it is the best scheme I have been involved with since 1964, and there is no better scheme for rehabilitation. Sometimes you may say a person would have been better under normal probation supervision as he would have regular counselling, but 90% of the offenders come through better with an organisation like yours in community service work. It provides just the thing we need for rehabilitation, they maintain contact with the community, it does not cost the community much to do that, to put people in gaol costs an enormous amount of money and they actually learn better skills for when they come out of gaol, skills for the things they should **not** be doing. Hopefully, when they work with your organisation, they pick up skills which are constructive. At the same time, it is doing something for organisations like yourselves who are always short of money, and the government is not prepared to pay much money out to help you people. This is one way they are helping, in they are providing people for you that will assist you with your scheme and save you money.

The final point, which I will not go at length into much detail, is the fine defaulters. Fine defaulters are just people who have not paid their fines. Now, instead of going to gaol, because of the gaol overpopulation situation, the Courts are referring those people to us to put them to community service work. At this stage we are tending to use those people more in groups. Now I think there are people at Richmond who are using groups and we move them from one project to another. When one project is completed we move them on somewhere else. There is no reason why we couldn't use those people in a normal organisation, in fact there are about five where we have already done that and placed them individually with an organisation like yourselves. There have been a couple already and they may have been doing only twelve hours work as against up to three hundred hours in normal community service work. That is a lot of hours and the three hundred hours must be completed in one year.

Is there anything else I can help you with? Does anyone want to ask me some questions?

**Jack Nyman (NTM):** We have been using people from a Periodic Detention Centre who are weekend detainees. They are a different kettle of fish from those you have been talking about. I'm told we can't use community service people as well. Is that true?

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**Clive Parker:** I don't know why you couldn't do that. We don't like using the two of them together, but we can do so. It is up to the District Manager. I've helped surf clubs out and they have been using weekend detainees there. But they are under a different scheme and the district officers might like to keep them separated. I don't see any reason why you can't do that.

**Jack Nyman:** We use the weekend detainees for mowing grass, digging sleeper holes and so forth but I get the impression that they are not capable of the motivation to do finer work, which is what you have been talking about. I'm interested in getting people who are more concerned with restoration than simply doing the donkey work.

**Clive Parker:** Quite frankly, I can't see why they can't put them together. The only thing is that people like to make sure that the crims are not infused, that sometimes detainees are going to pollute the workers. But I know myself you can arrange with a big organisation, in one part the custodial officers can handle the weekend detainees and we can handle the community service workers. I can't see why they can't be together. You can trust people to go out to work in custody and you can trust people to do community service work, but it might be a bit different with detainees.

**Jack Nyman:** With the weekend detainees, there is also a warder who also goes with them and he can be pretty tough at times. The other fellows are not under direct supervision.

**Keith Stodden (TMSV):** Just a word or two, perhaps, about age profiles, about marital status profiles and the types of skills that there are among them.

**Clive Parker:** Once again, they are broad-based and all ages. Skills? I cannot say this for sure, but there do not seem to be too many skilled tradesmen and this may be because the PCA is being used a lot by the courts. PCA is the Prescribed Concentration of Alcohol offences, they were drunk, the old DUI (Driving under the Influence of Alcohol): There is a saying that PCA is a white collar crime. I don't know if that is the case, but we do get a lot of PCA people referred to the community service work.

**Keith Stodden:** Are they mainly single, marrieds...?

**Clive Parker:** No, just a normal cross-section of the community.

**Mark Skinner (AETM):** The South Australian Government runs a similar sort of scheme. The main difference is, we get a supervisor if we take more than eight people. We do find that one particular problem is people tend to get through more work than we have money to provide materials. That's number one. The second thing is that you talk about the rehabilitation aspect of it, yet the type of work we get them to do is donkey work. Not so much that is what we like to see them do, but you can soak up a lot of labour mowing lawns and laying sleepers. It doesn't cost you very much but it is still necessary to do. Do you see any place for an agency such as yourselves putting money into an educational rehabilitation mode, if you like. For instance, purchasing gallons of paint, provided these guys used it instead of ourselves. Is that sort of money available now, or will it in the foreseeable future?

The other question is, in terms of our own plan, there are technological advances available such as those braces they put on to keep people at home, which would presumably be cheaper than have them go out at the weekend and having to be supervised. Does this mean that the C.S.O. schemes will last for, perhaps, another four or five years until these other cheaper schemes come in?

**Clive Parker:** Well, the first one, I think that will be a development. I think with the advent of fine defaulters, there will be a scheme whereby we will be providing money for lawn mowers. At this stage we don't do that. Nor for the weekend detainees do we do that at this stage. They will start to realise, they are very similar anyway, weekend detainees have two stages, in one stage they stay in prison and the other stage they meet at a certain place. I don't see why we have to separate these people.

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The other question was about the braces. If you are looking at the micro-economics of it, I wonder if that is a saving. If you study the people in the community doing work for the community, then I think there is a greater saving. It must be cheaper than the braces. We have been having problems with that and I don't see the braces taking over from the community services work. The present government is very much committed to community correction. This might surprise some people, but the commitment to community service is very strong.

**Andrew Hall (TMSV):** Do you know whether this scheme operates in Victoria?

**Clive Parker:** Oh, yes it does, yes. The scheme, as far as I know, is taken from the Tasmanian scheme which was called 'Weekend Work'. They only worked on Saturday and they found it so successful they brought it in everywhere. The only thing is it is not transferable. If a person is on probation we can transfer his record to another State. We cannot transfer his community service work. I don't know why. It is just a problem. We can solve most other problems. Maybe the Act needs to be amended.

**Howard Clark (SPER):** You have mentioned the economics of it, in relation to the braces, but there is another aspect to it, emphasising the benefit to the community. If people are forced to stay at home, they are doing nothing towards their own rehabilitation in the community in the wider sense. They are stuck there and are more likely, perhaps, to be insular and not be more aware of the outside world. I would have thought your office would be discouraging that form and emphasising the community service.

**Clive Parker:** Oh, I think they would be. The economics and macro-economics will be considered as well as their rehabilitation and leisure pursuits. You don't realise how much it costs to put a person into prison. In a gaol situation the costs to the community are greatly magnified. The economics of it can be multiplied about five times.

**John Radcliffe (AETM):** Do you find different attitudes among different groups of people. For example, are the C.S.Os more motivated, say, than the fine defaulters. The fine defaulters are pissed off with society, so instead of having paid their fine say 'bugger it' and don't really want to do anything either. There is also the weekend detention people. Do you get different levels of motivation and attitude in those different categories of crime?

**Clive Parker:** It's probably a bit early to say at this stage. I think that could be a factor. When fine defaulters first came to us they did have that attitude but then when they go off and do the work they have a different attitude. We had people working for the Sydney Tram Museum and they were quite pleased. Then we moved them on to one of the schools breaking rocks and they really enjoyed themselves. [Laughter.] They had a lot of rocks to move and they enjoyed it. They were working as a team and we've moved them on to somewhere else now. That's the attitude we thought we would encourage and encounter, certainly when they first came into the office. So far the fine defaulters are very difficult for me to give you a definitive statement on because it hasn't been going long enough for us to really say. It has been going since just before Christmas but there were so many arrears in work that some of the courts just didn't process it. I know in my area, the Sutherland area, the Sutherland Court did, and we seemed to have a disproportionate number of fine defaulters. We wondered why Sutherland should cop all this but it was only because the court officers there did process them and they were a bit slower at other places.

**Norm Chinn (SPER):** We did note the difference in the attitude between our normal C.S.O. workers and the fine defaulters, on the first batch that we got, but as the day wore on the attitude began to mellow. When they first turned up they really had a chip on their shoulder. It did wear off as the day went on and they realised that we weren't getting paid, which rather surprised them, and they did slowly change, but there was a distinct difference in their attitude to the work. In reference to a remark someone made earlier about tradesmen, we do have a reasonably good number of tradesmen turn up at our venture. At the moment I think we have five different tradesmen there working which is extremely helpful.

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**Clive Parker:** When we get tradesmen we refer them to people like yourselves. At the moment the Scouts are after some bricklayers, so we have been holding off some of the fine defaulters, deferring them until we get another bunch and then sending them down there. But when they're just sorting clothes, we wouldn't send tradesmen down there. When there's a pool, the mix is just normal, but you made the point that you can use a tradesman so we would send them to you.

**Bob Merchant (SPER):** One of the reasons it has been successful at Loftus is that they work with our members. We don't make any differentiation between our members and the C.S.O. workers, a point that they seem to appreciate. We turn up at weekends and see a few new faces and assume they are our workers, we don't ask questions, and if they do the job then we are quite happy. In fact we have had people there whom we would have been quite happy to have signed up as members. To give some idea of the success of the project, we had on chap who came back to see how one job had been completed, a job which he had been working on. He showed enough interest to come back and see how it had been going. Another chap came back after his service was finished to complete the job which he had been working on. I understand they're firsts, I don't think that has happened anywhere else. We have found this source of labour very, very useful, augmenting our rather thin workforce at times, and the fact that they are dealing with people who are keen on what they are doing and not being paid is something they have not struck before. Once they get used to the idea and find they are accepted by us, we have no problems at all. It is working very well.

**Clive Parker:** Just on that point, I did refer one person to you who was a very lonely person, and I asked the community service organiser could you have them work under your management and find some interesting work to help him with his leisure pursuits. You did that for us and he is going quite well now. It is better than sending him to a psychiatrist.

**Len Millar (TMSV):** Could we hear from some of the S.P.E.R. organisers or works managers on whether there has been any hassles of any sort, control, or what have you....

**Howard Clark:** I recall when we first had them they were regarded as a bit of an experiment and we didn't quite know exactly how to deal with them either, so there was a bit of tension or apprehension on both sides. 'Well, they're the weekend crims, so we'll put them over there together.' What tended to happen was that some of them liked to go round the back of the shed and smoke a few cigarettes instead of working with us and I think what we did initially was simply to keep them in a gang together. We then realised that it was better to assign them to different projects and get them more involved with our own members in different things, so one was helping with some carpentry in one area while another was helping with something else and doing other things. Since we've done that there has been a general spread among our general workforce and it has been much more successful since we have been doing that.

**Clive Parker:** That's the sort of thing we encourage.

**Bill Parkinson (SPER):** I had this experience with one person who was assigned to help me with our American tramcar. He said, "I can't be here all day, I have to go at 1 o'clock, so let's go." I couldn't keep up with him, he was so fascinated with the project because it was so different. I would suggest we have a break, but he kept saying, "No, no, let's keep going, I want to get this thing done", and he was late leaving.

**Clive Parker:** Some of these people are very skilled people and it's a pity they spend their skills on something else. When I was involved with the Parramatta citizens group one fellow said "In the last twenty-five years I have done twenty-two years in gaol. I could have been just walking around watering the roads and could have made a thousand dollars in that time." They realise that it is very difficult to come out and start a constructive life. Of course this facility has been there for many years but with this sort of organisation I would hope that the judiciary is taking the newer idea of alternative to imprisonment, not necessarily saying we are going to send them to gaol, but just that this sentence carries a gaol sentence for that offence, and that we should consider the alternative. Before, they would have been put through the system.

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**Don Campbell (SPER):** Can I ask whether New Zealand has any experience with this sort of business? Anybody from New Zealand care to comment?

**Les Stewart (WTM):** There is a periodic detention scheme which sounds more like the weekend work schemes that we have been hearing about. At Wellington we have never used the PD people, although we have often talked about it. At MOTAT, various sections have used the PD scheme, the railway section have used them....

**Ron Grant (THS):** Kettle Park (Dunedin Model Engineering Society) at Otago had this going. Generally, they come in a gang with a 'screw' of their own and it has worked reasonably well, but by and large it doesn't seem to have caught on to the extent that obviously you folk have used it. Perhaps our work doesn't lend itself to it and the general New Zealand attitude is they like a project of their own to do. There would be no question of, like SPER does here, of mixing folk in with your own gangs. Because we can't mix, because we haven't straight projects, it isn't so attractive.

**Trevor Burling (WTM):** I think one of the things we have got to do in New Zealand is to educate the museums on how to use these people, like you people are obviously doing, so I say all strength to what you're doing. We can take a leaf out of that book.

**Clive Parker:** It's surprising that New Zealand hasn't done it, they are usually at the forefront of corrective services....

**Trevor Burling:** We have tended to go towards what they call the P.E.P. schemes - that's the unemployed persons on government schemes, they were more comfortable and easier to work with - and gave naughty boys' clubs away in favour of that, but we haven't got the other one now so we are looking back at the P.E.P. schemes again.

**Les Stewart:** It probably reflects what Phil A'Vard was saying this morning about the cynicism of our management structures of our museums. We are a little scary about these sort of people and won't let them out of our sight.

**Clive Parker:** It wasn't very easy for us when we first started. That was the pilot scheme, and I can tell you it was very difficult to place people. Organisations like yourselves were very, very reluctant to take them and they could see them all being rapists, murderers and that sort.

It was very difficult. The organisers of today have got it very easy compared to when we started the scheme at Newtown; it was very hard going. Some of the judges were very imbued by it and insisted on putting them, and we insisted that they were not suitable. It was really hard going, but now it is so much easier. When we put a person on a community service order now we expect them to succeed, we don't expect to fail. Originally we didn't expect them to succeed. It is just a matter of educating the public, really. The more the public see them doing the work, such as on film, we have a film today which covers the whole probation, the easier it becomes. Part of that film covers community service work and the stars in it are people like Norm Chinn and these fellows, there is the Tramway Museum and the Red Cross. The fellows themselves didn't mind, but didn't want their faces shown too much on camera. They didn't mind being seen there and the more people realise that the fellows are normal people working in the community, the more they will use them.

In the United States of America there are states using community agencies much more for the correctional services. They are responsible for that. I personally think that's the way to go, because you must have people in the community to be happy with the people you are to rehabilitate, and the people have got to be part of that community. At the same time you have got to have control in a government centre.

**John Radcliffe:** Do you have any examples of security problems insofar as they have got a good eyeful of what's involved in something like a tramway museum and they realise there is a good range of tools which

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could be useful for other professions and they wander back after hours and help themselves. Do you ever get those sorts of problems?

**Clive Parker:** We did have one problem at one of our places, where a probation officer or someone like that misread what we are entitled to tell the agencies and one C.S.O. crossed with me over what we could tell the agency, that we had no right to tell the agency. We don't have to tell them exactly, but we have to tell them the type of offence. We nearly had a disaster in another area where they were not told the person was a sex offender and problems arose out of that. Similarly, we wouldn't sent down to you offenders involved with selling scrap metal as we wouldn't want to see all your tracks taken up over night.

**Mark Skinner:** I would just like to expand on what John just touched on. First, on the positive side of things, we have had a number of offenders in Adelaide who are actually from the local area and we tend to try and make it a fairly positive experience for them because they are there all the time and we are not. If they can be made to feel part of that community and if they do see people breaking in, they can ring the police when we're not there. They are, after all, normal members of the community.

The other thing was, as far as losing tools and equipment is concerned, one of our better workers, despite the tattoos and thongs that he wore, has offered to supply us with as many tools as we like [laughter], an offer we have not taken up. I hasten to add that 'high temperature' tools are not our speciality!

On that note, the Chairman thanked Clive Parker for his contribution to the Conference and closed the session.