

TRANSCRIPT OF HEARING



FILE NUMBER:	
Commissioners:	Commissioner Kim Wood (CW) Commissioner Bronwyn Fredericks (CF)
Presenters:	Noel Pearson (NP) Zoe Ellerman (ZE) Adrian Burke (AB) Michael Thomas (MT) Karen Davis (KD) Jason Hunt (JH) Sarah Tucker (ST) Brett Thompson (BT) Samara McPhederan (SM) David White (DW) Tammy Solonec (ST) Jan Hammill (JH) Questions/Comments - various

Inquiry into Imprisonment and Recidivism

Brisbane Public Forum
conducted at QPC, Level 27, 145 Ann Street, Brisbane
on 10 May 2019.

QUEENSLAND PRODUCTIVITY COMMISSION

CW Good morning everybody, we'll make a start. A formal presentation, our first presentation is at 9:15. Welcome, thank you for coming. This is the second and final day of our Brisbane hearings. I'm assisted by Commissioner Bronwyn Fredericks, and my name is Kim Wood, I'm the presiding Commissioner in this inquiry. Bronwyn, would you care to do the acknowledgement?

CF So good morning everybody, Bronwyn Fredericks is my name, and as Kim said, I'm one of the Commissioners with this inquiry. In light of today and the formalities of business that we're undertaking in Brisbane, I do acknowledge the country in which this session, this public hearing is taking place, and we respectfully acknowledge elders, both past and present, and I ask that people do speak and have that within their minds in terms of sincerity and integrity of speech today, with both the Commissioners, myself and Kim Wood, but also the other people that are within the audience today. Thank you.

CW Thanks Commissioner Fredericks. Today is the last of our four public hearings. We've had formal hearings in Cairns, Townsville and, and a previous hearing in Brisbane. The purpose of these hearings is to facilitate public scrutiny of the draft report, to get some feedback and to help us understand what we got right and what we got wrong, issues that we've missed. After the hearings we'll be working hard to produce our final report which is due to government on the 1st of August. They have up to six months to consider that report, it will then be made public. As of today you can download the draft report and the issues paper and any other material from our website, the QPC website, www.qpc.qld.gov.au. After the hearings conclude we'll produce that final report. Now how will today work, we've got seven presenters. Presentations are being videoed and recorded and we hope that they'll be made available on our website in the near future. Transcripts will certainly be posted on the website. Presenters are asked to make a 15 to 20 minute presentation. It can be shorter if required. The two Commissioners will then have a conversation and ask you some questions. We may then offer the audience the chance to make a comment on that presentation, but not to question the presenters. We typically only invite the witnesses or presenters to speak, but there will be some time potentially for comments from the floor afterwards. We're not requiring, we're not requiring people, presenters to make, take an oath today, but we do require presentations to be truthful, respectful and genuine. Just a caution, please don't be overly critical of individuals or institutions, we're not covered, nor are you presenters, by defamation, we don't have the shield of the

crown during this process so be mindful of, of what you say and let's not get each other into trouble today.

For the purpose of the transcript, presenters should state their, state their full name and the organisation if they're representing an organisation, and if there's any members of the press here today, if you haven't already done so, can you identify yourself to one of the QPC staff today.

Logistical matters, restrooms essentially just opposite here, so out through that door, turn left and there's unisex toilets. Fire alarms, if we hear an alarm, the fire stairs are in the front left hand corner there, it's 27 floors and in fact, what's that, 52 sets of stairs or so, if anybody thinks they may have any difficulty going down those stairs, present at the, at the lift well and we'll have someone assist you. Tea and coffee's available, please feel free to get up and get yourself a tea or coffee or a biscuit whenever you need to. We'll break for morning tea and afternoon tea and we'll break for lunch. Prior to each presentation, as I said before, please identify yourselves for the public record and if there are any comments from the floor when requested, again we ask people on the floor to identify themselves before making those comments. With no further ado, Bronwyn, would you like to introduce the first speaker?

CF Yeah I will. Before I introduce the first speaker, I just wanted to add in terms of while the speaker is, the speaker is presenting, please refrain from any comments or questions at that time, there will be, if we have time after Commissioner Wood and myself have asked questions, we will throw to the floor and people can make comments at that time, not questions but comments at that time. Okay, so no comments and questions during the presentation. And as Commissioner Kim Wood has said, there is seven presenters today. There will be time during the breaks or one would hope after each presentation for people from the audience to make comment or to talk with both Commissioner Wood and myself, along with QPC staff. So I just wanted to clarify that too today. So the first presentation this morning, we have Mr Noel Pearson from the Cape York Institute. Noel, could you please take the seat at the front, and as you do, and Zoe, is that correct, you're coming as well, Zoe? Thank you. From Cape York Institute, please state both of your names individually and then the organisation that you're from before you commence your presentation. Thank you.

NP Okay, Noel Pearson, Cape York Institute.

ZE And Zoe Ellerman, Cape York Institute.

CF Thank you. Noel, I'm sorry.

NP Thank you very much, Commissioners, for this opportunity to present to this inquiry. We had the opportunity to make submissions to the ALRC's inquiry into the same subject and we declined, mainly because I was never convinced that anything they would do would make any impression on the growing problem of indigenous incarceration. My view after reading their previous publications was that it didn't confront the history of this issue going back to the Royal Commission, namely that we identified over-representation as a fundamental problem back in 1991, and nothing we have done in the 30 years since has turned that over-representation around, in fact imprisonment has increased across the nation, and I thought that the ALRC's inquiry was not going to add anything new to the discussion of the over-representation of indigenous people in prison.

I've been a long critic of the so-called (ui) and at least for the past 20 years I've been saying, well, we had a massive inquiry, we had 330 plus recommendations and yet the numbers are doubled of people in prison, and why aren't we confronting that fact. And, you know, how could it be that despite the fact that we have better procedures presumably and better grilles over windows and so on, nevertheless we're not making a dent in the problem of over-representation. I then witnessed the Queensland Government's attempt to come to grips with this issue with the Justice partnership agreement in 2001. Probably the most serious attempt of any government around the country to try to come to grips with it, the Beattie Government, and again a 10 year partnership was announced, a set of strategies, a matrix of initiatives and presumably budget allocations under those initiatives and so on, and the, it was becoming apparent well, you know, in the midst of that 10 year partnership that numbers were going up. And of course the whole thing ended dismally with the fact that there was no improvement, numbers had gone up, the 10 year part-, how can a government, how can any society and government set itself an explicit goal of halving the number of people in prison and halving the participation of indigenous people in the criminal justice system, end up, despite this so-called conscious aspiration and effort, end up with an increased number of people in that prison system.

And so setting a target is useless if we go by the Beattie Government's experience in this state, it means nothing, it drives nothing, and yet we have one

of the political parties contending for the federal election this, in this election saying that the big promise is that we will have a justice target. As if we don't have a history about targets. What we, what that political party and all contending political parties should be telling us is, well okay, what are we going to do, what do we do to turn this thing around. And so I've read, you know, I've perused the Queensland Government's submission to this inquiry, and it's depressing. Depressing for the lack of anything compelling, anything that gives me any, you know, even in my most optimistic moment that, the belief that in 10 years' time we're going to see a turnaround in these, in these numbers. And I, I'd put a, I'd put my, I'd put a lot of money down on the table to bet that it's not going to turn around.

We're approaching 50 per cent of children in the child protection system being indigenous, I don't know when we're going to cross that line, and I bet we're never, we are not going to fall shy of 50 per cent. Nothing we are doing is going to mean that we don't reach 50 per cent, and probably keep progressing beyond that. And the same miserable story is in the youth justice scene, youth detention scene, the existence of disabilities amongst remote communities. Professor Ernest Hunter really upset me when he once wrote, several, quite a few years ago now, that our remote communities in particular had become concentrations of disability, places where the compounding intergenerational disability is where we keep people in this state, in remote communities. Our work with the Cape York Aboriginal Australian Academy, when we got the Royal Flying Doctor Service to help us assess children in our two, three schools at the time, Aurukun, Coen and Hopevale showed us the, well the first 25 student sample across those schools told us, these levels of intellectual disability of children damaged by early trauma and acquired disabilities and loss of executive function, were just appalling, I mean 30 per cent of the kids were at the very lowest level of intelligence. And another 40 per cent were not far above the line. We're talking about 70 per cent of the kids.

And yet we could recount, we could submit all of the details of the actions we took to try and get a response through the, through the disabilities, through the special needs procedures of State Education Department, to no avail, absolutely no avail. And we tried for two years after that to try and get a response to the special needs of these kids. And we think that the causes of this over-representation so-called lie in the, lie back in the, the rise of grog and drugs in the communities. A recent

paper by Professor Hunter in Lancet tells us of the huge mental illness load in these Cape York communities, massive, and Professor Hunter's been out in the field diagnosing and administering psychotic therapies, drugs, to hundreds of people in the community. And that, I don't think there's, well the first thing we have to recognise is what he and The Lancet evidence tells us and what Professor Sutton told us in The Politics of Suffering when he looked at the data for Aurukun back in, when he published his book in 2004 or something, '03, that 1985 is the key date, 1985. The forced imposition of canteens into the communities by the Queensland Government. And then everything goes haywire after that. The elders didn't want it, the ladies didn't want it, even the drinkers themselves didn't want it. And Russ Hinze, the then minister for local government, wanted the communities to take on the canteens, of course that was a laundering mechanism for Commonwealth social security payments to fund the newly implemented system of local government. Russ' idea was that if Aurukun Shire Council was going to be funded, it had to be funded through the canteen, and the canteen itself would be funded from social security cheques. And, but (ui).

So the funding of local government in Aurukun from 1985 was through the livers and kidneys and bodies of the people of Aurukun. And that, that, that, the growth of the problem over the following decades produced a generation of children born in violence and foetal alcohol syndrome and a range of these terrible problems. ABC did a Four Corners report by David Maher in 1990 called Six Pack Politics, and that was five years into the problem. And we never got on top of that problem in any serious way until alcohol management plans were introduced in the 2000s. So this problem raged for a full 20 years without any serious amelioration or abatement. And by then, we had then developed a generation of people who were, who were becoming parents, people who themselves had suffered in the womb and in early childhood were then becoming parents themselves. So the so-called cycle of this problem was now well underway and we, you know, thank goodness the Beattie Government introduced, on our urging by the way, on the Cape York Institute's urging, alcohol management plans and, and you know, there was a Lancet article back then that showed the immediate reduction of the severity of violence, not so much the incidence of violence, but its severity was very much curtailed by alcohol management plans. There, but the, I think the bigger breakthrough was made by Premier Bligh when she took the canteens away from the councils. So that was a further step, the most important thing was

to break the council's control over the, and reliance upon the canteens. I mean we were, we were in a ridiculous situation where the councils themselves were relying on money from the canteen to address the problems arising from the existence of the canteen.

All of, so Bligh's action to take the canteens away produced a more decisive improvement in the, in the figures and, but that only lasted until 2012. And if you look at the statistics produced by the Department at the time show very clearly that when contending for the 2012 election, Campbell Newman said everyone should have a right to have a beer on the porch. From that moment on, the problems spikes, a problem that had been steadily declining during the 10 years previous under Labor, spikes into a major problem. Very clear in the statistics after the state kind of licensed the view that aboriginal people should be entitled to have a drink. And, and policy has been all over the place in relation to alcohol management ever since. Half-hearted implementation. A department that you don't know whether they, they want to get rid of the alcohol management plans, and councils that receive a very clear message that, you know, your community's performance in terms of reducing harm, alcohol-related and other harm is not part of the expectation that the state has of these councils.

Mainstreaming the councils has meant that the government doesn't want to treat these councils any differently from any other local government, and hold them to account for harm levels amongst their people. So I think the model of local government doesn't work in these communities and these are sui generis governments, you know, they're specific to the circumstances of indigenous communities, they don't have a rate base, they don't have freehold land ownership, they don't have people who own their own homes and so on, they, you can't treat them as if they're a little country town in a standard form local government. We'll have elections next March, incentives for the councillors in those local governments will be, you know, will be to do those things that are, that their community members, a lot of them might want. And the usual tactic is to be in favour of access to alcohol. So Aurukun Shire Council's minutes recently disclosed that they propose an alcohol trial. And I receive an email just in the last 24 hours saying they propose a trial. State of Origin night. You know, probably the most violent night in the state is when they propose to re-introduce alcohol, in the name of fun and recreation. So, whereas I think that the councils and the, and the, and the communities should be held to, to performance. They should be

responsible for, they should be funded on the basis of their performance in reducing harm, school attendance, hospital presentations, magistrate court appearances, breaches of alcohol management plans. Communities should receive a base funding from the state, but any kind of incentive, there should be a massive system of incentive payments for those organisations if they help make progress in relation to reducing harm. We proposed this kind of framework about 12 years ago or something when Minister Pitt was the minister, the older Pitt.

ZE The first Pitt.

NP Pitt the elder. We proposed a system, a cascading system, that if, if you improve, your funding increases, if you bring the levels of harm down to the Queensland average, there should be incentive payments for the councils and organisations so that they could invest it in those things that they believed could develop their community. Anyway, a kind of cur-, a very small incentive program was introduced, nothing that would change the dial on their behaviour. Where you're a council, council receiving 45 million bucks from the State and the Commonwealth, you know, having a couple of hundred thousand dollar incentive plan was not going to change your behaviour and, you know, do the things that might reduce harm for your children and women and community members.

So I, I really, I don't usually participate in exercises like this because I think this is very, criminology and incarceration is such a depressing, useless scene, it, very rarely do I see anything that's compelling, gives me any hope that change will happen. I'm here because QPC's first report on indigenous empowerment and disadvantage and service delivery is probably the most compelling indigenous affairs policy in the country that we've ever seen. You know, the State has broken through, this Commission has broken through on a, on important policy recommendations with that first report. And if this inquiry adds to that, on this specific topic of imprisonment and recidivism, then I think it's worth putting the energy into, to encouraging you to build on that first report. I think empowerment is ultimately, as the Royal Commission originally said, yeah, it is the only thing that really was the most worthwhile thing in the original Royal Commission in '91, the notion that at the end of the day, indigenous communities, families, individuals need to be empowered and take charge of our own destiny. But we never did anything about it and the Royal Commission never articulated the how. The why and the what was answered but how do you do it. I think the QPC report goes a long way towards answering the how. But of course the complaint we make in our

submission is about how absolutely inadequate the Queensland Government's response to the QPC's report is. It's terrible, 10 page response for goodness sake, after 12 months. They're not serious. We're not even, Cape York Institute, having been a perhaps jaundiced and maybe lots of people disagree with our points of view and so on, but nevertheless, you cannot say that we haven't been involved in the policy debate on these issues, we're not even invited into the Queensland Government's response to the QPC report. And, and all because they know that we're at odds with the kind of response they propose.

So I think you've got to grapple with the response by the Queensland Government to the QPC report. I think they don't get the fact that this is not about service delivery alone. When Jesus was in the desert being tempted, he said man cannot live by service delivery alone. And there's another part of it, yeah, we need good services, we're, it's our entitlement to have delivered to us good services, but a lot of the issues that we're trying to address here are, cannot be the subject of service delivery. They're about what everybody else does in pursuit of better lives for themselves and so on, jobs and, and enterprise and things that they can achieve themselves without a, without a middle-class service deliverer with a program and a fax machine or whatever they have nowadays. And the Queensland Government's stuck in that old paradigm, all right, problem, we need a program and we need a bunch of bureaucrats to deliver it or an NGO to deliver it, they just cannot break that mould. We need innovation that's about, right, it's not going to be a program, it's going to be about, you know, I'd rather give the grant program to the families as an incentive payment or a subsidy or something direct into the households, yeah, instead of thinking in the, in the social, the dominant social policy paradigm of Queensland and Australia, that's turned our community into an almost lifeless cadaver for the service delivery system to use as clients. We don't talk about welfare reform, we don't, we don't even use the words passive welfare in any policy document of the Queensland Government. I think passive welfare's real. It exists, it's a real phenomenon of black fellas, white fellas, Asian fellas, immigrants, any community that's long-term dependent upon welfare that has become intergenerational, exhibit a whole range of social problems, where even the provision of opportunity doesn't turn around things. So we've got to come to grips with passive welfare, we've got to have policies in response to empower people to break out of that cycle and to stop accepting it as a permanent destination because black fellas should have a right beyond that.

So I, there's a lot of things that we hope we can address in a supplementary submission to the Commission. I, particularly after reading other submissions to the inquiry, the Queensland Government's one in particular. As I say, there's no policy emanating from the Department of Aboriginal and Torres Strait Islander policy, that's of, that's worth anything. Now you've asked me not to defame them but I hope they might not pursue me in relation to that but, you know, the department, it's supposed to be a policy department, but they could not generate any coherent policy, they have no capacity. They never have had capacity in the past and so on. The, there's no thinking emerging from that department that would, that comes anywhere near the QPC's report last year. And I don't know that that will ever be remedied. So I'd like, I'll leave it there, I think there's a, there's a real, you know, I remain hopeful that perhaps, if you produce the standard, you know, criminological report about incarceration, at least as far as it concerns our people, my son will be appearing before another commission in 10 or 20 years' time saying my father told you so, that there'd be no change in the dial. Whereas if you could hit the problem from another angle that, that your previous report did, I think, I think we could, we stand a chance of getting on top of this thing, you know. We're not a criminal people, we are not criminals. And yet how come we're, you know, 27 per cent of the jail population in this state. You know, aboriginal people love their children like anybody else does, but how come 50 per cent of them are in child protection. There's a structural problem here and we've got to tackle the structural problem and, you know, this state has got to come to grips with the fact that we produce two many matrices, service delivery matrices, you know, the fairy tales told in the Queensland Government's submission about what they're doing. Okay, maybe the Commission really need to examine all of the assertions about programs and initiatives that the state is aware of in this area that are supposedly having an effect and really interrogate, where, okay, so you had a workshop to establish a youth council in Cherbourg, but okay so, but what are you enabling the community to do. And, you know, what is the rubber hitting the road on the ground.

You know, my final comment, I've given you some results on the Cape York Aboriginal Australian Academy, and, and they show a comparison between the Academy's results and other Cape York schools. The tragic one is Aurukun, you know, the state, it's two years now since they took the school away from the Academy, and this is the attendance results at Aurukun prior, while the Academy

was in, and then after the Academy has left. Prior to 2010. 2010 to 2016. And then these past two years. Why would the state destroy progress like that, to return a school to the miserable situation it was in 10 years prior. So those, you know, the future gen-, you want to know where the driving origins of this problem are, it is in actions like that. Thank you.

CW Thank you, Noel. Zoe, do you have any comments to make?

ZE I'll just pick up a couple of points. So this one might be, feels a bit like stating the obvious but given it doesn't appear to be obvious to our political masters, I'll state it anyway but in terms of kind of setting a justice target and the issues with that, I mean the current problem with the current Closing the Gap targets, very clearly there is nothing that connects the target to action on the ground in a particular place. So the architecture doesn't connect the target at all with things that might improve outcomes, which is obviously an issue well known to the QPC and hence in your last report you did propose a new architecture. It's also what the Empowering Communities report tried to set out, you know how do we put in place a new architecture that actually gives people on the ground decision-making power about funding, about programs, about shifting investment from one area to another for their community so they can try different things, learn over the long term rather than having every government come in, change of personnel, change of people, change of approach, change of, and still just complete disconnect between where we want to get to and how funding hits the ground. The other thing I just want to emphasise is that over the long term, I think we're seeing even greater risk aversion to giving indigenous people real power. At the moment in Queensland, the only example I can think of is the Families Responsibilities Commission where local people have power that would otherwise be in the hands of State Government departments to decide how to respond to individuals and families when there's a need for intervention. And even that appears to be at risk at the moment with its future uncertain. But we no longer have community police with any real power, you know, so there has been I think erosion of those even initial ideas that we had some decades ago. The same I think could be said for community justice groups, they certainly haven't fulfilled their potential in terms of what they might be able to do, in terms of conflict resolution or mediation on the ground. They've been, their role has been progressively narrowed to just the court support, just a criminal justice support role, and again, unless we've got people on the ground who actually feel they have some skin in the game and can

do something about the issues in their own community, then we're not going to make headway into these issues.

CW Zoe, thank you. Noel, thank you again.

NP Thank you.

CW Commissioner Fredericks, question?

CF Yeah. You raised a number, you know, thank you for those presentations and I acknowledge all of that experience, skills and knowledge that you have working on the ground with communities in Cape York. I'm wondering in terms of some of the ideas you put forward and also what's in the initial submission, if some of that has the capacity to also translate, particularly like that incentive scheme you just spoke about, Noel, to other communities, indigenous and perhaps non-indigenous communities in this state.

NP Yes, I think, I think, we used to have quarterly reports published by the Department that showed progress, it was, I think it was the best system in the country. It was developed by the Bligh government, Beattie and then Bligh, and, so every quarter you could see how those communities were progressing with school attendance, hospital admissions and magistrate court appearances and so on, so five or six measures that, and our view was that, you know, finally we had a metric that was public and, and that, and we proposed that, you know, that performance should then be linked with the state's, state incentive program, and I think it could be universal, you know, the, bringing down harm should be the first responsibility of these governing bodies. The mayor and her councillors should be waiting for the next quarterly report, like a treasurer waits for the, whatever, interest rates or whatever, you know, their, their future should be, should hang off their performance in relation to bringing harm down. And, and the incentive payments should be really generous, should be flexible, should, you know, enable them to spend on community and economic development initiatives that they believe are needed for the community, and really get the mindset away from just managing the harm in the community and exacerbating it in my view in a lot of ways, to one of actually, our fate as a council is dependent on us bringing those numbers down, you know, and, and so I think that could be a universal mechanism. You know, so local governments, you don't have entire control over all of the levers but I believe local governments and councils have, particularly in indigenous communities, they have a very, just the authority, right, their attitude,

their leadership has a lot of bearing on whether we can bring those harm levels down. So yes, and when we proposed the kernel of the idea to the Department actually they produced a very impressive, it was the one thing I've ever seen them do that was any use, but, they produced a very impressive response, it, how this could be implemented. But minister Pitt at the time didn't want to run with it so it was shelved. But I think that in joining the leadership of the community through the councils into a harm reduction, you know, drive, and that's, that is a key function of your responsibility as organisations and leaders, is something that we should, I urge the Commission to look at.

CW Well I sit here with a, sort of a sense of shame that that 1985 decision of forced imposition of canteens and that washing of welfare funds through the livers and kidneys of the residents, as you described it in a very confronting way, could you unpack a little for me, how could alcohol be better managed, what's a process you think may be better than what we're seeing today, in the communities that you're involved with?

NP Well I think it's, you know, the levels of entrenchment of addiction and us are high, you know, the statistics tell us that. So it's like, if people have an alcohol problem, an addictive problem, then trying to manage responsible drinking, which is what we tried to do for decades, doesn't work. It's like if your own family member had a problem with grog and you were trying to encourage responsible drinking, it doesn't work. And so when we introduced alcohol management restrictions, it meant that responsible drinkers were caught by that, but it was kind of well, you know, we're trying to help the rest of the community that we know has a problem so, you know, a person at Hope Vale, if they want to go and have a drink, go to the pub or the café or the restaurant in Cooktown and have a drink, or when you're in Cairns and so on, but let's try to make Hope Vale a place where we know the problem is very big, a place where we'd, we all agree that there's no alcohol. I think there's a cultural element to it as well, my own perhaps controversial view is that our kinship is a big risk factor with drinking. I've got lots of relatives, you know, and they can put the head on me for anything. And that's a, but, you know, it is the greatest feature of our culture, our kinship. But you add grog to that and it goes really bad.

So I think that you can't just treat our communities as mainstream towns, we've got a very dense kinship culture that we have to take account of here and, which is why lots of other cultures don't have alcohol, lots of orthodox cultures don't

have alcohol. If you did, you wouldn't have an orthodox culture. And, so I would say that one of the problems with alcohol management plans is that at the stages of introducing it, the moral ownership of those plans should have been vested in the community, in the women, in the justice groups, in those who wanted to say yes. The women at Wujal Wujal at the time, the women on the justice group, the elders, they wanted to stand next to the police, they proposed to accompany the state police in checking the cars at the gate of the village. And their idea was we want to send a message to our community members that we support the restriction of alcohol here. Oh no, operationally we can't do that, too dangerous, blah, blah, blah. So the moral ownership of these restrictions is not very strong and it is because we didn't, we didn't go about it, we didn't plan the AMPs in a way that gave the community ownership of them, because you can't tell me that there weren't lots of people, particularly women, particularly justice group members, who wanted to take control of the alcohol problem. There always were people who wanted to do that. And so, you know, I think policy and related alcohol management plans has been in such a state of, you know, we don't even know where the state stands in relation to it, you know, should we relax them, should we get rid of them, should we change them, should we give the councils back their power over those things and so on, it's not really clear what the state's position is on alcohol management anymore. Whereas under Beattie and Bligh, it was very clear.

ZE You couldn't even say at the moment that there is a clear policy position that the harm levels, I mean we know that, you know, alcohol misuse is connected to high levels of offending, we know the impact that it has on child development, and yet from a policy perspective you couldn't even say that there is a clear message that the levels of alcohol-related harm in communities must get down to a normal level. Not even that is clear.

CW Right.

NP Commissioner, I just want to say, in our submission in our diagram here, is our attempt, for those who kind of push back on our focus on alcohol and other immediate drivers of the problem, our position is not that, I mean obviously our dispossession, our history, the discrimination we experience, the disempowerment, that's, those are the ultimate, you know, the original drivers of our problem, is structural and historical. Cape York Institute believes that. But at the same time we've got to focus on the proximate drivers, alcohol and the high

rates of offending that alcohol gives rise to, you know. And I think, my criticism of many attempts to come to grips with this problem, is we shy away from those proximate drivers. We shy away from the fact that okay, we've got to deal with high rates of offending. High rates of offending by a non-criminal people, that's what's happening. High rates of offending by non-criminal people, why is that happening. And so we've got to address disempowerment, you know, we've got to address discrimination, we've got to empower people to have more control over their lives. And so, I mean it's not a perfect illustration of our argument, but it is an attempt to make clear that, acknowledge the ultimate drivers, but focus on the proximate drivers as well. And I think that was the original fault of the Royal Commission quite frankly, you know. Marcia Langton and Pat Dodson, the indigenous unit at the time of the Royal Commission really, they were clear about the role of grog, but the ultimate report kind of, can I be non-offensive by saying that the progressive legal fraternity that drove the Royal Commission's report didn't want to get into the controversies about that. And therefore we never really focused on grog. If you look at the recommendations of the Royal Commission, there's not a full-on confrontation with the problems of grog.

CF Yeah, that's true.

NP And of course in the remote communities, the situation with grog is, was and is very predatory, you know. Yeah.

CW Noel, can I bring you to an end now, we're out of time.

NP Thank you.

CW We have no time for comments from the floor as a result of this presentation. You finished in just the right place I think for this inquiry. Zoe and Noel, thank you very much for your presentation. Powerful, depressing, but I've walked away with some optimism, there's clearly a way forward.

NP I think so.

CW I think we have here. Thank you very much.

NP Thank you.

CF Thank you. And look forward very much to your supplementary submission...

NP Okay.

CF ...which will be forthcoming. Just a reminder to people in the audience today that the sessions are video taped so if you want to, when it is uploaded, be able to see the full presentation again of Noel and Zoe's presentation, but all presentations today, along with the transcripts. We're now going to move into the second presentation today out of seven. The next presentation is by Michael Thomas from Together Queensland, and if I can ask Michael to come forward, thank you. Yep, so if you come up to the front please, whoever is presenting. When you come to the front, I'll ask you to please say your names individually and then your organisation for the purpose of the video recording, thank you. You can start, thanks.

(BREAK IN RECORDING)

MT Michael Thomas, Director of Industrial Services with the Together Union.

AB Adrian Burke (?), Together Delegate for the Woodford Correctional Centre.

KD Karen Davis, Together Delegate for Borallon Training and Correctional Centre.

JH Jason Hunt, Custodial Officer and Delegate for Together at Woodford.

CW Welcome.

CF Thank you. You can start your presentation, thank you, Michael and team.

MT Thank you very much. Commissioner, we've provided at this point two submissions. We met initially and provided an initial submission of a draft report, and have provided a further submission. We also provided for today a document which was, which has been prepared by Delegates that address some, addresses some of the statistics that really affect this inquiry. And that's what I want to focus on today. So when we look at the terms of reference in the inquiry, one of the key elements of it is about reducing recidivism. And when we go through the inquiry, it deals with the issues, and Corrections is in crisis at the moment, and it deals with the issues in sort of the three tranches, the pre-incarceration, what things should we look to do there, what do we do in incarceration, and then post-incarceration, how do we deal with that. And there's some, there's a lot of recommendations around the pre-incarceration and the post, yet there's a whole chapter on the in-prison rehabilitation if I could refer to it as that. And there's only a single recommendation that falls out at this point.

So when you look at chapter 13, it identifies a number of issues that currently exist within the prison system. Yeah, it notes that successful rehabilitation not only reduces crime but saves at least \$107,000 per prisoner for each year of imprisonment, that the international research is broadly positive about programs contributing to rehabilitation, that the current design of facilities is, doesn't, isn't a positive influence on rehabilitation if I put it that way, that whilst there's few evaluations of the in-prison programs, the evidence is mixed but generally we think it's okay. Now it's important to note at this point there is no KPIs with respect in prison in the State Corrections system around the sort of programs and industries and so forth, 'cause it's actually something we don't measure. I think there's one KPI but I'll let Adrian talk to it later. At the moment the report identifies that we are below the national average in prisoners being employed in industries, that few prisoners are involved because unless you're in for more than 12 months you're not involved in those sort of programs but the vast majority or bulk of our prison population are incarcerated for less than 12 months. And then our recidivism rates are high and growing. Now in our further submission we made, I put in a quote from the Flaxton inquiry, which said, in September 2018 in response to concerns about increasing prisoner numbers and high rates of recidivism, the Queensland Government asked the Queensland Productivity Commission to undertake an enquiry into imprisonment and recidivism in Queensland. In November of 2018 the Productivity Commissioner and CCC Chairperson discussed Taskforce Flaxton findings relevant to prisoner overcrowding, and the CCC is content that the QPC is currently best placed to make recommendations in relation to the complex issue of prison overcrowding. I say that because the overcrowding is the elephant in the room here. Everything we do about rehabilitation at the moment in prisons is fundamentally undermined by overcrowding. I started by saying Corrections is in crisis. We have every male centre in the state overcrowded by 130 per cent plus. That was the case in the women's, that's been alleviated for the moment with the southern, south Queensland. So we've got this environment where we have people in cells that are designed for one person, we might have retro-fitted a bunk, but it's still single person cells. People can't all sit down to have lunch, because there's just not enough benches and chairs because the wings weren't designed for it. There's no enough Zip boils, there's not enough toasters, there is this constant grief. The report of Government Services identifies Queensland has the highest prisoner-on-prisoner assault rate per capita in Australia. And the data that Adrian and the

Delegates have put together in terms of quantity of analysis, now this is the information we've gleaned, we've given this to Corrections, they've given it to their policy unit, I'm sure they'll come back, but even if they come back and say, look, the rate of assaults, you're incorrect by a margin of 5 per cent, 10 per cent, we're still talking about an increase in the rate of assaults that is huge.

That has two effects on our ability to rehabilitate. The first obvious one is just the access to programs, activities, employment. There is a finite number of programs, activities, employment, if you double the number of prisoners, you halve the number of programs they can access. What we're seeing all the time is, because of the budget pressures on Corrections, if they are required, you know, someone calls in, rather than, calls in sick, rather than get someone on overtime, activities are being shut down on a regular basis across the state. Activities, industries, all those things are being shut. The farms, one of the key elements of the farms is the community engagement aspects that happen, and that's a really important part of the rehabilitation because it's, you know, getting people used to the community. They're getting shut down at the moment, there is a reduction in the number of engagements for the purposes of saving on overtime.

So we've got overcrowded prisons which means there is less access to our programs and activities for rehabilitation. But it's the second order effect that is worse than the overcrowding. We are bringing people into the system now and there is no capacity for our, the Corrections officers to engage with them. It is these guys that are the day to day engagement with people in prison. It is, that is their only, apart from, you know, the occasional visit, but their modelling on how to interact with people is based on their interactions with correctional officers. Because of the sheer numbers of prisoners and the ratio of prisoners to staff, that engagement is significantly reduced and the quality of that engagement is non-existent, and I'll ask the guys to comment about that in a minute. But we're also bringing them into an environment where assaults are through the roof. And the data here shows that the increase in assaults, and it's a direct, the evidence before Flaxton was increased prisoner numbers has an increase in assaults, and not just a one-for-one ratio, yeah, it's, the melting pot and the boiling, pressure cooker environment means you have an exponential increase in assaults. So right now, we're bringing people into the system that aren't getting access to the programs and activities that would rehabilitate, and are getting brutalised. They are getting brutalised because the quality of the engagement is down, the

assaults are up, they are constantly worried about, you know, that they're going to be the next victim. So we're sending them out into the community where there has been no rehabilitation. The overcrowding fundamentally undermines any attempt at meaningful rehabilitation. And I think that is the key to our second submission. I think everything identified in chapter 13 is accurate.

But if this Commission is going to meaningfully make recommendations around reducing recidivism in terms of that block of time that people are incarcerated, not diversionary programs but, there has to be, there has to be recommendations. To date there has been, you know, two investigations by the Ombudsman into Brisbane Women's, that talked about the effect over overcrowding. Nothing came of it. There has been the Flaxton inquiry and, you know, Flaxton makes some good recommendations, but in terms of overcrowding, they kicked the can down the road to the QPC, that's the opening play, they've said they're leaving that for the QPC. We've had the Human Rights Watch report, which rightly identifies the problems with 40 per cent of our prison population having mental illness, whether acquired or whatever. That's all being exacerbated and brutalised by the overcrowding. So at the end of our submission, you know, we've made some suggestions about the sorts of recommendations that we think need to be considered. And it must be more than when the government thinks about its infrastructure programs, think about designing new or existing facilities to lessen the risk, either the government has to lock up less people, and some of the recommendations go to it, or there has to be more capacity. There is a fundamental strategic imbalance, we are locking up more people than we are able to safely and properly house and rehabilitate. You know, our members talk about we have gone from a rehabilitation model in Queensland Corrective Services to a rack and stack model. It's not been a conscious decision, no one's gone this is the way we're going to do business now, but it's the reality of the numbers that we have. So there has to be recommendations that actually say if you're going to be serious about reducing recidivism, you need to address the issue of overcrowding in terms of capacity. Under the Newman government, industries were cut from seven days a week to five days a week, they've never been brought back up to seven days a week. We have the capacity, there was an element under the Newman government of they don't make money. Well no, they don't, that's not why you have industries in prisons, you have industries in prisons to meaningfully engage and upskill and prepare prisoners. So industries need to go back to

seven days a week and it needs to be funded. And everyone knows this. We need to look at a comprehensive program of training. Train people for the right things. One of the things that we spoke about in our initial submission is the problem that there is a disconnect between training outside prison and training inside prison. And there was an example given by one of our delegates where someone's a week away from graduating and was released. There is no link to a TAFE, it was a Cert IV program. So they've just spent their time in jail being told we're training you up so you've got skills, you've got qualifications to go and make a meaningful contribution to society, and then what we actually did was said, oh actually it's a week before you graduate, you're out, here's your 40 bucks, there's the train station, and we will not link you to a provider to make sure you get that qualification. So that, that sort of through process, and the same Delegate had an example of the other way because his wife worked in TAFE, someone who was about, you know, was well way through a program, went into jail, and all, there was no capacity to continue that program in jail. So we need to look at a through process that meaningfully engages them after. We need increased staffing in prison to ensure, we need to increase the prisoner to staff ratio to ensure there's that meaningful interaction, and I'm sure if you have queries, my colleagues can talk to it. And we need to increase health support. At the moment health support in most centres is not 24 hours. So, you know, you've got people that, you know, they get, their cell gets locked down at 6:00 pm or 7:00 pm or whatever, they're not going to be unlocked 'til 6:00, they have some sort of thing that requires pain medication, so we're giving them Panadol that we know that will run out half way through the night, because we don't have that health support built in. Again, we're brutalising people. So, I've probably overstayed my 15, and I'm happy to take any, we're happy to take any questions or if my colleagues wanted to say something, but I think we're just urging what's in chapter 13 is right. But the draft doesn't have any recommendations that deals with it and that's the elephant we've got to deal with.

CW Thank you. Commissioner Fredericks, do you have any questions?

CF Just wanted to, one of the notes I had, because I've read the, your submission to the issues paper that we had, and it talks about that environment, and you've talked about how environments changed over time, but I want to also know how could that environment be improved. You've talked about overcrowding, but what are the other things, like so reducing the number of people is one thing, but what

about the other aspects of the environment and how could that be improved?

MT I'll make a couple of comments but my colleagues are probably better equipped. I think if we are looking at, and we do need to look at building a new prison, I think we do. Build one that deals with mental illness.

KD Absolutely.

MT Yeah, look at the Human Rights Watch report, we, our prisons actually exacerbate mental illness if we have 40 per cent of the population, and that would improve the environment, if we could take some of the most challenging people out into a facility that is designed for them, that would improve the environment across the board. I think extra staff increases the engagement, but fundamentally it has to be the reduction. Do you guys have any comments on that?

AB Yeah, staffing certainly is an important thing. The staff to prisoner ratio is obviously getting higher and higher so we're struggling to maintain that engagement with the prisoner. You'll have 75 prisoners in your unit, and there's now plans to take each one of these units to 100, and there's two of you. Each prisoner can take anywhere between an hour and three hours to deal with any one issue, depending on their mental state and what's going on. So trying to get to 100 of them in a day...

CW Not going to happen.

AB Not going to happen. So that compounds and then they obviously make poor decisions and that leads to the violence, all right, 'cause they're frustrated. Every issue that you and I have on the outside, it's amplified substantially inside because they're helpless. They don't have the means in which to help themselves. And that's where we come in but we don't have the time. Physically do not have the time. And the one KPI that Michael was referring to is the only KPI that QCS currently has, is about programs. Not about employment, meaningful activities or anything like that, that we know aids recidivism. Okay, there's only one KPI. The problem with that KPI is, is that in the high 60 per cent of prisoners haven't even reached year 10, so we're asking them to go in at a program level that's well above their current education. So if they were to do some studies on the programs, you'd find that there's failure rates in that because of that as well. So there's certainly barriers within those programs. And I would like to see some studies done on the program side of it, 'cause I think you would

highlight a lot of issues around that.

CF I wanted to ask too about say work release programs, you know, because one of the things that's come up in a few submissions around whether people have day release or work rel-, you know, some form of work release programs implemented within prisons where people can access community work programs, so work external when they're not doing internal, what are your thoughts on those and how could any risks be mitigated in terms of risk to community members or broader society?

AB Well we currently have a rating system that prisoners get when they come into incarceration, and that's high, medium and low, depending on the, obviously the offence and their risk of reoffending and that sort of thing. If you look at the European models, you know, it works, putting them in programs, keeping them in society for those low-level crimes, like putting someone in jail for traffic offences, could be a good individual, made some poor choices behind the wheel of a car. But now you're putting them in prison and they're learning the craft, they are now becoming a criminal. They are pressured into those groups, they're pressured into the gang groups, they're pressured into the drugs. Michael says we're brutalising, but we're also creating prisoners, we're creating criminals by doing that. The European models work and they work for a reason, you know, they've got them on ankle bracelets, return to works, you know, all that sort of stuff. It works, if it works then why not use it.

CF Thank you.

JH And there is certainly more scope for more day release programs.

AB Absolutely.

JH It would require a significant investment in staff and obviously there'd be a filtration process because there are, at (ui) centre at Woodford, there are people that certainly wouldn't be suitable for day release, but you could almost certainly find prisoners that are, and that would go I think a really long way towards reaching that through care connection in that post-custodial phase, but it would require an investment in staff and it would require an investment in courses and that step out of strictly vocational training. The training that is available is relentlessly vocational-focused, and I actually think that's a mistake. I think they need to broaden what's available. I think we need to essentially fire different

neurons and burn more neural pathways 'cause once they're burnt, they stay open and they're active, so I think we should provide stimulation that is not just relentlessly vocational.

CW Mm, thank you, that's an encouraging response. We've seen a number of prisons here in Queensland and we have a strong sense of what the current model looks like. As and when that next prison is built, would it look the same as current infrastructure is or might there be a better model out there, does anybody have a response on that?

MT I think the short answer is no. I think the mo-, the prisons we're building now were for a different environment and a different class of prisoners. You know, we've had, we've shut down the institutions that dealt with our people with, our members of our community that had men-, acquired mental illness or whatever, and said go to the community, everything will be fine and then turns out they're not, so now all that money that we saved, we're not saving because we've got them in. So a new prison has to be cognisant of that, so I think that's my short answer but I don't know if you guys want to comment?

AB Well Borallon would be the closest, isn't it?

KD Yeah, Borallon Training and Correctional Centre, hence the name Training, was set up for 18 to 35 year old males, which was identified that the recidivism in that demographic was high and that training these people, putting more input into that demographic to reduce all of that was paramount. We were set up to do that. I was hired in particular for my case management skills, 'cause that was one component that they identified, we needed true case management. True case management is being able to see somebody, identify their barriers, work with them closely, potentially see them every day, potentially some might need once a fortnight, some might need once a week, so that's what true case management is, help them through those barriers, guide them, and in particular at ours we had MAX Employment come in, so we would be able to follow that through to the outside. We had TAFE come, we do have TAFE in there at the moment so one of the issues that was identified in that demographic was that when they go outside, if they did get a certificate from the prison, it was a prison certificate and a lot of employers then went oh I don't know if I should employ you because of that certificate, so we identified that and then got TAFE to come in, so our certificates are from TAFE, it's not connected to the prison system, so therefore increased

their chances of employment. So that lasted probably 18 months, obviously we had redevelopment of our centre at that time too but once we were fully open, that ethos, that demographic went out the window because of, purely and utterly because of overcrowding. We didn't have a chance to get that model up and running properly, we didn't have a chance to see if that worked. The government put a lot of money into preparation of Borallon for that particularly, and purely and utterly because of the overcrowding we couldn't do it. We then had to put bunks into our cells because of the overcrowding and I think that model in particular, if we could have had a chance to see how it went, could have went a long way to now what our issues are here. And as I said, purely and utterly because we had no room, we had to start taking other prisoners that were, I think, Woodford I think was nearly double capacity and our GM said look I'm sorry, you have to take these prisoners. We didn't have an opportunity to do that.

CW So we've been to Borallon and you can see elements of it that look really attractive and...

KD That's right.

CW What's not working at Borallon today that you would prefer to see...

KD Access to the training.

CW Right.

KD So now that we've got double the prisoners and we have not that demographic that we had, so what, for lack of a better word, we were getting the best of the best prisoners there, ones who actually identified they wanted to do training, ones who identified I want to do better on the outside, ones who identified that I don't want this life of crime anymore, I want to be a productive member of the community, and so we could nurture that. Our group where I was employed, there was 75 of us, were employed specifically for that reason. Then when we got to that point, we actually couldn't do it. There is no way that I could actually sit and have a meeting with someone once a week, it's impossible.

CW Right.

KD Just could not do it. Even, as Adrian said, a prisoner coming to you for one issue, 'cause they rely on us for absolutely everything, they have an issue with their phone, they have an issue with getting in contact with their solicitors, they have,

any issue that they have, they have to go through us.

CW Right.

KD It's not just, it's simple in the scheme of what we think of in society, but for them it's not. They rely on us for everything.

JH And every transaction takes time and you've only got so much.

KD Absolutely and it flows on, so if we've got not enough admin staff that have this, their job has become exponential now because of the increase in one centre. So they're not getting to, let's use the example, what's really important to them is having contact to their family on the outside, so their phone money, if our admin staff have twice the number of prisoners they have to do that for, and it's a little thing probably in the scheme of things of the general public, but if a prisoner doesn't have money on their phone to ring their family when they're say for example, like Adrian said, they're coming in, they're new to the centre, they need that contact, they're upset, they're scared, and they have got no money on their phone, and oh hang on a minute, yep, look, and we as officers go look, we're getting onto it, it's just, you have to understand they're busy and for whatever reason things might happen. So even on that scale of things, the flow from our programs, from our admin staff, it's a massive thing that flows on.

CW Right. So getting back then to the question, at Borallon, if that model was able to work, fulfils some of the requirements perhaps of a prison system.

KD Absolutely.

CW Not for everybody, because probably not everybody wants to go and take advantage of those opportunities.

KD Correct, correct.

CW But that in itself, it was envisaged as a good model and could work?

KD I was actually really excited about it, to be honest with you, because I've actually dealt with prisoners on the outside when they've come from prison in regards to the employment industry, helping them get into work on the outside. I was involved in a few pilot programs when that first came through in I think 2008 or something in Job Network. So, and now being on the inside and having a look at rehabilitation, I can sit here honestly and say it's extremely difficult to do that

inside the prison with our current situation.

CW Right, okay.

CF Yep, thank you.

CW I have a supplementary question. The way we handle and house remand prisoners, does anybody have a comment on that in the panel?

JH Yes.

CW Yes?

JH Yes I do. There certainly seems to be, there's certainly scope to look at whether or not every single offence in Queensland requires someone to be remanded in custody. I certainly think there's some work to be done in that space, there is, serious questions need to be raised about the number of people and the nature of their offences that are currently remanded in custody, because they are part of the choke point and they are part of the churn of young males under 25 are doing less than five months, they are a significant contribution to the overcrowding. So getting back to Michael's point about you either need to have more capacity or you need to have a system where your numbers matches your capacity. That's certainly something that could address that second point and I would really like to see some work done in that area.

CF Thank you.

MT I think the other comment that came from the membership around the remand was just the fact that there isn't programs and so forth designed, because they're on remand. But even the people that might be interested in doing it don't get access so, as Adrian said, you've got this churn, you know, they're going back out into society having been inside, their networks have changed, their support networks are now based upon, in part, that, so every person that we remand that we shouldn't, we've, in the current climate, we've just made a better criminal.

CF Thank you.

CW Thank you. Commissioner Fredericks?

CF No, I don't have any further questions. I think now we open it up to comments from the floor, if you're happy to do that?

CW Sure.

CF So we'll turn it over to the audience and we do have a bit of time now for any comments from people in the audience today regarding what you've heard this morning in this presentation. Anybody? Yes, we have somebody up the back. Remember please, sir, to state your name and what capacity you're here today in and then pose your comment, thank you.

PR Yeah. I've got a question. My name's Peter Rousseau, I'm the State Member for Toohey. My capacity, I'm here as an observer. I'm Chair of Legal Affairs in Community Safety Committee. My question is why do prisoners have to pay for their phone calls, why can't there be a system where they don't need to pay for their phone calls.

JH Could I?

MT Yeah.

JH Yeah. You could, what Adrian was saying about the custodial setting magnifying every problem, you perhaps could set up a system like that, but you would potentially set up something in a custodial, high security custodial environment in a unit of say 50 or 70 prisoners where there would be some prisoners enjoying enormously long phone calls and other prisoners not getting near the phone for a week. That's just the custodial environment. Sometimes some of the best initiatives, like market gardens in jails and things like that, which on the surface you think that's a marvellous idea, but it, unfortunately it leads to violence, hiding of contraband, standovers, so potentially yes, you could have a phone system like that, I'm not privy to the details and logistics of that, but you would need to bear in mind it would go hand in glove with some other issues that are endemic in high security units.

PR Can I have a supplementary please?

CF Yep.

PR I'm also, I should mention I've been a lawyer, and currently still a lawyer, our legal calls are basically cut off five minutes, like so why couldn't there be a similar system that, you've got five or six minutes and (ui)?

MT I think, I suspect we're not the group to answer that question. I think that's one for

- Corrections management, but what I will say is if you've got, you know, 130 per cent or 150 per cent or whatever, there's only a certain number of hours in a day, the capacity to have long phone calls is again reduced by that. But I guess that's not something that I suspect we can answer.
- PR No, what I meant was, you know, legal calls are limited to five minutes, why can't personal calls be limited, I don't know, maybe a bit longer but, so that the traffic could get through, rather than one person being on the phone for half a day...
- KD Yeah. So...
- CF I think that's more a suggestion than a question.
- PR Yeah.
- CF I think we take it as a suggestion.
- CW Thank you.
- CF Thank you, Peter. Okay, could we, any, open it up to other people, yes sir? We'll just wait for the microphone and then remember just to please state your name and where you're from. Thank you.
- MX Thank you. Mick (ui), I'm with workRestart at Borallon. I'm also a chaplain at BCC. Just looking at the issue of the elephant in the room and (ui), my feeling is that when people go into prison, in fact prison is an extension of society and the problems that people face in the society are magnified, like you mentioned earlier, when they are in prison. Now is there any other way, in terms of the recommendations, for me, if there could be a way that there is an increase in the interaction between the Correctional Services and communities, or even churches in the communities, to bring that link and build that trust in the prisoners. Since I started going into the prison, there's certain acronyms, Correctional Services use a lot of acronyms...
- KD They do.
- MX ...but the prisoners also have their own acronyms. Two of them are LTP and FTS. You would probably know what that is. So when somebody comes in say on a traffic crime and they are hoping to be rehabilitated, but because of the elephant in the room, the overcrowding, the hope that they get is from other inmates. So in a way they are relying and depending on them and when they

come out, their chances are interacting with the community is even tripled or multiplied. If they had a job, maybe just a cleaning job, and before they get a new client, that client would do a police check on them, everywhere they go there's, have you been incar-, have you been in prison, and you know, they've got to tell the truth of they've got to lie. So whatever systems are being put in place, building more prisons or increasing capacity, it will really, really be important if part of what needs to happen is that element of conversation with communities and that trust-building, that needs to happen. And it's an ongoing conversation or process that needs to be there. Because when people come in prison it's because they lack hope, and when they run out of hope, when they go out, that hope is killed and in the end you are definitely (ui).

CF Thank you.

MT So I'll make a comment. I think you're right. The comment I'd make is I think the community needs to properly understand and value the role that, well my colleagues are representing Correctional Officers. I think the community doesn't, I don't mean this in a negative sense, but the community doesn't understand, therefore doesn't respect what they do. I think if you went out and did a VoxBot, you'd find a bunch of people who think it's like the Shawshank Redemption with people walking up and down battlements, not the engagement that I'm talking about. We went, Jason and I actually went to a stakeholder group that was put on by the Chief Inspector a couple of years back and a roomful of stakeholders, and all the issues that were raised was about, you know, the problems in prison and how it affected prisoners. And there was no one who actually talked about the role and the risks facing the Correctional Officers. Correctional Officers are some of the lowest paid public servants in Queensland. Over time the responsibility they have and the expectations around case management, the expectations about being able to deal with people with mental illness and so forth, has escalated and they are still, you know, they're paid around about a base-grade clerical level, AO2, AO3. So I think there is an element of, if we're going to talk about that interaction with the community and valuing stakeholders, there is an element of stakeholders coming into the prison, our Correctional Officers often feel that, okay, now we're going to get criticised for something else, that we're dealing with this overcrowding, we're dealing with this dangerous environment, you know, I spoke about prisoner on prisoner assaults, prisoner on staff assaults have gone through the roof as well, you know, and I think there needs to be a recognition of

the community and the stakeholders that are part of that community of the importance of the role that Correctional Officers play, because it is fundamental. That is the daily contact that the people inside, they are either engaging on a daily basis with other people that have been incarcerated or the Correctional Officers, and I don't think we put enough value on what they do and what they could do.

CF Thank you. We might leave it there.

CW Thanks, Michael. You and the delegates have helped I think us understand a little more clearly the issues you confront. Your submissions have been strong. And do we have the additional work on the data material that you've...

MT I have sent that through.

CW Great, thank you.

MT Yep.

CW That's great. Look, we appreciate your involvement and thank you and you've assisted greatly. We'll break now for morning tea and we'll reconvene at 11:00. Thank you.

CF Thank you.

(BREAK IN RECORDING)

CF So welcome back everyone from the break. I'm just reminding people this is the Brisbane hearing of the Queensland Productivity Commission inquiry into imprisonment and recidivism for the state of Queensland. I'm Commissioner Bronwyn Fredericks and with me is Commissioner Kim Wood and we're about to hear from the next presentation. So just to remind people as well, please keep your mobile phones down on quiet or off at this time, and that we've got time at the end, we'll have some comments for Sarah's presentation. Thank you. So the next presentation we have today, presentation three out of seven, is Sarah Tucker from the Christian Heritage College. Thank you, Sarah, please state your name and where you're from for the purpose of the video tape, thank you.

ST Good morning, thank you. My name is Sarah Tucker, I'm from the Christian Heritage College. I'm a 45 year old single mother, Uniting Church member and lay preacher. I'm a professional artist of 25 years, a student of Masters of Social Science, and an ex-offender. When I was propelled into Correctional Services

after a guilty verdict some 23 years ago, I was the product of a first wave of single parent families, the result of new welfare reform. I didn't have the discipline while growing up or cognition to understand the consequences of my actions or to even accept fault. Accepting my wrongdoings was almost impossible. With the support and assistance of Correctional Services, I obtained my Bachelors in Visual Arts. I am now studying Masters in Social Science and Leadership. I have not only been through the correctional and parole systems, but worked for both Corrections Queensland and Restart Employment Services within correctional facilities, while working closely with UnitingCare Prison Ministry as a First Peoples chaplain and a speaker and fundraiser and now as a program facilitator. Prior to Taskforce Flaxton corruption and corrections investigation, I was contracted as a full time art tutor at Woodford Correctional Centre. I'm a casual supervisor for Restart Employment Services at Borallon Correctional Training Centre, assisting with the graphics design department. I therefore understand and empathise with the hurdles and issues that inmates face on a daily basis reintegrating into an everchanging society. Coming from South Australian Corrections into Queensland Corrections, I have witnessed the vast differences in case management. From personal interaction and specific management to an end management. Albert Einstein understood the strength of imagination as a unique tool to problem solving. Diabolical social catastrophes such as the current state of incarceration and recidivism in Queensland requires creative solutions. With utmost respect for Correctional Services, and with firsthand experience, I recommend that art programs that are appropriate must be reintroduced into all correctional facilities, in alignment with holistic rehabilitative approach, and inmates be permitted art supplies within cells as a deterrent from alternate boredom relief.

I currently facilitate an art program I rewrote to cater for inmates with modern social issues. This is only possible with the support and funding of UnitingCare Prison Ministry. Although it is still a voluntary position, it is gratefully received with support from Mr Darryll Fleming at Brisbane Women's, and Peter Henderson at Borallon Training Centre. This art program, currently under the title Change the Design of Your Life, explores positive self-identity as a foundation to family and social influence, how leading a sober life can give back the most rewards. By using basic art techniques including illustrating, inmates can learn techniques which assist them in escaping and communicating, potentially with a biro and

paper under a 23 hour lockdown. This in turn helps reduce other methods of escapism via substance abuse. Learning communication techniques and human expression to assist communication with other Correctional Services care providers, such as throughcare and psychology teams. It also inhibits understanding (ui) qualities and contrasts as insightful recognition of the darker, unsafe areas of their own lives. Understanding goalsetting and using life maps, self-portraits, expressionism and experimental art techniques to initiate self-management using self-awareness. We use recycling art products and creative thinking to prevent monetary boredom which often leads to relapse. This reinforces being interactive with their own children and family by using simple art practices and creative input. This instils a sense of self-worth by, and if a long-term incarceration situation, being able to make cards and gifts for their own family members and friends. Group interaction time with group art therapy theory discussions, initiating a solid and respectful art theory knowledge base, which potentially can become a deterrent for tattooing, not an instigator. These programs I run at a minimum of 60 hour engagement at moderate intensity. Current research points to the knowledge that to be successful in rehabilitative techniques, it needs 100 hours to address significant issues. Art has the ability to engage cognitively impaired inmates at over 100 hours without becoming labour-intensive. The two pilot programs run during 2018 and currently one happening now in 2019 at Brisbane Women's, despite the initial problems with prison relocations, had high success rates of completion and the feedback offers insight into self-discovery and a thirst for more. Art turned my prison experience into something I now view as a highlight of my own education. Pursuing art and the symbolic knowledge within its foundations, not only broadened my paradigm, but it reinstated confidence in me from the stigma of being on parole, for a widely-publicised and violent crime. Art has the ability to open and change minds while uniting warring factions. Within the confines of a prison cell it can create a meditative process of self-reflection upon which one can experience the process of repentance. Not only does art in prisons reduce the overload of work upon psychiatrists, psychologists and mental health workers, but it can help with the function of motor neurons for many areas of trauma. And prison incarceration is one of the largest contributing factors to generational trauma, further fuelling anti-social behaviours that are limiting to one's perception for family and community. This results in no the perpetrators of crime being the victim but the children for futures to come. If we as a community can break the cycle of impoverished family

communication and relations, then we have the potential to break the cycle of recidivism for future generations.

Self-identity and awareness is traditional with the artworks of the First Nations people of our society. This not only supports one position within the community while creating historical records, but upholds the morale under which all people should and once and did adhere to. Regardless of media hype and attention towards supposed trends and privilege of prisoners, art has always been and continues to be a cultural denominator amongst the socially and historically and marginalised groups within all social divides. Regardless of the disambiguated and mixed-heritage of the exiled and emigrated Europeans upon the shores of terra nullius, recognition of personified identification is a step towards accountability and ultimate reconciliation. Art not need be for segregated groups, but an access for therapy to all souls struggling within their own defeat and personae. Art is proven to be across the board an integral part of rehabilitation. It is a big claim to put this into art alone, potentially yes, however through well-trained and culturally aware facilitators, appropriate security and prison awareness, and supported by Corrections and community outlets, art can become a gateway into cognitive skill enhancement and relapse prevention for many systematic disorders. And with community aware programs externally empathetic to the trauma of incarcerated life, art offers the unique opportunity to converse with community and has the potential to break social cohorts that are of negative influences.

In addition, I also support the previous submission and the recommendations by Keith Hamburger and Jim Kennedy 1998. Offender accountability needs to be addressed immediately post sentencing guilty verdict. Immediate response to actins is integral to remorse and accountability. Established households and communities do not leave responsibility of members up to three to four years for their actions, unlike the current court system. Not only is it of, and I quote, not only is it of most importance that inmates recognise their wrongs and be accountable for that, but also equally important for the system under which we are governed to accept part responsibility for allowing these members of society to fall through the gaps of social support, Keith Hamburger, page 17, October 2018. I also recommend holistic 24/7 supervised therapeutic community corrections. I again refer to Keith Hamburger's submission regarding a number of small high-security facilities that provide therapeutical community custodial options, assisting

inmates to reintegrate and re-educate living skills, including prioritising family relationships without the trauma of incarceration. Immediate action is required from all contributing factions to create a dialogue based around the community enabling facilities assisting Correctional Services in the support of ex-inmates. Consistent correctional throughcare staff need to be a part of the overall rehabilitation plan, working in unity with community groups and welfare agencies. Inclusive and in alignment with biblical teachings, churches need to become publicly active. Community groups, welfare agencies and church groups especially must make provision and practice for accommodating ex-inmates. Family structure is integral to breaking cyclic behaviours. It is the next generation that we must be conscious of, the next generation of potential perpetrators and victims. And here I also refer to Keith Hamburger's submission and Tamara Walsh's examination of Is Corrections Correcting. I also recommend a 15 year business plan combined with social study into the current impacts of Correctional Services and community services for the future generations, as also recommended by Keith Hamburger and Dr Pfeiffer. This study needs to be also actively engaging and working with offenders prior to release and post release to gauge full awareness of social difficulties prisoners face upon release. There also needs to be appropriate training for church groups, motivated to assist prisoners, including contemporary social empathy and cultural awareness, inclusive of appropriate substance abuse training. Currently church groups running rehabilitation centres are also using one size fits all models, which are dangerously close to exhibiting forced indoctrination and prosolism(?). Prison ministry of all denominations needs ongoing and extensive support to facilitate more programs, both inside the system and outside, and as having first experience as a First Peoples chaplain, I also refer to the Kennedy review and recommendations for prison chaplaincy to be recognised and in line with Correctional Services in effort to move away from the tokenistic gesture and hug-a-thug opinion of correctional staff.

UnitingCare are explicit in providing safe training for children ministries within their congregations and a similar format should also adhere to ex-prisoners and even to some extent returning soldiers and other victims of trauma. This deserves and warrants community support to not see the work of communities and churches not as historically damaging but healing, and requires an altruistic approach. Churches must work cohesively with Correctional Services and both must be

responsive to relational advice. The Australian Industry Standards Key Findings Discussion Paper outlines the need for further correctional staff to be able to work with people who are suffering from mental health issues, as well as violent or drug effective (sic), inclusive of a range of people from diverse cultural backgrounds and ethnicities. This should also be applicable to chaplaincy. Art as a means to allow offenders to make restitution to their community, penance to victims of crime and their self, co-existing with identity awareness to enhance cognitive production, greater emphasis upon cognition skills, programs for offenders aimed at addressing the underlying causes of their offending behaviour, Keith Hamburger, page 21. Art also has the ability to communicate across all cultures and does not need enforced literacy and numeracy to become a foundational pathway into further models of education. Art can unify segregated microcultures that previously organically self-created.

CW Thank you, Sarah. Very interesting. How, you may have answered this in your submission, and I think I know what you're going to say, but I'm going to ask anyway, how widely applicable is an art therapy model for, you know, in, for incarcerated prisoners?

ST Extreme.

CW Could it work for everybody?

ST Yes. If the facilitators are trained correctly into understanding trauma and empathy for inmates and their situations, and also work closely with Correctional Services, it potentially has the ability to be across the board.

CW Then I guess the supplementary question would be, based on your experiences to date, how widely applicable, how widely applied is it now, how widely available?

ST Not. All the art programs have been removed since the last CCC from pretty much every centre. I'm the only one doing one-on-one art therapy with any inmates, apart from TAFE, which is a basic certification in simple knowledge skills of colour theory, illustration, shading, tone. There's no self-awareness or self-exploration or rehabilitative work.

CW Do you have any understanding as to why those programs have ceased?

ST I dare say because it's the population increase and funding. And a difficulty with finding appropriate people that are correctionally aware.

- CW Okay.
- ST As well, they are able to facilitate art and communicate with prisoners on a humanistic level.
- CW Okay. So there's, there's more skills required than just understanding the mechanics of how a piece of art is produced, you've got your life experience and qualifications and other things...
- ST Yes.
- CW ...work to the better outcome of these sort of interactions with prisoners.
- ST Yes, there's a level of psychology that's needed, there's a level of trauma based understanding that is needed.
- CW Right.
- ST Drug awareness that is needed. Cognitive impairment and how to interact with these people that are their own microculture.
- CF Sarah, I'm aware, before you started when we had the break that you had a number of things you've brought with us, brought with you, for us, and to share. So if you can talk to those at this time and then as I explained, they can be then uploaded as part of your submission to the hearing today. So if you make reference to them and just explain what you've brought along, that would be great.
- ST This is the program that I wrote, this is the men's handbook. So this is something that they can take back to their cells, it's not personal so then they can't get stood over for it or feel inhibited by it. It's basically an art reference and it teaches them basic cognitive skills and reflection time when they're in lockdown. This is the facilitator handbook I wrote of the program, which is based upon psychological therapy, inclusive of art practices. This is one of the story boards that Mr Darryll Fleming is also supporting to try and have the parole board approved, so the prisoners can communicate in an art-based way correctly to parole and exhibit where they would like to end up in life and what support they need from the community so that they can succeed better. These are productive members of society that are being exiled. They need more support. The public needs more awareness of their needs and there needs to be less silos and contracting out areas of Correctional Services is not assisting. Probation...

CF So would someone do a storyboard like that if they had issues around literacy in terms of writing their story for the parole board or...

ST Yes.

CF ...can it work collaboratively together?

ST Yes. This is one method I have of a self-identity piece. This person never did art before at all. So she, only she used is text, so I worked her through that, and then she went through a self-reflection process of understanding what the sliding door moment was that sent her into this. This is her life map and life goals and where she wants to end up. This is potentially submittable to parole to help them to understand the needs and position of these people and where they are falling through the gaps. Not only have they failed society, most of these people, but somewhere along the line the system has failed them. And that needs to be recognised for reconciliation. This is other pieces, this woman had never painted before either, and she was able to produce that at the women's prison. This inmate has been inside for 35 years and never done any artwork. So through consistent communication, we were able to break down barriers and have him doing something that helped him with his own identity. This is another one of my students. He had no art supplies and made this canvas board, because all the art supplies are being removed.

CW Sarah, you make an interesting comment about the parole board potentially being able to receive an art-based submission, which sounds intuitively like a really good idea because I guess verbal and literacy skills of some inmates would not be high, and yet there's no doubt they're pouring their heart and soul into these pictures.

ST Unfortunately the problem, the generational situation is that a lot of these people haven't had correct parenting and that has been broken apart through generations previously. Now due to lack of parental cohesiveness and communication skills, these people don't know how to communicate their needs in a verbal manner. If they can put this into an artform and present this to parole, that's easy for parole to decipher and recognise, the communication would be broken down and there'd be a lot more recognition for the needs of the individual so to set them up potentially long-term and therefore they could become better parents themselves.

CW Right. Are you optimistic that outcome is achievable, that's likely, the parole

board will get to a stage where they'll take an art-based parole submission?

ST I believe that with support and unity, we can train a whole lot of people to teach correct art within correctional institutions and have their pieces approved by parole.

CW Mm.

CF Sarah, you, in your submission that you put to the QPC inquiry, you talk about collaboration and there's problems with collaboration.

ST Yes.

CF How could that collaboration between prison management, service providers and the volunteers, you know, regardless of where the volunteers come from, be improved so that we could see greater collaboration?

ST I think the issue there is self-achievement. Rather than seeing their own company or supplier or provider as self-achieving, it needs to be communal achievement. And a dialogue needs to be created between all providers to understand the bigger problem rather than their own productivity.

CF Mm, thank you.

CW Sarah, you've identified your organisation as the Christian Heritage College, and you're here primarily to talk about your art-based experience and background and the benefits of that, how important is the role of faith-based groups in prisons, do you have any comments on that?

ST Personally, my chaplaincy experience when I was in prison, I'm still in contact with my chaplain from South Australia.

CW Really?

ST Yes.

CW So a very important relationship.

ST Very important role and establishment and relationship and she has kept my art from 23 years ago.

CF Wow.

CW Gee.

ST So that relationship is so intrinsically important but unfortunately the situation with chaplaincy is that to become a chaplain, you either have to have some financial backing, because it's not recognised by Centrelink as being work or part of the 15 hours a week work, so therefore you have to be over 55 years old. So that's creating a generational gap between the knowledge of the older chaplains and the situations that the biggest population of younger inmates are going through.

CW I wasn't aware of that.

ST And so chaplains aren't able to relate to a lot of the younger population of prisoners because they're not aware of the globally changing environment that is inclusive of drug abuse and even internet access, sexual abuse, cultural infringement, there's a whole different variety of levels. This is why all prison ministries need more support, more recognition and more backing for what they do as valid.

CW Well put, thank you.

CF Yeah, thank you. I don't have any further questions, Commissioner Woods.

CW I don't either.

CF So we will open it to the floor at this time if there's any questions from the audience for Sarah, not questions, comments from the audience, sorry Sarah, for Sarah, this afternoon. This morning. Yes. Please remember to say your name and what organisation you're from. Thank you for your comment.

SV Hi, I'm Stephen Fincham from UnitingCare Queensland so I work with Sarah, and I'm also the chair of the State Chaplaincy Board for Corrections. What Sarah was saying there about the importance of chaplaincy and religious visits in prisons, it's vital, and the last group shared how they have up to 100 people, almost, in their units and two members of staff and they can't provide service to those inmates. What our chaplains do is they go in uninhibited to all the units and offer care to those people, and so some of what Sarah was saying around age of chaplains is true, we do have mainly older people in retirement, but there are a group of younger chaplains as well, but it's not the norm. And so it's a real struggle but it is something that can effect change. But I just wanted to say on Sarah's work is that she's kind of underplayed herself there, I mean she's really, so I engaged Sarah about a year ago to do this re-work of this program and what we've seen is, both

in the women's centre and in Borallon, is we've seen people who have never, the art's secondary, you know, it's really important that they learn that skill, but it's more about the awareness of their situation in life, what's gotten to that place, and what Sarah's been doing through the art therapy is helping them understand themselves and helping them understand the things that have happened in their lives, they don't define who they are, they have a reality, it's a part of their life but it's not who they are. So I just wanted to say that about Sarah's work, but it really is something that can be transformative and I think through art therapy and all the stuff that goes around that, it could really transform the way people live their lives and it can effect change, yeah.

CF Thank you.

CW Thank you. I'm glad you spoke and underlined Sarah's work, that was nice to hear. Are there any other comments from the floor? It looks like, Sarah, your work is done. Thank you for your attendance, really interesting presentation, something, you know, I hadn't considered and I'm glad we heard you this morning. Thank you everybody. Now we reconvene I think at 11:00, sorry, 11:45 for Brett Thompson's presentation, so we've got just a few minutes, grab a cup of coffee or stretch your legs and we'll be back on at 11:45. Thank you, Sarah, well done.

ST Thank you.

CF So, Sarah, will you leave those with Brian or...

ST He can take photos.

CF ...or Syd, and he can take photos of those for the purpose of the video tape, or for uploading, or if they need to scan them while you're here. Thank you.

ST Yep, that's fine.

(BREAK IN RECORDING)

CF All right, we're going to start back. So if I can have quiet again in the room, we're going to start back in a moment. Thank you. So just a reminder, this is a public hearing for the Queensland Productivity Commission inquiry into imprisonment and recidivism in Queensland. The next presenters we have today, which is presentation four, is Brett Thompson and he has someone with him, but I'll get you, Brett, in a moment to introduce who you've got with you...

BT Sure.

CF ...from the Homicide Victims Support Group, and as I hand over to you, please both of you state your names individually and the organisation you're from for the purpose of the video tape. Thank you.

BT Sure. Good morning, my name is Brett Thompson, I'm the CEO with the Queensland Homicide Victims Support Group.

SM Hello, I'm Dr Samara McPhederan, I'm the interim chairperson of Queensland Homicide Victims Support Group.

CF Thank you for that, Sandra, and thank you, Brett. I'll, undertake your presentation now, thank you.

BT Sure. First of all, thank you for the opportunity to provide input into the investigation, but also the opportunity to speak here today. Our organisation represents the interests of people who have a lived experience of homicide, but in terms of I guess our input in relation to this program is that it's looking more at the early intervention across imprisonment and recidivism in general. We understand that when people are charged and sentenced with a homicide, that there's certainly longer sentences along those lines, and we can sort of refer to I guess the process of release into community a bit later on. Our focus, which both myself and Dr McPhederan have discussed and have a strong belief in, is that the term early intervention is one which is of prevention and not a curative. In terms of health promotion when we look at for example the prevention of lifestyle diseases, we don't wait until we have characteristics of that disease showing, we know what risk factors are and we try and educate people around those risk factors so that they're not going to engage in those unhealth practices, and maybe then also encourage others to do the same. It's not the case that health promotion, in (ui) health promotion is about identifying those who have started the behaviour and trying to overcome it. That's a far more difficult process. So in terms of early intervention with criminal activity, we feel that early intervention involves intervention in the formative years of a person's life. The government has a concern of course at the moment that there's a population in prisons which is causing difficulties. We know that there's a high rate recidivism, particularly in those prisoners who are in for shorter periods of time, and that we need solutions relatively quickly. Our proposals are not based on short term solutions. They are

based on long term, structural changes with a different philosophy on how we address criminal activity, which has to be focused on the holistic view of a person, rather than a simple action of criminality. When we look at for example health promotion programs that have been highly successful, such as Quit for Life, we know that those programs, we look at smoking rates for example in 1970s, we're looking at approximately 70 per cent of the population who were active smokers in Australia, men more than women. We know that, you know, 40-odd years later, those rates have greatly decreased. The rates have decreased not purely because of settings-focused legislation, changing legislation around where we can smoke, who can smoke necessarily or the cost of tobacco, that's all formed a part of it, but the education of the community and the education in those different settings, including the educational setting, has been shown, particularly through the Victorian health department, to be effective health promotion practice. And to this date, it's shown as the most effective program in terms of Australia. And when we look at that success and we learn from that, we feel that there's lessons to be taken on board and possibly used in an educational setting for families who have historically shown through, whether it's an economic or education as a, or you know geographical location, cultural difficulties or changes, that all these inputs are factoring upon the development of the young child, so therefore we need to take those into consideration in that school setting.

Within the school setting currently in Queensland, in terms of the emotional support, we have guidance counsellors. Guidance counsellors are people who have a training around the ability to support students in both vocational opportunities, but also in terms of emotional needs. But they're not psychologists. And if it gets to the point where we have individuals who have more complex needs, then the external referrals must occur. And so the external referrals might be to a GP to get a mental health plan, it might be to, to have individual psychology through a paid service, it might be going to Headspace. And so when you've got families who have got difficulties with health literacy, difficulties with finances to actually get their children to those support places, we have yet another barrier. And of course the other barrier is stigma, stigma of saying my child is going to see a psychologist. That child thinking my child, I'm unwell, I must be mad, my friends are teasing me because I'm going to see a shrink. Whilst those stigmas have decreased, they're still there.

Health improvements can only improve through access and the principles of

social justice tell us that unless we are able to provide access to healthcare, access to education and support, that we have barriers. People who become involved with criminal activity are likely to have poor levels of, greater poor levels of literacy, family discord, and socioeconomically disadvantaged situations. And as well as that, we've obviously got, as we do, disproportionate representation of First People in a country as well as we have in the prison system, as well as a range of health, chronic conditions such as cancers and diabetes, heart disease and life expectancy for our First Nations people.

The common setting that we all have is the school setting. The common thing that we know is that we learn from a very early age. If we can address issues at an early age, in supportive settings, we feel that there's a greater chance of change, behavioural change. In New South Wales, and I've submitted the document to the board here, they are, since about 2015, they made a choice, to increase the access to mental health care by injecting funds specifically for school psychologists to be attached to schools, increasingly so. In my 20 years of education, it would be quite normal to have, and we're talking about a large regional school with severe socioeconomic problems, behavioural problems, high rates of youth crime, we had a couple of psychologists who were part time, working across feeder primary schools into the high school, and therefore trying to get a child to go to that psychologist in the school setting, which is the most convenient for families because of the barriers for travel or transport logistics, and sometimes you just give up. The child wouldn't do it. But it wasn't consistent, and we're talking about high school. We need to get earlier than that.

The concept of getting people with the correct skills, with the, to be able to form programs which are tailored to address social inequities and criminal behaviours would involve the use of psychologists, would involve the use of talented school practitioners, not necessarily school administrators who are given a job in head office to write a program because they've forged their way through the game of, you know, political ascendance. We need to be able to instead pick out the best teachers, who are enthusiastic, who are absolutely there for the kids, as most teachers are, and place them with criminologists, and place them with psychologists, in the planning phases of our education systems in Queensland, to come up with ways that we can intervene early, how do we identify these children coming through, who are we talking to, what don't we understand about that. In my education as a teacher, there was not, in four years, there was not one single

moment that there was a discussion or an awareness or a preparation for dealing with kids who came in to the school with criminal backgrounds in their families. We were completely unprepared and unaware. So how did we deal with that? well if they were really naughty, you could send them to the head teacher, and then when I became a head teacher and they were really naughty, then you'd try and work with them and set some parameters and set some rules. And if that didn't work, you'd send them to the deputy principal. And when they came to the deputy principal, it would be looking at, okay, is this kid going to risk the education of other children, how do we get the support, there might be some support services or a part time vocational officer travelling around the region. But essentially you had very limited abilities. So the outcome for those students who were more difficult or the too hard basket was expulsion. Where are those students going to be, we generally have expulsion, followed by continued criminal activity, followed by welcome to Her Majesty's service. Unless there's a true bipartisan effort to change the way the education system is addressing the needs of these children, this problem will continue. The jails will continue to swell. Prevention is not waiting for it to occur, prevention is stopping it occurring in the first place. We're never going to get it right all the time, but there's, I wouldn't imagine any, any teachers in the schools across Australia, there might be a few who've gone out and started programs themselves and then been involved with some, you know, some pilot programs or a school here, a school there has activities and they're doing their best to do it, I'm not talking about those things, I'm talking about a fundamental shift in the way we think about these kids. Unless we start in those pre-school areas, which is what New South Wales is doing, they're putting psychological support through direct funding into pre-school ages. I spoke with one of my old uni mates today who's the deputy in a New South Wales school, and he said yeah, this is what they're doing, they're going right back to there. Results will take a while in terms of is it working, but surely long term thinking is the same concept as global warming. Just because it's not going to work tomorrow doesn't mean that we don't have a red hot shot at it. But there has to be political will. Unless there's political will, it will of course never happen. And that was, you know, in the report, the submission that we put through, that it can't be we'll build more jails, if the concept is that we keep the system the same, then build more jails, sure, make them bigger. Bigger and bigger and bigger. And there's going to be aspects of the community, including particularly our members, who'd be very happy to see those perpetrators never allowed out again. But

we're not necessarily talking about those individuals because thankfully they make a very small percentage of the crime, but a very large impact.

So in a nutshell, can we look at having research into criminalists, psychologists, teachers, creating programs within schools from an early age to identify these kids and put programs in place, embed it through the whole curriculum. If you sit it off to the side and just say oh well we're (ui) trouble here, we'll put it in, we'll bring it in this week, week six and seven we talk about crime, that doesn't, that doesn't work. It's the same as having a well-intended presentation about anti-violence being popped into a school for a day, heightening the kids' emotions, and everyone thinks, yeah, don't punch people, and the person goes. It's the spark not the long burn of a candle. It has to be embedded.

One of the prohibitive factors from my opinion, from my experience, and the opinion of many teachers, and this is a Commonwealth issue, is NAPLAN. The \$100 million or \$150 million a year spent on standardised testing is, you look at some of the criticisms of the program, it's narrowing the curriculum. The humanities subjects of relationships, the humanities subjects of how do communities interact are being dropped to the absolute bare minimum for the sake of making sure that our school is seen high in the ranking system based on its reading and writing. If you're really poor at reading and writing, there are schools out there who are saying, who are getting those kids not to come to school, not to sit the test. But what's the point of giving a kid a number if the rest of your life is complete turmoil, if at the end of the day, no that kid doesn't necessarily understand Pythagoras, but are they going to use it. Looking at the value and how the education has narrowed in the curriculum based on that cost, is worth investigation. Do we need to spend money on standardised testing when it doesn't actually assist the kids on this level. No kid's going to come out of that test, NAPLAN, and say that's great, I'm not going to break into that place tomorrow night. It's nothing for them. Many parents will say to their kids, don't worry about that, it's just a test. And I agree. I see no value in it at all as a previous educator, I'm speaking to that personally, not from the organisational point of view, I must say. But unless we actually broaden it back out and embed these health and wellbeing aspects into our schools and give greater opportunity to vocational education and give opportunities to kids to learn what they want to learn, then we're going to box kids into things where they don't fit and they will not feel connected to their schools. If you don't feel connected to the school you're

going to, it's the same feeling as we feel if we're not connected to the sporting club that we join or connected to the organisation that we work for, and we know that if we're not connected to the organisation we work for, or the family that we live in, or the sporting association that we're involved with, what do we do? We leave. We're not interested because we're not congruent, it's not congruent with our values. So we need to make it more relevant. Relevant is not sitting down and doing a test like a pigeon, or a (ui). It's about tailoring things so we actually look after our kids. I'm not saying for a second that teachers don't care. I really cared but I got to the point where I thought I don't any longer fundamentally have faith in the curriculum. And again, that's my personal point of view, not the organisation, I want to make that very clear. Otherwise I get in trouble with my boss. I think I've probably got my message across.

CF Thank you.

CW Dr Samara, do you have any comments you'd like to make yourself?

SM I will add to some of these points. In the interests of full disclosure, I do wear a few different hats. One of those is that I'm an academic working specifically in the field of violence prevention. A fundamental message underlying not only the points that Brett's raised about school-based programs, but about prevention more broadly, we absolutely recognise that this requires a comprehensive whole of person, whole of life approach. And if I can shift the focus outside schools, firstly to early childhood. Yes, our organisation specifically works around homicide. What we know, however, from the research is that a notable proportion of homicide offenders have a background that looks very similar to many other, many other criminal offenders. We know that there are shared characteristics and risk factors for, particularly for violent offending, that go back, even in some instances pre-birth. We have also seen that early intervention programs that work very closely with at-risk families can, when implemented and resourced properly, be very effective. And of course we recognise that there are challenges with that. These programs are long term, they are intensive, they do require resources and long term political commitment. However, the evidence is quite compelling that intervention at those early stages of childhood development can have positive long term impacts, not just in terms of reducing the likelihood of entry into criminal offending, but of mitigating other potential negative life consequences across the entire spectrum. And so of course as a part of our submission, we do emphasise that early intervention at all stages, for the families, communities, within schools

and so on, is absolutely vital to reducing the likelihood of people ending up in the criminal justice system. Going to the other end of that spectrum, we absolutely recognise that what happens in prison matters. Again picking up on the point that the homicide offenders that we're most closely concerned with, they look very similar to other offenders in many factors. Issues around education, rehabilitation and support within prison, as well as post-release, and issues around support and monitoring do make a difference to the likelihood of recidivism. Again the evidence is very clear on that. So I might end my comments there, but very happy to take further questions.

CW Thank you very much.

CF Thank you. You mentioned, both of you, around schools, I'm wondering if you're referring there to secondary and primary or are you also including say pre-school when you talk about schools and intervention within schools, and how would that work or does that, would that work do you think with pre-school aged children?

BT Absolutely, yeah, I don't think that, if I'm a parent, which I am, I don't wait until my child is at school until I'm talking to them about matters and values and the world around us, it starts from day one. And so logically, if we want a child to develop the ability to have their own strong values about safety and wellbeing and healthy relationships, then we start as early as possible. We don't wait. What would that look like, we have early childhood education courses at university. We can embed these things, this level of knowledge, within those curriculums quite easily, it's just, it's another piece. Are all universities going to agree that that's going to be within the curriculum, maybe not, but they have to be advocated on an individual basis. And certainly there is going to be some schools and some centres where there's going to be a requirement for more resources because the principle of social justice pretty much says to treat people equally, we must treat them differently. So therefore there will be some resources which have to be increased in some areas and that's perfectly natural. It's just an assessment case by case need. But unless those funds and the resourcing is available, it's never going to start. We can't wait until the problem exists. We have to try and start that as early as possible, that's the belief based on first-hand experience and based on the research which we presented in our initial submission.

CF I'm wondering too, sorry Kim, just it goes along with that question...

CW No, please go ahead.

CF ...just that it goes along with that question, and one would be, you know, probably a comment and then I've got a question. It's a comment about curriculums and in a sense some of that is determined by the regulatory bodies of what constitutes a teacher at the moment and what that requirement is in different states and territories and jurisdictions so it might be just, you may have already undertaken this as an organisation, but to work with the regulatory bodies that dictate some of the curriculum in terms of mandated curriculum content. The second part is do you think that whilst you're positioning that this is a good idea in terms of schools to have these roles, whether they'd be early childhood, primary, secondary, could similar roles be held by organisations that work and complement schools' work, it might be things that are after school care programs, could be vacation care programs, could be, I'm just thinking off the top of my head, could be things like police youth clubs where they're quite structured, organised and mostly have also people that are qualified that would be subject to curriculum or qualifications frameworks.

BT I think it's clear that schools cannot work in an isolated fashion. Schools are representative of the community of which they're serving. And so therefore there needs to be community action on that, and when you look at the Ottawa Charter of Health Promotion, one of the key action areas there is strengthening community action. So therefore yes, it can't be, when we're talking about embedding this into the curriculum, you can't isolate the community. The schools must respond to community needs. And if they don't, then they're not being effective, you know, they work with, high schools work with feeder schools, primary schools, the primary schools work with the early education, and so the communication lines are already there and you've got parents coming into those situations so, yes, you've got absolute support possible from those communities, it's just, it can't be isolated.

CF And from those community groups that...

BT Absolutely.

CF Yeah.

SM If I could just add to that...

CF Yeah, Dr Samara.

SM ...I do want to emphasise that we chose to give school-based programs primacy as an example because that's an area where very practical changes can be made, but it is absolutely crucial, and we fully recognise this, that no one agency, institution or otherwise, be given responsibility for trying to implement violence prevention and prevention of entry into the criminal justice system. One of the real challenges in this field, and again I'm sure I'm not saying anything that others haven't already said, but early intervention and prevention throughout the life course typically is not collaborative, it's piecemeal, it's ad hoc, it's short term. What we strongly suggest however is that effective intervention programs at any stage of the life course, whether that's for families of very young children, whether that's for youth who've already started offending, or whether that's for that matter for adults who are returning to the community post-incarceration, any successful intervention effort must be comprehensive and involve collaboration and shared responsibility, not just across different relevant agencies, but in close partnerships with communities and with the individuals themselves. So we certainly recognise this and really reiterate the need for comprehensive programs that are based around the specific needs of individuals, families, communities and different locations, there's no one size fits all.

CF Thank you.

BT If I can just add one thing to that, and look, there are a lot of programs out there and there's a lot of people who are doing their best to do it, what is a common occurrence is that you'll have someone with a particular passion in a particular area who will be at a particular school for a particular period of time, and large, large majority of cases you will have that person leaves and that motivation and skill goes to somewhere else.

CW Yeah. I have a question, the opportunity to ask you this is just too great, although it's not in line with the sorts of material we've been talking about so far. We're looking at restorative justice as an option in the mix of potential recommendations we make and we made some comments about that in the draft report. And I guess that given your organisation is somewhat unique, what appetite is there for participation in the justice system by members of your organisation do you think, and does restorative justice have a role where homicide is the crime?

BT It's obviously going to depend on the individual. Someone with that altruistic thinking and there, and there are people in the organisation...

CW Are there?

BT Absolutely. I would suggest it is a small percentage, but sometimes that is there because of a religious belief.

CW Okay.

BT Sometimes it's there because of their life experience and the values that they come up with about forgiveness and acceptance. People who can get to forgiveness and acceptance certainly end up in a far better place and in that sense, if restorative justice is a mechanism that can be achieved, then absolutely. I think to discount it completely would be unfortunate. I think that people in situation with a lived experience of homicide need to be able to have a range of options. They need a range of options to be able to speak with a counsellor, a range of options to be able to speak with other people with a lived experience, and, you know, the option to face the perpetrator. They face the perpetrator generally speaking at trial, where they don't get to speak to them. They might get to do a victim impact statement if the person is sentenced. And they may get to hear an apology, whether it's genuine or contrived, where they say how sorry they are in the hope of a lesser sentence without sounding cynical. But for some people certainly absolutely, I think they would grab it with two hands, others would say death penalty please.

CW Yep.

BT Yes.

CW That's a very rational response, thank you for that.

BT That's all right.

CW Do you have any other questions, Commissioner Fredericks?

CF Only another one in relation to incidence of homicide, because we know from the data that we've received that proportionately to the Australian population that the number of homicides has actually gone down. And it has gone down since roughly 1938. So why do you think that is and do you think just based on your work, that that may continue to go down regardless?

- BT I think the research doctor here would like to answer that one.
- CF Thank you.
- SM Yes, I'm glad you raise that. As a researcher, statistics are very dear to my heart. You're absolutely correct in your understanding, homicide has been going down in Australia for a very long time. We're not unique in that regard, similar trends have emerged in most developed western nations. Nobody's quite sure why that's happening. It's a topic of great debate among criminologists...
- CF That's right, yeah.
- SM ...and other scholars. There are a range of different theories for it. I suspect it will continue to be one of those hotly debated areas. Is this likely to continue into the future, I am always hesitant about making such predictions. The pertinent observation I would make is that we recognise from an organisational perspective now, yes we are talking about a very, very small percentage of all violent offenders, homicide is a rare crime. However, the impacts are tremendous and they stay with families for the rest of their lives. From an organisational perspective, I should highlight that, and perhaps you'd want to comment a little bit further on this, Brett, but many of the people we provide support to are families and friends who've lost loved ones, they will seek and require support for a very, very long period of time. So even though each year we have a small number of homicide offences in Queensland, the impacts are cumulative over time. So we do always unfortunately have a growing number of members who we support. I'm not sure if that answers your questions.
- CF No, that's fine, I was just wondering what your take on it is, that's all, because I saw that data and was quite surprised and I thought why is it that we perceive in a sense that there's more homicides in our current time, in our contemporary times than previously and just talking around our team, you know, we look at social media, TV news, TV reports...
- SM Yes, absolutely.
- CF ...localised news...
- SM Absolutely.
- CF ...sometimes generates the understanding that there's lots more homicides in our

community than we realise and when I saw that the high point was in 1938 and we cross-matched that to some policy changes around, you know, crackdowns on crime, you can actually see spikes and things going around too so.

SM Yes.

CF It was just an interesting finding from my perspective and trying to understand what your thoughts might be around that from both of you.

SM Yes.

CF Thank you.

SM It is a fascinating question, I agree.

CF Yeah, it is. Thank you. I don't have anything further, Commissioner.

CW I have no further questions. Are there any comments from the floor from anybody out there? It looks, oh yes, we do.

CF Thank you. Please remember to say your name and organisation you're from, thank you.

MX Mick (ui), workRestart. Okay, my wife is an early childhood teacher. When I started working in the prisons she said, oh, I start with them when they're young, and then those ones that I fail to fix, you've got at the prisons. I strongly believe in early interventions because a lot of interactions in my work, and one on one, you'll find that, I always see the good in people because when I work in prisons I even try not to know what crime people committed when they came in and just, unless they volunteer it. And you find that a lot of it really goes back to something that could have been prevented at the early age. Now something that I've picked as common in your presentation and Sarah, who presented earlier, as well as the people from Together Queensland, is that element of the need for collaboration and not having a piecemeal solution to things, as well as an element of the need to treat people differently, you know, in terms of reacting to their needs. My general comment and (ui) to your presentation and to the board as well is that these conversations are really great, what can be done after this inquiry to get these conversations going on among, you know, at sort of drilled down at, maybe at the school level, say this is the issue and this is our purpose, and how to turn around how people are working in the schools or in the supporting organisations, because the way it is right now is each organisation is ticking its own boxes. And

the different boxes that are ticked, when put together, they're not fully ticking the bigger picture of the box. So what conversations need to be going on and how can they be facilitated and supported so that parents come into the picture and fill in the gap that they need, you know, they're not forgetting their parental responsibility but they're actually participating with everyone, that the police are involved, that the Correctional Services are ticking their boxes, but also ticking the bigger grid of the boxes that need to be ticked.

CF Thank you.

CW I think that was a great comment to finish this presentation on and I think you've left us, the Productivity Commission, with a challenge to see whether there's a recommendation that falls out of that comment you've made, and there may well be.

CF And maybe you can talk about it over lunch time. We're going to have a break so I encourage you to talk with, if you're staying around, Brett and Dr Samara?

BT Yeah.

CF Talk about that after, around lunch. That'd be terrific.

CW Thank you very much. We'll reconvene in an hour's time, we do appreciate your comments and keep up the good work, it's a difficult work that you're both participating in here.

BT As is your role.

CF Thank you. Thank you.

CW Thank you, mate. Well presented today, thank you.

BT Thank you.

(BREAK IN RECORDING)

CF So good afternoon, everybody. Just a reminder to people that are here or have joined us this afternoon that this is a public hearing in Brisbane, 10th of May, for the Queensland Productivity Commission public inquiry into imprisonment and recidivism. And we have a couple more presentations this afternoon. I'll just remind people to turn your mobile phones down or turn them off, and to refrain from asking questions or making comments until either Commissioner Wood or

myself indicate for that to happen. We will have a presentation now and that will be followed by questions from both Commissioner Wood and myself, and then we'll move into, if we have time, to comments from people in the audience. So the next presenter that we have is Mr David White, and David, if I can just get you then to state your name and in what capacity you're here today, whether you're from an organisation or here as a community member, and then lead off with your presentation. Thank you, Mr White.

DW My name's David White, I'm simply a concerned individual who's been interested in justice issues all of my life.

CW Great.

DW I have no vested interests. I don't know anyone who's in prison. My closest association with the justice system is that I have a sister who's a barrister, not in this state, but in another state. However, I'm different to quite a number of ordinary individuals in that I have had interactions with the justice system over the, over the years. I have been in court and I was pursued for a number of years by a very large governmental authority, for 12 years actually, which meant that I had to attend court on a number of occasions and in most cases I had to defend myself because I couldn't afford a solicitor. So that's just a background so that you know where I'm coming from.

CW Thank you, David.

DW I gave you a submission to, initially, because I was very pleasantly surprised that this inquiry happened in the first place in that in all of my life, as far as I'm aware, this is the first time this has ever happened, that there'd been an inquiry into prisons, and I'm now 70 years of age. And, you know, I think this should have happened many years ago but it hasn't, I think mainly for political reasons. So that was, I just wanted to give you a background is the first thing. The second thing, I wanted to give you my overall response to your draft report in that I thought your draft was excellent. It covered a lot of the points that I had hoped you would make. I don't think it went as far as I would like but it did cover most of the issues that I was very concerned about. My initial submission, as you would be aware, was, a lot of it was basically a sociological response, in that how society deals with people who offend against the norms and why they do that in the first place and what happens when they do. And as I said, it was a general response because I haven't any, apart from my own interactions with the law, I

have never been to a prison, I've been to a watch house and I've been locked up for 20 minutes in a watch house.

CW Twenty minutes?

DW Twenty minutes.

CW You're a hardened prisoner.

DW And that was quite an experience. This was some, a number, quite a long while ago.

CW Right.

DW But it was something that I never forgot. And the ensuing court cases opened my eyes to what happens in legal situations. Number two on my list is my, as I said, my overall response, I thought it was excellent but there were issues that I wanted to expand upon and I'm not going to sort of go through all of these, I just, you know, I, numbers three, four, five and six, I definitely supported what you had to say in your, in those pages 26 to 32. I thought they were right on the spot. However, I, I felt that, you know, the key issue to me was the issue of how to reform the justice system and the prison system. And that's where I've written down your, my point eight there on your page 34, I thought that was the key element of a justice reform office. I think that, I think that is the best recommendation in your whole report. There needs to be an independent justice reform office. Now I would like that reform office to have extensive powers where it's not subject to political interference and for that reason ideally I think it should, such an office or an authority, should have similar powers to the Reserve Bank, where it sets the rules which aren't capable of being overthrown by the, whoever's in government at the time. In regard to point number nine, I've got here the scope of criminal offences, as I mentioned in my initial submission, there are a lot of criminal offences that in my view should never lead to prison. And yet so many people are now in prison for what I regard as victimless crimes and rather trivial offences. My view is that, I think at the moment there are something like 9,000 prisoners in Queensland jails, is it something like that?

CW Approximately.

DW My view is that I'm guessing that probably only 500 of those really need to be in a prison, in a secure prison, because they're dangerous or a real, an active threat to

society. In my view, the other people should either be in home detention or in a, some sort of open facility like they have in Mexico, which I don't know whether you've investigated that but I mentioned it in my submission, that there is a prison in Mexico where the prisoners, there's no locks on the doors, the prisoners cook for themselves, they're free to do what they like but I mean they can walk out but they know that if they walk out, there are consequences in that they won't be able to continue with those conditions, they'll be then put back in the general prison. That was on the ABC I think about three or four months ago.

My view is that people who are convicted of drug offences, particularly people just who are there for, just for, simply for possession, should never be in jail. Drug addiction in my view is a health issue and it's not a criminal matter. Addictions of all sorts, society is riddled with them at the moment, and locking people up because they're a drug addict I think is just counterproductive. It certainly will take them off the drugs but there's no long term benefit to it. I also think that people who are imprisoned for non-violent offences, there needs to be another alternative. For example, a person who has worked for a corporation and, in a position where they are in control of the finances and embezzled a significant amount of money, locking those people up for four or five years, I just think is a crazy thing to do. I think this is where restorative justice comes into the picture. I just don't think it's a relevant thing to do to lock up people for embezzlement in the same place as people who murdered a number of people. I just think that's a crazy thing to do. I hope you don't mind me talking...

CW Please, David...

CF It's fine.

DW ...ad lib, I don't like...

CW ...you're going well.

DW ...I don't like people who talk from notes, because I think that deadens the whole situation. So I support your recommendations on reducing the scope for imprisoning people for victimless crimes. My understanding is that there's a whole range of offences still in our law where minor, what I regard as minor offences, where people can still be locked up. I, unless I'm out of touch, my understanding is that people can still be locked up for failing to pay a fine. If that's the case, that should never happen. So that covers my point number 10 basically,

alternative policy approaches. Number 11, I do support restorative justice as far as possible. I think that does have limits, obviously where someone has been killed, there's no, you can't have restorative justice but in a lot of situations, I think there is a lot more scope for restorative justice and I think in some overseas countries that has actually been done. I think that has a long term beneficial effect on both the person who committed the crime and the victim. Number 12, the range of non-custodial sanctions, as I said before, I think home detention should be a real consideration for a lot of prisoners, I don't see any problem in people being required to work anklet, ankle bracelets so that they can live a semi-normal life but they don't have access to, open access to society. I think that's a much more dignified way to deal with justice and I would expect it to be a hell of a lot cheaper than \$107,000 a year, even if, you know, the people were brought their food and whatever supplies they needed, they've still lost their liberty in that they can't move outside of their property. The other thing I wanted to say briefly was about imprisonment and alternatives. It occurs to me that a lot of people when they commit an offence, they don't just suffer one lot of punishment, they suffer for at least two.

CW *[telephone ringing]* Terribly sorry, David. My mistake.

DW They suffer at least two in that they not only lose their liberty, but they also lose their, in normal cases, their employment as well. So a person, that person who's embezzled that money, they've lost their job as well and their future likelihood of getting employment has been significantly reduced. So I don't want to sort of jump about this but that sort of basically leads me to the reintegration, I've got at point number 16. I don't think there's been anywhere near enough emphasis put on how ex-prisoners are reintegrated into society. No doubt you would have heard from people here how difficult it would be for a person who, even with a non-violent crime, to get back into the workforce again, but I, my understanding from what I've read is that it's extremely difficult. And there seems to be very little opportunity for, or situations where those people are helped. My understanding is there's only one organisation, I think it's called Second Chance, and I don't know whether you've talked with those people, but I would have hoped they might have made a submission to you. In regard to, I've got item 14 here, bail, to me I find the situation at the moment with the courts and the speed with which matters are dealt with is just appalling. My understanding is that from the time a person is charged and who pleads not guilty, to when a trial happens, is at the moment

something like up to two years or even more. And which time those people are then held in a prison on remand. And of course that's exacerbated by the overcrowding, which I probably don't need to really, 'cause you've heard all about that.

CW We've heard some about it, yep.

DW I just think it's unacceptable that you can have three people in a cell and one of them's sleeping on the floor. I can't understand how any government can allow that to happen. Diversionary options, my last point, I'm running through these rather quickly because I know we've only got limited time. Diversionary options, I haven't had any association with the drug court but I understand that that is working well and I think that's a positive matter. The more that people can be taken out of the prisons and put into other rehabilitation situations, the better. I did want to make a couple of other comments that I haven't mentioned on here, but I don't know whether it comes within the scope of your inquiry, but firstly, I don't believe, I strongly don't believe that any prison should be run by a corporation. In my view prison should be run by government.

CW Why, David?

DW Because a corporation is there for a profit and that leads to all sorts of consequences of cost cutting and potential mistreatment of prisoners. My understanding is that government is, in this state has made a decision now to, to do just that, that all prisons should be run by the government. I mean to me, it's the same as basically saying that the fire brigade is going to be privately run. I just don't think it's acceptable. Now I'll just make a couple of other general comments. I think it's a real shame that the whole story about imprisonment and prisons is so little-known, I've never actually seen a picture of what's inside one of our prisons. I don't even know what it looks like. I've never seen a documentary about it. The only thing that most people ever know about prisons is what they see in the cinema, and that's an American prison. I just find it unacceptable that we've got 9,000 people who are incarcerated and we don't really know what happens in there, the situation inside, the infrastructure, the closest we ever get is perhaps that an ex-prisoner will tell about what happened when he was inside. Yeah, I might leave it at that, because I'm worried about running out of time. I've got a document here that I, that is available off the, off the internet, it's not, and I thought you guys might like to see that sometime.

CW Thank you.

DW That pretty well follows what I have just said.

CW We'll take that, David, and ensure that's considered. David, you've got a little more time if you'd like take it or else we can...

CF We can start on questions.

CW ...ask some questions?

DW I'd just like to make one other comment that might not be all that pleasant, and that is that I took the time to read the official annual report of the department last year, and I was absolutely appalled at that report in that it looked like a military, it was run as a military organisation. All of the departmental people were all dressed up in uniform and there was a whole mass of statistics in there saying what a great job they were doing but there was no human aspect to it in my view at all. And the whole report ran to something like 50 pages. A huge document. And I don't think they addressed any of the issues that you're addressing here, it was purely about the number of people who had been put in, the number of people who had been taken out, there was nothing in the report really, as far as I could read, explaining about how prisoners were actually rehabilitated, how many prisoners were actually allowed to study or train to get back in the workforce when their sentence was expired, you know, how many people were allowed to study for a university degree or a diploma, it was, as far as I could see there was nothing in there at all about that. It did mention, you know, how many people had escaped, which they said was very few, but maybe this is the sort of annual report that those departments are required to put in, but I just found it was totally lacking in any sort of compassion. Yeah, that might be, oh yes, there was one final thing. You've recommended a justice reform office.

CW Yes.

DW Purely by accident, I noticed this in the media last week, that now the QSAC is asking for submissions on sentencing. First I'd ever heard about it. And hopefully those guys might be able to liaise with you when you're determining how you, what you put in your final report. But I intend to put in a submission to this.

CF Good on you.

DW And that's it.

CF Good on you, David.

CW David, we have engaged with them and we will liaise, our reports are similar timeframes and we've agreed to have further discussions about that. Thanks for your presentation. You obviously have some passion about some of these issues, I can tell that, and I really appreciate you taking the time today to come. Commissioner Fredericks, do you have a question for David?

CF Thanks, David, for your presentation this afternoon and, you know, for your submission and then providing this supplementary information around the points too so. In regards to your submission, you recommend complete reform of the sentencing guidelines, and I'm just wondering if you think there are specific crimes or things that people have been sentenced for that probably warrant priority in terms of some of that reform process?

DW Well, my understanding is that every year in Queensland, I think I put this in my initial submission, that 25,000 people are convicted of summary offences, 25,000 a year, every year.

CF Yeah.

DW I just think that that's just outrageous. I've known a few people who have been subject to those, because I personally have been in demonstrations and I've seen people who have been arrested over alleged public nuisance offences, and I was just outraged that this happened. You mentioned in your draft report I think that, something to do with the discretion that police officers have, I think at the moment personally I think they have too much discretion. I think that there probably are some offences that need to be dealt with by the courts, but I think that the number is only a tiny fraction of what happens now. One of my acquaintances was arrested on a move-on charge and ended up having to, the court had to spend time dealing with his matter because he defended it, and the facts that I was aware of, the charge was just outrageous. And I think that leads to the whole, this is all, this whole justice system needs total reform in that the number of offences that are coming before the courts, the courts can't deal with them. This is why there's a two year delay in, between people being charged and people being, having to go to trial. And although my relative is not in the legal system in this state, I don't believe there's much difference in any of the states in Australia, and

the stories that I hear from her about what actually goes on in the justice system would make your hair fall out, and you would feel, you would feel outraged by what's happened. I don't know whether that's answered what you...

CF No, that's fine, David.

DW I do really think that people who possess drugs for their own personal use, I don't, I think that's a matter between them and the health system, unless they, because of that, unless they engage in violent acts. And I just make a final point, everybody feels that we live in a free society, I think, in my view freedom is much overrated as a general situation and I know that the Council of Civil Liberties wouldn't agree with what I have to say but if a person is addicted to ice, continually addicted to ice, do they have the freedom to continue on with that without any intervention at all where it leads, it can lead to violence and death. And my rhetorical question is wouldn't it be better for society to be able to detain those people, perhaps not in a jail, but detain them to, into a situation where they are no longer addicted. That might mean that their freedom is limited but in the long run, society and that individual is much better off.

CW David, are you saying in that case though it's treated as a medical problem?

DW Yeah.

CF Yeah.

DW And why don't we have centres, masses of centres dealing with those sort of people, and I like my individual freedom as much as probably anyone else, but to me, the matter of ice I think is a very, very serious one, and I would actually agree with what happened in Portugal but I don't agree with decriminalising everything, I just don't believe that you can decriminalise ice because I think the effects of addiction on ice are just so drastic. You know, which is probably putting me at about the freedom end of the spectrum in the population, but in my view locking people up for MDMA and cannabis is just ridiculous. I'm trying to, I'm not, I'm trying to talk in a colloquial sense here. I hope you appreciate that.

CW You're doing a good job, David.

CF Yeah, that's fine.

DW I mean I've thought about this for a long time and so I was absolutely appreciative of the fact that this inquiry's happened and that you've been able to give me the

opportunity to put my point of view forward because it's never happened before. I haven't given any inquiry, any submission like this in public for 10 years and this is only the second time in my life I've ever done this.

CF Thank you.

DW So I feel very passionately about it. I try to look at things from a society, a broad society aspect, not from an individual point of view. I think too much of society were thinking about the individual aspect rather than the broadest. We're just about to come up to an election and just about everybody is thinking about how does it affect me instead of how does it affect how I vote, how's it going to affect society as a whole, not just me. So this is where I'm coming from.

CW Yep.

DW I wasn't asking for a comment from you on that.

CW David, well done. Thank you very much. Bronwyn, do you have any further questions?

CF No.

CW Are there any comments from the floor on David's presentation today? It sounds like we don't have any. David, we really do appreciate you coming. You talk some sense.

DW Thank you.

CF Thank you.

DW Well, just one final thing.

CW Please.

DW I also, no, this is not about, the initial, your initial call for submissions, you got 43 submissions for the whole of the state, and I was one of those 43, only one of four individuals put a submission in. And I notice in the draft report you've only got 39, you got less, of which 12 were individual submissions. And we've got a state with five million people, you know, I think that says something about how society views this subject. And I just felt I had to say something.

CW We're glad you did.

DW I don't, I'm not obsessed about this, but I think it's an important issue that unless we treat all human beings as, with respect as far as possible, no matter what they've done, and I think, and taking it further, we need to treat all living creatures with the same respect, and I'm not religious in the conventional sense but that's all I want to say.

CF Thank you, David.

CW David, much appreciated. Thanks for your time and thanks for doing this, as you said, not many people are prepared to bat up and sit in front of a microphone and speak their mind and you have so well done, thank you.

DW Thank you.

CF Thank you, David. I think at this point we've got about five minutes before the next presentation is due, so if people can just stretch their legs, if you want another cup of tea, I know some people are probably cup of tea-ed out, but please just have a break. About five minutes.

(BREAK IN RECORDING)

CF All right, we're going to reconvene this afternoon. Just a reminder to people that this is a public hearing for the Queensland Productivity Commission. My name is Bronwyn Fredericks and this is Kim Wood, we're the Commissioners presiding this afternoon. Please make sure your phones are turned down or off and refrain from asking questions or making comments until indicated from either Commissioner Wood or myself. The process will be we'll have a presentation and then followed by questions from both Commissioner Wood and myself and then if we've got time we'll move to any comments from the audience. So I'd like to introduce Tammy Solonec. Tammy is from Amnesty International, and she will give us a 15 to 20 minute presentation. Tammy, before you begin, can you please, so for the purpose of the tape this afternoon, please state your name and the organisation you're from. Thank you.

TS Thank you.

CF I'll hand it over to you.

TS Thank you, Tammy Solonec from Amnesty International. Thank you for the opportunity to present today on behalf of Amnesty International. I start by

acknowledging the traditional owners of this land on which we meet today, the Juggerah and Turrbal people of the Greater Brisbane Area. Amnesty International is the world's largest independent human rights organisation, comprising of more than seven million supporters in more than 160 countries. We are impartial and independent of any government, political persuasion or religious belief and, accordingly, we do not receive any funding from governments or political parties. Amnesty International is a worldwide movement to promote and defend all human rights enshrined in the Universal Declaration of Human Rights and other international human rights instruments, including the Declaration on the Rights of Indigenous Peoples. Amnesty welcomed the opportunity to submit to the Queensland Productivity Commission's inquiry into imprisonment and recidivism in November last year. Our submission drew on our research since 2013 on the over-representation of Aboriginal and Torres Strait Islander children in the Australian justice system and our 2016 report, Heads Held High, Keeping Queensland Out of Detention. The submission also drew on the work of the Change the Record Coalition, a coalition of indigenous and non-indigenous organisations and in particular, the coalitions Free to Be Kids, National Action Plan and a Blueprint for Change, and from UN treaty bodies and the Special Rapporteur the Rights of Indigenous Peoples in her 2017 report. Amnesty has also conducted a series of Right to Information applications regarding children currently being held at the Brisbane Watch House since our submission in November last year, from which we also draw information. I start with the Human Rights framework.

The Convention on the Rights of The Child is the primary source of the rights relevant to this enquiry. Unique among the major UN human rights treaties, it explicitly recognises the particular needs of indigenous children. Relevant obligations under the convention include that the best interests of the child is a fundamental principle to be observed, including in the context of criminal justice, that arrest and detention must be measures of last resort for children, and that a variety of appropriate alternatives to detention should be put in place to ensure that children are dealt with in a manner appropriate to their wellbeing and proportionate to the circumstances. Importantly for indigenous children, article 2.1 of the convention requires parties to respect and ensure the rights set forth in the convention to each child within the jurisdiction without discrimination of any kind, irrespective of the child's parents, legal guardians, race, colour, ethnic or social

origin or other status. Article 37 of the convention provides that state parties shall ensure that the arrest, detention or imprisonment of a child shall only be used as a measure of last resort and for the shortest appropriate time period, and that every child deprived of their liberty shall be treated with humanity and respect and in a manner which takes into account the needs of the person's age, his or her, of his or her age. And article 43 requires state parties to promote the establishment of measures for dealing with children without resorting to judicial proceedings, and to ensure that children are dealt with in a manner appropriate to their wellbeing and proportionate to the circumstances of the offence. In its general comment, number 10, on children's rights in juvenile justice, the Committee on the Rights of the Child says that a comprehensive policy for juvenile justice must deal with the prevention of juvenile delinquency, interventions without resorting to judicial proceedings, and interventions in the context of judicial proceedings. What this means in practice is set out in more detail in the United Nations Rules for the Protection of Juveniles Deprived of their Liberty, also known as the Havana Rules. These rules include that solitary confinement or any other punishment that may compromise the physical or mental health of the child must be strictly prohibited. So this is the overarching international human rights framework governing the detention of children. Amnesty International calls on all levels of government to commit to a youth justice approach which is at all times consistent with Australia's international human rights obligations, as laid out above. In addition to the general human rights principles, our key recommendations to the Queensland Government relate to children on remand, the low age of criminal responsibility, justice reinvestment and learnings from other jurisdictions.

So I'll start with children on remand. A major contributing factor to imprisonment rates is the amount of young people in detention who are not sentenced, that is those who are on remand. Queensland has the highest rates of imprisonment for unsentenced youth in Australia. On average day in 2016/17, 81 per cent of children detained were unsentenced. This means that they haven't been through their time in court. Sometimes they haven't even had their guilt determined, and in all cases they haven't been given a final sentence. Adults are often bailed to suitable accommodation in these instances but children with what is, with, sorry, without what is considered suitable accommodation, are kept in watch houses and lock-ups. Indigenous children in Queensland spend an average of 71 days in detention on remand, compared with 50 days for non-indigenous children. This

was three weeks later than the national average, with Aboriginal and Torres Strait Islander children spending 50 days, an average of 50 days, and non-indigenous children spending 43 days in detention on remand. This situation is a serious human rights concern. During 2016/17 in Queensland, 49 per cent of the children on remand were in pre-court detention, which was a result of police refusal of bail, and 55 per cent of those children were indigenous. Under Queensland law, police must notify the Aboriginal Legal Services before interviewing an Aboriginal and Torres Strait Islander person and allow them to speak to and have a support person during questioning. Before interviewing any child, police must similarly allow them to speak to a support person and have them present with them during the interview. There's a memorandum of understanding between the ATSILS, the Aboriginal and Torres Strait Islander Legal Services of Queensland, and the Queensland Police Service about when ATSILS should be notified, however these protections only apply to indictable offences. This is an important distinction as many children are questioned, fined, arrested and detained for summary offences like public nuisance, theft or trespass, therefore the memorandum of understanding does not apply in approximately 50 percent of the cases. Despite this, ATSILS still are often not notified.

The Queensland Attorney-General, Yvette D'Ath, acknowledged that one of the reasons that there's such a high number of young people on remand in Queensland is because there is no suitable accommodation or support service for their release or on-supervision. Nine additional supervised bail accommodation facilities were set to be opened in mid-2018. Five of these facilities were not operational as of August 2018, and as we understand it, are still not operational now. Another issue is that children are regularly being charged with criminal offences whilst in supervised accommodation. The result of the criminalisation of children in these facilities is further entrenchment, leads to their further entrenchment in the justice system. Finally, there are significant delays in processing children through the courts, which means that they spend more time than is necessary on remand. In 2016/17 it took an average of 51 days to finalise children's proceedings in the magistrates courts and 369 days to finalise proceedings in the children's courts. This is the longest average duration of proceedings for both courts in the past five years. Whilst the state recently released a youth justice action strategy, and it said that an expansion of funding for an additional specialist at the children's court would assist with this, it was not

a new measure and it's only a temporary commitment. So on the basis of all this, our recommendations to the Queensland Government to address the disturbing remand situation of children is as follows. First of all that the Queensland Government extend the legislative requirement that the ATSIILS be notified when children, when indigenous children are brought in for questioning to extend to summary offences. The second is to raise the age of criminal responsibility to at least 14. The third is to enquire into reform of the Bail Act and the Young Offenders Act. We also recommend that the Queensland Government ensure, A), ensure sufficient ongoing funding available to continue the work undertaken by ATSIILS and the Queensland Indigenous Family Violence Prevention Legal Services to, B), to fund culturally appropriate indigenous community controlled bail accommodation and support services. C), put in place systems that address the high, the current high rates of arrests at supervised bail accommodation. D), investigate the reasons for the increasing delays in the finalisation of children's matters in the magistrates and children's courts, sorry magistrates and district courts. E), fund culturally appropriate indigenous community controlled bail accommodation and support services. And F), put in place systems that address the current high rates of arrest at supervised bail accommodation. Sorry, I think I had a bit of a typo there but I can provide the written notes.

So the next area I would like to talk about is the minimum age of criminal responsibility. So the current age of criminal responsibility, that is the age that children can be placed in detention is 10 years old across Australia. Citing human rights, legal and medical expertise, Amnesty International has called for the minimum age of criminal responsibility to be raised to 14 years in all jurisdictions. Queensland, in Queensland if the minimum age of criminal responsibility was raised to 14 years, there would have been 15.5 per cent fewer children imprisoned in 2016/17. Amnesty International is pleased that the Queensland Government is supporting the federal review on the age of criminal responsibility through the Council of Attorney-Generals Working Group. We challenge the government to show leadership and, when this report is released, and be the government that takes the lead in raising the age. We have produced a publication called The Sky is the Limit and there are many reasons in that but due to the time limits, I think we have given enough evidence previously about raising the age so...

CW Thank you.

TS ...I'll move on to the next issue, which is health and cognitive development. So children often do not understand the consequences of their actions, meaning that they are being imprisoned for actions that they might not be responsible for. This is even worse for children who have brain injuries, development impairments, mental health issues and psychological issues, including foetal alcohol spectrum disorder or FASD. So FASD relates to a spectrum of disabilities, including physical, cognitive, intellectual, learning, behavioural, social and executive functioning abnormalities, and problems with communicating, motor skills, attention and memory. It can result in a range of difficulties for children, such as difficulties in understanding cause and effect, learning from past experiences and decision making. A recent study of the Banksia Hill Detention Centre in Western Australia found that one in three children in the prison had FASD and that nine out of 10 had some form of neurodevelopmental disorder. Similarly, a New South Wales study of children in eight prisons found that 48.5 per cent had borderline or lower intellectual functioning. These are vulnerable children. Health issues can also lead to young people being in the justice system. Acute otitis media, glue ear or runny ear can cause long term hearing loss if they're not treated and lead to delayed language development, poor auditory perception and interpersonal problems in young children. The ongoing effects of hearing issues are seen in behavioural problems, educational underperformance, school dropout and illiteracy, which leads to underemployment and involvement in criminal activity in the justice system. Aboriginal and Torres Strait Islander children have ear diseases at 2.9 times the rate of the non-indigenous population and are much more likely to have contact with the justice system than their non-indigenous peers. Measures such as school screening, general practitioner hearing checks, auditory screening, specialist treatment and education for families and schools in prevention and treatment could reduce the crippling effect of chronic ear disease and the rate children come into contact with the justice system. Furthermore, when testing and contact with the justice system, they should, furthermore testing when in contact with the justice system should occur to ensure children are not being penalised for medical issues. The next issue I would like to talk about is justice reinvestment. Justice reinvestment is a system reform that is slowly being adopted throughout the nation. Justice reinvestment is an evidence-based approach to reducing incarceration rates by investing in supporting communities to address the underlying social issues leading to offending. The approach was developed in the United States as a means of curbing spending on corrections

and reinvesting savings from this reduced spending in strategies that can decrease crime and strengthen neighbourhoods. In contrast to the United States, however, justice reinvestment in Australia has largely been a community-driven process. The Maranuka and Bourke Tribal Council have led the Maranuka justice reinvestment project since 2013 in New South Wales, in partnership with Just Reinvest. Justice reinvestment in Bourke has focused on coordination and partnership between community service providers, governments and police. This has led to the Bourke warrant clinic, a support network of young people, including not for profit workers, and government officials from family, education and health sectors. A magistrate may hold a warrant for arrest of a child for two weeks, during which time the support team will work with the young person to develop a plan to address their offending at the clinic. This plan can include attendance at education or community programs. And the Maranuka project is having some amazing success and there is a report that we can provide to you which has outlined that success.

CW That'd be great.

CF That'd be really good, Tammy.

TS Justice reinvestment not only makes community safer and saves children and adults from the horror of being within the criminal justice system, it also makes economic sense. In 2014/15 the Queensland Government spent \$89.2 million on detention-based supervision, the second highest expenditure on youth detention in Australia. The cost per child per day in detention on an average day in Queensland is \$1,445, which is above the national average. A justice reinvestment approach would instead see a portion of these dollars allocated to addressing the underlying causal factors of offending and preventing children from becoming entrenched in the justice system. Amnesty International welcomed the Queensland Attorney-General's announcement of a justice reinvestment scoping project in Cherbourg in 2017. However, we recommend that the Queensland Government move to make the Cherbourg trial permanent with a long term funding agreement and seek to trial new sites in other high risk communities. In its report, Pathways to Justice, the Australian Law Reform Commission recommended that Commonwealth, State and Territories provide support for the establishment of an independent justice reinvestment body. It states that the purpose of the body should be to promote the reinvestment of resources from the criminal justice system to community-led place-based initiatives that address the

drivers of crime and incarceration and provide expertise on the implementation of justice reinvestment.

Amnesty International has learned from experience working with indigenous-led organisations that they face issues in writing and applying for funds, governance matters, scalability of their programs and evaluations. A national body could provide advice and expertise on these sorts of matters. On this basis, Amnesty International recommends that the Queensland Government support the establishment of an independent justice reinvestment body where Aboriginal and Torres Strait Islander leadership and cultural expertise are embedded at all levels. I'd like to finish by talking about the indigenous-led solutions and alternatives to detention. There is a significant body of evidence, most recently from the Royal Commission into the Protection and Detention of Children in the Northern Territory, and the Australian Law Reform Commission, which indicates that indigenous, that for indigenous people, including children prevention and diversion programs run by indigenous-led organisations and leaders work best. Report after report has recommended that these programs used a trauma informed therapeutic approach and that they be locally run, place-based programs and controlled by indigenous people. Supporting children with therapeutic and culturally appropriate support through indigenous-led solutions will reduce the likelihood of their entry into the justice system, decrease recidivism rates and set them up to succeed. In this regard, Amnesty International recommends that the Queensland Government increase the allocation of funding indigenous community-led and controlled organisations to provide culturally appropriate place-based indigenous designed and led preventative and diversion programs, and rehabilitation programs too I might add, to address the needs of children at risk of entering the justice system. This funding should not be allocat-, sorry, should be allocated to indigenous-led organisations and programs in proportion to the over-representation of indigenous children in the Queensland justice system. So I'd like to conclude that by addressing the issues related to children on remand and the minimum age of criminal responsibility, and by investing in justice reinvestment and indigenous-led solutions, the Queensland Government can significantly reduce the over-representation of Aboriginal and Torres Strait Islander children in the justice system, make the community safer and save the taxpayer money. Thank you.

CW Thank you, Tammy, that was a refreshing, thoughtful and well-considered

presentation. Well done. Commissioner Fredericks, do you have a question for Tammy?

CF Yep, I've got a number of questions. That was a great coverage, Tammy, of a lot of issues there and just some of those, while I've read the submission, it just highlighted a few things for me in particular around that difference from ATSILS around the summative and the, you know, the other types of offences. But if government was going to set targets in terms of progressing some of the issues around youth, inclusion of indigenous youth, around incarceration and involvement with the justice system, what kind of targets would you, - or you know, your organisation like to see? I'm sure you've talked about that in terms of what could be organised, what could be done, what could be set?

TS Yeah, so Amnesty and the Change the Record Coalition have been lobbying and arguing for targets at a national level for some time, especially in the Close the Gap framework, but also we would like targets at state and territory levels. So the Change the Record Coalition's targets are, one target is to reduce the numbers of people within detention, and another one is to reduce the impact of violence felt by Aboriginal and Torres Strait Islander people, 'cause quite often the two go hand in hand. So I think you can have subsets of either of those targets, and you could probably also have targets on kids in care, because we know that a lot of the children who end up in the justice system have been wards of the state and have been removed from their families. So there's a number of, we could provide for you some extra information on targets that we provided.

CF That would be good.

TS We have some draft ones we could send to you. And Western Australian government has recently announced some targets as well so we could send them to you.

CF Yep, that would be terrific, Tammy.

TS Okay.

CF The other question that I've sort of got is around public appetite or public perceptions around, you know, reinvestment and how we, 'cause I think, you know, in terms of what we know, people are a bit hesitant or see it as a risk or, you know, there's a range of views on it.

- TS Yep.
- CF And we'd be interested in your ideas, your organisation's ideas about how, you know, if we put forward things in that regard, what other supporting materials could we use around talking about strategies around public perceptions around reinvestment?
- TS Yeah, well this has been really big in America, you know, they've closed juvenile detention centres under a justice reinvestment framework because the children aren't committing crimes anymore, and I think the logic of that makes sense to most people, if you can take the time to explain it to them. You know, by investing this money in prevention, we will actually make a safer community and we'll save the taxpayer. So I've actually personally struggled with the fact that it has been so difficult to get Australian governments to be persuaded by justice reinvestment where it's been so successful elsewhere. So it is hard to get through that tough on crime rhetoric that I think that Australians hold so deeply, you know, we were established as a penal colony, it's in our psyche, so but we have to keep changing the narrative, we have to show people that these kids that get locked up are human beings, that they are vulnerable human beings, that they often have, you know, mental illnesses or FASD or they, you know, they come from poverty, we need to show some more compassion, and I think what we need is strong leaders to do that. You know, so if we can have premiers and prime ministers and those in high leadership positions talking about the logic of these programs and how they work and how it will save lives and money and make communities safer, I think that it can work.
- CF Yep.
- CW Well said.
- TS Thank you.
- CF Thank you.
- CW We have a, you've talked about one or two conventions or treaties that Australia is signatory to, early on in your presentation...
- TS Yep.
- CW ...how are we going compared to those commitments we made by signing up to

those conventions and/or treaties? Does the organisation you represent have a view? Are we honouring the spirit of those treaties we've signed?

TS Yeah, so, yes, Amnesty is involved in the treaty body reporting and in particular, the universal periodic review, I've been to the last two universal periodic reviews, and Australia is not seen so well in the way it's treating indigenous people in particular.

TW Right.

TS The two issues that kept coming up at the last universal periodic review was to ratify OPCAT and also to, which is the Optional Protocol to the Convention Against Torture, which will allow the UN to come in and inspect places of detention, and also the way that we're treating refugees in offshore processing, they were really big issues that people were not happy about. With regards to the other conventions, Australia will be reviewed by the Convention on the Rights of the Child this year and that is delayed. The Special Rapporteur on the Rights of Indigenous Peoples, when she came here, she said that the routine detention of 10 or 11 year olds was the most distressing part of her visit, and she visited Cleveland Detention Centre, that was the most distressing she found about human rights in Australia here. We've been to the UN and done side events, we took some footage from the Dondale Four Corners episode and showed that at the UN and people were horrified.

So, you know, Australia is, the age of criminal responsibility, you know, China is 14, and we're 10, so it is being noticed, Australia is continually being criticised for the way that we treat aboriginal people in particular in the justice system, but also the way we treat children.

CW Thank you, Tammy.

CF Mm, thank you.

CW That's all the questions we have. Are there any comments on the presentation from the floor? Would anybody like to make, yes? We have a microphone weaving its way towards you, there you go.

CF Just if you state your name please, Jan, and where you're from and then your comment.

JH I'm Jan Hammill from the Collaboration for Alcohol Related Developmental

Disorders. We were formally Fetal Alcohol Research Group at UQ Centre for Clinical Research. Tammy, I was really pleased that you raised the issues that you did and I'll talk about my grandson. You've stolen some of my thunder, it will be a case history I'll be presenting. But I wanted to make it now in that chronological age of a child at 10 going into, does not always equate to the cognitive age and my little fellow went into the youth detention centre when he was 10, his cognitive age would have been at about three years of age. Then he went into the big house, I tell people that he might have been a teenager and my superiors say no, he would have been about seven or eight years of age when he went into the big house. He's now going on, he'll be 32 in a couple of months and he's still inside because he's just been doing that. Anyway, I'll talk about that later but the remand issue, we need to think about that as a missed opportunity. Now I don't know what the procedure is when people, when children are admitted on remand, but I know a magistrate in the country recently was concerned about a young woman who was offending, a young adult, and he knew that if he sentenced her and sent her down to prison, women's correctional centre, that she would get a full medical on arrival, and that's exactly what they did and they solved her problem and had her back in the community within days. And I'm wondering if, with remand centres, the first thing that has to happen is an assessment, total assessment by a team for cognition, for fetal alcohol or alcohol-related developmental disorders, knowing that dad's drinking stages is impacting on the child very much so. And I think that is a missed opportunity. And it would be very good if we could do that. Other missed opportunities are children in court, whereas if you're in the family court, the children have a children's barrister. I'm wondering if that might be, I know that ATSILS send a barrister down to represent the child, but I'm wondering, given the very immature status of the child, should not a, you know, a children's barrister be there. The other thing is the hearing problems. We've had this problem for several decades now with the ENT specialists who continue to say that it's otitis media, glue ear. And because that is a problem because you know when you've got dysmorphology of the face and the head that just as the retinal pathways suffer tortuosity, so do the hearing pathways, but also we know that it's mostly auditory processing, the child's brain, when you say something to the child, it's not that they're not hearing, it's just that they're only picking up one or two words in every sentence, and you have to repeat the sentences to get the, to get the child to understand. So you must keep the sentence simple and just repeat it and repeat it and I say the magistrates must

do this too in the courts because, and then get the young person to repeat the instructions back to them. And that's why the teaching method direct instructions is working so well up north in communities because it's that repetition. And it's working with the kids who've got the hearing problems. I wouldn't call it hearing loss because they've never had it to lose it.

So, and the justice reinvestment I think is great, although my nephew won't agree with you because he drove through work one evening and slowed right down, didn't want to hit a child and when he got out the other side of town with his road train, he had a couple of slashed tyres. So, you know, that was the negative of it. But I know with my kids, my kids, they need external brain 24/7. So if you're going to give them things to do, you have to either, it has to be daily, it has to be regular, and you have to wear them out so that they do sleep. I mean you have to be, somebody has to be there 24/7, that external brain for them, 24/7. So I've looked at a few where they've been so many days a week they will go and then down here on Sundays at Musgrave Park with a very good cultural event on Sundays.

XX Murriss in the Park.

CF Jan, I'm going to draw you to a close, Jan...

JH Sorry, yes.

CF ...because I was conscious that someone else had their hand up and that other people may seek to speak so...

JH Sorry, sorry.

CF ...can you please pass the microphone over. Thank you. And we are hearing from Dr Hammill in the next session so you do have time to present on your ideas. Please state your name and who you're representing today. Keep in mind please there is another speaker after you and we're on a time limit. Thank you.

WS Wayne Sanderson, retired Uniting Church minister and mostly retired clinical psychologist, heavily involved in the Balanced Justice campaign which has now been operating for over seven years in Queensland, aimed at reforming the youth justice system of Queensland on an entirely justice reinvestment preventative model. Some success and some frustration, as Tammy has exemplified. I want to make this comment. On the specifically justice reinvestment measures that

we've just heard about from Tammy, it's, I've had the great privilege of learning firsthand about some spectacular impacts, very beneficial impacts from three locations on this. I'll detail them very quickly. I won't detail them, I'll indicate...

CF We don't have time...

WS Sorry?

CF We don't have time for you to detail them.

WS Well I won't detail them, I'll indicate them very quickly.

CF Thank you.

WS Dot points. The first is in the Peterborough area of the UK, just out to the north of London, old clapped out industrial sort of place and not much industry there now. They had the good fortune to have something like Griffiths, what we have here in Griffith, the Pathways to Prevention, operating there over a long time, following a lot of kids, and they've been able to have very helpful interventions to keep kids out of crime, out of court. Secondly, the Seattle area in Washington state in the US, very, very little juvenile crime in that place because, because over the last 10, 15 years, they've been working very, very resourcefully and insightfully with justice reinvestment. Thirdly and finally, the province of Ontario in Canada, I've been there, I've met the key people, and their, on the graph, their drop in incidence of juvenile crime, over about the last 15 years there because they did a lot of these things, has been, I didn't believe it frankly, when I first saw it I thought I'm not understanding this, there's something awry, but no, it's worth investigating. Thank you.

CF Thank you.

CW Thank you, Wayne.

CF And please pass the microphone to Nick. We are going to go a little bit over but we are, I am going to give this time to you, Nick, because people have spoken for a long time so.

NT Thank you. Nick (ui), I work with workRestart and I'm also a Centacare chaplain. In solving our problems, sometimes we introduce one measure to fix a problem and in the process create another problem. I want to refer specifically to the age of criminal responsibility. In moving it from 10 to 14, I just want to, not a question

but just a comment, to highlight that there is a real need to make sure that by moving that it does not create a situation which delays necessary intervention at an earlier age, which has been the recommendations from other proposals.

CF That's a good point.

CW It is.

NT That when, if that succeeds, that the age is moved to 14, in that process it is necessary to make sure that there are other nets or ways of intervening with young children at an earlier age, because it is a challenge I have, she mentioned people were say 10 but maybe three, three years cognitive, I have interacted with men who are 30, probably at a cognitive of maybe 13 in that they do not take responsibility for what has happened to them, it is the other guy or it is the system, it is something else, but that responsibility (ui).

CW Thanks, Nick.

CF Thank you, Nick, that was great.

CW That's a useful comment, I'm sure there's a way to accommodate that, but thanks for putting it on the record. Tammy...

TS Can I respond?

CW Please respond if you feel the need, yes.

TS Yeah, so I mean there are many countries around the world that have a much like higher age of criminal responsibility to Australia and, you know, their nations haven't collapsed. There are so many ways around the world that we can look to as to how we can work with children under the age of 14 who might present in ways that show that they need help, it is a cry for help and so I agree with you, there does need to be programs put in place, and that's why we're arguing for indigenous-led programs and things like justice reinvestment, which will address those underlying causal factors. And I just wanted to just pick up one point about your language and a lot of other people's language about early intervention, we try not to use the word intervention too much, because interventions have been used historically to deny Aboriginal peoples' rights. The Northern Territory Intervention is a very good example. We prefer to talk about prevention and diversion. So I just don't think we need to always think that the answer is to intervene in a life of an aboriginal family and pluck that kid out, you know, it might

be supporting the families or, you know, we need to change the way we're thinking about things so that we are supporting those families and those children with whatever issues are presenting.

CW Tammy, thank you, strong presentation.

TS Thank you.

CW We appreciate you making the time and I think we'll be the better for hearing you today. Thank you very much.

CF Thank you. Thank you, Tammy. Now we're going to change straight over.

CW Yep, I think we are.

CF So while Dr Hammill comes up, if people want to just quickly stand up, stretch your legs, that's fine, but please don't go away, we are going to start fairly much straight away.

(BREAK IN RECORDING)

CF All right, we're going to resume proceedings this afternoon. The last presentation, this is seven of seven, seventh of seven, is Dr Jan Hammill. And Dr Hammill is with the Collaboration for Alcohol Related Developmental Disorders, also known as CARDD at the University of Queensland Centre for Clinical Research. Please just remember that you can ask, we will ask questions, Commissioner Wood and I, and you can present comments after Dr Hammill's presentation and after the Commissioners have asked the questions so...

JH Thank you, Commissioner Fredericks.

CF ...please for the purpose of the video, state your name and who, where you're from today. Thank you.

JH Yes, I'm Dr Janet Hammill, I'm from UQ Centre for Clinical Research and where I've been for quite a few years. I would first like to pay my respects to the Juggerah and the Turrbal people and to the Brisbane Council of Elders who manage our culture today within the city, and that group of people come from many different Aboriginal and Torres Strait Islander populations across Australia. I am, I'm a descendant of an Aboriginal grandmother from the Pilliga Scrub of New South Wales and I'm a medical ethnographer. And my submission will concentrate on advocacy for those children who were exposed to alcohol before

birth, but, and which resulted in negative impairment and behavioural, learning problems, et cetera, their ongoing vulnerability, and then I hope we can concentrate on a plan to do something about that. But I'm not going to go right into fetal alcohol because I hear you've already had quite a few people, I know colleagues have given you the side of fetal alcohol spectrum disorder.

CF Yeah, we had someone in Cairns and we had someone in Brisbane last week.

JH Oh right, Anne Russell in Cairns isn't it?

CF Yeah.

JH The Russell Family Fetal Alcohol Disorders Association, I'm the President of that and...

CW She did a wonderful job.

JH Yes, she's, Anne is very special.

CW Mm.

JH So where we're seeing the global, the, this is a global issue and we're seeing it with people in the correctional service custody, in special education services, and developmental disabilities in psychiatric care, and very, very much so in the indigenous populations where it is now intergenerational. And I can actually, you know, I have actually got friends who are grannies who have got fetal alcohol that's been unrecognised. So, and others have been misdiagnosed, they've been told that they've got, because doctors are reluctant to ask mothers about alcohol use or even dad's alcohol use, which they should be asking about, and they get other diagnoses such as autism, Asperger's, ADHD, et cetera. And they probably do have that as well, because there are 427 comorbidities associated with fetal alcohol spectrum disorders. And it's imperative that we intervene early with the primary disabilities, rather than after the secondaries have developed, and that's usually the case, young people have been in out of home care because of dysfunction at home, you know, they may be second or third generation fetal alcohol, and then by the time they get into custody, they're well developed into secondary disabilities and behavioural problems and they could have been through 60 or 70 placements in out of home care placements.

And we need to bear in mind too, now this is a really hot topic and you'll think that I, we need to bear in mind that people around, indigenous people around the

world have been genetically modified because of being dispossessed of their traditional cultures and their foods, et cetera, and moved onto a western diet. That's altered their whole biology. This is something that Santos must envy with their genetically modified crops, I mean if you take somebody, there's the Developmental Origins of Health and Disease, they've got their annual conference in Melbourne this year, it's a global organisation which looks at this and we know that after the landing of the white fellas in Sydney Cove, there were only 10 per cent of the local Eora Gadigal tribes left, because they had been decimated through diseases, et cetera. And so nobody looks at this, this is my biological genocide model that I talk about profusely now and it is, it is a simple way of changing someone's entire biology. And you add to that historical trauma, historical trauma is not a psychological thing, it is a biological thing. We can actually trace it through the cells that, the actual body of the person. And so, and I've been following a cohort of children now informally for 25 years. And a couple of those, a couple of the boys became grandfathers, one at 29 and one at 31. They were both inside and unable to be even connected with their children. And that's the terrible pity. So we have got children who are being the devastated victims of the generations before them, and especially if mum or dad is inside, there is nothing that can compare to that. And my young men inside, I used to say my boys, but they're not boys anymore, so many of them are still in their early 30s, they know they can ring me anytime and reverse the charges and, and this is what happens and, you know, they'll say this is what keeps me from killing myself, I want to get out of here and I want to meet my kids again. And I want to connect with my kids. And this is so special that, but no one's been listening.

Now what, what this group have been exposed to, Lorian Hayes was the first Aboriginal woman in Australia to put fetal alcohol on the map. And that's been over several decades now. And she did a, for her Master of Applied Epidemiology, she did a birth data set at Cherbourg, looking at, and it's been used in a submission before, looking at what the pregnant women were using in that five year period from 1995 to 2000. Now this morning I, I didn't have time to download that but there was one year when every mother used cannabis on a daily basis. Now nobody's looking at what that does to the foetus. It can't be good. I think 83 per cent of the women, of these pregnant girls and women used alcohol more with smoking, and I think there were even 17 per cent were sniffing inhalants. So these are the sort of things that, you know, 1995 to now. And the

fathers, because they're inside, they remain illiterate. They, there is now, I sort of say to my grandson, what do you do, like he's been, when he first went into the big house, two months in isolation and he said I, he said they took away his privileges, no television, this is what happens, and just let out into a cage to exercise, to get out of his cell, for two hours each day, and he said he did push-ups on the floor and he can't read or write.

And sadly I was meeting the other day with some down the, Bundjalung grannies down the coast, and an Aboriginal psychologist who's come in from the Northern Territory, was saying how devastating the dependence on the family, on the baby economy and the girls being encouraged to have babies so that everybody can benefit from the increased economy. And that she, they'd had problems, you know, with implants because grannies and boys were encouraging the girls to remove them, which they were doing or, yeah, so, I hate bringing up the negative things but this is the reality. So the large we defined with the ABS statistics, with the highest birth rates in the country and we know that girls who have fetal alcohol can't manage their fertility. And of course we're also seeing the burden placed on the grandmothers, granny burnout is a significant problem in Aboriginal communities, grannies rearing so many children.

And this is, I'm seeing this developed in many ways, grannies who, with unrecognised cognitive impairments or who had been using heavily, such as cannabis and things like that, there are two studies now that demonstrate the cognitive impairment. One is the Kimberley indigenous cognitive assessment, which found that women over 45, 62 per cent or 63 per cent had signs of dementia. And then, and it wasn't a stringent test. Then my colleagues over at Synapse, the Acquired Brain Injury Association here in Brisbane, where I work on Tuesdays, they did the Guddi study in Cairns looking at homeless people who use the Quigley Street night shelter and it mostly men who were, are revolving in and out of prison. Their cognitive impairments were so intense, I think about 75 per cent, something like that, that the medical team led by psychiatrist Dr Paul White and others and they were doing full medicals and cognitive assessments, et cetera, they were so ill that they called the ambulance on the spot just to come and get those people, that's how sick they were.

And so I'll just talk about a couple of case histories and these are two of recidivism. And the other one who's doing well. So Jack's story, that's not his name, I wrote it and published it in the Australian Children's, the Right's News, in

2007 and Defensive Children International, trying to raise awareness of his case. It didn't do anything, he'd been abandoned at birth at three months of age, his adoptive mother died of breast cancer and his father suicided about the same time when he was eight or nine. He was sent to Darwin to a relative but he had the wanders, and I imagine if you let him out today he would wander too. And he returned to Queensland and he was incarcerated for the first time in the youth detention centre at 10 years of age, and his cognition would have been functioning at about three years. Very poor executive functioning, lacks impulse control, et cetera, and that is why people with fetal alcohol, the suicide rates amongst them are extremely high because they might drink when they shouldn't really, with the brain function that they have they shouldn't be drinking, but if they drink and the next thing they get depressed and suicide, it's just one of those sort of follow-ons.

This, my grandson, he was diagnosed with FASD at 14 and later again as an adult, with no changes in his care or offending behaviour, and even, you know, from a little bloke, he was riding in the stolen cars with the big boys, ramraiding liquor stores and things like that and one day I got a call from the police to go and get him out of one of the police stations and there was another little bloke there, he was, would have been all of eight, and his uncle had called to pick him up and then proceeded to thrash, he was drunk, this little eight year old was drunk too, and thrash him in the carpark. So, so that's Jack. He's been in and out of custody. A couple of years ago down here at the district court, the judge asked me to address the court about his condition, and then he said to the court, he said to my grandson, I think you can be, apply for parole today, given those circumstances. But when they got him back to Maryborough, they'd found other, other charges. And then since he's run up more because one day he melted down, smashed a window and so he's paying that off out of his little income, \$800 for that. He rang me one day very, very, laughing, he said there's fellows here and they're trashing the windows, wait 'til they find out that they've got to pay \$800 for each one. But anyway, he's the most beautiful young man and the quirkiest sense of humour. We just adore him. And then the other one is Lenny, not, he was another one of my kids, and he's since suicide, he grew up, this, when I pick a case history out to give to you, it's one case history out of a dysfunctional family, it's a big, you know, if I were to document it, it'd be as big as this table, that's how, and to pick out one is really difficult because Lenny, as I'm

just calling him for here, I've actually published his story too, he grew up deprived of food, nurture, everything, he was sent to a community with his brothers and sisters and then no one would give them any food, there was, they just wandered from house to house and they would just be sent on, go down to whoever's getting your money.

And the circumstances are so tragic that I can't tell them to you because it would identify the family. But I will say that all his siblings and cousins were suffering the same mental health problems and histories of family violence and sexual abuse at the hands of mostly uncles and others. And one night I was downtown here, I found him outside the Night Owl shop with another little boy and they were waiting for the Night Owl to throw out their expiry date sandwiches, apparently at the same time every night they do that and the kids know they can get a feed, but the point is they crave the excitement on the streets. And the biggest thing that Lenny used to say to me, he'd say slack around here hey. And, you know, that became his, sort of like every 10 seconds he had to have something going on. And I see that boredom across all the groups and that's why it is very difficult with justice reinvestment, it's got to be full-on, it's got to be recognise that these kids have got 24/7 brains. And then I said in communities I think the funniest thing, and I shouldn't be laughing about this, but I bet I can make you all laugh too, my Facebook will ping and I'll look and it's got stolen car, stolen car, and so there are all these young people standing in the street of their community with their phones taking a picture of this stolen car coming in, doing burnouts and, and wheelies and then along come the police with the lights flashing and the little tiny ones then start, as we call, pinking the cops, that means throwing stones at the police car. And, you know, it's, it breaks the boredom. But for our kids, the one who stole the car or the ones in the stolen car think that that half hour of glory, where they've got the whole community out, is worth going to jail for two years. And they'll be feeding off it in jail, telling their friends, and it will be always there in their brain how they brought some excitement to the community.

CW We've actually witnessed it.

JH Yes, that's right, and sexual abuse for the young ones, I feel has been rampant. If, in the event that they are empowered enough to follow through with court cases, they have to then front the perpetrator, but also the matriarchs. The matriarchs invariably turn up to support the perpetrator, and they'll say that the children tell lies. And it's, that's, and that's because adult politics overrule the

rights of the child on every single occasion. So what can we do about it, I hope I've got more time. So what can we do about it. And my first thing is every child needs to know they matter. And that's not happening. When they're being taken into out of home care and choofed here and choofed there, they're not being told that they matter. And every child needs to know success. Now, you can look at a child and you'll think well how do I deal with this, but you don't have to look far to find that there's some wonderful appealing talent with that child, and that's what you've got to look at. You forget what they can't do, especially with the education system, and you enhance what they can do. And this is what we need to do like in remand, missed opportunities, you know, we need to come out very quickly, but way, way before that, we need to assess the child right at birth. One of my research colleagues, she looks at vulnerable families leading up to the birth of the baby, and so we know, we have a fair idea who the vulnerable families are, but we have to intervene very early. And there has to be money to do that.

Now I suggest that we start with economic modelling. We know that the figures Tammy mentioned for how much, \$1,445 per day to keep a child in a youth detention centre, I'm reliably told that it's about \$700,000 per annum to keep a child in youth detention and we know, I had the figures for 2015 that to keep children in out of home care came to \$3.6 billion. Surely if we could reinvent ourselves, and at the same time, there was given a mere \$7 million over four years to deal with fetal alcohol, and it just went collectively to one research group without being thrown open to competition. So we need to, this is what I think we need to do, Cherbourg has had, it must be 25, 30 years, they've had a children's shelter, and all sorts of things fall down and nothing happens, the children's shelter is, they've got a, they had a new building put up a few years ago, it's always functioned well. Children, if there was violence at home, children were free to go and book themselves in and, and this was, what we need to do, we need to take that model and we need to build on it. We need to build whole children's hubs. Now that was what I was talking with the Bundjalung grannies last week, the grannies against removals, and then they've, we're hoping to do the same with Moree.

Now let's say in Moree, you're up there in north-western New South Wales and the grannies are so concerned because so many of the children are removed from the community, from their culture, end up down in Sydney or somewhere, you could set up a hub that's a children's shelter or residence, but all of the services,

the assessments, the doctors, the specialists, everybody comes there to see the child. And their child health check and assessments continue year after year with them, and to make sure that the interventions you're doing are effective. But mum, you know, and dad, if they're still drinking, there has to be rehab services for them. But they can come and visit if they're not using anything. But grandma, if she wants to come and help with the homework or reading to the children, she's welcome, she just doesn't have to worry about cooking the food or doing the laundry, all of those things, it's a stress-free environment for grandma too so that, and she knows that she can check, know the kids are okay. But also she probably could be a part of the, of the community-based association that's running that shelter or that hub. We'll call it a hub.

CW Janet, can we give you five more minutes to finish?

JH Yes, okay. And so monitoring the health status of the condition is very good. I just have one case history I haven't told you.

CW Please.

JH And this boy is the love of my life too. He was a tiny, wee little boy, little tiny head, wee little stick legs and growth-deprived, I can't see how a doctor could have looked at him and never identified just like that, 'cause he had the classic dysmorphology of the face, et cetera. And he, he had an IQ of 57, and I took him and some other boys away on an excursion once for 10 days, they had a great time, teenagers. When we got back, the president, the principal of the school had given out school letterhead to the children to write shocking letters about this boy's behaviour. So the whole community demonised him. And that is, we have to change community attitudes.

But he, whether it was because his disability was so severe, a lot of it did go over his head. Although a few years ago when he was talking to a psychologist, he's been diagnosed again as fetal alcohol syndrome, he did say that he was bullied a lot. And so I'm going, at the time I reported it to the Commissioner for Children and Young People, others, but nothing happened. And then when he was 14 he was in prison and his mum had died after a long illness. And that's been his only imprisonment, because when he was 18 he developed a relationship with his current partner and fantastic parents she had, and he started to grow. And now he's actually a normal size and they left the community and his partner's family have been wonderful, he's been to TAFE College and he's done a training course

in rouseabouting in the wool sheds. His father-in-law breeds kelpies so he's very much into training the kelpies and, so whenever there's shearing and sheep work going on, he's got a job. And he has two biological children, his partner didn't drink when she was pregnant, although she did use cannabis and smoke. And so this shows that just a really good family with food on the table three times a day can make a big impact. I'm really proud of that young fellow.

CW Janet, can I bring the presentation to an end?

JH Yes, it's finished.

CW That's a great way to finish, with a story like that, that's encouraging. Look, thank you FASD and related issues are very confronting, we've heard a bit about it during the inquiry, and I guess there's an opportunity to do some things that improve but there also seems to be some lack of awareness and understanding in the broader medical community and then it flows onto the justice system, the issues that it brings. You've helped highlight that. Congratulations on the work, you've been doing this a while now.

JH Yes.

CW And we thank you for it. Bronwyn, do you have a question?

CF Only, Jan, not only, but I'd like, you mentioned a couple of papers about the stories, the personal stories, if you can follow those up with the...

JH Okay.

CF ...links or the articles as PDFs for Commissioner Wood, myself and the QPC team, that would be good and we can make a link to where people might find them if they want to read them because you made comment in your presentation.

JH Okay.

CF That last story was quite powerful in terms of how a loving, supportive environment can support people in terms of around recidivism issues, and I'm wondering if, you know, if people don't have that, how that possibly could be created, particularly as people would grow and not be children anymore, they become into their adult years but, you know, what kind of strategies could help people that may have FASD or cognitive impairment of some kind, you know, post-release?

JH I think it's just support, support, support. And I was thinking when I was sitting there, listening to Tammy, thinking we really should be sending in some of those supporters, some volunteers or other organisations who could go in and sit with the child in court, like sometimes, you know, I'll get a phone call from a granny who's not in Brisbane who'll say please, you know, my grandson's appearing in the children's court, do you mind going down, just letting him know that we're caring about him, because they can't get down. And I think that says a lot, if we can have people. And also, why can't those sort of people also go into the youth detention centre and move around in it. Like one day I went out there to visit and they'll only bring the kids to the visitor centre, you can't go in and, you know how when you're standing up there in the visitor centre and you can see the buildings which house them below, and I could hear a racket going on and the warden said to me, we'll be, this was Lenny who suicided, they said we'll bring him when he recovers, he's having him a meltdown and I could hear him trying to belt a door down or something. And I said, you know, he's got fetal alcohol, he said, and the warden said to me no, all the Aboriginal kids are like that. And I'm sort of thinking to myself well, you know, they, it's not that they didn't know, there was something wrong.

CW No.

CF Oh Janet, yeah, thank you. Thank you for the presentation.

JH Thanks. Thank you.

CW Comments from the floor? Would anyone care to make a comment on Janet's presentation? Janet, it sounds like, it was a lovely way to finish and look, I just want to thank you for the work you've done, the presentation you've done...

JH Thanks.

CW ...and the efforts you've made and your, you know, your family involvement, it's, there are not enough people like you out there, thank you. That brings to a close the Brisbane hearings. That's the end of our formal hearing process in Brisbane and in other places. Our next task is to release the final report to government on the 1st of August and it will then be available to the general public no later than six months after that with the government's response.

CF If people are in the audience today, if something in the hearing today or if people

have come to the other hearings, I know there's a couple of people in the audience have been to a number of hearings and undertaken consultations with us, if you have any other information, it does need to come to us in the next little while. So if something's triggered for you to think oh yeah, I might send them that, make sure you send it like ASAP because the team will start finalising our final report in the next few weeks. Whilst the final report is due to Deputy Premier on the 1st of August, keep in mind we do have a timeframe around copy editing and, you know, all of that sort of checking around July so that report will be being finalised in the next few weeks. Thank you everyone for today, it's been really good just to hear the presentations, but to also talk with people during the break. That concludes the day, thank you.