

Keynote Address - State Neighbourhood Watch Rally 2000

“Putting the Neighbour back in the Neighbourhood”

Queensland University of Technology Carseldine Campus, 15 July 2000

The Honourable Paul de Jersey AC, Chief Justice of Queensland

Salutations

May I say how pleased I am to be here this morning. Working in the courts, I daily see displayed the enormous physical and emotional cost to society of crime. It is refreshing to focus instead on communities positively working together with public authorities to seek to reduce this unfortunate reality. And so I thank you for this opportunity.

Your presence today suggests I need do little to persuade you of the virtues of Neighbourhood Watch. But this is a time to reflect on this organisation’s great worth. Neighbourhood Watch groups throughout the state, inspired by the national mission statement, “to promote safety, security and quality of life”, have proved of tremendous worth. Of course the primary goal is preventing crime. Neighbourhood Watch involves an effective combination of education on security and personal safety, and encouragement of active communication and watchful awareness in the neighbourhood. Participation in crime prevention is possible for all, local police focussing mainly on Watch members using the security already available in their homes. The effectiveness of the concept was amusingly reinforced in the May Newsletter for Trundle Park Neighbourhood Watch, where cooler weather was credited with reducing crime –

opportunities for theft decreasing as Coorparoo residents kept doors and windows tightly closed and locked! An established Neighbourhood Watch organisation provides an important ongoing link with local police, as well as support in unusual times of crisis. Watch groups surrounding Chermside illustrated this during the recent police hunt for Nigel Parody.

Every bit as important as crime reduction is reducing *fear* of crime. You may remember a time – and I admit I do – when people often didn't bother locking their houses. Even if they did, back doors of old “Queenslanders” could be unlocked by most keys! By contrast today we are, necessarily, highly conscious of both home security and personal safety. At a time when many Australians believe crime is increasing¹, fear of falling victim has serious consequences for emotional well-being and quality of life. Mindful of horror stories seen and read in the media, many people, perhaps particularly women and the elderly, live in real and crippling fear of crime. By empowering communities actively to prevent crime, and providing a system assuring neighbours' concern and awareness, Neighbourhood Watch programs do much for such people's confidence and security.

Neighbourhood Watch has similarly been effective elsewhere. In the United States, a review of studies of nearly 40 community crime prevention programs undertaken in the 1980s found overwhelmingly that Neighbourhood Watch programs successfully reduced

¹ Makkai, T. “Crime in Australia”, in J.M. Najman and J.S. Western (eds), *A Sociology of Australian Society*, Third Edition, Melbourne: Macmillan Publishers, 2000, pp 239-258

burglary, although the review noted many studies used flawed research methods². Noting these and other studies' flaws, a University of Cambridge Institute of Criminology study of Neighbourhood Watch in London³ found that while crime was not significantly reduced in Neighbourhood Watch areas, fear of personal and household victimisation decreased as a result of Neighbourhood Watch, while a sense of social cohesion, satisfaction with one's area and favourable evaluations of police performance increased. This study also examined attitudes of key police and public personnel responsible for managing the schemes, reporting widespread strong support.

Extremely strong support was found when the Queensland Police evaluated this state's Neighbourhood Watch members' attitudes in the early 1990s. I am informed that even though many did not attend meetings, in excess of 90% of participants valued the program and did not want to see it conclude. Interestingly, despite low meeting attendance, members were found to be following security and safety procedures encouraged by Neighbourhood Watch – such was the influence of the Neighbourhood Watch newsletter! Police responded to this finding by developing a newsletter course further to improve this significant communication means.

I also mention a wonderful side-effect of Neighbourhood Watch activity – the encouragement of positive working relationships between neighbours. It is recognised that an increasing “pace of life”, advances in telecommunication and transportation,

² Titus, R., 'Residential burglary and the community response', in RVG Clarke and T Hope (eds), *Coping with Burglary*, Boston, Mass.:Kluwer-Nijhoff, 1984, pp 97-130.

rising housing standards, and increasing numbers of families with two working parents have reduced interaction between members of a local community⁴. Indeed we are also now seeing a shift from spending time in local reality to spending hours in internet cyber-reality. Neighbourhood Watch activities, from community barbecues to simply passing on engravers and newsletters, encourage interaction in the local community, and engage vast numbers to work together towards positive ends.

This rally is themed “Putting the Neighbour back into the Neighbourhood”. I assume I may read putting back the *good* neighbour - I suppose bad neighbours might be nearly as notorious as lawyers! Certainly, the worst of neighbours are no strangers to the courts – take for example the case of *Registrar of Titles v Fairless*⁵, where an elderly man was duped into transferring his land and dwellings to his neighbour, or the person found to have committed the tort of nuisance in *Raciti v Hughes*⁶, by conducting surveillance and video recording of activities in his neighbour’s yard. We have all heard horror stories. But we have all also heard of precisely the kind of community-minded *good* neighbours you encourage today.

You may be interested to know that the concept of a good neighbour plays an important role in the law, in the field of torts – the area by which people sue and are sued for civil wrongs. The “good neighbour principle” is derived from the judgment of Lord Atkin in

³ Bennett, T. *Evaluating Neighbourhood Watch*, Aldershot (Hants): Gower Publishing Co Ltd, 1990.

⁴ Willmott, P. *Social Networks, Informal Care and Public Policy*. London: Policy Studies Institute, 1986.

⁵ [1996] VConvR 66,432

⁶ (1995) 7 BPR 14,837

*Donoghue v Stevenson*⁷, a somewhat quirky case in which a woman attempted to sue the manufacturer of a bottle of ginger beer for injury she suffered upon drinking the bottle, which contained the decomposed remains of a snail! Here the House of Lords held that the manufacturer of such an article, sold to a distributor under circumstances preventing the distributor from discovering any defect, owes a duty to the ultimate consumer to take reasonable care that the article is free from defect likely to cause injury to health. In deciding whether or not a duty to take reasonable care existed, Lord Atkin famously stated:

“The rule that you are to love your neighbour becomes in law, you must not injure your neighbour; and the lawyer’s question, who is my neighbour? receives a restricted reply. You must take reasonable care to avoid acts or omissions which you can reasonably foresee would be likely to injure your neighbour. Who, then, in law is my neighbour? The answer seems to be – persons who are so closely and directly affected by my act that I ought reasonably to have them in contemplation as being so affected when I am directing my mind to the acts or omissions which are called in question.”

Today we are accustomed to similarly successful claims for negligence where someone is injured, but at the time, this decision was most important in affirming that liability could exist where a person had been injured, even in the absence of a contractual relationship. It is this principle that one must take reasonable care not to injure one’s neighbour, coupled with other legal requirements, of course, which has allowed injured “neighbours” to

⁷ [1932] AC 562

recover damages from negligent defendants ranging from architects of defective structures⁸, to the manufacturer of a chicken sandwich with added bone!⁹.

Filling neighbourhoods not merely with residents, but with community-minded neighbours, is one step towards the goal of creating better places in which to live. Organisations such as Neighbourhood Watch play a vital role to that end. After all, who can better tell how well a neighbourhood serves those in it than those neighbours themselves? And who can say what makes a perfect neighbourhood? A summary of 36 studies of the qualities people find necessary for a satisfactory neighbourhood highlights clearly how varied concepts of “good neighbourhoods” are. Many qualities were predictable –good maintenance, cleanliness and tidiness. Beyond that, results became more intriguing. While some valued quiet, relaxed areas, others spoke positively of neighbourhoods “right in the center of activity”, or places “full of surprises”. While some valued having neighbours with similar life-styles, others preferred engaging with a diverse range of people. Differing views on status and reputation of neighbours and neighbourhoods were evident, and varying desirable levels of neighbour interaction were described.¹⁰

⁸ *Voli v Inglewood Shire Council* (1963) 37 ALJR 25

⁹ *Tarling v Nobel* [1966] ALR 189

¹⁰ Brower, S. *Good Neighborhoods: A Study of In-Town and Suburban Residential Environments*. Westport: Praeger Publishers, 1996, pp 97-110.

Defining the “ideal neighbourhood” has intrigued philosophers and writers over time, with some thought-provoking, some more weird and wonderful, results¹¹. Some writers developed utopian schemes based on the community – Plato’s *Republic*¹² and Thomas More’s *Utopia*¹³ are just two examples. Life in such communities is simple, yet poverty is non-existent, and none lives in want. Typically, the means of production are community-owned, money does not exist, goods are exchanged and food rationed. All people work the same number of hours, but work days are short, and leisure time spent constructively in self-improvement, conversation or prayer. The problem of degrading and menial work is solved in utopia by assigning it to armies or slaves. Times have, of course, changed dramatically since these communities were proposed! Property is not privately owned but housing is provided rent-free. Homes are furnished adequately but simply. Such would be the simple, straight-forward utopian life-style. I wonder could many of us bear such an existence, coming from this world full of personal choice?

This individual choice has been the focus for other more recent utopian schemes. Examples are William Morris’ *News from Nowhere*¹⁴, Frank Lloyd Wright’s *Broadacre City*¹⁵, and Kevin Lynch’s *Place Utopia*¹⁶. *Morris* sets his utopia in his concept of a future England, where homes are located outside villages, in fields and forests. Villages contain facilities supporting domestic life, including common kitchens, dining rooms,

¹¹Reviewed in Brower, 1996, Chapter Four

¹² Plato. *The Republic* (translated with an introduction by HD Lee). Baltimore, MD: Penguin Books, 1955.

¹³ More, Thomas. *Utopia* (translated by Paul Turner). New York: Penguin Books, 1986 (original publication 1516).

¹⁴ Morris, W. *News from Nowhere*. In *Three Works by William Morris*. New York: International Publishers, 1969, pp 179-401 (original publication 1890).

¹⁵Wright, F.L. *The Disappearing City*. New York: Payson, 1932.

markets, hostels and a guest house. His buildings are of splendid architectural design. *Wright* also emphasises housing choice for his utopian community members, including city or country living, co-operative apartment buildings, farm units with shared equipment and mobile homes. Each house is in keeping with its inhabitant's life-style, and in harmony with its surrounding environment. Amenities and entertainment facilities are within 150 miles of each house, and small, forty-pupil garden schools and clinic-sized hospitals are dotted throughout. Factory workers live near their small, beautiful, smokeless factories. A truly utopian concept! *Lynch* paints a slightly different utopian picture. He emphasises respect for the natural environment, artful landscape design and visible public activity. He structures his utopia into regions, containing a mosaic of communities, workplaces, wasteland and farming areas. Regional trusts manage all land in the long-term, leasing portions for use. While citizens might traditionally rent residential space above ground, space below ground, underwater and in the air may also be rented for housing. Small communities within the region maintain their own productive facilities and services, according to their preferred style and pace of life. Basic requirements such as food, water, medicine, clothing, transport and education are provided either cheaply or free. As with most utopian schemes, material wealth is not of major concern.

Finally, some descriptions of utopia attempt to combine these extremes – being community-based but with recognition of individual needs and choices. In Le Corbusier's

¹⁶ Lynch, K. *A Theory of Good Urban Form*. Cambridge, MA: MIT Press, 1981.

*Radiant City*¹⁷, residents live in identical apartments, in buildings surrounded by a landscaped park. Major roads are elevated and screened by foliage, leading in one direction to the business centre, and in the other to an industrial area. The park is filled with covered walkways, swimming pools, sporting facilities and schools. Apartment buildings contain shared laundry, cleaning and dining facilities. Gardens, beaches and hydro-therapy centres occupy the roof space. Edward Bellamy's *Looking Backward*¹⁸ contains an even more creative utopia. The work of the community is done by an industrial army, in which all community members serve until retirement at age 45. Annual credit allowances are distributed and exchanged for goods and services. Bellamy's city is divided into wards, each containing, within ten minutes of every house, public facilities such as laundries, clothes repair shops, dining halls, social centres, and a giant store supplying all home needs. Of all these utopian concepts, the last two are perhaps closest to resembling anything seen in society today – developers of new housing estates surrounding homes with parkland and reserving local space for amenities and facilities. Yet while overall these concepts of utopia may seem far-fetched and fanciful, underlying them are themes highly relevant today – each writer has emphasised in his own way the importance of interaction within communities, and the importance to communities of their surrounding environments.

Changes to neighbourhoods will only constitute improvements where they capture the needs and the psyche of the people themselves. The most effective improvements are

¹⁷ Le Corbusier. *The Radiant City: Elements of a Doctrine of Urbanism to be Used as the Basis for Our Machine-Aged Civilisation*. New York: Orion, 1967.

made where neighbours - like those here today - see their neighbourhood as their personal responsibility, and work together to mould it as they see fit. The English Neighbourhood Watch group Albany 2 provides a graphic example of this. Through working with local authorities and the police they have secured the installation of better street lighting, speed bumps and security gates. I imagine this is a little beyond the aims and the resources of each of your Watch groups. But the principle is transferable – that the community, and each person in it, benefit where neighbours join to engage in positive change.

Your focus today on community mindedness echoes what seems to be a greater concern throughout our state, and indeed the nation, for the welfare of those with whom we live. Witness the tens of thousand of Queenslanders who joined at Kurilpa Point Park on June the fourth, tangibly to show their support for reconciliation. Crossing the William Jolly Bridge, it was inspiring to see so many people from all walks of life walking together - supporting togetherness. Again this spirit was displayed last week at National NAIDOC Week celebrations in Townsville, aptly themed “Building Pride in our Communities”. South East Queenslanders will continue to celebrate National Aboriginal and Islander Days of Celebration until later this month.

Australians have shown a great willingness to participate positively and actively in the *global* neighbourhood. The overwhelming success of the Australian-led INTERFET peace-keeping operation in East Timor is a great example of the willingness of Australia to act in the interests of peace and stability in its global community. Thousands of

¹⁸ Bellamy, E. *Looking Backward*. New York: Lancer Books, 1968 (original publication 1888).

Australians participated under the inspirational command of Major-General Peter Cosgrove in what was described by Australian Defence Force Chief, Admiral Chris Barrie, as “the most significant military undertaking” for Australia and in this region of the world since World War II. Communities necessarily become united in times of war. But this experience was different – the participation of so many Australians in *peaceful* operations to support the freedom of our global neighbours inspired the hearts of the nation, uplifting the Australian psyche. Indeed the participation of so many other countries in East Timor itself is an inspirational example of the global community working to promote peace and freedom.

Returning briefly to the law, community-mindedness is not, I suspect, a quality oft associated with lawyers, at least in terms of perception. Yet you may be surprised – the legal profession is keenly aware of the need to increase accessibility to justice according to law, and, alongside the courts, is actively pursuing this goal. Many lawyers do a lot of extremely valuable work providing legal services for no monetary reward, in a variety of established schemes and new ventures. In February this year I launched the Anglicare Legal Service, and in April the Court of Appeal Pro Bono Scheme was launched by President Justice McMurdo. The Judges of Appeal, recognising the disadvantage of appeal litigants forced by limited legal aid to represent themselves, consulted with the Queensland Bar Association and invited experienced barristers to be included in a Court of Appeal Pro Bono list. An overwhelming positive response from barristers willing to appear without financial reward highlighted the recognition within the profession of the worth of this, and other such schemes. Sadly this aspect of the profession receives little

recognition. Yet it is clearly to be encouraged. When the Court admits *new* barristers and solicitors, I urge them to acknowledge public service as the essence of their newly confirmed professionalism. I express the hope that they will have regard to the welfare of those without benefit in our society, the weak, marginalised and friendless. I believe that the bright eyes which then greet me reflect commitment in that altruistic direction. No doubt there is more good work to come!

It seems the simple underlying concept of Neighbourhood Watch – gathering communities together to improve their lot – extends far past crime prevention in our lives. I therefore commend and thank you for your work both in addressing local crime, and in actively encouraging this sense of community throughout our State. I wish you a constructive rally, and continuing success in your quest to put the neighbour back in the neighbourhood!