



COMMONWEALTH OF AUSTRALIA

Official Committee Hansard

**HOUSE OF  
REPRESENTATIVES**

STANDING COMMITTEE ON ABORIGINAL AND TORRES  
STRAIT ISLANDER AFFAIRS

**Reference: Involvement of Indigenous juveniles and young adults in the criminal  
justice system**

THURSDAY, 20 MAY 2010

ADELAIDE

BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES



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**HOUSE OF REPRESENTATIVES STANDING  
COMMITTEE ON ABORIGINAL AND TORRES STRAIT ISLANDER AFFAIRS**

**Thursday, 20 May 2010**

**Members:** Mr Debus (*Chair*), Mr Laming (*Deputy Chair*), Mr Abbott, Ms Campbell, Ms Rea, Mr Kelvin Thomson, Mr Trevor, Mr Turnour and Mrs Vale

**Members in attendance:** Mr Debus

**Terms of reference for the inquiry:**

To inquire into and report on:

High levels of involvement of Indigenous juveniles and young adults in the criminal justice system. With a particular focus on prevention and early intervention, the Committee will identify:

- How the development of social norms and behaviours for Indigenous juveniles and young adults can lead to positive social engagement;
- The impact that alcohol use and other substance abuse has on the level of Indigenous juvenile and young adult involvement in the criminal justice system and how health and justice authorities can work together to address this;
- Any initiatives which would improve the effectiveness of the education system in contributing to reducing the levels of involvement of Indigenous juveniles and young adults with the criminal justice system;
- The effectiveness of arrangements for transitioning from education to work and how the effectiveness of the 'learn or earn' concept can be maximised;
- Best practice examples of programs that support diversion of Indigenous people from juvenile detention centres and crime, and provide support for those returning from such centres;
- The scope for the clearer responsibilities within and between government jurisdictions to achieve better co-ordinated and targeted service provision for Indigenous juveniles and young adults in the justice system;
- The extent to which current preventative programs across government jurisdictions are aligned against common goals to improve the health and emotional well-being of Indigenous adolescents, any gaps or duplication in effort, and recommendations for their modification or enhancement.

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**Subcommittee met at 11.36 am**

**CHAIR (Mr Debus)**—A strange thing has happened, ladies and gentlemen. A colleague of mine, Danna Vale, was to come and be part of the committee during the interview, but she has been diverted in some way and is not coming. It does not matter much; all it means is that I have to conduct this meeting informally, instead of as a formal parliamentary committee hearing, and that is of no consequence to you. Later on when I go back to Canberra we will have a meeting with other MPs who are on the committee and we will pass a motion to make the transcript of this meeting a formal record.

The only real implication, apart from the fact that I am the only one asking questions—and I am not sure if that is a good thing or a bad thing—is that you should try to avoid saying anything too unkind about other people because you are not protected by parliamentary privilege as you would be otherwise. Just conduct yourself like it is normal, really.

I am very grateful that you have all come. Our committee has been holding hearings for a couple of months. We have been in Perth, the Kimberley and Darwin; we have had video-link discussions with people in the Centre; and we have been in Cape York and the big capital cities where, of course, there are actually more Aboriginal people than there are in the Kimberley or Arnhem Land. Our meetings have had a quite similar form: groups like you have come along, then groups of people from government have come to talk about government programs, and we are drawing our own conclusions.

If for We are not going to try to write a great big encyclopaedia about the imprisonment of Aboriginal people because so many people know so much about the problem. We want to end up making a series of recommendations which will really affect government policy. Perhaps later on we may write a big book, but right now we want to be as practical as possible.

[11.38 am]

**AXELBY, Ms Cheryl, Member, Youth Justice Aboriginal Advisory Committee**

**BUTLER, Mr Stan, Manager, Kumangka Aboriginal Youth Service**

**LETTON, Mrs Sharen, Acting Manager, Metropolitan Aboriginal Youth and Family Services, Youth Justice Aboriginal Advisory Committee**

**MINNIECON, Mr Tony, Aboriginal Mental Health Consultant, Youth Detention Centre, and Representative, Youth Justice Aboriginal Advisory Committee**

**TONGERIE, Mr Shane, Member, Youth Justice Aboriginal Advisory Committee**

**WANGANEEN, Mrs Lesley, Principal Aboriginal Adviser, Aboriginal Youth Justice, and Chair, Youth Justice Aboriginal Advisory Committee**

**WANGANEEN, Mr Michael, Manager, Operations and Client Services, Youth Justice Aboriginal Advisory Committee**

**WILSON, Mrs Lesley, Manager, Statewide Community Education, Youth Justice Aboriginal Advisory Committee**

**CHAIR**—How we often proceed is that someone gives an opening statement giving an indication, in this case, how your group works and what it is for. Then we can begin to have a discussion and see how it comes out. In a formal sense we were going to take an hour to do it.

The other thing I have to say by way of introduction is that I come from New South Wales, where we play rugby, and I am aware that there are names around this table which are closely associated with Australian Rules football, so you will have to be careful to forgive me if I show some kind of ignorance of that very peculiar game.

There is a famous Wanganeen—a play or a former player. His name is Gavin and he actually helps with some really important programs in South Australia, if I am not mistaken. Who did he play for?

**Mr Michael Wanganeen**—Essendon and then Port Adelaide.

**CHAIR**—Essendon and then Port. Shane, have you been a footballer?

**Mr Tongerie**—Yes, I have played AFL.

**CHAIR**—With?

**Mr Tongerie**—Adelaide Crows.



**CHAIR**—There you go; I know some names!

**Mrs Lesley Wanganeen**—I would firstly like to acknowledge the land that we meet on today, as the traditional lands for the Kaurna people. We respect their spiritual relationship with their country. We also acknowledge the Kaurna people as the custodians of the Greater Adelaide region and that their cultural and heritage beliefs are still as important to the living Kaurna people today. I would like to hand over to Sharon Letton.

**Mrs Letton**—I am a Ngarrindjeri woman. I will just give you a bit of a background on the committee. The Youth Justice Aboriginal Advisory Committee was initially established in 2005 and reviewed in 2009. As is culturally responsive, the committee's membership reflects the cultural diversity of its Youth Justice clientele and has an integrated service approach. The committee aims: to provide a quality cultural advisory mechanism that supports Families SA's capacity to deliver culturally competent services to ATSI children and young people involved in the justice system; to identify strategies to enhance ATSI community participation; to identify strategies to increase ATSI employment across the youth justice areas; to develop strategies to aim to reduce the incarceration rates of ATSI children and young people in youth justice; and to identify systemic barriers that contribute to gaps in service delivery to ATSI children and young people in youth justice.

The committee endeavours to stimulate greater discussion through its membership and across all stakeholders to create partnerships between both government and non-government sectors. Further, the committee aims to provide advice to the Youth Justice directorate that emphasises current and future trends and service gaps that contribute to the over-representation of ATSI youth in the justice system.

In the submission that we have presented the Youth Justice Committee aims to provide a brief overview of the historical intergenerational impacts and current service provision and, more importantly, to identify potential sustainable actions and solutions as they relate to the terms of reference of the House of Representatives Standing Committee on Aboriginal and Torres Strait Affairs. Because we were not 100 per cent sure of the format I was not sure; did you want us to jump to our recommendations?

**CHAIR**—I think that would be good. In other words, it would be very good if you could collectively talk about what you think are sustainable actions and solutions.

**Mrs Lesley Wanganeen**—Can we introduce the whole group? I guess it demonstrates the diversity of the group that sits here and what we are trying to deliver.

**CHAIR**—Surely.

**Mrs Letton**—I am the acting manager of Metropolitan Aboriginal Youth and Family Services.

**Mr Tongerie**—I work at the Cavan Training Centre, in juvenile justice. I work as a case management consultant of Indigenous services. My main focus is to work with the boys while they are in the training centre. My clan group is Ngarrindjeri and Arabana.

**Mr Michael Wanganeen**—My language group is Narungga.

**Mr Minniecon**—I am a Kabi Kabi man from the Sunshine Coast in Queensland. I like rugby too. I am with child and adolescent mental health, and I provide a service within Cavan detention centre and Magill Youth Training Centre.

**Mrs Lesley Wanganeen**—I am a Narungga woman.

**Ms Axleby**—I am also Narungga, and I am currently the manager of the Salisbury Metropolitan Aboriginal Youth and Family Services office.

**Mrs Lesley Wilson**—I am a Jingili person from the Northern Territory, and I work with the Department of Education and Children's Services.

**CHAIR**—Perhaps, Sharon, it would be good if you would introduce the ideas that you have of what kind of actions and solutions are indeed sustainable.

**Mrs Letton**—To close the gap on social, cultural and economic disadvantage across Aboriginal communities, including in education and health and the overrepresentation of ATSI juveniles in the justice system, the Youth Justice Aboriginal Advisory Committee recommends the following: mandatory cultural competency training across all sectors; ATSI-specific focus programs developed within training centres targeted to individual learning and cognitive capacity and linking to learning plans when transitioning back to community; development of one-on-one tutorial support and schooling for ATSI young people in training centres; increasing capacity for through-care programs to support young ATSI people transitioning from training centres back into the community; establishment of healing and rehabilitation centres; establishment of drug and alcohol and substance abuse places for ATSI youth as diversionary programs; regional youth justice committees; adequate funding and expansion of current culturally responsive intervention programs for young offenders and youth at risk; and use of section 40 to support ATSI young people's transitioning to education, employment and community from within the training centres.

The committee recommends holistic early intervention and diversion programs to address and support complex needs within families. We have an example, which is the MAYFS Taikurtinna Maltorendi program, a holistic family case management service; prioritising the employment of Aboriginal mentors for one-on-one support for young people, and also family mentors. We also recommend interagency cultural forums supported by government and non-government agencies; and ATSI family practitioners to maintain the family connection while the young people are in custody.

We recommend the further establishment of specialist schools and/or programs to address the numeracy and literacy deficiencies and complex needs of ATSI young people. We have another example which is a current program, though it is only in one school: the Tirkandi program at Warriappendi School. We recommend: supported accommodation inclusive of wraparound services to transition ATSI young people from secure care to community, because currently what is happening is that they are transitioning back into the environment they were initially in; review of SAPOL's diversionary powers relating to ATSI young people; review of SAPOL's community intervention practices; increased Aboriginal employment across the justice portfolio; improved intervention for younger ATSI children prior to entering the justice system; ATSI young people being prepared to transition from Cavan to independent living housing, not always

back to the home or unsafe environments; Commonwealth and state funding for ATSI initiatives to be monitored against service agreements; mandatory culturally appropriate psychological and health assessments that are specific to ATSI young people; early intervention programs being developed for eight- to 12-year-olds, because at the moment there is a real gap in service for that age group; and the Youth Justice Aboriginal Advisory Committee having input into policy, practice and funding in relation to the ATSI youth justice issues. That is really it from me. I think we are open for questions now.

**CHAIR**—I would be very interested if you could talk a bit more about what you think are the problems we are trying to overcome by these programs. To put it in a slightly provocative way, we have more attention probably than ever before being paid to the issue of incarceration of adolescents—we are concerned with young adults as well—and there are groups of people of extreme goodwill, like all of you, who are paying attention all the time and thinking about it. There is probably more activity in government departments than there has been before, in every state—South Australia has a program where they try to bring everything together—yet the rate of imprisonment is getting worse. This is a provocative way to put it but it is the very nub of the issue which we keep thinking about. I do not pretend to you that I know what the answer is but it would be really helpful to know what you think is the more particular nature of the problem.

**Ms Axleby**—I think the challenges out there in regard to addressing the Aboriginal representation are about the rationale of funding priorities, how funding is divvied out within government. Also there needs to be a stronger focus about how many more community agencies are provided with support and funding to develop new initiatives. One of the big issues I see—and I have been involved in law and justice for many years—is the barriers we face in regard to the political stance of the day in respect of addressing Aboriginal representation or law and order versus representation. Usually law and order in this context has priority on the government agenda, which further impacts on the high level of incarceration of Aboriginal and Torres Strait Islander peoples. I think that is critical. When we are talking about how we try to impact change and create opportunities for young people and diverting them from the justice system there are not a lot of early intervention or targeted intervention opportunities for Aboriginal and Torres Strait Islander families. Historically, a lot of families have been under the attention of relevant agencies for many years but have not had any support provided. For me that is a really big issue. So we are balancing the political agenda as well as representation, but how do we balance that to address the issue?

**CHAIR**—I noticed among the list of proposals you have that there is one concerning early intervention with families. That theme has come through other interviews we have had. It is true, is it not, that this kind of intervention can be quite expensive but not as expensive as dealing where someone going in and out of a correctional institution for 20 years. Can you tell us why you think that would be beneficial? I am not disagreeing with you. I think that, for a child, the impact of difficult circumstances in infant years is so powerful that it takes a long while to recover. That is the kind of a justification for putting more resources into looking after people and families at a time when children are very small. It would be very helpful if you could talk some more about your views on that kind of intervention.

**Mr Michael Wangeneen**—If we are talking about Commonwealth and state programs, I think we are looking at the coordination of those programs to benefit clients. Having said that, we say that there should be partnerships between the Commonwealth and the states and the programs

they fund. To look at where the outcomes will be in the growth of the child and the benefits to the child, it is to move forward not so much within the criminal system itself but to advance them and their communities in a manner which is going to be beneficial to all Aboriginal people. We would like to think, whether we are working with education, employment or any of the social factors around that, that there is coordination. Too often we tend to get caught up in our own little web of working with what we have been funded to do; whereas, if we work outside the square and pull in other agencies which have specific programs dealing with other components, health or otherwise, it all fits in a holistic approach—dealing with Aboriginal people from the youth to the adults, ensuring that programs are suitable for people to advance through the system without incarceration.

For argument's sake, some of the programs that came out of DECS were very useful and worth while. There are programs with Families SA which are very beneficial and the same with ALRM, the Aboriginal Legal Rights Movement. As a body of people collectively, if you use your resources effectively, you will find that those resources will adequately cover in some way or attempt to rectify the problems they are dealing with.

**Ms Axleby**—One thing which is really critical is how we address the intergenerational impact of issues which have impacted families for many generations. We expect them to have services—which are not funded. Some programs have a three- to four-year turnaround; some programs are for only 12 months. They have proven to be successful but they are not adapted or picked up. If Aboriginal people are using these programs, that is where the focus on succession should be, besides the aspect of what the long-term outcomes will be. One of the key issues I see is timeliness—how you are expected to work with these very marginalised and disadvantaged families for a short period when the reality is that it is going to take quite some years of intervention and supporting families to get them to a stage where it does not impact as much on children. That is one issue I would like to raise.

**CHAIR**—Everywhere we have been, it has been said to us in different ways. At one meeting we had, a young man answered a question of mine by saying, 'We tried that, but the pilot program ran out of money.' We thought we might make that a chapter heading in our report. There is an ongoing issue of that nature. The fact is, in any community you are still dealing with only a relatively small number of families. You are saying that there should be family support and counselling which is sustained over a long time with identified families, that that is the way we can give support to people, particularly kids who would otherwise suffer loss of self-esteem and so on. Is there anything you would like to say around the idea of the Aboriginal community having ownership of all this stuff because that has happened quite a lot?

**Mrs Lesley Wilson**—You may have heard of the so-called 'Gang of 49'. We had consultations about how the community could be involved in looking at solutions. One of the things that really stuck out for me was that the children involved in the justice system were themselves crying out for help. Parents needed help in trying to change their kids. They were feeling helpless. There are perceptions out there that parents do not care. They do care but they do not know what to do or who to go to for support. So that is the frustration parents face. We are talking about 10-year-old and eight-year-old kids not listening to their parents. I was talking to several single mums with no male figure in the house to support them and they had three or four other children. I may be wrong, but I have not seen any successful programs that support

parents working with their kids to bring about change or provide support for parents' social and emotional wellbeing.

**Mrs Letton**—There are programs, but they are small—that is the problem. They receive limited funds. The demand for the service certainly outweighs the resources that are available, but there are successful models of practice in this area of early intervention and support for families. One particular model has been funded for seven years—it is on a service agreement so it just keeps rolling over—and it has just received another three years funding. So the program has been funded for 10 years running, but they can only service 20 families a year because of the resources that are available. That is only in the western area of Adelaide.

**CHAIR**—What is that called?

**Mrs Letton**—That is the Taikurtinna Maltorendi program. I have given you that information and there is a flyer on it as well. There are models around. There is also the Kanggarendi program at Salisbury. Taikurtinna Maltorendi does the western area. Both of these are a Families SA initiative, but the problem is the limited funds provided. There is only a certain amount of money in the pool; it is the way it is divvied out, in the end. So that is certainly an issue. But there are a few programs that work very well. They have Aboriginal family practitioners there. It is about building that rapport and that trust, even though they are Families SA workers. They are still Aboriginal people that live and work within the Aboriginal community. It is about building that relationship and strengthening the family and working in partnership. There is no statutory work done in these programs. These workers do not want anything to do with it. It sits outside that supportive role and that capacity building that the program does. Cheryl, do you want to add anything?

**Ms Axleby**—I think the real issue is about how we build the capacity of those types of programs across the community. We need to also make sure we have government and non-government programs that our community can access. There are already substantial Aboriginal community organisations established within regions. One thing we need to deal with is how to build community capacity to support the organisations that now have limited funds. The demise of ATSIC has had a great impact on our communities, particularly within our community organisations. I think it is really clear that that is where we need to build services. We also need administrative support services for these agencies so they can be actively involved in looking after their funding and in developing submissions. The problem we have within these community organisations is the ability to do that, and I am sure you find this right across Australia. It is something that is really crucial. Aboriginal communities are already connecting with these community organisations. Other governments are building partnerships with some of these community organisations as well. But when we are talking about family intervention and support, we already have a good base. They are also doing some good work with education and Lesley might want to talk about some of those initiatives.

**Mrs Lesley Wilson**—We are working hard at trying to change the role of some of the people who work in the schools to make it more of a community focus. I know in other states they are building school and community partnerships between the schools and the parents to get the parents more involved in what is actually happening in the kids' education. In this state we are looking at forming regional community voices across the 12 regions we have. There are about five or six regions that have it. Others are still developing it. Parents can actually have a voice

and talk to the regional directors who look after each region about the things that we need to look at and consider. We are trying to build the capacity of the community in that way. We are only in the early stages.

**CHAIR**—Who is ‘we’?

**Mrs Lesley Wilson**—The Department of Education and Children’s Services.

**CHAIR**—So the department is trying to do it?

**Mrs Lesley Wilson**—Yes. The other strategy that is happening nationally is the Indigenous education plan, which is going to be looking at schools with significant numbers of Aboriginal students forming school and community partnership agreements. So I think that is a strategy that could be used to help develop the capacity of parents to be involved in education and look at working with the parents that we do not have engagement with—the ones who are really disengaged—to try and get them involved from the early years right through to the senior years.

**CHAIR**—There is a school in every community and it is a permanent thing, so it makes sense to suggest that sort of relationship might get built up. Most other government departments do not have anything like the presence of a school. Cheryl, I think you were suggesting that, if Aboriginal organisations themselves had more capacity, they could be the conduit and the coordinator for the other government departments. I do not want to put words in your mouth.

**Ms Axleby**—That is exactly what I am saying.

**CHAIR**—It is pretty interesting how often some of these themes are coming through. Is it fair to say then—again, I do not want to put words in your mouth—that, in all that change that happened a few years ago accompanying the abolition of ATSIC, Aboriginal organisations got left out?

**Ms Axleby**—They got forgotten. They have also been disempowered as a voice within communities about how services should be shaped and also how you do that within each of the communities. One thing that we are all very clear about is that one model does not fit every community. There might be different needs in different communities. I think localised community partnerships between government agencies and community organisations is a way that we could actually build community capacity.

**CHAIR**—Sharon, when she made her list, had two things beside each other. One was diversionary drug programs, which I took to mean the kind of programs that one or other government department might be setting up. At the same time, she mentioned healing and rehabilitation centres, which I took to mean some kind of Aboriginal controlled organisation. I am really interested in how you see those kinds of things working together, whether they are complimentary or opposed to one another in any way, and what you think are the best techniques for dealing with people who are drug addicted. Suddenly we have moved from what you might do for very little kids to what you might do for older people and youth who are off the rails in some way or other and we are trying to get them back again.

**Mr Tongerie**—I worked in a community, Ceduna, for two years. The problem with that community and other communities in regional areas is that there is a lack of dry-out areas for substance abuse. A lot of the elders travel down from Yalata and Amata and all of those areas and come back down to Ceduna. A lot of them are abusive with alcohol and that passes on to the next generation. You have got kids involved in that as well, seeing that it is okay for that abuse to happen.

It is not only the alcohol abuse; then it goes into violence. A lot of that was being brought forward into the courts. I worked for the courts there for many years. Part of talking to the magistrates about Aboriginal issues is that there needs to be, with that Aboriginal court, Aboriginal sentencing. But also the community was unable to assist with the dry-out areas because of lack of funding. Aboriginal health had only so much money that they could put towards sourcing health, nurses, for other issues. The main issue screaming out to be dealt with in those areas is alcohol and drug abuse. It just goes to prove that, when you do have those things happen, you have deaths on the street. That is what happened with kids coming down from Yalata to Ceduna. Part of our problem is trying to get those communities assistance with funding.

**Mr Minniecon**—Our biggest problem within detention centres is that most of our boys came in and are picked up straightaway for drug and alcohol abuse, they go to court and they are put in out there. There is no halfway house for them to go to. They go to court and then they go straight to detention. There is no place like what we talked about—a healing centre—so they can be educated about drugs and alcohol. The reason they take drugs and alcohol is that they learn it. They have no education behind it and what side effects it can cause and why they are doing it. A lot of the reason we have a high number of young people in detention centres is that there is no halfway place. It is in court and straight into Magill or Cavan. So it is very important for this to happen, a healing place, an educational place and a dry-out place.

**CHAIR**—This is a question that puzzles me a little bit. Have you got a preference for a kind of program that might be run by any agency or big non-government organisation using standard drug rehabilitation technique on the one hand or for a kind of healing centre based in Aboriginal culture on the other? I suppose the answer is that you want both, but can you talk about that? I am not quite sure what has happened in South Australia, but we have been here and there around Australia and we find that there is this or that really charismatic Aboriginal person who has a program to grab boys, mostly, and take them on culture camps or do any number of things that are quite specifically related to their Aboriginality—in fact, try to teach them about it. On the other hand, you have got programs of the sort that are not particularly culturally specific at all. I am really interested in what you think about what kind of a mix of programs of that sort there were and whether you know about any evaluations of them.

**Mr Minniecon**—There has been a program that was developed, yet to be funded. It was called the Journey program. That was to be used for this sort of thing we are talking about now—a halfway place where, instead of putting them in detention centres, they take them out to a farm, a place where the infrastructure is purposely built and they learn cultural education, skills and work. But this is not a place where you can just come out for a week or two weeks; it is a place where you come for, say, three months. They say it takes three months to form a new habit and six months for it to become part of your life. For these boys who have been, from birth, exposed to this environment, it is going to take longer than a week or a camp to fix any of their

problems. This program was working alongside the families and bringing them out there every now and then to visit. It will teach the boys, and their families, resilience to stand on their own. Resilience in our families is what we need, and this program was to deliver that.

**CHAIR**—What happened to it?

**Mr Minniecon**—It is still waiting to be funded. It has been written up.

**Mrs Lesley Wanganeen**—A scoping paper has been done on the proposal. However, we were unable to attract funding.

**Mr Minniecon**—There are a lot of agencies involved in that. It is not just one agency. It creates a web around it—keep it in the family.

**CHAIR**—You are hoping for South Australian government funding?

**Mrs Lesley Wanganeen**—We are hoping for both state and Commonwealth government funding.

**CHAIR**—I find that Aboriginal people all over Australia are now putting forward ideas that are quite like that. This sits within a pattern of suggestions that are made. How many young fellas will any individual program like that reach? I keep wondering why we do not fund not only that one but a big bunch of them.

**Mr Minniecon**—We did get money for phase 1 and phase 3 to happen, and that is happening within the organisation. But phase 2 is yet to be funded. That is the middle part. It is about taking them out there and building that support system around them. So we have got phase 1 and phase 3 funded but we are finding—

**CHAIR**—For the record, what is this one called?

**Mr Minniecon**—It is called the Journey Home program. We are finding that the money is not going back to empowering our people and we need to take the reins of these programs and organisations. We are finding that, when the funding goes in, it is not used specifically for that. So we have got people in high places who, when they get the funding for a particular program, spend it broadly to fix up other problems. So that issue is looked at 40 per cent and the program is not targeted. That is the issue we are having at the moment. But the program is going to happen.

**Ms Axleby**—It is also important to note that the Aboriginal Sobriety Group in South Australia have been running drug and alcohol related programs. They have a place just out of Murray Bridge which has been recognised for many years. Coming back to community capacity building, I think this is an important issue. We have already got some services that have a connection within the community but they are unable to attract funding support to take it to the next stage, which would be really beneficial to the community. In one sense it could save a bit of money, because it is already partly established, but it might take a bit more money to get it to a level where it can actually service the community adequately. That is one of the challenges.



Talking as a community person, it is quite frustrating for me that we have a lot of these resources partly established within the community but we cannot get to the next step.

**CHAIR**—What is the name of your organisation?

**Ms Axleby**—I work with Families SA.

**CHAIR**—You work with a South Australian government agency?

**Ms Axleby**—That is right.

**CHAIR**—That is your formal job?

**Ms Axleby**—That is my formal job but I am talking here as a community person. I have been around the area of law and justice for 20-odd years. I think it is quite important that, when we do have these initiatives, we support our local communities.

**Mr Minniecon**—That scoping paper which Cheryl was talking about sits with them, with the Aboriginal Sobriety Group.

**CHAIR**—In South Australia you have Nunga Courts, and there is a version of them in maybe every state now. Have you got anything you would like to say about the way they operate? They are generally favoured by the community, I assume, but there are a lot of questions about how much the court actually gets backed up by services to which they could direct young people who they have sentenced. I do not know if there is anything which you would like to tell us in that respect?

**Mr Tongerie**—I actually worked as an Aboriginal justice officer for two years in Ceduna and Adelaide. A lot of the legislation around that 9C, which is legislation for Aboriginal sentencing, is now being pushed in South Australia. A fair few sentencings have been held at the district court now. We find that a lot of the youth have not been pushed towards Aboriginal sentencing at this stage. I worked up at Cavan, issuing to the boys, and while in there thought that Aboriginal sentencing was the way to go.

As part of our sentencing, the services do get involved. There are elders up with the magistrate at this stage—they sit up there. We get the family involved as well as the community, and services are on board to assist that client to get over their problems. The magistrate also asks the elders for advice as part of that role. It is not always taken; sometimes it is just advice from them to push that person towards a service to help them out.

It has been running for 10 years and, in fact, one of the aunties who first started is in the gallery at the moment. With respect to her, she pushed a lot of this to start, and it has been a very good role model. The magistrates are now seeing that it works for certain clients. But it is one of those things which need to be pushed a lot more.

**Mr Michael Wanganeen**—In addition to the Nunga Courts is family conferencing, which is important in getting the families involved with the youth who are the offenders and having those matters dealt with accordingly. It has been very positive and fruitful in dealing with a lot of the

issues as they revolve around youth and communities in regional and country areas which do not have access to the Nunga Courts which operate within Adelaide.

**CHAIR**—Do you happen to know if there are perceived problems with language in the courts? In some places, most obviously in the Northern Territory and the Kimberly, there are apparently sometimes serious difficulties having some people understood, and of having some people understand what it is that they are in court for because of language barriers. Is that an issue in South Australia?

**Mr Michael Wanganeen**—It is an issue. We find that with ALRM and in particular with people who are coming from Pitjantjatjara to Yankunytjatjara. To a lesser extent, I suppose, there are the ones from Arrernte and people from the Northern Territory who may be apprehended either in Coober Pedy or further down south—Port Augusta et cetera, or even in Adelaide. They do not fully understand the position that they have actually put themselves in or understand the dialogue when the solicitor is questioning them in relation to the offence or the matter at hand, which to them is perfectly normal where they have come from. They do not fully understand down here because English is their second language.

Trying to get the interpreters involved in that is something that AARD is looking at now. AARD is the Aboriginal reconciliation body that is looking at the interpreter service and how best and how effectively we can utilise the interpreter service within South Australia and in particular, I suppose, with the magistrate courts, which are set up now through Port Augusta, Port Lincoln, Coober Pedy et cetera. So it is being addressed, but it is still an issue that is on the table that needs further involvement.

**CHAIR**—Thank you. We have been paying attention to that. I guess we are coming to the end of the session, and I thank you very much indeed for being so frank and informative with us. Is there anything you think you ought to tell us before we end?

**Mrs Lesley Wanganeen**—I would really like to go back to the building of capacity in communities. I still believe that is where the answer lies to so many of our issues. I think that the withdrawal of funding and resources is a major problem for our communities. I think they struggle around the historical grief and loss issues. I think we need to go back into those communities and work from a community development framework to skill people up. In particular, if I talk about our young people in the youth justice system, a major issue is the limited knowledge that our people have around this system, what happens to their children in the system and how to use strategies to try and curb that flow into the system.

However, I believe that they have the capacity to want to learn. I think that we need to resource that, and I believe that they need to take responsibility around supporting these young people with programs like the one that Tony has talked about. It is almost a transition program and it is needed because our children have become so incarcerated and so attuned to life in custody that they cannot function when they get out. What we equally have is that parents do not know how then to deal with these young people, so the cycle continues. So programs such as Tony has talked about—and he has a copy of one that he will leave with you—are programs that we need as a sort of centrepiece to prepare children to go back into their communities, because learning in an institutional environment is not conducive to what they need to know on the outside. We need to take all of those things into account in terms of being able to stop the

overrepresentation of these young people, which hopefully then will impact on those people going into the adult system.

**CHAIR**—Lesley, earlier in the piece we were just talking about the fact that, in spite of the astonishingly intense devotion that all of you provide and that the next group of people provide as well, the rate of incarceration is going up.

**Mrs Lesley Wanganeen**—Yes.

**CHAIR**—And I think you were saying to me that without the kind of empowerment that you are speaking of you do not think that too much will be done about it. Is that the case? Are you saying that there is always really good activity taking place but, because there is still a big hole in what is necessary, although all this other activity can ameliorate problems all over the place, it has not stopped the source of the problem?

**Mrs Lesley Wanganeen**—No, and it goes back to all of that intergenerational disadvantage. That really is the basis of how all of this other business pans out. I do believe that the answer lies in those communities. I think that with that community development framework we could in fact empower the right people to do this type of work.

**CHAIR**—I spent some time when I was not in the parliament working in an organisation that concerned itself with international development assistance and did poverty alleviation programs in Indonesia and Africa. All of those programs began with an assumption that you ought to find people with capacity in a community and help them work to bring everybody else into a more effective kind of relationship with the world. I think one of the reasons why there has been, in government, a reluctance to proceed as you are suggesting is that people in government get worried about financial accountability and whatever. I have seen some of the accountability requirements that some of the government departments put on you, and I would not have the faintest idea how to fill in the forms; that is the truth of it.

**Mrs Lesley Wanganeen**—Exactly.

**CHAIR**—It is stupid not to acknowledge that from time to time there has been a bit of fraud in one organisation and another. The real question in that respect is: what can we do to better ensure that there is just that sort of decent management, just to make sure that the everyday housekeeping is done in a straightforward and honest fashion? It seems like a silly question, but it is not; it is actually a bit crucial to how bureaucracies may respond.

**Mrs Lesley Wanganeen**—I think it goes back to what Cheryl was saying about using our already existing organisations as the hub, if you like, in moving all of that back into the community, so there is already a monitoring system in place. There are some really good organisations and, as you have rightly said, we might have a few that fall off the tracks but in essence most people are striving to make change in the Aboriginal community, and we also need to be guided in how we best to do this.

**CHAIR**—You could have someone keep the books, couldn't you—

**Mrs Lesley Wanganeen**—Yes. We could easily—

**CHAIR**—including an external person?

**Mrs Lesley Wanganeen**—Exactly. We do not want it to be too restrictive because that does not actually help to empower nor does it help to create those management skills you need, but certainly I do not think that that is a major issue. I think it could be one that could very easily be done. But I think it is a way that we need to look at how to improve the relationships. If we constantly say that only government can fix up our problems then we will be sitting here at this table saying the same thing. So we need as Aboriginal people to take that.

**CHAIR**—I am not sure what the rules say about me leading witnesses, but I am going to anyway! I can never understand why it is assumed that Aboriginal communities must be led by about 25,000 government departments but the people up the street do not suffer from the same assumption. Why would it be that Aboriginal communities respond differently to a bit of responsibility?

**Mrs Lesley Wanganeen**—That is a historical issue. You need to go right back and have a look at how first the country was founded and at the sorts of policies and practices. That will give you your answer, because those things still continue today. Whilst there are lots of good things happening, we are still restricted in being able to take our own measures to change our own lives. They are always done in the purpose of funding agreements or accountability. Whilst I appreciate that all that needs to be there, I still believe it is restrictive in terms of how we do it.

The other important point I would like to make is that nothing is sustained. You cannot change generations of disadvantage in short-term programs. We need to be able to be sustained and identify some of the real priority issues. Sustain those in communities and within 10 years I personally, as an Aboriginal person, will guarantee some changes.

**CHAIR**—You are saying you do not want a pilot program.

**Mrs Lesley Wanganeen**—No, very loudly!

**CHAIR**—You are saying you do not want government funded programs filtered through other big non-Aboriginal NGOs, though government does that all the time—not only to Aboriginal groups; the big human services departments do it all the time to everybody. And you are saying that you want to have capacity building, you want to be helped to make sure that nobody tickles the Peter. You are not against evaluation; you would like evaluation so long as it is continuous and so long as you do not fear you are going to lose your funding. If somebody blows in and says they do not like the way you did something, you want a dialogue with the agencies, but you accept that they have a right to that kind of evaluation if they are giving you money.

**Mrs Lesley Wanganeen**—There is something in the paper here that qualifies where we sit in society. It is on page 2, last paragraph. It says:

Equally the debate that dominates the issue is largely dogmatic and remains adverse to the cultural expertise, particularly where this advice does not qualify pre-existing prejudices.

I think that sums up where we sit because our advice, as Aboriginal people, is going to conflict with a whole range of things because it needs to. It needs to do that in terms us standing strong.

But it needs to be seen as cultural expert advice and taken as that. It is not challenging; it is just saying, 'These are the issues that you confront and these are the ways forward.'

**CHAIR**—That is not a bad place to end, is it? Thank you all very much.

[12.39 pm]

**CROSSING, Ms Kathy, Manager, Child and Adolescent Mental Health Services, Department of Health, South Australia**

**LAMONT, Ms Julia, Manager, Cavan Training Centre, Department for Families and Communities, South Australia**

**LAWRIE-SMITH, Ms April, Executive Director, Aboriginal Health Division, Department of Health, South Australia**

**O'CONNELL, Dr Kylie, Director, Justice Youth Reform, Department of the Attorney-General, South Australia**

**SEVERIN, Mr Peter, Chief Executive Officer, Department for Correctional Services, South Australia**

**SMITH, Mr Neil, Assistant Commissioner, Performance Management and Reporting, South Australia Police**

**WANGANEEN, Mr Gavin, Ambassador for Youth Opportunity, Department of the Attorney-General, South Australia**

**WATERS, Ms Sonia, Director, Community Relations, Social Inclusion Division, Department of the Premier and Cabinet, South Australia**

**WELCH, Mr Rodney, Community Development Officer, Department of the Attorney-General, South Australia**

**WILSON, Ms Vicki, Principal Policy Officer, Aboriginal Education and Employment Strategies, Department for Education and Children's Services, South Australia**

**CHAIR**—Welcome, and thank you all for coming. We have had the privilege of having groups such as yours in most jurisdictions we have been to. They have conducted roundtables and they have been extremely valuable, as I am sure this one will be. I have to apologise to you: a colleague of mine has been delayed and a strange consequence is that without there being two of us here we do not have an appropriately constituted subcommittee of the House of Representatives Standing Committee on Aboriginal and Torres Strait Islander Affairs. We will conduct this meeting informally, but will make a transcript in the usual fashion and turn it, by way of a formal resolution back in Canberra, back into a formal part of our hearings. In other words, it does not matter much, but you are not at this instant protected by parliamentary privilege. You will be when we pass a motion in Canberra. As I understand it, Dr O'Connell will give a presentation on behalf of the South Australia government and then we will fall to discussing it.

**Dr O'Connell**—Thank you very much for giving us the opportunity to present to you today. You will have received the Attorney-General's submission back in February this year, which details a range of strategic approaches and frameworks with regard to the over representation of the Aboriginal young people in South Australia in our criminal justice system. Also contained in that report is a detailed listing of various programs that are provided by the agencies represented here today. Rather than making a detailed address to you, we will make ourselves available for you to ask us questions relevant to the submission in the first instance. So if you have any questions with regard to any of the information provided by the Attorney-General, we are happy to address that.

**CHAIR**—Sure, but it would not be a bad thing if you could give us an account of your overall philosophy.

**Dr O'Connell**—Youth justice has been a priority focus for us in South Australia for the past few years. The Premier, back in 2007, requested that the Commissioner for Social Inclusion, Monsignor David Cappo, undertake a review and analysis of youth justice in South Australia, with a particular emphasis on serious and repeat offending. At the time we had a great deal of media coverage about what was referred to as the 'Gang of 49'. This was a media construct and we had a number of offences being conducted in South Australia by young people, not just youths but young people primarily under the age of 25. The Premier wanted to undertake a review, and he requested that Monsignor Cappo lead that review. In August 2007, that review, the *To break the cycle* report, was tabled and government accepted the 46 recommendations that Monsignor Cappo had identified in his report. Those recommendations ranged from broad systemic changes to be undertaken, as well as some legislative changes and also some changes in priority areas with regard to different programs or different approaches to be adopted.

The main focus of the report, and indeed the policy position taken by the government, was to hang onto South Australia's tradition of, where possible, diverting young people away from the criminal justice system. South Australia has historically been at the forefront of changes to the criminal justice system regarding early intervention and diversionary options. Family conferencing began in this country in South Australia and has been particularly useful in the reform of the juvenile justice system here. The focus is enhancing the number and range of diversionary options made available.

The report also acknowledged that we have a persistent overrepresentation of Aboriginal youths in the juvenile justice system and, following through, in the adult criminal justice system. It suggested increasing the focus on serious and repeat offending, acknowledging that we do have small but significant statistics on serious and repeat offending here in this state and that community protection was an area that needed enhancing and improving. To that end, the objects of the Young Offenders Act were subsequently amended.

The government also agreed with the Commissioner for Social Inclusion in wanting to look at the area of early intervention and diversion in slightly different ways. I draw your attention to a program which looked at working with Aboriginal communities in different ways to address intergenerational issues with regard to criminal justice. It looked at the level of desensitisation to criminal activity and at re-engaging with the principles of community development in order to strengthen community and bring about community driven responses.

In particular, I refer to recommendation 3 of the *To break the cycle* report, which asked us to look at the David Kennedy approach. David Kennedy is an academic from America. The Attorney General's department has for the last two years been looking at that material and working with SAPOL, corrections and other agencies and with the Aboriginal community in South Australia on thinking differently about our approaches in a fundamental way. There are 46 recommendations in *To break the cycle* report, and we will be tabling that today for your information.

For the last eight years here in this state, because of our commitment to social inclusion, there has been a commitment to working across government and with community to try to minimise bureaucracy and avoid some of the ongoing challenges in the delivery of services, programs and funding to the community in order to address the overrepresentation of the Aboriginal community in the criminal justice system.

I should also point out that offending rates and victimisation rates are high in the Aboriginal community here and that we are conscious of both of those issues. Often they are not two distinct cohorts; the Aboriginal community suffer from disproportionate levels of victimisation compared to non-Indigenous people here in this state.

**CHAIR**—It cannot be doubted that South Australia began early, in comparative terms, in trying to come to grips with these issues at the government level and that some really, apparently, important initiatives have been established. Nevertheless, the rate of imprisonment is extremely high—the existence of this dilemma is the reason for our committee inquiry. If it were an easy problem to solve, we would have done it long ago, because there are massive levels of goodwill in organisations like your own. That is not to be doubted. Indeed, you already explicitly show an awareness of a whole range of issues raised by Aboriginal communities. Why is it that there is not more success? What perspective do you have on the fact that the raw statistics do not show much success at the moment? This is not a hostile question; this is a question that we all have to wrestle and confront.

**Dr O'Connell**—I can provide you an answer but I will first offer to my colleagues this opportunity to respond.

**Mr Neil Smith**—I am quite happy to say a couple of things. From our perspective, we believe that it is very much the social issues which are driving the crime. We interact with the community at a number of levels, as you would have clearly seen from the submission, and we will continue to do that. It is the social issues, especially around employment, education, health and similar areas, which seem to drive a culture, to some degree. For example, of all the people arrested for serious offences, nearly 20 per cent are Aboriginal. As the doctor pointed out, they are nearly three times more likely to be a victim of serious crime in this state.

From a policing perspective, we do not step away from our role in pursuing offending. Where we can, we offer some level of diversion in minor drug offending and similar areas. For example, in the age group of 10 to 17 there are an average of around 640 per year in the police drug diversion program, which goes to health as opposed to criminal prosecution, so there is quite a high level. In addition, we run street diversion programs so that lower level offending does not necessarily have to enter the criminal justice system. We are in the throes of trialling an adult-cautioning model for some of those lower level type offending areas. But that will never



take place for the more serious offending. We believe it is those social issues which are driving it.

**Mr Severin**—I wish to comment in relation to the adult correctional system, which the department I am heading is responsible for in the state. I do not think I will say anything that you would not have heard many times before. By the time offenders enter the adult correctional system, a lot of opportunity has been lost. For us it is then important to identify what we can do to provide functional support. It was not that long ago that our predominant focus in relation to Aboriginal imprisonment for adults was to prevent deaths in custody. That has certainly occupied a lot of initiative in terms of both policy program response and the way we manage Aboriginal people under the condition of incarceration. The objective remains that we try to limit the negative effects that incarceration has, as much as that is possible. We are now more and more focused on what we can do to facilitate reintegration into the community.

There are a number of examples where I think we could learn from practice elsewhere. At a national level we coordinate a whole range of initiatives now between Australian and New Zealand jurisdictions to ensure that we not only adopt what is seen as good practice but also what works. That is within a framework of trying to become more culturally competent, understanding better what it is that affects Aboriginal people and also what contributes to their high rates of offending in the first place. The submissions that were provided by the government contained a range of those initiatives. I wanted to focus on a couple of aspects there.

Certainly, and again this is nothing new, there is a difference between urban Aboriginal people and regional and remote Aboriginal people. We have quite successfully implemented a program, which is Commonwealth funded, in the remote areas of the Northern Territory, Western Australia and South Australia which is the NPY lands. As a cross-border initiative we are running a family violence prevention program for offenders who are sentenced by a court. They are not people that come out of prison but people who have offended in a violent way against their families or within the communities. The evaluation of that program is very positive in both retention rates and successful completion rates. Obviously, there is a longer term evaluation that needs to occur in relation to reoffending; however, the early indications are that the reoffending rates have decreased by more than 40 per cent compared to people who have not participated in a similar intervention program. Again, it is not an initiative that is just born from one jurisdiction.

The answer that certainly we consider relevant in corrections is that this is a national problem of a magnitude that no singular agency is able to actually successfully manage. So the better we can integrate and the better we can complement what we are doing, the more likelihood of success it will have. Again I am talking right across all of our jurisdictions and to some extent learning a lot in the corrections environment from our New Zealand counterparts as well. However, the fundamental issue remains that the efforts both in a policy and programmatic response should be focused on prevention of crime. Looking at early childhood right through to when crime becomes obvious indicates that if we can provide protective measures, if we can integrate better with community, if we can make the Aboriginal communities more responsible in a constructive and positive sense—and I overheard a couple of comments made by the group that preceded us here in that regard—we have a higher likelihood of success than relying on the institution of the criminal justice system. Colleagues from other departments can no doubt support that. Thank you.

**CHAIR**—Mr Smith has said, I am sure correctly, that although there are many measures that police may take to ameliorate the consequences of offending behaviour and although there are many measures they may take to prevent some offending behaviour; nevertheless, there is a big heap of it happening. I am really interested in what you all think about—I know you have made submissions—what we should do back at the source.

**Dr O’Connell**—Could I make reference to a couple of programs and then I will pass this on to my colleagues to speak about. I will provide the background to the initiative that Gavin Wanganeen runs before I go on to speak about it. One of the issues we have here in South Australia was high representations of negative images of young Aboriginal people in society generally or a lack of positive representations and in particular with those to do with offending.

One of the initiatives we had was to try to identify positive role models and very overt media representations of positive images. To that end we have two programs, one of which is the Ambassador for Youth Opportunity, which I will ask Gavin to speak to in a moment, and the other of which is the Aboriginal Power Cup. The Aboriginal Power Cup in one sense is just like any other initiative. We are funding the Port Adelaide Football Club in conjunction with the South Australian Aboriginal Sports Training Academy and the SANFL to work with a number of children—really it is a school retention program—to keep them at school, because if they remain within the education system they are less likely to fall into the criminal justice system. As a strategy, though, the Aboriginal Power Cup is also for us to explore how we need to find different ways of delivering services to the community in order to enhance protective factors within that community. There is an acknowledgment, I think across government, that overt delivery of services from government to a community without community engagement is not the most productive thing to have happen. We are trying to explore different ways of delivering services and going back to basics in the sense of community development principles. The Aboriginal Power Cup is just one of them. Gavin Wanganeen is ambassador for another program, and I might ask him to speak to his role.

**Mr Gavin Wanganeen**—I have been in my role for almost two years now as Ambassador for Youth Opportunity. I go out and promote healthy lifestyle choices and messages to kids right across the state in primary schools, high schools and various youth programs, and I suppose footy has given me that profile and a great opportunity.

**CHAIR**—I was apologising at the beginning of the session, Gavin, that I come from New South Wales and only really understand rugby. But I acknowledge your very high profile in that other game.

**Mr Gavin Wanganeen**—I will forgive you this time! I have a very rewarding role. A big part of it is working in the Aboriginal community to promote healthy messages. Part of that involves working at Cavan Training Centre. I am out there most weeks doing a footy program and trying to mentor some of the lads there. I work with those boys not only when they are on the inside but also when they are on the outside. I am trying to be a positive role model and a mentor and just trying to teach these kids some basic lifestyle messages, hopefully.

**CHAIR**—How do they respond to you?

**Mr Gavin Wanganeen**—They take a liking to me very quickly, obviously through football. That is my point of difference, I suppose. I break the ice very early and develop a good relationship with these guys where they are able to open up to me. It gives me a great opportunity to try to pass on these messages and be a positive male influence in their lives, where they might have lacked this growing up.

**CHAIR**—It is too soon to know with great precision what effect it is having, but on the face of it it looks as if a lot of kids do respond.

**Mr Gavin Wanganeen**—You are never really going to know, but when I was a young lad I grew up in the northern suburbs. I went to Salisbury East High School. A fellow by the name of Bob Clayton, a pretty famous Port Adelaide footballer here, came out to our school and was doing some ‘Life. Be in it.’ exercise programs. I am 36 now and I have never forgotten that. So I suppose you should not underestimate what sporting identities can do. Hopefully some of these messages will stick in the minds of some of these young people, especially at the schools, where you are at the preventative stage.

**Dr O’Connell**—We do acknowledge that a limitation and a challenge for government in providing services is that the person who actually delivers the services is very significant. We have numerous reports and results of consultations from the Aboriginal community which consistently state that the more we place emphasis on community engagement and involvement, the better and more successful those programs will be. One of the challenges we have is that we have to look at the area of interim services, so where the government should be and are working to develop mentors in order to then take on and deliver programs. In the past we have sometimes gone straight to service delivery because of the obvious need, but we acknowledge that through these initiatives we actually have to have a multitiered approach and that one of the main mechanisms for community engagement, ongoing, is through a mentor capacity within communities. That is something that we do not necessarily have in all communities to the extent that we would wish.

**CHAIR**—Quite a few people have not said anything yet, and you must at the moment you feel like it. I know that many of you came in while our last group was still speaking. Towards the end of that particular roundtable discussion with people from Aboriginal organisations, a theme emerged which has emerged at virtually every hearing we have had. We have held hearings in a dozen places, and it has emerged almost everywhere. It was very clearly articulated at the end by Lesley Wanganeen when she was saying that Aboriginal community organisations have essentially been defunded in recent years. I cannot speak with precision about South Australia. It has, however, been a nationwide phenomena. It included the abolition of ATSIC, about which I make no particular observation one way or the other at the moment. Nevertheless, there is this absolutely persistent theme which says, ‘We, the Aboriginal organisations, know what the needs are at the grassroots; we know who the people are; and we think we should be given more power to deal with the problems.’ The most sophisticated of these groups acknowledge, as Lesley did, that there has got to be accountability, and they are very happy to be helped to be accountable at a financial level. I think what she is saying is an extension of what you just said—I am sure it is—in that it really matters who delivers it. It is why Gavin is successful, I take it. You could have a non-Aboriginal Adelaide Crow talking to people, but it would not be the same. Why do you think that is? Why can’t we bring about a circumstance in which these persistent requests and suggestions are not better reflected in government policy? I say this in the understanding

that South Australian government agencies may be able to do this better than most because they have a good tradition of administration and because it is a smaller administration than many other jurisdictions.

**Dr O'Connell**—I would like to say that there has been a change in the Commonwealth government policy position in recent years from the previous government. There was an emphasis on community-driven governance arrangements, funding organisations to present and work with the communities. There was a policy shift, from my understanding, at a national level and subsequent funding rearrangements because of that. That has had an impact on organisations and it has made it more challenging to line up both the broader strategic context, the enabling factors and the complementary funding arrangements because, in previous years, under the previous Liberal government, it has been much more difficult to determine how it wanted to work in with Aboriginal organisations and it was not necessarily as clear. That has meant that this state government works, obviously productively, with South Australian Aboriginal organisations here who receive a significant amount of Commonwealth government funds. In recent years we have seen the COAG arrangements assist us in everyone getting on the same page. That has enabled a far better ability to plan and implement programs across the board.

But I would like to acknowledge that the cut up approach to funding that agencies have received from the national government in previous years has not assisted us. Also, the change in governance arrangements for Aboriginal organisations—the demise of ATSIC and the change in policy there—has had both practical implications and a range of emotional implications which do not enhance our ability to work here with organisations in the most productive ways.

We would like to acknowledge a level of program fatigue that exists. Communities have had a number of different pilots or different approaches. Again, we hope the most recent COAG arrangements provide a broad enough strategic framework and are productive enough for us to actually step in without having to operate so closely at a programmatic level and therefore add to that fatigue.

**CHAIR**—You express these thoughts with extraordinary diplomacy. Everywhere we go Aboriginal groups and many agencies express some frustration about the patterns of short-term funding for programs and the perpetual pilots. In the group that preceded you this was again mentioned. I think it was Lesley Wanganeen who was saying, 'Please let us have some programs that stay in place for 10 years.' I am interested in the response of anyone around this table to those notions.

**Ms Crossing**—I think from a health and a generational perspective you need that. I have heard the previous group and the talk today is about the young people who are currently young offenders, their families' experiences and the next generation coming through. If we actually want to make long-term change we can target just the young offenders now or we can actually say, 'We need to do something that supports the next generation coming through.' We know that that needs to happen from pre birth.

That support needs to happen for the Aboriginal families who are planning to have children: that they have the resources and supports available from that point in order to provide all of those experiences we know that children need to develop resilience and optimism, and all of those kinds of experiences that help them remain engaged positively in community health and in

school, and be able to take those forward into their life choices. When we have pilot programs that run for three or four years there is no way that that can happen and be embedded.

**CHAIR**—You see the kind of paradox that is drawn to my attention all the time. Around the table here, as has happened in almost every other jurisdiction, some of the senior public servants who I am speaking to are actually Indigenous people. This is something that could not have been dreamt of 20 years ago. And yet the rate of incarceration is increasing. In the face of a determined and well thought-out program of activity by South Australian government agencies, can someone say to me what they think is the source of this paradox? I do not know what the answer is; I am not saying I do.

**Ms Waters**—I stand before you as an Aboriginal woman and a senior public servant. For Aboriginal people it is well evidenced that we are the most socially, economically and politically excluded population group. Our people experience consistent social issues, compounding social pressures. This has been an intergenerational thing. Lesley Wanganeen spoke earlier to you about unlocking some of the opportunity in our community based organisations which are on the ground in those communities. They know the communities well and they know the issues that are going on in those communities, and what will work in that community may not necessarily work in another community.

I worked with Lesley a number of years ago. I fully acknowledge what you are saying about long-term programs and responses. We have one initiative that I am very attached to. When you talk about public servants in senior positions, we introduced a program that was run by Aboriginal people on a shoestring budget but within a bureaucracy. For less than \$1 million over 10 years, we graduated 100 Aboriginal people with professional qualifications who now are working across our government agencies. So I think that is great, and more of that sort of stuff needs to happen.

Going back to my point about exclusion, we know that exclusion impacts on quality and therefore quantity of life. We know that our people have been placed in the other category: the oppressed, the oppressor. We know that the longer we leave people there it costs lives. We know that we have to address that. One of the keys to unlocking that is through community redemption with these young people, and the media does not help us in that. When they were out reporting on this alleged gang of 49, it incited racial hatred, racial vilification. It set our community back many, many years. There were 49 alleged persons of interest to a particular police operation. They labelled it a gang. If there were as many people in the gang as the media liked to report, we would have more than a 1,000 members of that gang. What that does in local communities is incite fear and sets our people back. Aboriginal young males in particular were seeing increased racism, discrimination. The longer you leave people in that sort of exclusion they will fight back.

What I am seeing with these offenders—and Neil Smith alluded to it earlier—is the haves and the have-nots. I think community redemption is the key to unlocking that. We need to not transition people from one place of incarceration into the community that becomes the second place of incarceration. Our young people by virtue of being Aboriginal, by virtue of being young Aboriginal males, with all of the media hype around the alleged gang of 49 has compounded disadvantage.

**Dr O’Connell**—Just adding to Sonia’s comments, for those of us working in the area of Aboriginal justice and trying to address this overrepresentation, what is persistent is the social issues that Neil talked about: the persistent poverty, the intergenerational issues, the impacts of a rights of passage approach because of those intergenerational issues. We also have the absence of very assertive programs, assertive employment programs, which are tied to court orders, for example. We have a limitation in the options available for courts and we have not addressed the issue of how, from a policy perspective, assertive we should be. We are very assertive when it comes to custodial and secure care environments.

**CHAIR**—You may be aware that there are a number of formal evaluations of the equivalent of nunga courts in other places which suggest they have not had a great deal of effect on rates of recidivism. Each time such an evaluation has been made, the government involved have said, ‘Nevertheless, we think there are really important social values associated with these courts so we are going to keep them going.’ But it is possible to believe that it is the absence of the kind of programs you are now talking about that is one of the causes of the failure to reduce recidivism.

**Dr O’Connell**—In South Australia we have had the Nunga Court in operation for in excess of 10 years. As a court process it is a robust and effective one. Do people experience the court process in productive ways? Yes. We have not necessarily expanded the options available with regard to where or how someone would undertake their order. Having had a look at the evaluations of equivalent courts in other jurisdictions, we believe that is the main issue: that we have changed the court process per se but we have not provided other options. That is a policy gap for governments, including nationally. On the employment covenant, we are reaching for that in order to reach into and make connections with the criminal justice system. I will refer to my colleague Peter Severin to discuss the work that is happening in Port Augusta with regard to the relationship between the Port Augusta Prison and training initiatives in the Port Augusta area.

**Mr Severin**—We have recently formed a partnership with BHP Billiton and accessed some Commonwealth funding for training of offenders in preparation for their release and giving them skills that will qualify them to work in mining operations connected to Roxby Downs and the BHP operation there. BHP owns a whole range of pastoral set-ups, farms, which need to be tended and looked after. The groups of offenders, predominantly Aboriginal offenders, go and learn a whole range of skills and at the same time look after some of these farming operations. It is too early to talk about a sustained success. However, out of the first group of 12 participants, as soon as their sentence finished or they were granted parole, six of them were offered employment and have transitioned into employment with BHP Billiton. It is a very tangible example, albeit a small one at this stage, of enhancing the successful reintegration of Aboriginal people and other offenders as well into the community by providing some very tangible work opportunities. The win-win situation is further supported by the fact that the organisations that are associated with this are actually the BHP recruitment and training organisations, so they get to know their prospective future employees very well before they have to make this commitment. That has certainly proved to be very successful.

**CHAIR**—BHP is amongst a number of large national companies that have signed an accord in Canberra—the name of the organisation escapes me—and have made a pledge to employ a lot of Aboriginal people.

**Mr Severin**—I think Rio Tinto is doing something similar in Queensland.

**CHAIR**—Yes. That reminds me that in other jurisdictions, especially those with quite a large remote Aboriginal population, it has become clear to me that offences involving motor vehicle licences are responsible for introducing a lot of young Aboriginal people to the justice system. Do you have the same issue?

**Dr O'Connell**—We have the same issue here. Drivers licences and acquiring them is a nut; it is one of the key protective factors for a community—the number of people who have drivers licences and who therefore can facilitate and move people around within that community. Drivers licences help facilitate employment and a whole range of other outcomes, as we know. Also, driving offences can lead to not being able to acquire your licence for some time. We have some young people who cannot acquire their licence because of traffic offences and driving offences but would possibly benefit if they could acquire a licence and maintain it. We do not have unspent conviction legislation with regard to that.

It is a policy area that we are working on with the Commonwealth government, with DEEWR, at the moment and with the employment services. I am aware that a number of the employment services have also cited this as a major problem—as a barrier along the pathway to gaining employment. Again, what needs to be asked is: what do we need to do as a government to prepare communities and individuals to take up these options rather than just giving employment options to them and then wondering why they have not been taken up?

There are a number of different and complex issues involved in the drivers licence issue. Community safety is one of them, as well as the need to have universal systems in place. We are funding organisations—for example, we have provided, from the Attorney-General's Department, funding to Whitelion, a non-government organisation, to work to provide young people with drivers licences. Programmatically, it is very costly to do this because of the number of hours we have now insisted, for safety reasons, that young people have to drive a car for.

Drivers licences is an interesting area. Parts of government want to emphasise safety, equity and universality of compliance as citizens. At the same time, we need to think through the practical and pragmatic decisions we need to make for communities. Again, it is a difficult area, but we are talking with DEEWR and with some of the large mining companies about how we can look at these issues to do with training, whether it be through simulation vehicles and things—

**CHAIR**—We have heard evidence from Rio Tinto in Western Australia. The individual official at the company who was responsible for recruiting Aboriginal people seemed to be indicating that an enormous amount of the initial training time is spent simply getting everybody a licence.

**Dr O'Connell**—It is a priority area for this government.

**CHAIR**—My committee hopes to make some recommendations about it. Obviously we would like to propose something that can have national application. You would quite like that if we could find something?

**Dr O'Connell**—That would be most useful.

**CHAIR**—I have personally experienced the irreconcilable differences that occur between attorneys-general and police ministers over these issues—and roads ministers. We are very grateful for your time and patience. Does anybody else feel they need to say something?

**Ms Lawrie-Smith**—While I might be an officer of the Department of Health, I also speak as an Aboriginal woman very much embedded in grassroots community activity where I come from on the far west coast. Governments come and go, but one thing that remains inherent is the Aboriginal community's steadfast commitment to being involved in decisions that affect their community, that affect their children—notably, young people. What is probably important to note, as an extension of what Lesley Wanganeen said earlier, is the importance of community engagement, that there is ongoing dialogue between the Aboriginal community and the justice system.

We know about, and have to acknowledge, the adversarial relationship between Aboriginal communities and the justice system. It goes a long way, when you approach communities with community development principles—about community engagement and having communities involved in problem solving. The communities need to know what is the state of play in terms of the rates of offending and the patterns that are occurring in the community so that they are informed and they are able to participate in decision making—so that they have an understanding of what things affect them and can actively contribute in a positive way to the solutions to address offending in the community.

I can cite examples where that has happened before. I think that is an underlying principle that needs to be embedded in every single approach and at every level, from community to the macro systemic level, where you have interaction with the leadership. I think that what Lesley said earlier was right on the spot. It needs to be acknowledged and I am just reiterating that.

**Mr Welch**—With regard to Lesley Wanganeen, I think history does play a big role in the way Aboriginals perceive where they sit in society today. I will give you an example. I can go back two generations to my grandmother, who was born in the 930s. What happened to her sits quite closely to me—her journey and my mother's journey. I was born before 1967, when the referendum made us Australian citizens. That scarred me and it still scars me today.

As April was saying, there is some good will. I see it every day across government—from both non-Aboriginal people and Aboriginal people—but one of the things that is missing is the true partnership that April talked about in governance, with Aboriginal people making decisions and being part of development, implementation and evaluation. That does not work very well.

I will give you an example. If we are talking about programs that support people—short programs—we need demonstration models. I think we do need pilot programs but we need them to look at what is the best practice so that we can develop them. That is where we drop short: we do not develop the best practice. We do not utilise it to look at good policy development or even legislation. There were a couple of examples this year with Commonwealth tenders. Some Aboriginal agencies lost some funding to the change in Commonwealth funding arrangements. Tenders went out. The criteria of part of those tenders made it almost impossible for Aboriginal agencies to apply. The criteria was across the board—so it was 70 per cent of non-Aboriginal participation in client services, compared to about 20 to 30 per cent of Aboriginal participation.



So I think that the way tenders are written needs to be looked at so that when they are picked up—

**CHAIR**—Can you be slightly more specific about what they do?

**Mr Welch**—When the three tenders were written up, this year alone, it was argued that you would have to have 70 per cent non-Aboriginal client service and that should show at least 30 per cent. If you are an Aboriginal NGO you provide 100 per cent to your client base; so you are totally not in the picture for a tender. If a mainstream organisation wins a tender, maybe the tender should clearly state the relationship they should have with an Aboriginal NGO to provide services. I see in the tenders and the statements from DFEEST and DEEWR that we want to build on workplace development but I see that Aboriginal people are losing in the workforce development. We also need to build on Aboriginal workforce development. I think the way the tenders are set up do not support that. We lack a number of Aboriginal people in the services across the board, even though we had a program, as Sonya stated, that was quite successful. But that has come and gone.

**CHAIR**—But just to intervene there, it makes a difference, doesn't it, if an Aboriginal organisation employs a non-Aboriginal expert? It is the Aboriginal organisation that is doing the employing.

**Mr Welch**—Now that some of these tenders are showing they have to come up with a 30 per cent client rate, they are tending to look towards employing Aboriginal people. But that still puts us at the bottom level. It does not give us the management or the executive and CEO material which some of our NGOs can deliver and are experts in, yet they are overseeing part of those tenders. I think that in the way we deliver small grants in this state we try to pick up on both non-Aboriginal and Aboriginal service delivery.

I want to quickly finish off by touching on the social and moral competencies that we need to build in our Aboriginal communities. They are pathways and they should be pathways to education and employment. We do have them but they do not work very well, particularly for the cohort of young offenders or even adult offenders. Within the criteria of those applications criminal records usually hold you back in a big way. Some of those competencies are that we should have clearer pathways to lots of positive outcomes, be it sport and recreation, or employment and education. One of the things we really lack is rehabilitation. Some of that rehabilitation is about a cultural response, particularly healing and cultural obligations—some of the stuff that Leslie talked about earlier.

The alternative systems that we have today probably do not work the best. They are a white principle-driven system. There can be changes to custody, there can be changes to the court system, and there can be changes to policing. A lot of those things, again, are about engaging Aboriginal people in those decisions.

**CHAIR**—Can you talk a bit more about the healing? Here and there around the country there are very charismatic Aboriginal people who run a rehabilitation program of one sort or another and who pop up unexpectedly. They produce some original ideas. There is a man who runs a program you may know of, called Mount Theo, in the middle of the Northern Territory.

**Mr Welch**—Yes.

**CHAIR**—You find people emerge in a variety of ways. I guess part of their role is as mentors but they use a quite different language from an ordinary therapeutic program run by the Salvation Army.

**Mr Welch**—Exactly.

**CHAIR**—How can you reconcile these two different approaches to try to work out whether the best thing to do would be to encourage one or the other or to let the program grow as it might?

**Mr Welch**—I would go for the encouragement side. You need to encourage a cultural response to healing; it is different from the standard therapeutic response. We find that we apply a lot of cultural response to programs but, again, in lots of ways they are driven by the non-Aboriginal principle of how we do things. What we need to do is then maybe show some trust and deliver on some of these programs that do work. Whether or not they are the right program, I cannot argue. But not only do you have the program and the process, you also need to have the environment and the resources to do it. Then you also need the other responses that Kylie talked about to make sure we can link it to those social and moral outcomes.

**Dr O'Connell**—We have the same dilemma when we are working as to the want, because the community keeps asking for culturally engaged and responsive approaches. Sighting them has been the most effective. This is a highly complex area because in one sense we want to be able to support that approach to the extent possible. We also want to increase and enhance the levels of responsiveness of individuals to cease offending. I will express the view that some feel there is a question about capacity: are those who are committing offences aware enough of their own cultural obligations? Are they aware and conscious enough of their own obligations to their community, their family and to themselves? Are they aware enough because they have suffered the effects of a range of different levels of damage?

I am not offering an answer to that. I think that is the big question that many people have. Some people view that they do not, that they are not aware and that they need to be given lots of support to even make them aware of their connection, their obligations to community and their disassociation from it. Others believe that is the very vehicle with which you can get to enhancing the levels of responsiveness.

From a government perspective we are looking and continuing to look at ways of achieving all of that. We do want to increase the levels of how responsive people are to stop offending and to take on more pro-social and productive activities in their lives. At the same time we have to invest time and energy into strengthening that which already exists and it does exist in the Aboriginal communities here in South Australia.

**CHAIR**—So, with that, you do not have to resolve the question of whether one or other approach is likely to be more effective? It may be very hard ever to do so, but you do support the idea of giving encouragement to Aboriginal people who appear to have found a way to induce some kind of a healing process amongst those whom they are looking after?

**Dr O'Connell**—It is essential. It is not for us as government or representatives of government to resolve. We are also very conscious that we should not put programs in the middle of some of our packaging—the way we package our responses—rather than help to facilitate the strengths that exist. We sometimes produce a range of programs which can inadvertently and unintentionally undermine the very strengths that exist within that community. Hence, that is why we are trying to look at alternative approaches of community engagement without moving away from community responsibility and that is an ongoing and rewarding task.

**CHAIR**—Finally, Peter, interestingly, within the corrections system you can have quite powerful and culturally infused rehabilitation programs. I think some of the New Zealand ones are?

**Mr Severin**—Very much so. The New Zealand approach—and, again, I believe it is not one that you can directly translate because there are cultural differences—is to have Maori focus units which afford Maori inmates opportunity to reconnect with their culture, to learn a lot about their heritage and, in that regard, develop a whole range of protective measures that assist them in better reintegrating into the community. A very similar approach occurs in Canada. We are trying to identify through not only addressing criminogenic needs and risks but also having culturally competent and appropriate programs available for Aboriginal people to give them an opportunity to facilitate a summary connection with culture which will hopefully and evidently support the strengths and mechanisms that prevent them from reoffending. So the short answer is, yes, there are some very positive approaches. There is one aspect that has not been directly raised here, which certainly involves a lot of consideration at the moment by correctional administrators and ministers: is our service delivery model able to assist Aboriginal people, particularly in community corrections, or do we need to come up with very different approaches to manage compliance and also have the whole construct of probation and parole as a service and as a concept reviewed in order to ensure that it is more effective?

**CHAIR**—Thank you very much for giving us your time and being so patient. It has been very useful to us and I hope we can reflect some of your wisdom in our final report.

**Proceedings suspended from 1.44 pm to 2.22 pm**

**CHARLES, Mr Chris, General Counsel, Aboriginal Legal Rights Movement**

**GILLESPIE, Mr Neil, Chief Executive Officer, Aboriginal Legal Rights Movement**

**WANGANEEN, Mr Michael, Manager, Field Operations Service, Aboriginal Legal Rights Movement**

**CHAIR**—Welcome to the hearing today. We have an odd situation today whereby this is a formal subcommittee to take evidence, but it turns out that my colleague who was to be part of this subcommittee has been held up in another part of the world. So I am just here by myself today. As a consequence, our hearing is informal, but when I go back to Canberra we will submit the transcript of today's hearing to a committee which will, in turn, pass a motion to formalise our deliberations today. Although we will proceed informally we will end up being part of the record. Can I ask one of you to make an initial statement so that we can then go on to discuss the issues you want to raise.

**Mr Gillespie**—Firstly, let me pay my respects to the Kaurna people on whose land we meet today. Mr Chairman, it is hoped that ALRM's submission will assist the committee in formulating government policies to reverse the excessive rate of Aboriginal youth incarceration and participation in the criminal justice system. We note that many of the issues and concerns presented to the committee previously by our sister organisations equally apply throughout the nation, including to South Australia.

One of the key issues that we face as an organisation is the gross underfunding of Aboriginal legal aid in this state and indeed across the nation. One consequence of the underfunding is that, historically, ALRM has never had sufficient resources to provide adequate representation in the youth court jurisdiction. In fact, historically, ALRM has only ever had one dedicated Adelaide Youth Court solicitor, whereas mainstream legal aid have had three—and yet we generally cover about 60 per cent of those appearing in the courts. So you can understand our frustration with regard to the lack of funding. This situation of only having one representative has been in place for about 30 years.

With regard to youth programs within ARLRM, we have one program currently running, but that program—on intervention, prevention and rehabilitation—runs out at the end of this financial year and, unfortunately, at present there are no indications from the Commonwealth that it will extend that particular program, which again disadvantages our youth.

With regard to our funding, it has effectively been static since 1996—not 2006 but 1996. While I very much appreciate the recent budget announcement of \$34.9 million over four years, of which \$8 million will go down in the first financial year of 2010-11, the unfortunate situation is that ALRM were initially, under the funding allocation model, allocated only \$17,000. That is correct: \$17,000 out of \$8 million. We do appreciate the Attorney-General's Department increasing that to just over \$100,000, but when that is out of \$8 million it is a clear indication that the funding model is flawed. We as an organisation, including all the ATSILS—that is, the Aboriginal and Torres Strait Islander Legal Services—have, from day one of this funding allocation model, expressed concern that it was inequitable, inappropriate and flawed.

I want to highlight an example of the targeting of Aboriginal youth by police, one very simple example in Port Lincoln, where a youth picked a lemon from a lemon tree branch hanging over a fence. The youth was arrested and charged with stealing. The youth was transported to Adelaide by police, was kept in the Magill youth facility and then fronted up to court; and, in a nutshell, the court told the police to stop wasting the court's time and dismissed the charge. That is just one example of the overtargeting—

**CHAIR**—When did that occur?

**Mr Gillespie**—From my recollection, that occurred last year. But that is indicative of how Aboriginal people are targeted by the police, which in turn results in their overrepresentation in the justice system, including in detention. I might add that the UN Human Rights Council in April 2009 expressed a number of concerns to the Australian government, and one of the concerns was the targeting of Aboriginal people across Australia, not just in here in Adelaide. That is youth, males and females, and that happens in all jurisdictions. If the UN Human Rights Council is expressing concern, I think that the Australian government should take notice, because the correlation between gross underfunding and the overrepresentation in the justice system is clear. Unfortunately, it appears the government is not really taking notice of the ATSIILS and certainly not taking much notice of the UN.

I would very simply highlight that ALRM proposes the provision of legal advice from a dedicated youth justice diversion solicitor to assist Aboriginal youth in reducing their participation in the justice system.

**CHAIR**—What would you say was the shortfall in your funding at present, speaking with as much detachment as you can manage?

**Mr Gillespie**—About \$1.7 million, and when we were initially offered \$17,000 you can understand my frustration, to the extent that I will be communicating with the Attorney-General, strongly suggesting that that model should be reviewed by an independent party—because every ATSIIL, since its inception of that funding model, has expressed concern and yet our concerns seem to be ignored by the government officials within the Attorney-General's Department. And there is clearly something wrong when an organisation like ALRM only receives, in the initial offer, \$17,000 out of \$8 million. It is inequitable.

**CHAIR**—So this is not just a question of the total amount of money but of the distribution amongst the various Australian jurisdictions?

**Mr Gillespie**—Yes.

**CHAIR**—Who got the majority of the money?

**Mr Gillespie**—Queensland, New South Wales and Western Australia. One of the key issues—

**CHAIR**—They do have the majority of the Aboriginal population too, of course, but you are still saying—

**Mr Gillespie**—Yes. The funding model even provided negative funding initially to some of the jurisdictions. An organisation like ALRM cannot survive on static funding since 1996. In real terms our funding is down about 40 per cent, and we have a huge exodus of staff and great difficulty in recruiting experienced staff based upon the salaries that we offer. This means that our organisation is being ‘juniorised’. In other words, we have less experienced solicitors and lawyers representing our clients. We are overburdened because of the tremendous increase in case matters, and this is evidenced by the Australian National Audit Office report No. 13 2005, I think it was.

I will quickly go on, Chair, because I know this is a very brief introduction. ALRM asks the committee to consider and endorse the proposals that we have put in place in this submission, and in particular the suggestion that the Commonwealth funded activities in the state through the ATSILs need close Commonwealth supervision and effective oversight and the facilitation functions being performed. ALRM is also bringing to the committee’s attention other significant issues which are of concern to the board and management of ALRM—we know that it is not part of this particular inquiry but they may need to consider it in their deliberations in other activities on behalf of the committee.

Just to conclude on two things, we have unprecedented Aboriginal youth incarceration. This has prompted the UN Permanent Forum on Indigenous Issues to incorporate this matter of concern on the April 2010 agenda of the permanent forum. ALRM presented an intervention—which is at the back of your papers—to the forum on behalf of the Australian delegation to the UN. I also enclose a report that was presented to the UN. Finally, within the intervention that I presented at the UN permanent forum in April this year I highlighted a number of characteristics of the overrepresentation of Aboriginal people in the justice system and a number of issues that contributed to the continuing marginalisation. These included inadequate resources in funding and support for organisations like ALRM and, finally, the overpolicing and targeting of our youth in addition to our adult males and females.

**CHAIR**—You have concerns about direct funding. Is it possible to make any estimation, from your point of view, as to what proportion of cases are the result of what you would define as overpolicing? I know it is impossible to be precise but have you got even a rough idea about that?

**Mr Gillespie**—I think Mr Charles will answer that.

**Mr Charles**—I spoke to my colleague who services the youth court this morning. His estimation is that per week two or three, and up to four, Aboriginal cases before the youth court in Adelaide are deliberately sent back by the judges because the subject matter of the charge is not worthy of the attention of the court.

**CHAIR**—That is 200 a year.

**Mr Charles**—The proposal we have is that there be a dedicated solicitor’s position available to speak to the youths when they are in police custody to arrange for them to be diverted straightaway, to avoid this process of to-ing and fro-ing in and out of the court. We point to the statistics from the office of crime statistics which indicate a gross disproportion in the number of

Aboriginal youths compared to non-Aboriginal youths getting diverted or going to court. Referring to page 4 of our submission, we note from the office of crime statistics report of 2006:

Aboriginal youths are more likely to be referred to court and less likely to be diverted to a Police caution. Six in ten Aboriginal apprehensions (61.5%) were directed to court compared to less than half (46%) of the non-Aboriginal apprehensions.

We say that speaks for itself. We try, in the course of our submission, to analyse why that might be so. We make a specific suggestion which would involve the Commonwealth funding us for an extra position, a youth court solicitor dedicated to assisting a process of diversion to get kids into family conferences, into cautions and out of the court system.

**Mr Gillespie**—Chair, you want to know if the proportion of Aboriginal involvement in the justice system is a result of targeting by police. Is it correct?

**CHAIR**—Yes.

**Mr Gillespie**—My suggestion would be that the majority of the participation of Aboriginal people in the justice system is a result of targeting. I would go as far to say it would be between 60 and 70 per cent. This might sound a high figure to you and other committee members. However, the incarceration rate of Aboriginal males in the justice system is about 30 per cent in this state and about 40 per cent nationally, and it is even higher for women. I understand the incarceration rates in jails in WA for women approaches 50 per cent. In South Australia youth make up about 50 per cent of those incarcerated. So the targeting has a strong correlation with the incarceration rates and also with the gross underfunding of legal services.

**Mr Charles**—The appendix to our submission, which is the office of crime statistics summary, shows some really clear disparities: 57.9 per cent of Aboriginal youth aged 15 years and under, compared to 44.3 per cent non-Aboriginal youths, were arrested and dealt with by police. That relates to apprehension reports and is the third dot point in the statistics on page 4 of the OCSAR report. It is a clear point there. That also relates to young children. A higher proportion of Aboriginal than non-Aboriginal apprehensions involved relatively young individuals under 15 years, 57 per cent compared to 44 per cent. That really adumbrates Neil's point about the targeting of young people.

Just in relation to those statistics; we approached the South Australian Office of Crime Statistics, asking for an advance copy of the 2007 report, which is due any time. We were told that they were not then available—when we were preparing this submission—but we undertake to ensure that this committee is provided with a copy of the 2007 statistical analysis as soon as it becomes available. Obviously, these figures are not entirely up to date, but they were the best that we could get.

**CHAIR**—Of course, yes.

**Mr Charles**—I think that third dot point there really emphasises precisely what my CEO has said to you.

**Mr Gillespie**—My colleague may elaborate further, however, ALRM has been pursuing programs from the Commonwealth with regard to youth over a number of years. With respect, they tend to start to get off the ground and then they fall in a heap. We have communication with Dr Boersig from the Attorney-General's Department before you. Unfortunately, very little fruit is borne with regard to these programs.

**CHAIR**—To interrupt—when you say that they tend to fall in a heap, do you mean they become defunded?

**Mr Gillespie**—With respect, they tend not to be funded at all. It just seems to go into a big hole and we do not even receive communication back with regard to submissions. Mr Charles may wish to comment further on this, but we have had a long history of dealing with the Attorney-General's Department, and it is rather frustrating for us to see our young people continue to be locked up. We put forward suitable programs and they just do not seem to bear fruit.

**Mr Charles**—The point we make is that here is a very clear example—we have got enormous amounts of statistics to prove our point about the overrepresentation of Aboriginal youth in the courts rather than in the diversion programs. We have put the practical suggestion which we put to this committee to the Attorney-General's Department for the last three years. Correspondence went to Dr Boersig in 2007-2008, and then in 2009-2010—I will check those dates. Electronic submissions were made under the relevant Commonwealth government program for youth diversion for this Youth Court diversion solicitor's position. Nothing has come back from the department.

This is not just a case of an e-sub being looked at and passed aside. This is a case where there has been specific, very directed and very targeted correspondence sent to senior officials in the department, asking for their intervention on our behalf and pointing out the merits of what we submit is a very good idea—we do not deny that, we think it is a good idea, that this youth justice solicitor's position be created—yet we have not got anything back.

We have actually done a number of other things with it but we are really loathe to pursue the point, for example, by having discussions with the senior officers of the police department about the implementation of such a program because, frankly, what is the point of doing so unless we have some indication that we are going to get support from the Commonwealth to do it? We do not think that the senior officers of the police department are going to want to give us the time of day when they ask, 'Is there money, is there support? Is this program ever going to eventuate with Commonwealth support?' For three years we have put it up, and for three years we have heard nothing.

Really, the important item of support that we do bring to your attention, however, is that we have had extensive discussions with His Honour, Judge McEwen, the Chief Judge of the Youth Court. He knows that he is getting too many Aboriginal youths in his court; he knows that he wants to divert them back into programs and cannot always do so—but they say a significant number are diverted back; and he gives our proposal his complete support and endorsement. Indeed, he has asked me to say that to you today. But until we have some indication, whether from this committee or by other means, that the Commonwealth officials are actually going to



support what we say, there is little point in ALRM pursuing this proposal with the police department and the senior officers of police until we know we are going to get somewhere.

**CHAIR**—Sure, but you must understand that although I have had a different role in the not-too-distant past, I am now the chair of a parliamentary committee, not the minister, and far less a bureaucrat. I will undertake to make sure that our conversation today is brought to the attention of the Attorney-General and his department—possibly the Attorney-General is the best one for me to do—and hope that there is some communication made with you in consequence.

**Mr Charles**—We would be most grateful for that. The further point I wish to make is that we would be very pleased to hear from the Attorney-General's Department in relation to this very detailed proposal. Not only would we like to hear, we would also like to be in the position of having Commonwealth government support. We know that making this proposal work at the state level is going to require a certain amount leverage with state officials, possibly the kind of leverage that ALRM, as a non-government organisation, will not necessarily have. I do not think I need to say anything more than that.

**CHAIR**—One understands the concerns you have at the level of funding and staffing. You have presented that case with as much force as is necessary. Is there anything you would like to say about the more general causes of Aboriginal incarceration. I accept that you believe that some of the disproportion is the consequence of unreasonable targeting by law enforcement officials, but is there anything beyond that? I acknowledge that Michael was talking to us earlier today about just these things, but I am quite interested in the point of view of the ALRM.

**Mr Michael Wanganeen**—ALRM has taken the initiative in relation to trying to work with appropriate other agencies within the state to look at youth and youth justice within the court system and also at the incarceration rate. That is under the youth incarceration officer and also with ALRM working with Families SA, correctional services and the court system itself. We are trying to have a uniform approach and see how best we can put our resources together to ensure that the interest of the client is taken into account so that it actually gets looked at and serviced a lot better than it has in the past.

**Mr Gillespie**—Chair, I do not know if it is marked up in your copy, but the intervention that I presented at the UN lists very clearly some of the characterisations of why Aboriginal youth are engaged in the criminal justice system. I will just very quickly read them out for the benefit of Hansard:

- intergenerational poverty;
- overcrowding in poor housing conditions;
- low levels of literacy and numeracy;
- low quality of health, well-being and life expectancy;
- welfare dependency;
- social marginalisation;
- poor and unsuitable service delivery by governments;
- inadequate resources, funding and support for culturally appropriate Indigenous owned and controlled services; and
- over-policing, targeting and discrimination by police and law enforcement authorities.

Those are some of the key issues in a nutshell.

**CHAIR**—I am interested to establish that you acknowledge all those other causes but because of your specific professional concerns you are wanting to draw particular attention to the question of policing.

**Mr Gillespie**—I would dearly love to be in a position to provide far better statistics and data, but unfortunately our organisation does not have the resources to be able to collate data efficiently and effectively. This is something that we have been pursuing rigorously since I have been the CEO of ALRM. Unfortunately, those kinds of demands have been declined in the past by the Commonwealth. I do acknowledge the position of the Commonwealth as a supplementary funder to the state in regard to criminal matters.

**CHAIR**—We are going to suggest that the Bureau of Statistics seek to generate much more detailed statistics in order to guide policy in this area.

**Mr Charles**—I think this point about the policing needs to be put into a context. Many of the youths involved in the anecdotes which we have provided to you are about overpolicing by the targeted use of bail legislation by police—little Johnny gets put on a police curfew by police, because police are the primary bail authorities, and they impose strict conditions of bail, which, when you are living in a remote country town, are pretty hard to get altered. Then, inevitably, little Johnny breaches it. He breaches it a couple of times and suddenly finds himself in custody. Then he has charges of breached bail, which are often potentially comparatively trivial, but they are absolutely about police having effective surveillance over Aboriginal youth. I am not sure whether the civil liberties implications of police surveillance of a 15-year-old are fully appreciated. My submission is that they are pretty frightening.

**CHAIR**—Two things come to mind. One concerns driving licence offences and the other concerns remand populations, at least in some jurisdictions. I am at present unsure of the circumstance here in South Australia. A high proportion of inmates are in fact remand prisoners—is that the case here?

**Mr Charles**—Mr Chair, we would like to refer you to one of our appendices again. That is the letter to the attorney dated 8 June 2009, which regards then-proposed amendments to the Bail Act and the Young Offenders Act. Our concerns are therein expressed about the idea that, firstly, country court registries in Ceduna, Coober Pedy and Kadina were going to be closed. They all happen to be centres of Aboriginal population. That would mean that police control over bail would become much more stringent and that the ability to have bail reviews and effective superintendence of youth bail by a judicial officer would be reduced because there would not be a registry and the court would only be there when it visited, once a month, once every two months or whenever.

In that submission, we made very specific recommendations and proposals in relation to bail in remote centres of Aboriginal population. We pointed to the coroner's recommendation from 2002 that there be a remand facility or a detention facility on or near the APY Lands. We also make an alternative proposal about having intensive supervision of youths by a magistrate over long weekends, for example, by bail review. Again, these proposals were put to the government and we have heard nothing.

**CHAIR**—Was that letter to the state attorney-general?

**Mr Charles**—Yes.

**CHAIR**—Thank heavens!

**Mr Charles**—We have constantly been positive, we are constantly making specific and, we submit, useful proposals to ameliorate the position of Aborigines, and we ask you to have a particular look at that letter.

**CHAIR**—And remand prisoners as well?

**Mr Charles**—That is specifically, with respect, about remand prisoners and the inherent dangers of Aboriginal youths being picked up on a Friday night of Easter and being in a police cell in Ceduna for four days waiting to be brought down, or being transferred to a youth training centre and spending Easter there without proper consideration of bail and without any real prospect of release. Again, the opportunity to target somebody by arresting them on a Friday night is pretty obvious.

**CHAIR**—I was thinking of the situation in which somebody is remanded by a court for a substantial period before they come to trial.

**Mr Charles**—Yes, quite clearly that is also a continuing problem. We are not saying that the bail criteria under the Bail Act are inadequate or wrong, but we do point to the fact that, for example, the royal commission into deaths in custody made specific recommendations about the provision of bail hostels. There was one in Port Augusta many years ago, but it folded very quickly. Specific recommendations about ameliorating the problems with detention have not been carried through. That is just one of many examples.

We also say this, Mr Chairman: look at what has happened to the criminal law of South Australia, over the last 10 years at least. Again, the Office of Crime Statistics and Research is very useful because on its webpage it gives you a complete list of amendments to the criminal law of South Australia over the last 10 years, and that list goes for pages. What used to be a simple offence is now an aggravated offence. What used to be a minor matter is now a major matter. What used to be an indictable offence is now a major indictable offence. The whole of the criminal law has been made more severe. Penalties have been increased and the criminal law as a whole is tougher than it was.

**CHAIR**—So, by definition, Aboriginal people have been affected disproportionately by it.

**Mr Charles**—Precisely so.

**CHAIR**—I want to talk about motor vehicle offences. In plenty of jurisdictions—and I think also this one, especially in remote areas—people seem to be charged with driving licence offences, leading to imprisonment in ways that used to be achieved by what we used to call in New South Wales the trifecta, which was offensive behaviour, resisting arrest and assaulting police. We do not have that anymore, but we do have these driving offences.

**Mr Charles**—Yes, we do. The position in remote communities is that so many senior adult people have had their licences disqualified for so long, sometimes until further order, that they

are never going to get their licences back. They are living in remote communities. They do not have any access to alcohol. They are perfectly good, safe drivers and are not allowed to drive. Having remote area licences might be well worth consideration by this committee. The cumulative effect of the penalties is such that people never get their licences back. Another example is that what used to be offence that got a fine was the offence of driving unlicensed. You would get a fine for it. Now it is a dramatic offence and if you are caught driving without a licence—not driving disqualified but driving without a licence—then you get a disqualification on top. You are charged with driving without a licence, you get your penalty and then you get disqualified from getting a licence in future. It is hardly an encouragement to cease committing the offence. It is a simple point, but we ask you to note that that is one of the examples of the making of the criminal law of South Australia more severe in the last 10 years. That is a very clear example. It obviously operates to the effect that people are never able to get a licence.

**CHAIR**—Do people end up in prison as a consequence of being charged for driving while disqualified?

**Mr Charles**—Yes, they do, frequently. There are numerous Supreme Court decisions about whether or not they can be suspended or what the circumstances are. When you have people with accumulations of offences, then, inevitably, they are imprisoned and for longer and longer periods.

**Mr Gillespie**—The trifecta still happens in South Australia.

**Mr Charles**—Absolutely.

**Mr Gillespie**—As it continues in New South Wales, Western Australia, Queensland and the Northern Territory.

**CHAIR**—But maybe in a somewhat different form in New South Wales now. Some of those offences were abolished. In any event, we thank you for your passionate submission. We undertake to draw your correspondence to the attention of the Attorney-General.

**Mr Charles**—I would be most grateful.

**Mr Gillespie**—Mr Chairman, I look forward to the committee's report and its expected recommendations to improve the access to justice for Aboriginal people, including our youth. Thank you.

**CHAIR**—Thank you all.

**Mr Michael Wanganeen**—Could I just ask, Chair: when is it likely that we will get some feedback in relation to today's hearing?

**CHAIR**—Although nothing is yet quite certain, I expect that we will bring down a set of interim recommendations within less than two months. It will take a bit longer to write a full report, which would have more recommendations in it. But my idea is that we should get some basic recommendations done sooner rather than later. They would have a brief argument supporting them, but the full report will take longer.

**Mr Michael Wanganeen**—Thank you.

**Mr Gillespie**—Thank you. We hope that the committee is the Aboriginals' friend and champion in Canberra.

**CHAIR**—Thank you. We have had to get used to powerful advocacy during our travels.

[3.06 pm]

**BROMLEY, Mr Trevor J, Chairperson, Kura Yerlo Inc.**

**BUTLER, Mr Stan, Manager, Kumangka Aboriginal Youth Service**

**GRAHAM, Mr Phillip, Regional Manager, Wiltanendi**

**MIERS, Ms Sue, Spokesperson, National Organisation for Foetal Alcohol Syndrome and Related Disorders**

**PERRY, Mr Jimmy, Project Officer, Makin' Tracks, Mobile Rural and Remote Team, Aboriginal Drug and Alcohol Council, South Australia**

**PERRY, Ms Katie, Project Leader, Young Nungas Yarning Together**

**SMITH, Mr Peter, Project Coordinator, Wiltanendi**

**TEO, Mr Ken, Project Director, Wiltanendi**

**WELCH, Mrs Colleen, Member, Grannies Group**

**WILLIAMS, Mrs Lorraine, Member, Grannies Group**

**WILSON, Mr Kenny, Private capacity**

**WILSON, Mr Scott, Director, Aboriginal Drug and Alcohol Council, South Australia**

**WRIGHT, Mr Byron, Officer, Police Drug Diversion Initiative, South Australia Police**

**CHAIR**—Welcome. I think a lot of you around the table have heard how things have been going through the day, and that is a benefit. Many of you will have heard the kind of discussion that has been going on. During the day we had a meeting with the Youth Justice Aboriginal Advisory Committee, then we had a meeting with people representing various departments of the Australian government and we have just had a meeting with the Aboriginal Legal Rights Movement.

Our idea here is that all of you as people representing the community can tell us whatever you want to tell us about how we might do better. In the end, I am interested in what the Commonwealth government can do but it is really what all government can do better to reduce the rate of imprisonment of young Aboriginal people. As you heard in a discussion with the legal service, they have a big emphasis on aspects of policing and ways in which you can change some kind of laws about bail and other court procedures to reduce the number of people that are put in prison. Obviously, behind that kind of consideration, you have the issues that make people prone to offending behaviour in the first place, and that is what a lot of our discussion this morning was about.

I am open to any way you may want to take the discussion. I am not sure where would be the best place to begin, but one or other of the organisations is best. Do Aboriginal Drug and Alcohol Council feel like starting?

**Mr Scott Wilson**—Thanks for inviting us along to the inquiry. Obviously, from our point of view it is good—and sad in one way, considering that 17 years ago the Aboriginal Drug and Alcohol Council was set up as a community response as a result of the royal commission into black deaths in custody recommendations—that seventeen years later we are at an inquiry that is looking at Indigenous juvenile justice and issues like that.

When we were contacted we thought—and this is the reason why there are a number of us here—that some of the projects that we operate are clearly within the ambit of the inquiry's terms of reference, particularly when it comes down to looking at what government could perhaps do and what it could do better. That is why, for example, we have asked Katie from the Young Nungas Yarning Together project to come along, because she is clearly an example of how government funding is stop-start funding. I think this might be the second time in the 4½ years that we have gone to terminate Katie, not because she has done a bad job but because the funding cycle for her project is on an ad hoc basis—you get a \$20,000 grant here and a \$20,000 grant there. That just keeps her employed and doing some of the things that she does, and that is why we thought that she could talk about Young Nungas Yarning Together and some of the projects that they have been trying to deliver in engaging with Indigenous youth, who tend to be the ones who are disengaged from either school or other aspects of society.

Jimmy from ADAC, the Aboriginal Drug and Alcohol Council, is part of a mobile team that responds to issues—more so in the rural and remote communities. For example, if there is an attempted suicide of a young person over at Yalata, they tend to ring the Makin' Tracks team. One of the good things about that team is that they do not have to sit around waiting until next week or for a month before they write a submission; they tend to leave that day to get to the community the next day. So they cover an area that is bigger than Europe, from here to Alice Springs and over to Kalgoorlie, covering all of the remote and rural Aboriginal communities in between.

Byron has been running our police drug diversion project for the last seven years. When young folk here in South Australia are picked up with small quantities of cannabis or other illicit substances, if they go through a diversionary-type activity with Byron rather than go through to the correctional or juvenile justice system then they do not end up with a record and things like that. He must be doing something right, because over the last seven years I think that he has had about 10 people that have come back. The people that he deals with are as young as 11, 12 or 13, and he deals with adult divertees as well. That is one of the reasons why there are a few of us: we obviously do projects that are down the area that you guys are looking at. I will just leave it there for other people to have a bit of a go.

**Mr Butler**—Kumangka is a youth service in Adelaide that looks after the metropolitan area. We are one of the largest, but in essence we are a very small organisation; we have about five staff. We provide services late at night—Friday and Saturday nights. We are very much at the early intervention end. When I read the terms of reference and thought about coming here today to talk about the issues that are facing youth, I looked at two parts. One was the bits about governance. In my previous work life, which was not too long ago, I worked within government

at the national level and in states, for different departments. Getting to the non-government sector, I was amazed. I looked at the work that I was doing around data collection. What that translated to in the community really did not make much difference. There were things like national data reports around the Aboriginal and Torres Strait Islander Health Performance Framework, which looked at a range of issues. When it came to service agreements, there was not a mention. I looked at cultural inclusion in terms of key platform strategies within government. I looked at that service agreement—nothing.

I then started to say, 'All right; let's look at the translation.' In our master agreement within South Australia, we have nothing Aboriginal. We are clumped in with non-English-speaking new refugees in Australia, and that sets the agenda. I think it starts off on a very bad foot. Look at the measurement of that. Our organisation is under review, as are all organisations, around our performance. It is totally devoid of focus on Aboriginal issues. It is about governance and the overburdening component of that. When I looked at workforce, the measures that they were looking at included, 'How many staff do you have with degrees?' I do not need to delve into the issue about literacy and numeracy and how that translates to university degrees. We do not have a lot of Aboriginal people with those.

From Kumangka's perspective, we really struggle in our youth service. One of the most alarming things that I see is that early intervention is really a lost cause. We are the only funded youth service in the metro area. Our focus has been forced more and more towards the child protection arena. An example of that from our street service is that there have been reports of young children on the street, and I am talking as young as four and six and nine, and the need to provide a service to that. The statutory response is very limited. Crisis care is underresourced, so the effort is with safeholding. Kumangka is trying to respond to that, but what can we do? We do not have the statutory power. We also think it is wrong to just take a nine-year-old home at one o'clock in the morning from down on Hindley Street to a house that we do not know and to leave them there without intervention.

**CHAIR**—What relationship do you have with the state welfare agency?

**Mr Butler**—We are a non-government organisation. We are funded by the Department of Families and Communities—

**CHAIR**—But when it comes to children of this age, what relationship do you have with the state agency that has responsibility for looking after children?

**Mr Butler**—They are our service partner. In our agreement it says that we must build partnerships with providers. Families SA is one of those partners. In terms of our linkage, that is it. It is up to me, I guess, as the manager to find those linkages, which I do, but the statutory response to vulnerable youths should not be a response from us. It should be from the statutory providers, but the essence of how that translates to our service is that we are moving more and more towards that and that is being driven by our agreement. Hence, we lobby, we raise the issues, we lobby through our partnerships. So in that sense, we talk to SAPOL, the police in South Australia. With the manager of the crisis response unit, we looked at how we can go about doing that, and the responses were horrific. SAPOL talks about putting kids in taxis because the statutory services are not able to visit, to come out at one in the morning. So it is those types of issues that we are facing. As an early intervention service, we are really struggling to maintain



our focus in that area, our focus on being Aboriginal specific, which is the broader work. Being put in with a whole range of other populations, the expectation is to service non-Aboriginal groups. I guess some of our cultural differences are the differences between Aboriginal youths and Sudanese and Vietnamese youths. You have one car; how do you transport a group like that late at night? They are the challenges.

I sit back and I laugh with disdain when I am told that with harsh talk you can control youth. And this is coming from our contract managers, which I find appalling. But in terms of the issues, my main concern is the move away from early intervention and the loss of focus and seeing transport out of the city as a taxi service that is not warranted. The numbers that we moved out in the last quarter was 450. We had 450 youths who were moved out two nights a week for three months. Of that, an emerging trend is females. Two-thirds of those were young women, and one-third were boys. The issues they were predominantly moved for were drugs and alcohol. There were some issues around anger and conflict within the CBD, but predominantly it was about substance issues—that is, being extremely drunk—and being removed after contact with SAPOL.

Looking at the issues, one of the things that I thought about was that it is fine to raise issues but you have to have some type of response. One of the key things that Kumangka focuses on is a continued engagement with community. Within government there were a lot of Aboriginal units that had specific Aboriginal staff focused on those areas, and the loss of that in downturns within government departments has been, in my view, quite devastating. The core focus of Aboriginal business has been lost through the loss of the knowledge of Aboriginal people and the changeover to non-Aboriginal staff who are not aware of Aboriginal business. They do not know the strategies, so the evidence in terms of over representation is lost and therefore the service planning is gone. Clearly, issues about engagement with community are resoundingly important.

The issue about focusing on an early intervention model is quite clear within the youth sector. One of things that we think is important is positive engagements, so we are including in our work—which is unfunded and which we will take on ourselves—the involving of young people who are not involved in the justice system but who are in crisis. We think that linking them to leadership programs and exposure to elders and positive lifestyles is a large investment for the future. So it is not just about the justice system and engaging youths in that sector.

From an organisational perspective, when building our partnerships with Aboriginal groups, peak bodies are something that we do not have in the youth sector. An Aboriginal body in a state sense and in a national sense to lead the agenda for research that comes from community-driven organisations is something that I think is badly needed in the area around data analysis, measurements and developing new strategies built around community engagement, with community people providing the evidence and the input.

**Ms Miers**—I will say a little bit about NOFASARD for those who do not who we are. We were established and incorporated in Adelaide in 1998. We do not receive any funding of any kind; our only income is from donations resulting from presentation of workshops, keynote speeches and that sort of thing. Our operations are dependent on the donation of time, transport and a portion of its operating costs by executive membership.

Approximately 300 individuals currently make up the network, many of whom disseminate FASD information widely through their own networks. The people who make up NOFASARD come from within families—both Indigenous and non-Indigenous—who are living with FASD, and there is also a wide range of professionals involved with the health, disability, education, justice, social services and community-based organisations.

Several international studies now confirm that individuals with FASD are frequently involved in the criminal justice system. About 60 per cent of those with FASD get into trouble with the law and about 50 per cent are confined in a prison, drug treatment facility or psychiatric hospital at some point in their lives. This information comes from secondary disability studies undertaken in the US of about 1,400 individuals who had been diagnosed with foetal alcohol syndrome. Unfortunately, in Australia the disorder is poorly understood. It is invisible in public policy and practice, and affected children, adolescents and adults are slipping through the cracks. Behavioural impairments due to FASD make affected individuals more likely to get in trouble with the law.

Many of them will never socially mature, irrespective of their IQ. Other factors that may place them at risk of being involved in the criminal justice system include: they do not learn from their mistakes, they have difficulties with impulse control, they may or may not have intellectual deficits, they have far better expressive language skills than receptive language so they appear to understand more than they actually do, they are easily manipulated, they have poor judgment skills, and they often have a history of abuse and neglect as well.

The latest international studies estimate that the current prevalence rate of FASD in populations of younger school children may be as high as two to five per cent in the United States and some European countries; however, there have been no population based studies in Australia. I would just like to point out that this is not just an Indigenous issue. I get it all the time that this is an Indigenous issue.

There are no cultural, social or economic barriers and foetal alcohol spectrum disorder will be found wherever alcohol is part of the culture. In fact, some of the studies in Australia show that those women most likely to drink are non-Aboriginal and have higher incomes as well, which is interesting. Unfortunately, though, some of our Aboriginal communities, because of historical factors, have the economic risk factors for being more susceptible to getting FASD.

**CHAIR**—In Fitzroy Crossing, where we had some hearings a little while ago, some people may be aware that there has been an astoundingly successful change of policy regarding the consumption of alcohol, which was initiated by some Grannies and women from several of the Aboriginal organisations and the health centre in Fitzroy Crossing.

**Ms Miers**—They are doing great work there and in Kununurra as well.

**CHAIR**—The change was so effective that a film has been made about it and shown at the United Nations but when we went to see them only a few weeks ago they did not want to talk about that at all. They only wanted to talk about foetal alcohol syndrome. It might help if I mention that my colleagues and I are already essentially determined that we should make a recommendation to the federal government about the development of diagnostic interventions.

**Ms Miers**—That would be really great. My next point was that there are a number of reasons why FASD is currently invisible in Australia. It does not appear on the government list of registered disabilities. There is no Medicare number for rebate for diagnosis. There are no Australian clinical guidelines for diagnosing. There are no specially trained multidisciplinary diagnostic teams. The medical profession has received very little information about the disorder in their medical school training.

Fewer than half of Australian health professionals routinely ask women about alcohol consumption in pregnancy or routinely provide information to pregnant women about the effects of alcohol use in pregnancy. And less than 20 per cent of Australian health professionals, including paediatricians, know the four essential criteria for the diagnosis of foetal alcohol syndrome and over half are concerned about stigmatising the child or the family, so that is why they do not make a diagnosis.

A tiny proportion—less than five per cent—of health professionals actually felt very prepared to deal with FASD, so we have got a lot of education to do. Also, it does not appear in most policy or discussion documents where it should be receiving attention. I found it really interesting that it was still not being addressed in most of the submissions to this particular inquiry, even though it could be a root cause not for all offending but for a lot of offending.

I asked for feedback from some of our members about what were some of the things that might be done in the justice system. I got a response from Professor Carol Bower, who is a senior principal research fellow at the Telethon Institute for Child Health Research, and she suggested that maybe we needed to have a look at a survey to find out what the knowledge, attitudes and practices are in the justice system in relation to FASD in Australia. They have done a similar Canadian study.

Also, I got something back from a chief executive officer from Extra Edge Community Services in Western Australia. She said her staff work in the young offender prisons in Western Australia where 70 per cent are Indigenous and most of them are repeat offenders, and many of them have alcohol issues in their families. She said: 'I guess a simple but no doubt impossible recommendation would be to undertake research similar to that which was done in a Manitoba juvenile facility to ascertain the level of undiagnosed FASD among the young offenders'.

So this is looking at FASD in not just Indigenous offenders but non-Indigenous offenders as well. It is really important that this is not seen just as an Indigenous problem. It is really important there is not a stigma attached to this. By the doctors and the health profession refusing to accept FASD, they are stigmatising it. They are causing the stigma. It is the birth parents who are standing up and being counted and saying, 'We don't want this to go on any longer. It isn't helping us that you don't want to diagnose because you are frightened of causing guilt and shame.'

**CHAIR**—I am not sure that everyone around the table is entirely familiar with the issue that you are speaking of. It might be worth explaining what it is.

**Ms Miers**—Basically, it is brain damage. That is the easiest way of saying it. Alcohol is an agent that can affect the developing foetus. When it is consumed in pregnancy it goes straight through to the foetus. The foetus has exactly the same blood alcohol content as the mother. It is

known as a neurobehavioural teratogen. It is a big word, but what that means is that one of its greatest effect is on the developing brain. It can affect the developing brain at any time throughout the pregnancy. One of the most risky times is often before a woman know she is pregnant, so that makes it difficult. But the third trimester in pregnancy is also an at-risk time. It affects the developing brain. It affects the developing neural pathways, so they do not join up where they are meant to. These are children who think and learn differently from other people, and it lasts for their life. They think and learn differently from the way other people do.

**CHAIR**—So some kids who act crazy are actually—

**Ms Miers**—They can be very hyperactive. They find learning difficult. I think a lot of children are misdiagnosed with ADD, if their doctors have not been trained in diagnosing FASD. A lot of doctors think they are doing the right thing by diagnosing ADHD or autism spectrum disorder because then they are not stigmatising the child or the family. But I know families where two or three children have been diagnosed with autism spectrum disorder and where there is alcohol use in those families. Had the doctor addressed that alcohol use in the first pregnancy, intervention and support might have gone in to prevent further affected pregnancies and further children being born with a disability. So this is all about thinking about the children who are affected. Some of my greatest advocates are mums who have been proud enough and brave enough to stand up and be counted and talk about their stories. Our Indigenous representative thinks she has 22 family members who are affected. There is also a mum up in Queensland who is not Indigenous who has written the only Australian book on the disability.

**CHAIR**—Thank you. Would the Grannies Group like to comment?

**Mrs Welch**—Yes. I work as an Aboriginal justice officer for the Courts Administration Authority. Because of that, I was invited to the Grannies Group, where I go and tell them about the processes of the courts. I also go to the women's prison and speak to them. Women in prison need to have more care six months prior to being released from prison. They need someone to go and see them and help them with their housing or whatever they need when they come out. I go there to help them with their fines, because they do not need to have fines to worry about. That is the least of their worries. I also went up last Thursday because some of the ladies wrote a letter to one member of parliament and they did not get a reply. Unfortunately, I did not get the letter so that I could bring up some of the issues here, but these are issues that to us might seem small but to the women in the prison they are big issues.

I was also interested in what you were saying about people who have been in custody because of bail conditions. One of the big things I have heard about is the curfew. I attend the Nunga Court at Port Adelaide. Last Tuesday I had a worker from ASG and a gentleman from the drug court. They came down and spoke to the magistrate because the magistrate was going to put a curfew on this gentleman. He was a traditional gentleman who had come to live in Adelaide for a while. He had a wife and four children. The condition was that he was supposed to have a curfew so that he was inside by eight o'clock until seven o'clock the next morning. He would have broken that curfew if any of his children had got sick and he had got in the car and gone out. So members from an Aboriginal organisation came down to speak on his behalf, to say that they would help him and follow through with him so that he did not get that curfew. It is things like that that get people locked up.

Also when they are talking about the AP Lands in remote areas, some of them come down to Adelaide to attend hospitals for health reasons or maybe just visiting families. They might get a speeding ticket, on-the-spot fine, expiation notice. They go back up on the lands and, if they do not do anything about their fine within 28 days to, say, about six weeks, they get their licence taken away. They get their driving disqualified without them knowing, so that is where they might need to have something different for different postcodes.

**CHAIR**—You might have heard our earlier discussion because we keep finding in all parts of remote Australia there a just dreadful troubles with the flow out of people losing their licences and either not understanding what to do about it, not knowing that it has happened or giving up trying.

**Mrs Welch**—Also, they were talking about people who never had a licence. If they get picked up three times as an unauthorised person driving a car, they can get their licence taken away for three years or they could be looking at a prison sentence. My job is to go out and educate the community about some of the changes in the law and especially with—

**CHAIR**—My committee thinks that we ought to be saying to the federal government that we should be assisting programs to help Aboriginal people get driver's licences. Some people talk about having a remote area licence but that has a lot of difficulties as well. If you have got a remote area licence and you drive to Adelaide, you are bugged. Anyway, we have identified this as a problem. Here and there all around the country, people are doing good things about it but there is nothing systematic about it.

**Mrs Welch**—Also, most of the people who live in the cities or country towns, they forget that up in the AP Lands where I go on a court circuit—I used to go; I gave it up. They had people up there to teach them how to drive but they had to get their licences back from the courts because of their fines. By the time they got that, they might not have time to fit in with when the person went up there to help them with their licences. That is all I need to say.

**Mrs Williams**—I jus wanted to say that Grannies Group is a not-for-profit group. We have been going for 10 years now. We try and deal with service delivery. Service delivery is all over the place. Sometimes it is not the fault of the people that are responsible for it but what the government expects of them. There has got to be change for Aboriginal people. If they want to see things happening, they are going to do it how they want to.

The social inclusion got all this money recently and Families SA got something like four point something million dollars out of that. They work with you. I want to know what they are doing with all that money. I want to know what different organisations—you have got Aboriginal people out here who want to do their jobs. I always say Aboriginal people should be proactive within the community. At least once a week: go out of their little towers—I think they are locked up by their staff, you know. They need to be taken out of these places, go and see what is going on on the ground out there. They have got the knowledge. They know what is going on, but the government is not listening and they do not seem to want to. When it comes to funding, we dip out every time. We have 'multicultural' now. Our culture is going down the tubes. We have not got the numbers to play the numbers games with them to get the funding, so that is another issue for me.

Remand issues came up here. With a lot of our guys in prison—I have worked in the prisons for 11 years; I only finished working in the prisons in the last two years—a lot of it is because our lawyers do not turn up for our guys when they go to court. They keep remanding and remanding because the lawyers do not turn up, and there are a lot of people in there. We have the largest remand rates in Australia in South Australia. I worked in the women's prison. The numbers are just going sky high in the women's prison.

I just want to make a comment on foetal alcohol. Our old people—and a lot of you fellows here would remember this—recognised this stuff years and years and years ago, but when they spoke to them they thought they were speaking a lot of nonsense. But as soon as a professor from America or somewhere else comes along it is all a brand new thing. They do not listen to us about our stuff.

The Grannies Group had a kinship program. We went to Stephanie Key. She gave us workers for our kinship program. That was to deal with a through-care process when people, women and men, come out of prison, where we can go in three months prior to them coming out and start dealing with their issues about housing, employment, education and counselling. At this stage, the health team has taken away our kinship program just recently, so we have not got that program. I am a bit cheesed off about that because Health also has funding for prisoner health, but I do not know what they are doing about it. I want some answers for that, if they are getting funding and then they want to take our little program away from us where we deal with our guys when they come out and we set these things. Through-care does work, because we have proved that it works, but now we have not got that program because they have taken it away, taken all our works, and put it into health.

**CHAIR**—When you say 'our', is it the Grannies Group in particular that had the through-care money?

**Mrs Williams**—Yes, we did have it, and it was granted to us through Stephanie Key.

**CHAIR**—I should know this, but is she a minister?

**Mrs Williams**—She was at the time. We had two workers down in the southern area. We had two workers out in the western area. In the northern area we had workers. Also, those workers were linked up with community corrections officers. They could work alongside them. They could work alongside the health people, because we all have the same clients. When you put it in a basket, we all have the same thing. But I am very angry about our program being taken away from us. The Grannies Group is in the process of setting up MOUs with other organisations so that we can work together. Because we have no funding we have to work with people to achieve what we need to achieve. We could do with a lot of resources that we just do not have.

**CHAIR**—Can I ask that Wiltanendi gets to say something, and then we will go into a discussion. What you are doing, Lorraine, is drawing attention to issues that keep coming up all day—not just all day here; they keep coming up all over the country. Is it okay if someone has a go there, and then we can all join in.

**Mr Teo**—Wiltanendi is a bit of an anomaly in this group. We are a state government program with Commonwealth funding from the AERF, which is the Alcohol Education and Rehabilitation

Foundation. In 2006 a partnership was signed up with the AERF and the state to have a demonstration pilot of a substance abuse program. I think I have two program outlines there, if you want to have a look at them. That outline was written in 2006 at the start of the demonstration pilot. The program has now grown, and it would be useful if you then looked at the website to see the growth and the changes. It is more up to date.

All of us have been talking about young people and their interface with the law. The fundamental theory is whether it would work if you sent a group of workers into the community to build some community partnerships, have an assertive approach with these young people, work alongside them, do a lot of the problem solving on a live domain approach so that we fix some of the issues that these young people face, and at the end of the process have the young people do better. We are currently going through an evaluation of that three years of work which should report within six weeks. If the committee is interested in that, in about six weeks we will have a report on those things.

Notwithstanding the evaluation, though, we on the ground and some of our partners here came today—and I apologise if we are in the wrong spot in terms of being a state government program—at the invite of ADAC and other community people who thought that we should tell the story of what appears to be succeeding quite well for a small number of kids. I think we need to reiterate here for other people that we are not a service; we are a demonstration pilot to take 36 kids at any one time to see whether some of these things can work. A lot of community support helps in terms of engagement. Phillip Graham leads our team on community engagement with the workers so there is support from the other organisations, the community and the kids' families. We emphasise very much the live domains.

At the heart of most kids' troubles are huge deficits in literacy and numeracy and quite large deficits in health, be they in mental health, general health et cetera. You have to fix those basics. Even if their lifestyles and circumstances do not change enormously, the kids build some resilience. They certainly improve their life skills to face circumstances similar to what they have. In addition to that, I think the review would point to a very methodological approach to some of these issues so there is some evidence upon which to base what you do and so it is backed up with rigour in persistence. When I say assertive it is not easy being assertive with a kid who is quite chaotic, transient and vulnerable. When we say assertive it also means consistency and persistence. Those are the sorts of issues that are currently being evaluated in the program. Like I said, in six weeks it will be published.

**CHAIR**—Rebecca will give you her card so we can be sure that you will send that straight to our committee.

**Mr Teo**—Sure.

**CHAIR**—I know you from somewhere, don't I, Peter?

**Mr Peter Smith**—I do not know.

**CHAIR**—Probably not, then! But that is very interesting. You are rather clear about the kids you are dealing with. It is not all that hard for you to identify the hole in the kid's life and what to do to fill it.

**Mr Teo**—Yes. The culmination of what we are saying is this: everybody here has pointed out some of the issues that we face. It is no different from what we face. We have picked up a small group of kids. It is not easy to succeed with these kids in every instance, but we have enough success in the sorts of things that we do with them to be pleased about the intervention. The only way to solve some of these problems is to build on the partnership strengths that are in the community and in the agencies. One of the difficulties people keep talking about is partnerships from government. It does not work well when it is top down. Some of the partnership work has to be around the worker level, and it also has to be bottom up. Partnerships that come from the top usually fail—and you would know that—

**CHAIR**—So would the grannies.

**Mr Teo**—The other thing about the Grannies Group and so on is they do not get enough support to give voice to what they think are the essentials.

**CHAIR**—We have had a lot of meetings like this where we have had state government officials—we had one in morning—and these days some of the state government officials are actually Aboriginal people. I get the impression that they know a lot about what you are saying, Ken. The people we talked to actually know that what you are saying is mostly true. But there is a big difference between them knowing what is true and them actually being able to put programs and policies into effect that reflect the kind of thing you are saying. Tell me if I am wrong, but I think that what everyone around this table is saying is that you have not got enough money—in some cases you have not got any money—but you think that, if Aboriginal organisations were able to take more responsibility for actually dealing with Aboriginal people with problems, then you would be much more effective than a government program that is delivered through officials who change from time to time and who cannot possibly have the same engagement in the community as you can.

**Mr Scott Wilson**—You might be right there, to a certain extent. A lot of us here receive Commonwealth funding. The kinship project, for example, was initially funded by the Commonwealth under the Strengthening Families initiative, and it is the same with police drug diversion. They are Commonwealth funded projects which then come to the state government—and state government priorities change, which is what happened recently around the Aboriginal Kinship Program. The state government decided that they would reorganise or restructure the way they did that, so that program has disappeared to a certain extent. Police drug diversion is the same. It was Commonwealth funded, it hit the state government, and then the state government had different priorities than perhaps what the initial funding was for.

As you would know, Chair, it costs \$270 to keep somebody in either a juvenile centre or an adult jail, versus about \$90 to provide somebody with treatment. We still do not have here in Adelaide, for example, a residential treatment service for Indigenous folk, whether young people, old people, females or males. The Grannies Group, as Colleen and Lorraine said, go down to the Nunga Court, 'Nunga' being another term for 'Aboriginal' here in South Australia. The problem is that the magistrate there really has no alternative but eventually to give that sort of client a good behaviour bond, a fine or incarceration, so we need these alternatives—a treatment centre or something like that—that they could refer them to.



A lot of the folk that come through the correctional system do so as a result of drugs and alcohol. At the moment we people here are the front line, really. We can deal with young folk or older folk, but we can only go so far, because there are not the add-on type services to refer those people to. To me, that is part of the major issue here. We are band-aids really. The South Australian government has not been prepared to invest in the Grannies Group, Wiltanendi or others that have been spoken about today.

**CHAIR**—People seem to be saying quite particularly that they think that services would be more effective if Aboriginal groups had control of them.

**Mr Scott Wilson**—Yes.

**Mr Graham**—I will speak for Wiltanendi. My work is with the operational stuff of case-managing our kids with my staff. One of the key things that happen is that we have many Aboriginal youth here in the metropolitan area—and, it is fair to say, probably in regional and remote areas as well—that do not have suitable accommodation. There is a big issue here with couch circling, and I think it has been happening for quite some time, whether in this city or any other city. There is no suitable agency—and we work in partnership with many of them—to take on the responsibility of saying, ‘Let’s give these kids a safe place to reside. If it means alternatives and thinking outside the square then we have to decide how we are going to do that. We need to do that, because our kids are getting into situations where there is abuse, there are drugs and alcohol and many other issues are happening. There are too many situations with that, and it gets pushed under the table. It is too hard. The accommodation stuff for youth Australia-wide, I would suggest, is too hard and no-one is prepared to bite the bullet and say, ‘This is what we’re going to bloody do about it.’ This agency will not take responsibility, nor will that. There will come a time when our kids are going to continue to suffer and we are going to have younger and younger kids out there on the streets at God knows what time when they should be at home in a safe house or environment. It is going to continue. So at some point someone has to make the decision, ‘Let’s start looking after kids, because they’re our future.’ If we do not start looking after our bloody kids, we will be lost.

**Mrs Williams**—It has to be working 24 hours, with places open after hours, because that is when everything starts—after five o’clock—and everything is shut. We need something that goes around the clock, 24/7. That is what we need for our kids—somewhere where they know they can identify them and where they can go. We need a one-stop shop place, not one where they can palm you off to the next one or the next one or the next one. We want a one-stop shop where they can go and get all the services together without someone saying, ‘You’ve got to go over to so-and-so.’ It makes it harder for those workers too. They need to be all in one building, a 24/7 place.

**Ms Miers**—I will just comment on two of those points. What you were talking about, Ken, is exactly what children with foetal alcohol spectrum disorders need—those programs that have structure, routine and consistency, helping with all those things. The one problem is that a lot of those programs stop, and children and adults with foetal alcohol disorder need that forever. So they go really well while the program is going, but the minute the program stops they are back to square one, because they do not take a lot of that with them. They do really well while it is there and you have that prompting all the time and you are going over it and doing repetition and all that sort of thing, but the minute you take all that away it stops. This is where I think the

Grannies Group and those sorts of organisations come in: they can go, and whatever you have done with them continues in a community area where they can keep on having that support role, modelling, structure, routine, consistency and all the things they need to do well.

The other thing is that what we are talking about here as well is stuff like early intervention, diagnosis, appropriate management and appropriate services before the age of six. A lot of alcohol affected kids will not go on to have these secondary disabilities. They are not born with the disabilities that make them offend, drop out of school early or not do well at school. They can do all of those things really well if they have diagnosis, early intervention and appropriate management before the age of six. So we need to start looking at that too.

**CHAIR**—You may have put this in something in writing, Sue, but what is the best statistical analysis that you can make of the incidence of FASD now?

**Ms Miers**—In Australia?

**CHAIR**—Yes.

**Ms Miers**—We have not had the studies, but if you look internationally they are saying one in 100. Seeing that we have not had really good education here about alcohol and pregnancy until quite recently, it could be even more. We are in a big wine-drinking, alcohol-drinking culture. Who knows?

**Mr Scott Wilson**—There is evidence in some of the Indian communities in Canada, for example, where they have an incidence of 189 per 1,000 live births. When you consider, if you have a look at Fitzroy Crossing and some of those other communities, that Aboriginal people—or Australians—drink at the same level as Canadians, where it is estimated that 300,000 people have foetal alcohol syndrome, you have to assume that we have the same issue here. We do not even put warning labels on our alcohol containers, as you probably know, whereas if I bought a bottle of Jacob's Creek in Vancouver or Los Angeles that comes from Adelaide, it would have had a warning label put on here before it is exported.

**CHAIR**—You South Australians just cannot avoid plugging the state! But we do take that seriously.

**Mr Scott Wilson**—It is about early intervention; it is about education. But the thing is, we are an Aboriginal community controlled organisation and we do not receive any additional funding from our funder, which is the Commonwealth, to actually produce health promotional type educational resources unless we are lucky enough to go out and find some other grant.

**CHAIR**—If you from ADAC or from Kumangka had your fondest wish fulfilled and you thought about how many more resources you would need before you could deal with the group who are your clients or potentially your clients, how much more do you think you would need? What sort of unmet need do you think there is in the areas in which you work? I know it is not a question you can answer with precision, but you would have a feeling.

**Mrs Williams**—That depends on the conditions that they put on that funding, too. We made a video that we use and take into prisons. People funded us, and they wanted to have all the say in

it. We refused to have their funding because they wanted to do it their way, so we got funding elsewhere rather than have them take away what we wanted to do our way. That is the fear I have: if you get funding, are they going to keep putting conditions on it?

**Mr Scott Wilson**—From our point of view, we would like to see, obviously, a 24-hour residential rehabilitation centre for Indigenous folk here in Adelaide. The facility in the Pit Lands costs about a million and a half a year to operate. You would assume that it might not be as expensive here in Adelaide. We would like to see that available here, and I will give you a classic reason. We did research, as I said, in 2002 with 307 current injecting drug users in the Aboriginal community. The sad thing is that those people had 450 kids in their care. We said at the South Australian drug summit: ‘If you do nothing for those 300 people, we know who the next generation of drug users will be.’ Eight years later, I would guarantee you that those 450 kids—now a little bit older—are involved in the criminal justice system and are probably costing the government a hell of a lot more than if they had had the rehabilitation centre in the first place. And the court is a classic—the courts could actually defer people rather than send them to a rehab. So we are talking about a few million dollars.

We would also like to see projects like police drug diversion. Byron is a male; there are no female Indigenous diverters out there. We would like to see projects like Katie’s, which does deal with young people in its self-esteem programs and the like, but her project comes to an end in June because it gets that stop-start funding. Part of the issue, as we have said all along, is that government tends to operate on an electoral cycle. Even though we are one of the largest community organisations in this state we still only get annual funding, and actually monthly funding. You do not have the capacity to think: what are we going to do three years down the track that actually might stop young people from getting into drugs or alcohol? There are all those sorts of issues. I will leave it to Stan.

**CHAIR**—Katie, your program would have to run for some years with any individual before you could be sure that they were okay?

**Ms Perry**—At the moment it has been running for 4½ years. It will finish in June, which will make four years and nine months. I have had 30 young people come through accredited training. These are young people anywhere from the age of 11 to 17 and sometimes older. They have not completed year 7, or have trouble with sporadic attendance. Some of them are excluded from school for 10 weeks at a time because of various issues, yet I can help them achieve; they learn and get certificate 2 and 3 level in TAFE accreditation. But a teacher cannot teach them.

There are 30 young people who have gone through and received that accreditation. Not only that, we do informal self-esteem programs, one-off events here and there and drug diversionary activities like learning to surf, where we take 10 young boys down to Moana for five weeks and do stuff. They learn to surf, they have fun and we also talk about what is happening in their lives and how we can fix that so that at the end of the five weeks we can have some steps in place so they do not end up back in court or back in trouble.

Every single one of those young people has problems with literacy and numeracy, and attendance in mainstream schooling is just not for them. My program is set up as an alternative learning program. The referral list from schools is this long. I cannot take them; I am one person doing one program, and I am a female—it would be great to have a male worker as well in my

team, but that has not happened yet. And these young people are going to have nothing after June.

**Mr Bromley**—What is that program you run down at Kura Yerlo there?

**Ms Perry**—I am working with the ICAN program. It is a flexible learning option program. Young people who for whatever reason are not allowed to be at school can still receive SOSE units towards their future. They are all within the juvenile justice system and they are in and out of court for various reasons as well.

**CHAIR**—But it sounds as if you think you are not even touching the sides of the possible client pool that you might have?

**Ms Perry**—No, I cannot do it.

**CHAIR**—I realise that Jimmy and Byron have been maintaining a patient silence, and I wonder whether you want to say anything before we get to the end of things?

**Mr Perry**—As you know, I work on a program called Makin' Tracks, which is a unique project as well. We can do rapid responses to Aboriginal communities dealing with any crisis which happens around drug and alcohol and also other issues.

**CHAIR**—Petrol sniffing?

**Mr Perry**—Petrol sniffing is one of our main ones as well. We go out and support communities around petrol-sniffing issues. There are other issues coming up; it is not only just the funding, it is also the male and female. I work with a team in which there are two males and, like Scott said, we cover the whole state and cross over the borders. Having a female team to deal with this as well would be very helpful. Again, it comes down to funding.

**CHAIR**—Another funding need.

**Mr Wright**—Mine are the same issues that Scott Wilson mentioned. For the last four years, I think, I have been asking for a female diversion worker because you cannot deal with the opposite sex. It makes it so much harder. I have been fortunate; I have had no one deny to speak with me or work with me. But I think that denies the woman the chance to speak, just in case there is something there that she cannot speak to me about. That is a real pitfall.

There is also the fact that we only see them once and there is no extended time to work with these children. Like many of the people here, you do not get the time to work with them and that makes it really hard. I do not understand why the government has not—for want of a better word—fired up and put a female in there to work with the women. That is denying them access to any sort of help. It confuses me why they have not reacted to that. I would say that I have had it in my report for the last five or six years, saying to them directly, 'I need a female to be able to give the women the opportunity to say something that they cannot say to me'.

**CHAIR**—Stan—sorry, we cut you off before.

**Mr Butler**—Thinking about the resource issue, for Kumangka it is very much in two parts. There is the volume of work that is out there—and we are never going to get the resource to meet the need, but, for us, a dedicated resource that has long-term commitment is a major focus. And the focus on early intervention and non-statutory intervention is a key area that needs to be accepted as a priority that needs to be built into agreements and measured in different ways as a key piece of work. Clearly within current agreements nothing is happening in that regard.

When I look at the Closing the Gap initiative, it is a long-term strategy around improving the life expectancy of Aboriginal people. What I have not seen so far is dedicated money for the non-government sector. Almost all of that funding is being consumed within state bureaucracy. There are things that are happening in terms of building the statutory areas of response, but in terms of early intervention there is almost nothing. I stand to be corrected, but the biggest fund of stimulus money in South Australia has gone to a non-Aboriginal organisation. I think that speaks volumes for the level of commitment and the lack of—

**CHAIR**—That is a non-Aboriginal organisation delivering services to Aboriginal people?

**Mr Butler**—Yes. It flies in the face. When we talk about self-determination, it just undermines the principle. It is almost a dead concept within government. I think we are still carrying the deficits, I suppose, and perceptions of ATSIC and misappropriation, because the organisations that are operating now are very much—in the level of governance and the expectations in terms of audit.

**CHAIR**—We had this conversation this morning at some length with the Youth Justice Aboriginal Advisory Committee. They made the point eloquently.

**Mr Butler**—In terms of Kumangka's position and support for what I am saying, in 2009 we received a figure of about \$300,000. Since then it has gradually declined, so our funding is getting smaller and our focus is moving away, off into totally another direction and pushing more towards a mainstream agenda.

**CHAIR**—Simply because you have to regard children at risk as being more urgent—and you cannot help that; it is true; they are. It is the definition of bandaid.

**Mrs Williams**—Can I just say one thing?

**CHAIR**—Absolutely, Lorraine. I would not try and stop you, but can I just say this. I will have to leave in five minutes, just because there is a plane. I am sorry about that. I want to say how grateful I am that you have all been prepared to come and give us your time and be so sensible. It is really very valuable, and do not forget it is all being recorded and we are not going to lose all of this. But at a certain moment I am going to have to just jump up and go. I hope that you have a good weekend. Lorraine, I know you want to say something.

**Mrs Williams**—I just want to say that we badly need counsellors—for guys in prison, for people outside prison, for parents that have never dealt with their problems and cannot help their kids. We badly need counsellors.

**CHAIR**—This morning we were talking a lot about the kinds of programs—which exist a little bit—that we know from around the world work; that is to say programs of quite intensive family counselling and therapy and what have you. They are expensive to do because they often take a few people to do them, but if they are successful then there is a whole family of kids that benefit. We talked about that.

**Mrs Williams**—But when you look at the money they have wasted and nothing has been gained—

**CHAIR**—I know, but this afternoon you have been just reminding me over and over again that you cannot possibly meet the need that you see around you for dealing with kids who are dropping out of school, boys that are leaving prison. There are just not the facilities that you need—

**Mr Wright**—Long term.

**CHAIR**—to deal with them over the longer term. This morning's conversation—just to be explicit for you—was also about the stuff that Scott has been raising, that such a lot of funding for non-government organisations is really short term. Such a lot of it is for programs that are called pilot programs. I suppose we all have to accept that you have to be able to have evaluation of a program and you have to be able to change it from time to time, but I think you would all say too that you want programs that, even if they have to change somewhat, have got a long-term life and some kind of a chance to work.

**Mr Bromley**—I have been sitting here all the time. I am not with this mob. I am from Kura Yerlo an Aboriginal organisation down at Largs Bay. You have been talking about all your programs, youth programs and all that kind of thing. I am the chair of Kura Yerlo. The person who is supposed to be here is down in Mount Gambier and I have taken his position today. The Grannies Group is part of our organisation down at Kura Yerlo, Katie's program is—all these programs are run through this one place. Everybody else has been talking but you have missed me. You are talking about youth programs and helping young people. Kura Yerlo does that. It has a youth program which has run for the last couple of years. The program that Katie has been talking about has been running for the last year helping young people who have never liked going to school and this organisation has been helping them. We have a driver's education program down there, so anybody who has someone who wants to learn to drive can just ring up Kura Yerlo.

**CHAIR**—How is Kura Yerlo funded?

**Mr Bromley**—It is a non-funded organisation. The CEO down there, Tania King, has been there for the last seven years. Before she took over the place was in the red. She got it out of the red and into the black. There are all those programs happening down there, the youth programs, drivers education, first aid programs and all of that.

**CHAIR**—You are a bit of Lorraine's idea of a one-stop shop in Largs Bay.

**Mr Bromley**—You are talking about accommodation for youth. I know the Aboriginal hostels have got young people in them but they should have hostels for young people too. It is all for

adults, there is nothing for youth. When Luprina Hostel first started up at Dudley Park it was mainly built for people coming out of jail. It is the same with the one outside of town in the Payneham Road area. They were built specially for people coming out jails and for youth and that kind of stuff. Now they house people coming from the bush. They have nothing for youth. I think they should have hostels for youth. You have been talking about it here today. We had a program out there years ago where I went out and talked to the young people. Don Hayward who I am representing today works at Kura Yerlo with the drug and alcohol program down there. He has been talking to me about starting this program out at Cavan Youth Centre where elders can go out and talk to the young people. All these pilot programs have been going. Kumangka was a part of Kura Yerlo. Tania King was on that board too. She has been on the board of a lot of programs. Kura Yerlo is for everybody around the whole metro area. Anybody can go there.

**CHAIR**—Where it is located?

**Mr Bromley**—It is at 208 Lady Gowrie Drive, Largs Bay. It is right on the beachfront. It is in the western region. It is one of the best places that ever happened around that area, with all the programs they run down there.

**CHAIR**—Such things exist in other parts of Australia, too: a coordinating Aboriginal organisation which draws together many services and does mean that there is a central place for people to relate to.

**Mr Bromley**—Yes.

**CHAIR**—Thank you. I am glad you got in at the last minute. I thought, Trevor, you were grandpa with the Grannies Group!

**Mr Bromley**—No, no, no. I am with a different elders program.

**CHAIR**—I am going to have to run, I apologise. It is really fantastic that you all came. Thank you. You have helped crystallise some of our thoughts a lot. You will see, I hope, some of what you say in our recommendations.

**Subcommittee adjourned at 4.22 pm**

*These proceedings have been authorised by parliament.*