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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**

TUESDAY, 4 MAY 2010

BRISBANE

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

Tuesday, 4 May 2010

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

Members in attendance: Mr Debus, Ms Rea and Mr Turnour

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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Committee met at 9.19 am

CHAIR (Mr Debus)—I declare open this public hearing of the House of Representatives Standing Committee on Aboriginal and Torres Strait Islander Affairs, which is inquiring into the high level of involvement of Indigenous juveniles and young adults in the criminal justice system. I acknowledge the traditional custodians of this land, pay respect to the elders past, present and future and acknowledge Aboriginal people generally who now reside in this area. The meetings of this committee are formal proceedings of the parliament, so everything said at them should be factual and honest. It is considered a serious matter to attempt to mislead the committee. I will invite witnesses to make comments to assist us in our inquiry into the involvement of Indigenous youth in the criminal justice system. The hearing is open to the public and a transcript of what is said will be placed on the committee's website.

[9.20 am]

ANDERSON, Mr Kelvin John, Commissioner for Corrections, Queensland Corrective Services, Department of Community Safety, Queensland

ATKINSON, Mr Robert, Commissioner of Police, Queensland Police Service

KILL, Ms Bette, Associate Director-General, Strategy, Policy, Programs and Performance, Department of Communities, Queensland

LEITCH, Ms Angela, Director, Indigenous Education Policy, Department of Education and Training, Queensland

RYAN, Mr Terry, Acting Deputy Director-General, Justice Services, Department of Justice and Attorney-General, Queensland

CHAIR—I particularly welcome the presence of Queensland government senior executives here today. It is a source of great satisfaction to us that you should have taken the trouble to come and an indication of how seriously you take the issues that we are investigating on our visits to various jurisdictions around Australia. We normally proceed by inviting witnesses to make an opening submission, and I gather that Ms Kill will do that on behalf of the other departments. We will then enter into a freer discussion of the issues that you raise.

Ms Kill—We would like to start by acknowledging the traditional owners and elders of the land on which we meet. The Queensland government would like to welcome the House of Representatives Standing Committee on Aboriginal and Torres Strait Islander Affairs and its inquiry into high levels of involvement of Indigenous juveniles and young adults in the criminal justice system. Our government is committed to closing the gap between the life outcomes and opportunities experienced by Aboriginal and Torres Strait Islander peoples and those experienced by their non-Indigenous Queensland counterparts. It is acknowledged that young Indigenous people continue to be overrepresented all across the statutory interventions. Our government is actively engaging young Indigenous people to prevent offending, reduce reoffending and provide support and assistance to reduce their contact with the criminal justice system.

I would like to take the opportunity to briefly outline some of the relevant activities the Queensland government is currently undertaking in this area. There are a number of initiatives and services that provide viable early intervention options for children and young people at risk of offending. For example, the Youth and Family Support Service in Brisbane works with young people and their families to prevent a range of at-risk behaviours from escalating to offending or other negative life outcomes. Another example is the Pathways to Prevention project, which provides family support services to primary school age children and their families before problems emerge.

In 2010-11, the Department of Communities will shift \$8.5 million to invest in new Indigenous child protection services that have an increased early intervention and family support

focus. This will provide a wider range of services for Indigenous families, help us to address the challenges they face early on and hopefully reduce the number of children who need to be removed from their homes and their families.

A trial initiative, Breaking the Cycle of Domestic and Family Violence, commenced in October 2009 for a period of 20 months in Rockhampton. This trial aims to improve the safety and wellbeing of adults and youth affected by domestic and family violence through an innovative approach that integrates human and justice systems through better information sharing and coordinated service delivery. The trial provides services for Indigenous families experiencing family violence. As of mid-March, approximately 25 per cent of referrals to the case coordination teams were Aboriginals and/or Torres Strait Islanders. This has helped reduce the number of Aboriginals and/or Torres Strait Islanders who come into contact with the criminal justice system for domestic and family violence offences.

The South-West Indigenous Family and Youth Coaching and Mentoring Service is designed to reduce the number of young Indigenous people who enter both the child protection and the youth justice system. The service, due to commence later this month, will address the links between child maltreatment and juvenile offending at an early age through intensive family and youth coaching and youth mentoring to improve family functioning.

The Department of Education and Training runs several programs that focus on attendance, retention and achievement of Indigenous students. Programs that support this focus include: the Embedding Aboriginal and Torres Strait Islander Perspectives in Schools program, which focuses on embedding Aboriginal and Torres Strait Islander perspectives throughout all Queensland schools to help Aboriginal and Torres Strait Islander students develop their sense of identity and pride in their culture, as well as building knowledge and understanding of their cultural heritage, thus contributing to developing a positive self-concept; the service guarantee, an initiative implemented in Far North Queensland that guarantees that all students can transition into a learning or earning pathway after year 12 by committing colleges to ensuring that graduating students either receive an OP score, complete an SAT, be on a clearly articulated vocational education pathway or gain employment; and operating schools within Brisbane and Cleveland youth detention centres and developing transition arrangements prior to release of the young person. These programs are critical to reducing the level of involvement of Indigenous juveniles and young adults with the criminal justice system. Queensland has the second highest apparent retention rate—that is, 52.9 per cent—of all jurisdictions in Australia for Indigenous students from years 7-8 to 12. The Australian rate is 41.9 per cent.

There is compelling evidence that alcohol use is causing serious short- and long-term harm to Aboriginal and Torres Strait Islander individuals, families and communities. These harms are compounded in remote Indigenous communities, where the lower levels of employment and diversions from drinking go hand in hand with higher levels of alcohol misuse. Alcohol restrictions were introduced into Queensland's 19 mainland Indigenous communities between 2002 and 2006, with further substantial reforms in 2008. Over 100 services have been implemented in remote communities to support these reforms, including health treatment services, diversionary services and sport and recreation services. Since 2002-03, there has been an overall improvement in key indicators across all communities. However, with small populations and quarterly fluctuations for wet seasons and community events, it is difficult to

discern absolute trends. The Queensland government also provides safety and support services to young people who engage or are at risk of engaging in misuse of volatile substances.

In Queensland, Aboriginal or Torres Strait Islander young people make up 34 per cent of juvenile offenders. During 2008-09, Indigenous young people represented 53.5 per cent of all young people remanded into custody and 72 per cent of all young people admitted into detention orders. As at 13 April 2010, there were 14 Indigenous 17-year-old males and one Indigenous 17-year-old female in custody, with nine of them being held on remand and the remaining six serving a term of imprisonment. The good news is that the number of offences committed by Indigenous young people in Queensland declined by 17.4 per cent between 2006-07 and 2008-09. Other encouraging data between the years of 2006-07 and 2008-09 indicates that the number of distinct Indigenous young people appearing before the court for offences decreased from 1,622 to 1,544, a reduction of 4.8 per cent. The number of distinct Indigenous young people admitted to youth justice orders decreased from 825 to 766, a reduction of 7.2 per cent. The proportion of Indigenous young people on supervised orders has also decreased from 49.7 per cent in 2007, which equates to 798 people, to 46.2 per cent in 2009, which equates to 689 people.

The Queensland government has invested heavily in diversionary and support programs to reduce Indigenous young people's contact with the youth justice system. Data shows that Indigenous children who come into contact with the criminal justice system are coming into contact at much earlier ages than their non-Indigenous counterparts. Recent research commissioned by the Department of Communities indicates that, in 2008-09, 25 per cent of Indigenous Queensland children were cautioned initially between the ages of 10 and 16 years of age. Cautioning and conferencing are typically available to first-time and non-serious offenders.

We know that when young people do come into contact with our youth justice system they are being diverted effectively. A modified conferencing process in youth justice services has been developed using a responsive storytelling approach to improve the effectiveness of the conferencing and to enhance the outcomes of Indigenous conference participants. This statewide program has strong evidence of successfully holding young people accountable for their actions and helping victims, with 98 per cent reaching agreement in 2008-09. Conferences also have a higher success rate for tackling re-offending. Research shows that young people who are dealt with by a conference are 15 to 20 per cent less likely to re-offend than those dealt with by the court. Youth justice conferencing gives young people an opportunity to repair the harm that they have caused and holds a young person accountable for their actions.

The Queensland Police Service Coordinated Response to Young People at Risk program, or CRYPAR, is a whole-of-government initiative which aims to assist young people in addressing issues which are often identified as contributing factors in the development of criminal and self-harming tendencies and antisocial behaviour. Essentially, CRYPAR is a referral process that allows police officers in the field to refer young people to a range of agencies that can assist them with their identified issue. The young person's consent is required and a referral form is later faxed to the appropriate agency, which has agreed to respond within 48 hours.

The CRYPAR program is only viable where the required agencies exist on the ground and provide an effective response and service within those 48 hours. This prohibits the CRYPAR program from being transferable to other remote and rural areas without those existing services

which collectively form CRYPAR. Achievements to date include 681 police trained, more than 1,400 referrals of young people and 50 partners across four police districts, which include Logan, Rockhampton, North Brisbane and Pine Rivers. With regard to crime, CRYPAR has successfully reduced recidivism by 66 per cent. The statistics were obtained from a sample of 197 clients with a history of committing criminal offences. There is no record for 130 of this group re-offending since their referral.

The justice agreement has a long-term aim of reducing the rate of Aboriginal and Torres Strait Islander people from coming into contact with the Queensland criminal justice system to at least the same rate as the non-Indigenous Queenslanders. Significant progress has been made in relation to fairness, equity, cultural competency and Indigenous participation in justice administration. The Queensland government established community justice groups in 1993 to deal more effectively with justice issues in urban, regional and remote Aboriginal and Torres Strait Islander communities.

The Queensland government funds 51 criminal justice groups to support Indigenous victims and offenders at all stages of the legal process. The community justice group program engages with, and builds the capacity of, Indigenous people to resolve justice related issues at a community level. It forges strong links between government agencies and Aboriginal and Torres Strait Islander communities based on mutual ownership of the causes and solutions to overrepresentation of Indigenous people in all aspects of the criminal justice system. Community justice group members are also active in the Murri Court, the justices of the peace Magistrates Court program and the Queensland Indigenous Alcohol Diversion Program.

In 2010 a review of the community justice group program will be conducted, at least in part, in response to a recommendation of the Crime and Misconduct Commission report, *Restoring order: crime prevention, policing and local justice in Queensland's Indigenous communities*, which was tabled in parliament in November 2009. The report acknowledged the difficulty in compartmentalising crime and justice issues in isolation from a wide range of other issues, including education, employment, housing, health, governance and the connection between alcohol and violent crimes, which are problematic in Indigenous communities. The importance of addressing the underlying causes to offending is highlighted by a significant number of recommendations with implications for other government agencies, especially communities, child safety services, justice and corrective services.

Youth Murri courts are part of the Murri Court initiative run under this agreement, and are designed to be more informal, less intimidating and, where possible, to deliver services that focus on rehabilitation. Youth Murri courts for Aboriginal and Torres Strait Islander youth currently operate in 14 locations.

It is recognised that the aim of halving the incarceration rate of Aboriginal and Torres Strait Islanders will not be achieved by the end of the agreement in December 2010. The Queensland government has therefore committed to developing a new Indigenous justice strategy that will focus on early intervention and prevention and addressing the causes of crime to continue its work in addressing the high levels of Indigenous representation in the justice system. Clearly, keeping young people from coming into contact with the system in the first place will be a high priority. This new plan will be closely aligned to the national *Closing the gap* agenda and the National Indigenous Law and Justice Framework.

Research commissioned by the Department of Communities found that while Indigenous young people are more likely to be remanded in custody than non-Indigenous young people—63 per cent compared to 51 per cent—there is no evidence of systematic bias. In addition to their current and prior offence details, Indigenous juveniles are at particular risk of being remanded into custody because of a lack of appropriate supports and bail supervision in the community. The Queensland government is investing in accommodation facilities and programs designed to assist Indigenous young offenders to meet their bail conditions. For example, the Youth Opportunity program offers assistance to young people on bail across the Far North Queensland region to meet their bail conditions, thereby reducing the likelihood of them being remanded in custody. Bail support services also assist young people to meet their bail conditions and address accommodation stability for young people to reduce the number of young people remanded into custody.

There are a range of programs available for young people who have been sentenced to periods of detention that are aimed at reducing the risk of these young people from reoffending, including therapeutic programs to address anger management. The recognised Aggression Replacement Therapy program is an intensive 10-week course targeted at high-risk young people. The program aims to reduce reoffending by teaching social skills, anger management and moral reasoning. The Changing Habits and Reaching Targets program also reduces the risk of these young people reoffending. Programs specifically designed to rehabilitate sexual offenders have also been implemented across the state and in regional and remote locations. For young adult offenders there are a range of Indigenous specific programs available both within custody and within the community, including Ending Offending and Ending Family Violence programs and an Indigenous sex offender program available to Indigenous prisoners.

Preliminary Queensland data indicates that nearly nine in 10 Indigenous young people leaving youth supervision or detention will be arrested by police after completing their order or period in custody. This data highlights the importance of effectively transitioning young people from supervision or detention. The Youth Opportunity program is an example of a program delivering culturally appropriate support and intervention services to young people involved in the youth justice system and their families from Far North Queensland. The program has achieved major successes, including assisting parents to improve their parenting skills, supporting young people to make positive lifestyle choices and engaging younger siblings to assist them to link with positive peer networks. The Youth Housing And Reintegration Service will target young people who are at risk of homelessness, including those transitioning from a period of sentence or remand in youth detention in Townsville.

The Department of Communities, through the Aboriginal and Torres Strait Islander Services division, leads three of these innovative reforms: the Cape York Welfare Reform trial, the Remote Service Delivery Implementation and the Queensland Indigenous Urban and Regional Strategy—Cities and Towns. The Cape York Welfare Reform trial which runs from 2008 to 2012 is a partnership between Queensland and Australian governments, the Cape York Institute for Policy and Leadership and four communities, including Aurukun, Coen, Hope Vale and Mossman Gorge. The trial is a holistic social and community development program that encourages people to take responsibility for community wellbeing by: improving school attendance and child safety; addressing alcohol abuse, drug abuse, gambling addiction and family violence; and improving tenancy management. The trial also encourages people to engage in the real economy, in real jobs and in homeownership.

The Families Responsibilities Commission, or FRC, forms a key part of the welfare reforms and aims to restore local Indigenous authority and positive social norms. The FRC works with people referred to it through breaches of state child protection, through school attendance and through criminal and tenancy laws to determine the best course of action to address their issues through a conferencing style process. Local Indigenous elders lead the process. Clients are then referred to support services such as wellbeing centres to get assistance with anger management, general counselling and financial counselling.

The Remote Service Delivery initiative is a partnership between the Australian and Queensland governments and six remote Indigenous communities in Queensland including Aurukun, Coen, Hope Vale, Mossman Gorge, Mornington Island and Doomadgee. The key focus of this initiative is a single government interface for these communities, with offices jointly staffed by Queensland and Australian government officials who report to one manager and work across Commonwealth and state activities for the benefit of each identified community.

Important to the success of this new model is the work the staff undertake with local service providers, agency managers, community leaders and members and stakeholders to cut through red tape and the government silos to resolve issues collaboratively. The remote service delivery framework includes specific initiatives to develop local implementation plans to prioritise community and government initiatives, to improve governance and leadership in communities and to improve cultural capability of the government staff working in and visiting these communities.

The Queensland Indigenous Urban and Regional Strategies—Cities and Towns, is being developed to tackle a range of issues on the COAG agenda and to assist with closing the gap for Aboriginal and Torres Strait Islander people who live outside the discrete Indigenous communities. This strategy will develop detailed strategies to overcome inherent inequalities by improving education and employment outcomes to economically empower Aboriginal and Torres Strait Islander people.

In conclusion, the criminal justice system alone cannot resolve the issues of high involvement of Indigenous youth in the Queensland criminal justice system. The Queensland government has committed to ensuring that the responses to Indigenous offending are not considered in isolation from social, economic and historical factors. The Department of Communities will continue to work in partnership with communities, the Commonwealth government and other government departments of the Queensland government to implement best-practice programs to effect positive change for Indigenous young people who are at risk of entering or who are already in the Queensland juvenile justice system.

CHAIR—Thank you. That is certainly a comprehensive account of the work that the Queensland government is doing. Would it be possible to draw in your colleagues to comment on the account you have given? My colleagues and I are especially interested in your perceptions of the benefits of spending more money earlier in the lives of people who may eventually enter the criminal justice system. In particular we are interested in what you think are the strengths of some of those new programs that you have been describing, not least the ones in the north.

Mr Ryan—Bette has outlined a number of the programs that the department is currently running. We share the committee's view that early intervention is the key. Once people reach the

courts and the criminal justice system it is difficult to keep them away from that system. We are running a number of programs in pilot mode at the moment, including the youth Murri Courts and the Queensland Indigenous Alcohol Diversion Program. We also have a justice of the peace magistrates court program. We have had evaluations done on the Murri Court and the Queensland Indigenous Alcohol Diversion Program, which are currently under consideration by the government. The evaluations demonstrate that just having a court with a special process is not necessarily helpful if you do not back it up with programs, like employment programs or education programs, that give people meaningful lifestyles away from the court.

We are on the cusp of justice responses in Queensland. The 10-year justice agreement is coming to an end this year. As Ms Kill indicated, we have not achieved the rather ambitious goal of 50 per cent reduction in overrepresentation, but I think it is fair to say that we are doing as well as, if not better than, some other jurisdictions in that we are keeping—

CHAIR—It is my impression that there has been a massive increase in government activity and investment in resources in the justice system and its interface with Indigenous people in the last 10 years. It is my impression that there has been a quite dramatic change.

Mr Ryan—Yes, there has certainly been a big increase in the focus on engaging better with Indigenous communities in the system. I think we in that partnership need to get better at giving more ownership to communities to come up with solutions that work in particular areas; something that works in Brisbane obviously may not work in Cape York and vice versa. I think we need to respect the wisdom and the knowledge of elders in particular locations to guide us in partnership with them.

Mr TURNOUR—In the strategy you have talked about the cities and regional centres and how they are quite distinct from remote communities. The way you have presented your statistics goes across the state, but you are already talking about the differences between these locations. Have you broken it down in terms of changes in benefits? Is there any difference between, say, outcomes in remote Indigenous communities such as Woorabinda on the Cape York Peninsula and those in Brisbane, Rockhampton or Cairns?

Mr Ryan—I do not have that data available, but I think it is the more remote communities that are the most challenging to service, because of the lack of services on the ground in those communities. I do not know whether the commissioner has any comments on policing in those areas.

Mr Atkinson—No, I do not, but could I come back to that point when I have a chance to speak to the committee? I think it is a really important one.

CHAIR—I think your chance has arrived.

Mr Atkinson—Thank you. I endorse the comments of Bette Kill and Terry Ryan. I will add some from a policing perspective and then take any that you might have. I am sure you have heard this, but I will restate it. Despite the best will in the world in the last decade in Queensland, I think—this is just my own view—that we may need to look longer than 10 years. We might need to look at three decades so an Aboriginal or Torres Strait Islander born in 2010, when they are 30 years of age in 2040 has the same position as someone else in Australia born in

2010 will have at 30 and is in a leadership role within their communities and social infrastructure. I think we are a long way away from that. We need a really long term approach. With respect, I also think that needs to be a planned, structured and funded approach that is bipartisan across local, state and federal governments.

I come back to Mr Turnour's point because I think that is an interesting one. I think there are at least seven different communities: the cities, which are large towns like Townsville and Cairns; the medium sized towns like Mount Isa; the smaller towns like Camooweal and Boulia; the isolated communities, which break down again into communities like Yarrabah and Wujal Wujal, which are close to major centres, and isolated centres like Mornington Island, Aurukun and Kowanyama which, despite being isolated, still have significant services. They will have health, education, police and other government services on the ground. We hardly have any in Queensland, but obviously in the Northern Territory and Western Australia there are many small, isolated communities that hardly have any services at all. I think that aspect is an important one.

To answer Mr Turnour's question: I am not aware of any research that shows whether or not Aboriginal and Torres Strait Islander people—I think we are really talking about mainland Aboriginal people—are better situated. I think it would be an important body of work. I may well be wrong, but my sense of it is that they are doing better in the smaller towns than they are in the cities or the isolated communities. I just get a sense that in towns like Mount Isa and the smaller places they are doing better. I am sorry that I have not got any qualitative or quantitative data to support that assertion, but I do think that is an important body of potential work. For the isolated communities, I think the elephant in the room is the economic future. Most of the employment is government funded. Do we keep doing that year after year after year? Clearly there are links to other issues and that has been stated many times—the links between the criminal justice system, health, education and all of those other things.

Regrettably and sadly there has been some polarisation in terms of the police perspective and the perspective of legal aid. I think we could do some work on that. I would hope and I believe that we all want the same thing. We do not want young Aboriginal people to be in prison and to suffer poor outcomes. I think there is a chance to work together more closely on that, but it would need some fairly radical thinking. The police would have to be prepared to take a different approach, and I think they are. With respect, the Aboriginal legal aid services would have to be prepared to take a different approach as well. When a young person is repeatedly coming to the notice of police for activity, rather than putting them repeatedly before the court and having that adversarial arrangement, which is part of the justice system that we have, we need to say, 'Can we just step outside of this a little bit?' particularly if it is a property crime. Just write that off because the reality is that generally no-one is going to get compensated for a property crime. People are either insured or they are not. We should look at a different way of doing things. But if we are going to do that there have to be programs that the young people can go into. We cannot just say, 'Go home and don't do it again.' There has got to be a program. With the greatest respect to all the work that can be done in schools and to saying that the schools have got responsibilities, most children go to school between nine and three Monday to Friday. If they go, that is 15 hours a week. There are 168 hours in a week. That is less than one-fifth of the total time. So there has got to be something there that is solid in terms of the program.

I think there is scope for an expanded police role. Police tend to be the first point of contact. Obviously there is a lot of bad history in terms of police, so I think there is a chance for us to

hopefully turn that around. That will not be done overnight, but I do think there is a chance for an expanded police role—for police to work in schools and to do more than we are doing. But clearly there would have to be a commitment to that and to the resourcing and everything that would go with it.

I think employment is a critical issue. It is important that we focus on employment, not just by saying, 'There is a job here,' but by looking at the pathway into that employment. From a policing perspective, it is really important that Indigenous people gain employment in police departments. To me it does not matter whether they gain employment as sworn police officers, police liaison officers or civilians; it can be in any capacity at all as long as they are employed in a police department. I also do not think that they should be employed because we want them to go back into Aboriginal communities. We should be employing people in the police department so that they have a role in the department and so that other Indigenous people can see that opportunity as well.

Finally, and this may be a little bit radical, I think it is worth mentioning that my understanding of the economic theory of crime is that what prevents people from committing crime is generally one of two things. Those of us at this table and that table in this room would not commit a crime, not because we are worried about going to prison but because, if we are convicted of a crime, our lives are ruined in terms of our jobs, our reputations and everything else. Going to prison is not an issue for us; it is the ruination of our lives. People who are career criminals are not worried about their reputation; they are worried about whether they will do five or ten years if they are caught. That is the economic theory. I think what we are talking about here is a third dimension that we have not come to terms with yet. I think we need to go and talk to young people who are in youth detention centres and Indigenous people who are in prison and ask them what would have stopped them from ending up where they are. I think we have got a third dimension here in terms of causal factors that we need to get a better understanding of. Thank you for listening to me.

CHAIR—Thank you. I would like to ask a couple of things. We are to hear from Magistrate Tonkin later in the morning about the problems associated with driving licence requirements as they particularly affect Aboriginal communities, especially in more remote areas. It seems to be a problem in all jurisdictions. Have you had any thoughts about that? When I was a law student, poor people often went to prison for what we call in New South Wales the trifecta: offensive language, assault police and resist arrest. That does not happen anymore, not least because police have a quite different attitude to those things. Enormous numbers of people are going to jail because they accumulate driving offences that appear to begin with quite minor problems, but they end up having such an accumulation of offences that a magistrate puts them in jail.

Mr Atkinson—I think there is scope for us to do more in that area, and some good work has been done. In fact, some wonderful work has been done in terms of that area, but I think there is scope to do more. Maybe there is scope for the police and the transport departments to work more closely together in that regard and to have more structured, defined programs. What would be really interesting would be—and I am not sure that this research has been done—to look at the numbers of people who are in custody and put that into four categories. Those categories, to my mind, would be crimes of violence, property crime, traffic related matters and other social order matters. I share your view, Chair, and I thank you for making the comment that we do not have people in prison now for using bad language—I hope not, anyway. It would be interesting

to do a snapshot of people in custody, whether that is in youth custody or otherwise, and look at why they are there. Until we know that I do not think we will be properly informed to make that observation, with respect.

Mr TURNOUR—I would like to go back to the area where we started, and I appreciate your comments in relation to more research and whatnot. Some of these are smaller committees and you have outlined a good cross-section of the differences in communities in Queensland. Would it be possible for the police department policy people to have a look at remote and regional cities and smaller towns and provide us with some information from your statistics about engagement with the criminal justice system by young people, even if it was in a private capacity? We would not necessarily expose the information, but it might give us a bit of an understanding about whether we were making progress in the cities as opposed to remote communities and the like. Is it possible to have a look at that?

Mr Atkinson—Can I take that notice and come back to the committee?

Mr TURNOUR—Yes.

Mr Atkinson—We would need to do it across all of the performance measures. It would need to be about employment, education and health, and other agencies would have to be involved in that. And there would have to be agreement upfront as to what communities we were measuring and comparing.

Mr TURNOUR—I congratulate you all for coming as a group of agencies. It is good to see agencies working together and presenting together. But, particularly in terms of trying to get evidence based responses, it would be worth while not only for the committee but also for the state government to recognise the great differences you have identified between the opportunities that exist in cities as opposed to, say, Aurukun, and to have some evidence that underpins how we are going across that 10-year strategy.

CHAIR—I get a number of imputations coming from the written and the oral evidence to suggest that recidivism rates and imprisonment rates are at least slowing in Queensland, and that is not so in most parts of Australia. Perhaps then it is the appropriate moment—I know we have two of you still to make—

Mr TURNOUR—Are we going to come back later, because I did want to ask the commissioner one more question?

CHAIR—We are getting very confused now. You ask the commissioner another question.

Mr TURNOUR—The second question I wanted to touch on was the issue just outlined to the committee about having the right police, particularly in some of the smaller towns or remote communities. I think it is particularly important and I think you would recognise that as well. If you come out of Brisbane and you have never been to Aurukun it is a different environment and it can be quite confronting. Could you outline to the committee some of the processes or steps that you have in place to ensure that police going into these places are equipped to work with the community—given the evidence we have heard about how important partnerships and

conferencing are—and some of the things that the Queensland police force has done to try and improve that.

Mr Atkinson—We have upgraded the number of police. We are talking about communities here. We have upgraded the number of police for all of the larger communities with an increase to 10 officers with a senior sergeant in charge. By making it a rank based opportunity we feel we have attracted a more experienced person. For the smaller communities we have increased from two to four and there are only three of those: Hope Vale, Pormpuraaw and Lockhart River. We have left Wujal Wujal, which is a relatively new station, at only two but we think that is appropriate.

The sergeants and the senior sergeant are there for two years. Other officers are rotated through every six months but we are happy for them to stay longer if they are prepared to do that—and in some cases they are and they do. Probably one of the best things we have done in partnership with the Police-Citizens Youth Welfare Association is the establishment of Police-Citizens Youth Clubs and they are in three communities: Palm Island, Yarrabah and Mornington. I think the one at Mornington has been an outstanding success, primarily due to the commitment of the current person there who is putting in an enormous effort.

I think the future of our role in communities has to go beyond—and I hope it will—reactive traditional policing. It has to be involved in prevention and causal factor issues with other government departments and by working with young people. I think that is the pathway into the future but for the communities it is still going to come back to that economic argument about sustainable real employment in the future of those communities and where that is going to be in 10, 20 and 30 years time.

CHAIR—Perhaps we should make sure that Ms Leitch and Mr Anderson also get to make their contribution before we ask yet more questions.

Ms Leitch—I want to recognise the Yuggera people. As a Woppaburra woman it is important for me to do that and also to acknowledge my aunty, who is a member of the audience. When we talk about intervention and the Department of Education and Training we are actually talking about improving children's life outcomes through their education and that is our focus: if they get a greater education hopefully they will have more chance of moving on to further education and employment and not getting involved in the criminal justice system.

For us, intervention is focusing on the children below year 3. We have recently implemented a strategy called Closing the Gap, which focuses on the education of Indigenous students in primary and high schools, and our focus is on changing the outcomes for Indigenous students in year 3. We want to close the gap by 2012 and by 2018, which is the COAG target to close the gap, those children will be in grade 9 and hopefully the NAPLAN results will show that the gap has closed. We have only two years of NAPLAN results. Between 2008 and 2009 we saw a narrowing of the gap for year 3 reading but that is only a comparison and next year we will be looking to see if there is some kind of trend there. So our focus is around foundational learning for these children in prep or pre-prep to year 3.

We have also implemented 35 pre-prep programs in discrete Indigenous communities to help kids as young as age 3 to 3½ to get a better understanding of the English language because the

language of school is standard Australian English. We are looking at getting these children prepared to move into prep and getting them to understand the English language better so they can achieve better outcomes. Evidence shows that our Indigenous students tend to be two years behind other students by the time they reach grade 3 and after that they continue to stay two years behind. They are learning at the same rate and so we need to close that gap in the early years. Therefore, that is a big focus for our Indigenous students.

The attendance rate of Indigenous students across the state is 83 per cent, which is one of the highest in the country and is really good for Queensland. Our retention from the first year of high school through to the end is in the early 50s, which is also higher than most other states in the nation. But we acknowledge that we need to do a lot more around that and that is why we are working with the welfare communities and the four communities in Cape York. We have also implemented a mobility pilot which looks at kids who travel and move between schools and who do not attend. We have four pilot programs going there. They are in urban areas because the mobility of Indigenous kids is higher in urban areas and they are focused on primary schools as well.

When we look across the state at the outcomes for Indigenous kids, we are looking at the outcomes in the remote areas as well as in urban areas. The students in urban areas do tend to do better than the kids in the remote areas. However; they do not tend to do better than the non-Indigenous kids who are in remote or rural areas so there is a need to focus on those students as well. As part of our closing the gap strategy we will be reporting, given that our regions have just changed, on the outcomes of each region. Each region has been given different targets to close the gap by a half, three-quarters or fully for year 3 by 2012. That is what we are focusing on, getting kids to meet those targets in year 3 so that their life chances can be increased by the time they leave high school.

Mr Anderson—Our story is a really simple one: invest in the community and use that as the demand management strategy for custody. Today there will be three times as many people under community supervision as there will be in jail. It is a very simple story. Invest early or at the end of the conveyor belt of the criminal justice system. If we can invest in the community and keep people out of jail then we think that is the way to go.

It is pretty clear from the research that the more someone has contact with the criminal justice system, the deeper they get into a criminal justice system, the more likely they are to come back. Queensland has done very well in terms of slowing the flow into custody. Essentially that is because of a commitment to community policing, community courts, Murri courts, education and the other diversionary programs that are around both for youth and adults. If they come to jail then our approach is that we should invest in rehabilitation and there are a number of programs you heard described such as the Ending Offending Program, the Ending Family Violence Program, our sex offender program and indeed there is also a Making Choices Program for Indigenous women offenders. All of those we know do have an impact and will reduce the recidivism rate. The Family Responsibilities Commission has acknowledged that and they are using our Ending Offending Program in their sets of programs now. That is traditionally something we would not have done. We would not have made our programs available for people who were not on orders. But we are taking a broader view. We know we have a program and we know it works so why would we not make it available?

Last week I was in the Torres Strait and one island there—I will not mention the island—was very keen to have our Ending Family Violence Program made available through the community justice panel and we will do some training for the community more broadly. So it will not be just limited to those people that are on probation.

The thing about Queensland is that it is so large and so diverse. We believe it is the most diverse—culturally and geographically—state in the country. The commissioner says he thinks there are seven states—I counted it as six—but it depends on how you split them up. But the point is that we must understand those communities, because what works in Badu Island will not work somewhere here in Brisbane. To acknowledge that, corrective services have established a series of meetings that we call regional performance meetings. The executive moves to each region and then we inquire about how that region is developing and how we develop our services specifically to address the issues within those regions.

What does that mean? It means that in some places we will have a very practical kind of solution to the problem of keeping people on their orders. In one community we are using the local community radio to announce our presence and that has lifted the attendance rate of people on our orders to 100 per cent.

CHAIR—You could fake it, too? You could just say you were coming, even if you did not!

Mr Anderson—The point is that if people are not attending on their orders, because we are here to administer the orders of the court we would take breach action. But we would rather they turn up, and find ways of doing that.

We have embedded our staff into eight remote communities, with another two next year on the drawing board. That has meant people are now turning up and completing their programs, and successfully completing their programs. The strategy is that we want to increase the completion rate. Our completion rate of orders in Queensland is low by national standards, but that is because we administer the orders very strictly. So a 60 or 65 per cent completion rate is very acceptable for us, and we would like to see Aboriginal and Torres Strait Islanders complete their orders at about the same rate. At the moment it is about five per cent under that completion rate by the various order types.

There is a big challenge for us at some of our prisons—Lotus Glen is a good example—on any day, 70 per cent of the inmates will be Aboriginal or Torres Strait Islanders. It has been said around the north that it is a sort of rite of passage to go to jail. We will work very hard to break down that kind of message going back into communities. We are working increasingly with prisoners to say, ‘When you go back into the community say, “This is a bad experience”, and here is what you should be saying,’ which is truthful. The truth of the matter is that when you speak to Aboriginal and Torres Strait Islander prisoners, as I do, they do not like prison. The myth that this is better for them in some way—that they are in better conditions and the like—is not the case when they are confronted with the regime of prison on a daily basis.

I think there is a lot of work to do with connecting people with their culture while they are in custody, then taking those more positive messages about maintaining a law-abiding lifestyle back into the community. Essentially, here in Queensland it is about investing in the community; investing as early as we can and keeping people on their orders before they come into custody.

CHAIR—Would it be a fair observation to make that it is quite hard to think about closing the gap—it is clear that education is absolutely fundamental to the long-term closure of the gap—if 20 or 30 per cent of the young men between 18 and 30 in a community are in prison? I am quite interested in the general observations of any of you about that.

Mr Anderson—One tremendous initiative is the island circuit and the remote circuits for the courts. Last week I had the pleasure of following the magistrate around the Torres Strait islands and watching the way those matters were dealt with in community. This is extremely important to me because it means that for the first time I really understand that taking those young men out of their community probably does not serve much purpose. The magistrate, being there, is able to balance out the needs of the local community and their expectations. It has also allowed us to do presentations of certificates to people who have completed their programs on Badu and do that in front of the community, saying, ‘Look, there has been reparation for the offence these people committed in your community.’ That is a terrific thing and should be noted.

CHAIR—In jurisdictions across Australia, there is a palpable absence of alternatives to imprisonment. The more remote you get, the fewer alternatives there are generally speaking. I am very interested in how you have responded to it across the board and how you think you ought to respond to that issue

Mr Anderson—To continue with the way that is dealt with in remote communities, the community justice groups play a role and they are local people who will supervise our orders or community work, to ensure that the orders are maintained. We have a very strong association with those community justice groups. There are some examples of very good diversionary programs around the country. While I would point to is near Yarram, in Gippsland, Victoria, called Wulgunggo Ngalu, a learning centre which is reconnecting offenders to their culture. It seems to be a very good model which people could learn from. In Queensland we have tried outstations previously and some diversionary programs and they have failed because of non-compliance of the participants. At the moment at .we are putting our minds to how we can do those better. Part of the problem was that some of them were so close to a community that there was no encouragement for people to stay in the program. Instead, they would be called away and get drawn back to the main part of the community. Then they would breach their order and subsequently those things were not successful. But, there is hope.

Prisoners here in Queensland are moved to a series of work camps and they effectively are living in communities and cleaning up after storms and floods, which we have an awful lot of. They are also doing community work and there is tremendous tolerance and acceptance of those programs in the communities. So as you are indicating, Sir, I think an investment in diversionary programs could work.

Ms REA—I am really interested in education programs which intervene at year 3. Obviously, we all know that the earlier we can intervene in the child’s development, the more opportunities they will have. I would be interested to know specifically what you are doing and why you think the particular programs you have developed will be successful in terms of the intervention. Is it simply more resources, more intense one-on-one focus on students or is it something different you are doing which you think will succeed? On that point, is it the one program across the state or are you trialling different things in regional areas, particularly in light of comments—different

concerns, different problems in different parts of the state, depending on whether you are in a city or a regional or remote community?

Ms Leitch—The Closing the Gap Indigenous Education Strategy which Queensland is putting in place is different from strategies in the past. In the past we have given funding to schools and said, ‘You do what you think students need.’ That has not seen great outcomes.

The strategy we have in place now is targeting programs that research has shown have worked. We are saying that the first thing you do is concentrate on the foundation learning for these kids—you focus on their health and on their transition into jobs at the end of high school, and you also look at their culture and their enterprise. One of the things we do under those service lines is we say to them, ‘If you’re going to spend money then you need to spend money in these particular areas.’ When we look at foundation money, they need to engage the parents and we say, ‘These are the major points that you need to do when you engage parents. You need to implement literacy programs, and these are the programs that you need to implement that have shown outcomes for literacy.’ We are saying they can take those major points and mould them and change them to what their community needs, but the programs that they put in place need to be evidence-based and you need to be able to measure them at the end of it. I think there is a lot more accountability now for the outcomes that students get and people can no longer run their own race. They need to do something that actually shows the outcomes for kids.

Ms REA—Thank you. As a committee, both intuitively and anecdotally, we have heard plenty of evidence that early intervention is really the key in dealing with this issue. That up-front investment in communities and prevention programs is clearly going to be better than trying to fix the problem half-way or three-quarters of the way through. What we need as a committee is the evidence or data to go back to the minister and say, ‘This is not just an intuitive or anecdotal thing. There is real evidence to say that the earlier the intervention the better is the outcome.’ In this submission here, given the enormous number of programs that are clearly happening in Queensland, obviously with some success, I would be interested to know if you already have some evidence to show that the programs which are more focused on intervention earlier are the ones that are working more successfully. Also, when you look at the list of programs I guess the first thing that comes to my mind is what is the level of coordination between all the agencies that are doing this and is there evidence to show that the greater the coordination the better the outcomes? To me, the answer to all of that is yes, but we need the actual evidence in data to reinforce that yes with a measurement, if you like. I would be interested to hear if anyone would like to comment on that.

CHAIR—I think Ms Kill has the natural right to begin the answer.

Ms Kill—I am certainly happy to start. We have a number of pilots that we are currently commencing or midway into. Each of those pilots is being evaluated. What we find across Australia is that many of the interventions have not been evaluated in the past although practitioners would argue through their own experience that they make a difference. We are now beginning that evaluation process to build explicit evidence. On the other hand there are some programs that we have mainstreamed where we do have strong evidence and conferencing is one of those. We have developed a number of programs. Our anger replacement therapy and our CHART program, which is the choices program, are based on international evidence. So, where possible, we revise current programs to evidence-based available programs and where we are

breaking new ground we are evaluating those programs now. We would be happy to provide any evidence that we have available on these key programs. They do indicate that early intervention is cost-effective and does make a difference.

CHAIR—While we are on statistics, do we have evidence of recidivism rates?

Ms Kill—We also run Youth Justice in the state of Queensland, in the Department of Communities, which is the system that is run for young people who commit an offence when under the age of 17. The adult system deals with young people 17 and above. We are part of a national group called the Australasian Juvenile Justice Association and that involves both New Zealand and Australian jurisdictions. We have agreed to commence work with AJJA and with the Australian Institute of Criminology in relation to recidivism. It is an area that needs more work and we have commenced that work nationally.

Mr Atkinson—Bette mentioned CRYPAR before and some of the results with that. I think it is a good example. I will undertake to get for the committee as well some data on Mornington Island with the police-citizens youth club where they put intensive programs on over the Christmas holiday period and crime for that period compared to the previous year virtually went to zero, which was quite outstanding. I can get that data for you. Admittedly, a police-citizens youth club on a place like Mornington Island is not cheap. It is a significant financial investment. Early intervention is really important in preschool up to grade 3, but I think we need to have intervention strategies all the way through so that for someone at 15 or 16 even we can say, 'Here's a program for that person.' Even though they might have been in a lot of trouble, the goal is to keep them out of prison.

CHAIR—I recall that when I was first a law student about a century ago I had a lecturer in criminology who said that he had discovered by far the best antidote to offending behaviour—he said it was almost unfailing—it was turning 30! It is possibly appropriate to ask you all a final question which is one where you make your bid rather than us asking you to answer questions. We want to know whether there are specific ways in which you think the Commonwealth could give better assistance. Are there initiatives that you would like to see from the Commonwealth which would assist you in your joint endeavour? I say that particularly because I am acting on an assumption that you have done actually very well in coordinating the work of various agencies. It is quite noticeable that you are able to speak from that whole-of-government perspective but the whole of government at its best includes the Commonwealth and I wonder whether you have specific suggestions about how the Commonwealth might improve its contribution.

Mr Anderson—Perhaps I could start by picking up on your point about the effectiveness of programs. The cost of community supervision for us on the most recent data is under \$10 a day per person and imprisonment is about \$189 a day per person and in the next report it might go up to \$11 and closer to \$200. The programs I have described today are programs that we know work and we do not include in the programs I am describing here a series of life skills programs. These are programs that we know will measure and work. Being Corrective Services we are not fighting always for Commonwealth money—it is definitely a state responsibility. My view is that apart from letting people turn 30 and maturing out of crime—it is probably 40 now, it has probably got a little older, but it is still the same problem—if people have somewhere to live and a way to make money then you will do as much to reduce crime as you will do by investing in the programs I have been describing. I think it is about work and housing.

Ms Kill—Our department also runs the housing programs. We certainly would encourage the Australian government to provide further funding in the no exit into homelessness program because we are convinced that people exiting prison, child safety or health institutions, including mental health institutions, and off the street fare better in terms of not entering into the criminal justice system if they have a solid foundation of housing against which other programs can be provided. The second area that we would suggest is that more Australian government programs have ongoing funding rather than short-term public funding. It is difficult for other jurisdictions to pick up successful programs that are discontinued.

The third area that I would like to suggest is that of continued intensive partnerships in remote communities. We are finding that that is beginning to make a difference. Certainly Cape York is a good example of that. We also find that cooperation at an intensive level is most helpful.

Mr Ryan—From the perspective of the department of justice, one of the Commonwealth areas of responsibility is funding of Aboriginal legal services. The justice system depends heavily on effective representation of Indigenous offenders. The local Aboriginal legal service sometimes struggles to retain and train staff because of funding issues. It is one area in which the Commonwealth could be encouraged to invest. I think looking more broadly at effective crime prevention strategies, the Commonwealth has funded jointly with the Queensland government an initiative on Mornington Island called the Mornington Island restorative justice initiative, which involves mediation of disputes before they turn into criminal offences. That is proving to be quite an effective strategy in building community relations. That type of investment would also be welcomed in a broader range of communities.

Ms Leitch—Bette was saying that it would be great if we could have longer term funding in those two areas. As I mentioned before, we started a pilot with Commonwealth funding around the mobility of urban students but we have only two years of evidence. It would be good to have longer term funding so that we could see whether that program works before we move it state-wide. An area in which there is a gap for Indigenous students living in rural and remote communities is their difficulty in accessing specialist diagnostic services for mental health and disability. The lack of a confirmed diagnosis by specialist medical practitioners can be a barrier to these young people being eligible for services and supports. It is an area that we would desperately like to see addressed. We do have people out there but there are not enough of them.

Mr Atkinson—I agree with all of that. I do believe that we have to have a long-term approach. I personally think it is going to be three generations, and only the Commonwealth can take the lead on that because local and state governments cannot take the lead nationally. I believe that there has to be a coordinated, long-term bipartisan approach and recognition that there is no silver bullet and no single and simple solution. We all know that. Having said that, I think we have to be careful that we do not say, 'Okay, we're going to look at three decades.' There has to be rigour in terms of evaluation so that we are not getting to 10 years time and saying, 'Gosh, that didn't work.' We have to have rigour in terms of evaluation so that every year or every two years or whatever we look at this. Could I make a suggestion: 2038 will be the 250th anniversary of the arrival of the First Fleet. It would be a very sad thing if, in 28 years time, when we celebrate that 250th anniversary, we are no better advanced for Indigenous people than we are at the moment. I just think we have to make a start. A child born today with foetal alcohol syndrome has probably not got any chance at all in the world that we live in and never will, so we really have to turn these things around.

CHAIR—As a matter of fact, Commissioner, we were at Fitzroy Crossing in the Kimberley a few weeks ago. A very famous initiative was taken in that community to reduce alcohol consumption. In fact, it has transformed a lot of the social circumstances that exist there. The women in particular of that community did not want to talk to us about anything except foetal alcohol syndrome. They are the same people who brought about the astonishing change in that community, having identified it as their critical problem.

Would it be fair to say too that you appear to have learnt at the government level how to draw agencies together to work with much more coherence than you did 10 years ago, and that in turn enables you to treat communities with much more calibration than otherwise? And yet—and I am sure both of those things are true—one still hears occasionally vociferous criticism about the level of government activity, especially in smaller communities, the idea being that all sorts of people come to do all sorts of different things and in the end the community just becomes confused by the fact that there is someone else from the government. I am really interested in how you approach that problem, which I have no doubt you are entirely aware of?

Mr Atkinson—I think there are probably many aspects to that, and it is a really good point but there are two aspects in particular. I think that in some cases it is a fair criticism in terms of communities because most local councils are responsible, as they say, for roads, rates and rubbish. We put enormous expectations onto the councils and small communities to deal with a whole range of things. They get inundated by people from the local government and the state and federal governments. That is a fair comment.

On the other hand—and I say this genuinely with the greatest of respect, and you touched on it I think, Chair, when you talked about the number of young men who were in prison and who were taken out of a community—there is an issue with that sense of community ownership and leadership. As governments, we cannot do everything. Things have to come from within the community; if young women are pregnant and drinking heavily and if kids are not going to school, there is a limit to what government can do about that. There has got to be some ownership within the community as well.

Ms Kill—We are working closely with other agencies in terms of better coordination of visits to communities. That is helpful for communities to have a more routine approach to services coming in from off site. In terms of workforce we do not have a presence in community, but there is a need for us to go quite regularly so we are working on that issue.

Mr Anderson—I think also that the Government Champions program here is something worth looking at. Commissioner Atkinson is a government champion, and I am a government champion of a community. It is nothing for the champions to hear them say, ‘My community’. You do own the community and have great pride in the community that you are assigned to, but that means we have to think about what cross-government agency connections need to be made. That is just becoming a bit of business here; it is being embedded into the business model.

CHAIR—I had not been aware of it. Senior public servants are given individual communities for which they have a particular ethical responsibility?

Mr Anderson—Yes.

CHAIR—What a good idea!

Mr Anderson—We travel to our communities and have negotiating tables with the community. These issues of coordination are raised with us and we will come back and cut through the bureaucracy around those kinds of issues.

CHAIR—That is a very clever idea because you know better than anyone else in Queensland how to cut through the bureaucracy.

Mr Anderson—We think we do!

CHAIR—We thank all of you for coming and being so frank and helpful this morning.

Proceedings suspended from 10.44 am to 10.56 am

TONKIN, Ms Stephanie, Private capacity

CHAIR—We will continue, this time with a cast of only one. Magistrate Stephanie Tonkin is going to talk to the committee about a specific issue, the involvement of young Aboriginal people in the justice system in consequence of their offences against the traffic legislation. I believe that you are able to speak about a number of jurisdictions. I am not sure whether magistrates in Queensland are referred to as ‘Your Honour’ or ‘Your Worship’.

Ms Tonkin—These days we are ‘Your Honour’, but I am happy to be called Ms Tonkin. That is perfectly satisfactory.

CHAIR—Do you have anything to say about the capacity in which you appear before the committee? Then perhaps you would like to make an introductory statement for us.

Ms Tonkin—I am a magistrate of the Queensland Magistrates Court—that is, a state magistrate. I have been a magistrate for 10½ years, and for the last nearly 7½ of those years I have been stationed in Townsville. This morning I appear before the inquiry not as a representative of the Queensland Magistrates Court nor in any way as a spokesperson for the Magistrates Court of Queensland. I do know, however, that some of the views that I will express are shared by a number of colleagues throughout the country.

In my capacity as a magistrate in Townsville, I have presided in the Palm Island Magistrates Court and in Charters Towers, Ayr, Richmond, Hughenden and Ingham. Indeed, since about March this year my court has taken over responsibility for servicing the gulf communities that were previously serviced out of Mount Isa—that is, Mornington Island, Normanton, Doomadgee and Burketown. However, this is at this stage in its infancy. We have travelled there on three occasions so far. That is a monthly circuit of a week, and I have yet to have my turn. Coincidentally, I saw Mr Anderson the other day on Mornington Island when he and I were both there for the opening of the probation and parole office.

In my capacity as a magistrate visiting these communities and presiding in Townsville, I have become very concerned about issues for Aboriginal people with the driver licensing laws. I have seen from reading the transcripts of this inquiry so far and from reading some of the submissions that the inquiry has already taken evidence in a number of locations around Australia. A theme that regularly occurs and is raised particularly by some judicial officers, including the Chief Justice of Western Australia, with some passion, right through to magistrates and others, is the contribution to Aboriginal disadvantage and therefore interface with the criminal justice system arising from the driving of motor vehicles. Commonly this is a result of non-compliance with the licensing laws coupled with the absence of any transport options apart from private vehicles in remote and regional areas.

Unlicensed driving is a common feature of Aboriginal drivers. It is easy to infer that the causes of this include lack of awareness of the legislative requirements, but more often it is low or no literacy, lack of access to driver training and to funds to obtain licences, and indeed access to registered and roadworthy vehicles. In Queensland it is worth noting that the Queensland transport agency in Aboriginal communities is often the police station. Particularly in a place

like Palm Island, where there are difficult relationships between police and citizens, the fact that the driver testing station and license renewal station is indeed the police station is I think potentially not a happy combination at times. When saying this, I do not for a moment say it by way of criticism of the Queensland Police Service on the island.

In the meantime, most states have introduced a mandatory requirement that novice drivers, which in Queensland means under 25-year-olds, accumulate a minimum number of log booked driving hours—in Queensland it is 100 and in New South Wales it is 125, for example—accompanied by a driver who has held, in the case of Queensland, an open licence for at least 12 months. This is required to be satisfied before these young drivers can gain their provisional licence and drive independently. This of course raises the bar even higher for these people. This initiative has been in place in Queensland since 1 July 2007. Whilst it is a well-intended safety measure to reduce the road toll amongst this risky age group, it has undoubtedly increased the number of people who cannot access driver licences.

Another national initiative that is likely to add to the issues that inequity of access to licensing is creating—and it is one that I do not deal with in my submission because it is of fairly recent origin—is the introduction of child restraint legislation. I have not examined this in detail but I understand it mandates that all children under seven and under a certain weight must be restrained in approved child restraints in motor vehicles. It is in its introductory phase now, but I understand it is to be strictly enforced from 1 July. A quick look on the internet shows me that these restraints cost over \$100 per seating position and up to around \$300, and require installation of an anchor point in the relevant vehicle. It is noteworthy that these anchor points are not able to be installed for these seats in troop carriers, which as I understand it remain a vehicle in common use in remote Aboriginal communities.

I have not yet researched this intensively but I understand that a licensed driver who is non-compliant with child restraints will accumulate infringement points on their licence. I cannot help anticipating that, due to the difficulties of complying in remote communities in particular, licensed drivers will take risks transporting children, including transporting them to school and medical care, and will lose their licences as a result—those who have them. The rate of injury amongst Indigenous people as a result of road accidents is well documented as being higher than that in the general population. So, whilst this is a well-intended safety measure, the flow-on effects of are not difficult to imagine.

A lecturer in the law faculty of Monash University, Dr Bronwyn Naylor, has written a paper on the subject of unintended consequences, including the criminalisation of marginalised and disadvantaged youth, for publication in the *Alternative Law Journal*. It will be published in the June issue and that may be of some interest to the committee. I have collaborated with her to some extent informally in relation to that and she is looking at the issue of driver licensing and the consequences of the mandatory accompanied hours for disadvantaged and marginalised youth.

My written submission documents some of the initiatives that I have been able to uncover across the country; although, I am glad to be able to say that I think it is no longer comprehensive. I make in my submission also some proposals to start to address the issues in relation to equity of access to driver licensing.

CHAIR—I know this is significantly covered in your written submission, but can you talk to us a little about approaches that you think ought to be taken to deal with the matter, especially in remote areas. I know that the Law Reform Commission of Western Australian has made a quite detailed proposal which has some support in Western Australia, not least from the Chief Justice, but we are aware, both through the proceedings of the committee and otherwise, that this is really a most serious issue and we have a great interest in making recommendations about the particular issue of motor vehicle offending. So we are very interested in how you think public policy might be calibrated to better respond to the problems you have described.

Ms Tonkin—I have a number of suggestions. They are merely ideas and they are gleaned from a couple of years of thought about the subject plus some reading. The Law Reform Commission of Western Australian recommendation that you refer to is for the development of a limited licence or a licence that might be obtained by drivers in remote areas—for ease of access to the initial licence. As I understand it, a number of judicial officers have expressed grave concern about the consequences of disqualification—which of course is mandatory in Queensland and, I am sure, in many other states—for repeated acts of unlicensed driving. A possible solution is to provide for such drivers—particularly where alcohol is not a component. I am not for a moment advocating any sort of licence that would give any encouragement to accommodation of unlicensed and drink driving. But there is this possibility of a limited remote area licence. I do not know if there is such a thing anywhere. There certainly is not in Australia. But I can imagine it being a very useful licence to hold in the communities of the cape, the gulf, Palm Island and many other parts of Queensland.

One thing I should say is that in Queensland there exists—and this is mentioned in my paper—an opportunity within the licensing regulation for a person, who does not have access to a supervisor but who has a learner driver's licence and wishes to gain their licence or who lives somewhere where there is not a significant road network, to gain their licence. For example, there is an island, possibly one of the ones mentioned this morning in the earlier session, where there is only 200 metres of road. How a learner driver can ever hope to gain 100 hours of logbook accompanied driving experience on an island with only 200 metres of road one can only begin to guess. However, what I have found is that it is not widely known that this opportunity to apply for an exemption exists. As I understand it, it would mean that the person who gains the exemption would have to hold their learner's for two years instead of a minimum of one.

I understand that it is not widely known that this exemption exists. Indeed I have spoken with the registrar at the Magistrates Court in Mount Isa when I was there recently. That court has serviced the Gulf communities for many years and the registrar is a very experienced justice and attorney-general staff member with real hands-on experience in the community and she had never heard of the exemption. I think it is administered by the local police but I am not aware of how often they are even applied for, the forms certainly were not available at the Mount Isa Magistrates Court when I was there. I have heard anecdotally that Queensland Transport staff are not encouraged to disseminate this information. In fairness to the Queensland legislation, I must note that that opportunity exists.

In a Rotary Club I have spoken to in Townsville there is enormous enthusiasm for this subject, particularly to give assistance to an Indigenous community, and we of course are very close to Palm Island which is only a 20-minute plane flight away. One of the members is a pilot and has suggested that his club band together and get some expert advice from an engineer about the

possibility of obtaining a driving simulator to place in a community. This would offer the opportunity to people in remote communities where other opportunities for general road driving do not exist to gain experience. However, the legislation requires that the experience be on a road. That of course does not include, for example, a rural or remote property where people drive for long distances across their properties to reach the front gate. In any case a simulator would not give those who would use it any credit towards the 100 hours. In my discussions with them we have thought that unless there were a change to the legislation a simulator would not be a practical option. A simulator would avoid the need to own one's own vehicle or have access to a vehicle. It could be a community facility situated at the PCYC. It does not require, as I understand it, fuel at least not to the extent of a motor vehicle on a road.

CHAIR—If government agencies are capable of visiting remote communities and providing all sorts of services for all sorts of purposes, presumably, they could actually provide training for kids in driving. Why can't they do that?

Ms Tonkin—Another idea I have come up with is the offering by the government of an incentive to public servants who use government vehicles in the communities—in fact they would be the majority of vehicles in some communities—to adopt, so to speak, a learner driver in the community and drive with them. I know that there would be some issues with that, no doubt, but it does seem to me that the presence of the vehicles, the presence of the licensed drivers, the familiarity of the workers in those communities, who are using those vehicles, with local conditions does provide at least an option that needs to be considered and investigated. I think that insurance issues do not necessarily need to be enormous. There could be some mentoring training given to the relevant public servants. Yes, Chair, I do think that is one of the possible solutions to be honest.

CHAIR—In New South Wales we found that there was a problem because a number of Koori kids in the far west did not have a birth certificate. They needed to have a birth certificate to get a licence. They were ashamed to admit they did not have a birth certificate, so they never applied for a licence and they were, with some frequency, fined for driving without one.

Ms Tonkin—You can add literacy issues and the difficulty often in keeping documentation safely and securely. There is a subject in years 10 to 12 that was initially called 'drive for life', which was developed by the Catholic Education Office in Townsville by a wonderful woman called Thelma Gertz. Her family, an Indigenous family, is very prominent in Townsville in positive initiatives like this. This subject has had to change its name because it turns out that in South-East Queensland somewhere there was another initiative that got the name first. I do not know what they have rebadged the subject as, but it is a Queensland school studies registered subject. It starts in year 10, goes for three years and is designed to do a number of things with the overall goal of becoming legal. It deals with road safety and it requires students to undertake various projects to get to know community agencies such as the RACQ, the Queensland Fire and Rescue Service, the Queensland Police Service. You learn about the traps and pitfalls of buying a car. It covers a whole range of issues. You end up with your birth certificate at the end. You have a portfolio which contains your birth certificate. You have a tax file number. It is a very embracing subject that has been created for Indigenous communities.

In fact, it was trialled at the Abergowrie College just outside Ingham, which is largely a boarding school for young men, many of whom come from Palm Island. That subject was being

taught and trialled there before the 100 hours came in. The idea of it, too, is that the year 12s, with no hurry and with a good, sound knowledge of road safety built up over years 10 and 11, in year 12 would obtain their learner driver's licence and so would at least return to their communities with their learner driver's licence.

This takes me, in a way, to another real possibility. I believe there is a lot of scope—and this is of course for more advantaged students who are in secondary education in boarding school. There is a brilliant opportunity for us as a community to work with the students to assist them to get their learner's licence while they are at school in year 12 and then to drive with them and assist them—because they are usually in cities where there are driving schools—to get driving lessons. Ten lessons in Queensland: 10 hours equates to 30 hours credit towards the 100 hours, which is quite a good incentive.

Last year I decided it was time I put my money where my mouth was instead of telling other people they should do these sorts of things. Informally, with the Indigenous studies support teacher at a school in Townsville, the Cathedral School, and with the written consent of the parent, I drove with a girl from Bamaga. She gained her provisional licence by the end of the year. Admittedly her family were able to drive with her a lot in the school holidays. I do not know if you know that Bamaga is right at the tip of Cape York. This year, I am very proud to say that she is studying law at JCU in Cairns. It was a great honour to be part of her gaining her licence, and I think we developed a mentoring relationship where she really came out of her skin, I suppose you could say. She lost her shyness and we developed a lovely relationship.

I think that this is something that also needs to be recognised as a really valuable thing that comes out of that mentoring relationship. A lot of people throw up their arms in horror at the idea of driving with someone else's child. 'I couldn't even teach my own,' they say. When we think about it, yes, our own children are difficult to teach to drive at times, but believe me: other people's children do not argue with you. They do as they are told and they slow down when you say, 'Slow down.'

CHAIR—This may be a lesson for the wider community.

Ms Tonkin—Yes. In any case, I can say that that was marvellous, we had no accidents, she was a delight to work with and so on. I highly recommend the experience. But, again, this was an informal arrangement I made with the school. I think parents and citizens associations, or P&Cs, who of course are hugely overworked and have enormous demands put on them—just as with community justice groups, may I add—might be a place where we could look at assisting them to create mentoring programs.

There is another mentoring program in Townsville which works with homeless and disadvantaged youth. There is an organisation called Queensland Youth Services, and the manager of that happens to be a personal friend of mine. At a friend's baby's christening about a year and a half ago, we got to talking about this driving issue, because he was so aware of it from the young people that he worked with as well as having children of his own around the learner driver age. A couple of months later, he rang me and said, 'Guess what, Stephanie: I've just started a program.' Within his organisation, which is largely funded by the Queensland Department of Communities, with a little bit of Commonwealth money, he scrounged together from some other programs enough to create a mentoring program called Keys to a Future. My

husband and I have been mentors with that program for the last seven or eight months. That is also a great program. It is expensive, however. Indeed, this organisation will have to shut down this program, which is the only one of its kind I know of in Queensland, at the end of this financial year because it is financially unviable for them because they have no separate funding for it.

CHAIR—We are a little worried about the time. We must set up a DVD, but I think Mr Turnour has a question.

Mr TURNOUR—Yes, thank you. I want to endorse everything that you have said. I think that philanthropic ideas are fantastic. Obviously one of the things the committee can do is look to see how we can support more of those activities, but clearly from what you have said there are some systemic problems. Representing people from Aurukun to Saibai Island, the laws as they currently stand are impractical, I believe, and we need to look to change them or have them altered to fit with those communities. A restricted licence may be one thing.

The other point I want to make is that the reality is that, unless the system has changed in the last couple of years at the federal Department of Education, Employment and Workplace Relations, you can get funding to do a horticultural course, a chainsaw course or any sort of course to get a job but you cannot get funding to get a driver's licence to get a job. I think that is a real problem in the system that we should probably get some evidence on from them as well. It was more of a statement in support of your thing.

CHAIR—Thank you very much for taking the trouble. As I said, we have already determined that one particular recommendation, or set of recommendations, that we should make will be around this very question of the need to overcome inappropriate licensing arrangements, particularly in remote communities. Thank you for your insights.

Ms Tonkin—Thank you for the opportunity.

[11.28 am]

CLARKE, Mr Norman Francis, Private capacity

CHAIR—Welcome. Mr Clarke, the committee has decided to take some formal evidence from you. Before I ask you to explain your program for Indigenous drivers' licences, do you have any comments to make on the capacity in which you appear?

Mr Clarke—Good morning. I am the Aboriginal liaison officer for the state of Queensland Fire and Rescue Service.

CHAIR—Would you explain how the booklet that you have given us relates to your program?

Mr Clarke—I have been involved with Indigenous learner licensing for at least the last eight years. I and a police officer would go out to a community every six months and do learner licensing with them. The officer has retired but I still carry it on. When we would go out to Palm Island, for instance, we would sit on the beach with the young people in order to make it as informal as possible. My being an Aboriginal man, I would sit around and discuss community issues with them. Then we would discuss traffic regulations. I would draw an intersection on the sand. I would use a shell for one car and a rock for another car and say to them: 'Which one has the right of way? Which one must give way?' They are sessions where the Aboriginal people are treated like human beings. When Aboriginal people go into an organisation like the Queensland transport department or into any other environment that is foreign to them, they have a tendency to get a bit inhibited. So I make sure they are relaxed. I have a joke with them about what is going on in their community, we talk and then we get through the examination.

There are some failures. Sometimes they do not understand what I am talking about. I go back to the ones who fail and ask them separately to explain their answer to me. When they explain the right answer to me, I do another test and they are successful. The majority of Aboriginal people can drive a car at 13 years of age as well as anybody else.

CHAIR—That is the problem.

Mr Clarke—It is literacy and numeracy. They cannot understand the test paper when they do it. With that book I explain to them what the question is. I draw it for them on a whiteboard, a beach or a river bank and then they are able to do it successfully.

CHAIR—How many people have you had contact with over the last four or five years?

Mr Clarke—In the last six years, I would have had successes of about 7,000 Aboriginal and Torres Strait Islander people. I do it by myself now and last year I had over 800 successful applicants. I go back to the communities six months later and they say, 'Uncle, I'm driving a car now thanks to you helping me get the learner's licence.' Some of them are employed in the mines to drive trucks. It is about giving these people an opportunity to do this test. In Hope Vale, I asked an older gentleman, an uncle, who is in his seventies: 'Why do you want the learner's licence?' He said, 'I want to sit a white man's examine and pass.' And he did it. Also, he said:

‘My brother’s got a licence’—they live at an outstation, 20 miles away from Hope Vale—‘and my brother gets tired of driving. I’ve now got to give him a hand.’ There are all these little things.

When I go to Rockhampton—I am going there next week—I teach unmarried Aboriginal women. Their husbands have gone to prison. There is a good car sitting in the garage but the women have not got a learner’s licence to drive it. All of these things impact on an Aboriginal family. The baby gets sick and the mother gets in the car. She can drive but she has not done the test. If a policeman pulls her up, it is jail. So we have to look at this in a way that keeps our people out of jail and that gives our people a chance to be employed.

CHAIR—Also, I think you mentioned that you are accredited by the department of transport in Queensland.

Mr Clarke—Yes. It has just been renewed until 2012.

CHAIR—Thank you. That is a very important piece of impromptu evidence, which will help us a lot in this particular issue. We will take your pamphlet on the Indigenous licensing program as an exhibit.

Mr Clarke—I have since delivered a program that is nationally accredited. It can be used by Indigenous people in all the states and territories of Australia to deliver a learner’s licence. I do not have to be in Western Australia or Tasmania, although I have to go there for a weekend to train up four trainers so that they can deliver the program. They will be in charge of their own mob’s licensing, and I will come back to Queensland. I am very passionate about this.

CHAIR—I see that you are, and we thank you for taking the trouble to tell us about it.

Mr Clarke—Thank you for the opportunity.

[11.34 am]

DONALDSON, Mr Adair, Partner, Shannon Donaldson Province Lawyers

CHAIR—Welcome. We are going to see a DVD now from Mr Donaldson's group. Would you like to make a short opening statement?

Mr Donaldson—I am here today to discuss an initiative that we have throughout Queensland and various states of Australia. I would like to start by showing a series of film clips from the resource and then discuss the impact we are having in communities.

A DVD was then shown—

Mr Donaldson—I thank you for taking the time to just give you an overview of our resource. By way of background, I am a lawyer by trade. For the last 15 years I have been practising law in regional Queensland. Around three years ago my partner, Peter Shannon, and I were motivated to become part of the solution. We developed a highly interactive resource that aimed to be used as a tool by those who are already on the front line, whether they be school teachers, crime prevention officers or community workers.

That was three years ago. We are now in more than 125 schools throughout Queensland and New South Wales and we are being used by employers like Ergon Energy and the NRL as part of their induction processes. The Australian Defence Force is now starting to use us in different areas as well.

We are an independent resource. Essentially that means that we received lovely letters of support from the Queensland government but, unfortunately, we did not get any funding so we have developed it ourselves. We worked closely with teachers and health workers to develop it into the most highly interactive and useful resource that we possibly could.

When we were going into the communities, we were approached to go as part of the Beyond Billabong program, which is being run out of Longreach. Boyd Curran is the driving force there and it is being funded by DEEWR. It is a wonderful program that takes at-risk youth, puts them into a series of programs over four weeks and then gets them jobs out of it. They have a 50 per cent strike rate in the wonderful work that they do. What Boyd wanted me to do was to look at the legal issues. The issues that Indigenous communities are facing are largely not different from those that we are looking at in mainstream Australia. That is, a lot of our young people have no idea what the law is. If they do not know what the law is and how it is going to affect them, of course they are going to commit crimes.

We went up there and got a wonderful response from the 30 young fellas from Doomadgee. The feedback that they gave me there was: 'This is fantastic. We'd love to see some Indigenous characters in it as well.' You cannot live in regional Queensland and not be aware of the issues that face our Indigenous communities. I suppose that inspired us to go to the next level and produce a resource that looked purely at the Indigenous issues, and certainly it has a legal focus. It is not about anger management. It is not about health. We are looking at the legal

consequences. Rather than imposing solutions on the audience, what we are getting the audience to do is to come up with the solutions themselves.

To make sure the resource we were creating was culturally appropriate and addressed the issues, I engaged an undercover Indigenous police officer, an Indigenous lawyer and an Indigenous community worker. I wrote the scripts and sent them out to them, and then we made sure that they were going to be appropriate. We were then extremely fortunate, because we filmed it up in the Rockhampton area and the Darumbal people got right behind us, and we are extremely proud of that. These young fellas said, 'We want to be part of this,' and they wanted to tell their stories. All we told them was, 'This is the scene,' and then they created it. I hope that you will see from the vision that it is high-quality and very realistic.

So we have developed the resource. We funded it ourselves, and I have to give DEEWR in Queensland a huge rap. The state manager is a lady by the name of Catherine O'Sullivan, and she is by far the most proactive state manager that I have ever come across. The programs that DEEWR is funding throughout Queensland in relation to Indigenous specific resources are quite remarkable in their range. Catherine and her team said that they wanted to see how it worked in five Indigenous communities. The mainstream resource is already being used in Cunnamulla and Charleville, and we are rolling out the Indigenous version there as well. We are also working closely with Woorabinda, with Mornington Island and with Doomadgee. The reason I chose those three particular communities is that they are three of the more challenging communities and I want to be able to show that our resource can be adapted to any community.

As has come up in your evidence, each of these communities is unique. It is no point me going in there and telling them what to do. They are not going to listen to me. What we are doing is working with the communities. To give you an example, when we went into Woorabinda, the first thing we did was speak to the elders. The elders thought that I was from a government organisation and that I was another person there to impose a solution on them. When they all of a sudden realised that I was not there to impose a solution but to work with them and give them a tool, their reaction was incredible. They accepted us, they are working with us and I am proud of that.

It is not a one-off resource. We have designed it to be used with a training manual. With the training manual they can implement it over a period of time when and where they see fit. For instance, in Woorabinda they were finding that, when they were doing it in the school, they were not getting a huge strike rate, and there is a nice reference from Woorabinda in our submission. But they have since adapted it and are getting four individuals at a time. They do not need to be in school; they will get them off the streets if need be. They will bring them in and they will start teaching them, four on one, in sessions of 30 minutes. It is highly interactive, it is highly visual and it is about them taking part and recognising the legal issues. What sets this apart is the fact that we are looking at the legal issues, we are making it very user friendly and we are allowing those people already on the ground in the communities to actually use it.

It is so depressing when you talk to some of the health workers—not from the point of view of the environment that they are in and the work that they are doing; these health workers, teachers and police officers are inspirational characters. Some of the Indigenous people in those areas are just incredible, but they are saying: 'We need something that is going to allow us to connect with our youth.' They say they do not need any more drink bottles, lanyards, playing cards or caps to

give away; they want something that is going to work with them. That is where we are making a difference.

I did make a few more notes, but I have gone well over time as it is. I am happy to be guided by you before I go off onto different tangents.

CHAIR—How did you get the idea?

Mr Donaldson—As lawyers in regional Queensland, we saw these young people, and their parents, come before us, and they are not bad kids. They are invariably good kids who have made poor split-second decisions that are going to have life-altering consequences. So we got the teachers, the police and the health workers together and said, ‘We’ve got a way of making a change’. I can show them that the way that we are approaching it is supported by best practice and that it is highly interactive over a period of time, but we actually worked with those people and developed the resource so it was the best resource possible.

With the Indigenous side of things, we knew that it was working in towns like Miles, Oakey and Cunnamulla-Charleville with the mainstream, but it had to be adapted to make sure that it was going to work well within those Indigenous communities. What has been surprising is that when we have gone in and worked with Woorabinda, they have said to us, ‘Don’t differentiate between us and other communities. We want to see all the issues that are affecting the mainstream.’ They have got issues with mobile phones, for instance—with texting and all those sorts of issues. They want to see the lock, stock and barrel.

The other thing is, with our mainstream we are approaching it from the parents as well and showing the role the parents have to play. With Woorabinda they are saying, ‘We want to develop resources for the parents as well. Can you make sure that in your package there is a program there for it.’ As far as evidence, if you look at NIDAC, one of their short-term recommendations in *Bridges and barriers: addressing Indigenous incarceration and health* was to look at diversion programs that are highly interactive and Indigenous based. Whilst this came along after we had developed our resource, it is certainly supported by the latest recommendations. Does that answer your question, Chair?

CHAIR—It does, but I was very interested in how you personally came to take a dramatic initiative.

Mr Donaldson—It has come at great personal and financial cost for us, obviously, but we could see that there was a gap there. I listened to Her Honour before me, and she has done the same thing. She has taken it on herself. I suppose that we thought we had a responsibility as well, and we followed through on it. I can tell you that it has been one of the most frustrating three years that I have ever experienced, and that, unfortunately, comes from dealing with government bodies. I do not mean that disrespectfully, because every one of these bodies has got their own responsibilities, and it is extremely difficult for them to be working together. To me, DEEWR is the shining light. I can show you, Chair, where we have had wonderful letters from one government department and then they have sent us on to another government department and then another, all the way through. I can tell you that it has been an extremely frustrating three years.

CHAIR—In defence of government departments, that is partly because what you are doing is a very rare kind of thing. It is hard to have systems to deal with someone as difficult as you.

Mr Donaldson—I want in the record that I did not mean any disrespect to the government bodies. I know they have a tough job. It is just incredibly difficult for somebody who is independent to show them that there is another way of doing things and that it can be done effectively and efficiently by using those already on the ground.

Mr TURNOUR—What program in DEEWR funded you?

Mr Donaldson—That is a very good point. I cannot point to what part. I recall that they sent us through one program that I did not think that we qualified for. They came back and said we could get it under another program. I was just extremely grateful that they were prepared to provide funding. I was not particularly concerned about where the funding was coming from; it was the fact that DEEWR was prepared to go ahead. I can certainly take that on notice.

Mr TURNOUR—We can find it out anyhow; I know Catherine O’Sullivan. That is good news to hear. I can assure you that not everybody is happy with DEEWR in my part of the world. There is frustration with all sorts of government departments, and I take your points on board. It is difficult to try to coordinate activities across a range of different government organisations. I congratulate you for the work you are getting. What are you looking for in additional government support? You have clearly developed a resource that you think is usable by a range of different people. Where to from here?

Mr Donaldson—I got asked the same question when I appeared recently before the inquiry into youth violence. I said that we initially started out on a licence agreement whereby schools were purchasing a licence that allowed them for two years, but we found that the independent schools were purchasing it straight away because they had the funding but we were missing out on the lower socioeconomic areas where it was probably needed most. We then went back to making it available on a state electoral basis at \$5,000 per electorate for the licence. That is the way it is operating at the moment. To give you an idea of how communities are taking ownership, at Gympie, Donna Lynch from the School-Based Youth Health Nurses, along with the magistrate up there, Maxine Baldwin, who is extremely proactive, have got the community together—the Liquor Industry Action Group, the police and the employers there. They are saying: ‘This is what we need for our community. We’re going to take ownership. We’re going to start the conversation.’

They are also looking at getting me up there for two days to train the trainer. That will be something that is then implemented throughout the community. We are working with the Department of Communities, the police and everybody, singing off the same song sheet. The government could support us by providing some funding to assist in those areas. I spend the majority of my time talking to people about funding. They ring up, but we can only do so much. I think—and I am sure you will appreciate—that those amounts that I have just been talking about are incredibly reasonable, particularly when you take into account how much it cost us to develop them.

CHAIR—Can you comment briefly—though you have made some reference to this before—on the difference that you see between what is needed to make your material work in the mainstream and in Aboriginal communities? Can you explicitly talk about the differences?

Mr Donaldson—First of all, I know the police commissioner spoke about different communities. He spoke about the urban, the small rural centres et cetera. The resource that we have—I call it the mainstream resource—works well in the urban areas and in the small regional communities but not in the solely Indigenous communities, because every one of those communities is going to be unique. Every one is going to be different and every one will have a different way of rolling it out. I am being educated every time I go to Woorabinda. They are telling me what they want and how they want the resource developed. I thought that I would have a separate training manual that would solely deal with Indigenous issues. What they said to me was: ‘No, we want you to give us the mainstream rolled in with the Indigenous, because they are the same issues. We want to be talking about these issues.’ I will be guided by them. They are the people on the ground. They are the ones with the issues.

Ms REA—It is a very interesting resource and you clearly have now rolled out enough to start seeing some positive impact as a result of it, but I guess it is not simply everybody watching a DVD that will solve this problem. I am interested in knowing if you now have been able to observe, as a result of the number of communities that you have worked with or the number of times that you have shown it, what the message is that is coming from the young people who see it. If we had the opportunity to look at the one critical next step, what would it be from your observation and experience?

Mr Donaldson—From the start, I certainly do not think that we have the silver bullet. What I would hope to think is that we have one little part of the puzzle.

Ms REA—I appreciate that. What I am saying is that you have some level of success, so you may be able to give us some indication—

Mr Donaldson—And it has been significant success from our point of view. It has had ongoing evaluations. I have personally delivered to more than 13,000 youths within the last 15 months, so I like to think that I have a handle on the issue. You are thinking about the next step. I am probably not the right person to ask about the next step, because what I am trying to do is get them to appreciate what the law is and how it is going to impact upon them. What you should be hoping is that the message that we are getting here—the differences with the law and how it will impact them—will continue to be emphasised. I suppose it is a common message that they have to be receiving. I talk about a community approach. They have to be receiving that at school. They are then going to receive it from their coach. They are then going to receive it from their employer. That, to me, is the next step. It is getting that same message about the impact that the law is going to have. They hear it in practice. They get to take part and see how these situations could be avoided. They are saying, ‘Hey, but what about this?’ and understanding what sexual assault means. Then they come to the next level. They go along, play sport and all of a sudden their coach is saying to them, ‘Listen, fellas: if you do these things, you’re not going to be allowed to play sport.’

I believe that sport has a role to play, believe it or not. I have been incredibly impressed by the NRL and by the AFL players associations. One of the things that the NRL has asked of me—they

are using our resource as a resource of choice for them—is whether they can start using that in schools and in communities. The players—or the NRL’s employees, because that is what they are—are asking, ‘What is the point of going around and kicking a football?’ We want to be able to go in there and say, ‘Listen; these are real issues,’ and to be seen to be part of a bigger solution. At the moment it is all one-off. They want to be part of the solution.

Ms REA—On that point, I thought the NRL section of the DVD was very interesting. I have been talking to a bloke who works out of Griffith University here in Brisbane about a program that he—

Mr Donaldson—Michael Jeh.

Ms REA—Yes. He says the real success with the young NRL players is when you put girls in the audience as well, because when you have girls physically in the same room it makes a real difference in their perspective and analysis of a sexual assault situation.

Mr Donaldson—Michael uses our resource and I actually lecture for Michael. You do see a change. The greatest success rate that I have had with that resource as far as sexual assault is concerned was when I went up and did it as part of Beyond Billabong. There were 30 Indigenous youth there who had all had previous involvement with the legal system. Generally, when we show that a lot of blokes just do not pick up that there is anything wrong on the first scenario—that a sexual assault has occurred. They think the girl put herself in that situation. I am pleased to say that when I did that in the Indigenous community, as soon as it happened and I put the question on them 30 of those Indigenous men put up their hands and said, ‘No, that’s wrong. They didn’t show respect to her.’ I was blown away by that response; I have never got that response anywhere else other than in that Indigenous community. They picked it up immediately.

CHAIR—As an aside, do you know that the federal Attorney-General’s Department supported a crime prevention program—a quite modest one—in Normanton, where the rugby league team has actually got a slogan on its shirt that says, ‘Domestic violence—it’s not our game’?

Mr Donaldson—Yes.

CHAIR—It just seems to have had astonishing results too. You cannot play on the team if you get involved in domestic violence.

Mr Donaldson—I am not sure about the impact it is having, but I know that there is certainly a lot of adverse press about the NRL and the AFL when their players get into trouble. If you look at them as an employer, they have got 1,000 in that age group and you would expect that they are going to get into trouble from time to time. But if you actually scratch below the surface and see the significant amount of work that the NRL and the AFL are doing I think you would be blown away.

CHAIR—We are very grateful for your contribution and in awe of the commitment that you show. I did not quite hear where you are in practice?

Mr Donaldson—In Toowoomba—Dalby and Toowoomba are our two offices.

CHAIR—Okay, thank you. It is a great help to us.

Mr Donaldson—Thank you so much for your time and for listening.

[12.17 pm]

CONNORS, Mrs Rosemary, Coordinator, Ipswich Community Justice Group

KIRK, Mr Joseph William, Children of the Dreaming, Ipswich

CHAIR—I should put it on the record, in a modest sort of a way, that the committee did ask a number of Indigenous justice groups and other organisations from around Brisbane to come. For reasons that are not entirely clear to us, a number of them were unable to do so. It is a pity, especially in terms of representation of a significant area of Aboriginal population. On the other hand, I should also point out that we are hearing from a great many Aboriginal groups all over the country as we move from one place to another. It is a great pleasure to welcome Joe and Rosemary here. Would either or both of you like to make an opening statement?

Mrs Connors—Firstly, I would like to acknowledge the traditional owners of the land on which we meet today and recognise our elders both past and present. I have been involved in law and justice for over 10 years now. I have been coordinator of the justice group in Ipswich for the last 10 years. Prior to that I worked in the prison system and worked with a number of alternative programs for juveniles in Townsville and throughout the Cape region. I have also been involved in the Anti-Discrimination Commission and the Human Rights Commission. I feel I bring enough experience to the table to discuss the issues we are talking about today. I will let Uncle Joe introduce himself before we get into the body of the program. Thank you.

Mr Kirk—I am involved with Catholic education at the moment. I have been for nine years. I have been involved with Rosie at the social justice group as a community elder of Ipswich for the past two years, having lived in Ipswich for 28 years. I am really concerned about juvenile justice and the justice system for our youth. I had a lot of experience coming from the Aboriginal community of Cherbourg, where I started in education and working with the court system on social justice for youth and managing a children's shelter at Cherbourg under Family Services. At the moment, I am heavily involved in the Brisbane area as well, as a community elder in Brisbane. I am the Chairman of the Musgrave Park Cultural Centre at the moment and have been for the last year and a half. I am heavily involved with government bodies in the Parliamentary Annexe and Parliament House, doing a lot of corporate speaking and welcoming to country—being a traditional owner of the Turrbal people across the river. That is my story.

Mrs Connors—We might start addressing the terms of reference. I will start off with the initial one. It talks about social norms and behaviours. I think the development of social norms and behaviours leads to positive social engagement for any child or young person and should not be perceived as being relevant only to Aboriginal and Torres Strait Islander children and young people. The question I do raise is this: do our social norms or the social norms of Aboriginal and Torres Strait Islander people fit the expectations of the social norms and behaviours of the rest of society? I would suggest that they do not. We are confronted on a daily basis with extended family versus the nuclear family; social inclusion of children versus children being seen and not heard; Aboriginal child-rearing practices versus non-Indigenous child-rearing practices; and the government policies and procedures that overlook the cultural differences.

In our culture, Aboriginal children are seen as mini adults and are included and are aware of all discussions around the family. Children hear and are involved in life experiences from birth to death. Discussions are not hidden from our children under the guise of, 'This is adult talk and children should not be hearing this stuff.' I guess the downside of this is that we tend to normalise inappropriate behaviour because it becomes an acceptable part of our family. We expect to be drunk and to drink in our homes. We expect domestic violence in our homes. We expect to go to prison. We expect to be harassed by police. We expect child safety to be on our doorstep. There is no shame in any of the things I have listed above. We need to stop normalising the inappropriate behaviours in our families. It is not that we do not have social norms and behaviours; it is just that these things have become so common within our families that we have started to accept them, to accept that this is how we behave in everyday life. I think Uncle Joe is going to talk more on that as we go along.

Mr Kirk—On the terms of reference, I have always been excited about Indigenous programs, especially around alcohol and drugs. When I was a young lad on Cherbourg it was, to us as young people, a requirement that we drank. We were given a glass and told: 'Here, have a drink. Have a taste of a bottle of wine.' When I was 15 that was a requirement to be a man. We should be educating our young people that it is not a requirement in today's world to have alcohol or drugs. I am interested in the social norm of our young people being dropouts from the education system because there is not an efficient program for our young people within the education system—whether it be state or private. You have in the education system programs for other things like bullying; social awareness; families; how to be well respected in the community and well respected in your school; and how to respect other people and yourself. These are part of what Aboriginal people identify with on a daily basis. But our young people are losing a lot of respect for themselves, let alone for their families and other people within their communities.

So I am interested in talking about working out solutions and programs to combat the problem before they get to the alcohol and the drugs. It is an educational program. You can address the issues of why there are dropouts and why they are in the community as social misfits. They are not fitting into the education system because the education system does not have culturally appropriate programs for Indigenous youth. When I started as a teacher aide at Murgon high school, we had dropouts of about 20 per cent. So we created an Aboriginal cultural program for those youth from Cherbourg based on what they already knew and what they wanted to know more about. That was about their tradition and their culture. Most of the kids at Cherbourg community had horses, so we did a term on horses and we did a term on bicycles to get them interested in coming to school, and they started to come to school. Before that they were drinking and on drugs in their community and being misfits in their community and doing other things that the council was having problems with.

So I am all about addressing the social justice problems and issues around our youth, not only in Ipswich but in all cities, and about how we continue to educate our kids and make sure that they are aware that it is not a requirement to drink. They do not have to drink. The family wellbeing program needs to look at what mum and dad are doing at home. Are they role models for their children? Are the older sisters and brothers in the family role models for the younger siblings and what are they doing? Mainly it is about providing awareness for our young juveniles in the community about what is available in their environment for them.

Not all of our young people are interested in football or AFL. There are others who are interested not only in Aboriginal art but also in other things like riding horses, being involved in rodeos, music and dance. I always have, in my educational program across Catholic education, a program on music and Aboriginal people. I always make sure that our young people are aware that we are different to non-Aboriginal people. We have four beats, not one beat. Most Europeans dance to the beat of the drum, but Aboriginal people dance to four beats, not just one beat. I use Yothu Yindi as an example. When they first came onto the pop scene they were dancing to four beats. The lead singer was dancing to the beat of the drum. There were two young men dancing to another two beats and the young girls were dancing to another two beats. So there are five beats.

Education about where they are today traditionally and culturally is very important for our young people in our society. They do not have to have alcohol and drug problems. They do not have to address the other issues if we can address certain issues for them before they become alcoholics or have drug problems. There are alcoholics and drunks because they have got problems out there in the community, because the community is not providing the social and economic programs for them to fit into society and make them worthwhile citizens within their society and within their community. That is where I am coming from on the terms of reference. I would like to see better programs for our Indigenous youth so we can be aware of where they are at the moment if they are still on the street.

CHAIR—That is a big argument not just for education but for really carefully designed programs that will address particular characteristics that can become a problem. Obviously, there is a big re-emphasis under the so-called Closing the Gap program and the federal government and the state governments have committed to spend more money. Are you aware of or have you joined in any of this increased activity so far as the school syllabus is concerned for instance?

Mrs Connors—I am a teacher by trade, so I have always been interested in education. For me education is about teaching the Aboriginal curriculum within schools. It is about presenting Aboriginal people with positive images. This also relates to the media. We are only ever in the media when something negative happens. There is nothing positive in relation to being Aboriginal. There are a lot of Dare to Lead programs in the school trying to get the kids into leadership roles, but we are only talking about a small percentage of children that are in probably the top level who will actually go into those programs. The bulk of our children are dropping out from year 7 to year 8. We lose 50 per cent of our kids from year 7 to year 8 out at Ipswich. There is no explanation as to why that is happening.

There is no appropriate transition from primary school to secondary school. A lot of our parents are not educated to the secondary level, so they feel they are left behind. There are programs in the school now where we are doing numeracy and literacy for parents and reading programs for parents which has been of great assistance in making them feel that they are able to help their children in their schooling. There is a lack of access to technology. A lot of our kids do not have computers at home and therefore their homework is not being done. They cannot do handwritten assignments because everything is expected to be done on a computer these days. As a result they do not hand their assignments in, so they do not go to school one day, they do not go to school the next day and then they just do not go back thereafter. We need to establish a few more external homework centres where students are able to access computers at school to do their assignments with tutors and research in the library and all that sort of stuff. They do not

have access at home or they do not even have space at home because we are still living with two or three families in a house and it might be a three-bedroom home. There is no capacity to sit down in a space and study.

I think schools need to link more with the community. It is good to have these internal programs within the school but they do not come outside of the school ground to talk to our elders and to invite people in to do programs and run support networks. We used to have the ASSPA program in our schools which was a committee made up of parents. That has since stopped, so we do not have parental involvement in schools any more. We need to reinstate the ASSPA committees and make them a little bit more structured and functional within the school system.

When children are excluded or suspended from schools we need to make sure that they are actually referred to a justice group or a community organisation to spend their two weeks, a month or however long it is that they are excluded. At the moment they are just sent home, they are idle all day or up in the shopping mall or shopping centres and that is where they get into trouble. There is no link between the schools and community and then we pick up the kids in the court system. We say, 'Why aren't you in school?' They say, 'We've been expelled or suspended'. When these kids have exited from the school for a short period there are nothing in place to keep them up with their schoolwork and maybe engage them in other programs or link them with elders who could talk about their inappropriate behaviours and that sort of stuff.

In terms of the 'learn to earn' program, with the kids that we are talking about we are flat out getting them to school. There are so many issues at home that getting a job or going into a traineeship is probably the furthest thing from their mind. There are too many other issues around them for them to focus, and we need to dissect the issues that they have within themselves before we can start referring people to job networks and things like that.

I recently had a young fellow who has now been in a job network for three years. He has been in an intensive support program for those three years. He has 25 certificates. He has done everything, but he has not got a job. He has never been referred to a job. I guess the reasons for that are twofold. There is money in keeping our kids in these intensive support programs, but it does not help our kids in the long run. He has 25 certificates. He is 26 or 27 years old. People are going to say, 'Where have you been working?' He has never had a job, so the chances of him getting a job are decreasing every time he spends time getting another certificate. So I am not a fan of job network providers in terms of working with our kids. I guess that is all I want to say.

Mr TURNOUR—I will pick up on a point you made there, Mrs Connors. I understand your experience with this person. I have a similar frustration at the moment with this issue. Obviously they have been on Newstart or dealing with the Centrelink system, and then they go across to the Department of Education, Employment and Workplace Relations, or DEEWR, who we heard about before. Do you think those organisations work very effectively together?

Mrs Connors—Not at all.

Mr TURNOUR—Could you make some more comments on that in relation to trying to help people get a job or a pathway into a job. I am talking about Indigenous people.

Mrs Connors—There are a lot of programs out there, but the community or a community based organisation is out of the loop. You are sending a person from Centrelink, a government body, over to another government body. Quite often, they are culturally inappropriate, or their staff are. They might have one Indigenous worker for about 300 clients, which is not effective. In the middle, there needs to be an agency or a community based organisation to work with these young people. We are trying to get young people who are dysfunctional to start with into jobs. They are going to last only four weeks at most. So for me there is a missing link in all of these government departments, whether in corrections, juvenile justice, education or health.

Quite frankly, our young kids are not going to walk up to someone in a government organisation and say, 'I'm here to do XYZ.' That is not going to happen. So we need a lot of mentoring programs, working with elders and assisting people to navigate the world, basically. It is providing them with basic skills. We have kids out there who would not even go and get a Medicare card because they had to go into an office and fill out some paperwork, so we took 10 of them one day and got them each a Medicare card. These are essential requirements to get your identification—birth certificates and things like that. It is just not happening if it is left up to them to initiate those things.

Mr TURNOUR—One of the issues that are coming up in my communities—and it goes to another level in the remote communities—is that you have FaHCSIA running CDEP, DEEWR running employment programs and Centrelink managing people's benefits, and people have to shuffle between these three programs, challenged with their literacy and numeracy. There does not seem to be any particular case management or any one entry to assist people to go to a pathway. They can often end up in another training program and get another certificate, although I think that has been changing recently. There is a bit of a shuffling of people through doors on the employment side.

Mrs Connors—It is either that or they give up and think, 'I'll just go live on the street.'

Mr TURNOUR—It wears down their self-esteem, so to speak.

Mrs Connors—You go to these places and they all ask the same questions and the story is told over and over again. It is like: 'Well, I told them over there and I told them over there and I told you and I told them.' So by the time they get what they want, they have maybe told their story about 10 times.

CHAIR—Do you think the missing link you speak of would be filled best by a form of mentoring?

Mrs Connors—Yes, mentoring through a community based organisation. It is quite easy. I can say to my children, 'Oh, you need to go over there and do that,' and they will go and do that because that is how they have been raised. However, if you are in a family that does not do those sorts of things, kids just do not do it. So we need to have a service that says, 'Okay, you go down there to so-and-so and they will help you do XYZ' Then XYZ leads on to ABC and then it goes from there to there to there.

CHAIR—What you are talking about is crucially important. It is easy to forget that the situation now is that there is quite a lot of money being made generally available through

government for all sorts of programs in health, education and elsewhere. In the mainstream community there is, I think, a kind of a level of goodwill unthought of 25 or 30 years ago, but still kids are falling through the gaps. We even have a very persistent theme—it was here again this morning—which suggests that early intervention is the most important general strategy to use, from whatever particular perspective you see it. Whether it is from the perspective of education, health or the justice system, early intervention is the most important thing you can do. Remedial programs for those who are falling out of the system at an older age are what you have to provide. Everyone agrees about that, but you are saying, as plenty of others have, that it still does not work properly in practice, hence the importance of your suggestions about how to fill in those gaps or how to make all those streams of activity actually work for individual people.

Another thing I notice is that, every time we have a hearing, people like you turn up—people who have positions of great responsibility in the community, who are very articulate and apparently not suffering disadvantage at a personal level at all. Earlier in the day, we had one of the directors of policy from the Queensland Education Department speaking to us and she was Indigenous. Nevertheless, there is always a substantial body of people who continue to fall through the cracks in this system which is trying, whatever its shortcomings, to do the right thing. I am really interested in what you think is missing.

Mrs Connors—Do not get me wrong—I have come from a background of disadvantage. I was removed as a child, never knew my parents and have come through the child protection system.

CHAIR—I have no doubt. What I am saying is that you are a fully functioning, effective, responsible member of the widest society.

Mrs Connors—You just got me on a good day! For me—Uncle Joe probably has an opinion on this—since the demise of ATSIC and a whole lot of things, we have lost a lot of community based organisations. The government is very much into mainstreaming and so the mainstream organisations now get the bulk of the funding for all of our programs.

When they get this funding and they have to deal with Aboriginal and Torres Strait Islander children and families they do not know what to do, so they end up on my doorstep saying, ‘Can you help us with this?’ and I will say, ‘Yes, fee for service’ and then I do not hear from them anymore. In terms of agencies receiving the funding, they expect us to provide the service on a voluntary basis because this is my community, these are my kids and these are my families and we should be just providing this service.

CHAIR—Again, just to be really precise: you are here saying that you think it is a problem that government is giving more and more money to what are called in some places ‘big NGOs’?

Mrs Connors—Yes.

CHAIR—Or as one of our witnesses in Sydney in called them, ‘the usual suspects’?

Mrs Connors—We call them ‘the fab five’.

CHAIR—I do not want to put words in your mouth but from your perspective these big NGOs end up being another form of bureaucracy and, by their very nature, find it hard to embrace the community and therefore find it hard to do what in principle they are set up to do—assist with community development?

Mrs Connors—Part of their application process is that they have links into the Aboriginal community. We at Ipswich do not provide letters of support to any non-Indigenous NGOs. Yet in their application there is a criterion in there that says, ‘What are your links into the community? Who are your contacts? Where are your letters of support?’ If we do not provide them I do not know why they are still getting the funding because a percentage of their funding belongs to and should be utilised for services to Aboriginal and Torres Strait Islander people, but time and time again they seem to get the funding.

Our justice group operates on \$83,000 a year. That is all we get to do what we have to do. We had 1,600 Murris go through the Ipswich court last financial year. Our funding cannot manage that capacity of people. We also have our Murri court running for both adults and juveniles. We are now in discussions around having a district Murri court but we still get \$83,000 a year to do all of that. It is not fair.

CHAIR—This is not really a fair question but if you had your own preference fulfilled, how would you like the funding to be delivered? Of course I understand in general but can you talk a bit more specifically about how you would like the funding in Ipswich to be delivered for the benefit of the Murri community?

Mrs Connors—In sitting here I also talk for other groups. Within Queensland we have 51 justice groups. These groups are actually legislated groups. So the government has recognised that they have a role to play, yet we all only receive \$83,000 a year. They receive a bit more in the cape because of the remoteness; however, they do not have the numbers that we have in an urban situation.

Our justice groups deal with child protection. They deal with juvenile justice, they deal with the prisons and they deal with basically homeless families. We cover just about every government department. We are running to Centrelink. We are doing everyone else’s job but we are not getting any kind of finance to do what we do. We then rely on elders to come in and volunteer their time to go to juvenile justice conferences to talk with young people, to spend time with the men’s group and the women’s group. They volunteer their time to do this.

The Murri court system is atrocious. Our elders get \$36.50 for five or six hours of work, not to mention the reading time that goes into the pre-sentence reports. The justice system is saving squillions on keeping people out of prisons. We have had 150 offenders come through our Murri court. Of those, six have actually gone to prison for different offences. We have saved the government—what is it?—\$100,000 to keep a prisoner in prison per annum.

CHAIR—Are there any support programs for Indigenous youth returning from juvenile justice centres in Ipswich and surrounding areas?

Mrs Connors—Do not get us started on juvenile justice! It is one of those areas we struggle with.

CHAIR—I think it would be a good idea if we did get you started! I know that you have many criticisms of what the state government agencies are doing, let alone what the federal government agencies are doing or not doing, but if you look at the big picture you see that, say, in the last decade the way in which the state government agencies in Queensland have operated has been transformed. If you hear the high officials of those organisations talking, you find that they have quite sophisticated levels of understanding of what is going on in all sorts of places and why.

I personally think that, if the governments are going to deliver lots of money, the government agencies ought to work as best they can. Nevertheless, it comes back to the problem that, from your perspective, there is so much that is not being done on the ground. Increased amounts of money are available; the budgets overall are much bigger than they were within the last generation. I am trying to understand where you would like to see more of that money going. You have started to explain it. It is about what we might better do right in the fabric of the community in Ipswich, isn't it?

Mrs Connors—In Ipswich we have about nine community organisations: our health service; aged care; Children of the Dreaming, who deal with youth; Purga Mission; our kindergarten, Amaroo; and a couple of employment agencies. None of these organisations receive a substantial amount of funding to do what they have to do. Yet we are expected to take the bulk of the clients that come through, whether from the child protection system, the courts, aged care or health. There is nothing there for our people to access, so people just say, 'You go over there and see Children of the Dreaming,' or, 'You go over there and see Kambu.' But there is not enough capacity for these organisations to respond to the number of people they receive.

There are agencies receiving funding to provide the service and they are not doing it. There could be a number of reasons for that: (a) they do not know how to do it or (b) our families and children do not want to access those services because they are culturally inappropriate. They might employ one Indigenous staff member and then call themselves culturally competent, which is not good enough. I would rather go to an Indigenous service, as opposed to going into an office and trying to find out who you have to talk to and then standing there and quite often not being served for ages. There are a whole lot of things that go on, even in that reception area, before someone comes to see you. Within the community we are able to do it; we are just not funded to do it.

A number of reports have come out of Ipswich that have gone nowhere, through the Indigenous coordinating council or whatever they are called. The Department of Communities has done reports on the community, but we get nothing back. We provide information constantly on what we need in Ipswich, but there is certainly no response from any government department. If there is a response, it is given to one of the other organisations to implement it: 'Ipswich needs family resource centres, so let's give it to Mission Australia to do it.' It is hopeless. I will get into trouble here. But it does not matter. I have nothing to lose.

CHAIR—Neither have we.

Mrs Connors—In terms of juvenile justice, in Ipswich we struggle with the juvenile justice department. They should just close the damn thing down and let us do what we have to do. Last year we had over 220 juveniles go through our courts. Of those, I think juvenile justice probably

handled 10. They are funded for a whole organisation to look after 10 of our kids; yet we have to manage the other 210 children on our \$83,000. Our kids, once they go to juvenile justice, are breached about two weeks later, because they are not turning up and reporting or doing whatever they are supposed to do.

CHAIR—Sorry, I do not quite understand this. You said, ‘Juvenile justice handles 10.’ Do you mean that they actually oversee a community service order or what have you?

Mrs Connors—Yes. That is the only time.

CHAIR—And you said, ‘We do the other 200’.

Mrs Connors—Yes, 210.

CHAIR—What do you mean, ‘We do them’?

Mrs Connors—Support them. We try to encourage them to go to school. We have a few on a bail program where we offer three months intensive support. We get 100 per cent participation when they are on the bail program. As soon as they are placed on an order and go to juvenile justice, they are breached within two or three weeks and then they are back in the court system again. We have had juveniles saying, ‘I’d rather go to youth detention than report to juvenile justice.’ What do you say to a young kid who is saying that to us? The elders are saying, ‘No, youth detention is no good for you,’ but it is a better alternative than going to report to juvenile justice.

We have no Indigenous staff within juvenile justice out at Ipswich. We had five and all of a sudden they were all on short-term temporary contracts, so as a result we have none. We have no Indigenous workers within corrections, yet we are surrounded by five or six prisons. A lot of our families and people come to Ipswich because they have family in the prison system and quite a few then settle in Ipswich. They would have made their home there for two or three or four years, so they are not going to move when prisoners are released. They are two of our big issues. There are no Indigenous workers within these departments.

Juvenile justice conferencing is a waste of time with our kids. Our kids have created little templates and if you go along to juvenile justice you have a little template of your sorry letter, which they photocopy and hand to the next one. so they are really getting nothing out of it. I went to one a few weeks ago and it was like, ‘Well, what would you do differently?’ And they said, ‘Well, I’d make sure they’re not home next time.’ So they are not learning anything from that conferencing process. We have some suggestions on how we might fix that.

CHAIR—To be fair to the government officials from whom we heard this morning, it is possible to show that, in Queensland in particular, there are some improvements in the statistics of offending. But you are saying, nevertheless, that the great number of offenders that you see in your local community are really not part of that system at all?

Mrs Connors—We have juveniles who have been conferenced six or seven times. It is just the same thing. They just bring out that template. They have templates for sorry cards. They have templates for the sorry letter. It is just a matter of photocopying it and saying, ‘Well, there it

is.' There is certainly nothing to stop them from reoffending. I am not a fan of conferencing either. I think it can be better done using our elders and doing circle conferencing with elders and community members rather than government officials.

Mr Kirk—That is when we talk about it not being culturally appropriate. Elders come in from a cultural point of view. They are mentors, and that is very important. In education in the state system and in the private system, they have got a mentor program now—and they are getting a fair bit of money for that—where they adopt an elder. In the state system they also adopt a cop. Some of them are Aboriginal liaison officers, and they are working and getting money for that—the social justice and all that. We do all that with Murri Court but we do not get any money for it, and we are culturally appropriate to our community and doing it as a cultural program for our community. But we do not get any support.

The other problem we have in Ipswich is that the white organisations there do not network together. They work on their own and then they come to us for advice and want to know how we are doing it, because we are working.

CHAIR—Again, another unfair question—if you come along here and talk to us with good ideas you get lots of unfair questions—if you could fulfil your ambition, what sort of organisation would you have in Ipswich? It sounds to me you are really saying that you would like to have a much bigger and better funded organisation that could deal with a wide range of Murri welfare and justice issues and that it was funded like Mission Australia to do it.

Mrs Connors—For us, it is not about one organisation doing everything. We know our own capacity and that we are unable to do everything. As an Indigenous community we network quite well amongst ourselves, so we need to have—and I do not like to call it a one-stop shop—a place where people can go and say, 'Okay, I need to do XYZ,' whether it be for court, or child protection, or part of their parole conditions or whatever. That referral point could then say, 'Okay, you can go over here and do that,' or 'You can go over there and do that.' That is probably a lot of what the justice group is supposed to do. But we have found ourselves to be developing our own programs because there is just nothing out there for our people to participate in.

CHAIR—But it sounds to me as if you are close to saying that it is actually extremely difficult for a conventional bureaucracy to develop the kinds of programs that you think are appropriate and that you, in consequence, might be best off to be funded to do it yourselves?

Mrs Connors—Yes.

CHAIR—With all sorts of proper evaluation and accountability, of course.

Mrs Connors—Yes.

CHAIR—We know what happens when people just get given money willy-nilly.

Mrs Connors—Yes. But they are giving money willy-nilly now. I do not know where these organisations get their numbers from when their time comes up to say, 'How many Murris have you had through your door this month?' I do not know where they are getting those numbers

from because I know damn well there are none going through that door. But they seem to be funded quarter after quarter after quarter and year after year after year. Yet they come to our service with our \$83,000 and we are getting truckloads through our door, but our funding is just not increasing and then we have got to justify why we continue to receive funding every 12 months. We do not get funded for three or four years; it is a 12-month funding block, and if we do not perform we do not get funded. Although that is about to change; they are going to move through a three-year funding plan, but we are still only getting \$83,000 a year so nothing has changed there.

CHAIR—It is certainly true that wherever we go we hear complaint and concern about short-term funding and pilot programs. Frankly, that is not something that is limited to Indigenous organisations, but it seems to be particularly prominent in the practice of government at all levels.

Mrs Connors—Yes. It is something that we talk about each year.

Mr TURNOUR—Just picking up on that point—and I do not want to put words in your mouth either—it sounds like one of the issues that I have come across, and I would not mind your comments on it. At the federal level, we seem to be moving to these big tenders for service delivery. We are trying to encourage people to work more effectively together but, in some ways, we are making it more difficult for the smaller, more locally based service providers to successfully tender and provide the unique service in a particular community.

Mrs Connors—We do not have the capacity. The bigger organisations have whole sections to do their tenders. They have finance people and others who specialise in doing tenders and submissions. Quite often, it comes down to me to do these submissions.

CHAIR—Some of those big organisations have whole departments that just right tender documents.

Mrs Connors—Yes, that is right. We cannot possibly compete with that, plus they have additional resources they can throw into any package that they might offer. They might have vehicles, or they might have staff floating around who could fill in for someone there. We do not have that luxury. In our justice group at Ipswich, there is me, a support officer and 10 to 15 elders and community reps. That is it.

CHAIR—It strikes me that sometimes the best thing that a lot of the big non-government organisations could do is help organisations like yours to write submissions. They could give you assistance in writing submissions and in developing your capacity rather than, in effect, replacing it.

Mrs Connors—Yes. I guess that is the role of the partnerships branch within the Department of Communities. It is their job to build the capacity of the community, and they are not doing that either. I would be reluctant to go to Lifeline and say, ‘Help me put a tender together,’ because all of a sudden all your ideas are theirs and they think, ‘We could run with that.’ So we are not about sharing some of our stats and some of the things that we want to do either for fear that they will be taken by someone else and then they will get the funding for them. We do not want to share what we have because there is a fear that, at the end of the day, we will not be

funded to do it and that someone else will possibly get it. The partnerships branch within the Department of Communities needs to do what it is supposed to do, which is to get out and build the capacity of the community.

CHAIR—We have been quite ruthlessly picking your brains about these issues and have run out of the formal time allotted. However, I wonder whether there is anything you would like to say to sum up.

Mr Kirk—To sum up, I think it is about appropriate programs for Indigenous youth and about money. It is as simple as that. We need more money to do programs for our juvenile youth in the city of Ipswich. We are struggling. We are begging for help. We do not want other people coming in and showing us how to do things. We know how to do them. We are community elders. We have been around for years, and we know our young people. We know education is where they are at. We know why they are wagging school. We know why they are not at school. We have the answers to that but we have no money. In a nutshell that is where we are at. We just need money to put our programs together. It is simple. Other organisations are getting money and we are not getting any, yet we are doing all the right things.

Mrs Connors—We have not even touched on the programs we do, but there are quite a few of them.

CHAIR—Very quickly for our record, just give us a two-minute rundown or the programs you actually have.

Mrs Connors—We have our Murri Court bail program, which is a three-month intensive program. During that time adults and young people go through a community service as part of their bail program. They undertake men's group activities. We do a Murri in the bush program, which is a five-day adventure based bush program. The men designed this for their men's group, so they are out camping, canoeing, hunting and doing a whole range of things for themselves. We have the women's group, we are now establishing our own substance abuse program—which has been used in the prison—and we have an 'ending family violence' program. We are doing a whole range of programs for our juveniles and our adults.

Another stipulation is that we cannot mix juveniles with adults, so we have got to run separate programs. We have also got the drug court, and we have issues with that in that our clients do not meet the criteria for drug court because they have mental health issues. Even though they have drug and alcohol issues, they cannot meet the criteria for drug court because they have mental health issues and the drug court will not take them.

There are a lot of gaps in terms of mental health services at Ipswich, and I guess my biggest beef is transition from care for children within the department of child safety. They self-place in the park, and that is quite acceptable to the department. About 60 per cent of our prison population are children or people who have been in the care of the department of child safety. So there are some real issues around the way placement is offered in child safety.

CHAIR—I think that is true in the mainstream community as well.

Mrs Connors—There is no link to family and community, and when it comes time to transition, the department just do not want to know our kids, and they send them back to families they do not even know, or the kids just self-place in inappropriate or unsafe homes and in the parks. That is where we pick them up at night usually.

CHAIR—I am pretty conscious that we are running over time. When this committee was taking evidence in New South Wales, we saw some very particular programs—which the caseworkers suggested to us at the time had been evaluated over many years to be successful, both in Australia and in the United States—which involved intensive family counselling. It is very expensive to have counsellors, or therapists, even, who work with a young family for six, nine or even 12 months to try to help teach the parents better parenting, encourage the kids to get oriented to learning. It takes various forms, and it has been put in place intermittently, but I am just wondering if you have an opinion about that kind of thing and about how it might be done in your local context, if there were resources available.

Mrs Connors—In a traditional society—Uncle Joe can correct me—there are basically seven levels of intervention. Six of those intervention levels involve the family and the community. The very last level involves going external. In present-day society we skip from level 1 right down to level 7, and there is no concept of family or community within those intervention levels.

One-on-one counselling does not work for our people. It has got to be a group or a family situation. I have found that most of our people respond to the group stuff instead of the one-on-one. It is all about working with family and community, and returning to what it was as far as levels of intervention. New South Wales get much more funding than we in Queensland do to do things.

CHAIR—Thank you both. It has been tremendously helpful to us.

Proceedings suspended from 1.16 pm to 2.06 pm

GROVES, Dr Aaron, Executive Director, Mental Health Directorate, Queensland Health

STEER, Dr Peter Anthony, Chief Executive Officer, Children's Health Services, Queensland Health

CHAIR—I am very pleased to welcome representatives from the Mental Health, Alcohol, Tobacco and Other Drugs Service, Dr Peter Steer and Dr Aaron Groves. Our normal procedure is to ask you to make an opening statement, and then we will have a discussion if that is suitable to you.

Dr Groves—Thank you, Mr Chair. I will commence by clarifying an aspect of our representation. We are representing Queensland Health. There seem to have been a few glitches in the practical issues of making sure that the committee was informed that we would be representing Queensland Health and not just the Mental Health, Alcohol, Tobacco and Other Drugs Service of the Children's Health Service District. My role is as the person responsible for policy, planning and mental health services reform within Queensland Health, and Professor Steer's role is as the person responsible for all of the Children's Health Service District services, including those that relate to mental health.

I would like to thank the committee for the opportunity to come along and give evidence to you about a very significant issue for mental health services within Queensland. I would like to start by acknowledging the traditional owners of the land which the committee is on, the Yuggera and Turrbal people. Given the presence of other people in the room, I acknowledge other elders and thank them for the safe passage of the committee. I am also here on behalf of Mick Reid, who is the Director-General of Queensland Health. Unfortunately, he cannot make it to give evidence to the committee.

I thought I would start by perhaps giving the committee a little bit of background as to why this issue is so important for mental health services. You may be aware that Australia has had a National Mental Health Strategy since 1992. In fact, one of the founding documents of that was a National Mental Health Policy. One aspect of that policy that became very clear was that, while probably good at the time, it was not contemporary, and in 2008 that policy was revised. An important aspect that I would like to draw the committee's attention to is on page 7 of that policy, where the policy acknowledges for the first time—I suspect probably for the first time in any national health policy document in Australia—'our Indigenous heritage and the unique contribution of Indigenous people's culture and heritage to our society.' I will read further. It says:

... it recognises Indigenous people's distinctive rights to status and culture, self-determination and the land. It acknowledges that this recognition and identity is fundamental to the well-being of Indigenous Australians. It recognises that mutual resolve, respect and responsibility are required to close the gap on indigenous disadvantage and to improve mental health and well-being.

That is a direct quote from the national mental health policy. The policy has been operationalised through three five-year national mental health plans and a fourth one that was endorsed late in

2009, before the discussions that have been going on around the National Health and Hospitals Network Agreement that was endorsed by COAG only last month.

The fourth national mental health plan for the first time picks up Indigenous mental health issues and social and emotional well-being and describes how they need to be taken forward. An important aspect of that is that action 7, which is in the very first priority of the fourth plan, talks about taking the current Aboriginal and Torres Strait Islander mental health and social and emotional well-being framework, redoing it, updating it and implementing it. There has been a fair degree of concern that that Aboriginal and Torres Strait Islander framework probably did not get the degree of attention in its implementation over the last five years that it needed.

Within Queensland Health and in the Queensland government we endorsed the Queensland Plan for Mental Health, a 10-year plan, during 2007, with approximately \$1 billion of funding going into mental health over the first five years. An important key element of that is the way in which we work across government. The plan is not just a Queensland health plan; it is a Queensland government plan. It looks at those responsibilities that would be taken forward by the Department of Communities, the Department of Justice and Attorney-General, the Queensland Police Service and so on—and I recognise that many of those government agencies gave evidence to the committee this morning. An important aspect of how the mental health, alcohol, tobacco and other drug services—MHATODS, as they are affectionately known—have worked is that they have been a key part of how we deliver services into detention centres, both the Brisbane Youth Detention Centre and the Cleveland centre in Townsville. We are trying to ensure that youth who end up in detention get access to the full range of services that should be made available to them.

The health status of youth in detention has been well described in this country as poor. Their mental health status has been variably reported because, unfortunately, there has been nowhere near as much research of youth in detention as there has been of adult prisoners, and that is clearly a major gap. What we do know is that, whilst approximately four per cent of the Queensland population identify as being Indigenous, probably as many as one-quarter of those people in youth detention are people who have been sentenced. We also know that the proportion of people in youth detention who might identify as being Indigenous is probably more like 50 per cent. We know that is the case in Brisbane and it is probably closer to 80 per cent in Cleveland. This overrepresentation of youth is a significant issue.

We are also aware from data that has been collected from MHATODS that these kids have often had mental health and substance abuse problems before they have come before the criminal justice system and entered youth detention. One of the significant issues is that, despite that high prevalence, we know that they do not access the services in the community before they get into prison. So it actually affords an opportunity to make sure they get access to those services. If anything, the evidence suggests that they are more likely to get services once they are in youth detention than they were when they came from their communities. That is a worrying thing from the perspective of what happens in the community, but it is a good thing in that, once they are in youth detention, we make sure we address their issues.

Part of the strength of the submission is the way in which MHATODS have gone about trying to ensure they provide a very holistic approach to what happens in youth detention. It is not just about assessment and screening of the kids; it is making sure that they actually get into services

that are appropriate for them. Queensland Health's approach has been to make sure that not only are their mental health and substance abuse needs are met but also their sexual health needs and their oral and dental health needs are met at the same time. This is a comprehensive package of which MHATODS represents just one aspect.

Another aspect of the submission is the reinforcement of the fact that the approach of MHATODS is also to look at those custodial staff within the correction centres and make sure that they are trained to recognise problems early, to know why people are screened and assessed and to know how treatment services should be applied and the correct way of helping to deal with people with problems once they are in youth detention. In addition to that, it is important to make sure that, if somebody is leaving detention, there is a comprehensive package with all those government departments that should be responsible for following them up in the community made available.

I understand the submission has also made recommendations around the development of national guidelines in a number of key areas. This is an important aspect that Queensland strongly supports. There are mechanisms that are now available in terms of implementing the fourth National Mental Health Plan that will start to address those issues. We certainly intend to put that very strongly on the agenda of what is called the National Comorbidity Initiative. It is a committee of health ministers and it is responsible for looking at addressing mental health and drug and alcohol issues jointly as opposed to separately. I think the submission has highlighted the fact that the National Drug Strategy and the National Illicit Drug Strategy have sometimes been separated out from the National Mental Health Strategy and that those two need to come together and particularly in youth and particularly in Indigenous people this is important. I will pause there. I am not sure if Professor Steer wants to make any other comments but then I am happy to field questions.

Dr Steer—I think it has been a fairly comprehensive introduction. I am happy to take questions.

CHAIR—You have laid particular emphasis obviously on young people in detention. I know from a lay point of view that nationally we have been paying less attention to the mental health needs of young people at large regardless of their backgrounds than we might have. There are various attempts to overcome that shortcoming now. Can you talk about issues of mental health and substance abuse in Aboriginal communities as distinct from the issues in detention centres?

Dr Groves—I think it is difficult to make sweeping statements because not all Indigenous communities are the same in Queensland. There are some communities that are inherently very strong. They have the strength of their cultural background that has been quite protective and so we see a lot fewer drug and alcohol problems and subsequently mental health problems in those communities compared with others. There are some communities that have perhaps distinguished themselves from former Queensland government policy and that is particularly the ex-DOGIT communities, but there are a number of other communities throughout Queensland where a number of problems that really started to rise in the 1970s, essentially around drug and alcohol and substance use, have tended to then cause a generation of problems. We saw very high rates of alcohol and drug problems commencing in the seventies and eighties. Then

subsequent to that we have seen high rates of mental health problems and in particular psychosis start to develop in the eighties and nineties.

Even more tragically we have seen what was essentially a very rare event prior to the 1960s and that is suicide in those Indigenous communities become a very, very significant problem. We see rates of suicide in those communities—again I am talking about those same communities and going through a similar path—being significantly higher than non-Indigenous communities and significantly higher than those Indigenous communities where there has been the preservation of the cultural identity and some cultural strength within those communities. That is I suppose a thumbnail sketch. At its most significant end we have communities in Queensland where rates of mental illness amongst youth are well in excess of what would be seen in the non-Indigenous community in Queensland, where rates of alcohol and in particular substance abuse are almost endemic, and where suicidal behaviour as opposed to actual suicide is again very common practice. These are of major concern to the government.

Dr Steer—Also more specifically as to some elements of our ignorance with respect to the urban Indigenous population, we have virtually no real understanding of the statistics and risk for that youth population, although we are concerned about it. It is early and it has been a neglected area for our own evaluation and research.

Dr Groves—I think the submission also refers to the lack of identification of mental health and drug and alcohol problems in the Indigenous community in Australia in general. We could update that by saying that in 2007 the ABS conducted the second National Survey of Mental Health and Wellbeing. For the first time it had an Indigenous identifier. Sadly, the completion numbers are too low for the first report that came out—called *The mental health of Australians 2*—to unpack the rates of mental health problems among Indigenous people. What we do know is that the National Health Survey, which is reported by the ABS and the AIHW, has shown that rates of distress in Indigenous people are significantly higher than in the non-Indigenous population. They are probably twice the rate of the non-Indigenous population and we know there is a very strong correlation between that and the presence of mental illness. So we have some presumptive evidence which says that their problems are significantly more, whether in urban or rural and remote communities.

Ms REA—In your submission you talk about Indigenous health workers acting as cultural brokers. Earlier today—and indeed in other evidence—we have heard from the community and Indigenous community organisations that one of the difficulties they face particularly in dealing with government agencies is the lack of Indigenous people who are employed. Therefore, not only do you have just the barrier of walking into a fairly mainstream office that is pretty imposing and intimidating, but you are not talking to someone who you feel that you can relate to. I wonder if you could explain a little more about what they are doing within the program and the effectiveness of what they are doing.

Dr Groves—I might start off by making some general remarks and then get into the specifics. Unfortunately, I am unable to tell you exactly how many Indigenous health workers we have within Queensland Health, but I do know that we have approximately 91 Indigenous mental health workers. These are people who work within mental health services who are employed to do a variety of different roles. I suppose one of the concerning aspects from my perspective is that we do not currently have a uniform identified role for all of those Indigenous mental health

workers. It is not as if they have the same job description. I think that is a significant problem that we are attempting to address. The Queensland plan for mental health talks a little about that.

The first point to get across to the community is that we do not do too badly in mental health when it comes to Indigenous mental health workers. We have established a benchmark for Indigenous mental workers in Queensland government that we are trying to look toward reaching. That is one per 1,000 Indigenous population of Queensland. We are probably halfway there. We may need somewhere in the order of 200. We believe that would provide us with a very sound basis for how those people could work effectively within our services. How they specifically work within MAHTODS is that the staff are responsible for cultural brokering and cultural understanding not only for the other staff who work within those services but also for the Indigenous persons so they get a better understanding of what the service is about, what they are going to do for them. I think that there is a greater acceptance amongst Indigenous people when they can identify somebody from their own mob who can say, 'Look, these people are good. They are to be trusted. They are here to help. This is what they are about.' It is that degree of recognition and understanding that often goes a significant way to getting people to engage in services rather than being disengaged. You comment about local Indigenous community people, saying that it is pretty scary accessing Queensland Health. I can tell you it is pretty scary for non-Indigenous people. Therefore it is an order of magnitude worse for Indigenous people.

So I think anything we can do that makes it culturally safe, as opposed to just culturally appropriate, is a really important aspect of what we need to do. I think that the role of Indigenous health workers within MHATODS is not just about making it culturally appropriate; it is about making it culturally safe. I think that is an important paradigm that we are trying to get across in all of our mental health services to a greater or lesser extent. I think it works better in some areas. Probably within child and youth services in general we are doing better, but there is still room for improvement.

Ms REA—Are those workers just treating the young person in particular as a client on their own or do they liaise with their family and community? Is there a broader approach or is it very much a clinical dealing-with-a-patient type situation?

Dr Groves—No, in fact it is a very clearly defined non-clinical role. They do not just take the person on for case management; it is very much around brokering all the cultural needs of the person, and it includes their family, any other kin they might have and any other people within the community who they might be able to access. Again, there are difficulties and complexities in doing that, but that is what that role is identified to do.

Mr TURNOUR—Are these mental health Indigenous workers specific to mental health or are these the health workers that I run into in Queensland government health clinics all across the state who do a whole range of other services as well? Is that what we are talking about or are we talking about Indigenous specific mental health people?

Dr Groves—I am talking about the Indigenous specific mental health workers of the MHATODS team. What you will see is those same Indigenous staff clearly right throughout Queensland government. The mental health specific role is a little bit different from some of the other Indigenous health worker roles.

Mr TURNOUR—You talked about suicide being a particular problem in Indigenous communities. What specific programs have you got running for Indigenous communities that address suicide issues?

Dr Groves—I think that is a complex question that I can probably talk about for way too long. So maybe I will try and—

Mr TURNOUR—I just want a simple answer.

Dr Groves—I will try and address it by saying that there really is a response at two levels of government. The first way we look at it is that Queensland government tries to take a broad approach to suicide prevention where multiple different government departments have been involved in what we currently know as the Queensland Government Suicide Prevention Strategy. It outlines a number of different tasks. It highlights that Indigenous communities are a priority area and that activity needs to occur there. That strategy is now complete. It finished in 2008. It has been evaluated. It is informing the new Queensland government suicide reduction action plan which is in the final stages of development.

You can understand that, unfortunately, because it has not yet been endorsed, I cannot talk about what is being considered for the future. However, I can say that the programs that we have fall into three broad categories. It is those services that are direct treatment types of services—that is, when somebody is identified as having a mental health problem or being at risk of suicide, it is how they get assessed, how they get access to treatment and how we make sure that they are followed up in the community until such time that they are not considered to have suicidal risk.

There programs that are about identifying what factors in communities might be leading to high risk and trying to immediately address them. They can be anything from the strength of the community through to if suicides occur how postvention occurs. It can be support for people who are bereaved right the way through to those types of programs that are specific to groups we have identified as being at risk. Say, for example, if we know that there is a cluster of suicides within a community, we will generally look at one of our community mental health services getting engaged with that community and trying to address what the underlying problems are. The best example I can give you in your part of Queensland is the rural and remote outreach team that is headed by Ernest Hunter in the cape, which would frequently go to communities if there has been a suicide and would try to address whatever underlying problems there might be.

Likewise, if that then becomes a pattern over a longer period of time when there is recognised to be a problem that is not going to be addressed just by one-off intervention or over a few weeks, they will then look at putting an intervention into place that can be there for a much longer period of time. An example of that was Yarrabah, where an ongoing service was developed that has now been going for well over a decade.

One of the complexities is that—and I will be careful about how I choose my words here—there has not been a good alignment between the suicide prevention activity that the Commonwealth government has led and that which has been led by state and territory governments. I am aware that other committees in other places have looked at that particular issue. The way in which that is now being addressed is that the fourth plan has talked about state

and territory and Commonwealth activities needing to be aligned under the fourth plan. I can think of numerous examples where there was overlap, where the state—

Mr TURNOUR—Could you explain that.

Dr Groves—I can give an example and then say how we are trying to align them. A good example would be that the states have often taken the responsibility for funding non-government organisations to do work in the broad area of, for example, social and emotional wellbeing as a way to reduce the likelihood of suicide in communities, only to make announcements that services would be provided in one part of Queensland and then find out that the Commonwealth had just announced almost exactly the same thing from a different provider in exactly the same area the day before. That type of lack of coordination has caused considerable concern within the communities because they do not know how the two different programs might work, how they operate and so on.

The other aspect is that it has generally been considered that the Commonwealth has taken the lead role on funding postvention-type services but the state often picked up where they have realised there is a problem that needs to be addressed in the absence of the Commonwealth having sufficient funding to do that. And then you end up with the question: who does take the lead role in funding those types of issues? How it is being addressed, to answer your question specifically, is that action 13 of the fourth plan talks about needing to have state and territory and Commonwealth initiatives aligned.

There was an initial meeting convened by the Commonwealth in which the national suicide prevention strategic framework—which is a good document that tries to outline how we should go about addressing suicide prevention, even though that is not what the two levels of government have been doing—was put up for national endorsement for the first time. The states have now agreed that the way in which we will go about addressing suicide prevention will be consistent with that framework. There had not been an agreement before, so states would go about doing it in one way and the Commonwealth would do it in another way.

It has also led to a much more open dialogue between the Commonwealth and its programs around where they intend to fund as opposed to what happened before, which was they would just fund. If I can give a practical example of that, one of the Commonwealth Department of Health and Ageing officials contacted me some six months ago and said, ‘We plan to do this north and south of Brisbane.’ I said, ‘Well, if you plan to do that, we were planning to do something very similar. Instead, we will do this, which will complement that.’ This project was about following up people with their general practitioners when they present to emergency departments but do not need admission. What has happened is that the Commonwealth is funding the general practitioner arm of it and we are funding the mental health service arm of it to make sure that people do not slip through the cracks between those services as opposed to us potentially having both funded the same thing. That is a practical way in which Commonwealth and state programs are attempting to be aligned rather than duplicated.

CHAIR—Obviously there should be more of it.

Dr Groves—I would totally agree.

Mr TURNOUR—We have agreement that we are moving to community control in your section of the health department, as you outlined. How does the mental health area fit with the broad thrust that we have all signed up to in relation to community control in the more acute primary and preventative health areas? How do you fit with that model? How do Apunipima—in my part of the world—Queensland Health and RFDS all fit together? They are all involved in those sorts of services.

Dr Groves—I think there are two aspects to your question. The first is the question of the funding to non-government organisations from the Queensland government. In July 2007 they were transferred over to the responsibility of the Department of Communities, so the Department of Communities now are responsible for funding mental health NGOs in Queensland, not the department of health. It is a unique arrangement in Australia. We are the only state in which Health does not fund the mental health non-government sector. How that practically works is that Queensland Health retains the policy- and direction-setting role. If we believe that there are insufficient community organisations in a particular community from a mental health perspective, we would identify that and the Department of Communities would look at, within their funding envelope, how they would actually address that issue. That is practically how it is supposed to work.

How it has occurred is that, under the Queensland plan, there has been significant new investment in the mental health non-government sector during the last three years. For example, four years ago the Queensland government spent about \$12 million on the community mental health sector; this year it is expected to spend about \$50 million. So there has been sizeable growth in the sector. It is fair to say, however, that it has been a bit patchy and ad hoc. At the same time, the Commonwealth has rapidly expanded its investment in the non-government sector through a number of programs, some through FaHCSIA and some through DoHA. Again, it is fair to say there has been some overlap of some of those programs with what the states provide.

I think the second aspect of your question is: how does what was signed up to by COAG last week in terms of who is responsible for what aspects of mental health—am I decoding what the second half of your question was?

Mr TURNOUR—The department of health, community controlled organisation Apunipima and RFDS all deliver services into Cape York, for example. RFDS has wellbeing centres, you employee Ernest Hunter and others, and Apunipima are out there running GP and other services. Is that part of the mental health transition plan for the broader cape area, for example?

Dr Groves—The simple answer at the moment, as best as I can understand it, is no. We would see Queensland Health as being responsible for providing specialist mental health services—that is, those services that are usually not provided by primary care. Apunipima we would see as being more about providing the more primary care services. The difficulty is there is no boundary between primary mental health care and secondary care or even tertiary care that is defined anywhere, so it is a very grey area. Ernest Hunter's role has often been to support the Apunipimas of this world, in terms of doing their role as best as is possible. But, if they have individuals whose mental health needs are greater than their expertise, then they would refer to Ernest's team and there would be a joint working relationship about what would occur.

The relationship between Ernest Hunter's rural and remote team and Apunipima is probably one of the best that we have in Queensland, and that is how it should look. How it will look into the future, though, is unclear because, in the National Health and Hospitals Network Agreement that was signed, the actual role of specialist mental health community services remains unclear. There is the description around community health moving to the responsibility of the Commonwealth, and that is clearly understood. It does not seem to be clear where specialist mental health services arise. I can foresee, for example, the difficulty where somebody might be on an involuntary treatment order under a state mental health act: it would be rather difficult to prescribe to the Commonwealth what to do about the care that would be needed for that person in terms of specialist care. So the primary care issues are straightforward; the specialist care issues are much more unclear and need to be worked out.

CHAIR—This is a general problem, though, not a problem that is exclusive to Aboriginal communities.

Dr Groves—It is a general problem; however, it is a much more significant problem in Indigenous communities because community controlled health organisations have a very central role and are separate from what would traditionally be provided by Queensland Health. Mr Turnour's question is quite appropriate, in that it is blurrier for Indigenous communities than for non-Indigenous communities.

CHAIR—The reference to Indigenous NGOs causes me to recall evidence that was given to this committee in Fitzroy Crossing in the Kimberley. I am sure you are aware of the famous film that has been made about the change that occurred in that community when drinking laws were altered. The alteration itself came about because of some Indigenous organisations within Fitzroy Crossing—led, as I understand it, by health workers, but in any event health workers were prominent in the agitation. That change led to quite profound alterations to behaviour in the community, but my understanding is that the whole exercise was partly motivated by an extraordinary number of suicides over quite a short period. It was the final desperation felt because of those suicides that brought about the great change.

It all leads me to ask you to make some comment on the role of Indigenous NGOs. We have had evidence as recently as an hour ago to suggest that there is frequent frustration within the Indigenous community that Indigenous controlled NGOs get pushed aside by other kinds of NGOs and are not permitted in the end to have the kind of authority that I have described as being very effective in Fitzroy Crossing.

Dr Groves—Perhaps I should declare that I was director of mental health in Western Australia for four years before I came to Queensland in 2005. I am very aware of the significant problems in Fitzroy Crossing and all of the Kimberley. Indeed, my comments in relation to alcohol and drug problems, mental health problems and suicide problems in the Indigenous communities of the Pilbara and Kimberley are that they are much the same as what has occurred in Queensland and the Northern Territory. This is an Australian problem and an issue of Australian governments from a long time ago. That, I think, is well understood, at least in academia and in mental health policy direction. I understand that.

As a Queensland government official, all I can say is that we have processes in place through the Department of Communities that attempt to ensure that that problem that you have described

is addressed—that is, that Indigenous non-government organisations, community organisations or whatever we are going to call them are not pushed aside in favour of non-Indigenous community organisations just because they can provide better tender processes, which is often what occurs. We have a human services procurement policy in the Queensland government that has changed; we can go directly to select tender or tender processes for the best organisation. That is a new change. That is a process that has now been in place for just two years or so. I think it is important that Indigenous communities recognise that, where that has occurred, there are processes in place to try to remediate that.

I am not saying it does not happen, because I am aware of people constantly saying that that occurs. One of the difficulties is that governments often remain slightly inflexible about what they want to buy. If a government goes to an organisation and says, 'We want to buy apples,' and the organisation wants to sell them mangoes, they will go to somebody who wants to sell them apples. That is the sad reality. Government policy and procurement needs to catch up with what organisations can do. Queensland is attempting to do that.

CHAIR—Thank you. That is very useful. My secretariat is warning us that we have run out of time, but the mention of Fitzroy Crossing inevitably caused me to think from my own perspective about the evidence that we received there concerning foetal alcohol syndrome. I am—mostly because of that evidence—aware that there is in fact a rising problem, and potentially an extraordinary problem, of mental illness as a consequence of that syndrome. I wonder two things: what you would like to say to us about that in general and also whether you are thinking of specific programs that may respond to this quite particular problem. The evidence that we got from those same women at Fitzroy Crossing was to suggest that we were faced with a possibly cataclysmic problem.

Dr Groves—I think the evidence we have before us in Queensland is no different. We recognise that this is probably the thing that is going to represent one of the greatest mental health issues for that next generation. There are two aspects: one is about preventing future problems—and that is an area that another part of the department looks at primarily. I cannot specifically comment on that because I do not know the full details. I am sure we could get that to the committee.

The issue that I think is the very disturbing one is that those kids who have foetal alcohol syndrome and who grow to be adolescents and young adults with considerable mental morbidity as a consequence represent a very great challenge to our services. It is something that is going to require, in my view, a combination of approach not only just from mental health services but from other disability support services because many times their disability support needs are greater than their acute mental health needs. I am not saying they do not have them, I am just saying they have both. Furthermore, there are a number of issues that Commonwealth government departments will need to get involved with as well.

It is not a simple answer. I believe a significant challenge for Indigenous people is when they have schizophrenia. The challenges of that psychotic disorder are very difficult for a whole community. Foetal alcohol syndrome, to me, is schizophrenia made worse; it is much more difficult, it is much more complex and it needs a much more coordinated approach from multiple departments across both levels of government. There is not an easy solution. But we need to look towards preventing it for the next generation.

CHAIR—Thank you both for giving us the benefit of your great experience. We are very grateful.

[2.48 pm]

D'CRUZ, Ms Raylene, Community Legal Education Officer, Youth Advocacy Centre

MONRO, Ms Rosslyn, Director, Youth Advocacy Centre

CHAIR—We are not, by our own standards, running badly late but I gather that the people who own this hall will want to close it at a particular time, and so we will try to keep to our timetable. I have great pleasure in welcoming the representatives of the Brisbane based Youth Advocacy Centre, Rosslyn Monro and Raylene D'Cruz. We would be very pleased to hear your opening statements.

Ms Monro—Thank you. I would like to start by acknowledging the traditional owners of the land on which we meet today and I would like to thank the committee for the opportunity to provide evidence.

I will start by providing a short background about what our organisation does. We are a community legal and welfare centre for young people aged between 10 and 16. That age group will become more apparent in our submissions today. We provide services to young people who are in the criminal justice system and in the child protection system, as well as other systems like education. We provide legal services including advice and court representation, and we also provide social welfare services that support young people who are going through the legal system or other parts of the system. We also provide community legal education and engage in law reform activities such as our representation today. Youth Advocacy Centre has been going for close to 30 years now, so we have long experience in providing services to young people, particularly in the greater Brisbane area.

Our interest in this particular issue is that whilst we do not have large amounts of Indigenous clients—because we have a protocol with ATSILS to provide legal services to Indigenous young people, as we have agreed that it is most appropriate for those legal services to come from that organisation—from time to time we would have Indigenous young people as clients. Either they have expressed a particular interest in accessing a mainstream service or there has been a conflict with ATSILS, because ATSILS does not provide representation to Indigenous young people in the same matter. Sometimes we are involved with Indigenous clients because there is a matter of urgency to be dealt with, such as if a young person is arrested and detained and they require an urgent bail application and we are best placed to do that.

Whilst we do not have large numbers of Indigenous clients at our service, and we acknowledge that there are more appropriate services to provide those services, a number of our observations and interests in particularly the youth justice system here in Queensland are very applicable to Indigenous clients because of the higher representation of Indigenous young people in the system. If there were significant changes in how we did things for mainstream populations we believe that there would be significant flow-on effects for the Indigenous community as well.

There are key areas that we have identified as being most significant to the over-representation of Indigenous young people in the criminal justice system. Firstly, Queensland is the only state

in Australia that is in breach of the United Nations Conventions on the Rights of the Child in treating 17-year-olds as adults in the criminal justice system. If you are 17 in Queensland and you commit an offence you are dealt with under the adult criminal justice system, not the youth justice system.

That has significant impacts upon how those young people get treated. It impacts upon not only what might happen if they become incarcerated in that process but also the beginning stages of any legal process—whether that young person is guilty or innocent of what they have been accused. For example, if you are a 17-year-old in Queensland and you are arrested by the police and taken for questioning, your parents will not be rung up and told that you are in those circumstances. If you are young person in the youth justice system your parents are automatically involved. Clearly, the involvement of family and broader community is very important.

As the young person progresses through the justice system they may be treated differently through the sort of options that will be available to them for sentencing. Under the youth justice system in Queensland we have more restorative justice processes in our youth justice system—the options of cautioning and conferencing. Those options are not available to 17-year-olds in Queensland.

If a young person is imprisoned and goes to an adult prison, they are kept separate from the adult population, if they are lucky. In Brisbane it is called the ‘boys yard’. In the women’s prison they are kept within the general population. They have very limited visitation rights and there is no priority given to family to visit. If a young person decides that they most want to see their girlfriend on their one weekly visit, they may not have contact with their family for a very long period of time if they do not nominate family for a visit. They also have very restricted access to programs that we would consider to be rehabilitative for them, such as continuing education. Whilst corrections say that they provide those programs, and that is correct, in our experience young people’s access to those programs is difficult, long-winded and it is unlikely that a young person is going to benefit in a process where it is difficult to access those resources within that system.

We are of the view that if 17-year-olds were included in the youth justice system, this would have significant impacts on the Indigenous population, as they would have greater access to community based programs. They are more likely to maintain their contacts with their networks and their communities.

The next issue that we think would be critical to this area is the number of specialist children’s court magistrates in Queensland. There is only one in Queensland, as opposed to other states where there are several. Our submission is that the jurisdiction of the children’s court is a complex jurisdiction, and a magistrate exercising children’s court jurisdiction, along with a whole range of other jurisdictions that they may be exercising within the course of that court’s day, is not necessarily well versed to deal with some of the complex issues that are involved with young people and offending and getting positive outcomes for them through the justice system. We believe that more specialist children’s court magistrates would enhance those overall outcomes in terms of having a greater understanding about the key driving factors for a young person to appear in court.

The other issue that we would raise with the committee is that there is a relationship between young people who are in care and their criminalisation and how the youth justice system speaks to the child protection system if a young person becomes involved in the youth justice system. For example, in our experience it is not unusual for a young person who is in care to perhaps strike out at a carer in their placement and then for the police be called. So behavioural issues within a care placement are dealt with through the criminal justice process, as opposed to perhaps in another type of placement where there might be other strategies used other than just calling the police. So there is the criminalisation factor.

There is also the other factor with the child protection system, and that is: if your child is involved in the criminal justice system it is of benefit for the parent to be sitting in the back of the court advising the court about what is going on in that young person's life and being involved in that process. If a child is in care, there is no guarantee that they have someone in a similar role sitting in the back of the court providing the support and providing the necessary information to the court about what is going on for that young person, in order to feed into the potential outcomes from the court process.

The fourth issue is the absolute dearth of drug and alcohol placements in Queensland, particularly south-east Queensland, for young people who want to detox and engage in rehabilitation. I was interested to hear the Queensland Health approach that young people were not accessing the services out in the community. I guess my question is: what are those services? Services for under-18-year-olds for drug and alcohol detox and rehabilitation are fairly thin on the ground. There is specifically no Indigenous service that would offer any kind of residential type service. We would submit that the lack of drug and alcohol community based services is a significant issue in an early intervention stage.

The fifth issue would be the recognition of elders in the children's Murri court. One of the advantages of having a Children's Court magistrate was that there was a children's Murri court initiated out of the idea of the magistrate and the support of the community. However, we have not come very far with that concept. There has been acknowledgment that those court processes are much more appropriate for Indigenous young people, but we do not recognise the contribution that the Indigenous community makes to keeping that court going. There is no real formal recognition. I think they get a travel allowance of less than \$40 to sit on court for a day. We see that as being a significant issue in the valuing of the work of the Indigenous community with their young people in those processes.

Finally, the perennial issue for us in Queensland is that there are high numbers of young people on remand. Actually addressing those numbers on remand is critical to ensuring that young people are not locked into a cycle of being in a detention centre. In our experience, having wraparound services that involve the young person in their community and some resourcing perhaps allows the remand issues to be properly addressed so that there are secure bail placements for young people. They are our major points. I am happy to answer questions from the committee.

Ms REA—I have one or two questions. The first question I have is a fairly broad one, and I will acknowledge that at the beginning. The focus of your submission and what you have said to us today is obviously very much on the issue of young people that are already in the criminal justice system, whether in detention, jail or the legal system in some other way. What we as a

committee in this inquiry are looking for are some ideas or an understanding from community organisations working in this field as to what we could do practically to deal with young people before they even get into the criminal justice system. I acknowledge that YAC has been around for quite a while and done some fantastic work here in Brisbane in representing young people. I imagine that you would have a wealth of experience in your organisation that could give us some ideas about things that you believe could be done much earlier to assist young people to stay out of the criminal justice system.

Also, I would be interested to hear whether, as an organisation, you have noticed any particular trends emerging with Indigenous young people. Are the issues that were there 30 years ago the same issues? Are there new issues? Does there need to be a refocusing, if you like, of government policy and government programs to deal with new issues rather than just use the same old approach?

Ms Monro—Certainly YAC does deal with the pointy end of young people that are already in the system in some way. But, on that question, we see a greater level of legal representation as being pretty key to shortcutting even a young person's entry into the youth justice system. It is not unusual for us to come across a client who has a huge number of charges and for those charges to have been inappropriately brought. They might have been either overcharged, in that the offence they have been charged with is far more serious than what actually occurred, or there may have been multiple charges for the one incident. We get a lot of our successes by being able to just make representations to police prosecutors by saying, 'You really need to look at what you are charging this young person with because we don't believe it will fly.' We do some really solid advocacy around what a young person can really be charged with in any event if at all.

The problem becomes more acute the more you get into regional centres. There are no youth-specific legal services, through either Legal Aid or community legal centres, in the rest of Queensland. They are all situated in south-east Queensland. A couple of times we have heard from young people in Cleveland Youth Detention Centre in Townsville, 'I don't know who my legal representative is,' or, 'I can't get hold of them.' Just having good, decent advocacy on the ground can short-circuit a whole lot of issues.

That is not to say that there is not the hardcore, pointy end of the population that will keep circulating through, but the vast majority of young people will come across the youth justice system once and once only and never return. The population that channels through the system on a regular basis is very small. So, whilst it is not an early intervention strategy in a strict sense, legal representation and good, solid advocacy that is in the jurisdiction and knows the jurisdiction is really important to make sure that an issue does not progress further than it needs to.

Ms REA—On that point, we have heard a lot of evidence this morning, and indeed in other hearings, about the issue of traffic offences, particularly in relation to driving and driving licences. For example, if would you see overcharging or young people getting caught up in the system as an issue that could be dealt with differently that may—

Ms Monro—Yes, quite possibly. From our perspective, on an anecdotal basis, we do not see so many traffic related offences.

Ms REA—Because you are dealing with kids?

Ms Monro—That is right. But I guess the parallel for us would be some of the property offences. A young person on remand might take a chocolate bar and end up in detention because they do not have access to the necessary legal representation to make a speedy bail application. They might be in there for a couple of nights and it can start to roller-coaster out of control very quickly. It is those kinds of scenarios, or scenarios where there is an interaction with police which gets out of hand pretty quickly because of the circumstances, that can start to roller-coaster out of control. So some of the early intervention strategies for us would be doing some solid work with the police on how they go about performing their role with young people and the sensitivities around that. Clearly there is a lack of understanding in some cases about how their behaviour might escalate situations.

We also have a number of clients that are not engaged in any form of education. Education is key for maintaining young people's sense of having something in their life to work towards. We have done a lot of work around suspensions and exclusions in schools. I think that, for some young people, once they are suspended or excluded from school, it is very difficult to re-engage with that process. So some of our advocacy has been around making sure that there are very fair, open and transparent processes around ensuring that young people who are suspended or excluded get a fair go and have access to processes. Currently, you can go through the administrative processes of education Queensland, which are quite arduous, have very short-time frames and can be difficult for a young person to negotiate. There are also very limited avenues of appeal, in terms of any sort of court process, once you get out of those administrative processes. Most young people are just not interested in following through some of those appeal processes in order to challenge some of the decision making around suspension and exclusion. So engagement with education and making sure that those suspensions and exclusion processes are accessible to young people is also key in early intervention and prevention.

CHAIR—Thank you. That was very enlightening. We thank you for taking the time and congratulate your organisation, which has worked effectively for a generation and a half now.

Ms Monro—Thank you.

Proceedings suspended from 3.11 pm to 3.28 pm

BRUNKER, Mr Dean, Program Manager, Employment Education and Training, BoysTown

DALGLEISH, Mr John, Manager, Strategy and Research, BoysTown

CHAIR—Welcome. I outlined the formalities a number of times earlier today, so you would be aware that your evidence is being taken by Hansard, unless you wish it to be otherwise, and that it will be published. I invite either or both of you to make an opening statement.

Mr Dalglish—We have a statement which I will speak to. Firstly, Dean and I would like to acknowledge the traditional custodians of the land on which we meet, the Jagera and Turrbal peoples. Dean and I would also like to thank the committee for the invitation to address it today on this critical issue facing our community.

Dean is the manager of our training, education and employment support programs in Logan City. He works directly with young Indigenous people in prison and with the child protection system. Many of the referrals that he receives for those programs are from the court or from youth justice services. Dean is also a registered fostered parent with Child Safety Services. The strategy and research team, which I manage, is responsible for evaluating BoysTown's services to young people.

In relation to this issue, at a policy level there have been three traditional responses to the over-representation of Indigenous young people in the justice system. Firstly, there has been a focus on policing practices—how police and young people relate and how police deal with young people who allegedly offend. In our view, based on current practice, there has been an emerging emphasis on diversion in relation to policing and the use of cautions, and also on youth justice conferences as an alternative to court. Secondly, there have been changes to the criminal justice policy, whether a focus on diversion of young people from detention or restorative justice. The third issue is about responses to attacking the causes of Indigenous youth offending.

The central message in our submission is that preventing an Indigenous young person from contact with any part of the criminal justice system—by attacking the causes of offending behaviour and responding to the needs of Indigenous young people—is a central requirement of any effective crime prevention strategy. That is where we have placed our emphasis. In general, considerable contemporary research indicates that Indigenous young offending—and Dean will be able to speak to this in his evidence—is often associated with chronic unemployment, which is often made worse by Indigenous young people prematurely exiting from the education system, family violence—including child abuse—and substance abuse. Our direct experience of working with Indigenous young people confirms this assessment.

In our submission we have highlighted the success we are experiencing with social enterprises, which is an intermediate labour market strategy that we believe is effective in assisting Indigenous young people to transition to employment. In terms of Indigenous youth unemployment, figures that we access show that in 2008 about 22.5 per cent of Indigenous young people were unemployed compared to 10.2 per cent for all youth and six per cent for all-age unemployment. Those figures indicate that there is a considerable need to expand social

enterprise-type programs and intermediate labour market programs in general through partnerships of government-corporate organisations to make these programs more accessible to Indigenous young people.

We also believe that unless Indigenous communities control, manage and influence the direction of crime prevention strategies, initiatives at a local level will not be successful. A fundamental systemic issue behind youth dislocation and offending is the loss of traditional culture and a resultant loss of individual identity and community roles. The experience of colonisation has led to traditional social control processes in Indigenous communities, based on mutual reciprocity and responsibility backed by the authority of elders, being degraded or lost altogether. However, it would be a mistake to assume that this impact has been the same for all Indigenous communities and families. Research indicates that for crime prevention strategies to work effectively, the historical experiences of individual Indigenous communities—together with analysis as to how the issues of social and economic marginalisation at the local level have impacted on a particular group of families and/or a particular community—need to be undertaken to identify the local drivers to offending and recidivism.

Consequently, BoysTown have emphasised in our submission the importance of Indigenous community ownership, direction and management for the effective delivery of crime prevention strategies. This is not a new idea, in fact it was a key concept advocated by both the Royal Commission into Aboriginal Deaths in Custody and the *Bringing Them Home* report in inquiring into child protection and juvenile justice issues.

However, it is our view that implementation of community justice programs has been piecemeal and has not always enabled Indigenous communities to assert influence and ownership over these processes. The key theme of the service alliance agreement model—the development of which we are currently partnering in with the southern Kimberley community of Balgo—is direct accountability of all local service providers to the community, which in Balgo is represented by the community council. We believe that this model of local-place planning could be adopted to drive the development and delivery of local community owned crime prevention strategies.

BoysTown supports the call last year by Tom Calma, Aboriginal and Torres Strait Islander Social Justice Commissioner, that government needs to quarantine a proportion of funding committed to the administration of criminal justice and direct these funds to local community based strategies to reduce offending behaviour. There is evidence from the United States that this justice reinvestment approach is an effective response to reducing crime and also in reducing the criminal justice cycle that inevitably leads to increasing numbers of young people being placed in detention.

CHAIR—Thank you. We have heard, through the day, from government departments and from NGOs of various sorts and it leads us to be particularly interested in your assertion that the most successful programs will involve Aboriginal owned organisations controlling and managing local programs. I wonder whether you could speculate on why it is still necessary to assert that principle. As you have said, it was asserted in the Royal Commission into Aboriginal deaths in custody and it is said with some frequency by many people, and yet it has not generally happened, it seems to me. I would be very interested if you could talk some more about why you

think it has not happened and what measures we might think about to bring that strategy into its proper place in the whole administration of Aboriginal affairs.

Mr Dalglish—I think it is a central question, thank you. I will kick off and then perhaps Dean will perhaps talk about some of the Logan experiences. I think there is not one answer to that, because as we were reiterating before, every community has its own different historical experience. So the reasons will differ from community to community. However, I will try to summarise it. Firstly, the administration of Aboriginal programs in general is quite fragmented. This is an issue, I know, because we have appeared before the Senate committee in relation to regional and remote Indigenous communities. It is an issue that your Senate colleagues are trying to grapple with as well.

You have state and Commonwealth jurisdictions. You also have a very complicated Lands Act, so policy development is fragmented. Then you try to coordinate that at a government level for the community. Take the community council at Balgo. The community council, Balgo, do not know who to deal with on their local issues because the government responses are so fragmented. Who do you talk to? Do you talk to the Western Australian government; do you talk to the federal government; do you talk to the local council? Where do you go for assistance? Structurally, there is this fragmentation that occurs.

Secondly, I think government departments and NGOs find it difficult to engage with communities. Often government timeframes and community timeframes do not necessarily match. To achieve change at a community level takes considerable periods of time and those considerable periods of time can go beyond the electoral cycle and the budget cycles that dominate so much of our policy thinking, development and delivery.

Also, governments and NGOs need to be culturally competent to engage with Indigenous communities. In my experience, that competence is not always there, and the ability to work with community people in their cultural framework is not understood. Many of the COAG initiatives in the southern Kimberley were independently evaluated by a major company. The constant theme of the evaluation, in terms of the limitations of those programs and why they did not achieve their goals, was that there was a disconnect between community and government. A bridge could not be developed between the two. There was a lack of understanding between those two parties about how to work together.

One of the key things from our experience in Balgo—Balgo community is only about 400 people—is that organisations dealing with Aboriginal communities have a responsibility to develop their own cultural competence. They need to employ Aboriginal people and they need to train their non-Indigenous staff in culture and working across cultures. Unless you have those fundamentals in place, I do not think progress will be made.

Mr Brunker—John mentioned governments working together, and governments have great ideas and put a lot of funding into offender programs. One of the programs I manage is a state government funded program called Participate in Prosperity. It is for young offenders who have been through the system, whether the adult prison system, the youth detention centre system or the order system. That state government program is a great program and we have had some great successes through it. It is run up here through SQW, the Skilling Queenslanders for Work initiative. I believe PiP is not running in New South Wales. Up here the funding available for the

program through the state government is quite generous. We have had some good outcomes with the young people in the program, but I do not believe it is running in New South Wales at all. I am not sure if it is in South Australia. I think, as John mentioned, they have Flipside. That is a great program but, if PiP was federally run, we could run it round the whole of Australia.

I have seen the outcomes of Participate in Prosperity, and many young Indigenous people have gone through the program. It is very well supported. The program is for 12 months and is for people who have come through BoysTown from imprisonment and detention. They do life skill training, they do construction skill training and they are employed and supported by the BoysTown counsellors and support workers for a period of six months. Unfortunately, the program has limited funding, so we can only look after them for 12 months, and then we have to move them on to further employment. Once they go beyond BoysTown employment services, they seem to disengage. Maybe the government needs to look at something similar to what they did with the IEP funding. IEP was set up previously as STEP ERS, which looked after Indigenous people trying to get employment. If nationally there was something that worked similarly to the SQWs in Queensland, we might have good outcomes with our young people coming out of prison. Everyone has great intentions, but unless you have that support coming from close work between federal and state governments—

Mr Dalglish—And sometimes the work with young people takes longer than what these programs allow.

Mr Brunker—It does. For example, we had a young Indigenous fellow who was in our program for two years at BoysTown. He went in firstly through my STEP ERS program, which is the federal government funded program. After he had finished, we had to make sure that he stayed with us. We linked him into another program and he has now gone into the Participate in Prosperity program. He is now 23 and is working full time for an external employer as a go-between between BoysTown ex-offenders and the employer. But that kind of thing takes time.

SQW, for example, is a 16-week, state funded program. After the 16 weeks we have to move the young person on. If it is a paid SQW, where the young person gets paid for doing that work, they cannot go into another program straightaway; they have to wait two years. Within that two years there is a lot of time that they could be incarcerated. There is a lifetime of incarceration in that two-year period. It is things like that that break the cycle of the young person's employment strategy.

Mr Dalglish—So the issue in dealing with young people is that you have these time-limited programs where we know that to get the change to prepare a young person who has had a range of abusive experiences for open employment takes much longer than what these programs are funded to do. As Dean says, you continually have to juggle young people through various programs to maintain your support for them until they get to that stage.

CHAIR—You are speaking, then, of a problem of inflexibility of the programs, which presumably could be overcome if there were something more like a case management approach.

Mr Brunker—That is correct. In all programs there should be a case management approach.

CHAIR—I will just return to the question of Aboriginal control. In an organisation like yours there are issues of finding ways to make sure Aboriginal voices are heard, but are you saying, as I think you are, that effective development of a community, especially a closely identified or remote community, actually involves the local people having the decisive role in deciding what policy should be?

Mr Dalglish—Yes, absolutely.

CHAIR—How, as a non-Aboriginal NGO, do you deal with that?

Mr Dalglish—We take a resourcing and facilitating role but not a leadership role. In Balgo we have sat down with the community, the elders of that community—the 13 families of Balgo are all represented on the community council—and raised the issue. We said: ‘How can we achieve change here around the issues that the community is concerned about? Let’s have a conversation about that.’ Out of that came the idea that the community councillors representing the community should state to local service providers what the key objectives to be achieved in any 12-month period are, and the local service providers, whether they be NGO or government, need to be accountable to the community council to achieve those.

The other thing that we have identified in that model is the need then to have, if you like, a political broker for each community at a senior level in government to help, in this example the Balgo community, to break through many of the silos that are experienced in Aboriginal and Torres Strait Islander policy development and program delivery—to act as an advocate for the community in achieving that.

We are a non-Indigenous organisation. We have Indigenous people on our board and we have Indigenous staff but, yes, we very clearly say we are a non-Indigenous organisation. But we believe in self-determination and we believe that we can provide the Balgo community with information and ideas and be a partner in developing something that will give to that community control over their services. At the moment, Indigenous communities do not have that control. The local public servants in government report to their hierarchies, who are often nowhere near the communities they are working in. So we really need to turn that over and we really need government to say that the services that are funded or delivered by government in local Indigenous communities need to be accountable to the community leadership for what they are doing.

Mr TURNOUR—I have to go, but thank you very much; that was good evidence.

Mr Dalglish—It is a very difficult process and there is no easy solution, because we are still working through that model with people in that Balgo community. But we believe that it is a direction worth pursuing because, unless there is community ownership and control of local service provision, it is not going to go anywhere.

Ms REA—I will follow up a couple of things. I wanted to ask a question of Dean about the PiP project. Before I do, what you were talking about then is very interesting. This morning we had a roundtable—although they were all sitting in a line—of senior executives from the Queensland government, including the police commissioner and the commissioner of corrective services. There is a program or policy within the senior executive service of the government

where individual executive members become community champions. They adopt a community. The police commissioner, for example, was talking about his experience of the community that he has adopted. He goes there and talks to people and, where he can, uses his influence as a senior bureaucrat to cut through the red tape and get the assistance to that community that they require. Perhaps something that Balgo community could do would be to see if there is somebody at a senior level, because no-one can cut through bureaucratic red tape like a bureaucrat. It would probably be something that you would find people receptive to. It seemed that it did not matter which department they came from; it was just a policy across the government that a senior executive adopt a community. Maybe it would be worthwhile following that up.

Dean, I wanted to go back to your comments about the PiP program, which I must admit I am not that familiar with. You were talking about the fact that it is a fairly successful program when the young person is in it and working under the auspices and support of BoysTown to be employed. You mentioned that there seems to be a dropout afterwards; once the funding ceases and they move on to external employment, they do not necessarily continue. You are saying that a lot of that is to do with time; if those programs were funded for a longer period of time, you might have a better success rate. Do you have an idea of what the dropout rate is and have you managed to have a look at why, other than just because of time, some young people do manage to continue in employment and others drop out? Is it just a matter of time or are there some other factors? I guess we as a committee are really keen to look not just at resourcing but also at the practical little bit of the puzzle that we can recommend to the minister that might make the difference between a young person dropping out or staying in full-time employment.

Mr Brunker—Certainly. I would say that our program has an outcome of about 60 per cent, which is quite high, of young people getting employment and staying in sustainable employment.

Ms REA—That is very good.

Mr Brunker—It is very good. The only reason that it is happening is that BoysTown is in the position where we run our own social enterprises, so the young people can go from our program and on to a fencing crew—because we do contracts for QBuild and we do landscape contracts for the council or for other organisations where they are getting paid. So the young people have a trainer full time and they have access to counsellors full time. So they will go from the program on to that social enterprise. That is one aspect of them reaching attainable, sustainable employment and getting the support there. Because BoysTown is also a JSA, or Job Services Australia, provider, we have that interconnection with Job Services. We get the Job Services placement officers to meet with young people as soon as they come into the programs and work with them to get an understanding of what the young person is like and then move them into their own sustainable employment.

There are a number of different factors which cause dropout in the program. I hate saying no to any young person. If I get a referral to my program and if this person has autism or a huge drug habit, I would rather get them into the program so that I can actually assist them to at least cut down their drug addiction, abuse or criminal behaviour. The dropout rate is usually because their drug abuse and addiction and their alcohol use is so deeply embedded it takes longer than the program allows. It is the same for an offending behaviour. The magistrates I must say are very, very good. I must commend the magistrates on what they have been doing with

BoysTown's young people in the program because they look at the program and the outcomes and say that with all the support that is surrounding these young people, let's give them a go and not put them back into the detention centre or prison. They are supporting these types of programs. I give the magistrates a pat on the back. They are looking at programs like BoysTown's programs, ex-offender programs, to put them into in lieu of incarcerating them again.

There are a number of factors that are causing young people to drop out. One of them is that once they reach the six months with BoysTown we have to move them on otherwise the program is going to get snowballed and there will be a big jam in the middle with all of these young people in the program. But some are not ready. Some could be ready—they could take one month—but some could take two years to move on to external employment and that is one of the problems we actually have. I have had to link with external employers that are actually very empathetic towards Indigenous youth. I cannot put them with a large company that has an Indigenous strategy that is not thought out properly because the young person will not get the support—they have good intentions, but it does not happen. I have to look for external employers who I can feel comfortable leaving them with, knowing that they are going to get an outcome.

One of the companies that I have linked with is APC Storage Solutions. They import pallet racking, shelving and cabinets. Once our young people have gone through our program and have done the four weeks pre-training they go to that employer and that young Indigenous person is the liaison. They are going to learn how to use pop rivet guns and how to work. If they do not turn up then we get on the phone and we go to their place and say, 'Come on, you have to go to work.' The employer will not sack them straightaway. He leaves it up to us to look after them. We invoice him for the amount of work we actually get done and then we are paid that way, so our young people are paid through BoysTown. That is how we have had to work with external employers.

I had an employer on the north side of Brisbane who had a contract with the city council. He would only employ Murri kids. Unfortunately, it was a seasonal thing. What would happen is that I would get young people coming out of the correctional facilities and he would not ask questions about where they were from or what they had done. He would just take them on. He had an old garage set up and he had pies and sausage rolls in the freezer. When the young people came to work he would feed them in the mornings and then he would take them to work in the car with whipper snippers on the roof. If they committed a crime and went back in for one to two weeks or whatever, he would take them straight back. A lot of employers would not do that. I would say of the 30 people I put with him that 20 of those were ex-offenders. There were five young people from one family and they all worked with him. That is the type of employer I have had to actually look for and link up with for our Indigenous young people coming out of programs.

Mr Dalgleish—One of the practical things, as a follow-on from what Dean just said, that government could do is that it has a huge procurement budget. It is buying services and goods all the time. If only a very, very small proportion of the budget was dedicated to social enterprises for young people or people who are facing social exclusion in our society, we believe that would be a very effective response. It would support non-government agencies in their ability to find work and provide people who are at risk of chronic unemployment with an opportunity to

experience real work, genuine work, but in the supported way which Dean has just described. That would be a very practical suggestion.

Ms REA—As part of this committee recommending in a previous inquiry to establish what we have called the Indigenous Minority Supplier Council, two things are happening. One is that there is a group of private-sector, large-scale industries that have agreed to a certain percentage of their procurement or their employment being with Indigenous enterprises and also government procurement has done the same thing. That has been established now for about 12 months, so it is still fairly early days.

Mr Dalglish—I think that is an excellent initiative. But we still find this difficulty and, again, it came up in the Productivity Commission review in relation to the not-for-profit sector: there is this emphasis on price. Decision makers for government procurement contracts quite rightly have to be responsible for government money and, of course, look for a price. Social enterprises cannot compete on price because our focus is on working with the people in those social enterprises to become work ready. There is still that cultural barrier there.

Mr Brunker—Just to add on to John; as a social enterprise we did have a contract with the city council for our young people to do roadside pick ups—they would pick up the rubbish from the roads. When the contract had come up they actually gave it to a husband and wife team. We are looking after four young people and, as John mentioned, our social enterprise is not to make money, it is to give young people employment. So the contract went to a couple. I understand that the council has to look after its budget, but they are just some of the problems that we actually have with our social enterprises—getting the government to look at that.

CHAIR—But you are doing a lot anyway.

Mr Dalglish—We chip away.

Mr Brunker—We chip away—yes.

CHAIR—Have you got any idea of your rates of success with keeping kids out of imprisonment?

Mr Dalglish—The figures that we have—

CHAIR—I might say that I do not think that is the only way to measure what you do, but—

Mr Dalglish—Yes. We are currently working with Griffith University to look at the impact of our social enterprises on young people. Our preliminary results are in the submission that we have provided to the inquiry—and we are still working, if you like, with young people post exit of our programs to see the longitudinal impact of this—and they show that for Indigenous young people, about half of whom are in conflict with the law prior to their entry into BoysTown Social Enterprises, at exit there is very minimal conflict with the law. We believe that is because they are being engaged in work which provides them with self esteem and with a role in the community, and which diverts them from offending behaviour.

CHAIR—There are some really impressive statistics in your submission.

Mr Dalglish—Thank you.

CHAIR—Amongst other things, you make a series of recommendations in your submission about the relationship that you think government should have with NGOs.

Mr Dalglish—Yes.

CHAIR—Obviously, in one way or another we have been talking about that a lot, but it would be quite good if you could specifically explain that series of recommendations you made about the relationship that you think ought to exist between government and NGOs.

Mr Dalglish—In a nutshell, I think that the issue of Indigenous offending is a very complex issue. The factors that are associated with Indigenous offending interlock and are quite extensive. Really, there is no one solution. We see that the government should really be a collaborative partner with the sector and with the community in terms of researching and evaluating initiatives that may have an impact, because there is no one answer. We believe that with initiatives like social enterprises governments should enter a collaborative relationship with the sector, should invest in those enterprises and also should be a research partner in terms of whether they are making a difference. In that way, we can gather at a national level some good data: ‘Is this working or not? Is it worthwhile to invest more resources in it?’ We believe from our preliminary data that it is worthwhile. That is how we see that government could assist. Also, through the budget, as I said before, government could quarantine some funds for social enterprise development, and it is great to hear from Kerry that this is going to be happening.

CHAIR—Okay, good. Thank you very much. Indulge me and remind me where BoysTown came from. It was started by an activist priest, was it not?

Mr Dalglish—Yes, that is right. It was started in America by Father Flanagan.

Ms REA—Spencer Tracy.

Mr Dalglish—That is right. BoysTown is a De La Salle initiative. There are BoysTowns across the world associated with the De La Salle Brothers, but that is where it started: at the turn of the last century in America.

CHAIR—Nothing lasts for a century unless it has a few things going for it. Thank you very much for your contribution.

Mr Dalglish—Thank you for your time.

CHAIR—We have 10 or 15 minutes, and there are some ladies who have been sitting here all day, rather anxious to give informal evidence to the committee. If they would like to quickly replace John and Dean at the table now, we could take a few minutes of formal evidence. I will just say again, John, that your account of what you think an NGO should do has warmed my heart. I think it is just right.

Mr Dalglish—Thank you.

[4.07 pm]

BOND, Ms Monique, ANTaR

GILLIES, Ms Jan, ANTaR

CHAIR—We are obliged to get out of here at 20 past four, but having noted that you have been listening all day to what has been going on we are very happy to quickly hear your observations. Do you have anything to say about the capacity in which you appear?

Ms Bond—I am from ANTaR Queensland. I am currently a community campaigner, but I have been secretary, president, vice-president et cetera over the years.

CHAIR—‘ANTaR’ means?

Ms Bond—It is like ‘Oxfam’ in that it is now used as ‘ANTaR’, but it started as Australians for Native Title and Reconciliation. We now call it ‘ANTaR: Working for Justice, Rights and Reconciliation for Aboriginal and Torres Strait Islander people’.

Ms Gillies—I am a member of a working group within ANTaR which is supporting a campaign to reduce Aboriginal and Torres Strait Islander imprisonment in Queensland. The project is called Project 10%.

CHAIR—I should say for the purposes of our records that you have given us a document which is headed ‘Project 10%’ and which in several pages explains what you see to be the nature of the problem. That is an exhibit for the inquiry.

Ms Gillies—Specifically, the role of the working group and of ANTaR is to support as a secretariat the lead agencies in this campaign, the lead agencies being Murri Watch and ATSIWLAS, the Aboriginal and Torres Strait Islander Women’s Legal and Advocacy Service. Our role is to assist in documenting, advocating and lobbying. We are meeting tomorrow with Cameron Dick, the Attorney-General. We have met with the Premier and so on.

Ms Bond—I would like to just give a quick background to how this campaign came about. In late 2000, Premier Beattie, with the Aboriginal and Torres Strait Islander Advisory Board, signed the Queensland Aboriginal and Torres Strait Islander Justice Agreement which had the aim of reducing Indigenous imprisonment by 50 per cent in 10 years. Nothing really happened—that is, the policy was there, but there was very little implementation of what had been suggested in the policy. In 2005, they got Professor Chris Cunneen to do a review of what had been happening and the review was very scathing. It basically said that very little had happened.

In 2006, the Minister for Police and Corrective Services, Judy Spence, announced \$2 billion for building a megaprison which would house 4,000 people. She was on record as saying that she assumed that about 90 per cent of the inmates would be Aboriginal and Torres Strait Islanders. This rang alarm bells for a lot of people. In 2006, the government did a review of Cunneen’s review and said they were going to do some more things and they did start to do a

few things. However, this idea that Aboriginal and Torres Strait Islander imprisonment was going to rise exponentially was of great concern, as you can imagine, to the peoples themselves and to their supporters. In 2007, Keith Hamburger, of whom you will have heard, I am sure, gave a talk and really put into words what the implications of all this were going to be. It was then that groups started to talk—to discuss with elders and to discuss with service organisations how to get something actually happening.

So this campaign, which is led now by Aboriginal and Torres Strait Islander peoples, is uniting the elders, service providers and communities. All of these parties have other core businesses, which is a problem, but they realise they have to unite and to focus—to get all these people about whom you have heard today to get some focus, so that we can somehow negotiate with the government to do things like listening properly to the community groups about finding new ways of interacting with them and about actually implementing stated policies instead of just listing them.

The campaign is fairly new—we only got the name in December. We are sort of working on it. It is developing. It is, at a minimum, a 10-year campaign and I think it is going to be picked up nationally in many ways because this is obviously an issue in other states as well. Young people are obviously a core issue, as is the imprisonment of women—although the men naturally matter, too. The issues of the imprisonment of young people and its prevention are very important. We have here, on the back, the five points of influence where we think intervention can really come in and those have been picked up by people today.

CHAIR—I was going to say: I hope you are encouraged by the way, during the course of the day, people from all sorts of perspectives were generally referring to this cluster of issues, weren't they?

Ms Bond—Yes, sure.

CHAIR—They did not refer to them identically, but there was a recognition of those particular strategic points for attempting to deal with the issues.

Ms Bond—The campaign is hoping to continue to put the political pressure on to enable the actual, proper implementation of things. We are also hoping to get strong support from the philanthropic bodies and bodies like that, because it is not only an issue for government, it is an issue for each of us. An example was that magistrate. She was doing something herself—to mentor. It is for all of us to be involved and for the companies who are helping, such as the BoysTown people.

CHAIR—I sometimes find the issue quite difficult to get into perspective. Our inquiry exists because we know that overall rates of Aboriginal imprisonment have been getting worse. Queensland is not the worst offender by any means in this respect and yet it strikes me quite often as we are having our hearings that we meet a succession of government people expressing attitudes that could hardly have been thought of in most parts of the bureaucracy a generation ago, of NGOs that show extraordinary levels of understanding and commitment, again, of a dimension that was unimaginable a generation ago. One sees levels of goodwill from the mainstream towards the Indigenous community, which again certainly did not exist in the past in anything like the dimensions that exist now. Three-quarters of a million people marching across

the Sydney Harbour Bridge—these may be merely symbolic gestures but they have their symbolic significance. That leads me at least to feel somewhat encouraged that it is possible to do something but, as we have been hearing today, it is the case, isn't it, that the implementation is still far, far short of what is necessary.

Ms Bond—It is something that you have to keep chipping away at is the thing.

Ms Gillies—I want to add a couple of points—I know time is precious and going. There is nothing I have heard today in the time that I have been here that I would not concur with, and I agree with you about the level of commitment and understanding that has certainly increased. The information that we have is a distillation of consultations in four community groups around the Brisbane area—south, west, central and north. Out of that distillation we asked people what were the issues; what were the barriers; what were some of the solutions; what would work if it were funded; and what could be continued? From that we found some very good solutions and ideas that came from four of those five areas of action, so we heard of some very good strategies that were occurring in terms of prevention of kids getting into conflict with the law, so at risk. In remand and sentencing we heard of some options that were being introduced that were helpful: a review of the bail system and so on—although there are still heaps of problems there.

We have heard today about programs within the detention and prison systems that are constructive and in the post release support; however, out of those four consultations—and it is anecdotal—we were not able to glean one positive story about police contact with young people and with Aboriginal groups generally. We were not able to get one example, and there was a feeling that they were identified whether they were in their cars, in the park, no matter where. There was a visibility, a negativity and an assumption of mischief, and that was a very strong feeling, so I think there is an element of that.

The CMC review that was done last year about policing in remote areas had very much the same thing to say about the importance of having a proactive relationship. We have met with the cultural advisory unit in the police, and the number of people who are in that unit compared with the number of Aboriginal and Torres Strait Islander people in conflict with police officers is a drop in the ocean. So we would see that as a major area that really requires effort.

The only other thing that I would like to say is that we totally concur with the things that John just said about BoysTown about the local community owned, controlled and governed as partner and facilitators. The point that many people made when we were talking about what does work is that programs are often funded for a particular time or as a trial, and we would like to see evaluation built into anything that is funded—indicators, actual measures—in the performance measures of all government directors and agencies.

CHAIR—I actually told a group who was giving evidence at a hearing in New South Wales that I was going to call one chapter of our report: The funding ran out on the pilot program. Thank you very much.

Ms Bond—Thank you very much for fitting us in. We really appreciate it.

CHAIR—I declare the meeting closed and thank everybody in the room for their attendance today.

Resolved (on motion by **Ms Rea**):

That this committee authorises publication, including publication on the parliamentary database, of the transcript of the evidence given before it at public hearing this day.

Committee adjourned at 4.20 pm