



COMMONWEALTH OF AUSTRALIA

Official Committee Hansard

**HOUSE OF  
REPRESENTATIVES**

STANDING COMMITTEE ON ABORIGINAL AND TORRES  
STRAIT ISLANDER AFFAIRS

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

FRIDAY, 7 MAY 2010

CAIRNS

BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES



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

**Friday, 7 May 2010**

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

**Members in attendance:** Mr Debus, Mr Laming 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 10.59 am****GLASGOW, Mr David, Commissioner, Family Responsibilities Commission, Queensland****SOVENYHAZI, Ms Tammy, Registrar, Family Responsibilities Commission, Queensland**

**CHAIR (Mr Debus)**—I declare open this public meeting in Cairns of the House of Representatives Standing Committee on Aboriginal and Torres Strait Islander Affairs inquiry 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 and pay respect to elders past, present and future.

I formally note that we are here conducting proceedings of the parliament, so everything that is said should be factual and honest. It can be considered a serious matter to attempt to mislead the committee. I invite witnesses to make comments that will assist us in our inquiry, which is open to the public. A transcript of what is said will be placed on the committee's website.

I welcome our first witnesses. Everybody finds it useful if you make some form of opening statement before we begin discussion, but please do not feel so obliged. As I was saying to you informally before the session began, I think the committee is in no particular need of a systematic explanation of how your commission works. We have had a good deal of information one way or another in that respect, but we are very interested in your opinions about its success and the possibility that it may be replicated—the kinds of things you would expect us to be interested in. I am not sure whether you would like us to just go straight into questions or whether you would prefer to make an establishing statement.

**Mr Glasgow**—I would like to make a brief establishing statement, if that is appropriate, Chair. I will tell you who we are. Prior to taking this appointment, on Anzac Day 2008, I was the coordinating magistrate in Townsville and effectively had a management role in the Magistrates Court throughout North Queensland. In that role, in Townsville my colleagues and I established the youth Murri Court back in 2000 and the adult Murri Court. The youth Murri Court really interested us because of the significant number of Indigenous people who were in the community and the large proportion of Indigenous people who were before our courts. With regard to Palm Island, which has a population of 3,000 people adjacent and a large urban population of Indigenous people, I was running the Children's Court for about five years and about 60 per cent to 70 per cent of people who came before the court were Indigenous. At that time they had many of the urban problems that we see in relation to both drug and alcohol abuse. It was either their involvement or their family's involvement which really was, in many ways, a contributing factor to their criminal activities. My registrar also comes from the court process and was involved in the establishment of a trial program involving young Indigenous people, which was an alcohol diversion program.

We come with some experience in looking at the four communities of Aurukun, Coen, Mossman Gorge and Hope Vale. I will give you an idea of our involvement in those communities. In relation to the total family population, there were 1,209 people living in Aurukun, and of that population—and these are population figures that go back some time, to June last year—our assessment is that about 793 are legally adult, over the age of 17. That is the adult age in this state; it is 18 in other states. Of those 793 persons, we have had approximately

475 notifications. In other words, about half the population or a little over half the population have become involved in our notifications. We have similar figures for other communities, although they are smaller in number.

It is interesting to see that, for the 830 people in Hope Vale, about 600 of whom are adult, we received 360 notifications. We have not actually dealt with every one of those notifications, because some are not really of significance. It might be, for instance, a Magistrates Court notice which relates to someone taking fish or something rather than conduct which relates to children, their attendance at school, alcohol or violent programs. Essentially there has still been fairly direct involvement in the last two years in the lives of many of the people in these communities. Looking at your terms of reference, I see there are matters that have always been of interest to me. With my time in the Children's Court and Tammy Sovenyhazi's time in the alcohol courts and with putting this rather intense program to use, it is very interesting how lack of school attendance and lack of employment opportunity for young people seem to be directly related to misconduct, bad conduct or conduct which is unacceptable.

'Unacceptable to whom?' is the question. We are trying as part of our terms of reference to re-establish some norms in the community. They will vary from community to community because that is their assessment of what they see the normality of their community to be. The second objective is to enhance the Indigenous authority in those communities, and by sitting with Indigenous commissioners who have the same vote as I do and now chair those meetings—and in Aurukun conduct those conferences—we have been led to observe fairly intensely a community generally and children in particular. So, when looking at those various terms of reference, we can give you our observations, but I want to hasten the success or otherwise of the commission.

The Queensland and federal governments have spent a significant amount of money having an independent assessment of our performance in the first period of time. That is about to be delivered in this month or next, so it seems to me to be rather presumptive for me to come along and say how well we are doing when there is an independent assessment out there waiting to be delivered. In circumstances that happen on a day-to-day basis—and I spend every week in these communities—I can tell you that my view is that there have been some slow, positive steps forward and some gigantic reversals; but, generally speaking, if we look at statistics that come from other sections of the community there is support. The community has adopted a process of a bit of self-evaluation and a determination to make some improvement to their lives. I would like to end it there because they are the generic things I wanted to bring to your attention first. We do have a deep interest in this process. We are not about to go around and say how well we are doing when somebody else is about to evaluate us formally. I may have my comments when that becomes public.

**CHAIR**—I am rather anxious that my colleagues be involved in our discussion, because I believe that each of them is more familiar with your project than I am, they being Queenslanders apart from anything else. Would you agree, though, that it has always been unrealistic to expect that there would be anything but slow, steady progress? In other words, slow, steady progress seems to me—if that is indeed the final assessment—to be a most significant achievement.

**Mr Glasgow**—From my experience I would have to say I agree with that because with slow, steady progress over a period of time it is less likely that conduct will revert to previous conduct.



I had expected some more rapid improvements in some areas. For instance, when we went into Aurukun the average school attendance rate for the year was under 40 per cent; it was about 39.something per cent. I had thought that, with a fairly intense process that we had and which was originally planned, that would improve fairly rapidly. We—when I say ‘we’, I talk collectively from the community—have seen a fairly significant improvement in Aurukun. School attendance this term is pretty close to about 70 per cent so far. It has been in the high 60s for the past three terms. I have always been a little suspicious of the actual accounting of school attendance—

**Mr LAMING**—Can you explain how that is done?

**Mr Glasgow**—We get figures from the Education Department. I have been a bit suspicious of their figures because I have seen people marked as attending school when some seem to have the afternoon off. When I made some inquiries I was told: ‘Little Louie only goes to school in the mornings. That is the agreement that we have with Grandma and Granddad.’ ‘Why do you have that agreement?’ ‘He doesn’t have the tolerance level to stay at school all day.’ ‘If he goes half a day, does that mean to say he has a full day’s attendance in your figures?’ That is why I am saying suspicious. Since the academy has taken over this year I am more inclined to accept the accuracy of the figures. The academy took over from January and first-term figures for Aurukun are 65 per cent. I am inclined to accept that they are more accurate figures than they were last year, because I have had some clear indication that the afternoon rolls are actually marked in the afternoon now when, I was led to believe, the afternoon rolls last year were marked in the morning at times. What has happened this year is the case managers who are employed by the institute have access to figures and carry their own figures. I look at both figures and see they are more inclined to be very similar this year than they were last year. So, when I say term 1 this year has been 65 per cent, I am pretty sure that it has been 65 real per cent.

**CHAIR**—Are there other indicators?

**Mr Glasgow**—Other indicators in the community include the number of people whom we would refer to the family income management system which has been set up by the Commonwealth government. That is a system where people go, voluntarily or through a direction from the commission, to develop a family budget, to develop a savings plan, to learn about internet banking, to be able to get a password so they can use their banking by phone—as you know, Aurukun is a very isolated place—and to have choice of banks when there is only one bank in the community. In the last two periods that has been quite successful, with more people voluntarily going and people turning up when we request that they turn up.

Other figures include the court figures. As you would know, one of our triggers is someone who has pleaded guilty to a Magistrates Court and been dealt with on that Magistrates Court matter. The number of notifications is available. When you analyse those matters, the numbers in relation to assaults have decreased and the numbers in relation to domestic violence have reduced. If you then match that with what I have been told for hospital admissions, particularly on Mondays and Tuesdays, it is significantly reduced. The fact that the tavern has been closed since November 2008 has been a significant impact, though the amount of sly grog in the community has increased.

If you look at the prosecutions and go and talk to the police, again, off the record—and I know this is on the record—they will tell you that they are having more notifications from citizens about co-citizens bringing grog in than they have had before, so their job has become easier. There is a significant improvement in the sense that local people are taking some responsibility and will tell the police, ‘This one has gone off to Weipa to buy grog. If you watch the car coming back, you will find it.’ That is happening more often. Whilst numbers are going up, you really need to look at what the numbers really constitute.

There have been improvements in the sense that the number of people admitted for domestic violence related matters have reduced. The number of hours spent by staff in hospital on Mondays is fewer. One of our commissioners used to work at the hospital and had employment there for 26 years. She always told us that Monday was an extremely busy day because of the weekend problems and people going to Weipa and coming back and levying retribution on neighbours, friends, former friends or family. She was telling us towards the end of last year the amount of work on Mondays was really significantly decreased. The number of patients coming into the hospital had decreased. These were matters that raised some optimism.

The other thing is that, in the time we have been there, we have dealt with a number of people and income managed a number of people. This is interesting: our statistics on the people who have been income managed show only about 40 per cent have got involved again in further notifications. So there seems to be, from what we can see—and I have got to know a lot of these people, so I see them around the community and I know the ones who have been rolling drunk before and can see that they are not rolling drunk now and are turning up with their families—small steps and small attitudinal changes.

Challenges that have arisen are what you are referring to about the children. When you talk about Aurukun everyone expects something extraordinary. Occasionally things do happen badly up there, but things happen occasionally everywhere. There are problems with the kids on the street at night time. Occasionally they will do something rather untoward and cause damage to the community. There are groups of children who still need to be put back into a school system. Whether they are under the primary school system or the adult system is dependent upon what school is available. If you take the community, school only runs up to year 10. There is no education there for years 11 and 12, so they have to go to boarding school. They either go to Weipa or they go somewhere else. There is a group of children from years 7, 8, 9 and 10 who are intermittently involved in school. They will go to school depending on a whole lot of issues. Trying to get those children into a regular school pattern is so that they have some attendance records so that they can be accepted at a boarding school rather than parents saying, ‘The problems will be solved when they get to that stage, so they will go to boarding school.’ These kids are very intelligent. If they do not want to be at boarding school they will muck up and get sent home. Then you go through the process to find them another boarding school or to get that boarding school to take them back again. There is a small group of children who are really not ready to go to boarding school because of education requirements or behavioural requirements or just because of the isolation of children going away to boarding school.

The federal government has a plan to build a boarding establishment at Weipa. It was planned to be ready at the commencement of the next academic year, but I understand that will not happen. It will be the year after. That will accommodate a lot of children through all of the cape,

including Aurukun. That will be something a little bit closer, so kids can go to boarding school and technically, if the roads are open, they could come home for the weekend. That may assist.

We have a number of children who have not been going to school. Let us look at the percentage. We worked out that there roughly are 260 kids in Aurukun and back in 2008 40 per cent of them were going to school. It was not that 40 per cent; it was 40 per cent of the population. So the 40 per cent was revolving. To give you an example, when I first commenced sitting out there in 2008 I would get maybe 190 notices that 190 children had missed three days of school. Of those 190, for several of them they might have been the only days they missed. Some of them may have missed everything. But there is a rotating population.

The key for this schooling is to try and encourage the children to come regularly and keep them early, so the concentration is on the early grades. Then we have that group who—once they turn nine, 10, 11, 12 or 13—are a management problem. If they are not at school, where are they, and where are they at night time? That is the difficulty of youth in the community.

**CHAIR**—It is implicit in what you are saying that it is part of the assumption of the project that getting kids to go to school is a fundamental element of breaking the cycle?

**Mr Glasgow**—Absolutely. If school becomes a matter of interest for children, and they continue to be there, they are not somewhere else where they could cause mischief. If they are busy, and there are activities for them during the evening, they are not on the street causing mischief. If the parents are convinced that there is an advantage out of education and there are job opportunities subsequently, then there is a good reason to continue.

I want to make it perfectly clear that at Aurukun there is a core group of people who send their children to school and save and send them to boarding school. We are not talking about the entire population. We are talking about a significant part of it, but there is a very rigid group of people who are determined to keep their kids in education and get them through the system. No matter how they try, a few kids will fall through the system, but many of them do get the kids educated. We have more and more kids now completing year 12, as Jim Turnour would know, because we have some graduates coming through the system.

**CHAIR**—Can I just raise two issues and then hand it to my colleagues. One is to ask you to comment on the role of Aboriginal elders in your program—about the attitude you take to their involvement. The other is to ask you to comment on the complaint, which I have read Noel Pearson make with some frequency, that not the least of the problems of small remote communities is that they are filled up with public servants all the time, often, it would appear, at cross-purposes.

**Mr Glasgow**—I will deal with the first one, although I am tempted to start with the second one first because, in some respects, I think that is a problem. I am very proud of my commissioners. In fact, we have a group of them down here today. I was about to say I should have brought them along. That sounds as though I have somebody to put on show. That is not true. They are my colleagues. They have come a long way in the period of time there. When I say the conferences are run by the commissioners, I mean exactly that. All of us have been to tribunals or applications for jobs where there are three people sitting and the one in the centre is always presumed to be in charge, as you are today. I sit to the left, so the attention is always

directed at one of my colleagues. That commenced in November 2008. It has been running ever since.

The commissioners are aware of their responsibilities. There was no real training in the sense of training. They were selected on a process which I had little involvement in but they really self-selected in the community. In all cases, there have been no objections to them sitting because we had a fairly frank and clear discussion about conduct and code of conduct and conflict of interest, so they are well aware of those issues. In a practical sense, they are really tough people to deal with. They are tougher than I would be and, if anything, I remind them about ensuring that natural justice prevails. Their frustration at people's refusal to do things after giving them a couple of opportunities results in the word I can often hear in Wik. Although I do not understand the language, I understand the word 'BasicsCard' very quickly and we know what they are talking to them about—'If you don't do these things, you'll end up with a BasicsCard, which is income management.'

I, and my colleagues more particularly, have been very concerned to ensure that everybody gets an opportunity to do training. To give an example: so far this year, all of the communities, with the exception of Aurukun, have had justice of the peace training—not only for my commissioners but for any associated people. The justice and I have met the costs of getting people there, so it is easier to do six or eight people than three people. A mediation training program for all of my commissioners is commencing next week in Hope Vale and we have invited other people from the community, so we have a total of 15 people. They will be trained by mediation trainers from the justice department in Brisbane and they will be trained to mediate matters in Indigenous communities with Indigenous communities in mind. A similar training program for about the same number of people will take place in Coen commencing on 31 May and in August we will do Aurukun. Aurukun would have been done earlier but, because of some training difficulties in Brisbane, they were not able to supply the trainers.

It was my plan that, by the end of June, all my commissioners would have gone through a training program of mediation, be basically approved mediators and would have done their JP course. In July we will have them down to Cairns for a review of process. We will get them all together and they will have an opportunity to do an upskill in computer training. It is my intention to ensure that, as part of the process of my commission, they—together with associated people—will have the opportunity to be trained in areas where they see the need for training. We asked them, 'What do you really want to do?' and they said: 'We want skills in mediation. We would like to run our own JP courts. Let's get those things done. We would like some computer training.' It was our plan to have that completed by 30 June.

In addition to that, I keep applying for some funding for my commissioners and if it gets approved I intend to try and encourage a number of them to do some advocacy training, which is specially designed by JCU for assertive advocacy, and any other programs that we can fit in while they still do their jobs. Most of these commissioners are full- or part-time employees and have been for some time. Most of them have, at times, been indirectly related to the justice groups in the areas, which rise and fall with time. For instance, I have seven commissioners in Aurukun and the cost of getting someone up there was about \$20,000, I think, to do the training. I arranged for several members of the justice group to join that, as well as several other members of the community who the community put up as being people who were developing some skill or had some obligation, such as a family or clan obligation, to mediate. Hopefully, out of that, we

will end up with, say, 15 people trained, as we will hopefully also end up with out of Hope Vale at the end of next week.

**CHAIR**—You make some attempt to pay attention to clan and moiety connections?

**Mr Glasgow**—Absolutely, but not to the point of absurdity. I was reminded very early in the piece that Aurukun is a place where people like to live. That is the place they choose. One of my commissioners, when I must have shown some sort of vague concern about why someone would live there, took me to where she was going to be buried and said: ‘This is where I am going to be buried. This is where I intend to be buried. This is my place.’ So it became very clear to me early in the piece that people choose to live there and want to continue to live there and that it is their town. When we went there initially, we talked to a number of people who were fairly vocal. As you know, not everyone supports Noel Pearson and not everyone supports some form of intervention. I was told by some vocal members of the justice group that there were five clans in Aurukun, that I would have to have 10 commissioners—two from each clan—and that no-one would sit on any other clan. I asked, ‘Is that what you say?’ They said, ‘Yes, this is what the justice group says.’ A number of people were very silent. They were people who I had some idea were influential but who said nothing.

I said, ‘Let’s see the nominations.’ I got seven nominations, all from Aurukun. We advertised and only seven people nominated. Out of those seven, six were selected and the other was put on a waiting list. Only one of those commissioners has dropped out, due to family pressure and other reasons. I have never had a situation where someone has said: ‘I don’t want her to sit. She’—or he—‘is not in my clan.’ In fairness, I have to say we were not necessarily well received in each of the communities when we went to them. I do not think full preparation was made for what we were going to do. I do not think people fully understood that. I went out to try and do a little bit of education but in the end I said to my commissioners in each community, ‘We’re going to rise and fall about how we work, how we conduct ourselves.’ As Jim would know, in Hope Vale we had some real reluctance and we were flat out getting 50 per cent attending our conferences.

**Mr LAMING**—Fifty per cent of—

**Mr Glasgow**—Of the notifications, the people we served.

**Mr LAMING**—Turning up?

**Mr Glasgow**—Yes. By the end of the first year, we were getting about 60 per cent. At the end of 18 months we are at 94 per cent.

**Mr LAMING**—Can I ask about your interface with the police. If someone commits an offence, such as a violent offence, do they come through the commission or are they directly detained and given a court date?

**Mr Glasgow**—We are post the conviction of either the Magistrates Court or the District Court, and we do not deal with the Children’s Court. We do not deal with anyone under 17 years of age. Let us say a young fellow who is 18 has assaulted someone seriously and the matter has been dealt with in the Magistrates Court—because of the jurisdiction it is not higher. Once that

person has been dealt with and a penalty has been imposed, we will get a notification from the Magistrates Court that young Mark Jungkapata has been dealt with for an assault occasioning bodily harm and has been put on probation. When we bring Mark in, we will ask his family if he wants to come in and we will get a copy of the probation order to see if probation have ordered any programs to be delivered. In most of these communities—until recently, until we funded some of them—there were very few programs delivered. Then we would get them in and discuss what should happen with Mark in that probation period or the period to see that he did not reoffend. It may be referring him to the Wellbeing Centre for some counselling. There may be some group processes involved.

**Mr LAMING**—I have two questions. That is an automatic quarantining of income?

**Mr Glasgow**—No. There is no automatic quarantining.

**Mr LAMING**—Even if they are convicted of an offence?

**Mr Glasgow**—Even if they are convicted.

**Mr LAMING**—What if they do not want to turn up? Will you make a decision in their absence?

**Mr Glasgow**—Only if they have had a second chance. We adopted a process. We had to be very certain that the people received the notices, so all our notices were served by our coordinators. There were always possibilities that someone would not get up in time or did not bother to come, so we always gave them a second chance. If someone did not turn up twice—if that young fella did not turn up twice—I would say to my commissioners: ‘Here we are. He hasn’t turned up twice. What do you want to do? We can income manage him. But what is his family? Is there something there that has not got him in? Is there someone we can bring in with him? Should we get his uncle in or should we get somebody else in?’

There was never an intention to slam on the brakes at that stage, although there were many people who told us—and I will not use the language here—what we could do with the notice. When they did that a second time we would say, ‘Have a BasicsCard with our compliments.’ That would happen and then generally they would come in and ask, without the language, ‘Why have I got a BasicsCard?’ We would say, ‘Well, that’s the way it is and if you want to get your money back these are the programs we think you need to do.’ Many people walked out, but eventually they came back because they wanted to do that. Some did not, but most people complied eventually and did a program.

**Mr LAMING**—We have limited time, so I will ask just a few questions pretty quickly. How many of them are going through the process and then coming out of quarantine? Do you have any figures?

**Mr Glasgow**—Tammy will be able to give you some.

**Ms Sovenyhazi**—There have been 253 income management orders made to date. In the last quarter, so from 1 January to 31 March, we made 47 income management orders. It depends upon the needs or the wants of the commissioners. They really do determine based on the

individual's circumstances whether they will income manage or give them another chance. But there are 253 to date and 137 are on the books at the moment as being income managed.

**Mr LAMING**—Meaning that the other 116 have gone through and—

**Ms Sovenyhazi**—They have either had their CIM orders revoked, the time has expired or—

**Mr LAMING**—What are the typical times?

**Ms Sovenyhazi**—Twelve months.

**Mr Glasgow**—But we do not leave them open ended. For instance, if this young man we are talking about failed to turn up and we never saw him, we would give him an opportunity for a review. We would instigate a review in six months and give him a notice to tell him to come in. What is the point of letting someone be income managed for 12 months, which is the maximum, and at the end of the 12 months give him his money back without him having done anything to sort of cope with it?

The other thing is that there was only an appeal in our system on questions of law. If you know the communities, you would know the chances of coming up with a legal question when you are dealing with someone like me—and I am pedantic about how I do things—and getting a lawyer there and achieving with that. We were conditionally income managing people mainly because they did not turn up. I wanted them there, so I looked at the act and saw that there was a process by which the commissioners could review their decisions. I allowed the person to come along and ask if I would review the decision. They would come in and we could ask them why and get them onto some sort of program.

We were trying to change people's attitude and approach to their behaviour rather than just take their money off them and leave them sinking. So we instituted those processes. So to answer part of your question, a lot of the people who were CIMed initially eventually came off basically at our instigation—we said: 'Come back and start thinking about things. Go and do this program then come back and let us know how it has gone and see if you want your money back.'

**Mr LAMING**—This question is a bit hypothetical. If you could not fly out to a community to do a commission hearing and it was left completely to local people, what are the odds that it would just be performed without you being there?

**Mr Glasgow**—I am smiling because I have been asking the state government to amend my act so that can happen. We have a review process going. I am so confident that these commissioners could handle these things alone. You talk about communication. I will give you an example. In fact, in Hope Vale yesterday we had a lady ring in who was stuck in Cairns. She wanted a CIM review. We said, 'Let's do it by telephone.' We sorted it out then and there. We use every bit of technology we can. If I am stuck somewhere, I will do it by phone.

**Ms Sovenyhazi**—Under the act at the moment Commissioner Glasgow has to be present at all of the conferences; however, if he gets stuck, we would have him attend by phone instead of cancelling the conferences altogether.

**Mr LAMING**—Do you have a highly resistant rump of highly refractory people who are simply not going to abide by the commission? You have quarantined their income and they have a BasicsCard but they just still do not care. Do you have the number of people who are simply not playing at all?

**Mr Glasgow**—I can probably guess that there are about 20 of the 147. We do not leave them alone. We keep asking them to come in and have a talk.

**Ms Sovenyhazi**—Quite often they do not do anything because they are happy with the income management. They are saving money and they are purchasing goods.

**Mr LAMING**—Yes, but their kids are not coming to school.

**Mr Glasgow**—No. If kids are not coming to school, whether you are income managed or not I bring you in probably several times every term. Of course so many of them are trying. I will give you an example. From the experience that many of you have in Indigenous communities you know that most of the carers are not the parents. They might be somebody who has brought up the child from birth but is actually a cousin, auntie or grandparent. We may have a really irascible kid at 14 who will not go to school. Grandma is looking after him but she has two other kids who go to school every day. You do not income manage grandma, but you try to get grandma in regularly to ask, ‘What can we do about the 14-year-old?’ There is a bit of that.

There are some who are income managed and will not come near us. There are two people in Aurukun who will not. But their situation has developed where other agencies are involved, like Child Safety, in a direct fashion.

**Mr LAMING**—So is it a fair assessment to say that 75 per cent of your regular non-attenders are children over the age of 10 who are making an independent decision not to go to school regardless of what their grandma or parents say?

**Mr Glasgow**—I did a bit of a survey; I can tell you this. I do not want to be only on Aurukun—

**Mr LAMING**—The numbers are still very large. I say this in the historical context that Queensland Education have been perennial apologists for not turning up to school. They are also the agency that most threatened this whole commission getting started in the first place by refusing to release data on kids attending school. There is a real problem with a department that has always been very, very slow to commit to school attendance—I take it very seriously. So if we still have these large numbers, the question is: you guys are handling it exceptionally well, but what is the next step if we are finally going to crack this three-decade notion that you do not have to do anything if you do not want to?

**Mr Glasgow**—I think it is a partnership. First of all we have to get attractive schooling.

**Mr LAMING**—That is very important, and the point is that if you do not really care about people turning up to school then you do not care about modifying education to make it more Indigenously appropriate. It is only until you really care about kids attending that you will make the modifications that need to happen to keep 12-year-olds in school.



**Mr Glasgow**—I have sympathy with some of your views about the state education department but it is not all their fault. There are many people in the community who are raising children as the carer of last resort—mum and dad have gone and grandma, who is ill, is doing her level best. There are a number of people who are yet to be convinced that education is the future because they have been educated and have not got a job. There is a lot of that as well. The other issue is that we are often told, as you probably do anywhere, ‘Well, in my day if I didn’t go to school I got a hiding but now you’ve changed the law, you white buggers, so if I give my kid a hiding I go to jail.’ So it is: ‘Look at the discipline I had to go to school.’ We have to deal with that as well. More importantly, I think we have to say to young people that there is a life away, and that has some cultural difficulties. For instance, there are many people who want their children to stay in Aurukun after they finish school because that is their family. I try to explain to them that I have five kids: three are living in London, all have done university degrees, one is going back to Paris and the other lives in Townsville, but we probably talk to each other more regularly using today’s internet and everything else than we use to. I explained that to one of the councillors, and he said, ‘But I want my kids around me.’ This is part of the process. There is a concept that we really should create jobs in the community so people have some reason to be there. We all know that is practically impossible in many instances—you can have only so many teachers, lawyers, doctors, mechanics and carpenters—but the reality is that all those are combined and everyone has an excuse. My attitude when I see a parent is: I do not want to hear your excuses; the law is that your child goes to school. Is there bullying? Let us fix it. If there is no food in the house, let us sort that. If you sleep in, get up earlier. But the law is that you get them to school. If you start debating the reason that kids should not go to school you lose the argument.

To answer your question about how you deal with the 13- and 14-year-olds: it is difficult if they do not have the skills. If you talk to teachers you will find that if by grade 5 at school there isn’t basic literacy and numeracy you have pretty well lost the kid. How do you get that child to a point where they can go to a boarding school? Those are issues for educationalists, not for me, but they are in every community. The other thing about the education system: I can tell you that Hope Vale primary school and Coen primary school have a better attendance rate than most Cairns schools. There is close to 90 per cent attendance in Hope Vale and there is 94 per cent in Coen, so let us not flog the Aboriginal communities—those parents are sending their kids to school. Hope Vale has a pretty lousy percentage for kids going to high school. When I looked at the figures I saw that when they go from the Hope Vale school to the Cooktown school in grade 8 there are pretty good attendance levels but when they go to grade 9 it is about one-third. That is about the time when things are changing in boys’ and girls’ lives and there is also criticism in class about people’s capacity to keep up and about their literacy and numeracy skills. One wonders whether the skill levels of the kids coming to boarding school are up to it. That is an educational issue, and I am a bit defensive about it because my role is simply to get the kids to school. But you cannot just say, ‘That’s it,’ because along the way we see all the little problems.

**CHAIR**—Year 9 is rotten for all kids.

**Mr Glasgow**—Yes.

**CHAIR**—There was a play written once called *Year Nine Are Animals*.

**Mr Glasgow**—I have a son in year 9 who I think took a long time to sort that out. I am not criticising the parents so much, but they and the carers do have greater obstacles when they live in those places than perhaps people do in Cairns. They have perhaps more justification, but I do not accept any justification because the law says you have to send your kids to school. I would like to have some input into standards of education, but that is the education department's role. I would certainly like to make sure that there is more food in the house. But our obligations are to get the kids to school, get them educated, and, if we can, along the way have them loved by their families so that they are nurtured into getting some decent education, and eventually that community will build upon it.

We need to tell parents that it is not proper to have pornography in the house. It is not proper to watch Sky channel till four o'clock in the morning. 'If you want to get up at 12 o'clock, I do not find that acceptable. The kid needs to go to school; you change your lifestyle.' We talk as frankly as that. I know that my commissioners in various places do, even when I do not fully understand the language, because I hear them saying, 'The future of our community is the education of our children.' They do not leave it there. To come back to some of the things that are part of your juvenile justice program here, these commissioners start to look at those children who are offending and the reasons for them offending and try to get them some assistance.

**CHAIR**—I did ask you a question about bureaucracy, which I think you are deftly avoiding. I also want to ask you about the diversion programs that exist for young people who have been convicted. I think you said there were virtually none available before your program began but that there are now. If so, do you find them important?

**Mr Glasgow**—The only diversion programs that exist in any of these communities, apart from the correctional diversion detention centre at Cleveland in Townsville, are part of the cultural and sporting activities on the communities. There is really no program. Having said that, I have to say that the AFL and rugby league are in these communities doing a wonderful amount of work. They send people up there. They run programs after school. They come up to do training. It is a matter of getting people to coordinate those things. There is work for girls as well. Other organisations will do that.

But let us be practical. If we have a 16-year-old kid who is illiterate and innumerate and has no chance of going to boarding school, there is no program except the STEPS program to try and involve them in partly school and partly employment activities. In these communities, most of those employment activities are limited. They are associated with doing some work in the shop, in the council, at the day-care centre or in the hospital. There are not a lot of work related activities in Aurukun, whereas in Hope Vale there are an enormous number because you can involve the properties around them—and they do—and you can involve the businesses in Cooktown. It is really about having those people on site. They are on site to some extent in Hope Vale. They are not on site in Aurukun as yet, but there are plans to do some development this year.

**Mr TURNOUR**—You have talked pretty eloquently about a range of different issues. There has been a lot of focus on income management. That has been a central issue. You described how it is part of a broader community issue and that the schools have an important part to play in that. Can you talk a bit more about the importance of the wellbeing centres and the school attendance

officers that are employed through the institute or in partnerships. What is the importance of them to the success, or not, of the program?

**Mr Glasgow**—On the school attendance business, we have a number of case managers who are not directly related to the school so there is a buffer between the irate or indifferent parent and the teacher. In each of these communities there are people who go out. If your children do not turn up today, they will be around to your house and they will knock on the door, wake you up—that happens in Aurukun; people do sleep in—get the kids and get them to school. Those percentages are fairly firm. You have to have your child there by 8.30. If you turn up at nine o'clock, you are late and you are marked late. It is not only getting them to school but also getting them to school on time. Those case managers are very important in those communities and without them there is no interface except a direct relationship between the parent and the headmaster or the parent and the teacher. That has helped considerably. That only started in Aurukun effectively in 2009. I think that is why school attendance through the year was greater than what I expected it to be. Coming close to 70 per cent at the end of the year was excellent.

**CHAIR**—Interestingly, we have not yet specifically discussed rates of imprisonment. Are you yet in a position to be able to comment on the consequences of your program for those sorts of statistics?

**Mr Glasgow**—In juvenile areas I do not have any detail at all because I do not do that. What is happening with the adults? I do not have any rates of imprisonment but I could arrange for you to get them from corrections. They are probably the best source. What I found very frustrating when I went to those communities was that essentially the imprisonment related to two categories. There are people who consistently drive unlicensed, disqualified or drunk. Traffic matters, like everywhere else, eventually lead to some form of imprisonment. Then there are the violence related issues which are generally related to family, neighbourhood or domestic disputes, which can fluctuate. Bear in mind that we only deal with the Magistrates Court matters; we do not deal with the ones where people have gone to gaol for very serious offences like grievous bodily harm, attempted murder or rape or those issues, although we have dealt with some of those people because of associated matters. If a person goes to prison for three months for a domestic violence matter then the reality in Queensland prisons is that no programs are given if they come back because of the time frame and the whole consequential costs system. There were people coming out of prison who had been to prison several times for domestic related matters. I was very frustrated that there were no programs for those people.

Those programs have been put on site now. We finally got the funding for that on 22 February and the first program happened within two or three weeks of that. We had six people through the program and we had another six the week before in Hope Vale, two of which did not finish. So we had ten go through it in Hope Vale. These are programs where people sit down in groups and go through a three-day program on ending family violence. That has been one of the issues. It needed to be spurred on in various places, but they were being developed through Queensland corrections and delivered in the communities. The commission is funding those programs. The number of people who have gone to prison from the lists that I can remember in the last few years has declined in all communities. But I think you need to get the accurate statistics about that. It may simply be because we are putting on these diversion programs. I relate fairly easily with the magistrates because they are my former colleagues and I tell them that these programs

are available and try to get them to impose them as well. So there is good cooperation between us in relation to the adult offenders.

The juvenile offenders end up going down to Cleveland Detention Centre in Townsville. I know that centre very well. I used to spend a lot of time out there because I was a Children's Court magistrate. It is a very good centre. It is very well funded and it has lots of programs for the kids. The difficulty there is that the young people are there for only a short time—generally it is three months or less—and it is very difficult to get a program through there. For juveniles in Hope Vale there are no specific programs but there are a lot of visits by juvenile officers. Does that answer all your questions?

**Mr TURNOUR**—Wellbeing centres are a significant investment as part of the overall welfare reform program. Have they been important in terms of the referral mechanism, and how are they running?

**Mr Glasgow**—We commenced our operation on 1 July. We started with an office—Tammy and I were the only employees in June—and we determined our priorities to commence sitting because, from 1 July 2008, we received notices. We started sitting in August—13 August was our first sitting—so we really got off the mark quickly, and we have not stopped sitting since, except for breaks over school holidays and a little bit of a break over Christmas. When I was originally given this job I was told the wellbeing centres would be on board. But they never really came on board until the second half of 2009. The buildings were not really finished until April 2009, they were not really properly manned until July 2009 and they have really only been functioning at an acceptable level since about the last quarter last year.

Since then they have been really on the ball. They had lots of problems with staff turnover and selection of staff and people living in road communities and all of those issues. We work fairly well with them on the ground. For instance, if we are referring someone to a counselling session for relationships, because the wellbeing centres are immediately adjacent to us and three of the communities, as we finish we sign people up and take them across and introduce them, and they will make their programs and go on from there. Aurukun is about one kilometre away and it is very difficult, but usually people go up there and self-refer straightaway. We only learnt at the beginning of this year that they did not have a standard program for anger management and ending family violence. It was all one-to-one counselling. We took the view that there should be a standard program. We had full cooperation from them. Corrections had that program, which was acceptable to everyone. We funded Corrections from 22 February and they promised to deliver that program once a week in Aurukun and Hope Vale and in the other two communities as necessary, and they have kept that up.

So, to answer your question, the wellbeing centres are working quite well in relation to the consultation process. But it is one-on-one counselling on every matter and we are referring huge numbers of people there. So their capacity to deal with people is an issue, as is their engagement process in dealing with people who have never gone to that sort of consultation before. It is about getting them to return, so we have been a little bit over the top in allowing people time to comply with agreements because they need to be convinced to go back. We have now got the funding and the staff to implement a case management process. So what we are going to do is look at the people on a case study basis—those who have been to the wellbeing centre—and at how they fared and how they felt about it. We often do that if people come back to us. We say:

‘How’ve you been going? I see you’ve been to them several times. How’re you feeling? How is it working out?’ They are having an impact, but to be fair to them—and I am not being critical of them—they have effectively only been operating for two quarters.

**Mr TURNOUR**—There has been a fairly broad debate over the last 12 to 18 months about income management and welfare quarantining. We have seen a blanket approach to that in the Northern Territory since the intervention, and we are probably just taking a different model into Cape York. In terms of your experience, I suppose it comes down to getting outcomes and changing community norms—having an ability to work with people and having wraparound services, even though they might not have been functioning, is quite important terms of bringing about change. I am not trying to put words in your mouth, but if we want to make big changes in terms of Closing the Gap, in community norms and whatnot, how important is it to be able to engage and work with people to drive that change rather than taking a simple welfare quarantining approach to achieving outcomes?

**Mr Glasgow**—That is the issue, isn’t it? I really do not feel I should have any view on policy. I was given a policy in the implementation of this process which had as a weapon of management conditional income management. We used it sparingly. We only have to use it sparingly. We have used it when people did not recognise us as they would most court systems, and in the main we have found we have only had to use it when people have told us exactly where to go or have refused to comply with what they have signed. I think that is the way to go with this process, because it is shown by the number of people who turn up—and it is about in the high 90s in every community now—that they are respecting the decisions of the people who are making the decisions. I am only one of three and I am always encouraging people to say, ‘Talk to your colleagues.’ So I think the strength of this is that people are recognising, even though they may not like Commissioner Woolla or Commissioner Gibson, it is one of them making a decision, and they do it in a fairly firm but fairly easy way.

We get people to sign agreements and we only direct them to do things when they effectively tell us to go jump in a lake. That does not happen often, though I have to say quite a lot of the people come in quite angry. ‘Why am I being doubly personalised? Why am I doing this? It’s her role to send the kids to school. Grandma gets the money. It’s her problem.’ When we explain to them it is a family problem, we eventually get an agreement, in most cases.

So I think that process needs to be evaluated in comparison with that of someone who has unilaterally lost their money and then comes to get it back. I don’t think I should have an opinion on it, because I am simply running a project where someone is going to do that. I think this wing is working because I see advantages. I think it has some areas which can be reviewed and improved, and we are putting that to government now in this review that is taking place.

But at the end of the day it is the strength of the people who sit with me—the Indigenous people, my colleagues who live in the community and have to wear the decision when I leave. They live in houses next to these people. They are the ones who get their rocks on their roofs; they are the ones who get threatened. But they are strong enough to stand up, and I think that respect that they have built up in the community is one of the reasons why people keep turning up—and the fact that we make fair decisions.

On the other hand, there are a number of people who do not like our decisions and are quite happy to live with the BasicsCard. Eventually, they will want to do something and some of them—it is interesting—will come along to me and say: ‘How do I get all this money out of the BasicsCard? I’ve got \$1,000 on it and all I can do is buy food.’ They have never used it. I say: ‘Well, you buy food. Use your brains. If you want to change the system, come back to me, do what the commissioners ask you to do and we can arrange for that money to be converted to cash and go back into your keycard.’

**Mr LAMING**—Just confirming—it is 50 per cent of your BasicsCard, or 100?

**Mr Glasgow**—It is 50 per cent in the Northern Territory. I take 75 per cent or 60 per cent. They are the two choices I was given and, in the main, it is 75 per cent for 12 months.

**Mr LAMING**—The question is: for highly resistant cases, what would you think about stepping it from 75 to 80, to 85, to 90 as they become—

**Mr Glasgow**—No, I don’t think so. I think people need cash. If someone gets the BasicsCard and he decides, ‘Stuff everybody—I’m going to live in Cairns,’ he needs money to get something to eat. He needs some money to get a taxi to go to Centrelink to argue about something. Our society has to work on some cash. So about 25 per cent, in my view, would be the minimum I would take.

**CHAIR**—I will go back to the blunter issues of crime and imprisonment. I took you to be saying that the overwhelming majority of offending is in two categories in these towns, as in most others that are remote. One involves violence, often enough in the family. The other, you said, is around motor traffic offences. In every remote place we have been, we have heard a similar kind of account. There are a lot of people ending up in jail because they have got on a pathway that they do not know how to depart from, with an accumulation of traffic offences. This seems to be an absurd thing and we would like to be able to make some recommendations of a general nature about the ways in which we could overcome that kind of gratuitous imprisonment.

**Mr Glasgow**—I am sure many of my colleagues on the bench would agree with you wholeheartedly. Now that I am not a magistrate I can say that one of the issues that used to frustrate the hell out of me was going to an Aboriginal community and trying to teach young people how to drive and get a licence. If you look at Palm Island, it has got some reasonable roads. There are about five of them. But where do Palm Island residents get up the 100 hours of driving necessary to qualify for a licence? If you get a learners licence you now have to do 100 hours of driving with a qualified driver who has been driving for more than 12 months, so he has to be on an open licence. In Aurukun, if you want to teach your kid to drive, where do you drive? The roads have just now become open. You have to do 100 hours in 12 months. It is very difficult for a young person to get a licence in these communities. Look at Lockhart River. It has got one big road to the airport and a few little streets around. How does someone do 100 hours to get a licence?

If you drive without a licence, the punishment for a first offence is a monetary one and the second one is a mandatory one-month imprisonment. The next one is six months mandatory imprisonment and the next one is two years. Now they are all cumulative. It is something which,

Chair, you could address in your program. My view is you get people licensed when they are capable and able to do it in these communities and you do not put them on a treadmill.

**CHAIR**—In conclusion, first of all I invite you to look at the transcript on this committee's website of what was said by the Chief Justice of Western Australia and a number of other judges. His commentary was almost identical to your own, only the geography was different. I can ask you now, not as Commissioner of the Family Responsibilities Commission but as a retired magistrate: what ideas do you have about a change in the law that might be possible?

**Mr Glasgow**—There used to be, for instance, in Queensland an absolute disqualification, which meant you lost your licence absolutely. It no longer happens. It is now a maximum of five years, with some additions for higher courts. But there are still people out there who have an absolute disqualification. The magistrates made submissions to the transport department, once they were going to change that, to simply say, 'In five years from now every one of those absolute disqualifications will cease.' That did not happen. So you can have somebody who has not driven for a long time who has an emergency, drives and gets caught. Even though he may not have driven for 10 years, he has got to get two years disqualification.

The magistrates were trying to get those absolute disqualifications removed, because you had a right after two years to apply for your licence back. But many Indigenous people in particular were itinerant and they may have been told about it by their lawyers but never got around to doing it. There are a whole lot of issues. That is part of the problem in the communities now. When people get cumulative periods of one and two years adding up, they find it very difficult to know when their licence is due and then they have to wait on the phone on a 1300 number to try and find out. In the end they give up.

There needs to be a review of that process. Realistically I have to say that, when I was a magistrate sitting in Lockhart River, the penalties and disqualifications I gave for drink driving were a lot less than they would have been if I had been in Cairns, because I used to think, 'How many roads have they got to drive on?' You have to be realistic in some areas and I think some of my colleagues were. The solution is beyond me. I think you have to convince state transport authorities and they seem to have a very definite—

**CHAIR**—They are universally recalcitrant about this matter, I know. I am getting a little concerned about the time. We are holding up our next witnesses and probably messing up the day a bit—

**Mr LAMING**—I do have one quick one before we finish.

**CHAIR**—but I am used to my colleagues always asking for one more question! May I, in anticipation, thank you both for the evidence you have given to us, which has been most enlightening. We are very grateful. As usual, I will leave Mr Laming with the last question.

**Mr LAMING**—To provide disclosure: I support income management Australia wide and I think that this is an important model for the entire country, so I am not talking about Indigenous solutions here. I am, however, interested in the great work you are doing in the commission and this possibility. If you guys are dealing with 100 per cent Indigenous issues before the commission, why do you not replace our court system and actually deal with all non-violent

cases—that is, cases other than rape and murder—and do the whole lot? Isn't the commissioner model to replace our court system completely? That is a 30-second—

**Mr Glasgow**—I think it could be complementary. I do not think you could replace the court system because our system of justice requires representation and the right to defend. Our commission works on the basis that people have come in because they have done something, or they have failed to do something, and they have accepted that and it is not a debatable issue. By then, you have an acknowledgement that maybe they need some help and you can refer them onwards. I think they could go together. For instance, I keep advising my colleagues on the bench that the Wellbeing Centres exist, that they take volunteers and that they will take all sorts of counselling. I do that to try and get them to do some counselling and referrals to those bodies.

**Mr LAMING**—That is the struggle. Until there is some competition and competitive tension, I doubt whether it will happen in the short term. The second issue is: we are also finding it really hard to turn jails into places that you leave as a better person than you were when you went in. You normally leave more damaged rather than less. Should we be doing mini detention centres closer? Should we be looking at detention facilities that are smaller and closer to communities, where families can have contact? Then these people who are going to end up rotting in jails are actually closer to home and able to participate in meaningful activity closer to home?

**Mr Glasgow**—I have a particular view that you should spend the time and effort with the first offenders and not the recidivists. It goes against the whole idea of rehabilitation that I used to sentence someone for three months because I had to—there was no other alternative—and I knew he got nothing. I knew he would get no counselling or program in jail. That seems to me to be the reverse of how it should be. You only really get those sorts of programs if you are serving more than 12 months in prison. That will be the case unless society changes that.

I will finish up with this, because I could talk a long time—and do, unfortunately! When this act was passed, it was passed to me as a completed entity and my first concern was, 'Why aren't we dealing with the first domestic violence order?' I always believed, on the bench, that you should deal with the first domestic violence order, that you should get those into counselling straightaway. It related to a decision that was made before me. I always believed that you should deal with the youth and deal with them as wisely and quickly as you can. If you can divert them into activities and, particularly with young Indigenous people, get them proud of their culture, they will be less likely to be involved in the system. But society has to sort out the overcrowding in Aurukun, the lack of employment opportunities in Hope Vale and all of those issues which are endemic throughout all society.

Our little bit has to be done on the basis of saying to these kids: 'You get educated and you can go anywhere, young man. You can go anywhere in this country. You can become a teacher and come back and teach the kids in Aurukun. You can become a dentist and come back and do the dental work in Hope Vale.' Those are the sorts of things we should tell them. We need to keep those objects available. These kids are skilled. They are not inept and they are not incompetent. They just need good education and the opportunity to go forward. I think that is what all these grandmothers and older people who are looking after kids in our communities want to happen. I thank you for your time.

**CHAIR**—Thank you again.



[12.22 pm]

**COON, Ms Lynda Sharon, Program Manager, ACT for Kids**

**SULLIVAN, Mr Anthony Thomas, Family Coach, ACT for Kids**

**CHAIR**—Welcome. You will have seen that our hearings are not overly formal, despite first appearances. It would be good for us if you can make an opening statement giving us an idea about how your program works. We understand it to be a very good one. I am so informed.

**Ms Coon**—I am the program manager of the Youth Opportunity Program, which is part of ACT for Kids. Anthony is my colleague on that program. He is one of our family coaches. I will just give you a little bit of background about ACT for Kids before I describe a little bit more about the Youth Opportunity Program—YOP. ACT for Kids is a state-wide organisation that has been operating in Queensland for just over 20 years. We used to be known as the Abused Child Trust, but over a year ago we changed the name to ACT for Kids to promote a more affirmative, positive image of the work that we do.

The organisation has evolved out of providing specialist therapy services to children who have been victims of abuse. We operate in four regions or sites throughout Queensland, and the services in each region differ. The Far North Queensland region is by far the largest in terms of the range of services that we provide and the number of staff that we have involved. Most of our work up here is involved with families, children and young people who are involved, or are at risk of becoming involved, in either the child safety system or the youth justice system. The only other program not directly involved with that is the Indigenous workforce strategy, which is about providing training opportunities for Indigenous people to obtain qualifications and experience in working in a community services field.

The Youth Opportunity Program is a three-year pilot program that has been funded by the Queensland Department of Communities. We are just coming to the end of our second year. We have been funded to provide two services within the program. The first one is the bail support service. It is, as the name suggests, about supporting young people who are on bail. The goal of that program is to make sure that young people and their families have their primary needs met while they are on bail, with the ultimate aim of doing our best to make sure that the young person is able to meet their bail conditions. Obviously, if that can be achieved then there is less likelihood that the young person will be remanded in detention. The other and more major program in terms of numbers is the Community Response Service, which is available to young people who either are on youth justice orders of some kind or have been referred to us through the youth justice conferencing program, which is the diversionary program that the Department of Communities operates.

Ultimately, our goals are to reduce the likelihood that young people will reoffend. We are not strictly an early intervention service, because our referrals come through youth justice, so the young person has already been involved in the system. Our goal though is to prevent them from committing further offences. We also have the capacity to work with other family members, hoping that we can divert younger siblings from becoming involved in the system as well. We do

that in two main ways. Obviously there are lots of little bits; but, firstly, our team is made up of family coaches. The family coach is able to work quite closely with young people and their family in quite an intensive way in a case management kind of role—looking at what the young person and their family need, helping them directly develop skills, advocating, linking, referring and those kinds of activities. Our resources enable us to have quite an intensive relationship with young people and their families, so we can spend a lot of time. We also have the access to brokerage funds, which enables us to buy additional supports and services for the young person and their family. We use that in quite a broad way, but ultimately we are always working towards providing assistance that will reduce the likelihood of offending. What else do we do, Anthony?

**Mr Sullivan**—We work with families on the whole ecological side of it, in that form—the whole influence that impacts on a child to put them in the place and the position that they are, whether it be mental abuse or physical abuse. So we are addressing deep issues in children that will turn them—and the entire family, the entire influence—and set them up to head in the right direction to better their lives and the lives of their families to live a better life in the community.

**Ms Coon**—Anthony makes a really good point. It is one of the unique things about us. We work quite closely with youth justice, who obviously still retain their statutory responsibilities in terms of supervising somebody's order and addressing the specific offending relating behaviour. But we are able to take the broader ecological approach of looking at the other things that could be contributing to it that are going on in the young person's life within their home, within their family and within the community. We are the only service of our type that we know of in Queensland. That we still work with youth justice and take that holistic family approach are quite important features of our program.

**Mr LAMING**—I would like to ask Anthony a question. I will just dive right in. I have always wondered how some children find themselves in the care of extended relatives, aunts, uncles and grandparents and whether, without setting up a humbug cycle or any retribution between the parent and the carer, it would ever be appropriate to provide some extra financial assistance for those individuals who encounter the additional costs of caring for kids. The only way to do that potentially would be an additional bonus payment, small but significant enough to recognise the extra care being provided and without punishing the parent in the first instance. What do you think of that? Or is there simply no need to pay a little extra for grandmothers who find themselves looking after two, three or four extra grandkids?

**Mr Sullivan**—They definitely need some sort of financial assistance, financial support if they are not at home with mum and dad. You need to be financially supporting the person who is primarily taking care of these children.

**Mr LAMING**—Do you think that that should be triggered by the grandparents alerting Centrelink or would that be picked up by case workers? And would you ever take money off parents?

**Mr Sullivan**—I am just thinking of cases where it has happened. It has been more about case workers getting on the back of grandparents or extended family who care for these children, because in culture there is sensitivity there. They do not want disrespect to be shown to the daughter, or whoever, if nanna is looking after the children. A lot of people do not like to approach Centrelink to let them know that they are taking care of these children. But it is

important and it needs to happen because it puts big pressure on another family. It is very important that the finances go over to, say, grandma because it is quite damaging to the extended families.

**Ms Coon**—Whilst it was not the primary purpose of our brokerage money we do find ourselves on occasion needing to provide financial and material assistance to many of the families we work with, but often it is to another family member who is caring.

**CHAIR**—I know that you support the notion which has had many names but has recently been called ‘justice reinvestment’. The idea is that it is better to spend money on trying to help young people who are at risk or who have committed only minor offences than it is to build jails for people who have committed serious offences. In principle this is pretty hard to argue against; in practice it is much harder to implement. Can you talk about your ideas that come out of your practical experience: what is best to reduce reoffending and what is best to reduce reoffending amongst people who have already committed, at least, minor offences, particularly in the context where we may be thinking about providing more money to assist young, first or minor offenders?

**Ms Coon**—I think at the forefront of our mind is to look at extra ways to assist young people to get back into school. We work with a significant number of young people who are under the compulsory school age and they are not going to school, so they are not having that sort of meaningful structured activity during the day. They are obviously not having opportunities to learn and prepare themselves for the adult world. Many of the young people whom we work with either disengage themselves from school for a whole range of reasons or have been excluded. Many are keen to have access to alternative education programs. The alternative education programs that we have in our part of the world cannot keep up with the demand.

Often, where the young person may be keen to go to school the family may be in a position of not being able to support them and get them to school—that is, having the ability and the resources to get the morning routine happening and being able to provide lunches, uniforms and ensuring that the alarm is set and that kind of thing. There is not an agency or a service model at the moment that provides that kind of support. We are talking not about taking over parental responsibilities but about assisting families to develop those skills and that approach. The parents in many of the families which we work with may have had either limited educational experiences or not very positive educational experiences, so there is not necessarily a commitment to the school within the family. We would see that as quite an important priority. We have people who are past the compulsory school age who are still keen to go back to school but because of their history, their behaviour and their lack of skills, it is still difficult for them to re-engage.

**Mr LAMING**—For three decades we have tried all the things that you have just mentioned and we are rolling along at 20 to 40 per cent school attendance. It is not a matter of wanting to go to school as much as it is the law to go to school. The only thing that improved this was financial suasion through income management. That has doubled the attendance rates. I completely support this being Australia wide, so it is not an Indigenous issue I am focusing on. I am surprised that the previous witness just said, ‘Having recognised all these wonderful benefits from 50 per cent or 75 per cent quarantining, I would not want to go any further than that.’ Why aren’t we raising it five per cent every time they fail to send their kids to school and then capping

the BasicsCard at \$500 so you then start losing your welfare. Once you are at \$500 dollars on your BasicsCard it just simply passes through and goes out the other side. Ultimately it is the law. Would you share the view that, having seen one step work, we need to overcome this hesitancy about going to the next step and completely quarantining for resistant parents?

**Ms Coon**—I am not sure that we feel we can talk about the income management approach. I also think that it is not always about resistant parents. I think sometimes there is a resistance, but I also think that sometimes people are literally worn down. It is a very complicated process to get your child back into school. We spend a lot of time doing it and our colleagues were talking just before we left about the enormous bureaucracy that is involved and that many of the families that we work with may not have the energy or may not have the literacy skills or the confidence to be able to work their way through Centrelink, to find a copy of their child's birth certificate and to find the last school reports.

**Mr LAMING**—Are you sure you are not making excuses for them?

**Ms Coon**—No, I do not believe so.

**Mr LAMING**—I am not talking about Indigenous Australia here. You cannot allow the obligation to go to school, have a safe household and not commit violence to be trumped by the right to access someone else's tax, which is what this is. It is a direct financial transfer to people who do not obey the law. Why is there such great sympathy for people who do not feel like doing things? It is attending school.

**Mr Sullivan**—You say sympathy but a lot of these families—I am speaking on behalf of the Youth Opportunity Program, where we deal with a very high percentage of Indigenous clients—have so many deep issues. These parents do not have the tools or skills to be able to operate through the system, to be able to get out there and do what needs to be done in this westernised environment. They struggle with that. They do not have confidence. They do not know how to operate through these systems. There are so many families out there that cannot do that and do not know how to do that. It is impacting on their children's education because they just do not know how to do it.

**CHAIR**—There is another kind of approach of course, which is not one that I would personally advocate as an alternative to ordinary discipline. We have seen in some places around Australia programs of intensive family supervision, which often apply when a family is already in very bad difficulty. I mean it when I say that I am not here to excuse what you would call a reasonable level of parental discipline of children and the parents themselves. But, if you are doing a so-called justice reinvestment approach, might you not think about actually giving much more intense supervision to some of the families that Anthony is talking about in some kind of a systematic fashion?

**Ms Coon**—Yes. I think that would be another area that—

**CHAIR**—I have just asked you the question, but are you able to conceive of that in some sort of practical way? Is it possible?

**Mr Sullivan**—Anything is possible. I think you are going to get a percentage of parents that just will not engage. That is the reality. Some people just will not engage. I think there are ways—such as more intensive support—of getting around mum and getting around the parents. So many families that I deal with do not have male role models and have not for a long time, so they do not have boundaries, rules and all of those sorts of things—that is, they do not learn how to be a young man and how to be a boy, how to operate through life and how to have those everyday living skills as a man. I am speaking on behalf of boys here. I am talking about that sort of intensive support of these families, where you can locate extended family and good male role models and bring them into the families. You can introduce them, make them a part of these young people's lives, change them and affect them in that way. You can instil the right things to bring about change that way.

**Mr LAMING**—Do you ever wonder when you go to large communities of 1,000 people—and I use Doomadgee, which is even double that—where you can have so many people in one place and yet virtually all of the income that goes to that community disappears in what I have referred to before as 'piss, petrol, poker machines and potato chips'. There is just no other private sector in that entire area. What does it take to get some services that are Indigenous led started there that are not effectively public ones? I mean services as simple as a hairdresser, driving lessons, basic water delivery and this sort of thing. How do you get small business started for these people so that these young families have something to look forward to? It could be an outcome from their education that leads to a job. How hard is it to set up a salon in a donga that is open for the ladies?

**Mr Sullivan**—If it has to be run by Indigenous people, it is hard because they lack knowledge. They do not have the knowledge to be able to operate in that way. You have to go back the years to where they come from. These people do not have that instilled in them. That is a westernised environment that you are presenting. These people were not brought up in a westernised way. It is something that over the years is going to come. It is going to come definitely because there is influence in Indigenous culture to a certain extent. It is going to be more over the years. In time, yes, definitely more and more Indigenous people will be leaders, will find their place and will be able to run things like that, but currently it is at the early stages. It is the early phase, where it is growing. It will become that, but it is at the start of that. It is about instilling that in the people now and just working on training these people up, focusing on education, getting these people engaged in education and in some way coming up with that plan so that a bit further down the track people can stand like that.

**Mr LAMING**—Do you meet any young people who say they would like to run a business or go into business? Is it still something that is really remote?

**Mr Sullivan**—There are some. The ones that do I will say have had a half-decent education and have slid off the rails a bit through the impact on them of the environment and their peers.

**Mr TURNOUR**—I am going to go back a little bit and refocus. To pick up: I think we also need to make it clear, Andrew, that part of the reason people cannot run businesses in local communities—and we are here to ask you questions—is government policy. I might be a whitefella and I could not run a hairdresser in Doomadgee even though I might be a great hairdresser, because you cannot get land tenure, you cannot get security and you cannot go and do anything down there because of government policies. We are changing them at the moment

for a whole range of different reasons. This is quite a complex issue that we are working on. That is not making excuses; that is just part of the reality of life.

I want to ask you a few questions about this. You are working in partnership with the western cape mob in the child safety program. Would you talk a bit about that? Could you give a bit of an explanation of how we are effectively seeing the state changing some of the way they are managing kids without having to remove them from communities. They are living in these new houses and staying engaged with their parents, but it is required that they have proper supervision. Could you talk a little bit through that and about what your thoughts around that model are?

**Ms Coon**—That is a different program within the organisation, so our knowledge probably is not too deep but we will give it a shot. You are talking about the cape kids program, which as you just said is run in partnership with the western cape traditional owners group. For people not familiar with that program, it is setting up safe houses in four communities on Cape York. The house in Napranum has been operating since just before Christmas and the house in Pormpuraaw is due to open in a few weeks. These are soon to be followed by safe houses in Kowanyama and Aurukun.

The purpose is to provide a safe place for children while child safety is investigating any matters of concern about a child remaining within their family home. It is a temporary arrangement. Children can stay within those safe houses for up to three months. The goal is to enable children to stay within their communities and stay connected to their communities rather than needing to be removed to Cairns which would be the alternative. Obviously this causes great distress to the children as well as their family and their extended family.

When we were talking about people's capacity to take on work, I was going to add it has been a challenge for that organisation to recruit the necessary staff to run that service. Working in the child safety system is an incredibly challenging role no matter where you are working. Working within your community with a responsibility to keep children safe is very rewarding, but I think there are additional challenges working in small communities. The service in Napranum is fully staffed, but the corporations had to do a lot of work to help their staff develop their work skills and behaviour because for many of the people that are employed in the house and in the other parts of the program, it is their first employment experience. Children's lives and safety are at stake so there need to be lots of boundaries and clear roles and responsibilities. The service recognises that as part of their role, to get the service up and running and effective they need to look at strategies to support the staff to develop their skills.

**CHAIR**—In many circumstances—and I am not sure if the one you are describing is one of them—the provision of some kind of accommodation like that is effectively an alternative to somebody being kept in detention. In thinking about some of our terms of reference, a significant number of kids in juvenile detention centres and young adults in prisons are on remand. I am interested in your observations about the benefits or otherwise in providing a service that allows a judicial officer to keep someone away from circumstances of incarceration.

**Ms Coon**—I think I lost my train of thought there for a while. These houses obviously separate children from their families, but they are not—

**CHAIR**—They are not jail.

**Ms Coon**—They are not jail. They are for children who are involved in the child safety system. So they are not there as a consequence of their behaviour. It is about keeping them safe while child safety check if there are any incidents within the family home.

**CHAIR**—Apologies, I did confuse that. On the other hand, in many jurisdictions there are kids who have committed an offence—I am not sure quite sure what the exact circumstances are in North Queensland—and are on remand and therefore imprisoned. I am interested in what you think about the benefits or otherwise of reducing the rate of remand, reducing the number of people who are held in prison while they await trial.

**Ms Coon**—Our bail support program is all about trying to keep people out of detention for a whole range of reasons, including the fact that we know that people as young as 10 can be detained on remand. So there are obviously issues for them in terms of having their childhood needs met, their separation from their families and their separation from their communities. Any child in our part of the world that is remanded in custody goes to Townsville so family are not able to maintain that connection. We are also quite concerned about the perception that many of the young people we work with have of detention, whether on remand or on sentence. It is not a deterrent; in fact, it can develop their antisocial behaviours, for want of better definition.

**CHAIR**—They feel it to be prestigious?

**Ms Coon**—Absolutely, yes. It does seem to have a bit of a rite of passage—

**CHAIR**—I never know if that is true or not, but you are experts in understanding this. Do you—

**Mr Sullivan**—It is what the kids say, almost. In my role as a family coach, I am the transition officer for youth detention. I fly down and keep in touch with clients that we have in detention for all the family coaches in the Youth Opportunity program. With the rapport that I have with a lot of the kids on the streets, as well as in detention, they talk openly to me and detention does not faze them. I do not want to use the words that they use, but detention means nothing to them. There is no punishment there—there are scuba diving sessions, and things like that go on—it is the reality, I just tell it how it is.

These kids do not care, if you know what I mean. We have got kids going out and stealing \$64,000 cars. They serve a month or so on remand and then they are released and they are out there doing it again.

**Mr TURNOUR**—I have a follow up question in relation to that. I have been to a lot of communities on the Cape, which I represent. Is some of that related to the environment which they have come out of? It has been put to me in one place that it is actually sometimes a better environment than where they may have come from.

**Mr Sullivan**—There is talk about that. We do hear rumours—we do not know if they are true so we call them rumours.

**Mr TURNOUR**—But you are making gut feel statements about rite of passage or the things that you have heard talked about. Have you heard people say those sorts of things?

**Mr Sullivan**—In relation to this—talk in communities about it being a better environment? It has not been spoken about to me. Working up in the communities, I just provide relief work until we find someone to fill the position permanently up in the Napranum. Kids there have not stated that to me, but there are stories that you hear through people who have worked in the service—that it happens. You hear people talk about it being a safety thing at Christmas time. At festive times a lot of family come together and sexual abuse is an issue with extended family for certain people, so they choose to commit an offence and go there for safety reasons. There are a number of things that you hear, but as for anything concrete I cannot say that I have heard any.

**CHAIR**—At the least then, the conclusion one would draw is that any measures that improve the community are going to reduce the attractiveness of the alternative of incarceration.

**Ms Coon**—I would agree.

**CHAIR**—Which is so self-evidently perverse.

**Mr Sullivan**—Yes.

**Ms Coon**—The majority of our experience is with young people in the Cairns community, so there are certainly young people from the Cape who may be finding it a more comfortable daily living environment. But so are many of the young people in Cairns. We are not saying that people are actively striving to get there, but I think we want to make the point that it is not a deterrent for many of the young people

**Mr LAMING**—I mentioned earlier the prospect of smaller detention facilities closer to communities. I know that you just do not like the notion of anything regarding detention if you can avoid it, but I am talking about service facilities which are close enough for family to visit and, importantly, for elders to have direct connection to these people. They would also allow for provisional release for particular times of day and a range of programs that teachers could offer in the afternoons when all the kids have gone home from school. There are a whole lot of potential benefits, but what do you think the problems are if this sort of thing can be funded and built? There would be employment opportunities for people to run it. Do you think that is something that is different to jail, because ultimately you are close enough to your community to know what you are missing out on? You cannot have that in communities of 200, but potentially you might have three or four of them on the Cape.

In the end you cannot have home detention, jail seems like an extreme jump and we can see that jail is not working. I used the word ‘damaged and I know your brow furrowed slightly, but what I meant by that is that what you are describing is still damage—coming home saying, ‘It was better there than at home’. To me, that is damage, even if you come home a bit fatter and you have eaten a bit more food. I think you are still psychologically damaged by that. That is what I mean. Can we come up with some innovative solutions that are somewhere between the two?

**Ms Coon**—To be honest, I do not know that we have given a lot of consideration to that idea.



**Mr LAMING**—When they are drunk it is a chance for elders to go up there and work with the people who are in an environment where there is probably more chance of listening.

**Mr Sullivan**—I would see that sort of a set up as being beneficial, definitely. I cannot speak too much on it.

**Ms Coon**—I think it is also important to do what we can to respond to young people's individual needs as well. A lot of the supports and services—the statutory ones—for young people perpetuate them meeting to come in together as a group. That happens in detention and it happens with a number of the therapeutic programs that the youth justice service centre operates as well. If we are looking at somebody who needs to be detained, we cannot detain people on an individual basis. I suppose I get back to that point about looking at opportunities to improve the communities and the supports so that we prevent people needing to be detained.

**Mr LAMING**—I also have never understood—and help me, because I have not spent that much time in Indigenous communities—the huge number of elder people in communities who, when I look at it with my non-Indigenous eyes, do not seem to have much to do. I know they are very busy, potentially, with a lot of stuff going on within family, but I have always wondered whether part of respecting their seniority would be to actually pay them to work more directly with their own youth, who are the future of their community. Perhaps it could happen informally, but while the outcomes are so poor, I just wonder if we can respect our elders by recognising them formally and paying them to run programs with some of their own kids.

I know you say, 'Look, this evolves anyway. Sometimes you don't need to pay them,' but would it give them more authority to say, 'We appreciate what you do, and we pay you for your time'?

**Ms Coon**—That is certainly an option worth considering. I think that there are pilots around the state—not the country—where that is occurring.

**Mr LAMING**—Not reach the point where everyone there needs to be paid for all their work with the justice group, but is there some way of turning this massive potential into something even more positive rather than just hoping that a justice group does not fall apart and then waiting until community dysfunction settles enough that it re-establishes itself? The great challenge is continuity—great people have great ideas, they last a few months and then disappear. There is no faith in the new program when it comes along. As a government, we are asking the question: what is going to provide the continuity to grab these people before they fall into incarceration and they build a resume of criminality faster than a resume of capability? Do I need to pay people and say, 'Thank you for what you do'?

**Ms Coon**—I think that is quite possibly one strategy. I think we also need to work with the elders in a whole range of other ways as well, to encourage them to do that.

**Mr LAMING**—I need some concrete ideas, so Anthony you have got to tell me what the problem would be with doing that?

**Mr Sullivan**—What would be the problem? I do not see a problem, provided we get the right people who are good role models in the community. I think it would be very beneficial and I

think it is what is needed. These people are the example for their people, and there is that immediate respect. I think it is something that will work and can work.

**Mr LAMING**—But if you are paying them exactly the same amount of money as a young person who is on the grog, beating up their kids and not sending them to school, what do you make of that whitefella signal—that you all get the same amount of money?

**Ms Coon**—I do not know that it is all just about money. I am not fully across all of the demographic data, but there are huge gaps in the generations within Indigenous communities. Many of the older people who we are talking about have not followed all of the steps that the young people who we are working with now have, but they have done many of them. So it is not just about money to encourage those people to get involved. I do not know the other strategies that we would need to implement. We are hoping to find a few in the years ahead so that we can better engage with the elder people.

**Mr LAMING**—I can see that is a very good point, but by the same token money is an extraordinarily powerful tool in an environment where we are desperate for solutions. If that pay is a day late or \$10 short, you could face a riot. So money is powerful in some perverse way, isn't it? If that money is not paid on time or there is an irregularity, the situation could very quickly break down into chaos. So, clearly, money does mean something, doesn't it?

**Ms Coon**—Of course money means something, but it is not the only solution. It is not the only key to the solution.

**Mr LAMING**—It is the only one that we directly control. Money buys something.

**Ms Coon**—Right. Then we will have some more!

**Mr LAMING**—We have some moral suasion but not much.

**CHAIR**—That is not true. I think we have a much broader spectrum of influence than that. You have been asked all sorts of hard questions and we are very grateful for your evidence. I wonder, as we wind up, if there is anything in particular you would like to say that you think would be especially important in ensuring that the rate of incarceration declines over the longer term. I am well aware that you are caught up in day-to-day events. You have individuals in front of you and you deal with them, try to keep them out of jail and restore their lives. Is there anything you would like to say about broader policy—for instance, how we might have more people like you working to advantage individuals?

**Ms Coon**—Clearly, we believe that there is a need for more services and support such as ours so that people have an opportunity to have holistic and developmental supports around them.

**CHAIR**—And more coordination of available services?

**Ms Coon**—Absolutely, yes. That does not have to come from us, but I think another point we made in our submission, and we have not really touched on it, is that it is not just about more supports but also about better coordination and communication between agencies. I think that in this field there is always going to be the involvement of a statutory body, so that interface

between statutory agencies and non-government organisations is a really key one that needs to be looked at. I am not aware of the systems in other states, but I think having non-government organisations involved directly in programs for young people in the justice system does not happen a lot in Queensland. There has been a fair amount of learning for us in the youth justice service centre about how such a relationship can work well. That would certainly be an issue. I think looking at a whole range of strategies that will help young people remain in or return to school is critical.

**CHAIR**—In the end, if you had to put it in one sentence, you would say an awful lot of problems would be dealt with if we had better ways of making sure that we could keep kids in school and paying attention.

**Ms Coon**—That would be one good sentence, yes.

**CHAIR**—You would agree with Noel Pearson, who not that long ago wrote an essay saying, ‘It’s education, stupid’?

**Ms Coon**—Yes, I am very proud of the essay.

**CHAIR**—It was contentious, as you would expect. That was its general message.

**Mr LAMING**—Anthony, do you have any local roots in the cape?

**Mr Sullivan**—Yes, on my father’s side we have ties to Old Mapoon through to Badu Island and Saint Paul.

**Mr LAMING**—Do you have a view on whether the family management process in the four communities could be extended to the other seven?

**Mr Sullivan**—I honestly could not comment on that. I grew up on my mother’s side of the lands. I do not have enough knowledge of that to be beneficial.

**Ms Coon**—We are not working directly in any of those communities.

**CHAIR**—We thank you very much for spending time with us.

**Ms Coon**—We thank you for the opportunity.

**Proceedings suspended from 1.04 pm to 1.21 pm**

**CUNNEEN, Professor Chris, Private capacity**

**CHAIR**—Professor Chris Cunneen, as I know, has been teaching criminology at the University of Sydney and has been director of the Sydney Institute of Criminology there for quite some years. As I understand it, he arrived at James Cook University about five minutes ago. His evidence, as I understand it, will be of a more general nature and may well also be related to the fact that he is doing a particular study into the Australian prison system at the moment. I take it, Professor Cunneen, that we should take advantage of your general understanding of these matters for the purposes of our later consideration, but of course we are interested in the rate of imprisonment and in the fact that it has actually been increasing amongst Aboriginal people in recent times, notwithstanding the substantial investment of resources in programs that are at least in principle designed to reduce social disruption in Aboriginal communities and, in consequence, rates of imprisonment. My interest is in getting your more general evidence about the kinds of key drivers that exist in offending behaviour and your ideas about why it is that there is such an overrepresentation and, perhaps, what might be done about it. Probably the best thing to do is ask you to make an opening statement, and then we will have a discussion.

**Prof. Cunneen**—Thanks. I think the first thing it is worth doing is probably to say a little bit about the Australian Prison Project, for which I am one of the chief investigators, along with Eileen Baldry, David Brown and Alex Steel, all from the University of New South Wales, and Mark Brown from the University of Melbourne. The Australian Prison Project is looking at the growth, development and changes in prisons in Australia over the last 20 to 25 years and is trying to explain why it is that incarceration rates have gone up not only for Indigenous people but also for non-Indigenous people. I would refer the committee, as well, to the website that the Australian Prison Project has established: that is [app.unsw.edu.au](http://app.unsw.edu.au). There is a considerable amount of information there. I have also provided two papers to the committee, one of which is an article to be published in the *Sydney Law Review* and the other of which is a paper from the Australian Institute of Criminology Conference specifically on Indigenous juvenile justice.

The Australian Prison Project—I will speak generally, but there is far more considered and factual information available on the website—has looked at changes in remand rates and changes in bail legislation as one of the drivers of the increase in imprisonment rates. We have considered, I think, the sorts of evidence that the New South Wales Bureau of Crime Statistics and Research has raised in Sydney—that is, that one of the key reasons for the increase in Indigenous imprisonment is not that Indigenous people are committing more offences but that it is more likely than ever that they will be sentenced to imprisonment as a decision of the court and that the length of time that they will spend in prison has increased. So the issue arises because proportionally more people are being sent to prison by the courts and being sent there for longer periods of time, rather than as a result of offending more.

When talking about overrepresentation in incarceration rates generally, it is important to acknowledge that ultimately the number of people we have in prison is a result of the judiciary and the government; it is not a function of crime. That is one thing that many criminologists will say. The common understanding is that punishment is somehow related to crime. We need to

understand that imprisonment and punishment are a result of government policy either directly or perhaps indirectly, through the way government might influence the judiciary.

One of the other things which we have considered and which is on the APP website is specific state and territory policies in relation to Indigenous people. The paper I have given to the committee, which is to be published in the *Sydney Law Review*, looks at Indigenous policy frameworks in the states and territories and the way they have developed, particularly since the 1997 ministerial meeting in Canberra, where all states and territories, except for the Northern Territory, made a commitment to introduce justice agreements. We have provided analysis of that. In a nutshell, our argument is that those jurisdictions that have been most considered in terms of developing justice agreements—and I would put Victoria at the top of the list—are also the jurisdictions that have the lowest imprisonment rates not only of Indigenous people but of people more generally.

We argue that the development of negotiated agreements with Indigenous organisations and a considered policy framework can have a clear influence on reducing the number of Aboriginal people in prison, and that is demonstrated in Victoria, as an example. To provide some content to that, if you look specifically at Indigenous juvenile incarceration rates, you will see that the rate in Victoria is about 3½ times lower than the rate in New South Wales. Unless you want to argue that Indigenous young people are 3½ times more criminal in New South Wales than in Victoria, you need to focus on what it is about government policy that can either create benefit or create detriment to Indigenous people and Indigenous communities.

My focus as a criminologist and a non-Indigenous person is on government policy and how government policy works or does not work, and there are a couple of other tensions that are important in terms of the way governments have responded to juvenile offending. There is a tension between therapeutic programs that are being introduced now specifically in relation to Indigenous young people by experts within departments and the role of Indigenous communities in dealing with young people. Departments want gold-standard, evaluated programs that they control, and that tends to lock out community participation in terms of dealing with young people.

There is also a very different approach in healing programs that have been developed by Indigenous people and Indigenous communities, like Journey to Respect, Ending Family Violence, Ending Offending, Rekindling the Spirit and Red Dust Healing. There is a tension between those sorts of programs, which are about healing, and the cognitive behavioural programs, the therapeutic programs, which start from a very different point. There is a need to question whether the types of programs that we use and that are in favour for a number of reasons really benefit Indigenous kids the way we want them to.

I have a couple of points on diversion and legal services, and then I will stop. The evidence has been there for a long time, at least 15 or 16 years, that Indigenous young people do not tend to benefit in the same way from diversionary schemes. There are questions about availability—that is, resourcing, particularly in remote rural areas—of those diversionary options. You will hear the same thing, irrespective of whether you are in Cape York or the Kimberley, about what is actually available in those remote areas. There is the question of utilisation of diversion, and that comes back to issues around the use of police discretion and the extent to which there is equity in terms of police use of diversion.

There is the issue of whether there are procedural aspects of diversionary schemes that actually limit their availability. For instance, if they are available only to first offenders, that tends to exclude Indigenous young people because they are more likely to have an offending history. The final point about diversions is the extent to which, again, they allow community involvement. To what extent can Indigenous people at a community level become involved in the diversionary schemes that may be in place? You may have legislation, as you do in Queensland, that allows cautioning to involve the participation of Indigenous elders, but we do not know whether in reality that occurs very often. What is there that can actually involve the community in the diversionary schemes?

The last point I will make is in relation to Aboriginal legal service funding. It is an issue that is raised often. I think it would be negligent of me not to raise it again here. Aboriginal and Torres Strait Islander legal services, I think, find it difficult to provide effective representation for Indigenous people. I think that is partly related to the funding, and the funding then relates to issues such as the solicitors that they can employ. We know solicitors are coming into and out of the legal services very quickly. They are inexperienced, because they are not paid even at the same level as solicitors in the Legal Aid Commission, let alone in the DPP or in private practice. The ability to represent Indigenous young people, I think, also relates to this issue of incarceration. It is not just about whether an Indigenous young person is found guilty or innocent; it is about issues such as proper representation. Have the proper assessments been done? Is the court, when it is sentencing, properly informed in relation to the young person who is there? The difficulties that the ATSILS face in representing Indigenous young people work against a fair and equitable system, and I think that is something that needs to be addressed. They are the main points that I wanted to raise.

**CHAIR**—Could you be a little more specific. A key element in the difference, say, between the rates of incarceration in New South Wales and Victoria, as I understand it, involves the bail laws in those two places. Can you talk a little bit more about the difference between them?

**Prof. Cunneen**—Sure. There are the legal requirements in relation to bail and the way they have changed in New South Wales with various amendments, particularly from 2003 onwards, which may have made it more difficult to grant bail and have led to a significant increase in the remand population. There are also, I think, the issues around policies and practice. The use in Victoria of the Koori justice workers to provide supervision in the community, I think, has been an effective way of providing support for young people who might otherwise have been refused bail or might have been unable to meet those bail conditions. So I think there is a legislative issue as well as a policy and practice issue there.

**Mr LAMING**—I will ask about two things. You mentioned the difference between single case management—which is off the shelf, westernised and gold standard—and allowing Indigenous people to sort this sort of stuff out for themselves. It strikes me that, apart from government itself, about the only completely unreconstructed element of white imposed society is our courts. Everything else is modified—education, health and child welfare. All of these things are modified somewhat for Indigenous conditions, but courts are not. One option is to keep banging away trying to reform the courts, but the other one is to build up commissions that do a lot of this work on the community before these people turn up to court at all. I am not talking about removing the court structures, but why can't we get to a point where these building commissions and these people trained in mediation from the communities can sort this all out

amongst themselves for everything except grievous bodily harm and above, rape and child offences and deal with all of that—bring a letter down to court and say, ‘This is what we’ve agreed’?

**Prof. Cunneen**—In terms of the courts, there have been developments around the Murri Court and the Koori Court and Koori Children’s Court in Victoria. I have not mentioned them previously, but they are definitely worth supporting in terms of the way they can bring Indigenous people and elders into the court process. I think the greatest difficulty—it is a difficulty you confront as soon as you arrive in Kowanyama, Pormpuraaw or Aurukun, if you are talking about Cape York—is that people in those communities also need resources. I do not mean necessarily financial resources but a whole range of social resources as well to be able to deal with the problems that they face. I certainly do not want to paint a simplistic picture where we can hand this problem back to a community that is ill equipped to deal with it. So, while I would certainly advocate greater community control, I only say that in the context of actually providing important support services.

**Mr LAMING**—Philosophically, the problem for us, as white experts, is that we cannot bring ourselves to admit that potentially outcomes might be slightly poorer from the way we view them but that it will never happen unless we manage to find the courage to let go. So the question is, with these developing commissions that have worked fairly well and the increasing number of people who are mediating, at what point are we prepared to say legislatively, ‘We’re going to really entrust these commissions’? We know they are going to make some mistakes but, if we wait for some of the things you are describing, we are talking about another generation. Maybe we need to take that leap.

**Prof. Cunneen**—It is difficult to imagine things getting any worse in terms of the way we are going, whether you look at recidivism rates or the increasing numbers of young people and adults that are being incarcerated, and that is recreating a problem for future generations.

**Mr LAMING**—I have to make sure the committee’s report is not filled with a whole lot of anodyne statements about more consultation, more resources and more money for prevention, so what can change? Let us face it: this Cape York experiment has had significant benefits. Sometimes things just have to be disruptive, so what would be your proposal—that we simply cannot do anything until capacity is higher in communities and to keep using existing courts?

**Prof. Cunneen**—No. But, if you are thinking about distinctive communities like the ones in the cape, the Kimberley or Central Australia, capacity has to be increased. That is one area where Indigenous young people are coming into the system, but there are also much broader areas in terms of rural and urban areas. The justice system operates more generally in those areas in a way that works against Indigenous people. Going back to the issues, say, around the bail legislation, there is nothing specific in the bail legislation that says Aboriginal people or Torres Strait Islander people should be refused bail. But, because Indigenous people are among the most marginalised people in this country, the impact on them is more extreme than it is on others. So there are quite specific legislative things that can be done at a state and territory level, and what the role of the Commonwealth is in that is another question.

There are issues around programs and support. Murri Court, Circle Sentencing, Koori Court and similar types of courts in the Territory, South Australia and Western Australia have had a

beneficial impact, so they are issues that can be taken up and supported. Specifically thinking about the Family Responsibilities Commission, I certainly do not hold myself out to be an expert on the work that it has done, but it would seem to me that any extension of that process needs to be one that is supported by the communities in which it operates. To the extent that it may work well in the four communities that are currently part of the FRC, they are communities that have supported its introduction. I do not expect that it would work well in a community that resisted it and had it imposed from the outside. These types of developments need to be organic to the extent that you do not impose them from the outside but they develop out of the community.

**Mr LAMING**—Would most of them be pretty happy or reluctant to have more of the judicial process being grassroots and Indigenous led?

**Prof. Cunneen**—I feel reluctant to answer that as a non-Indigenous person, but my observation would be: with support, yes, and for some offences. There are some offences where I think people would prefer to have the outside justice system intervene. They may be offences related to serious violence, for example. So there is not a blanket answer to that question.

**Mr TURNOUR**—There is a growing perception in the community—and I get it because I am a politician out there on the door step and I listen to the local radio—that we are too soft on young offenders. Young Indigenous offenders, in particular, get mentioned in communities like this. What does the evidence say about actually taking a harder line in sending people to prison or remand? And what does the evidence say about making sure that somebody does not reoffend? Where is the best government policy in your experience?

**Prof. Cunneen**—Certainly evidence looking at police cautioning and youth justice conferencing—restorative justice models—has shown that young people who go through those alternative processes are less likely to reoffend than those who go before court. A step further than that; we also know that those young people who are remanded in custody or sentenced to detention are more likely to come back into the system once they have been placed in it.

There is no good evidence to show that ideas around imprisonment or detention have an effect as a deterrent. In fact, the evidence suggests the opposite: people are more likely to come back into the system rather than be deterred. We do know that restorative justice-type programs like youth justice conferencing have lower re-offending rates than equivalent young people who are processed through the courts. There is good evidence, I think, to suggest that you have improved outcomes by looking at those alternatives.

I would also say—and I think this is the hard sell as a politician—that none of these things work perfectly. You send a young person before a youth justice conference and perhaps the likelihood of reoffending is 30 per cent rather than 45 per cent if they go before the courts. I think the community has to be educated that, in a sense, no matter what we do in terms of programs and policies there will be young people who reoffend. What we need to do is think about those which have the best outcomes and promote those.

**Mr TURNOUR**—You mentioned some before—can you go into a bit more detail about somebody who causes property crime and who is dissociated from their family? What are some of the interventions that are non-prison or remand which you think have worked when it may have been their third or fourth offence? Can you flesh a bit more detail out?



**Prof. Cunneen**—The people who support youth justice conferencing and restorative justice will argue that you should keep trying with it, even if the person has reoffended. It should not be a program that simply stops after the first offence—particularly with young people. The evidence suggests that young people mature out of crime. They may reoffend two or three times, but I think that the worst outcome would be to incarcerate them and then entrench that connection with detention and adult imprisonment.

I do not see that alternatives like youth justice conferencing need to stop at a certain point after a second or third offence. With property crime, one of the most important things about conferencing and restorative justice generally is that you bring a young person face-to-face with the victim of the crime. That young person, hopefully—and we cannot be certain that it will happen, but hopefully—will accept some responsibility for the negative impact of that crime on the victim, and that will change the person's behaviour.

It will not happen in every case but the evidence suggests that it is more likely to happen through that process than a court process. The court process, as I am sure you are aware, is going to spend—what did we say?—three, five, seven or 10 minutes talking to the young person in the hope that whatever comes out of that process will reform them. I just think the evidence shows that in most cases it is not going to happen. It will be things which are extraneous to that, or interventions like youth justice conferencing that reform.

**Mr TURNOUR**—We have also heard evidence that we really should focus around first offences and people. From your understanding of current government policy and research, how are we focusing in terms of investments and whether they relate to people on their first offence or subsequent offence? What is your experience, and have you got any suggestions in relation to how we could improve the situation?

**Prof. Cunneen**—There is a lot of debate around that and I do not have an unequivocal answer to it. One argument is that you should focus resources on people who are repeat offenders—people who are in there for the third, fourth or fifth time—rather than first offenders, because a significant proportion of first offenders will not go on to reoffend. I think that argument holds true for the general community, but it does not hold true if you look more specifically at Indigenous young people because many Indigenous young people will go on to reoffend. I guess that is not a clear answer to your question, but perhaps we need to think about the focus of the resources in a different way when we specifically think about Indigenous young people rather than the general population.

**Mr TURNOUR**—So you are saying the evidence is quite different for Indigenous populations, as compared to the mainstream—that is, Indigenous people who have offended once are much more likely to reoffend.

**CHAIR**—Why is that? Is that anything to do with cultural background, or is it to do with levels of disadvantage?

**Mr LAMING**—If I could add to the added-on question, I do not think we have any evidence about the effectiveness of these interventions at these stages. We are just aware of recidivism rates, but that is not a measure of the effectiveness of your intervention. So I do not think there is any evidence to support any of what we are talking about or asking. I am not aware of any.

**Prof. Cunneen**—To give you an example of youth justice conferencing, the Bureau of Crime Statistics and Research did an evaluation matching—

**Mr LAMING**—A control study?

**Prof. Cunneen**—Yes—young people that went before conferencing and young people that went before courts. I do not have the percentages in front of me, but roughly 30 per cent of those that went before conferences reoffended and 45 per cent of the matched group that went before the courts reoffended. The issue is whether you want to use reoffending as a measure of effectiveness. Overwhelmingly, that is the measure that is used.

**Mr LAMING**—But that was not broken down into the number of times you had reoffended, because the statistics simply would not be powerful enough to arrive at a conclusion. Your numbers would not be sufficient.

**CHAIR**—I think it did.

**Mr LAMING**—I do not think you would have the numbers to make that statement. It is okay to look at all of your recidivism rates between the two groups but, the minute you break them up into first, second, third and fourth offenders, your subpopulations become so small—

**Prof. Cunneen**—About 15,000 young people go through the Children's Court in New South Wales annually.

**Mr LAMING**—But your control is only those who are doing your youth conferencing, so the question is: how many did you have doing youth conferencing who are Indigenous? This is a pretty important point. Is the evidence, once you break it up into those cohorts, powerful enough to make that claim?

**Prof. Cunneen**—The Bureau of Crime Statistics and Research would argue that it is, and they broke it up by Indigenous and non-Indigenous.

**Mr LAMING**—And then by number of times reoffending?

**Prof. Cunneen**—They use a survival rate analysis, and that is based on time to reoffending. Survival rate analysis is based on the period of time after the appearance to the first reoffence. So it is not open-ended, in the sense that there has to be a time frame.

**Mr LAMING**—We are having this discussion about where is the most efficient point to intervene but, if you have not done the studies on the number of times you have reoffended, then we cannot answer your question, unless you can tell me that evidence is available.

**Mr TURNOUR**—I would not mind hearing from the witness. We can have our debates and opinions, but I would be pretty keen to hear from the witness. There is a pretty straightforward question that I have been trying to get to, and Professor Cunneen obviously has a lifetime experience that he is trying to share with us. I would be interested in his gut feeling, just as we are interested in those of other people.

**Prof. Cunneen**—The basic question is that, if we are talking about the general population, perhaps resources should not be focused on first offenders, because most first offenders will not reoffend. There are slight variations on the proportions, but that generally holds true. Most Indigenous first offenders will come back again, so there is a good argument for focusing resources at that point.

**Mr TURNOUR**—For example, there is a lot of stigma associated with a white Anglo male going to prison at 15 or 16 because the vast majority of people in that cultural community do not go to prison, as compared to an Indigenous person, who may come from a community where a higher proportion of people go to prison, and so there is a greater acceptance of that. Is there a community norm that helps drive that reoffending? Is there a community norm that helps people in the mainstream not reoffend that is different to the one in the Indigenous community?

**Prof. Cunneen**—There is not much doubt that the stigma associated with going to prison or detention is lesser in Indigenous communities, because Indigenous people are far more used to, over generations, incarceration. Without wishing to go off on a tangent, that is one of the reasons why the criminal justice system does not have the same legitimacy in Indigenous communities as it might have in non-Indigenous communities.

**Mr TURNOUR**—Just picking up on that then: so, if you are an Indigenous person and you are confronted with significant people in your community, in a peer sense, who are telling you that you are doing the wrong thing and this is not an acceptable thing, which is I suppose what happens in conferencing, the Family Responsibility Commission and all those sorts of things, as a general principle that may be one way to reduce people's chances in the same way that someone in the mainstream would have the community norms clearer to them just from their life experience. I am putting words in your mouth now.

**Prof. Cunneen**—No. Absolutely, and I will give a very quick example. A couple of years ago I sat in on the Murri Court in Townsville. A year 12 student had been charged with receiving stolen goods. It was a mobile phone. There was no allegation that he had stolen it, but he had a stolen phone and was charged with having the goods in his custody. The magistrate referred that matter to the community justice group that was there and the community justice group invited me to sit in on their meeting with that young person. We went to a room outside of the court. The community justice group had the young person's mother and grandparents there and they spent an hour explaining to that young person why he should be setting a standard—he was a year 12 student, he was someone who should be looked up to amongst other Indigenous students at the high school. They spent an hour with him talking about it and going through the issues. If that had stayed in the normal court, it would have been dealt with in five minutes. That is why I think, to relate it back to your point, there is a sense of legitimacy and ownership of a process which does not necessarily exist in the mainstream courts.

**CHAIR**—Yet the problem is endlessly complicated, isn't it? There is a recent evaluation that I have only read about in the newspapers of Koori Court like arrangements in Kalgoorlie and Geraldton in Western Australia, which have by far the worst incarceration rates, that says they did not have much effect on levels of recidivism. There is also an analysis by the bureau of crime statistics of Circle Sentencing courts in New South Wales that says they have not had much effect on the levels of recidivism. I remember it because I had had hopes that there would be a contrary outcome. There was a similar study of the Koori Court in Victoria. None of the

attorneys-general involved have said that they should close the courts. They have all said there are other values to them but it reminds me of how extraordinarily difficult the issue we are dealing with actually is. Perhaps what we have to do is accept that it will take a long time and that is all there is about it.

**Prof. Cunneen**—The New South Wales study in relation to Circle Sentencing needs to be looked at over a longer period of time. I cannot say any more than that. There is a great deal of support in each jurisdiction I have been to—Victoria, New South Wales or Queensland in terms of Koori, Murri or circle sentencing courts—in the Indigenous communities and—

**CHAIR**—And amongst white lawyers.

**Prof. Cunneen**—I was going to say amongst magistrates. Also in terms of the legal profession that is involved in this, magistrates have to deal with this day in and day out. I think they are probably one group who are as profoundly disaffected with what they have to do as anyone else.

**CHAIR**—For our own immediate benefit, could you comment a little in general terms on the evidence that you have accumulated about the effects of prison on recidivism rates?

**Prof. Cunneen**—My comments will be short. Again we know that about two-thirds of people in prison on any one day have been in prison previously, it is around 70 per cent. We also know from the ABS study that about 40 per cent of people who are imprisoned will go on to be re-imprisoned. So whatever figure you want to use shows that people go in and out of jail pretty frequently. Those figures are more extreme for Indigenous prisoners.

**CHAIR**—The bureau of crime statistics in New South Wales, which we are quoting for reasons that are not coincidental, has made a study to suggest that, if you want to reduce the imprisonment rate, the best thing to do is to focus on those who have reoffended. That in turn, however, implies very high levels of resources to be used within the prison system, does it not?

**Prof. Cunneen**—I think so. I think again we need to distinguish between the general prison population and the Indigenous prison population. This goes back to issues around programs. We know that programs work. CUBIT is one example of a sex offenders program. We know that sex offenders who complete CUBIT are less likely to go on to reoffend than sex offenders who do not complete it. That is a good news story in a sense, but the bad news story is that we know that Indigenous people in prison are less likely to do programs. There are a range of reasons for that. That is why I think we need to keep in mind that we cannot assume that what we can say about the general population is true for Indigenous people particularly.

**CHAIR**—From our perspective that is a critical observation. It is not really fair to ask this but do you have any more suggestions about how that extra attention might be paid?

**Prof. Cunneen**—It goes back to the early point I was making about the nature of programs. Most therapeutic interventions or cognitive behavioural programs rely on certain levels of literacy. That is an issue that impacts to a greater extent on Indigenous people within the criminal justice system than non-Indigenous people. We know that everyone in prison has problems with literacy and numeracy but those problems are greater amongst Indigenous people in prison. I think the evidence is there.

It is similar with applications for parole. Indigenous prisoners are more likely to go into prison and do their time, not do programs or apply for parole. They just do their time. So whatever benefits there may have been in terms of successfully completing a program either for parole and release or for actually changing behaviour are not necessarily flowing through. We need to think carefully about why that is the case in terms of the programs.

On the other side of that there are a range of programs that Indigenous people have developed. They do not tend to be evaluated, implemented or available in the same way but they certainly anecdotally have good responses. We need to think about how we address that issue. We cannot assume that the programs that are there will necessarily benefit Indigenous people in the criminal justice system.

**CHAIR**—Anecdotally I have directly seen it to be so—people who are very recalcitrant and in prison for long terms responding, for instance, to a program which is specifically focused around Aboriginal culture in some way—

**Prof. Cunneen**—We do have a selection of those programs now. If we were talking about this 10 years ago there may have been one or two programs like Ending Offending, but now there are at least half a dozen programs that I am aware of. There is the family wellbeing program, which I think people are trying to start up here at Lotus Glen. In all the jurisdictions there have been developments in that area. It is something that should be supported.

**Mr LAMING**—I was trying to assist my colleague not debate him. There is a very important epidemiological point that remained unclear at the end of that questioning—the sense that because Indigenous detainees are more likely to reoffend, therefore, we need to be intervening with conferencing or Circle Sentencing at a different time. I am trying to clarify the survival curves for the likelihood of reoffending have not been broken up according to the number of times an Indigenous person has reoffended—if it has, it is news to me and you need to let me know. If not, there is no case for intervening with conferencing at any particular number of reoffences by an Indigenous person. I was not trying to be belligerent but the data is not telling us that. The data at the moment is telling us that conferencing is potentially more effective and the survival curves to reoffending may be longer but we are not making any claim that intervening at a particular point is more effective.

**Prof. Cunneen**—No, not in terms of the—

**Mr LAMING**—The number of times they have reoffended.

**Prof. Cunneen**—That is true.

**Mr LAMING**—It is very important, because we do not want a recommendation saying that conferencing is more effective at first offence than at second or third—it is effective throughout the number of reoffences.

**Prof. Cunneen**—But with the way that the justice system operates it is more likely to be used at those earlier stages because either the police, the magistrates or the DPP are less likely to agree to an alternative to a court process if the person is already at their third, fourth or fifth point. It tends to happen anyway at that early stage.

**CHAIR**—Professor Cunneen, we thank you for your observations. While we are about it, we will do whatever is formally necessary to include your papers.

**Mr LAMING**—You have got two papers?

**Prof. Cunneen**—Two papers.

**Mr LAMING**—Can you tell us which is which and where they are going?

**Prof. Cunneen**—The longer paper by Fiona Allison and me has been submitted to the *Sydney Law Review*, and the shorter paper was presented to the Australian Institute of Criminology conference.

**CHAIR**—I need one of the committee members to move that these papers be accepted as exhibits.

**Mr LAMING**—I will do that.

**CHAIR**—You do not mind if these are published on the web?

**Prof. Cunneen**—Not at all.

**CHAIR**—Thanks, that is terrific.

**Prof. Cunneen**—Thanks.

[2.02 pm]

**COLLESS, Mr Major Robert, Manager, Cairns and District Aboriginal and Torres Strait Islander Corporation for Elders**

**GO-SAM, Ms Julie, Coordinator, Innisfail Community Justice Group (Aboriginal and Torres Strait Islander) Corporation**

**CHAIR**—I welcome Bob Colless of the Cairns community justice group. I gather that in a little while we will be joined by Julie Go-Sam, who is from the Innisfail Community Justice Group—her bus is late, but she will not be long.

I guess, Bob, you have heard what we do. It is a good thing from our point of view if somebody who is giving evidence to us can make an introductory statement explaining the context they come from and the basic points they wish to make.

**Mr Colless**—I work for the Gumba Gumba Elders Justice Group. It is the peak Indigenous elders organisation for Far North Queensland. I also work with the Cairns Community Justice Group. Gumba Gumba is the endorsed community justice group for the Cairns region. We have a number of programs which we work with, some of which are a type of out of school hours care program which is different to the general out of school hours care program. We talk about culture, respect and careers. We have also developed a program with the Department of Community Safety called the Indigenous Elders Visitation program, where my elders visit Lotus Glen twice monthly.

We are involved in other programs with the Cairns Murri Court and also the Youth Murri Court in Cairns. Because of where we are located, we have networked in with all of the justice groups in the cape and in the Torres Strait and quite often we will support other justice groups in the region, particularly with delegations to Brisbane. If we are talking about matters of tribal law working in association with Westminster law, Gumba Gumba Elders Justice Group are generally willing to sit down and discuss those issues. We have had some successes in the past with various departments. Unfortunately, a lot of good programs are funded but, due to a number of factors, the funding ceases, or sometimes departments will strangle a program by putting unrealistic demands on it.

**Mr LAMING**—Could you tell us more about those demands.

**CHAIR**—We hear a bit about that, you see.

**Mr Colless**—One of these matters—saying it straight—was when the Department of Communities created a new department called Child Safety Services. It seemed to me that the right hand did not know what the left hand was doing. A lot of people were not sure how far they could go and whose jurisdiction was dealing with this. There seemed to be a propensity to go into the cape, act on an allegation of abuse and bring the child out to Cairns. The immediate result was that the infrastructural support was not always followed up here in Cairns because of the haste with which these things occurred. Procedures that were agreed to through consultation

and information-sharing with families and the community in general never happened. Over at Yarrabah, one family told me that the way that the department acted was like a Gestapo raid that they had seen on TV, where the department went over, snatched and grabbed the child and got out, saying, 'We'll sort the business with the child out later.' It just goes on and on.

We have difficulties with the police at times, with how the police operate and with their lack of willingness to share information. It is ongoing, as you are constantly jumping through hoops that they are putting in front of you—and I am talking specifically about the QP9s and criminal history matters. If we are to adequately represent individuals in court, we need access to these. Without this information, our submission to the court could be incorrect, highly inaccurate, and in fact may have no consideration for the victim as well. If the Murri Courts in Queensland are to operate effectively, they need the same information that the legal services get and the same information that Child Safety Services gets if it is a juvenile matter. The justice groups are willing to be vetted by an independent agency to ensure that their systems are confidential, their systems are above board and the matter can be treated in the correct manner in which it is meant to be treated.

There are other obstacles. Legislation has an immediate effect on our children and how we operate. The way the department of immigration works, immigration seems to happen in waves up here. Some of our programs are Indigenous specific, but it is hard to enable other families or children to participate, even though they may be living in this suburb or in fact living next door to children that are going to these programs; it seems to take an awful lot to get some of these departments to agree to allow a South Pacific islander child or another child in. Yet, when they go out and do the break-and-enters, some children are allowed to come into the Murri Court because they are Indigenous, and others, who are co-offenders, cannot come in. As a justice group we find that we are representing people outside our jurisdiction to try and assist them as well. They are just some examples.

**CHAIR**—What about the amount of funding you have? My question made Julie Go-Sam smile! We have had conversations in other places about what appears to be an imbalance between the amounts of funding that are available in the ordinary fashion to a government agency as compared to the amounts of funding that non-government organisations get while they attempt, nevertheless, to match the services that are being provided by the government agencies or to meet the demands of the government agencies.

**Mr Colless**—A very good example is that, with the new funding model for the 52 justice groups in the state, the coordinator is considered to be at a 4.2 level. Some of us in previous employment were 6s and 7s, and we are expected, because we are committed and passionate, to drop to a 4.2 level, yet the person within the department who has a similar duty statement is at a much higher level. Funding is always an issue. Of the Queensland Murri courts, only five are funded. The other 11 in Queensland are considered non-evaluated. As such, they do not have a paid coordinator, a court officer, appointed to assist the justice group and its elders. My elders are paid \$36.50, but Brisbane will only pay for two, so the justice group has to cover the other two others that we use within the court. However, if you are one of the five evaluated courts, four justice group elders will be funded and there is other funding available to you. So there is an imbalance just within the Murri courts in Queensland. When we went to Mildura, the justice group there that runs the Koori Court told us that the elders that attend are paid \$300, but they have legislation that supports the Koori Court in its deliberations.



**Ms Go-Sam**—Justice groups have always been underfunded. When we first started out in Innisfail, we were only on \$40,000. My wage was \$15,000. I worked from nine to five and worked in a pub at night just to pay my rent. But that is the commitment that a lot of the justice groups have to help improve our community. The problem is that there is no funding for programs. When they set up the justice groups, they expected us to run programs on that \$40,000, and they still expect us to run programs on \$82,000—and they dropped us \$1,000 as of next year. Most of the project officers that oversee us are on \$83,000 a year, yet we get that amount of money for the whole year and are expected to do a hell of a lot of work. My duty statement runs into three pages. I do not how you expect me to do all that, but we have been trying to do it. There is never any money for programs or anything in our areas, especially in the rural areas. Brisbane, Townsville and Cairns get a lot of money and have programs. We cannot access those programs were I come from. The area that we cover as a justice group is from Babinda right through to Cardwell. How do you expect us to cut the rates of Indigenous offending when there is nothing in place for that mob to stop?

**CHAIR**—When you say you are expected to run programs, can you be more precise about that. Who is expecting the programs to be run?

**Ms Go-Sam**—The justice groups. The state government expects the justice groups to run programs on the money that they receive.

**CHAIR**—Do they put forward propositions to you about projects that you should run? Could you spell out what happens between you and the state agencies.

**Ms Go-Sam**—When we first got our money a few years ago, \$40,000, we were expected to set up programs ourselves and run them with the \$40,000. The thing is that you just cannot. We used our initiative and started doing our own programs where we went out into the community and asked for fundraising or donations or whatever. We did it ourselves. But we also had the CDEP program then and we had 17 extra people who could help us. When CDEP closed, basically everything else did too. We did not have that extra assistance to help us. I am full time there. I am the only full-time person, funded by the state. I do get funding from the Commonwealth for night patrol, which is two people, and 0.5 funding for a bookkeeper. And yet, like I said, our area is massive. So I have to run between all these places and try and help all these people in court, juveniles and adults.

**CHAIR**—Are you saying that if you do not deliver the assistance there is no-one else around who will?

**Ms Go-Sam**—We have just drawn up a program for men, women and children—the whole family—that we have sent down to Canberra to see if we can get funding. I am not asking for any salaries in it. We are using the services that we have there to deliver those programs, like ATODS, the local medical centre, mental health and places like that. If they give me that funding that will be great because at least I will have something in place there. We have been incorporated since 2002, but right up until this point we really have not been able to make much of a dent. We do all the right things. We talk to the police and we get on fairly well with our police down there. But it is really hard when there are juveniles continuously offending and young adults continuously offending simply because there is nothing for them to do.

**CHAIR**—You have anticipated my next question. I ask you both: what do you think it is that drives offending behaviour amongst young people in your areas, for the most part?

**Ms Go-Sam**—Boredom. In my area it is boredom. The only industries we have down there where you can get any kind of work are bananas and sugar cane. The other thing is that these children have no respect left. The rights of parents to discipline their children have been taken away. If they discipline their children, the children turn around and say, ‘We’re going to have you charged with assault.’ Then Child Safety comes in. So we are caught in the middle. What do you do? Do you give the rights back to the parents? If you gave them back to the elders and went back to the traditional ways, I tell you you would not have any of these problems.

**Mr Colless**—When the departments ask us to do something—whether it is mentoring little Johnny or Janie or providing a program of intervention or prevention or something of that nature—Gumba Gumba elders generally charge on a fee-for-service basis. So my elders do get some financial remuneration for their time, which can be demanding. My elders are different to sport stars. We have tried to include the sport stars from up in this area, but if you wake them up on a Friday or Saturday night with a young person in crisis, they are not interested. My elders generally do not drink. They might sleep a bit longer, but generally they are available to provide good solid advice to the young person when they are in crisis and a system kicks in where we do our best to pick up with that young person at the earliest opportunity.

In Cairns, one of the problems we have is the sheer number of Cape York and Torres kids who come down for various reasons. I believe it is peer pressure—the bright lights and everything that they have seen on TV up in their communities is available here. They want to experiment and try it all. There is a sort of attraction to living on the streets. Some of these kids come from good homes; they have not all had abused childhoods and come from bad homes, but there is this kind of attraction to the streets. When we did a report into homelessness for one of the departments, we had to re-look at the definition of ‘homeless’. Some of these children are homeless on weekends only. They have various uncles and aunts. You would have heard the term ‘kinship connection’, and most of us Indigenous people have some home to go to, even the Kowanyamas and the Aurukuns and that here.

It is a choice for these children of whether or not they wish to go home, and if their friends are going to rob someone who looks like they could be cashed-up and they want to be a co-offender, not too much happens to them. The detention centres are just training grounds for going on and learning better tricks for how not to get caught. They also learn to tell us, the social workers and the departments what they believe we want to hear. So the detention centres are no help either. In my opinion there is an element of peer pressure that is very negative. Drugs seem to be an excitement. Getting drunk and the various activities that go along with it seem to be some sort of excitement. It is promoted as such on TV and wherever you look, and our sports stars are not good role models.

**CHAIR**—On the basis of that analysis, is it worth bothering? What do you think would be useful policy to reduce the rate of offending?

**Mr Colless**—I work for a council of elders, and we often have think tanks on matters that involve Indigenous people in this town. We often have other justice groups or elders organisations from the Cape or Torres join in with us. Julie and I represent eight justice groups in

this region. There are eight regions in the state, and we sit on the state body which covers Queensland pretty well. The discussions of my elders are no different to what elders in Ipswich and those down south have to discuss. We are facing the same problems. They might have more chemical or hard drugs to deal with, but in some of our communities up here everyone has a couple of plants growing nearby. We do not have the drug labs in the next suburb that we know to go along to and get what we want. You probably know that there is evidence out there saying that boot camps do not work. That may be the case with non-Indigenous kids, but let us be clear that boot camps do work for Indigenous kids, particularly if they are aligned with culture and if that is part of the training. Culture engenders respect and leads toward a career.

There was a rehabilitation farm up here that was closed down through poor management. The old couple that ran that farm had an 87 per cent figure. Warren Entsch was a part of that program and Bob Scott, when he was the Labor member for Cook, supported that program. We certainly supported it. My mother was one of the foundation members of it. That program had such a high percentage for keeping the kids, retaining them. They would complete the order that the department or the courts had imposed on them and they were able to continue schooling. There was a figure of 80 per cent for getting them jobs. My background is TAFE college and off-campus training. I never realised how multiskilled a ringer is. Up here in the north the cattle industry has always been a major part of Indigenous people's lives. There is the way that Indigenous corporations buy cattle stations. There are a number of them up here. The particular training farm that I am talking about was such a huge success, but that old couple are retired. People say continuously that there is evidence boot camps do not work. That may well be, but this is where Indigenous people are different again. Indigenous people like practical, on-the-job things.

**CHAIR**—We do not want to get tied up with language but it does not sound to me as if you are talking about what the Americans call a boot camp.

**Mr Colless**—It is not.

**CHAIR**—It is a camp with a good deal of disciplines, not a boot camp. A boot camp is where you get flogged half to death and you do not know why it is happening to you.

**Mr Colless**—We certainly do not apply the American GI style of discipline, but I can assure you that the walks—

**CHAIR**—Actually there is a lot of evidence, mainly anecdotal, that the kind of thing that you are talking about really does work.

**Mr Colless**—It does.

**CHAIR**—We have heard evidence within the last couple of days about several other places around the country. For instance, at Ipurla outstation, far out in the Central Desert, there is exactly the same kind of thing happening.

**Mr LAMING**—Can I throw in a question. Because time is limited, can I give you this picture and get you to tell me what you do not like about it. To me justice groups are the seeds that will eventually become an Indigenous legal and courts system. I do not understand why you guys are

not paid like Aboriginal nurses or health workers or teachers, so on the same salaries, and why you are not recruiting members who would be on the community full-time with justice training and ultimately legal assistance training and the ability to make their own judgments with the assistance of a court or to deal with offenders before they get to court so you have already sorted it out with your own Indigenous solutions and say, 'This is what we've come up with.' If there is no other way around it—and we are not dealing with serious offences like children's, violent or rape, but we are dealing with the rest of them—there is the possibility that there are small detention facilities that effectively allow elders to have contact with these young people rather than losing them to big cities. What is the problem with that picture?

**Ms Go-Sam**—You wonder why we do not get paid like nurses. We wonder too.

**Mr LAMING**—Would that help the situation? First of all, you would be paid better but with it you would have more responsibility, more professional recognition and a lot more expectation.

**Ms Go-Sam**—We have already got that responsibility.

**Mr LAMING**—So you have but you have not had the money to go with it.

**Ms Go-Sam**—We do not get paid for it. Like I have said, we do it for our community, to keep our kids out of there. We try to do programs. On the weekends I will pick up kids around the community to go out fishing or something. We do not get funded for any of that. Most of the time we pay for our own petrol, even to pick up clients to bring them up to Cairns for them to go and see their solicitors.

**Mr LAMING**—So where you actually do all of the work right up—

**Ms Go-Sam**—We do do all of the work.

**Mr LAMING**—to almost replace a court? A court hears from what the justice groups have decided for their own people.

**Ms Go-Sam**—They do that now. We make submissions to the court on behalf of the clients, not with the pre-sentence reports. Most of our submissions through the magistrate's court go on. We sit in with the client when they are talking to the solicitor. That is to ensure that that client understands exactly what the solicitor is saying, because many times they will come out and say, 'Now, what did he say?' Then you have got to explain it. We make those submissions through the solicitor on behalf of the client.

For the district courts we do written submissions, presentence reports and other business, and the magistrate will often ask us about something if she is unsure. For a long time we could not refer our clients to the QIADP courts up here because we were out of jurisdiction. Rose Colless Haven closed down up there, and that was the only place we could refer our alcohol clients to.

**CHAIR**—The magistrates were quite happy to send kids to Rose Colless's farm?

**Ms Go-Sam**—Yes, they were. It was a great place, but then it closed down. We had nothing in our area. For a long time we could not send people to the QIADP court. Now we can, but that

has only been this year. We have had a lot of people that really would have benefited from it, but we always seem to be out of that area. I have always said we are in a black spot. From Babinda down to Cardwell, nobody wants to know us. There is nothing there for us.

**Mr Colless**—QIADP, the Queensland Indigenous Alcohol Diversion Program, is being trialled in three sites in Queensland. Because it is a pilot program there were specific areas that they wanted to trial. Cairns, Rockhampton and Townsville were recognised as having a transient Indigenous population, and one of the biggest issues bringing in the department of health was alcoholism. So it was really designed as a pilot program, and it is still in pilot phase. QIADP now accepts certain people from the Torres Straits, the cape, Innisfail and Kuranda, but they are still at a minimum because it is a pilot program that is relevant to Cairns. With regard to the Rose Colless Haven, the program that used to be run up there, CARRP, the Cairns Alcohol Remand and Rehabilitation Program, is available and is currently being run out of Gindaja at Yarrabah. That program is up and running and the department of communities have made it available.

**Mr LAMING**—Thanks.

**Mr TURNOUR**—Thanks for your presentation. It is appreciated. We all recognise that we need to get more resources in to pay people who do the work you do. We can make that recommendation but, in the end, it will be the state that has to pay, so there might be some roundabouts on that.

**Ms Go-Sam**—It would be better if you looked at community based programs, initiatives from those communities. It is no use us having programs up here in Cairns, because people are not going to move away from their areas. They have to have programs within those areas that we can work with continuously, even for people that are coming out of jail, so that there are things that are in place for them.

**Mr TURNOUR**—Talking about people coming out of jail, could you make some comments about how effective the system is at the moment in helping people coming out of jail to get back to communities?

**Ms Go-Sam**—There is no system in place. They come out and are homeless. Some stay with family and friends; some cannot, so they go back to alcohol, because there is nothing there for them. They come out with nothing, so they go back to alcoholism. A lot of them do in our area, unless they have full support.

**Mr Colless**—I used to work with corrections and there is a transitional program but, unfortunately, it is not as effective as it should be. Just as a little bit of history, Gumba Gumba elders group, which was formed by my mum, Rose Colless, used to run the alcohol rehab centre here, Douglas House. When these people are released from Lotus Glen, it was recognised that there is a three-day window to get them back to their community. If they are here longer than those three days they will generally get into problems, and there are lots of reasons why. One of the best people to speak to about all of those reasons is sitting in the audience. Judy was in this game for a very long time.

I would just like to answer one of your questions, Deputy Chair. I want you to be aware that Corrections used to have outstations on the cape for people who had six months left on their

sentences, where they could go back to be with their families. That was Oriners at Kowanyama, Baa's Yard at Pormpuraaw and Wathanin at Aurukun. In my opinion, they were very, very successful. The general manager at Lotus Glen and I did most of the consultation with the communities to get their men. In all the years, I never came across a person who did not want to go to one of these outstations when he was eligible.

**CHAIR**—So you released people straight into the community instead of out onto the Esplanade in Cairns.

**Mr Colless**—I think I may not have explained it clearly. They still had time to serve. They were within six months of being released. So they were under an order, but they did go back to their community. They were generally brought into town once a week. There were some complaints that these guys did not have what someone in Caboolture or the Gold Coast had. Sometimes my mob would prefer to kill their own bullock and cut it up and make a good day of it. They are all life skills. They used to go out and do a day's fishing to supplement. I just want to point out that these people felt that they were contributing because when they went back to their communities at weekends they went back with fish or a big lump of meat or whatever. They were still contributing to their families. While they are incarcerated in a correctional centre there is no contribution to the family. There is no continuing connection with the family. The kids cannot jump on his lap and pull the hair on his chest. These blokes had to earn the right to go to these outstations. They needed to have no breaches to be eligible to go there, and these blokes generally toed the line.

I will also point out that some of these people needed medication on a regular basis to stop some of this behaviour. At these outstations they were taken into the clinic and they were getting this. All us men, we need our women because they will remind us that this medication has to be taken. If it comes from our partner we know that it is not going to affect us in some way and is not some sort of chemical thing that might cause us trouble. Sometimes people can have a reaction to some of the modern-day medicines. What was happening was that these guys on these outstations were getting into a routine. One of these chaps was in fact the chairperson of Pormpuraaw, and he has never returned to Lotus Glen.

**CHAIR**—You were saying that the outstation program was abandoned.

**Mr Colless**—Yes, it was. All three of them.

**Mr LAMING**—Very briefly, why was that? Was it because of resourcing or policy change?

**Mr Colless**—I have my own views on that. There are so many rumours that I think you would have to take that up with the corrections department.

**Mr LAMING**—Thanks.

**CHAIR**—Thank you both very much. That is terrific.

[2.41 pm]

**O'DONNELL, Mr Thomas Hugh, Manager, Flexible Learning Centre, Department of Education and Training, Queensland**

**CHAIR**—In an attempt to stay on time, we will move straight to welcoming Tom O'Donnell from the flexible learning centre. I think, Tom, this is a relatively late submission.

**Mr O'Donnell**—Yes.

**CHAIR**—So we do not know a lot about what you are going to talk about. On the other hand, we have heard from witnesses several times, even today, that ensuring that a kid stays at school and actually begins to learn something is probably the single most important element in successful progress on to a better life. We are happy to welcome you here. Do you have anything to say about the capacity in which you appear? Then we would like it if you would just talk to us a bit about what you do, and then we will possibly follow up with some questions.

**Mr O'Donnell**—I am the regional manager for behaviour support for the Department of Education and Training and also manager of the flexible learning centre.

**CHAIR**—Great. Tell us what the flexible learning centre does.

**Mr O'Donnell**—Okay. Usually I will take about three or four hours to do so, because I love spruiking what we do. I am a little surprised that my name got raised, but I guess we will work that out in time. We are a little bit unique in the Department of Education and Training in that we have been going for approximately 11 years, in that we have a multidisciplinary team of social workers, psychologists, teachers, a guidance officer, youth workers and teacher aides working to keep educationally at-risk young people in some form of education or pathway to training or work. We do that with programs that are on site at the flexible learning centre, with work within schools and with professional development of teachers and staff and development of parents within school communities. We also have a role to play with the whole region in working with communities throughout the region in giving advice and supporting those kids that are educationally at risk. They would include kids that are about to head into or have been in the youth justice system, along with those kids that are displaying behaviours which are complex. But we are also working with those students who are perhaps displaying behaviours that may be due to volatile substance abuse, foetal alcohol syndrome and those sorts of cases.

**Mr LAMING**—How many Indigenous people are employed and how much are they paid?

**Mr O'Donnell**—By our service?

**Mr LAMING**—Yes.

**Mr O'Donnell**—We do not have any right now within our service. One of the issues we have is getting personnel who are trained and able to work in our field.

**Mr LAMING**—In some of the communities you visit, there would be qualified Aboriginal teacher aides?

**Mr O'Donnell**—Yes, that is right.

**Mr LAMING**—Are some of those free in the afternoons to be engaged by your program and, if so, what would need to happen for that to occur?

**Mr O'Donnell**—Absolutely. With everything we do we involve Indigenous elders, CECs—community education counsellors—teacher aides and anyone else within the community that we can to engage and work alongside us with kids and families.

**Mr TURNOUR**—You put in a submission, which I have here. I gather we got it late last week. You talk about a range of programs and resources. Can you explain those to us? There are a fair few acronyms in there that mean nothing to the lay member of parliament. It might be useful if you would run through some of the programs and resources that you provide.

**Mr O'Donnell**—I will go through them dot by dot. Individual family counselling is probably self-explanatory. Functional behaviour assessment is a tool that we use for extreme, complex cases where we case manage very closely young people who are displaying complex behaviours within the school environment. That includes working with parents, the wider community and anyone else who is involved in that environment around that young person. Alternative education programs are the ones I was talking about earlier that are on site. As our name suggests, we are very flexible in those programs. We deal with kids that are suspended or excluded from school and kids that are at risk of suspension or dropping out of school. We work with all those young people in those alternative programs. We also work with a lot of kids who are in the care of the department, which is another issue which comes up quite frequently.

Positive learning centres were rolled out by the state government in the last four to five years. We just rolled our regional resources into our facility. They cater for 10- to 15-year-olds who are educationally at risk. Our links program is a program for 15- to 17-year-olds who are totally out of the education system. These are generally kids who are engaged, unfortunately, with the youth justice system. We do have a fair number of Indigenous students in that program. That is finding pathways for them and doing some very functional numeracy and literacy programs and then looking at what options are available—going back to school, going to work, going to TAFE and so forth. Our SWAMP, Students with Awesome Multimedia Potential, program, was a homework club for kids who did not have the computers or technology at home to be able to do homework.

There are various adventure based learning programs, like Rock and Water and Seasons for Growth, that we do within schools. Our parenting program and the managing young children program are very much based on early intervention with families. We work with kids from the age of two through to 10 and, using a two-way mirror, we film and do some very intensive work with family. We actually set up conflict between the parent and a child and work out who has the power in the relationship and talk the parent through it. We spend a number of sessions doing that, and then we also spent time in the home to put whatever skills we are learning within that environment back into the home.



There is universal school support. School wide positive behaviour support is something that we are rolling out to all schools throughout our region, and that is enabling schools to look at their whole school community and their environment. It is done as a whole-school approach and not looking at every individual case at a time. We are looking at a whole-school approach and a whole-systems approach; we are looking at data, how that influences systems and how that intersects with our practices within a school community.

There is BBBL online, ESCM and the BBBL suite—that is, Better Behaviour, Better Learning, and Essential Skills for Classroom Management. They are state-run education programs that we do for professional development with teachers in every school throughout the region. In our facility we currently have the Cairns Youth Mentoring Scheme as part of our service. We support that program. That is something we could touch on as a strategy when working with young people. We see that as something that does work. We also support students with disabilities.

**Mr TURNOUR**—How many people work at the Flexible Learning Centre?

**Mr O'Donnell**—We have 22 people working with us.

**CHAIR**—What sort of number of kids?

**Mr O'Donnell**—Last year we had just over 600 referrals. That included suspensions and exclusions, therapy team referrals for individual family counselling, and going out to communities. We included that as part of the numbers.

**Mr TURNOUR**—Is this state based funding or do you have a federal program?

**Mr O'Donnell**—We have state based funding.

**Mr LAMING**—Are they all teachers or are there social workers or other services?

**Mr O'Donnell**—We have four social workers, two psychologists, eight teachers, two youth workers, a guidance officer and a couple of teacher aides.

**CHAIR**—You were saying that a substantial number of the kids are Indigenous.

**Mr O'Donnell**—I would say that, remembering our data from last year, 30 to 40 per cent of the population coming through would be Indigenous.

**CHAIR**—Nevertheless, it is harder for you to get the kids in remote settlements? It is hard to get to Aurukun.

**Mr O'Donnell**—Yes, it is. It is the debate around whether we have a fly-in service or do we support the community that is already there? We try to do a combination of both. My view around that is that there are a lot of resources going into these communities. What can we tie in with those resources to enable whatever we could do with the school community? For instance, with Aurukun, last year there were a number of young people who were displaying very complex behaviours. They came with their families and spent four weeks with us. We worked with the

young person and their family. They then went back to the community and we would continue that work and engage the staff there. Part of that is that the staff would come to our centre and we would train the staff around what they could do within their school community to work with some of those issues. I am talking about things around attachment theory and really complex mental health and psychiatric issues.

**CHAIR**—People constantly talk to us about problems with coordinating services. It is inevitable that there will be problems coordinating services, but are you aware of being able to connect with people like ACT for Kids, who were here earlier today?

**Mr O'Donnell**—Absolutely. We would do a lot of work with—

**CHAIR**—How do you do that?

**Mr O'Donnell**—Through very good relationships, knowing what is out there and collaboration. If we have a strength in Cairns—and it is perhaps a little bit lacking around the region, in the communities—is knowledge of resources and other groups working with whatever group they are working with. We do a lot of work with co-facilitation and collaboration with ACT for Kids as well as a lot of the other agencies around town.

**CHAIR**—You reckon that you can do a lot to restore the learning competence of a lot of these kids. It is very hard to make a conclusive evaluation in many cases, but are you able to talk about what you regard as the level of success?

**Mr O'Donnell**—That is a really good question: how do you manage success? If we get a kid turning up and engaging a service, sometimes that is as good as it gets. Sometimes for young people taking a risk with education again, given that they may have had a poor history up to that point, is very difficult. What we are there to do is to try and really engage those young people to take that risk. We do get success. With that links program, for example, 44 kids came to us last year. These are kids who have been out of the education system for two or three years. They are in the 15-to-17 age group. I would say that 70 to 80 per cent of those kids ended up back at school, in a traineeship or at TAFE doing something. It was a very intensive program. We work collaboratively with other agencies such as Youth Justice, YOP, ACT for Kids and what have you. A lot of that success was due to a lot of patience and not giving up on the kid. A big influence is engagement of a significant adult in that young person's life. If we were able to get that, we started to get success.

**Mr LAMING**—Assuming these 22 are full time, it is about a thousand hours a week. How many hours a week are spent by your staff in one of the 11 cape communities?

**Mr O'Donnell**—Very few. Again, we have the relationships with the schools in the communities and work with those schools and do the professional development with the teachers. Out of those 22, there are three people that are regional: me, the guidance officer and our manager of PD, who is a teacher. We facilitate whatever we can be doing with the school communities and work with the school communities about what they can do and set up. For instance, on Thursday Island they have set up an alternative education centre. Weipa have set up an alternative education centre as well. That has been through us helping to set up those on-site programs in the community and doing that capacity building within that community.

**Mr LAMING**—Who pays those people to deliver capacity building?

**Mr O'Donnell**—The department of education.

**Mr LAMING**—Are they teacher aides?

**Mr O'Donnell**—Teachers and teacher aides.

**Mr LAMING**—Any Indigenous?

**Mr O'Donnell**—Yes, they are Indigenous.

**Mr TURNOUR**—You say that engaging a significant adult is one of the best things that can possibly happen. You obviously support the Cairns Youth Mentoring Scheme, but what else do you support? What sorts of things are you talking about in relation to ensuring that families understand their importance to their children? How can we beef that up?

**Mr O'Donnell**—It is about enabling someone who has a care factor in that young person's life and about acknowledging and challenging that adult's importance in that. That is about support through education, through emotional and social care and through taking an interest in whatever this young person is doing or not doing. The difference is quite stark between the route someone coming out of detention who does not have a significant person in their life takes and the route of a young person who comes out of detention who has someone—a family or something—who they are connected to. Sometimes it is just as hard, but there is a greater success rate. With education, when someone takes an interest—pushing that young person and motivating that young person to take that risk and be involved in that education process—that has a strong effect.

**CHAIR**—Your service is in each region in Queensland?

**Mr O'Donnell**—It is unique to Cairns. The education department saw fit to employ a social worker to lead it, not a teacher. I am a social worker, so I come from a different paradigm. I think that is how we have set up something a little bit different, with a different way of thinking around how we tackle young people who are educationally at risk. Throughout the rest of the state, there are flexible learning centres or positive learning centres, but they are teacher based and are not a resource with a multidisciplinary team.

**CHAIR**—That is terrific. Thank you very much.

[3.00 pm]

**SINCLAIR, Ms Genevieve, Manager, Youth Empowered Towards Independence**

**CHAIR**—We agreed earlier in the day that we would have a really quick word with Genevieve Sinclair. Welcome. Youth Empowered Towards Independence is a mysterious body in Cairns which I believe Genevieve is going to tell us about. Genevieve has made a quite late written submission to our inquiry, but, having heard some of the evidence during the day, she wanted to talk to us briefly about the content of that submission. In particular, you want to tell us about what you discovered from doing a survey of young Indigenous people who have been in and out of juvenile detention centres and, I think, prison as well. It may be illuminating.

**Ms Sinclair**—We are a community based organisation in Cairns. We work with young people aged from 12 to 25. We are funded by the Department of Communities, the Department of Health and Ageing and Queensland Health. Primarily we are a drug and alcohol and mental health service. The most relevant aspect of our service for this inquiry is the very busy drop-in space that we run downstairs. That is funded by Youth at Risk money. We employ 12 staff. One-third of our staff are from Aboriginal or Torres Strait Islander backgrounds. Over the last six months we saw—I looked through the stats the other day—about 150 young people coming through our drop-in space, and 95 per cent were Aboriginal or Torres Strait Islander young people. We are talking about very vulnerable young people who have been disengaged from the school system for a long time. Many of those young people at the lower end of our age group. Almost all the young people who attend the centre have had some involvement with the statutory system, the justice system, often repetitively—in and out of Cleveland. Some of the older young people are in an out of Lotus Glen frequently. Almost all was minor, recidivous-type offending—public nuisance charges, graffiti, shop stealing and all those sorts of things.

What we see through the centre is lot of intersection between drug and alcohol use, mental health and particularly inhalant use. We find that comes in peaks and waves. We also have a large number of young people involved in the intersection between the care system and the statutory justice system. About 70 per cent of young people involved through the centre were involved with the state care, child protection system in some aspect—either themselves or their families or in post-care, transitioning from care or ex-care. One of the observations we have made is that we do not tend to attract a large amount of local young people. A lot of the young people we see are from the Torres Strait and there is a large influx of young people from particularly Woorabinda, near Rockhampton, and some are from Central Desert. We are dealing with a group of young people who do not have significant local connection. Some do. Some have families here who will work with as well. The lot of them are extremely isolated and disconnected from country. We spend a lot of time facilitating their contact with family, assisting with brokerage to get kids home, and facilitating contact between people who are in the prison system and with family who might attend the centre as well. We also deal with a large number of young people who go through the watch house system—11- to 14-year-olds who are held in the Cairns watch house—and a large number of people who are exiting from Lotus Glen and arrive with little support on the ground.

This was really last-minute; someone had just notified me. I apologise for a really late submission. We had a chat to some of the kids yesterday who were in the centre. There were only five or six of them. Mind you, I was a counsellor there for a long time before I was managing. I have frequently discussed young people's experiences of incarceration and reasons for offending. We were talking to the young people about their experiences in the adult watch-house or youth detention centre and they were fairly clear that they did not enjoy that time. They definitely preferred to be in community.

**CHAIR**—This was the specific thing that you and I spoke of informally. There is a belief that is quite widespread around the country that juveniles and young adults treat going to prison as a rite of passage, as a good place to go to meet your mates and as a place that proves you are tough. All sorts of imputations are made about whether young Aboriginal people like going to prison and if they do why. I gather that you have been specifically asking them this question. I am really interested in why it is that you think that those propositions are not right.

**Ms Sinclair**—Firstly, I do not want to be speaking on behalf of all Aboriginal and Torres Strait Islander people, or even young people that attend our centre. It is only the five young people I spoke to yesterday. We often provide a court support worker to go to the children's court each week so we see a lot of the attitude that accompanies young people's engagement with the court system. There is definitely a lot of, 'Yes, I am off to Cleveland,' but I would not say that young people, when we are hanging out with them in the drop-in centre, speak positively about their experiences in detention. They are frequently very relieved that they have not been sent through. When they were asked about their experiences in detention they generally say that it was not bad. It was slack. They did not hate it, but they did not want to be there. When they are in detention they call, often quite regularly, to talk to workers in the centre about what is going on and planning for their exit and they make it quite clear that they do not enjoy being there.

**CHAIR**—There would not be many people left in Australia who think that it is a good idea that youths are treated so harshly in a detention centre that they are positively frightened of going there, but the actual issue is whether being incarcerated is a deterrent. The rhetoric that I have been speaking of suggests that imprisonment is no deterrent for some young Aboriginal people, but you are sceptical of that I understand.

**Ms Sinclair**—I would say that it is no deterrent. Generally with most of the young people we are working with the crimes and activities they are involved in were incredibly spontaneous. They took risks when influenced by their peers. They were not thinking through consequences when they undertook them. Often the young people we are seeing are inhalant affected, which itself accompanies—

**CHAIR**—So they forget that detention even exists?

**Ms Sinclair**—Yes. I think that is not the thought they are having when they are engaged in those types of activities. I would not see it as a deterrent. I do not regard that they see it as a rite of passage or have a need to be there. There is no banter between young people who have spent time in detention and others about—

**Mr LAMING**—Without putting words in your mouth, Genevieve, I wonder whether these kids say different things when they are in detention to people like you than they do when they get home to their communities. I wonder if the message simply changes. That is a possibility.

**Ms Sinclair**—Yes. When managing the drop-in centre we have the luxury of seeing and being involved in a lot of the peer interactions that are happening between young people. Young people are not getting out and boasting and saying what a fabulous time they had or making it sound appealing to other young people.

**CHAIR**—That is terrific. Thank you for taking the trouble to be here all day.

**Ms Sinclair**—It was interesting. Thanks.

Resolved (on motion by **Mr Turnour**):

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 3.11 pm**