

# SUBMISSION

## Inquiry – Indigenous juveniles and young adults in the criminal justice system



Australian Government

**RESPECT**

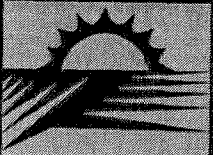
**RESPONSIBILITY**

**RULES**

**PUTTING INDIGENOUS**

**COMMUNITIES IN THE PICTURE**

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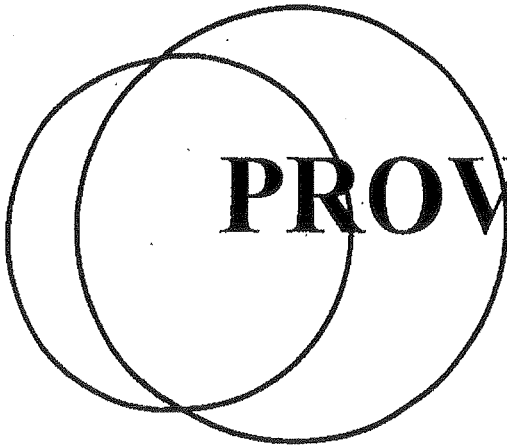
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# PROVINCE Promotions

ARK: 0N20139275

Promoting your region's interests

13 January 2010

Committee Secretariat  
House of Representatives Standing Committee  
on Aboriginal & Torres Strait Islander Affairs  
House of Representatives  
Parliament House  
CANBERRA ACT 2600

## SUBMISSION

This submission is made in respect to the Committee's invitation to members of the community to provide input into the high level of Indigenous juveniles and young adults in the criminal justice system.

### Background

- As a lawyer in regional Queensland, I have seen young lives destroyed by the misuse of alcohol, drugs, violence, cars and sex.
- Since 2000, my partner and I have worked on initiatives that foster a culture where young people take responsibility for their actions and make good decisions, not because they have been "told to", but because it makes sense.
- Our experience culminated in the development of a program that educates young adults, as well as parents, teachers and communities of the consequences of engaging in adult behaviours such as having sex, taking illicit drugs, becoming involved in fights, binge drinking etc.
- Over the last 2 years we have presented to more than 9,000 students, parents, elite athletes etc. The response has been overwhelming and extremely positive. Further information is available at [www.puttingyouthinthepicture.com](http://www.puttingyouthinthepicture.com)

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- The program has been independently evaluated and is included as part of Queensland Health's Strategic Directions for Chronic Disease Prevention 2000-2012, Population Health Queensland published by Queensland Health as one of the resources that it supports the implementation of.
- As a result of being invited to present to Indigenous audiences we became acutely aware that if we were to maximise the impact of the resource with Indigenous audiences a training DVD with Indigenous characters needed to be produced.
- We have been contracted by DEEWR to implement our resource into the Indigenous communities in Woorabinda, Cunnamulla, Charleville, Doomadgee and Mornington Island.

#### Terms of Reference

I am not qualified to address all the terms of reference however I provide the following information that may be of assistance.

**1. How the development of social norms and behaviours for Indigenous juveniles and young adults can lead to positive social engagement.**

I would make a single comment that there is a tendency for all government programs that are addressing alcohol and crime to be imposing solutions on Indigenous audiences rather than seeking to engage the audience to come up with the solutions themselves. Further, each Indigenous community is unique and the "social norms and behaviours" will invariably differ from one community to the next.

**2. The impact that alcohol use and other substance abuse has in the level of Indigenous and young adult involvement in the criminal justice system and how health and justice authorities can work together to address this.**

The Committee will be well aware that in 90% of all Indigenous contacts with the justice system alcohol was a factor (source *National Indigenous Drug and Alcohol Committee*). Despite this alarming statistic it is my experience that health authorities continue to concentrate their endeavours on the "health consequences" rather than the "legal consequences".

It has been my experience dealing with health authorities that they are extremely reluctant to acknowledge the role that legal authorities have in helping bring about change. I can also provide a wealth of correspondence showing my endeavours to have health authorities consider the legal consequences to little effect. In saying this, I can readily appreciate the equal role that health authorities have to play which is why at all times we have sought to involve health authorities with the development of our resource.

For example when developing our resource we had the input of experienced government health workers and educators. We developed the resource as a training manual as the feedback we received from the health professionals and educators was that for our resource to have maximum impact it needed to be delivered over a period of time rather than as a "one off" event.

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There has also been a tendency in the past to simply delegate health workers to come up with a "health promotion" campaign. With respect if we are to bring about a reduction of Indigenous people before the Courts then the justice authorities should play a major role.

To provide an example of how the justice system can help bring about change, we recently appeared before the District Court in Charleville where we entered a plea of guilty on behalf of Mr Patrick Gibson who was charged with Dangerous Driving causing Death whilst under the influence of alcohol. Prior to sentencing Mr Gibson, with our assistance, created a training DVD aimed at addressing the high rate of drink driving in regional Australia. The Sentencing Judge, Dearden DCJ made the following comments about our client's initiatives:

*"You have taken, of course, one further very important step, and that too, interestingly enough, reflects a request that I make repeatedly of defendants who I sentence for dangerous driving causing death. At the end of my sentencing remarks, it is almost always my practice to say to them, as one human being to another, that if, on their release from prison and it inevitably is a release from prison; if they can, in some small way, whether formally or informally, educate other members of the community about the dangers of driving motor vehicles dangerously and, in particular of course as in your case, driving dangerously while affected by alcohol, then those people will, in some small way, perhaps contribute to reducing the utterly unnecessary loss of life that occurs on our roads because of the failure of people to comply with their obligations to drive safely and to drive without being affected by alcohol or drugs.*

*As I said, you, to your credit, have done far more than I have asked of any defendant, and you have done it far earlier than any defendant that I have ever spoken to has done anything and, of course, as I tell them, I will never know whether they have done anything. In your case I do know that you have done something, and it is clear to me that what you have done, in addition to the material already produced by the organisation your solicitors have set up, is a powerful educational tool to assist others, particularly young men, because sadly it seems to be young men who are most susceptible to that combination of testosterone and alcohol-induced invincibility, and it might just induce at least some of them to change their behaviour, and if, in some small way, your actions prevent one death, then the universe will be grateful. If it prevents 10 deaths, it will be extraordinarily grateful, and anything more than that would be truly a gift.*

*You will have achieved three effects. You will have contributed in a small way to the healing of Mr Hunt and his family, and I have read both his and his daughter's victim impact statements, and I understand, as best as any human being can, the depth of their despair and their sorrow. You will have contributed, I hope, to other families not going through that similar despair and sorrow at the loss of a loved one. You will, of course, have contributed to your own healing, and that too is extraordinarily important.*

*.....*  
*I commend you again for what you have done with the DVD. I said, and I mean it very sincerely, I say at the end of the sentence like this as one human being to another, to primarily young men but young people in the dock, and I asked them personally. I hope that they do something, but I do not know because they walk out typically into gaol, and whether they ignore my request or not is just a matter - I have got no way of knowing. In your case, as I have said, I do know and I have no doubt having seen it now for a second time that it will make an important contribution because it is a real person telling a real story. It is not an actor. It is not a fake emotion or a fake story. It is a real story. It is a real loss of life, and I hope that it makes a real difference."*

*Charleville District Court- 7 September 2009*

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This drink driving DVD is now being made available to all that are using our training resource. The response has been overwhelming from audiences as they can relate to Mr Gibson telling his story.

3. **Any initiatives which could improve the effectiveness of the education system in contributing to reducing the levels of involvement of Indigenous juveniles and young adults within the criminal justice system.**

We have developed an independent self funded program entitled "Putting Indigenous Communities in the Picture" which, even in its embryonic stage, is having a positive impact. The program is making young Indigenous audiences aware of circumstances and situations which can lead to violence (and other anti-social behaviour) enabling them to make informed decisions and to become responsible for their own actions.

**What is it?**

- The resource includes a series of confronting movie scenarios showing authentic Indigenous young people becoming involved in life altering incidents as a result of poor decision making.
- The issues presented and discussed include sexual assault, a bar room fight, family fight, use of illegal recreational drugs, motor vehicle accident, binge drinking, sexual assault and domestic violence.
- The vignettes have been professionally produced as a DVD and make compelling viewing.
- The characters in the scenarios are portrayed as 'good people' who find themselves in bad situations. The characters are normal and likeable and are not the stereotypical characters which are so prevalent in past awareness campaigns.

**Why Does It Have A Chance of Success?**

- It is not a "one off" feel good session
- The movies are 'real' and will connect with the audience
- The resource is designed around "telling tales" that the Indigenous youth can relate to
- The resource is visual and highly interactive
- We are not preaching or imposing a solution
- We are giving:
  - brutal honesty and authentic behaviour. The audience can identify with the characters in the scenarios as they use appropriate language and act authentically
  - a streamlined and efficient resource
  - an interactivity and real time information. The audience is encouraged to take part in the presentation so they come up with the solutions together

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- We keep it simple
- As the Indigenous communities are unique, the resource has been designed to foster a whole community approach – i.e. the Elders, youth workers, health workers, police, teachers and most significantly, the Magistrate within the local area.
- By reaching just one person during each presentation which results in that person not being involved in an accident or a police investigation or court proceedings, then even by the very basic measure of costs to the court, costs to the police, legal fees (whether private or legal aid) demands on health services, cost of ambulances service etc will far exceed the expense of implementing the resource
- It is innovative and unique and allows communities to take ownership and embrace new ways of dealing with issues facing society
- It is cost efficient
- It provides an immediate impact
- We do not just look at alcohol related events in a vacuum and as such it is more a community approach trying to address a wide range of issues effecting youth
- Flow on benefits include:
  - Promotion of Indigenous music
  - Promotion of Indigenous young actors
  - Greater prospects of employment if criminal history is limited
  - It provides non Indigenous audiences with a greater appreciation for Indigenous issues such as racial abuse

As an example of the immediate impact that our resource has had in an Indigenous community I provide the following unsolicited letter from Mr Kelvin Jarrett who is an Advanced Health Worker, Alcohol and Other Drugs, Community Mental Health Service, Woorabinda.

“24 November 2009

I'm writing to you to say that your programme "Putting Youth in the Picture" is an excellent programme, the best I've been involved in. I would also like to bring to your attention of some of the highlights of introducing your programme to the local high school here in Woorabinda in the past month or so.

I introduced your programme on the 02/11/2009 at Wadja Wadja High School in Woorabinda; I must admit I was a bit sceptical and very nervous wondering how the students were going to react to the mainstream version of your programme. The response to the first two scenarios was absolutely amazing, the students and staff participated in all aspects of the discussion following the viewing of the DVD. Some of the highlights were.

- The first session was attended by 3 teachers, 5 teacher aides and 12 students, there contribution to the discussions was excellent

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- All students who participated in all discussions were very empathetic i.e. putting themselves in the actors position and how would they have reacted in these types of situations
- The group allocated time was initially 1 hour, but the discussion saw us take the time easily to 2 hours
- Again the participation was excellent from both groups as well as teachers and teacher aides, group discussion was brilliant

We also utilised the 4 Corners programme - Matty Johns (*our resource featured in the program as an example of how the NRL is educating players*) scandal to show students as well as staff, it doesn't matter who you are, everybody is vulnerable to alcohol/substance misuse. The programme was such a hit with all the students and staff involved they wanted more programs on fallen high profile sports stars, but the message I gave them was clear that it didn't matter who you are, were or was it all had them same effect and came with huge consequences if abused. The program complimented the "Putting Youth in the Picture" program so much it gave it whole new dimension and made it easier for the youth to understand.

Since we began this programme in Woorabinda the response from students and staff has been amazing, even the staff in the Woorabinda Multi Purpose Health Service are very inquisitive about the programme. It's been such a good response from everybody involved, we started delivering it once per week.

The desired outcome of "Putting Youth in the Picture" pilot program was a success with excellent participation in all discussions, not only from the two student groups but from the teachers and teacher aides as well. The amount of feedback after it was finished was phenomenal, with one student asking "When are we going to do this again, tomorrow". As a facilitator of this program I personally thought we wouldn't get this kind of reaction until the third or fourth session, I'm so proud to be a part of your programme and thank you.

Kelvin Jarrett  
Advanced Health Worker  
Alcohol & Other Drugs, Community Mental Health Service  
Woorabinda"

**NOTE:**

*This letter relates to the main stream version. Woorabinda is due to implement our Indigenous resource in February this year.*

Summary

We need to change the development of social norms within Indigenous communities beginning with today's youth. To do this we need an interactive program to promote discussion and confront issues and attitudes. Only by informing young people of the possible pitfalls, or consequences of their actions, can we arm them with the information they need to take responsibility for their own actions and to make the right decision at the right time.

My experience with our resource shows that an interactive education program, rather than a campaign preaching abstinence and more ways to say "no", can change behaviour.

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Finally, any education campaign must be flexible and be able to be adapted to an individual community.

Yours sincerely

**Enclosures:**

1. DVD – Welcome to our World – Indigenous Youth

*"The Board of the Queensland Hotels Association is pleased to formally endorse the Welcome to Our World program as a highly suitable vehicle for youth education and awareness training, particularly in relation to informed decision making, and the potential consequences of the mis-use of alcohol."*

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