

**REPORT OF PROCEEDINGS BEFORE**

**SUB COMMITTEE OF  
THE STANDING COMMITTEE ON LAW AND JUSTICE**

**INQUIRY INTO COMMUNITY BASED SENTENCING OPTIONS**

—

**At Inverell on Tuesday 14 June 2005**

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**The Committee met at 11.00 a.m.**

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**PRESENT**

The Hon. C. M. Robertson (Chair)

The Hon. G. S. Pearce

Ms L. Rhiannon

**Corrected transcript**

**CHAIR:** Good morning. We are now a legal subcommittee of the Standing Committee on Law and Justice and therefore able to take evidence under parliamentary privilege. Welcome to the second public hearing of the Standing Committee on Law and Justice inquiry into community-based sentencing options. The Committee considers this inquiry to be very important in terms of investigating whether it is appropriate and in the public interest to tailor community-based sentencing options for rural and remote areas and for special need and disadvantaged groups in New South Wales. The Committee is very pleased to be here in Inverell and is looking forward to hearing the advice of the local community on this issue.

Before we commence I shall make some comments about aspects of the hearing. The Committee has previously resolved to authorise the media to broadcast sound and video excerpts of its public proceedings. Copies of guidelines governing broadcast of the proceedings are available from the table by the door. In accordance with these guidelines, a member of the Committee and witnesses may be filmed or recorded. Members of the public should not be the primary focus of any filming or photographs. Media must take responsibility for what they publish or what interpretation is placed on anything that is said before the Committee.

Any messages should be delivered through the Committee clerks. I also advise that any documents presented to the Committee that have not yet been tabled in Parliament may not, except with the permission of the Committee, be disclosed or published by any person.

The Committee prefers to conduct its hearings in public. However, the Committee may decide to hear certain evidence in private if there is a need to do so. If such a case arises I will ask the public and the media to leave the room for a short period. If a witness does give evidence in private, however, they need to be aware that the Committee may at any time decide to publish some or all of the private evidence. Likewise, the House may, at a future date, decide to publish part or all of the evidence even if the Committee has not done so.

Committee hearings are not intended to provide a forum for people to make adverse reflections about others. The protection afforded to Committee witnesses under parliamentary privilege should not be abused during this hearing. Therefore, I request that witnesses avoid the mention of other individuals unless it is absolutely essential to address the terms of reference.

**BARRY CAMPBELL JOHNSTON**, Mayor, Inverell Shire Council, PO Box 138, Inverell,

**PAUL JOSEPH HENRY**, General Manager, Inverell Shire Council, PO Box 138, Inverell, and

**JOERG PAUL HENRY SCHMIDT-LIERMANN**, Management Executive Officer, Inverell Shire Council, PO Box 138, Inverell, sworn and examined:

**CHAIR:** In what capacity are you appearing before the Committee? Are you appearing as an individual or as a representative of an organisation?

**Mr JOHNSTON:** I am appearing as the Mayor of Inverell Shire Council and representing that organisation.

**Mr HENRY:** As a representative of Inverell council.

**Mr SCHMIDT-LIERMANN:** As a representative of Inverell Shire Council in my capacity as management executive officer.

**CHAIR:** Are you conversant with the terms of reference for this inquiry?

**Mr JOHNSTON:** Basically, yes.

**Mr HENRY:** Yes I am.

**Mr SCHMIDT-LIERMANN:** Yes.

**CHAIR:** If you should consider at any stage that certain evidence you wish to give or documents you may wish to tender should be heard or seen only by the Committee, please let us know and the Committee will consider your request. If you are unable to answer any questions asked by the Committee today, you may take the questions on notice and send the answers in writing to the Committee later. If you take any questions on notice I would appreciate if the response to those questions could be forwarded to the secretariat by Friday 15 July. As well, any questions that are taken on notice will be collected together by the secretariat and sent to you as soon as possible in order that you have them on paper. Would any of you like to make a short opening statement?

**Mr JOHNSTON:** It is council's understanding that the suitability of the following community based sentencing options are to be investigated, that is, good behaviour bonds, community service orders, drug court of New South Wales and youth drug and alcohol court, periodic detention and home detention. The views are intended to reflect the suitability of using community-based sentencing options and not designed to offer an opinion on the application of these sentences in themselves, as opposed to custodial sentences. In other words, we do not believe that we should be reflecting the judicial decision-making process, merely the option of those five methods of a form of sentencing.

Council would seek to emphasise the need for the imposition of appropriate sentencing that reflects community expectations and standards. Obviously that is something that could be hard to determine but we would hope that we have some feel for the expectations of our community.

Members of your Committee may or may not be aware that Inverell is the major centre of Inverell shire. It has a population of approximately 11,000 people and it is a service centre for somewhere around 40,000 people. It is a rather large catchment area. Our shire boundary extends to the Queensland border, almost to Boggabilla in the North West. It services a range of communities, including a number of disadvantaged communities such as Ashford, Tingha, Bundarra and possibly Yetman. Although some of those centres—particularly Tingha and Bundarra—are not in our shire, we still regard it as part of the catchment area of Inverell shire.

One of the key issues with respect to the suitability of community-based sentencing options is, in our view, the provision of adequate resources to ensure that sentencing outcomes are realistically achievable. Remoteness is something that obviously affects the ability for the sentence to become a sentence. In response to the individual options, with good behaviour bonds it is our belief that it is appropriate, although only in limited situations where the offender is likely to be able to fulfil the conditions of the bond—and that, at times, can be difficult.

It may be difficult for disadvantaged populations to meet conditions due to social and cultural barriers. In other words, where people are on a good behaviour bond and still take their residence in the area they normally reside, it may be difficult for them to comply with the conditions that would be different from those they were in before they committed any offences. It is difficult to tailor requirements in a way that will encourage compliance, because it is our belief there is always the need for some element of supervision.

The definition of "good behaviour" is a social, value-driven concept. Council's understanding is that the majority of crime perpetrated by relevant target groups is often connected with social disadvantage. Therefore, the imposition of value-laden sentences that are in conflict with the offender's social circumstances places the offenders at a considerable disadvantage in relation to their capacity to comply, for the reasons that I mentioned earlier.

This may also lead to a community perception that the sentence is not really a sentence and that, in itself, may lead to the offender being referred back to court to receive a custodial sentence, again through disadvantageous circumstances. The failure of socially disadvantaged offenders being able to comply with conditions may be interpreted as rendering this sentencing option as discriminatory. Even though that may not be the intent, it may be that because they are back in the same circumstances and were not able to comply, they could incur some discrimination.

On the issue of community service orders, it is considered to be perhaps the most viable community-based sentencing option that has been used in this area, subject to a number of constraints, which I will come to. It certainly offers some positive benefits to the community. It can be seen as a cost-effective means of punishment when compared to custodial sentences, which have all sorts of social effects in later life.

Some of the limitations that we see in community service orders are, firstly, the matter of supervision, and our council has been involved in making available to recipients the opportunity to do community service orders. Our council has provided work opportunities. Supervision, both in availability and responsibility—particularly availability, because there are times when community service orders are put into effect at weekends when a lot of council staff are not in their normal place of work. There could be the requirement, first of all, to make sure that people are available and there could be a cost penalty for provision of the supervision through overtime requirements and also the supply of vehicles, which are normally housed at weekends and not out on the road.

The responsibility of supervisors for enforcement of an order places extra responsibility on the person who is supervising any group in which recipients of community service orders may be working. In saying that, obviously there could be times when that person may not wish to be there and, therefore, they may not necessarily react in the normal way to supervision. One should bear in mind also that it places an additional responsibility on the sponsoring organisation because, in this day and age with the requirements of public liability and occupational health and safety, any person who comes to a worksite has to be inducted, trained and supervised and should they not comply, obviously the proprietor of the supervision and person in charge of the worksite immediately has to accept that liability, should there be an unfortunate accident or incident.

At the level of judicial decision-making, it may be difficult for the judiciary to assess the suitability of that particular person to comply with the requirements of a community service order. Therefore, we see that as a possible limitation to the success of that particular option.

With the issue of drug and alcohol courts, council has a very firm policy on drugs, which may or may not be known to members of your inquiry. If not, it is basically defined as one of zero tolerance. But it quite knowingly includes an aspect that is sympathetic to the plight of the user, who is also seen as a victim of the insidious nature of the drug industry and where the rehabilitation of the offender is perceived as a viable alternative means to preventing recurrence and eliminating the demand for drugs. Certainly, we support anything that may lead to that outcome, however, because of our perceived remoteness—although we in Inverell do not believe we are remote—the reality is that we are remote from the city centres and that certainly places a limitation on this option for drug-related offences.

You are probably aware that access to both the court and assessment and detoxification services is a distinct disadvantage. There are no local services. It is difficult for offenders to be able to access services within their existing support networks. Our information is that the nearest court for this facility is in Parramatta and that is difficult for people to practically access. There could be community resistance to the establishment of such facilities, but I would like to point out that I believe our council is secure in the knowledge of its drug policy and I believe that this council would support the decentralisation of that facility and we would be prepared to address the public perception in the best way that we possibly could.

I think that would be a responsible approach for council to take. There have been other times when council has come under criticism for supporting other options relating to juvenile justice and we were prepared to take that responsibility at that time.

Finally on that particular option, the cost of establishing and servicing such facilities could be seen as maybe prohibitive. Obviously, that is an issue for the State Government to consider but, having said that, we believe that if this strategy was available, it would be worthwhile and would fit, at least in part, into our preferred options and drug policy.

With respect to periodic detention, certainly if the issue of access could be overcome, it could well be a viable alternative, again because of distance and transportation and the fact that insufficient numbers of centres are available for periodic detention, with the nearest being Tamworth and the next is Grafton. Both of them are a considerable distance by road. In a transport system that we have been lobbying to be improved for quite some time, the transportation of prisoners up until relatively recently rested with the police, who we believe are already fully employed. So, it took a number of police hours to provide that transport for prisoners. The system is better than it was but is still not as good as we would like to see it. It would be probably put under more stress if this periodic detention was used as a more common option. So, overall there are only 11 centres that service rural areas and remote communities, so transport time and availability are certainly hurdles. The other thing is availability of accommodation. The system is already under increasing pressure so there are economic implications if this option were expanded.

The fifth option that is being considered is home detention. Certainly we see there could be some compliance issues for offenders from socially disadvantaged communities. Although there obviously would be restricted movement by the offender, access by peers of that offender may present a recurrence of social problems and possible reoffends through circumstances that may develop because the offender is restricted in movement but other people around may not be and that may lead to some problems.

In conclusion, if I may, council is concerned that political and budgetary pressures may seek to use community-based sentencing options as an alternative to the award of custodial sentences, given what is understood to be a shortage of accommodation in the prison system. Council is concerned to ensure that the use of community-based sentencing options does not shift the cost burden of the system onto local communities. Community-based sentencing options must be appropriately resourced and funded through the State. That is not saying we are against community-based sentencing options. There certainly are advantages in the system because historically custodial sentences develop other social problems that are hard to manage on behalf of the offenders but I am sure that some or all of you are aware of the funding opportunities there are for local government and the constraints on that funding.

Without wanting to get into local government financing, we believe that funding for the justice system rests with the State Government and any serious changes in that would appear to be a cost-shifting exercise. Should the day come when local government receives constitutional recognition and some guaranteed source of Federal taxing funds, which I am sure the State Premiers would be most interested in anyhow, maybe local government funding opportunities would change and therefore the opportunity for local services to be provided by local government would change. Rest assured that given funding opportunities this council has a strong belief that local services should be provided by local government.

**CHAIR:** Thank you very much. I am not sure we will get into why the Constitution has not been changed. You said you recognise the value of community-based sentencing. I am concerned that I am hearing the perception that the whole inquiry is about some budgetary issue. I am not sure the Committee feels that way. I want to know exactly what you think is good about community-based sentencing as a whole?

**Mr JOHNSTON:** Removing the budgetary issues, as you mentioned, that should not be the case, because any form of sentencing will incur some costs and that is the point I was trying to make. It may shift to a different area or is currently not being provided. That is the type of concern I was endeavouring to express. As far as the options are concerned, if it were equally able to be provided for remote areas, we see that as a possible successful outcome not only because of the stigma. I suppose it is fair to say that I am aware this is a public hearing. A lot of people see gaols as universities for crime and once people are put into incarceration or permanent detention the opportunity for them to be successfully rehabilitated and moved back into the community is much less than it would be with some of these options. So, basically that is what is driving our thoughts.

**CHAIR:** In preparing the council's crime prevention plan did you consult with the community about community-based sentencing and crime prevention and can you describe the community reaction to the use of community-based sentencing in Inverell and surrounding areas?

**Mr JOHNSTON:** Yes.

**CHAIR:** Recognising that places like Tingha probably were not subject to your consultation?

**Mr JOHNSTON:** Well, in the first instance, no. Where we are with our crime prevention plan is that we have consulted with a number of agencies in Inverell through the interagency group and we have taken on board the views of those agencies. They are being prepared into a draft plan. We have a crime assessment committee—we have suggested the structure of that committee, involving the inspector of police—and part of the first duties of that committee will be to consider this draft, the assessment of the views of all the agencies, put together a further paper and then we will go to community consultation. Our crime prevention is not completed, it is part way through the development process, and consultation with the wider community will be undertaken before it is finally determined by council.

**The Hon. GREG PEARCE:** Thanks, mayor, you have obviously done a lot of work for us, and we appreciate that. You mentioned that council provides places for community services. Can you give us an indication of what sort of work you provide and also the numbers that have been able to avail themselves of those services?

**Mr JOHNSTON:** I would have to seek advice on numbers, but the type of work we provided is predominantly more labour-intensive—landscaping, beautification, walking tracks. It basically revolves around that type of work. Did you have any numbers on hand?

**Mr HENRY:** There have been work groups of up to four at any one time. Obviously the provision of supervisory services is the main limiter to the number of people who might be able to be accommodated at any one time.

**The Hon. GREG PEARCE:** The mayor in his statement also mentioned the difficulty of occupational health and safety requirements, the need to induct and train, and sell. Can you give us any feel of the cost to council of doing that or the time that is involved, what sort of an impediment that is?

**Mr HENRY:** We have a number of trained staff who can carry out that work, so there would not be any cost of training people to carry out that work, but the cost would be merely in the overtime that would be required if they had to carry out those activities outside the normal working hours. It is not a significant cost but certainly it is an additional cost to council.

**Mr SCHMIDT-LIERMANN:** A concern to council would be the possible legal obligations under the Occupational Health and Safety Act, particularly section 8, subsection (2) of that Act, which requires council to provide a safe work environment for any persons found on the work site for council. That would include participants in the community service order. We concerned to ensure compliance with occupational health and safety requirements. That obviously places a considerable onus on council to ensure that not only community service order participants are properly inducted into the workplace but they are also fully aware of the safe work method statements and the proper procedures for carrying out of that work to ensure that council does not wear an unnecessary risk and liability in the event of an unforeseen accident.

**The Hon. GREG PEARCE:** How do you decide how many places you can make available? If community service orders became much more prevalent, is there a limit that you would put on—two lots of four on a weekend or something? How would you approach that?

**Mr HENRY:** Obviously we would like to limit the workgroup to four persons in total. The limiting factor to the number of work groups that could be taken on would be the number of supervisors that we could encourage from our normal work force to carry out that activity on weekends. So, I would say we would limit it to two working groups of four as a maximum requirement we can take on at any one time.

**The Hon. GREG PEARCE:** With your current resources?

**Mr HENRY:** Yes.

**The Hon. GREG PEARCE:** Do you already provide those positions in some outlying towns or is it basically just in Inverell itself?

**Mr HENRY:** There have been occasions when we have taken on community service order participants in our outlying villages such as Ashford. So, we do have that capacity but our ability to provide them in the outlying villages is significantly diminished.

**The Hon. GREG PEARCE:** Are there any other organisations in the area that provide work spots?

**Mr JOHNSTON:** Yes, there certainly has been—a Landcare organisation. Inverell has quite a number of individual Landcare groups but they have an overarching group that certainly has taken up the opportunity to provide supervision and work for everyone on community service orders. The most obvious one, I understand, is the Showground Trust, which is basically a community organisation responsible for the public land at the showground. I understand it also has. As well as that, one of our major employment agencies has responsibility for managing some of those programs and it actively seeks groups that may be prepared to take on the responsibility of community service orders, but I cannot speak on their behalf.

**The Hon. GREG PEARCE:** Do you know whether your insurance coverage requires any extra premium cost for the community service order participants?

**Mr HENRY:** There is an automatic coverage in our existing policies. What factor the insurance company places on these community service orders and therefore adjusts our premium I am not aware of at this stage.

**The Hon. GREG PEARCE:** So there is no extra cost that is directly charged to you?

**Mr HENRY:** No.

**Mr JOHNSTON:** Not a transparent cost.

**Ms LEE RHIANNON:** Just continuing with the involvement of community groups, what support do you give them? Are any resources or funding needed or is it just briefing them on their responsibilities? I am interested in how council interacts with these groups?

**Mr JOHNSTON:** I am not sure we provide any day-to-day support. We have certainly had discussions with them before they took them on but they probably had more detailed discussions with the employment agency. But the GWYMAC had discussions with us. That group's name is for Gwydir and Macintyre, because the Landcare groups are in effect covering both the Gwydir Valley and the Macintyre Valley. Paul would have more details.

**Mr HENRY:** Council has supported community groups who have undertaken to supervise community service orders participants by providing them with equipment, motor vehicles, and there certainly have been costs associated with that. They have not been significant in the past because council has been carrying out the majority of the supervisory works.

**CHAIR:** Do you know if the government departments work together as a team locally—Corrective Services, Community Services, Police and Health? Do they work together on these sort of issues as a team?

**Mr JOHNSTON:** We are not really in a position to judge. Some of those groups are not in Inverell but other presenters to your inquiry today may have more detail on that.

**CHAIR:** Do you have any private enterprise groups who are participating in community service?

**Mr JOHNSTON:** Not to my knowledge. I am not sure about my senior staff members.

**Mr HENRY:** Not that we are aware of.

**CHAIR:** Would you like to let us know what you think would be needed in extra resources for an extension of community-based sentencing options in Inverell? I understood you were talking about the Drug Court earlier. Do you have the MERIT program up here, do you know, or should we ask that of the next people?

**Mr JOHNSTON:** I am not aware.

**CHAIR:** What sort of resources do you think Inverell might need if a recommendation comes that community-based sentencing should be extended?

**Mr JOHNSTON:** In discussion before we came in, particularly in relation to the drug issue, if in fact that was decentralised and if Inverell was chosen as the site, we believe that the resources would need to be extensive because people would obviously be referred to here from other areas so there would need to be mentoring, support, peer groups and accommodation as well as skilled persons to carry out the rehabilitation. There would need to be the capacity in the medical or whatever appropriate facility for the detoxification program. It could be quite comprehensive. While I said we would not object or we would welcome that facility because we are serious about the problem of drugs in all areas, not only rural and remote areas, but that is obviously our area of responsibility, we realise that it would be an extensive and expensive move to establish that in rural areas but that does not mean to say that the need should not be considered.

**The Hon. GREG PEARCE:** What is your perception of the drug problem in this whole shire and in Inverell itself?

**Mr JOHNSTON:** It is very hard to make that comparison with other areas. We do not believe that it is anywhere near as widespread and serious as it is in the most publicised areas in the intensely populated city areas, probably because of the actual lifestyle in country areas where everyone knows what everyone is doing. Whether that is good or bad, it does not matter. It is a fact of life but we believe it is sufficiently serious for council to have a responsible role in it because we believe we all have a responsibility for the future of our children.

**The Hon. GREG PEARCE:** Is it more prevalent in some of those disadvantaged towns that you mentioned earlier, Ashford and the others?

**Mr JOHNSTON:** I am not sure that it would be because they are small communities, and I am not sure that there is any professional assessment that I can rely on to guide me on that. I guess a lot of the perception is by word of mouth and the occurrence is sufficient to be serious in the minds of the local people. Every now and again, thanks to the success of our law enforcement agencies, there are apprehensions made not only in Inverell but in the outlying areas, and I think people go to the outlying areas in the hope that they are less likely to be apprehended. So I think that is one of the

reasons why there is some basis out there. We have a very strong dislike for the producers and suppliers of drugs and we have great sympathy for the users. So those outside the area, as I said, probably go there because they feel there is less chance of detection. Hopefully that is not necessarily true.

**The Hon. GREG PEARCE:** Are there any existing community groups that assist people who have been sentenced? Are there any counselling groups or others in the area?

**Mr JOHNSTON:** Some of the groups are based around the social side of some of the church communities. There is a reconciliation group that takes a fairly responsible role. The South Inverell Community Group is very strong in improving their social standing in the south Inverell area so they are probably the lead groups.

**CHAIR:** I believe we are seeing some of those people later today.

**Mr JOHNSTON:** That would be very good because the South Inverell group is doing an excellent job.

**CHAIR:** I think the Hon. Greg Pearce asked a question about the actual number of community service orders. If you would not mind, could you give us more information in the future? If you do have any further input for this inquiry, we have extended the time for reporting when all the Committee sat down and realised how incredibly complex that was and that we would have to work for some time. So if you would like to give us more information, I am sure the secretariat would be very grateful to receive it.

**(The witnesses withdrew)**

**DAVID JAMES HARRINGTON**, Inspector, New South Wales Police, Otho Street, Inverell, sworn and examined, and

**JANE LILLIAN ADAMS**, Aboriginal Community Liaison Officer, New South Wales Police, Otho Street, Inverell, affirmed and examined:

**CHAIR:** In what capacity are you appearing before the Committee? Are you appearing as an individual or as a representative of an organisation?

**Mr HARRINGTON:** As a representative of an organisation.

**Ms ADAMS:** Representative of an organisation.

**CHAIR:** Are you conversant with the terms of reference for this inquiry?

**Mr HARRINGTON:** Yes.

**Ms ADAMS:** Yes.

**CHAIR:** If you should consider at any stage that the evidence you wish to give or documents you may wish to tender should be heard or seen only by the Committee, please indicate that fact and the Committee will consider your request. Also, if you are unable to answer any questions asked by the Committee today, you may take the question on notice and send the answers in writing to the Committee later. Would either of you like to make an opening statement? What are the major types of crime in Inverell and do you consider this type of crime suitable for community-based sentencing?

**Mr HARRINGTON:** Probably the main types of crime in Inverell are domestic violence, malicious damage and just generally some antisocial behaviour, which is virtually all linked in to alcohol-related crime.

**CHAIR:** Did you think it is possible for these crimes to be dealt with under community-based sentencing?

**Mr HARRINGTON:** Certainly some of them can be, yes.

**CHAIR:** What happens—this is not your question but I would be interested to know your opinion—went these people present before the court and the options are perceived to be fairly minimal? It is difficult to set up community-based sentencing options. In your opinion do they often get sentenced to short sentences in prison?

**Mr HARRINGTON:** It is a possibility. Certainly in some cases that would appear to be so, yes, that they have received shorter sentences in lieu of any other options.

**CHAIR:** In your opinion is community-based sentencing a lighter form of punishment than imprisonment?

**Mr HARRINGTON:** That all depends. In some cases community-based sentences can be a lot harder, depending on the example. For instance, if someone was

put before the court for maliciously damaging property and they were made to perform numerous hours of community service, I would see that as a far greater punishment than the imposition of a small fine. So certainly it just depends on the options, I suppose, and the crime committed.

**The Hon. GREG PEARCE:** Is your LAC the town itself or is it more or less the whole shire?

**Mr HARRINGTON:** Just to clarify a point, I am not actually the local area commander. That is Superintendent David Cushway. He is based in Armidale and the local area commander is centred at Armidale. Inverell is part of the New England Local Area Command.

**The Hon. GREG PEARCE:** It is a fairly big area.

**Mr HARRINGTON:** It is, yes. It takes in from Uralla, up through Armidale to Glen Innes, up to Tenterfield, back across to Inverell and our outlying stations.

**The Hon. GREG PEARCE:** Could we get the latest statistics on the local area command for your crime figures?

**Mr HARRINGTON:** Yes.

**The Hon. GREG PEARCE:** If you could take that on notice.

**Mr HARRINGTON:** Take that on notice, yes.

**The Hon. GREG PEARCE:** Ms Adams, you are an ACLO. Are you based in Inverell?

**Ms ADAMS:** Yes.

**The Hon. GREG PEARCE:** Are you the only ACLO in Inverell?

**Ms ADAMS:** Yes.

**The Hon. GREG PEARCE:** Do you try to cover some of the towns we heard about before, Ashford and so on?

**Ms ADAMS:** Yes. Inverell is my sector so I cover Ashford, Tingha, Bundarra, Delungra. I am also a resource for the new England LAC.

**The Hon. GREG PEARCE:** So you go all the way back to Armidale, do you?

**Ms ADAMS:** Yes.

**Mr HARRINGTON:** Just to clarify the situation, we have two positions for ACLOs within the LAC but currently there is no ACLO at Armidale so Jane has been covering the whole LAC.

**The Hon. GREG PEARCE:** Does that mean you work three shifts a day and weekends or do you only work one shift a day?

**Ms ADAMS:** One shift. I start at eight and finish at four. I am sort of spread a bit thin around the place.

**The Hon. GREG PEARCE:** I imagine that most arrests would take place at 11 o'clock at night. What sort of availability—do you have any role in that situation?

**Ms ADAMS:** As in my rostered shift?

**The Hon. GREG PEARCE:** Yes. You are clearly not rostered then.

**Ms ADAMS:** Yes I am. I am rostered shifts so at any given time I can be called to be working night shifts, weekends.

**The Hon. GREG PEARCE:** Do you think that community service is a better option than people going to prison for short times?

**Ms ADAMS:** Yes and no.

**The Hon. GREG PEARCE:** What yes? What no?

**Ms ADAMS:** Yes, with some people, when they are out in the community doing community-based work it can be embarrassing for them because other people in the community know that they have obviously done something wrong and then when people go to court sometimes I do not think that that is the answer for them.

**The Hon. GREG PEARCE:** What sort of answers would be better?

**Ms ADAMS:** With anger management and drugs and alcohol. Just talking from an Aboriginal point of view, I believe that they do not get the help they need in prison. They should be helped outside, not inside, and sometimes they get accustomed to going to prison because it is better inside for them than what it is outside.

**The Hon. GREG PEARCE:** Do you have those sort of anger management and drugs and alcohol services available?

**Ms ADAMS:** There are not a lot of services in Inverell, unfortunately. There are drug and alcohol counsellors here but there are no Aboriginal ones.

**The Hon. GREG PEARCE:** Do you have circle sentencing?

**Ms ADAMS:** No. They are looking at it at Armidale at the moment but that is only just being spoken about. They have not gone any further with that as yet.

**The Hon. GREG PEARCE:** Do you have any experience of how home detention works and whether it is effective?

**Ms ADAMS:** No, I have not.

**The Hon. GREG PEARCE:** It involves a person being confined to their home and having an electronic band on their leg that sets off a signal if they leave the place. They also have to report in at a certain time. They have someone assigned to them who can turn up at any time of the day or night. They have to stay off drugs and alcohol. Does that sound like a system that would help people or not?

**Ms ADAMS:** No, I do not think so.

**The Hon. GREG PEARCE:** Why not?

**Ms ADAMS:** I do not know really.

**The Hon. GREG PEARCE:** You have mixed views about it. Some people have said that it is worse than being in prison because you have everything in front of you but you cannot use it.

**Ms ADAMS:** Being an Aboriginal person, you rely on your family and family could be anywhere and you need their support. I might be living over this side but my mob is over the south side and how do I go from here to there to see a grandmother or an aunty who I can confide in and talk to? I do not think that would work.

**The Hon. GREG PEARCE:** Inspector Harrington, do you have any views on home detention?

**Mr HARRINGTON:** Personally, I have had no experience with that, other than what I have seen in other places, but I think it would be an option. I would be interested to see it working. It could be a way of reducing further crimes being committed. It could definitely assist with recidivist offenders rather than having them in gaol.

**The Hon. GREG PEARCE:** In terms of what Ms Adams said about the lack of counselling and other services, particularly for the Aboriginal community, do you share that view or would you have any experience of that?

**Mr HARRINGTON:** I think there are quite a few services in Inverell. Jane would probably know more about the available Aboriginal counsellors.

**CHAIR:** Do Aboriginal people have a problem with access to general counselling type services at the moment in Inverell?

**Ms ADAMS:** No, I do not think there are enough services here for them. There is an Aboriginal alcohol counsellor who comes from Moree twice a week and I am dealing with a couple of people at the moment. They do not want to talk to the local Aboriginal alcohol worker here. They prefer to talk to an Aboriginal person. What I am saying is I do not think there are enough counselling services here for Aboriginal people.

**CHAIR:** Does Moree have the only Aboriginal drug and alcohol worker in the whole region? There might be one at Tamworth.

**Ms ADAMS:** I do not know about Tamworth. I would say Tamworth and Moree would have one, but there are none here. I do not know much about Armidale either.

**Ms LEE RHIANNON:** Inspector Harrington, I was interested in the breach of community orders. Can you tell us of any experience you may have had of people who may have breached their orders? If you have any figures, we would be interested in those?

**Mr HARRINGTON:** In the last six months there has only been one person in breach of a community service order that we have arrested and it actually was in Inverell. That is for the whole local area command [LAC].

**Ms LEE RHIANNON:** Out of how many people on community service orders?

**Mr HARRINGTON:** I could not tell you that. The only other problem that we do have is not knowing when people have breached their orders. That seems to be the biggest problem, and the time it takes for police to actually find out, and that is usually when a warrant is taken out for their arrest. That process can take up to 12 months sometimes. That is problem we see with that, which is probably why there is such a low number.

**Ms LEE RHIANNON:** Ms Adams, picking up on some questions Mr Pearce asked about how Aboriginal people view community orders, do think that some people or Aboriginal people in general would prefer to go to gaol and do a short sentence rather than do a community service order where the whole community knows about it?

**Ms ADAMS:** I would say that they would take the option of going into gaol, but I would prefer to see them out in the community and getting the help that they require.

**Ms LEE RHIANNON:** When you say they prefer to go to gaol, I suppose you are talking, in the main, about young Aboriginal men?

**Ms ADAMS:** Yes.

**Ms LEE RHIANNON:** They would prefer to go to gaol?

**Ms ADAMS:** Yes, nine times out of 10. For most of them it is better inside for them than it is outside for them.

**Ms LEE RHIANNON:** When you say better inside, can you say what they perceive is better for them inside?

**Ms ADAMS:** It depends on the age group. If I am talking about juveniles, they get three meals a day, they are looked after inside. They have got a better life inside than what they have outside, and I am talking about young people. As for older people, I do not think that that cycle can ever be broken if they keep getting sent to prison. I feel that if they had more counselling and stuff outside, it may break those cycles of them ever going back in.

**Ms LEE RHIANNON:** How does it work? They are arrested, they appear before the courts and are they given the choice of whether to go to gaol or community sentencing?

**Ms ADAMS:** No.

**Ms LEE RHIANNON:** The judge determines that?

**Ms ADAMS:** Yes.

**Mr HARRINGTON:** A lot depends on the individual's previous history as to what choice the court has in relation to sentencing. A lot of previous records of the individual rule out some forms of sentencing.

**Ms LEE RHIANNON:** Is it your experience that judges vary in what sentences they bring down with regard to community sentencing?

**Mr HARRINGTON:** From magistrate to magistrate?

**Ms LEE RHIANNON:** Yes?

**Mr HARRINGTON:** Yes, certainly.

**Ms ADAMS:** Yes.

**Mr HARRINGTON:** If I can just add to what Jane was saying a minute ago, there is definitely a trend that I have observed in young offenders almost wanting to go back to gaol or to detention.

**Ms LEE RHIANNON:** When you say "wanting to", does that mean that they might even commit a different crime?

**Mr HARRINGTON:** Yes, quite often.

**Ms LEE RHIANNON:** You are saying that they might commit a more serious crime because they know they will be back inside for longer or that they will definitely go back and not get a community service order?

**Ms ADAMS:** Yes.

**Mr HARRINGTON:** That is correct, yes. I have seen that pattern personally and, quite often when this people are released back into the community, they tend to continually commit crimes until they are caught and then put back in detention again, as if they want to be there. There is definitely a trend there.

**Ms LEE RHIANNON:** Ms Adams, would these young people see that they have a support network inside and not outside?

**Mr HARRINGTON:** Yes.

**Ms LEE RHIANNON:** Going back to other comments you made about lack of services in Inverell, does that mean outlying communities have no services at all?

**Ms ADAMS:** Yes, I believe so. Most people from Ashford and Tingha come in to Inverell. I have not seen many services available for the clientele that I deal with.

**CHAIR:** I want to talk about circle sentencing. I know you have not been involved in it. Is there a problem with recruitment to your position in this area?

**Ms ADAMS:** As an ACLO?

**CHAIR:** Yes?

**Ms ADAMS:** In Armidale there appears to be, yes.

**CHAIR:** It is hard to get someone to take the job on?

**Ms ADAMS:** Yes.

**Ms LEE RHIANNON:** How long has it been advertised and you cannot fill it?

**Mr HARRINGTON:** Over a year.

**Ms ADAMS:** Well over a year.

**CHAIR:** Is it a criterion that you have to be from the local community?

**Ms ADAMS:** Not necessarily. I am not originally from this community. I transferred from the South Coast up to here, but I am originally from Moree.

**CHAIR:** So you got in that way?

**Ms ADAMS:** Yes.

**CHAIR:** I know it is not Inverell's problem because it is a close-knit community but Armidale is a much more divided community, is that what the problem is?

**Ms ADAMS:** Yes.

**CHAIR:** You are from the South Coast?

**Ms ADAMS:** No.

**CHAIR:** You lived there for a while?

**Ms ADAMS:** Yes, I lived there for three years so I know about circle sentencing.

**CHAIR:** With circle sentencing, sometimes a community moves in and becomes a local support group. Apparently they have used home detention down there.

**Ms ADAMS:** Not when I was there they did not.

**CHAIR:** But because of community support they have been able to?

**Ms ADAMS:** I am not 100 per cent sure what they have done since I have left there.

**CHAIR:** Do think that if more of the community were involved in law and justice it would be possible to extend community-based sentences?

**Ms ADAMS:** Yes, perhaps.

**CHAIR:** How do you think the elders around Inverell would feel about being more heavily involved?

**Ms ADAMS:** Yes, I don't think we would have a problem. If anything, it would be pretty positive.

**The Hon. GREG PEARCE:** What would they need in order to take that more active role?

**Ms ADAMS:** I do not know. I cannot speak for the elders.

**CHAIR:** Hopefully, we will see some this afternoon.

**Ms ADAMS:** Yes, you might see some elders over there this afternoon.

**Mr HARRINGTON:** They would probably be best suited to tell you.

**Ms ADAMS:** Yes. I cannot answer that.

**CHAIR:** What sort of recommendations will change the fact that many people have to go to gaol because of their past records when maybe their crime and the current circumstances could deliver community service? Was that too complex?

**Mr HARRINGTON:** Yes, it was.

**CHAIR:** People sometimes have to go to gaol when they probably could do community service but their previous record, probably one of violence, excludes them from that. What sort of recommendations should we put together to change this?

**Mr HARRINGTON:** In the sentencing of different offenders one of the things that magistrates have to look at is the safety of the community, and home detention will definitely be an alternative to imprisonment that would provide a level of safety to the community but, other than that, I cannot see that any of the other community-based options would give any sort of level of safety to the community.

**The Hon. GREG PEARCE:** Inspector Harrington, can you clarify how many magistrates courts are in operation in the area?

**Mr HARRINGTON:** In the entire LAC?

**The Hon. GREG PEARCE:** Yes?

**Mr HARRINGTON:** You have a magistrate from Armidale, who sits at Armidale, Glen Innes and Tenterfield, and you have a magistrate from Moree, who sits here at Inverell, so there are two magistrates who work within the New England LAC. Also, the magistrate from Armidale actually comes across to Inverell occasionally as well, so both magistrates work out of this location.

**The Hon. GREG PEARCE:** In terms of remand, what sort of experience do you have of arrests being made in Inverell and the time it takes to get the offenders before the magistrate?

**Mr HARRINGTON:** Initially or for a hearing?

**The Hon. GREG PEARCE:** Initially. If they are locked up in a cell, how long are they likely to stay there?

**Mr HARRINGTON:** We either put them before a bail court, before the chamber magistrate, who can then give them short periods of remand to the next sitting court full magistrate. That normally happens over the weekends but from Monday to Friday we can normally put a person before a full magistrate any day of the week.

**Ms LEE RHIANNON:** Ms Adams, why you think you are having so much trouble recruiting ACLOs?

**Ms ADAMS:** When they advertised last time in Armidale they did have two people but they did not meet the criteria. But I do not really know why. I could not tell you why.

**CHAIR:** Do Aboriginal families participate in the selection process?

**Ms ADAMS:** I do not know anything. I do not know. I know they have a local person on the interviewing panel but as for the culling, I think that is done by the manager.

**Mr HARRINGTON:** The local area manager, who is based at Armidale.

**Ms ADAMS:** I could not tell you why they cannot get anyone in Armidale.

**The Hon. GREG PEARCE:** You are doing better than Redfern. They only had one out of three for two years.

**Ms ADAMS:** Yes.

**CHAIR:** Do you have anything else you wanted to tell us that you think we have not heard?

**Mr HARRINGTON:** No. You have not asked all the questions that are a on this sheet, but that is fine.

**(The witnesses withdrew)**

**WILLIAM CRAIG FLANAGAN**, District Manager, Probation and Parole Office, Glen Innes, and

**MICHAEL GORDON GOODA**, District Manager, Probation and Parole Office, Inverell, sworn and examined:

**CHAIR:** Are you conversant with the terms of reference for this inquiry?

**Mr FLANAGAN:** I am.

**Mr GOODA:** Yes, I am.

**CHAIR:** If either of you should consider at any stage that certain evidence you wish to give or documents you may wish to tender should be heard or seen only by the Committee, please indicate that fact and the Committee will consider your request. If you are unable to answer any questions asked of you today you may take the questions on notice and send the answers to the Committee later. If you take any questions on notice I ask that the responses to those questions be forwarded to the secretariat by Friday 15 July. Would either of you like to start by making a short statement?

**Mr FLANAGAN:** Initially I would like to thank the Committee for inviting us. It is quite rare for operational staff from the bush like Michael and I to get a chance to participate in policy at this level. It is exciting and new for us. We thought we would give you just a brief outline of what we do, just a couple of minutes. Although we are both district managers of Probation and Parole offices, our roles are a bit different. I work at Glen Innes, and the majority of our work is related to the Glen Innes gaol, which is located about 40 minutes to the east of our town. We attend there for the preparation of parole reports, release arrangements for inmates, two or three days a week.

We also have a relatively small community caseload that covers the villages of Tenterfield and Deepwater to the north of Glen Innes. So, we go as far north as the Queensland border and as far east as the gaol, which is about 40 minutes from where we are. We share a boundary with Michael at Inverell, about half an hour to the west, and to the south we share a boundary with our Armidale office. We provide a court duty service to the courts at Tenterfield and Glen Innes. Those courts sit monthly. We administer court orders from those courts, community service orders, section 9 bonds, some section 11 orders and some suspended sentences, section 12 sentences.

It is hard to pin down what our target group is. There is not a common dominant characteristic of our clients in the community. They share a number of characteristics: high unemployment—about 80 per cent of the community caseload is unemployed; geographic and social isolation—many of them live in small rural villages chasing cheap accommodation. They share, perhaps, a propensity to substance use, primarily alcohol, to excess. We tend to deliver a service to them that is flexible, in the sense that we travel to them as much as they come to us, but we are conscious of the limitations of reaching out across the geographical area. That is the outline of Glen Innes. Michael can give some idea of what goes on at Inverell.

**Mr GOODA:** At Inverell we have two full-time officers, a part-time clerical officer and two sessional supervisors. Our area is bordered by Warialda, Yetman,

Bundarra and Bingara. We receive work from Inverell Local Court and Warialda Local Court. We are responsible for the supervision of bonds and parole and for administering the community service orders scheme. Our clients face many barriers, which Craig may have just mentioned. Twenty-five per cent of our clients are of Aboriginal-Torres Strait Islander descent; 80 per cent are males; 75 per cent are unemployed and typically a large number have transport problems, accommodation problems and family instability. My responsibility is overseeing the supervision of parole orders and probation orders and for administering the community service orders scheme.

**CHAIR:** Thank you. They are enormous tasks.

**Mr FLANAGAN:** Yes.

**CHAIR:** We have been very impressed with the quality of submissions that have come from Probation and Parole. We have received quite a few from around the State and they are of a very high standard, so thank you. What community-based sentences are currently available in the Inverell area and what is your role in supervising offenders in the community?

**Mr GOODA:** The options that are available are good behaviour bonds, parole orders and community service orders. Rarely are offenders from here assessed as suitable for periodic detention because of the transport problems in travelling to Tamworth, and we do not have home detention or the Drug Courts operating in this area.

**Mr FLANAGAN:** It is the same at Glen Innes. We have supervised bonds, section 9 bonds and suspended sentences. We do not have home detention. We do not have the Drug Court and we do not have periodic detention. Our nearest periodic detention centre is at Grafton. Occasionally some clients who live on the eastern side of town can make the physical journey to access periodic detention at Grafton but there is no reliable public transport so it is an onerous burden on the family. It has worked at Glen Innes on occasions, and I guess they have to travel from Tamworth—is there public transport to Tamworth from here?

**Mr GOODA:** There is a bus service. Most of the offenders I assess are not suitable for weekend detention because of the difficulty to secure reliable and affordable transport. So, they are usually, quite often, assessed as unsuitable for that option in presentence reports.

**Mr FLANAGAN:** It is getting harder in the bush for a lot of our client base to get drivers licences. You need a certain literacy requirement now with the testing process and you need access to money.

**The Hon. GREG PEARCE:** Can I just turn that around? Are you saying there are clients you see who, if they could show they had access to reliable transport, you would recommend that they get periodic detention?

**Mr GOODA:** If clients are able to demonstrate that they had ready access to reliable and affordable transport, then I could assess them as suitable for periodic detention, and then it is a matter for the court to make a decision on sentencing.

**The Hon. GREG PEARCE:** Could you give me some idea of the number of people affected, your guesstimate?

**Mr GOODA:** I would say in the past 12 months I would have only assessed one as suitable for weekend detention in Tamworth. That would be a very small percentage.

**The Hon. GREG PEARCE:** Were there others you might have assessed as suitable but who were excluded on the transport issue?

**Mr GOODA:** Yes.

**The Hon. GREG PEARCE:** What sort of numbers were there in the past 12 months?

**Mr GOODA:** It is very difficult for me to answer that. I would really only be guessing but I would say there would be quite a few more offenders who would be assessed as suitable if there was ready access to transport.

**CHAIR:** How much does the bus cost? It is the rail-associated bus, is it not?

**Mr GOODA:** Yes. I do not think it corresponds too well with the times they need to be there, and I suspect it is a \$30 to \$40 trip, and then there is the return trip as well. A lot of these offenders are unemployed and that is quite a financial burden.

**The Hon. GREG PEARCE:** Do you have the same experience, Mr Flanagan?

**Mr FLANAGAN:** We do, but not in the same numbers. Our community caseload is smaller than Inverell's. So the number of people who may have access to periodic detention in the past 12 months and could not because of transport would be 10 to 20.

**CHAIR:** So there is no MERIT program up here?

**Mr FLANAGAN:** No.

**CHAIR:** You are not hearing anything about it being on its way or anything?

**Mr FLANAGAN:** I did speak to the MERIT co-ordinator at Lismore, Mr John Scanleton, prior to coming here today. He spoke about expansion but I do not believe it is targeted in this direction.

**CHAIR:** What sort of community-based sentencing do you think the people of the north would benefit from access to as a priority? What do you think should be the priority as first access to community-based sentencing?

**Mr FLANAGAN:** If I can answer that question this way. I do not think circle sentencing is a community-based sentencing option. It is presentence. But I think as a priority issue it would be quite useful for us practitioners to have that process occurring because it allows offenders to engage with their community more substantially, as well as the victim, of course. I suspect that if they came to us on a supervised bond at the

end of circle sentencing, what we could do would be more substantive if the client had been through that circle sentencing journey. I notice with interest some of the things the ACLO was saying about particularly the young indigenous clients, who are very disenfranchised, and coming into an office with a white face like us can be intimidating. We attempt to get around that as best we can but that is a reality. Circle sentencing would be appropriate. I know the trial in Armidale is either about to start or has started so we will be watching that with interest.

**CHAIR:** How hard will this trial be without an Aboriginal liaison officer?

**Mr FLANAGAN:** I could not comment. I do not know if that is a critical component of circle sentencing.

**The Hon. GREG PEARCE:** Just in relation to community service, do either of you have any impediments to recommend community service because of lack of availability of work places or supervision or anything like that?

**Mr GOODA:** In Inverell we are very fortunate to have several good agencies and we also have a program which is a variation of the community service scheme that I could mention. We were very fortunate in that we do have some very good work placements for offenders in Inverell. It is more difficult to place offenders who reside in the outlying areas in work. However, we have started a program in Inverell where we have addressed one of those problems, that being transport, because we actually go and pick up the offenders and bring them to our work gang program. That is a program which I could mention, if it pleases the Committee. It is the Linking Together program which we commenced in 2003. It is a pilot program for this service. It is a new approach towards the community service order scheme. What we do is we provide transport to the work site, which obviously has its implications, and we have employed a sessional supervisor from our offender management funds to supervise these workers. So we are not relying on traditional agencies and their supervisor.

We have our supervisor and we can therefore have a degree of control over the community service order scheme and a degree of flexibility. We have joined in a partnership with the South Inverell Residents Association and the Linking Together Centre to have the offenders work in south Inverell. We have recently expanded that to include the Tingha sports ground and the Inverell Golf Club. We work on a rotation basis and it is every Saturday. We have a very high rate of success or completion. It is good community acceptance of the work that is being done. We have had support particularly from the Department of Housing to buy some materials, and we have had some materials donated from the shire council. They have completed some really good community projects. As I said, it is a pilot program for this service. We employ our own supervisor. I can place most offenders in those agencies. We have a low breach rate, and I think it is a successful program that this service may well move to other centres and I hope so.

**The Hon. GREG PEARCE:** Can you give us a costing on that? Perhaps not at the moment if you want to take it on notice.

**Mr GOODA:** The only real cost, we are in partnership with other local agencies and they provide the tools and equipment. I provide the transport, which has some implications on my work load, and we use the departmental motor vehicle to transport

them. We employ a sessional supervisor on an hourly rate, and I think because he is employed on Saturdays it is \$39 per hour. So there are some cost implications. Compared to the alternative though it is my belief that they are very reasonable.

**CHAIR:** So in the long term could these sessional supervisors perhaps work with supervisors in other enterprises to increase the skill base?

**Mr GOODA:** Yes.

**CHAIR:** Of the other supervisors—the supervisors at the local government bodies and the other people who get involved?

**Mr FLANAGAN:** They might be able to but these agencies tend to jealously guard their own style of doing business. Sometimes it is quite difficult if you try to impose on them. It is an excellent model that Michael is using. We are going to trial it next at Tenterfield, which is the small community we reach out to, because there is a degree of opposition to taking on some of our clients out there which we can overcome by employing a supervisor on site.

**CHAIR:** Apart from your program, which is very exciting, has there been much problem with aggression between supervisors and community service order workers?

**Mr GOODA:** From time to time problems develop and in the traditional agencies the offenders are sent home, and we would either proceed with breach action or attempt to find another agency. However, with our paid supervisor, I believe we have recruited the right person for the job. There is a degree of flexibility. If problems arise we can talk about issues, and the general pattern is that after things have settled down they return to work and there is no need for a breach. So we have that degree of flexibility that probably we do not have in the traditional agencies.

**The Hon. GREG PEARCE:** Are there any agencies that have in the past provided you with work spots, which have stopped doing so?

**Mr GOODA:** Yes, I would say there has been an attrition of local agencies. We now have to complete an occupational health and safety assessment and quite often in these small outlying areas these community agencies just do not meet the occupational health and safety criteria. So we really have just a handful of agencies left and they are the ones that are able to provide supervision and monitor occupational health and safety. However, with our paid supervisor, that is part of his responsibility as well so we do not have that problem.

**The Hon. GREG PEARCE:** Is there anything else that you can tell us in terms of your own experience with community service?

**Mr FLANAGAN:** Just to confirm what Michael was saying that occasionally it is a bit difficult to get volunteers and community agencies to take on certain clients in small communities. They form their perceptions and make their own value judgements and because they are volunteering their time we cannot impose upon them. So we are looking to work around that problem by using something like Michael has done.

**The Hon. GREG PEARCE:** Would you say there are people who are being assessed at the moment who would likely be given a community service option but do not receive that recommendation because you do not have the capacity to put them in work spots?

**Mr FLANAGAN:** Quite rarely. What we tend to do is if they fit the criteria we would tend to take them on. What it means for them practically though is that it takes longer to satisfy the court order. If we have two agencies instead of ten, people queue up and work through the hours. That may be an injustice to the client because it stretches it out. We have the capacity to extend the order time.

**Ms LEE RHIANNON:** The system sounds as though it is working well and there is a commitment from people like yourselves. How could it be improved in terms of outside agencies, the Government assisting you with resources or better networking or whatever. What would be your wish list to put forward to improve things?

**Mr FLANAGAN:** Probably got a huge list. It was great to hear council talk in a positive sense this morning. Sometimes we feel that we are the advocates for the client, which is something we are comfortable doing but it can be a battle. It would be nice if the community perhaps took a bit more ownership of the issue and volunteered a bit more help rather than us knocking on doors. It is quite common for me to have to go through a list of community agencies and just door knock. The answer is to be persistent. They want you to be credible and to be there and keep turning up and eventually they will give it a go.

**Ms LEE RHIANNON:** How do we change that perception in a rural, remote community? Does the Government need to do more advertising about the pluses for the community in doing this, or just sending out material? Do we put material in the local papers or send material directly to local employers and local groups, this is a win-win for both? How do we change attitudes?

**Mr FLANAGAN:** All those things would work. We do practical things like have morning teas and invite people in and ask the magistrate occasionally to speak to raise awareness, put an article in the local paper. The more substantive resistance to working with persons convicted of offences is a tough barrier so perhaps a package of all of those things.

**Mr GOODA:** What I do is when I am looking for an agency I approach the agency and describe the program and usually I am met with some interest and then if there is a placement made then we usually have it on a trial basis and I try to put the right person in the right job so that it is successful. Once a worker has been successful that agency is more likely to take more workers. If there was some government funding that might assist the small agencies to have their occupational health and safety requirements met then that would assist or if there was some funds that might assist them to buy some lawn mowers or basic tools and equipment, that way they might also be able to participate in the program as well. So government funding in those areas would be well spent.

**CHAIR:** I do not know how feasible this is but would it be possible for people who are given community service orders to do the occupational health and safety course? Would it be possible to set up that structure for the country places?

**Mr GOODA:** Yes it is. I think it is a requirement for our workers, if they are to be placed with the shire council, that they complete the occupational health and safety training. However, with our work gang that we are using, the Linking Together program and our traditional agencies, there is no requirement to have that occupational health and safety training. In saying that, we do occupational health and safety inspections and we certainly make every effort to make sure that the workers are aware of his or her responsibilities in regard to occupational health and safety.

**CHAIR:** It would increase their employability if they all had their bit of paper, would it not?

**Mr FLANAGAN:** Yes it would. We just do a general induction and just talk about occupational health and safety issues to the client.

**Mr GOODA:** Yes. We are also running a program, the Pathways to Employment Education and Training [PEET] Program. That is a TAFE program. The occupational health and safety green card is to be delivered at the end of that program so that is really the only time that our offenders under our supervision would complete that program.

**Ms LEE RHIANNON:** Just going back to your interactions with employers and community groups, do you have any figures or can you give us a rough idea on the success rate that you would have? If you approach 50, do 50 per cent come on board or do 90 per cent come on board?

**Mr GOODA:** I would say over 50 per cent come on board. Usually the client asks if there would be work available there because they have had some contact with that agency. My experience is that if the scheme is explained they are pretty favourable to it. However, some have a resistance because of the stigma in dealing with offenders but in my experience they are very supportive of the community service order scheme.

**Ms LEE RHIANNON:** Mr Flanagan, earlier you were starting to explain to us the difficulty that some of your clients have with getting their licence and transport. Could you just finish off about that issue?

**Mr FLANAGAN:** As you would be aware, the testing that goes to getting a drivers licence is probably appropriately more rigorous than historically it may have been—certainly, when I got my licence. There is a literacy component to the tests now which is a barrier to some of my client base successfully gaining a licence. This barrier is very difficult to overcome. There is a financial component too. I am not sure of the precise details but you have to pay money on a journey, particularly if you are getting your licence to start off with. Are you aware of the fee structure for that?

**Mr GOODA:** No.

**Mr FLANAGAN:** I am cognisant of this today because yesterday I was attempting to release a prisoner from Glen Innes gaol who was serving a custodial sentence for never having possessed a licence. He is a person with no other criminal record. Certainly a short sentence that seemed a waste. He was processed in and out in a couple of months. He pointed out to me this literacy question.

**Ms LEE RHIANNON:** Are you finding that that is more common in the Aboriginal community?

**Mr FLANAGAN:** I think it is prevalent within the indigenous community but it is not a greater proportion than within the non-indigenous community.

**CHAIR:** I understand that there is a program for illiterate people to get their licence. If the RTA advertising processes for people to find this out is too difficult, perhaps we can make a very sensible recommendation—

**Mr FLANAGAN:** They cannot read the advertisements.

**CHAIR:** When the people come they can be assured that the system is possible. People can get to know that the process is available.

**Mr FLANAGAN:** Yes, it is a good idea.

**Ms LEE RHIANNON:** You said that you have a client who is just coming out of gaol and that was the only criminal record he had. Are you seeing this as a more frequent occurrence?

**Mr FLANAGAN:** Not in volume. This has caught my eye because it is recent. I should say that he had four counts of it. This was his fourth time of driving whilst unlicensed, so it has a multiplier effect. The options diminish as you go on. But it is a focused type of offending behaviour related to access to a driver's licence and living in a rural area. The options that Madam Chair mentioned then would have been great for him if he had accessed the literacy program to get his licence. He would not be where he was yesterday.

**CHAIR:** That does not resolve the financial issue, though. What would happen to you people if our recommendations double the number of clients you have on community-based sentencing orders or other community sentencing options?

**Mr FLANAGAN:** I would take an immediate holiday.

**CHAIR:** What sort of resources would you require to resolve this issue so that the client base actually had some benefit from the process?

**Mr FLANAGAN:** Resourcing is probably a question beyond Michael and I. We have a workload model that gives senior management some idea of what staff are needed in what location. I presume the work would come first, they would apply the model and then the workers would follow shortly thereafter. That would be right, would it not?

**Mr GOODA:** Yes.

**CHAIR:** We have been led to understand that it is very difficult to set up group-type services in the country, is this right?

**Mr FLANAGAN:** It can be. You need a certain critical mass of people in a location to get the benefits of group dynamics. If they are disparate and spread throughout the bush, it is hard to do that. Michael and I have tried options. Presently we are looking at doing an Aboriginal men's group, which combines Aboriginal clients from Glen Innes and Inverell meeting at a central point, the Aboriginal Housing Corporation, which has an appropriate premises for us to use. So we try to bus people in to a central point. That is one thing you could try, but it would never reach all of the target clients.

**CHAIR:** Do you have trouble accessing rehabilitation-type services with other government departments?

**Mr GOODA:** Do you mean drug and alcohol rehabilitation services?

**CHAIR:** That is an example?

**Mr GOODA:** Yes. Typically the clients from Inverell who are interested in drug and alcohol rehabilitation will travel to Freeman House in Armidale or Roy Thorne House in Moree. There is a waiting list, however, quite a few of those offenders have been successful in entering and completing the program.

**CHAIR:** Where does detoxification occur?

**Mr GOODA:** My understanding is usually at Inverell hospital.

**Mr FLANAGAN:** There is a bed at Glen Innes for the same purpose as well.

**The Hon. GREG PEARCE:** Can you explain what happens with breaches of community service orders, particularly in relation to the police and the court?

**Mr GOODA:** In Inverell the police have a very low breach rate. Most of the typical breaches are where the client disappears, loses contact with the service or there is a further offence, which brings them back to court. We have a very low breach rate of workers not completing their order because we have some good traditional agencies and our links in together program and we get most of the workers successfully through their number of required hours.

**Mr FLANAGAN:** The bottom line in terms of breaching is that if a person does not work for whatever reason, a court document is raised at the local office and laid at the Local Court. The court lists it for hearing. At that stage it is not a warrant; it is a request, a court notice to attend. The person then attends and gives their side of the case and the magistrate will decide to resolve it at that time or adjourn it to allow the person the opportunity to finish.

The inspector was talking about one matter coming to his attention. There would be more breaches than that in the New England LAC. There have been more than that in my own office but they would only come to him at the endpoint if the person had not been found. To find the person the police have to become involved.

**The Hon. GREG PEARCE:** Can you give us your views on whether home detention is a good or bad thing and whether it would or would not help resolve the problems?

**Mr GOODA:** I think the more options that are available to offenders in the Inverell community the better. Whether it would be successful, I am not sure. I hope it would be trialled. Some groups may have difficulty complying with some requirements of home detention. There are workload implications for the officers who supervise that, but once again, the more options, I think the better it is for the community. So I hope that it eventually does come to regional areas.

**Mr FLANAGAN:** I have not seen it in operation. I am cautious about some of the structure that goes with the electronics and how it would work in remote sites. I know that it can work in the metropolitan area but I am not really sure. I might have to wait for the trial at Kempsey. We may look at it laterally out to the Northern Territory and Queensland—places that are used to dealing with more remote locations—as to how the electronics work, for instance.

**CHAIR:** Some are doing a trial at the moment.

**The Hon. GREG PEARCE:** Would you generally prefer more options?

**Mr FLANAGAN:** Yes.

**CHAIR:** Thank you, gentlemen, for your evidence. It has been most helpful.

**(The witnesses withdrew)**

**STEPHEN JOHN COLLINS**, Solicitor, Borthwick and Butler, Inverell, affirmed and examined:

**CHAIR:** Are you conversant with the terms of reference of this inquiry?

**Mr COLLINS:** Yes.

**CHAIR:** If you should consider at any stage that certain evidence you wish to give or documents you may wish to tender should be heard or seen only by the Committee, please indicate that fact and the Committee will consider your request. If you are unable to answer any questions asked by the Committee today, you may take the question on notice and send the answer in writing to the Committee later. I would appreciate it if the response to those questions could be forwarded to the secretariat by Friday 15 July 2005. Would you like to make a brief opening statement?

**Mr COLLINS:** Just briefly on something said earlier by Corrective Services about your Committee coming to a town like Inverell. Certainly, it is very heartening and it has created a lot of interest within the Inverell legal community. We have had a lot of discussions between the various solicitors as to the matters that they would like to have raised, but I am just speaking on my own behalf in anything I say. It has created an interest.

**CHAIR:** That is excellent and the Committee thanks you for your interest and the submissions.

**Mr COLLINS:** I have been a solicitor in Inverell for 27 years and for that entire period I have acted as a duty solicitor and I hope to remain doing duty solicitor work because I find it very enjoyable and very interesting. The issues raised by the Committee certainly are very dear to my heart in terms of sentencing options for people within the Inverell and greater Inverell community. However, a couple of perspectives need to be looked at. Generally, I think that a non-custodial order is seen as a soft option within the community.

Secondly, the way the structure is given of sentencing offenders to prison sometimes leads to the disadvantage of being in a remote area going to the offender's advantage because in looking at the corrective services, giving the options available for a particular offender. The exclusion of home detention and the exclusion of periodic detention means that generally courts cannot go up then to gaol. They would go down the ladder towards another community-based system.

I think it is important that by broadening the availability of community-based options, it then puts more emphasis back on the client to make sure that he is able and capable of fully embracing a non-custodial sentence. The structures of CSOs have been well dealt with by the two last speakers. I am particularly interested in the proposals of widening suspended sentences, which I think have been a great sentencing tool, but I think there are some deficiencies in that which reflect within a small community, particularly where the crime is so visible to us in our daily life.

My suggestion with the section 12 bonds is that there should be a difference between the actual sentence that has been imposed and that period of the actual related

probation in that, to me, a person who is to receive a suspended sentence generally has exhausted most other non-custodial remedies but, at the same time, probably does not warrant obvious full-time imprisonment. Therefore, perhaps imposing a six-month sentence, which is then suspended on condition that the offender enters into a bond to be of good behaviour for an extended period of time, might just give the community a little bit more security that the suspended sentence is therefore a longer period whilst the penalty, if there is a breach, is of a narrower type—for example, a client getting an 18-month suspended sentence is facing a very serious incarceration and it may be that the magistracy may have imposed such a longer term more to have him keep the peace for 18 months than to want to really put him in for 18 months.

Home detention, I believe, is something that really should be trialled extensively in rural areas with the proviso, though, of safeguards, in that there are a lot of people who really should not be kept in a house for 24 hours a day. The effect on families may be very negative. But if home detention could be based on a similar fashion to periodic detention, for example, there would be weekend home detention or weekend home detention with evening curfews during the week, it may just enable a person to keep functioning in the community but, at the same time, have responsibility for the penalties.

As previously indicated, in 27 years I have hardly had any clients receiving periodic detention. Once again, where the unavailability is not as a result of the fault of the client, the magistrates have to come down the scale in terms of penalty and it may well be that the system could be altered and that offenders in the various towns would go to a police station at a particular time and that a Corrective Services bus would travel from Inverell, Glen Innes, Armidale down to Tamworth, with the sentence starting at, say, five o'clock for each locality; it is just that part of your sentence is being served in a bus or some other means of transportation. I think, given the number of repeat offenders, whom you really do not want to go to full-time gaol, periodic detention can be a fairly good deterrent and at the same time maintain community involvement for those people rather than full-time imprisonment.

I guess the one issue I would like to canvass more than anything else is the question of the procedures for sentencing where supervision is an eventual outcome. The processes generally for offenders are a finding of guilt, either by plea or hearing and a referral to the probation service to determine what sentencing options are available. I feel very strongly that at that stage solicitors, prosecutors, courts, should put input into the areas they want to look at with respect to the specific offender, be it drug and alcohol, psychiatric, psychological, dietary, lifestyle, violence issues, relationship issues. By referring the offender to the probation service with the specific issues that are of concern, in addition, presumably, to repeat offending, and if the probation service was able to match that person with the proper agency or agencies to examine those issues, then the court could look at utilising section 11, Griffith remand type of adjournments, for a lengthy period, so that the agencies are then initiated into action with the offender, with that agency then giving a report back to the probation service at the end of the nine-month or six months adjournment. There would be a report available to the court to see what progress if any has been made.

I feel that that is where we have a disadvantage in a small town, a lack of expertise, in that we have a part-time alcohol counsellor, we have AA, but that is not necessarily the sort of organisation you want to send most of your clients to, you have a

total lack of adequate psychiatric, psychological, assessors, issues with family diet, family lifestyle—very intrusive types of issues that I would be looking at. I do not want to make everyone a middle-class person but I think the core problems coming through in small communities are from social disadvantage, the total environment, family violence, repeat domestic violence, which is repeated because the couples do not separate on the issue of violence. There is a counsellor who does some very good mental health work, alcohol and drug dependency issues, anger management issues at Inverell hospital. He is trying to do all that and I could send him 30 clients a week—that is an exaggeration, but a lot of clients regularly—and it is just too great a workload for someone who is also trying to cover the field.

**The Hon. GREG PEARCE:** Is there an issue or a problem with suspended sentences in that, effectively, somebody can be on good behaviour for a significant period and then they cop the whole sentence all over again?

**Mr COLLINS:** That is the sword and the feather approach to sentencing on a breach—the question of whether or not the presiding judge or magistrate imposes a non-parole period appropriate to a breach. Our main magistrate here, who is leaving in a few weeks, generally does not allocate a non-parole period, thereby the whole sentencing option is available if there is a breach within that period. In other words, he can say a nine-months suspended sentence, you breached it in week two so I will give you six months with a non-parole period of three months or you breached it in month 8<sup>3</sup>/<sub>4</sub>, and he might just give a short sentence then and not cover the whole thing. But unfortunately you are limited. You cannot give a non-parole period if you are under six months. Therefore you have to get six months.

My suggestion is if you can make the sentence appropriate to the offence but have a longer period of probation, simply the probation period seems to work for a lot of people. Anyone who deserves a six-month sentence, give them 18 months probation so they do not serve their six months. If they commit an offence at the end of 15 months, perhaps they then only deserve 12 months imprisonment.

**The Hon. GREG PEARCE:** But the problem is then having to do the six months.

**Mr COLLINS:** Yes, and a limitation there being you cannot get a non-parole period within the six-month sentence. So, if you get a nine-month sentence—our magistrate traditionally gives you six months and a day on a suspended sentence because he is concerned that if he gives a six-month or three-month sentence, they have to serve that sentence.

**The Hon. GREG PEARCE:** Can I take it back to periodic detention? You said you have hardly seen any in the period you have been here?

**Mr COLLINS:** Yes.

**The Hon. GREG PEARCE:** Would the primary reason be, consistent with the earlier evidence, transport issues?

**Mr COLLINS:** Transport issues, yes. I have not experienced so much people not being able to get a licence, but people have lost their licences under presumably

disqualification or fine default, fine default being the predominant one. Therefore they are cancelled drivers, they do not have licences and they cannot attend. There are other resources, but the idea of the bus to go down to Tamworth to start at five o'clock, when I think you have to be there. You catch the bus from Inverell at seven o'clock Friday morning and you catch the two o'clock bus on the Monday afternoon, something along those lines. It is a fairly big ask.

**The Hon. GREG PEARCE:** So a two-day detention effectively becomes four days?

**Mr COLLINS:** Yes. So you have accommodation Sunday night. I have had a client whose parents drove him backwards and forwards every weekend—terrific sort of support. But I have had clients who move down to Tamworth to make it more available and I have had a client move to Grafton to stay with family during the period. That is not really on if you are an average person, I would think.

**The Hon. GREG PEARCE:** Could that not be largely fixed, though, by the magistrate taking into account the full transport package, tailoring the punishment to take that into account?

**Mr COLLINS:** They certainly take it into account, but to make periodic detention and option for the court it has to be shown to be available through a presentence report. If a presentence report says no transportation available, the court certainly takes that into account, not negatively to the offender but simply to say it is not an option. It is the appropriate sentence I would have given, therefore I will come down to a suspended sentence or a community service order, for example.

**The Hon. GREG PEARCE:** So that transport issue is something we should be trying to grapple with in relation to periodic detention?

**Mr COLLINS:** Yes. It is difficult. The Corrective Services transportation to get to Inverell court involves prisoners, if they are in outlying areas, coming to Tamworth. A few days before the court they will go to Moree and will go to Inverell on the morning of the court. Whether they have the facilities to effectively have a PSR bus going back to Tamworth, I do not know.

Another point with periodic detention is it has traditionally been fairly poorly administered, however it appears to be far better administered over the past few years. The thoughts I had were that so many of my offender criminal clients are very disorganised with poor economic and social skills. You do not want to set them up into a system where they are going to fail. The number who do not turn up at court is notorious in these areas. It would be beautiful though if a nine-month periodic sentence may have a 12-month period in which it can be done, like a community service order where you have 200 hours within 12 months. That might allow for that disorganisation. It might allow for the fact that an Ashford client's vehicle has broken down and he cannot come in to Inverell.

A lot of offenders are very wily customers. A lot of them know the ropes and we have to overcome the perception of the soft option. I am not so much concerned about the community expectation or opinion, but for the clients' opinion we have to try to show that if you want to avoid gaol and if you wish to make yourself available for

supervised recognisance or bonds, you have a fair bit of obligation as part of that. There is no point having an alcohol problem unless you want to deal with it. If you want to look at psychiatric issues you want a look at domestic violence issues and try to get the offender to see that it is definitely not a soft option.

I have heard before of young Aboriginal clients wanting basically a rite of passage. It is easier to go in and get looked after. I assure you, with few exceptions, I have never had a young white male client want to do that. It is something they are terrified of because of sexual assault in prisons. To me, you can use the stick at times favourably to say that is an option, however these community-based options are very worthwhile but you have to pull your finger out and try to get a bit motivated.

**The Hon. GREG PEARCE:** So, just concluding that, it is your experience that there has been a lack of supervision and toughness with the community service?

**Mr COLLINS:** No, the probation service can supervise but supervision is either house calls, which I do not think are very common, or the client coming in to see them. Because of the social and family structures of a lot of offenders it would be very hard for the probation service to do adequate profiling of that particular client apart from what the offender tells them. My thoughts were, by referring them on as conditions of bond, not just alcohol counselling as directed, but there be a whole series in some cases of referrals, and that those organisations then be permitted—in fact, required—to provide reports back to the probation service, so you get a clearer picture. What you are hoping to do, though, is to show some offenders that there is a better path.

**The Hon. GREG PEARCE:** So, you see the need for more rigour in the way those community-based sentences are operated?

**Mr COLLINS:** Yes.

**The Hon. GREG PEARCE:** The reason being to give them more credibility, if you like, with the offenders?

**Mr COLLINS:** With the offenders, that is right. The last thing you want is an offender client walking out of court saying, "I got off." We might take it seriously but you have to get the offender. The offenders who do take it seriously, you could just hug them. There is nothing more satisfying than seeing an offender come out of an environment with a lot of self-respect and achieving—not again to become a middle-class citizen or whatever—independence from drugs or alcohol abuse and the need to assault his mother or girlfriend. When you see that—and it does happen—it is very gratifying. Probably the only gratifying thing you get as a long-term duty lawyer, I should say.

**The Hon. GREG PEARCE:** I used to be a lawyer too.

**Mr COLLINS:** The thing about Inverell too is that most of our crime is socially oriented. It is not planned large-scale crime. We are blessed with that. But it is very public crime. It is the smashed windows. Domestic violence was identified, I think, by the police commander and there is no doubt that is the big scourge in many small towns and no doubt cities as well.

**Ms LEE RHIANNON:** To what degree do you think community sentencing assists in reducing reoffending?

**Mr COLLINS:** It only will assist if there is a follow-up or included within community sentencing that there is work done with the offender to try to ameliorate his direction I suppose. Fear of imprisonment has a deterrent effect but it does not have much of the deterrent effect on someone who then loses all consciousness in making decisions. So a community-based option which looks at serious alcohol rehabilitation is very important. Mention was made of Freeman House. My experience is that very few of my white clients have been there satisfactorily. The Aboriginal community has had some wonderful experiences from clients who have been there but it is a very tough area and it needs a lot of speciality. It would be wonderful if there was such a centre in Inverell rather than somewhere away. I mean, until Freeman House became a bit more available white clients would go to Canowindra or Sydney and it is a long way out of a local area.

**Ms LEE RHIANNON:** So if the support services are there, then you feel that it has a real chance of being a deterrent?

**Mr COLLINS:** Not so much a deterrent. It would help just reduce or eliminate the issue.

**Ms LEE RHIANNON:** Change the behaviour.

**Mr COLLINS:** Yes. I am conscious of—I have a wonderful story of a District Court sitting very recently where a young adult offender I had never met before had committed some very bizarre assaults on the some men, just pulled a car over and just assaulted two old men. It was not road rage; it was simply a spontaneous offence, that he was in a bad mood. He went to a young offenders prison, which I think is at Oberon. He came up on appeal. He got quite a long sentence and I had never met him before. We were talking about the sorts of things on appeal and he said, "Look, if you get me out I don't want to be out too soon. I want to finish these programs." It was a stunning indictment on the all the system that he needed to do to some programs on health, forklift driving or certainly some skill courses.

But the thing he said which struck home was that he was having good food for the first time in his life. It turned out that he had suffered ADHD as a child and in his family environment he had never eaten decent food. He said that of all the factors that he could identify, that was the one that had helped him do his time quite well. He had lost his appeal but the fact that he could identify that so clearly struck home, that it is issues of diet, et cetera. The schools suffer this all the time with young kids coming through with poor family environments, lots of violence and poor food, inadequate food. You have got to eat green vegetables but it is something though where at least to give people an opportunity when they start offending. That may be another area you could start looking at.

**CHAIR:** We have been led to understand that periodic detention is managed by the gaol component of Corrective Services. Does it necessarily integrate into the rehabilitation and parole type programs? Do you understand the way that it can happen to be joined?

**Mr COLLINS:** No. I had assumed it was simply go down and serve for the weekend. I was not sure about access to facilities. I have had a lot of clients complain that when they are in gaol they have asked to do courses and there is a waiting list on many of them.

**CHAIR:** The periodic detention people are excluded.

**Mr COLLINS:** I would assume that is right in that I did not think the work force would be there in the prisons for that type of counselling on the weekends.

**CHAIR:** Most of the witnesses that we have heard from or things we have read in relation to this inquiry actually believe that the sentences tend to go towards gaol rather than down to the lesser community-based sentencing options and you have told us the opposite today.

**Mr COLLINS:** I believe in the opposite. The reason I say that is provided it is not something that is for example with community service, if the fellow said "I'm not going to do community work. I don't want to do it" then he has excluded himself. My view was that if for example he was unable to access it because there were periods when there was no work available in some of the more remote areas it was not his fault and therefore the options should not be going up in penalty but should come down. Certainly, it is the stated reason of the magistrate. Subtly they may say "No, it was never an option anyway. You are going to gaol."

**CHAIR:** It is an important perception and it gives us a question we need to ask as we go around the country areas.

**The Hon. GREG PEARCE:** What are the main recommendations you would like to see us come up with?

**Mr COLLINS:** I suppose it is the sentencing procedures, to identify what community sentence options are suitable for a particular offender commensurate with the offence and his criminal antecedents. To take the load off the probation service by having them more playing a role but they are facilitating access to other service providers, issues of privacy, confidentiality. Then of course you have to look at the reports from those providers back to Corrective Services, back to the court, back to us. But I feel that that may be a more effective means of giving weight to a coherent sentencing option. You hope that at the end of the period—again I would be looking more at section 11 type remands—it would give more weight.

For example, I have a section 11 remand at the moment where there is no issue of rehabilitation whatsoever. I think it was an incorrect sentence. The lady breached it and she was to get a sentence. It has been adjourned so that she can make some arrangements, and it is before the court in a few weeks. But there I think it was an inappropriate section 11 referral because it was simply on the basis not of rehabilitation. It was simply an old-fashioned Griffiths remand without any look at what the legislation was intending which was to do some sort of programs to rehabilitate. That is one of the first ones I have had for ages whereas we used to get the old Griffiths remand every second week.

**(The witness withdrew)**

**(Short adjournment)**

**CHAIR:** Welcome to the second public hearing of the Standing Committee on Law and Justice inquiry into community-based sentencing options. The Committee considers this inquiry to be very important in investigating whether it is appropriate and in the public interest to tailor community-based sentencing options for rural and remote areas and for special need and disadvantaged groups in New South Wales. The Committee is very pleased to be here in Inverell and is looking forward to hearing the advice of the local community on this issue.

I will make some comments about aspects of the hearing. I advise that any documents presented to the Committee that have not yet been tabled in Parliament may not, except with the permission of the Committee, be disclosed or published by any person. The Committee prefers to conduct its hearings in public. However, the Committee may decide to hear certain evidence in private, if there is a need to do so. If such a case arises I will ask the public and the media to leave the room for a short period. If a witness does give evidence in private, they need to be aware that the Committee may at any time decide to publish some or all of the private evidence. Likewise, the House may, at a future date, decide to publish part or all of the evidence, even if the Committee has not done so.

Committee hearings are not intended to provide a forum for people to make adverse reflections about others. The protection afforded to Committee witnesses under parliamentary privilege should not be abused during these hearings and I therefore request that witnesses avoid the mention of other individuals unless it is absolutely essential to address the terms of reference. I welcome you.

**FIONA MARGARET BROWN**, President, Inverell Chamber of Commerce, P.O. Box 377, Inverell, and

**KAYLENE ESTELLE STRONG**, Secretary, Inverell Chamber of Commerce, P.O. Box 377, Inverell, sworn and examined:

**CHAIR:** Are you conversant with the terms of reference for this inquiry?

**Mrs BROWN:** I have just picked them up from the desk.

**CHAIR:** Have you read them?

**Mrs BROWN:** Not really.

**CHAIR:** If you should consider at any stage that certain evidence you wish to give or documents you may wish to tender should be heard or seen only by the Committee, please indicate that fact and the Committee will consider your request. If you are unable to answer any questions asked by the Committee today, you may take the questions on notice and send the answers in writing to the Committee later. If you take any questions on notice I would appreciate it if answers to those questions could be forwarded to the secretariat by Friday 15 July 2005. Would you like to start by making a short statement?

**Mrs BROWN:** Yes, I would, thank you. First of all, our monthly meeting for the chamber of commerce and industry is actually to be held next Tuesday morning. Therefore, I was not given the opportunity, time wise, to call an extraordinary meeting to discuss some of the questions that I was given. So, I will answer the questions as best I can, based on my knowledge of the past, committee members of the chamber of commerce and my own personal view.

**CHAIR:** Despite the fact that time has closed for submissions, I am quite sure that the Committee would appreciate any further information that you or your members would wish us to have. We would receive that information.

**Mrs BROWN:** I would like to bring it up at our meeting next week. It would be much more accurate.

**CHAIR:** Do you believe that community-based sentencing can be effective in helping to reduce reoffending?

**Mrs BROWN:** I have written some answers down so, if you do not mind, I will just read them. As with any type of sentence, community-based sentencing may be effective in the right circumstances. There will always be individuals who reoffend no matter what the circumstances. It is something that must be looked at on a case-by-case basis, especially where a first-time offender has committed a petty crime and is considered not likely to reoffend. Community-based sentencing could be a way for them to be held accountable for their crime and perhaps give them the opportunity to fit better into their community.

**CHAIR:** Can you tell the Committee the business community's reaction to the use of the community-based sentencing option in Inverell and surrounding areas?

**Mrs BROWN:** As this has not been a topic of discussion at chamber of commerce meetings in the past, I am unable to give a reaction from the business community. Had notice of the meeting been given, we would have been able to call that extraordinary meeting of the chamber to prepare responses to the questions.

**The Hon. GREG PEARCE:** What is the general feeling about crime and the level of crime, particularly drug crime in Inverell?

**Mrs BROWN:** Drug crime?

**The Hon. GREG PEARCE:** Crime generally and drug crime?

**Mrs BROWN:** From a personal point of view, the level of crime concerned with drugs I have observed to be quite high, but then I have only had experience of Inverell. I do not know where it stands in comparison with other communities. I would like less, of course, but crime in general is fairly well kept under control by the local police. I think it is a little difficult for them to continue bringing people to task for the same problems all the time.

**The Hon. GREG PEARCE:** Obviously, you have had discussions about the level of crime?

**Mrs BROWN:** Yes.

**The Hon. GREG PEARCE:** Has that extended to some of the sentencing options, particularly community service sentences? Do people have views on that?

**Mrs BROWN:** We basically do not know anything about community service sentencing. We do not know who hosts these individuals or anything about it. We do not know anything at all about it. The chamber of commerce has not been consulted on that at all. We have got together several times with the business houses, other concerned individuals and the police department to find out what we can about what needs to be done by the business houses to make sure that there is a conviction, because in a lot of cases, particularly in the last year, there were a lot of problems with shoplifting and that sort of thing in local retail businesses. People have been caught for that but a conviction was not able to be obtained because the business house was not aware of the things that they needed to do. We did that as a proactive thing.

**The Hon. GREG PEARCE:** Do you have any idea about the various services in town for drug and alcohol assistance, anger management and those sorts of things?

**Mrs BROWN:** Again I can only speak from personal experience about the availability of drug and alcohol people. There is a chap here who does that sort of thing. They also run anger management courses. I know this because my son has been involved in those but that did not work.

**The Hon. GREG PEARCE:** It did not work?

**Mrs BROWN:** No, I think mainly because of mental health issues, which need to be really addressed very strongly.

**The Hon. GREG PEARCE:** Does the chamber do anything in terms of supporting those sorts of voluntary services or is that outside the scope of what you are doing?

**Mrs BROWN:** When we hold promotions, we encourage all business groups to be involved and most government agencies these days are run as a business, so they are welcome to be a member of the chamber and also take part in our promotions. Just recently we had an Inverell on Display event where we had many businesses come and showcase what they do. That included government agencies, so the support groups were able to put forward their services.

**The Hon. GREG PEARCE:** Which government agencies were involved in that?

**Mrs BROWN:** I would need to ask my secretary, Kaylene, because she lined up all the people.

**The Hon. GREG PEARCE:** I was interested in which government agencies in Inverell came along?

**Ms STRONG:** We had managed the larger groups like the Department of State and Regional Development and the New England North-West Area Consultative Committee [NENWACC]. It is Federal. I believe one of the child groups was there. I just do not remember its name off the top of my head. Carol could tell you that one.

**Mrs BROWN:** One of the childcare groups.

**The Hon. GREG PEARCE:** Health?

**Ms STRONG:** No.

**The Hon. GREG PEARCE:** Department of Community Services?

**Ms STRONG:** No.

**Ms LEE RHIANNON:** I appreciate you have not had an opportunity to have your special meeting, but from your experience and maybe the experience of some of your members, what is your view of community sentencing? Do you and/or your members see it as a soft option or just another option that might work in certain circumstances?

**Mrs BROWN:** I think some members would think it would be a soft option but I think that would be based on little knowledge of what it actually was—where they go, what they do.

**Ms LEE RHIANNON:** So, if your members understood community sentencing in more detail, you think they would be willing to participate?

**Mrs BROWN:** I do not think so.

**Ms LEE RHIANNON:** Why do you think they would be unwilling to participate?

**Mrs BROWN:** I think they would be unwilling to participate because they would be afraid that their business might be—

**Ms LEE RHIANNON:** Stigmatised?

**Mrs BROWN:** Stigmatised, yes, and open for the opportunity of further crime.

**Ms LEE RHIANNON:** What, they would be worried that that person might commit a crime against their own business?

**Mrs BROWN:** Yes.

**Ms LEE RHIANNON:** Do you think, before asking companies, local employers, to become involved, if any education was undertaken to explain how this program works, how businesses in other communities have participated and found it is a positive part of community development, do you think that attitude could change?

**Mrs BROWN:** It is possible.

**CHAIR:** Do you know if the chamber has been a participant in the process of local government crime prevention plans?

**Mrs BROWN:** We have been sent a questionnaire—the chamber and all the members have been sent a questionnaire—so we could participate in it. I do not know how many people completed it. It was not a mandatory thing so I do not know how many put things in for consideration.

**CHAIR:** So individual members could do so?

**Mrs BROWN:** Yes.

**CHAIR:** A couple of years back when Inverell claimed itself as a drug-free town, was the chamber active in that decision?

**Mrs BROWN:** No, we came along as part of it, to support the notion, but originally we were not part of it, as far as I am aware.

**CHAIR:** You might have answered this question in other ways, but how do you think the increased availability of community-based sentencing would impact on the crime level in Inverell?

**Mrs BROWN:** I really do not know. I honestly do not know. Because I do not have any real knowledge of how things have worked in other communities, I do not have that to base what will happen in Inverell. We are a very strong community.

**CHAIR:** Do you think if more people were serving their penalties in the community you would have more crime than if more people were put in gaol?

**Mrs BROWN:** I think it would be more visible if somebody is obviously doing their penance in public. It may be perceived as being a higher crime rate because they are out there doing stuff. When they are put in prison they are out of the way and no-one gets to know, really.

**CHAIR:** It is an issue of perception?

**Mrs BROWN:** Yes.

**CHAIR:** Another issue that has come up this morning is recruitment and retention of people to work in country areas. What sort of strategies does the business community in this town have to deliver on this problem?

**Mrs BROWN:** There is quite a wide range of things, whatever they can put their hands to, really. Most often they would go to the job network groups because they are advertised Australia wide. They advertise in the local paper and in a paper that is appropriate to that type of work so they might attract other people who are currently working, for example, from another area. Basically, it is our experience that word-of-mouth is still the highest success rate of getting staff. In my own business, for example, I was looking for a certain qualification, and the person who was leaving me knew of somebody in Brisbane, who was a friend, who had finished her qualifications. So she

came down and is working for me now. I had advertised locally and through the job network and had no success. So, word of mouth is really the best.

**CHAIR:** Do you know much about public sector positions at all?

**Mrs BROWN:** I do not know much about what goes on now. I used to be in the public service some years ago so I have a bit of a history of knowing how they are advertised.

**CHAIR:** No, I just mean about difficulty of recruiting?

**Mrs BROWN:** No.

**CHAIR:** If the Committee is happy with a report back from your chamber on those questions, that would be lovely.

**Mrs BROWN:** Sure, that would be great.

**(The witnesses withdrew)**

**MARGARET LESLIE BARNES**, Resources Manager and Acting Chief Executive Officer of Community Programs Inc., affirmed and examined:

**CHAIR:** Are you conversant with the terms of reference of this inquiry?

**Ms BARNES:** Yes, I am.

**CHAIR:** Would you like to make an opening statement?

**Ms BARNES:** I would. Thank you for allowing our organisation the opportunity to comment on this inquiry. I appear before you in the capacity as acting chief executive officer of Community Programs Inc. My customary role is that of human resource manager. The chief executive officer of our organisation, Michael Foley, is currently on annual leave. So, while I am familiar with the recently passed program of the New England bail accommodation service operated by Community Programs, I will attempt to answer your questions to the best of my knowledge. I am happy to take any question on notice and return written responses.

I would also like to begin with a brief overview of the operations of Community Programs, the purpose of which is to contextualise community-based sentencing options for juveniles within the framework of our organisation. Our organisation's mission statement says that Community Programs is a non-profit community-based organisation that assist in the identification and analysis of community needs. Our commitment is to develop and deliver exemplary services by promoting quality life choices in a supportive community environment.

Our organisation's strategic plan aims to meet the needs of children, families, young people, indigenous communities, people in remote and isolated communities, people with disabilities, people experiencing mental illness, war veterans, the elderly and the frail aged within an integrated environment of care and empowerment. A goal within our strategic plan is the commitment to innovative solutions to meet the emerging needs of people within the context of life, family and community. One of the strategies that makes up that goal is to develop transitional care programs that enhance the capacity of people to live independently and participate in their communities.

Community Programs entered into a partnership in 2003 with the Department of Juvenile Justice to operate a bail hostel facility based in Inverell with the aim of providing an accommodation option for Aboriginal and Torres Strait Islander and non-Aboriginal young people who would otherwise be refused bail and incarcerated in a juvenile detention centre due to the lack of appropriate accommodation, even though they had not been convicted. The bail hostel had the capacity to accommodate up to four young people any given time, with the added capacity of one emergency placement.

The objectives of the programs that we subsequently provided and met were to provide a safe and culturally appropriate transitional accommodation placement that would assist residents to return to their families or communities; to provide or facilitate access to culturally appropriate services for residents in areas such as counselling, education, employment, vocational training, income support and budgeting, living skills, personal development, interpersonal skills, family relationships, personal hygienic and healthcare; and to assist residents to maintain their bail conditions and to encourage and

promote the involvement of Aboriginal and Torres Strait Islander communities and young people in the delivery of services and programs to residents.

I am of the understanding that the bail hostel, which was ultimately located outside Inverell, was the first community-based rural facility of its kind in New South Wales. The only other facility of this kind is metropolitan based. So it saddens me to report that this program ceased to operate in May of this year. Fiduciary negotiations with the Department of Juvenile Justice realised insufficient funds to sustain the program. The funding regime adopted a metropolitan-based model, which failed to recognise and understand the uniqueness of rural and remote service delivery options. I would like to point out at this time that it was not just the failure to adequately resource that community-based organisation that led to the closure of the program but the failure of departmental resourcing to support, for example, Juvenile Justice officers. This is evidenced by an initial understanding that Juvenile Justice officers would transport young people to and from the facility. As this initial agreement toppled, the offender was forced to travel substantial distances to accommodate this shortfall, ensuring that two staff members were brought in on call, and this is an area that the program was never funded for.

My aim in citing the example is not to apportion blame but to point out the absolute necessity that when developing community-based options within a community in point, that the option is able to sustain economic success and quality of community life. So in conclusion, the benefits in supporting a community-based sentencing option allows for—and we are talking about the juvenile sector here—community involvement through the establishment of advisory committees, particularly in relation to culturally sensitive issues, partnership development between the young person and their support staff and the Juvenile Justice officers, the input of the young person and his or her family and/or community elders in developing their individual plan, the young person being kept out of incarceration, therefore reducing the likelihood of graduating to the adult system, the provision of a caring model based on humanity and fairness and the encouragement of young offenders to demonstrate responsible community behaviour, thereby reducing the chance of recidivism and incarceration. I am happy to discuss this with the Committee further and to answer any questions that I am able to. While I recognise that this is not the primary focus, our organisation is committed to further models of community-based sentencing options in order to ensure that young people do not face incarceration.

**CHAIR:** We have had some evidence from other States in relation to hostel-type accommodation in order to deliver community-based sentences, so your experience is very important to any recommendations we make. In your opinion do the eligibility criteria for the various community-based sentencing options unfairly exclude some offenders? If so, how could this be overcome?

**Ms BARNES:** I suppose in our experience there were not any young offenders who were particularly excluded from our particular program. I have a list here of clients which is not in any particular order. I can only speak from the position of the program we ran and our target group, which was very comprehensive and supported, was young people from the ages of 10 to 18 years. Priority was given to Aboriginal and Torres Strait Islanders. It was young people appearing for non-indictable offences, young people who were assessed and referred by Juvenile Justice officers, young people who had committed property offences, young people who were displaying behaviours that

indicate poor self-image, emotional difficulties and substance abuse, and people who require extensive guidance, young people who are experiencing a lack of support of adults within the community or who have a history of dysfunction and/or abusive relationships with significant others. There is a lack of supportive accommodation and young people with poor independent living skills, and young people with intellectual and/or physical disabilities and other special needs.

**CHAIR:** So one of our major questions is about the lack of a suitable home because under the process Probation and Parole must give advice to the magistrate before the sentencing process.

**Ms BARNES:** I suppose lack of a suitable home is a huge issue within the regime of younger people within the juvenile sentence because our program was more around a family support based environment. Our experiences have taught us that a large number of young people who came under our care had little or no stable family environment. Some of these young people had no notion of what it was like to live and share everyday lives within the support structures of a nuclear family.

**CHAIR:** Do you think this is a big issue in the Inverell community?

**Ms BARNES:** I cannot speak about the Inverell community as just the Inverell community. We were mandated statewide with this program but certainly a huge issue within rural and regional New South Wales, not just Inverell. I think it is much wider spread.

**CHAIR:** During the structuring of this bail hostel there was quite an extended period of negotiation with the community in setting it up. Were you part of that process?

**Ms BARNES:** Yes.

**CHAIR:** Can you tell me in your mind why so much was heard to say this was an inappropriate thing to have in Inverell?

**Ms BARNES:** I think it comes down to initial misconception surrounding the program and surrounding the benefits. I think it was more talked about, "Well here we are", not "Where can this lead to. How can this program be sustained? How can we benefit the young people who come under our care?" Our brief was to locate a premises preferably within the immediate surrounds of Inverell. Our experience, I suppose based around that question, is that we were able to negotiate the lease of a property within the catchment of our brief. However, the arrangements fell through when the potential lessor received a variety of threats from community members such as withdrawal from their business if they chose to rent the property to community programs. So a lot of misconception and a lot of division within the community, comes down to lack of information, lack of education and lack of overall support for others. I think it is often theoretical rather than put in practice.

So as a result of the community angst, our organisation located and purchased a property in Stannifer, which is near Tingha outside Inverell. The community within that small rural village was most supportive and understanding but the move to purchase as rental properties were very hard to come by and we were being pressured by the

department to commence the program. We purchased a property, and I suppose to say that we are still committed to the program even though we do not run it, but the purchase of the property has also increased the financial burden within the organisation, rather than looking at a rental arrangement.

**CHAIR:** So a lot of the backlash—can I comfortably say that—or a lot of the noise that was heard in relation to the structuring of this hostel, do you think it had anything to do with fear?

**Ms BARNES:** Yes.

**CHAIR:** Of what?

**Ms BARNES:** I suppose fear of what would happen if these young people got out and broke into my property, fear of the unknown as well. This was a new initiative, certainly for New South Wales. Basically it was a pilot program for regional New South Wales. I do not believe to that extent it got the full backing that the department should have provided to the community in the form of education and information. We certainly received the full support of the police, the magistrates, solicitors, the Aboriginal legal service and other community members as the program became more well known.

**The Hon. GREG PEARCE:** What was the capacity of the hostel?

**Ms BARNES:** Four, with the capacity to take an emergency placement.

**The Hon. GREG PEARCE:** Was it full most of the time?

**Ms BARNES:** Most of the time, yes.

**The Hon. GREG PEARCE:** And it operated how long?

**Ms BARNES:** Since 2003.

**The Hon. GREG PEARCE:** Until?

**Ms BARNES:** Until May, last month.

**The Hon. GREG PEARCE:** Did you have any instances where any of the people in the hostel committed any offences while they were there?

**Ms BARNES:** While they were at the hostel, no, not to my knowledge.

**The Hon. GREG PEARCE:** I think you said that it was assessed for funding as a metropolitan based facility.

**Ms BARNES:** It was funded based on a metropolitan model because there was only a metropolitan model available to be looking at a funding regime.

**The Hon. GREG PEARCE:** Why would that have been a disadvantage? I would have thought that in a rural area it was probably cheaper to run.

**Ms BARNES:** I think that is the misconception—if you forgive me—of departmental officers and for those people who do not live and operate within a rural setting. Geography is huge. When you are looking at a metropolitan-based model access to resources are a lot closer and more available and there are more community resources to be accessing. When you actually pick up the program and tried to reflect that within a rural setting what you are forgetting is the geography. You are forgetting the fact that there are not as many community options and support services that are available within a reasonable location to the facility.

**The Hon. GREG PEARCE:** So the juveniles on bail who were there were obviously sent in with conditions that they attend other programs. Is that the sort of thing?

**Ms BARNES:** With conditions that they participate in the programs that are offered by the facility, which were basically a lot of living skills programs for those young people, education programs.

**The Hon. GREG PEARCE:** I am just having trouble working out why that funding would not have allowed you to continue the program.

**Ms BARNES:** How deep would you like me to go into this?

**The Hon. GREG PEARCE:** Take a while.

**Ms BARNES:** When we first negotiated the funding, when we were first offered the program by the Department of Juvenile Justice, they had a limit. They had to get this program off the ground and they could not go over a certain figure. We put a budget to them that went way over it so there were pressures on the side of the department to get this up and happening and we agreed to take a reduced amount of funding for the purpose of establishing this program that was a program of need with the condition that we would sit down with the department in the second year and renegotiate funding arrangements and this did not happen. Unfortunately departments tend to fund minimalist wage conditions and attracting and retaining staff within rural environments is absolutely impossible when all you can offer as far as remuneration is minimalist wages.

**The Hon. GREG PEARCE:** Was that the major problem, the lack of funds to get the experts that you needed?

**Ms BARNES:** Absolutely. The major problem was a lack of funds to sustain the program based on the needs of the young people. Travel was a huge area, and also to be able to retain staff. We are very strategic in the way that we approach attraction and retention of staff into our organisation. It is a large rural organisation. We have a paid staff of 164 and we have 95 volunteers who work for our organisation. So from the human relations perspective attraction and retention of staff is a huge issue for us because we are regionally based in New South Wales.

**The Hon. GREG PEARCE:** So can I summarise that the main reason you could not keep it going was that you did not have enough funds to pay the staff that you needed?

**Ms BARNES:** We did not have enough funds, no. You also have to understand that a community-based organisation faces the same occupational health and safety legislation as does the Government and private sectors. We have to work within a similar industrial framework as the private sector and government agencies.

There has to be recognition that community-based organisations in whatever area you are looking at—and I know we are focusing on community sentencing here today—are actually funded in line with what we should be providing to retain our staff and to retain the programs.

**The Hon. GREG PEARCE:** Do the occupational health and safety requirements entail extra training and facilities?

**Ms BARNES:** If you have a look at juvenile detention centres, there is no way you would have just one staff member with one client. It is the same within the community service sector when we are actually looking at this program. We had to make sure that we had adequate staff ratios to be able to deal with any issues that may arise, and to have staff who work on call to come in. We had to turn around and transport clients to court or to travel long distances to actually pick a client up to come to the program and those areas were never funded initially. We had to pick up and run with them.

**The Hon. GREG PEARCE:** You mentioned that the Department of Community Services withdrew transport assistance?

**Ms BARNES:** No, it was the Department of Juvenile Justice.

**The Hon. GREG PEARCE:** Sorry, the Department of Juvenile Justice withdrew transport assistance.

**Ms BARNES:** What happened was the expectation that our organisation would do the travelling for transport.

**The Hon. GREG PEARCE:** Did they provide the transport in the initial phases?

**Ms BARNES:** Very rarely.

**Ms LEE RHIANNON:** You explained how the program came about. You said you understood that the department was under pressure to get this program up and running. What is your understanding of why they were under that pressure?

**Ms BARNES:** I suppose to be able to retain funding for a regional area is all I can say on that point.

**Ms LEE RHIANNON:** This morning we had discussion with Inspector Harrington and Ms Adams about young indigenous people reoffending. Were indigenous people involved in your program?

**Ms BARNES:** Very much so. We were looking at about a 98 per cent indigenous-Torres Strait Islander rate.

**Ms LEE RHIANNON:** A rate of 98 per cent?

**Ms BARNES:** Yes, the occupancy being indigenous.

**Ms LEE RHIANNON:** That is very interesting because one of the points discussed this morning was how many young male Aborigines reoffend. We understood from the information given to us that they are aware of the levels of charges and they often reoffend so that they end up in gaol. They prefer that to doing community orders because in gaol they get three meals a day, have more support and peer groups. Can you comment on that? Is your program a way to help break that trend?

**Ms BARNES:** If they are the statistics from people who were experiencing that reoffending in the adult system, I cannot really comment or question that, but certainly our program was a way of offering information and support for an alternative pathway of life, rather than graduating into the adult system. Once the young people left the bail hostel we had no further contact, so I cannot answer whether there were repeat offences as such.

**Ms LEE RHIANNON:** Now that the program has gone, those people who once would have been with you are now in juvenile justice centres nearby or scattered around State?

**Ms BARNES:** That would be my understanding, because for young people under the age of 18, quite often that is the alternative to incarceration whilst they await sentencing, because there is no family structure for these young people to go to, which is very sad.

**Ms LEE RHIANNON:** Where is the nearest juvenile justice centre from here?

**Ms BARNES:** It is Acmena in Grafton.

**Ms LEE RHIANNON:** Is that where most young indigenous people go from here?

**Ms BARNES:** I believe so, but I cannot tell you that absolutely.

**CHAIR:** Was the hostel a totally supervised hostel?

**Ms BARNES:** It was 24 hours a day, seven days a week.

**CHAIR:** So it was actually a little gaol?

**CHAIR:** No.

**CHAIR:** Did the people who were there have 24-hour supervision?

**Ms BARNES:** Absolutely, yes, 24 hours a day, seven days a week, 365 days of the year. It was a house with no bars, no gates, no locks.

**CHAIR:** They could run away if they wanted to, but there was 24-hour a day supervision. I am trying to picture what sort of hostel could be created for the future for adult people, who could be under some sort of community sentencing process but who have no support at home. It does not seem to be the same sort of place because hostels would have to be structured for adults and people would have to have self-control over their lives or they would not learn from experience.

**Ms BARNES:** Absolutely. Within the juvenile system the word "hostel" or coming out of the hostel framework may not be the best option to put forward. From our organisation's experience we would recommend a family-based model rather than a hostel. A hostel still gives the impression of some form of incarceration.

**CHAIR:** I was thinking the opposite; I beg your pardon. When your hostel was running, were those young people able to go into town and do something?

**Ms BARNES:** Under supervision, yes, certainly.

**CHAIR:** What was your job at the hostel.

**Ms BARNES:** My job at the New England accommodation bail hostel was the acting community chief executive officer of community programs, but my substantive position is human resource management for the organisation. Therefore, my role is to the staff—

**CHAIR:** So you were not actually working at the hostel?

**Ms BARNES:** No, my work base is actually in Grafton where the organisation is predominantly based.

**CHAIR:** This was the one for the entire State. Did the people who stayed there come from all over the State?

**Ms BARNES:** Yes, they did.

**CHAIR:** Is there anything else you wanted to tell the Committee?

**Ms BARNES:** Probably not just at this stage. I think from our organisation's position, we would be very willing to participate in any further consultation and to look at community-based options, particularly for young people. Our experience and the success of what we actually had with our facility was that we were able to assist young people to develop strategies to assist them not to reoffend and to offer them an alternative.

We were able to listen to the young people and offer them a supportive family environment. We were able to build on our knowledge of the culturally appropriate support structures for young people. We were able to teach critical living skills, which is extremely vital, and we were able to turn around attitudes and to demonstrate an alternative pathway from the direction pointing to the adult system.

Early intervention is extremely important and from what I am hearing today, a lot of conversation has been based around the adult system. I think that community-

based sentencing options, early intervention and focusing on the juvenile area are extremely vital to be able to assist in breaking the cycle of moving into the adult system.

**CHAIR:** Thank you very much for your information. It has been very valuable.

**(The witness withdrew)**

**(The Committee adjourned at 2.40 p.m. to attend the public forum at the Linking Together Centre)**