

**REPORT OF PROCEEDINGS BEFORE**

**STANDING COMMITTEE ON LAW AND JUSTICE**

**INQUIRY INTO COMMUNITY BASED SENTENCING OPTIONS**

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**At Griffith on Monday 27 June 2005**

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**The Committee met at 10.15 a.m.**

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**PRESENT**

The Hon. C. M. Robertson (Chair)

The Hon. A. R. Fazio

The Hon. G. S. Pearce

Ms L. Rhiannon

Corrected Transcript
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**CHAIR:** There are some formalities before we begin. Welcome to the fourth 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 Griffith and is looking forward to hearing the advice of the local community on this issue. Before we commence, I would like to 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 witnesses do 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 upon 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. Finally, could everyone please turn off their mobile phones for the duration of the hearing. I now welcome our first witness.

**ANNE ZILLA GARZOLI**, Community Cultural Services Manager, Griffith City Council, PO Box 485, Griffith, affirmed and examined:

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

**Ms GARZOLI:** As a representative of Griffith City Council.

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

**Ms GARZOLI:** I have received a copy of the terms of reference.

**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.

**Ms GARZOLI:** Thanks.

**CHAIR:** If you are unable to answer any questions by the Committee today you may take the questions on notice. Just send the answers in writing to the Committee later. If you take any questions on notice I would appreciate it if the response to the questions could be forwarded to the Committee Secretariat by Thursday 28 July. Next would you like to begin by making a short statement?

**Ms GARZOLI:** The Community and Cultural Services area of council is a relatively new area. It has been structured into existence only in the past three months. So the issues that I will be talking to will be evidence based, grounded in things like the Social and Community Plan and consultations that we have done with the community for particular grants, and also our involvement in the Community Drug Action Team [CDAT] and that model as well. From the Social and Community Plan, this area of our local government authority advocates a whole-of-community approach and a whole-of-government approach to finding local solutions to local issues.

We have some quite discrete issues relevant to our community, given that we have 25 settled communities and up to 7 first languages spoken, double the State average of Aboriginal population, more and more recent arrivals, and an emerging Arabic speaking community as well. There are some quite sophisticated and complex issues. So in my role as Community and Cultural Services Manager that is what I will be speaking to, and that is the evidence or data that we have to qualify and quantify.

**CHAIR:** What is council's view of the advantages and disadvantages of community based sentences?

**Ms GARZOLI:** Regarding the advantages, community based sentencing has not been investigated or resourced as a single issue for Griffith City Council. However, it is something that has come up through our Social and Community Plan in consultations. Some of the things I can speak to from my knowledge home detention is not offered in our area, due to resourcing requirements. In terms of periodic detention, there are not the resources to pay for the transport. When people are on periodic detention and come home for weekends or during the week, say they are in Tumberumba, the payment for them to travel home is from Tumberumba to Wagga Wagga, but because the proximity to Wagga Wagga is out by a few kilometres, they need to get paid transport from Wagga Wagga to Griffith. That is a real issue in terms of people engaging in periodic detention in a sustainable and meaningful way to enhance the connections with the local community.

There is a perceived, and for some agencies, lack of formal case management. There is no one key agency in the community that takes on board formal case management for clients entering the system, and there is not much resourcing regarding pre-court preparation—clients coming in and actually been aware of what the procedures are going to be when they go into court; understanding the processes and terminology. For supporting clients towards community hours and conferencing you actually need appropriate organisations to be taking that on board, so that you have someone sitting with the client to get the most out of the conferencing and community hours process and procedure; to make sure they are monitored; that they are going to agencies when they need to, such as Juvenile

Justice or Corrective Services; and that they have the best opportunity to fulfil the requirements, not just for themselves but for the community at large. So, it is more of a community model that I can talk to. That is how it stands at the moment.

**CHAIR:** So council does not run any community service order work at all?

**Ms GARZOLI:** No, not at this stage.

**CHAIR:** Do you know of any other organisations that do?

**Ms GARZOLI:** I am actually not aware of that. That is not to say that he does not happen in this community. But this stage, no.

**CHAIR:** You do not know of any private enterprise arrangement?

**Ms GARZOLI:** No, but that is not to say that it is not happening at the moment. Again, that comes back to being really new. This community and cultural services area of council is a really new area and it has not come up in some of our planning, and it has not necessarily come up in some of our consultation. That is not to say that it is not happening.

**CHAIR:** Have you ever heard discussion amongst councillors or management of council in relation to whether people should be in gaol or taking advantage of community based sentencing options?

**Ms GARZOLI:** As a result of this inquiry that has been some discussion, and council did very much want to have representation at this inquiry. There can be a perception that there is leniency with some of the sentencing, but at this stage council has not gone into community based sentencing options. But it does want to engage in this process to see what some of the options could be and what some of the obligations are for communities and local government authorities down the track.

**CHAIR:** Has there been any discussion at all about whether community based sentencing can really be effective in reducing crime?

**Ms GARZOLI:** In terms of crime prevention, not necessarily formally at a councillor level—which is your our elected representative level—but through the sector of the organisation that I work in we have been looking at particular models that would look at crime prevention as opposed to community based sentencing. The research we have done is through grants and through our planning initiatives, and what came out was the importance of harm minimisation to clients and communities, and for their families; the importance of community connectedness towards harm minimisation and crime prevention, and that idea of prevention as being a real issue. Also, that to get those kinds of initiatives off the ground comes back to resourcing, and that we need clear partnership strategies to develop models that can be evaluated and targeted at addressing some of the local issues.

**The Hon. GREG PEARCE:** Does the council have a crime prevention strategy?

**Ms GARZOLI:** At the moment we have just started talking with the Attorney General's Department. We do not have at this stage a crime prevention plan or crime prevention committee. What we have got as a result of our consultations is we have engaged with the Community Drug Action Team model and we are in the process of doing a research grant into drugs and alcohol. Just simply due to resources, after we have gone through that process, that is part of looking at issues surrounding antisocial behaviour and crime prevention within the State system.

Once we have gone through the research process, the findings of that—maybe taking it to the next step up and going towards a crime prevention model, or crime prevention plan and using the Attorney General's Department. We have applied and we have consulted with the community regarding community crime prevention, the partnership grants that have come under the Federal government. That is still pending an announcement at the moment, but we did undertake consultation with local service providers, particularly relating to the local indigenous community and some of the

issues there. But whether or not we have a formal crime prevention plan, at this stage we do not but it is certainly something we are working towards. It is simply an issue of resources.

**The Hon. GREG PEARCE:** When you say resources, you mean council not having adequate resources?

**Ms GARZOLI:** Yes, it is managing them—managing the resources we have so that we can get to it within a certain raft of priorities. It is certainly there on the priority list, but we have got other things to do first.

**The Hon. GREG PEARCE:** You have mentioned consultations in the context of applying for grants, is that correct?

**Ms GARZOLI:** Consultations were undertaken with the Social and Community Plan and that was very much a snapshot of our community. That was working with lead agencies as key stakeholders, also with their client base to try to draw down on some of the issues throughout our community. From that, issues surrounding crime prevention initiatives and perceptions of antisocial behavioural came up, which led to the development of an application for crime prevention funding through the Federal Government. There was then another round of consultation through some of the agencies that indicated that they wanted to be involved.

**The Hon. GREG PEARCE:** Can you give an outline of the perceptions of crime and antisocial behaviour? What sort of things are you talking about?

**Ms GARZOLI:** Largely to do with young people and some of the levels of vandalism that can happen over weekends after people leave to go home for the weekend. There can be an assumption in the community that young people are the perpetrators of that kind of antisocial behaviour; it may be that they are.

**The Hon. GREG PEARCE:** Not domestic violence?

**Ms GARZOLI:** No, that is not what this funding will look at. However, I will give you a copy of the Social and Community Plan. It contains statistics of those kinds of matters. In terms of community profile and demographics, there are 25 non-English-speaking nationalities represented in the population, according to the Australian Bureau of Statistics [ABS]. Anecdotal research from the Multicultural Resource Centre suggests that there is in excess of 70 first languages and dialects spoken in 47 communities. There is a relatively high proportion of Aboriginal and Torres Strait Islander people, which is double the State average, with Aboriginal youth unemployment at 37 per cent; unemployment for the Aboriginal community as a whole at 24 per cent; and unemployment generally within the community at 5.2 per cent, against the State average of 7.2 per cent.

There is an undersupply of professionals particularly in health and allied health, and youth unemployment is at 9.4 per cent. Only 31 per cent of the population has access to and use a personal computer at home, which is an indicator of the education levels and also when people are positioned in terms of their salary. More of the population lives in rented accommodation than in their own home. Recently we did a draw down on ABS statistics, and Griffith's salaries on average are at least \$10,000 less than the State average, but our cost of living is quite high, on what we pay for fruit and vegetables, and petrol, the whole raft of goods. Our recorded crime statistics for 2003 showed that Griffith ranked in the top 50 local government authorities in the State for recorded criminal incidences of assault, and is ranked thirteenth for domestic violence-related assaults and twentieth for common assaults.

#### **Social and Community Plan tabled.**

**The Hon. GREG PEARCE:** What major government and non-government agencies are active in Griffith in the crime area?

**Ms GARZOLI:** There is Corrective Services, Juvenile Justice, they are the two key State agencies. Other agencies work across the client base but in different programs. The Jobs Placement, Education and Training [JPET] is one of those. There is no formal generalist services such as court

support. For instance, Wagga Wagga Mission does some court support. There might be some groups that undertake court support for their client base but there is not a generic court support provision. There really is a resourcing issue with different agencies taking up different areas in crime with their clients and how they interact with the legal system. There is not one lead agency that drives that process at a generalist level in the initial phase.

**The Hon. AMANDA FAZIO:** You said that the Social and Community Plan shows that you have difficulty attracting professionals and other trained specialists to the area. The Committee has heard about that difficulty many times in regional areas. What strategies has the council used to attract experienced staff into this area?

**Ms GARZOLI:** Numerous strategies. One is Country Week, which happens in Sydney; it is taking local government authorities from regional and rural New South Wales and promoting them through Country Week. That is part of the sea change initiative. We are looking also at programs for young people so we can retain young people in the area, or at least give them some level of experience so that they will return to the area once they are qualified. We are lobbying for an increase in tertiary education. We do not have a university campus, but we are piloting a business and marketing university degree in partnership with TAFE and Charles Sturt University. Potentially, if there was more tertiary education and a campus we would be able to address some of the issues relating to skilled labour.

From the Social and Community Plan and areas of health and allied health, it is a matter of talking to the State and Federal agencies, because a lot of their employment strategies are done in line with their own government policies and best practice and considering how we can get local people trained up so they can apply for jobs. For instance, we have been without a drug and alcohol worker for a significant time. The Aboriginal Medical Service was looking for a doctor for more than five years and has just recruited one. Council has built a house for medical practitioners. We undertake a bush bursary scheme to attract medical practitioners, whether they be doctors in training or nurses. They have access to the house and through the bush bursary scheme they have access to the grant scheme.

It is also a matter of putting Griffith on the map in terms of its industry, produce, diversity and sophistication. Some of it is marketing; and we are looking at a branding scheme and doing joint partnerships with the Department of Education, Science and Training, the Premier's Department and local government. But if you are looking at a sea change, we are in the country so there is no beach, you are not going to see the sea when you get here. You need to start looking at issues such as why people in Griffith are paid on average \$10,000 less than the State average. There are also structural issues relating to attracting staff and staff retention. From an organisational level we feel the crunch in terms of attracting some professional staff to the organisation. Some of the models that we have in place relate to salary sacrifice, remote area housing assistance, benchmark packaging, ensuring family friendly workplaces and initiatives. We are also going to provide a response to the standing committee on rural and regional staff shortages. We will put something in writing to that.

**The Hon. AMANDA FAZIO:** Do you have any comment on how government agencies, such as Corrective Services, the Department of Community Services, NSW Police and others, work together locally to promote co-ordinated support for offenders and their families in the area?

**Ms GARZOLI:** At this stage council's community and cultural services are very new. We are not necessarily over all of that stuff, so we do not have monitoring or a structure in place. We do have dialogue and we do talk, but there is an understanding that there really is a sound attempt at co-ordination between services. However, the resources are really limited, such as human resources, and that affects the capacity to putting time into the co-ordination. Co-ordination could be improved if the resource capability is increased, and that is in terms of ensuring that there is funding for extra staff in that area. Also we need resources for partnership models, to develop programs which could link agencies a lot more structurally and develop strategies which would be evaluated and trialled to ensure that a co-ordinated approach is sustainable and will work between the agencies.

With the grant we have identified numerous agencies, to consult with them and ask them if they want to be partners with a particular program which looks at crime prevention, vandalism hotspots and community connectedness. We put it together with the idea that there is a lead agency,

one agency whose role is to govern this program and it will be monitored and evaluated. We understand that there is co-ordination amongst agencies and services and maybe there needs to be a re-think about how that co-ordination could happen so that it is more fruitful and more meaningful for the community, agencies and clients with whom they interact. Part of that is through resourcing and new modelling.

**The Hon. AMANDA FAZIO:** You said that the community and cultural services area of council has been in place for only a short time. What was the intention of council when it set up that branch?

**Ms GARZOLI:** It was in response to the Social and Community Plan. It came through really clear that parts of the community services sector felt disengaged from their local government authority and that council needed to address that. There was some cynicism within the community services sector. There was a community services sector until about five years ago and it was removed from the organisation. Within that time span there was a certain amount of cynicism, which this document points to. One of the key performance indicators of the Social and Community Plan was to bring community services back into the organisation and couple it with cultural services. As well, cultural services were in existence and they are facilities based: theatre, library and gallery. It brings community services back online, and that was a clear recommendation from the Social and Community Plan.

**Ms LEE RHIANNON:** You are probably aware that some councils are quite involved in community-based sentencing systems. Has your council identified any barriers to being involved in such programs?

**Ms GARZOLI:** Are you talking about barriers for community-based sentencing?

**Ms LEE RHIANNON:** Your council is not involved in such programs and others are. Why has that not happened in Griffith?

**Ms GARZOLI:** From the position of our local government authority, it has not come on the radar.

**Ms LEE RHIANNON:** So have you not been approached yet, or are you just not in a position to do it at the moment?

**Ms GARZOLI:** There have been informal discussions regarding some crime prevention strategies. In terms of community-based sentencing, I think it is this inquiry that has led people to think: What could that mean for council?

**Ms LEE RHIANNON:** So are you saying that as far as you are aware it has not been discussed formally within council prior to this inquiry contacting you?

**Ms GARZOLI:** No, not as far as I am aware.

**Ms LEE RHIANNON:** One of the submissions to the inquiry suggested that one possible solution to overcome lack of availability of community-based sentencing is encouraging relevant community groups to support such initiatives. The Committee has heard that some councils are quite involved in encouraging both business and community groups. Do you see that as a possibility here?

**Ms GARZOLI:** Yes. It can be looked at in terms of how to engage people, but you need to have tangible, measurable outcomes for the community, businesses or organisations to get involved in community-based sentencing options. I am thinking particularly about community service orders and conferencing, and those sorts of things. It may require a rethink of how resources are allocated to enable that to happen. Potentially, it would need to look at a thorough vetting of potential organisations or lead organisations to ensure there are things like appropriate support, appropriate professional conduct and family involvement, so that something will happen as a tangible outcome for the community.

For instance, from some of the discussions that I have had in the lead-up to this inquiry has evolved the idea of maybe looking at setting up programs to get a group of people on community service orders doing a project for the community, or doing a project that might already be happening, and have something that is quite public and quite positive as well so that there will be a sense of pride that these clients have been able to produce for the community, and also something at how the community will benefit from having it in the public domain. That, again, looks at agencies coming on board at a partnership level and also having case management strategies. I assume the idea is that if the clients are offenders, it is to stop repeat offending, and sometimes having case management strategies in place that can achieve those ends as well as provide some measurable public outcomes.

Maybe linking with agencies—and I do not know whether it is appropriate, but with an agency such as the Premier's Department—which can identify, consult and capacity build with the local communities to see what could be the value for communities of going down the path of a community development model of community-based sentencing. At the moment, in Griffith, there are lots of service providers who are trying their best to do a lot of work across not just crime prevention but community-based sentencing, but there is a lack of co-ordination due to issues with their resources.

The Premier's Department and the Department of Local Government are aware of this through the social and community plan, so they understand some of the issues involved. Whatever new model of community-based sentencing is introduced, it must ensure there are plans for families as well as the clients who come out, because that support network is integral to stopping offenders from reoffending, and there must be support for the families as well. Those are the kinds of models you could look at. Maybe a way of encouraging community-based organisations to get involved: is if it is piloted through the peak agency, which can see the value of it and is aware of the issues happening on the ground with community services in town.

**CHAIR:** I am sorry we do not have much time and we will shortly have to close. But, in your experience, are there any groups or communities within Griffith that do not have equal access to government services and from which perhaps the community itself benefits?

**Ms GARZOLI:** The culturally and linguistically diverse communities are highlighted as not necessarily being able to access the required services. Some minority groups are quite in the minority: there might be only 25 people from a particular dialect or region who have arrived. So, to find interpreters, or to do a map of how they access services, is really hard work. The discussion comes up every now and again when we are talking with the Department of Immigration, Multicultural and Indigenous Affairs and some lead agencies about whether communities want to access services. But there has not been any mapping on this particular issue; it is only anecdotal. It is a question of whether or not these communities would want to access those services. But I suppose it is ensuring that there is an informed decision being made. So interpreters are a real issue for some communities accessing, or deciding to access, some services.

**CHAIR:** I would very much like to thank you for coming along to speak with us. It has been very valuable.

**(The witness withdrew.)**



**DENISE JUDITH GODDEN**, Detective Inspector, Crime Manager, NSW Police,

**TROY PIETCH**, Aboriginal Community Liaison Officer, NSW Police, and

**RODNEY MAXWELL MAGUIRE**, Youth Liaison Officer, NSW Police, sworn and examined:

**CHAIR:** Thank you very much for coming. I will not go through the formal speech I have already made. Mr Pietsch, in what capacity are you appearing before the Committee? That is, are you appearing as an individual or as the representative of an organisation?

**Mr PIETSCH:** As the representative of an organisation.

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

**Mr PIETCH:** Yes.

**CHAIR:** Inspector Godden, in what capacity are you appearing before the Committee? That is, are you appearing as an individual or as the representative of an organisation?

**Ms GODDEN:** As a representative of an organisation.

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

**Ms GODDEN:** I am.

**CHAIR:** Mr Maguire, in what capacity are you appearing before the Committee? That is, are you appearing as an individual or as the representative of an organisation?

**Mr MAGUIRE:** As the representative of an organisation.

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

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

**CHAIR:** If you should consider at any stage that certain evidence you wish to give or documents you may wish to tender should be seen or heard only by the Committee, please indicate that fact and the Committee will consider your request. However, the Committee itself or the Parliament may later decide to publish that evidence. 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 responses to those questions could be forwarded to the secretariat by Thursday 28 July. Would any of you like to start by making a short statement?

**Ms GODDEN:** I thought I should give you an overview of the Griffith Local Area Command. We take in quite a large area, one of the largest in the State, with 19 stations, six council areas and two government areas. The approximate area out from Griffith itself is a 180 kilometres circle, to West Wyalong, Narrandera, Hillston, with Coleambally being the furthest south. As a whole New South Wales police do not have a lot of input into the sentencing options for persons convicted within the local area command. However, where the police do have input is in the attempt to reduce recidivism in the community through the implementation of diversionary programs. In the Griffith Local Area Command we pay particular attention to diversionary programs aimed specifically at indigenous youth. Under the Young Offenders Act there is provision to utilise respected community members to give cautions to young persons who have made admissions of offences for which they have been cautioned. This part of the Young Offenders Act is used predominantly in the Narrandera area.

To assist the young people of Narrandera admit their involvement in criminal activity, the Young Offenders Legal Referral scheme has been set up. All police in Narrandera are instructed to abide by the scheme, which facilitates for a cooling off period after the detection of the offence to

allow the young person to receive legal advice before being interviewed. This in effect reduces the number of court appearances of young people as research shows that court appearances directly impact on the rate of recidivism of an offender. Youth justice conferencing within the Young Offenders Act is highly supported in the Griffith Local Area Command. The police enjoy a healthy link with Juvenile Justice and the Youth Justice Conferencing Directorate regarding this initiative.

I see the function of the youth liaison officer under the Young Offenders Act as being one of the more beneficial processes with regard to restorative justice in recent times. In saying that, we note that there have been written submissions made by other government departments indicating a feasibility study is being made into extending the youth justice conferencing format to the 18 to 24 age group. This can only be seen as a positive initiative on many fronts. One, it reduces the number of young Australians being incarcerated; two, the community has input to the sentencing impositions made; and, three, the victim has a direct input into how reparations are made by them. This factor alone is what we believe most rural communities want to see. We have a number of black consultative committees we work with so we will probably address those as the questions come through.

**CHAIR:** The work in Narrandera, is that a bit extreme in your region?

**Mr MAGUIRE:** In relation to the cautioning program?

**CHAIR:** Yes.

**Mr MAGUIRE:** No, I believe it is used in other areas. There is certain facility in the Young Offenders Act.

**CHAIR:** In your area.

**Mr MAGUIRE:** In our area, is it extreme?

**CHAIR:** No, is it only happening in Narrandera?

**Mr MAGUIRE:** Yes, we only utilise it in Narrandera.

**CHAIR:** What are the major types of crime in Griffith, and do you consider this type of crime suitable for community-based sentencing?

**Ms GODDEN:** The major types of crime that we have here in Griffith are break, enter and steal, malicious damage and street offences. In relation to the indigenous community, we are looking at break and enter, as well as the major offence being domestic violence. We definitely think that this sort of community based sentencing would enhance our ability to police those main areas—definitely.

**CHAIR:** If those people, instead of being sent off to gaol for a minor offence were given a community based sentence, that would be an improvement. Is that right?

**Ms GODDEN:** Yes. Troy probably has a better handle in relation to that, because working with them gives us a much better ability to control that.

**Mr PIETCH:** Within the indigenous community a lot of domestic violence extends into the break and enters and that sort of thing. If you work on the whole family approach, working with the kids and the family with that structure there, it sort of breaks down the offending. That needs to happen. Working with the whole family with youth justice conferencing and that sort of thing, we have good results with a good structured family. If you have not got that structure at home, the offenders reoffend because they are needed at home. If you are working with the whole family together, trying to keep structure there, there does not seem to be the reoffending. It also gives the community pride to see the kids and victim empathy and so forth.

**CHAIR:** With regard to the assault rates, which are registered as the highest, a most of those domestic violence matters?

**Ms GODDEN:** The majority of them are, yes. If you wanted a breakdown we would have to take that question on notice.

**CHAIR:** I did ask for more detail about that. What are the major issues in relation to community based sentencing that the Aboriginal community in Griffith and surrounding areas are facing? If it were possible to provide more resources so that country people did not go to jail for short periods more often, and more people received community service orders and perhaps even good behaviour bonds with alcohol counselling, what sort of barriers would the Aboriginal people have to that?

**Mr PIETCH:** Distance, because there is nowhere close for an adult offender to go for rehabilitation, for instance. There is a really good drug and alcohol rehabilitation centre in Nowra but that is five to six hours away. We have not got any. There is a short stay alcohol rehabilitation place, which is a general place and not cultural specific, in Wagga Wagga, but it is only a three months detoxification program. There is no local program. Nowra is probably one of the quality programs we have for indigenous people. Out here there are just none. Over in Yanco, Murrumbidgee College of Agriculture has an Aboriginal rural training program where they work with disadvantaged youth, but there are no residential facilities any more, so you cannot bring kids in as the group and do a program or anything like that. It has to be a day program. If they go back home to that environment it falls off. It is probably distance and lack of skills base for communities to set up a program.

**CHAIR:** Do Aboriginal people get the same access to general programs in the health sector and elsewhere as other people?

**Mr PIETCH:** Yes.

**CHAIR:** I know they should, on paper.

**Mr PIETCH:** Yes. I think it happens. It is more where those programs are situated. For adults for custodial sentencing there is only Tumbarumba where they do weekend sort of stuff. That is a fair way away from here. It would be two-and-a-half to three hours away. Out here the community 10 years ago started up a project which will be to become a reality at the end of this year, in October, Takarni Inaburra, but that is a diversionary program for youth between the ages of 10 and 14. The Attorney General's Department has come on board with that. That is to be a reality. When that starts up it will be the only facility that we have had out here in the bush. That is mostly to stop them from getting into the Juvenile Justice system.

**CHAIR:** Speaking of young adults particularly, what happens to young adults when they are pulled in and charged? Do they usually go to gaol for short terms?

**Mr PIETCH:** Not always, it depends on how many times they have come under notice.

**CHAIR:** If it for a crime that warrants a sentence, do they very often get community service orders?

**Mr MAGUIRE:** Most often if they do appear at court they will be referred back to the youth justice conferencing scheme..

**CHAIR:** I am talking about adults.

**Mr PIETCH:** There are not too many, other than at Tumbarumba, which is basically into gaol anyway.

**Ms GODDEN:** I actually have that down, that one of the issues is the isolation factor. It is like anything in the country, you send someone off for medical treatment in Sydney, it is the isolation and the support base that you need around you. It is even more so in relation to the Aboriginal community. They need the family support base around them and they need services supporting them once they come out.

**Mr PIETCH:** And supporting the family, too.

**Ms LEE RHIANNON:** You said there were 19 stations in this area. I am wondering how many police officers there are per head of population?

**Ms GODDEN:** Our full strength is 118; we have currently got 119 within the command.

**Ms LEE RHIANNON:** Can you give the Committee an idea of how many per head of population?

**Ms GODDEN:** Not off the top of my head, no.

**Ms LEE RHIANNON:** The 119 officers cover what area? The six council areas?

**Ms GODDEN:** Yes—Griffith, West Wyalong, Narrandera, Leeton, Coleambally, Hillston, Carathool, Tallimba, Ungarie, Grong Grong, Rankins Springs, Yenda, Uthalie, Barellan.

**Ms LEE RHIANNON:** The Committee has had some interesting discussions about circle sentencing, and the Committee heard evidence on a previous occasion from the Chief Magistrate suggesting that circle sentencing could be extended to cover young Aboriginal offenders between the ages of 15 and 18. In your opinion, would that be beneficial? Do you have any comments on those developments?

**Ms GODDEN:** We have a good discussion about this before we came into the room. We think it would be extremely beneficial to us. However, we have to make sure we have the dynamics of the circle correct. We have a very small population of men that can be included in that installed most of our elders within the Aboriginal community are women. We have to make sure we have the dynamics of it spot-on for each individual group.

**Ms LEE RHIANNON:** When you say you want to make sure the dynamics are spot-on, is something happening at the moment?

**Ms GODDEN:** No.

**Mr PIETCH:** We are in the process of looking at a justice advisory group. That would be the group that would look at the circle and make sure it is appropriate. A lot of times with our offending youth, and some of our domestic violence of offenders, are not people from this town; they have come from other towns and have been here for a while. If we set up a circle for one it probably would not fit the factions in the community. A justice advisory group would be one that would represent the whole community and end maybe we could set up a few different circles. We might have to set up a circle to suit. It has not really been spoken about to the present. Probably the Attorney General's Department have a fair few towns under its belt to get up and going; we probably would not be a priority.

**Ms LEE RHIANNON:** You mentioned domestic violence a couple of times and the high rates of domestic violence within the indigenous community. But do you have any community based sentence in place for people whose crime is one involving domestic violence?

**Mr PIETCH:** There are a couple in the Koori community. There have been a couple of guys sentenced to Nowra, domestic violence reoffenders. They have got great results. One has not reoffend and for nine in 10 months.

**Ms LEE RHIANNON:** When you say they have been sent to Nowra, what you mean?

**Mr PIETCH:** That is a rehabilitation centre at Nowra. That is the closest and they have found their way there. Sometimes I might organise a bus and organise rehab. We have had some women go down to Melbourne, to St Kilda, where there is an Aboriginal rehabilitation program. But that is the distance we are talking about. There is no-one any closer.

**Ms LEE RHIANNON:** Sometimes with community sentencing there has been the possibility for people to extend their skills so that when they have completed their sentences there

might be a chance for them to obtain work on their release. I am especially interested in your experience. What skills do you believe they would most benefit from receiving? I realise that it is a wide question, but the Committee would appreciate your thoughts on that.

**Mr PIETCH:** In my experience for a lot of offenders in our community is it would probably be hands-on training. We are never going to get them in the office so it would be vocational training all rural training. Out here there are a lot of rural jobs, so, all basic one, two, three level training. A lot of the youth we come into contact with have not been to school; they cannot handle Year 7 and are dropping out, but they will go and start to do some rural-based training. TAFE runs a really good program for life skills and level two training. Vocational hands-on training is probably the most appropriate training, but skills based. I know that the Murrumbidgee College of Agriculture finds it difficult to get lecturers to run the programs because they do not have the skills base to do it.

**Ms GODDEN:** We had one example of a young recidivist offender who went to a shearing school not far away at Dubbo. He came back with great skills but then the support fell off once he got back into the community. That is one of our main issues.

**CHAIR:** Was this an Aboriginal person?

**Ms GODDEN:** Yes.

**CHAIR:** Was he able to get work?

**Mr PIETCH:** He probably could, if the support was there.

**Ms LEE RHIANNON:** What you mean by "support"?

**Mr PIETCH:** There is a gap between what I can do and what people can do in the home, family support. For instance, in Redfern the Department of Community Services [DOCS] has Yallumundi. It is basically an arm of DOCS, but when there is a notification they go over and look after the whole family to keep it all together and lend support, and if there are any programs they will look after it. There is none of that really holistic approach. Some people can help and do some little thing, but it needs to be all drawn together. There is only so much I can do by working together.

**Mr MAGUIRE:** To help you understand about this young fellow we mentioned a couple of months ago. What happened was that he had gone away and experienced new things and so his life was on the up. But when he came back home his life is back where it was before the six or eight months that he was away. It is back down to the depressing living conditions that he was in. Therefore, the enthusiasm dies and all that sort of thing and he reverts to his old ways.

**Ms LEE RHIANNON:** Was there a job for him?

**Ms GODDEN:** No, and that is where there should have been a better support base. Before he went, there should have been contracts or research as to a farmer who was willing to take him on, once he came back, to use those skills. It is like any of us: We can acquire a skill anywhere, but if we do not use it, it will die. That is where the follow-up and support needs to be pushed.

**Mr PIETCH:** Narrandera has been mentioned. Narrandera is 100 kilometres from Wagga Wagga and 100 kilometres from Griffith, it is on the outreach of everything. Council has appointed a youth officer there over the last six months, which has made a big difference, and they have a female youth officer as well. Those people can pick up the gap in that area. But the Department of Community Services is not based in Narrandera, a town that is always an outreach. The area commander is in Griffith and there are two Aboriginal Community Liaisons Officers [ACLOs], one based in Narrandera and myself. There is only one youth officer, a domestic violence liaison officer and one crime prevention officer. That is where the small communities fall down a little bit, because of the outreaching and the large area.

**CHAIR:** Yes, the Committee found that to be the case in Brewarrina.

**Mr PIETCH:** We have done a lot of training with Brewarrina, bringing them down to Yanco. Very tough, that distance.

**The Hon. AMANDA FAZIO:** What is the impact on the community of the availability of community-based sentencing options in this area?

**Ms GODDEN:** It does not give it the ability to manage its own problems. Because we do not have it here it does not enable the community to look after its own problems.

**Mr PIETCH:** Minor problems end up being a large problem later on. Takarni Inaburra is probably the only place that I know of that started working with kids between 10 and 14. A lot of people work with kids over 14, because they are a lot easier to handle. Kids between 10 and 14 are a lot harder to work with and you need different skills, different resources. Last year the local public school won a project that is not supported this year, it was about working with difficult kids. Between 10 and 14 a lot of kids do a lot of offending, and by the time they are 14 they are mentally able to comprehend what is going on, but they have used up all their warnings and cautions under the Young Offenders Act. The only way to deal with them is by charge, and that is when they end up in the system.

**The Hon. AMANDA FAZIO:** In your opinion what impedes access to community-based sentencing in Griffith?

**Ms GODDEN:** We believe appropriately skilled people are needed to support that, and support networks so that they stay. We recruit a lot of people into the area, not just from the police point of view but from many other government agencies, and they learn great skills while they are here, and then they go. Being unable to fill those spots quickly so that the support continues is a big killer for us, as a police organisation, and externally as well.

**Mr MAGUIRE:** I add that is particularly in relation to offending. When we have to refer someone to alcohol or drug counselling, we might have an alcohol or drug counsellor here from Health, for a very short period. There is only one of them, they will burn out and there is no support network for them. Off they will go and find a job elsewhere. Then we are without a referral agency for that time. Then the youth offending rate continues.

**CHAIR:** You cannot join the Magistrates Early Referral Into Treatment Program [MERIT]?

**Mr PIETCH:** MERIT does not operate in Griffith.

**The Hon. GREG PEARCE:** The Committee has looked at various options, I would like your view on which would work and would help you; home detention, periodic detention, community service orders? Would any of those help the Aboriginal communities in Griffith?

**Mr PIETCH:** I have not heard much about home detention, I do not know how it works or the dynamics of it. I can understand that in the right situation it would be of more benefit than sending someone away, for sure. I do not know about its dynamics, or how they are ordered to do it.

**The Hon. GREG PEARCE:** They have to wear a bracelet around their ankle, which sends a signal through a global positioning satellite.

**Mr PIETCH:** I have heard it is used in Cowra. It could be very beneficial but I would have to look at the dynamics.

**The Hon. GREG PEARCE:** What about periodic detention?

**Ms GODDEN:** If it was available here that would be fine, our closest one is at Tumbarumba, a good three hours away. It would be a great option for us. However, our best option is restorative justice and conferencing.

**Mr MAGUIRE:** And community service would be an extension of that. In effect, the offenders would gain some ownership and onus on the effect their crime is having in their town.

**The Hon. GREG PEARCE:** What do you mean by restorative justice?

**Ms GODDEN:** Through the court, the victims meeting with the offenders and doing programs there. This morning someone said to me that in a country town, if you are the victim of a crime you will always see that offender around the town. In Sydney the offenders are lost in the maze of people. Victims of crime need to see that something is happening. It has great merits in any community. Fronting the perpetrator of the crime against someone is one of the best ways for everyone to get over it. This morning there was the example of a letterbox being blown up and the offender made a new letterbox for the victim. In that way everyone can see that something is being done. That has to be more positive than sending them away somewhere.

**Mr PIETCH:** Victim empathy establishes an understanding of why it happened. Juvenile Justice has trained a lot of people in the community through the Journey to Respect Program training. That is basically working with Aboriginal kids and getting them to have victim empathy and an understanding of their violent behaviour. It was run in the Juvenile Justice centres, so hopefully those kids do not end up there.

**CHAIR:** Exactly how many police are in the Griffith local area, all those little towns?

**Ms GODDEN:** I will take that question on notice. It covers a number of areas and in Griffith we have the highway patrol, general duties, detectives and my crime management unit.

**CHAIR:** It does not actually work that way, does it; my question will not be relevant.

**Mr MAGUIRE:** Probably not. You would have to specify the question.

**CHAIR:** The Committee has found some very interesting information on the distribution of police.

**Mr PIETCH:** In addition to what I said earlier, Probation and Parole look after periodic detention. Our Aboriginal outreach officer is in Wagga Wagga, and he has to travel a long way to come here for someone who is to be sent away. That is a big problem. When they come, it is for weekend detention: who goes and sees them on a Friday morning and gets them ready to go, and when they come home who debriefs them? That is a big problem.

**CHAIR:** That is an important point. Do you know why hardly any community service orders are issued in this town?

**Ms GODDEN:** No.

**(The witnesses withdrew)**

**CAROLYN JANE WHITE**, Teacher, General Education, TAFE New South Wales Riverina Institute, and

**ALICE ROSEANN WATTS**, Aboriginal Student Support Officer, TAFE New South Wales Griffith Institute, affirmed and examined:

**CHAIR:** Welcome to the fourth 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 hear in Griffith and is looking forward to hearing the advice of the local community on this issue. There are rules about broadcasting and messages, but there is no-one here at the moment from the media and we have a system for messages.

If you should consider at any stage that certain evidence you wish to give or documents you may wish to tender should be seen or heard only by the Committee, please indicate that fact and the Committee will consider your request. But the Committee can later make a decision to make the evidence public if we feel that is to the advantage of the public, and the Parliament also can decide to make the evidence public. This hearing is not intended to provide a forum for people to make adverse reflections on others. The protection afforded to Committee witnesses under parliamentary privilege should not be abused during these hearings, and I therefore request witnesses to avoid the mention of other individuals unless that is absolutely essential to address the terms of reference. I welcome you. Ms White, in what capacity are you appearing before the Committee? That is, are you appearing as an individual or as the representative of an organisation?

**Ms WHITE:** As a representative of an organisation.

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

**Ms WHITE:** Yes.

**CHAIR:** Ms Watts, in what capacity are you appearing before the Committee? That is, are you appearing as an individual or as the representative of an organisation?

**Ms WATTS:** As a representative of an organisation.

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

**Ms WATTS:** Yes.

**CHAIR:** 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 responses to those questions could be forwarded to the secretariat by Thursday 28 July. Would you like to start by making a statement?

**Ms WHITE:** Today I am here to share my experiences as co-ordinator of the KOOL program—Koori Outreach Options for Learning. I have been co-ordinating this program for the past five years. Today, I do not represent or speak on behalf of the Aboriginal community, only as the co-ordinator of the program.

**Ms WATTS:** I am here as an Aboriginal person for the community and in support of Carolyn White and the program.

**CHAIR:** Would you like to outline the programs run by KOOL?

**Ms WHITE:** KOOL is a program run at the Griffith TAFE. It is an educational program for young Aboriginal people aged between 15 and 18 years. The target group are young people who have left school prior to year 10. Priority is given to young people who are clients of the Department of



Juvenile Justice, homeless young people and those in substitute care. Many of the students enrolled in this course have had poor past experiences in education and have also felt significant hardship. Through this program TAFE is able to offer a supported and engaging learning environment to the students.

The KOOL program focuses not only on improving literacy and numeracy and vocational skills, but also incorporates relevant workshops on community youth support agencies, independent living skills, health—such as healthy living, fitness, drug and alcohol issues, learner permits and safe driving, positive recreational activities and sport. KOOL aims to help the students increase their access to education and employment; develop foundation skills that they need for everyday life; become self-confident, assertive and socially effective; increase their knowledge of Aboriginal culture; develop independent living skills and healthy lifestyle habits; and overcome the factors that place them at risk.

Case management is an important component of the program. This is a client driven process, and it assists students to develop strategies to reach their goals. Often this involves guiding and supporting students to reach their goals. Mentors also assist with case management. Case management also offers court support, health appointments, referrals and so on. So it is a whole-of-person approach that is used. I will hand over to Alice now to talk about the Koori Youth Forum, which has developed in part from the KOOL program as well.

**Ms WATTS:** First I will give the historical background. In September 2002 the Koori Youth Group was formed after the tragic deaths of several young Aboriginal people in our community. Many issues were raised at the first meeting. Those issues were compiled into a report, and strategies have been developed and implemented to resolve some of those issues. A central theme of the first meeting was that young Aboriginal people did not have a forum to share information or discuss issues. As a result the Koori Youth Group was formed, and it meets on a regular basis. Statement of purpose: The Koori Youth Group provides opportunities for young Aboriginal people to come together and target the issues most affecting us. It will help us improve our lifestyles and involvement in the general community. We aim to host events and activities for young Aboriginal people, create positive relationships within the community and be a voice for the issues of young Aboriginal people.

**The Hon. GREG PEARCE:** How long has KOOL been operating?

**Ms WHITE:** Since 2000.

**The Hon. GREG PEARCE:** What is the capacity at any one time for the number of students?

**Ms WHITE:** It is a maximum of 15, but 12 is the optimal number.

**The Hon. GREG PEARCE:** Since you started, have you normally had full classes?

**Ms WHITE:** There is always a waiting list.

**The Hon. GREG PEARCE:** How long do the classes run?

**Ms WHITE:** We offer them over a 12-month period. Some students require longer than 12 months to be ready for year 10, which is often the next goal for them. In our experience, the majority of students have stopped attending classes regularly in year 7 at high school, so there are huge gaps in literacy and numeracy, which compounds the problems at school so that they really stop attending by year 8. So we have had huge gaps to fill. All that time has been spent not doing a whole lot, and so there are lot of issues associated with that.

**CHAIR:** What is the population of Aboriginal persons aged between 15 to 18 years in Griffith?

**Ms WHITE:** I could not give you an exact figure.

**The Hon. AMANDA FAZIO:** How many people are on the waiting list to get into KOOL?

**Ms WHITE:** It can range from 4 to 10 young people. Sometimes it is a matter of prioritising.

**Ms LEE RHIANNON:** Does that mean that if you had a replication of your program, you would be easily able to fill it? Could you take double the numbers if you had the resources and the people to run it?

**Ms WHITE:** If we had the human and financial resources and support within the organisation, yes. Also, the model could be expanded to look at other young people who are caught up in the juvenile justice system. The case management model, and team teaching, where there are two teachers in a classroom to address a lot of the student needs, could be used for other groups of young people as well. But it always comes down to a matter of funding and human resources. And we struggle for funding every six months.

**CHAIR:** How is your program funded?

**Ms WHITE:** Currently, some hours come directly through the Riverina institute as part of the core hours, and others are through the Aboriginal programs unit, and then from any other funding body that I can find to support KOOL.

**Ms LEE RHIANNON:** Was it your initiative initially?

**Ms WHITE:** Yes, in consultation with the Aboriginal community. It developed really out of a meeting that was held at the Aboriginal community centre. The key issue were young Aboriginal people who were not engaged in conventional schooling.

**CHAIR:** Have you got any positive outcomes in your five years of operation?

**Ms WHITE:** I think there have been a range of positive outcomes. For some young people, it is reducing the risk factors, avoiding custodial sentences, and leaving the juvenile justice system. For others, it is accessing housing, positive health changes, full-time employment or part-time employment. We have set up a monitoring process to look at all the outcomes, and we have graphs et cetera available on that.

**The Hon. GREG PEARCE:** Could you let the Committee have a copy of those results?

**Ms WHITE:** Yes.

**The Hon. GREG PEARCE:** Could you expand on exactly how the program works? You mentioned two teachers being part of it.

**Ms WHITE:** The program has developed as a strong joint partnership of the Aboriginal programs, the Aboriginal community and TAFE New South Wales. We talked about all the issues for young people at school and tried to make it so different that we could reconnect with them again. We have two teachers on the program. It is really critical that those teachers want to be working in that area and establishing connections with the students. Alice is involved in supporting the students with their issues, with Steve Meredith, the Aboriginal programs co-ordinator, constantly looking at the cultural appropriateness of the program and acting as a guide and liaison person with the community. We have used projects and themes to engage the students. Rather than saying, "This is in maths, this is English, this is social science," we are trying to use a project to drive the scheme. It is almost a motivating factor for the students. It may be an art exhibition and, as part of that they will do letter writing—so you address literacy—the budget, sending out information to the community, engaging the community, and greeting members of the community as they come in. All of those are social skills.

Values are a part of the program, as is respect, trust, tolerance. We really emphasise the importance of those. We recognise that young people cannot check their problems at the door; they are always with them, and we need to be able to deal with and assist with those in the classroom. My role as co-ordinator is to ensure that the program works well, but also to make support agencies accountable for their support of young people. I will liaise with them to ensure that this service is

delivered and this young person is able to reach their goal at that time. An important aspect is liaising with family to make sure that they are part of the program. That is really important. I think what has been talked about is that empowering the family empowers young people—so to include them in the decision-making process and to always be talking about what we are doing and how we are going about it. It is very student focused.

We also have lots of partnerships to try to meet student needs. For example, the Southern Riverina Youth Support Services will assist with crisis accommodation, with material aid and financial support; we have that partnership model approach. We have all resources available in the classroom. You do not need to bring a folder, you do not need to have pens, they are all there. There are none of the socioeconomic barriers of having to have your gear to bring to TAFE. It is all stored at TAFE so that if you stay at lots of different places at night, it does not matter, your gear is safe. There is a cupboard for that.

It does require a lot of hours so it is expensive, if you compare it to other mainstream courses. But if you look at the cost of keeping a young person in remand or in a detention centre for a year—which is rounded off at around the \$167,000—our program is really about \$140,000 and we are dealing with 12 young people. It is value for money as far as I can see. The things that we really notice are the growth in self-esteem and self-confidence, playing sport and being involved in community activities. We also use that as part of our case management, so it is not solely about education; it is a whole-person, whole-community approach.

**Ms LEE RHIANNON:** The Committee heard evidence earlier about the high rate of unemployment amongst Aboriginal young people. I think a rate of 47 per cent was mentioned. I imagine your young students know many young people who are unemployed and, therefore, there would be that sense of hopelessness and lack of self-esteem. I am interested to hear your comments about that. What are their prospects of getting work? Are you seeing a trend where they feel pretty good when they are in the program and then, when they have completed the program, they might fall away in terms of their self-respect, et cetera?

**Ms WHITE:** I think in the first two years of the program that was a real issue, and it was something that we really needed to address. Now we have a mentor system set up and we are also working closely with employers, because I think a lot of it is about changing the attitude of employers.

**Ms LEE RHIANNON:** Do you mean by that that local employers are less likely to employ young Aboriginal people, compared with young non-Aboriginal people?

**Ms WHITE:** I think within the community there are some real barriers, attitudes and stereotyping. I think that is gradually changing, but we are still fighting that. I think the best thing that is happening is that some of the young people from the first two programs are currently working here at the theatre, at the Aboriginal Community Centre and in other industries. That sort of gives people hope and that is why we need to keep that going—that sense of hope when they see other people making achievements. For some young people employment is not the most important thing in their life at the time. It may be that they care for their baby. It may be that they are not serving a custodial sentence, but are at home caring for their sisters. Alice and I have had lots of conversations about this. Just being safe can be a huge achievement in itself.

**Ms WATTS:** As an Aboriginal person, I know that a lot of stuff has to have outcomes. I know it is common to have it, but outcomes are fairly high on the list. It is always about having work: are they in employment or have they gone on to further education. For me as an Aboriginal person, to see a young person in education for a whole year, it is about them being safe. It is a big goal for me just to see that they are safe. I often think we are planting a seed—it may not work straight away, but it may work in years to come.

**The Hon. GREG PEARCE:** Do you have roughly the same numbers of boys and girls, or is it skewed one way or the other?

**Ms WHITE:** It changes. You just get used to working with 12. We had probably 10 girls and two boys and now it is the reverse and we have a huge number of males. We had to change how we delivered the program. We have developed a partnership with Murrumbidgee College of Agriculture

so that we have more motorbike, tractor and fire fighting classes. It is really quite flexible, what we do. We have to be flexible. I had to learn how to ride a motor bike,

**Ms WATTS:** Yes, and I had to put out a fire.

**Ms WHITE:** And we have to really open ourselves up. That is probably one of the criteria for the teaching staff, that they have to be prepared to take risks and share part of themselves. It is quite a specialised area.

**The Hon. AMANDA FAZIO:** Alice, given that the Koori Outreach Options for Learning [KOOL] program came out of a need identified by the local Aboriginal community, is the local community happy with the way the program is going and with the results for young people who go through the program?

**Ms WATTS:** Last year was the educational review. We had community members come to TAFE to talk about the reasons for Aboriginal education and one community member had said that he was not happy about KOOL because we baby them. By saying that he meant that we feed them; we give them breakfast and lunch. I was really offended by that because, again, I am fairly strong on them being safe. It is just lack of information but I have strong feeling that in the community it is a good thing to have KOOL.

**CHAIR:** What did the community person want you to do?

**Ms WATTS:** I do not know. He just said that we baby them; that we should not pick them up and take them to TAFE and should not feed them. It was not about that; it was about them being happy and fed, as far as we were concerned. Once I spoke to him after that he took on board what I said and he sort of realised that what he said was probably inappropriate. But as far as I am aware the community is fairly happy with KOOL.

**CHAIR:** Some people the Committee has spoken to particularly about youth crime—youth crime is not part of our terms of reference but this issue of resources is interesting—have proposed some hostel situations; suggested taking them away or putting them out in the bush for awhile. You hear this stuff, do you?

**Ms WATTS:** As an Aboriginal person I believe that there should be cultural camps.

**CHAIR:** No, it was not about cultural camps. How can I describe it?

**The Hon. GREG PEARCE:** Mini-prisons!

**Ms WATTS:** No, no. I do not believe that at all. As adults what are we teaching them? I do not believe in that at all. I do not think that is right. There are different ways to learn things, as far as I am concerned.

**CHAIR:** How could your program be adjusted for the 18- to 25-year bracket, which is the one that goes to gaol?

**Ms WHITE:** I think you could utilise the same principles. I do notice with young people that the longer they have been out of education or within the Juvenile Justice system sometimes the work is a lot harder to undo a lot. It would need human resources, it would need someone to drive it, and it would need a lot of funding. Transport would be a huge issue. The lower end of the young people are more likely to get themselves places, I have found in my experience, than the older ones. Case management is also an issue.

I also teach the adult Year 10 at TAFE for certificate II in General and Vocational Education so I do come into contact with clients of the Probation and Parole Service. There is a real lack of a case management model there and they just get lost. There are too many life issues. They have all this other stuff. They are expected to come to TAFE, but they have not dealt with their own personal health and there is no drug and alcohol counsellor available. That has been the case for quite awhile now. So, just those issues. I do think the model could be extended to really work closely with the 18-

25 group. I see our role as prevention. Hopefully the young people, by the time they are 18, will have been through KOOL; and are out of the Juvenile Justice system and not going back.

**The Hon. GREG PEARCE:** How do you handle the transport issue?

**Ms WHITE:** It has really been on a needs basis and what is available. Initially, Griffith Schools Training provided a bus, and we have been using the Police and Community Youth Club [PCYC] bus, but that has gone now. It has been on an individual basis, using a mentor, but that is really only interim. I do not believe the transport issue has been fully addressed within this area at all.

**The Hon. AMANDA FAZIO:** Do the young people going to the KOOL program all live in Griffith, in the main part of town?

**Ms WHITE:** I have had one or two from Darlington Point and they have managed to get the bus. For those two people that was okay, but for some young people which any other school bus is absolutely the worst thing. They would rather walk 10 miles than go on a school bus. Sometimes we can maybe talk to Juvenile Justice and as an interim thing they help to bring them to class. But I still think it is a big issue that has not really been addressed in any way. The adults in schools have used taxis and stuff.

**The Hon. GREG PEARCE:** I would like to just clarify one matter. I think you quoted a figure of \$140,000. Is that per student?

**Ms WHITE:** For the program.

**The Hon. GREG PEARCE:** For the whole program?

**Ms WHITE:** Yes, for a year. For 12 months.

**The Hon. GREG PEARCE:** That \$140,000 includes two teachers, plus Alice—

**Ms WATTS:** I am actually under the Aboriginal Programs Unit, but I work closely with KOOL. I am actually a mentor on the program as well, but I work under a different unit. Because I am with the Aboriginal Programs Unit and this is an Aboriginal program, I work closely with them.

**Ms WHITE:** The \$140,000 is for the program for a year.

**The Hon. GREG PEARCE:** What is that cover?

**Ms WHITE:** Two teachers, the food—food is a really important part of healthy living. If you are not hungry, you are happy to sit in the chair and learn. I know when I study I am always eating this or having a cake. Eating is a really important part—resources and excursions. Usually we go away. Last year we went to Narooma to Umburra Cultural Centre there, which some great stuff for young people. Usually I rely on other agencies for material or financial aid for individual people. We go out once a week to a restaurant or to a community organisation to have lunch, so that people are comfortable to book a restaurant or go out as a group. Sometimes that can be really confronting and they think, "Oh, my God! We have to meet lunch," or, "This is where people are." So that is really about feeling comfortable. Initially we go somewhere local, which is the Belvedere, and then we gradually reach out. We come to the theatre and engage in other activities so that young people feel comfortable in accessing the community and organisations.

**The Hon. GREG PEARCE:** That \$140,000 does not cover you?

**Ms WHITE:** Yes, it does.

**The Hon. GREG PEARCE:** Transport costs are not included.

**Ms WHITE:** Transport is really—

**The Hon. GREG PEARCE:** What you can scrounge.

**Ms WHITE:** Yes.

**The Hon. GREG PEARCE:** So that you get a lot done on the smell of an oily rag, as they say?

**Ms WHITE:** Yes. It would be great if I had some more.

**The Hon. AMANDA FAZIO:** What has been the impact on the young people who go through the KOOL program? Are they less likely to get involved in trouble and end up in the care of Juvenile Justice?

**Ms WATTS:** Yes, sure.

**Ms WHITE:** Sometimes we get young people after they have offended. There has been some kind of pattern and then an Auntie will say, "Look, you need to go to KOOL," and so they will come up. Alice and I are really the team that does the pre-court and post-court support. We find that that is imperative. If we can get that right with the young person in, the likelihood of them reoffending is very, very low, particularly because they understand the process. When we get to court we could see 10 other young people who have no support. My feeling is that young people in the program get to understand why they have been charged, what is the process, what are the likely outcomes if they reoffend, how to get references, support and the legal system. Sometimes we have youth conferencing, which is an outcome in which they face the victims. We found that appropriate for some young people and we have found a facilitator who works really well. We had other experiences that were not so great. We have had lots of suspended sentences and bonds. Generally they have made them through.

**The Hon. AMANDA FAZIO:** If someone involved in the Koori Outreach Options for Learning has to go before a children's magistrate, do you make the magistrate aware that they are participating in the program?

**Ms WHITE:** They always get a support letter and Alice and I go to court. Generally the public prosecutor is aware of the program. We always arrange appointments with the solicitors and spend a lot of time talking to them explaining what is happening to the young person and demonstrate to the magistrate what has changed for the young person and what support mechanisms are in place.

**The Hon. AMANDA FAZIO:** Has a magistrate ever referred somebody to the KOOL program as an alternative to a custodial sentence in a juvenile facility?

**Ms WHITE:** Probably not. They would have been referred to do community service hours and Juvenile Justice has come to us to complete that.

**The Hon. AMANDA FAZIO:** Attendance at KOOL has counted for their community service hours?

**Ms WHITE:** Yes. We have negotiated that. We have had three different permanent magistrates in the past five years, and we have always tried to develop a working relationship with them. They are very aware of KOOL and what we do. We tried to promote it within the community and through the media, so everyone knows what is happening. There has not been an issue; community service hours can be done through KOOL. I do the forums. It is a good part of the case management. Many young people get lost if they are told to do community service hours; no-one picks it up. Who is going to sort it for the young person? The Juvenile Justice officer has a limited amount of time to sort that. But case management follow-up is imperative to completing the orders.

**CHAIR:** Earlier the council told the Committee that crime in this area involved young people. The police certainly had an emphasis on that, but registered that there was also adult crime. Your organisation is running a support program for young people in trouble. The information we have does not support the contention that it is young people, under 18, who are committing crime. Do you have any comment on that?

**Ms WHITE:** We deal mainly with young people, that is all I know about.

**CHAIR:** I wondered if you had a feel of the community's thinking on that?

**Ms WHITE:** I cannot offer any statistics to support that.

**CHAIR:** I thank you for your information and congratulate you on your very exciting program.

**(The witnesses withdrew)**

**DENIS ANTHONY NICKLE**, District Manager, Probation and Parole Service, Wagga Wagga, and Area Manager of Riverina-Murray, Department of Corrective Services, Wagga Wagga, and

**MICHAEL GERARD NEVILLE**, District Manager, Probation and Parole Service, Department of Corrective Services, Griffith, sworn and examined:

**CHAIR:** Thank you for participating in the fourth 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 disadvantaged groups in New South Wales. The Committee is pleased to be in Griffith and looks forward to hearing advice of the local community on this issue. The Committee has visited a cross-section of rural communities including Inverell, Bourke, Brewarrina and we are on our way to Bega.

I will give an outline on aspects of the hearing. Previously the Committee 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 on the table by the door. In accordance with those guidelines, members of the Committee and the witnesses may be filmed or recorded. Members of the public should not be the primary focus of any filming or photographs. The media must take responsibility for what they publish or what interpretation is placed on anything he said before the Committee.

You can ask the Committee to take certain evidence in camera and the Committee may decide to hear evidence in private if there is a need to do so. However, we may later decide to make it public or Parliament may make it public. The hearings are not intended to provide a forum for people to make adverse reflections about others. Protection afforded to Committee witnesses under parliamentary privilege should not be abused during these hearings. Therefore, I request that witnesses avoid the mention of other individuals unless it is absolutely essential to address the terms of reference. Mr Nickle, in what capacity do you appear before the Committee?

**Mr NICKLE:** As a representative of the Department of Corrective Services.

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

**Mr NICKLE:** I am.

**CHAIR:** Mr Neville, in what capacity do you appear before the Committee, as an individual or as a representative of an organisation?

**Mr NEVILLE:** As a representative of the Department Of Corrective Services.

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

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

**CHAIR:** If either of you should consider at any stage that certain evidence you may 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 questions on notice and send your answers in writing to the Secretariat by Thursday 28 July 2005. Mr Neville, would you like to make an opening statement?

**Mr NEVILLE:** Yes, thank you. Given the extent of the inquiry is in relation to the Griffith district, of which I am the District Manager, briefly the Griffith Probation and Parole Service services the local government areas of Griffith city, Murrumbidgee, Leeton, Carrathool, Hay and Balranald. As you can imagine it is a fairly substantial area. We also service and administer the Ivanhoe Correctional Centre. The service provides a range of services to those communities including, but obviously not limited to, provision of pre-sentence background reports for the Local Court and District Court in order to assist magistrates and judges during their consideration of sentencing of offenders. By way of



the provision of risk and needs assessments for offenders, in part it focuses on the risks to the community of any community-based sentencing option. It also provides courts with advice as to which sentencing intervention might best suit a particular offender.

We also undertake supervision of offenders who receive non-custodial sentences on a post-sentence basis obviously. They can range from good behaviour bonds, bail supervision, court-based parole or community service orders. We also implement a range of offender management programs directly through departmental programs: for example, domestic violence, anger management, alcohol and other drugs, Think First—a parolee based program—and co-facilitate other government initiatives particularly those from the Drug Summit such as the Sober Driver Program, Pathways to Employment, Education and Training. A primary role in a lot of other ways, apart from supervision is networking with other government agencies including police, courts, and local service providers, primarily in health and related areas. Another primary focus is managing offenders with due consideration to community safety.

**The Hon. GREG PEARCE:** Community sentencing and community service orders, wage or experience with those in Griffith?

**Mr NEVILLE:** It is generally good. It is a court-based sanction that is pretty well embraced by the courts and also by the community. It has varying impacts obviously, depending upon location, availability of service providers and supervision. Probably supervision is the biggest issue that most services, particularly ours, face in more remote areas—making sure that people are adequately supervised and that they meet the requirements of the community sanction and get the work done.

**The Hon. GREG PEARCE:** Do you have a list of people who provided employment, the community service time?

**Mr NEVILLE:** I will take that on notice and provide a list at a later time.

**The Hon. GREG PEARCE:** There is no home detention in Griffith?

**Mr NEVILLE:** No.

**The Hon. GREG PEARCE:** What would be required for you to provide home detention?

**Mr NEVILLE:** It is a fairly exhaustive process, and feel free to assist Denis if you would. The supervision component of home detention is probably the biggest impact on resources, but also the technology itself. It is a matter of being able to monitor it accurately; have it set up and implement it.

**Mr NICKLE:** The big difficulty with home detention in an area like this is availability of sufficient staff. You need a 24-hour, seven-days-a-week operation. It would be very difficult to gainfully utilise all the staff all the time, because I very much doubt that there would be sufficient home detention offenders available to sufficiently utilise the staff that would be needed.

**The Hon. GREG PEARCE:** Do you have home detention in Wagga Wagga?

**Mr NICKLE:** No.

**The Hon. GREG PEARCE:** Could you provide the Committee with a list of providers of spaces for community service work?

**Mr NICKLE:** Yes, I will take that on notice.

**The Hon. GREG PEARCE:** Does Griffith council provide spaces for community service?

**Mr NEVILLE:** Yes.

**The Hon. GREG PEARCE:** What sort of work?

**Mr NEVILLE:** A range of areas, more outdoor occupations. Currently we have people at the local cemetery to assist with gardening and maintenance and that type of thing. One of the big issues for local government is, of course, the consideration that some union members of local government have that people cannot be seen to be taking their jobs. We are in the process of formalising an agreement with the local council, Griffith City Council, to undertake a main street letter program. That will be specifically set up for community offenders service clients, under a community service order, to undertake that work, once it is formally ratified by council. Their parks and gardens staff provide the direct supervision, and we obviously supply the clients via the court system.

**The Hon. GREG PEARCE:** What about in the other council areas?

**Mr NEVILLE:** In Murrumbidgee council we have two people at present; in Hay we have one; in Balranald we have none at present, but they all have a fairly good relationship with us, and they will use them from time to time.

**Mr NICKLE:** Wagga Wagga City Council does not. We made some efforts a couple of years ago, without success, in that regard. The response from local government agencies varies.

**The Hon. GREG PEARCE:** What was the reason Wagga Wagga would not do it?

**Mr NICKLE:** I was not engaged in the negotiations, so I am not specifically clear about what the issues were. But I think there were questions of supervision and liability. One of the real difficulties we have now is liability for either injury to community service workers or damage to community or injury to other people. A number of agencies have been reluctant to accept community service workers for that reason. Sometimes that can have a bigger impact in remote areas. A farmer or somebody used to handling machinery, but who has no formal qualifications, we have to assess as unsuitable because they cannot show us a ticket for using a chainsaw or whatever. This limits the amount of work that might be done. Years ago, we would have put them to work on a ride-on mower or whatever without any difficulty at all. Now, we would have some hesitation in doing that.

**Mr NEVILLE:** One of the big advantages of local government—and it depends on the particular locality—is that it does have a pretty well structured occupational health and safety policy in place. The potential litigation aspect is one that all agencies and private providers are concerned about. However, if the community service organiser is suitably trained, as most of ours are, they are able to assist those agencies with the development of a particular process. We find that the easiest way locally, even in remote locations, is to get the agencies collaborating together and working through the procedure having regard to our department's and obviously the State Government's point of view in relation to compliance, insurance and the key areas, and then assist them in identifying, and if need be engaging, suitable people to assist to train people before they actually do any work.

**The Hon. AMANDA FAZIO:** Do you prepare assessment reports for the Griffith Local Court regarding an offender's suitability for a community service order?

**Mr NEVILLE:** Yes.

**The Hon. AMANDA FAZIO:** What factors do you take into consideration in your assessment?

**Mr NEVILLE:** There are a range of factors. I do not know whether any evidence has been tendered previously by the department as to the various steps.

**CHAIR:** There has.

**Mr NEVILLE:** The fundamental issue in determining eligibility is physical ability to be able to deliver the service. Quite often, there are a range of issues, for people with mental health issues for argument's sake, or drug or other alcohol related issues. There could be likely impediments that could put them at risk. Obviously, the insurance component factor would weigh heavily against them. It also depends greatly upon availability of work, because unfortunately in some locations if you do not have a community service agency that can provide work you cannot assess anyone as suitable.

**The Hon. AMANDA FAZIO:** When you are looking at the suitability of someone for that sort of recommendation, what weight would you put on the fact that the person has a previous custodial sentence?

**Mr NEVILLE:** Previous custodial sentences, depending on what they were for, may not impact at all. Obviously, in some areas, if it was a sex related offences and the only agencies available were in areas where there were potentially children or people who might be vulnerable, we could not assess eligibility as confirmed. One thing we look at is acquiring a suitable agency, but that would have to be done prior to recommending to the court that that sanction be considered. But, as far as previous sentences are concerned, they are of no relevance. However, we determine eligibility based on that particular sanction if asked.

**Mr NICKLE:** There is a requirement that community service workers sign a prohibited employment declaration. They cannot do that if they have been convicted of a sex offences that could possibly attract a sentence of imprisonment of 12 months or more. We would have very great difficulty identifying the work location for anybody who fell into that category.

**The Hon. AMANDA FAZIO:** We also heard in evidence at a Sydney hearing that an offender who does not have an appropriate address to be released to while serving a community sentence may not be considered for a community-based sentence. Have you ever had that occur? What do you think should be done to assist those people?

**Mr NEVILLE:** The only area in which that potentially creates some issues is where somebody could be sentenced to a term of imprisonment, with a non-parole period, and then obviously be subject to a period of parole. Our service is required to provide pre-release reports to the Parole Board, if it is a Parole Board type of release, and unless there is a suitable address quite often it is difficult for someone to come out of a custodial environment and adopt a law-abiding lifestyle without a stable address, because their address and their stability in the home impacts on job search activity and other aspects of their lives. The other thing is that it will quite often mean that you could be releasing an offender to a location based on an assumption that they will be there long term. If they do not have a suitable address, more often than not they will move on, and that could make them more prone to going back to some kind of risk-taking, offending behaviour.

**Mr NICKLE:** The definition of suitable address needs to be considered fairly carefully. I served at Griffith for three or four years in the mid-nineties. I recall the example of a person who had committed a sex offence, but the principles apply to any parolee who may have particular supervision needs on release. This man's parents lived in a remote township. His parole order required that he undertake certain counselling for his offending behaviour. His parents' address was quite close to a primary school. He nominated the parents' address as the place to which he would return on release. Clearly, for reasons of community safety for the children, and for his obtaining the intervention that he needed to reduce his offending behaviour, that was not a suitable address. Then, of course, the question arises: Where does he go? There are few resources for that. Someone who goes into a bigger location will not have community support. So that generates real difficulties for effective intervention.

**Mr NEVILLE:** The other area that it impacts upon fairly heavily is where there is a condition that the parolee access drug and alcohol intervention and/or anger management and/or any other particular program. More often than not it could well be a mental health issue. If there are not available resources, despite the best and most suitable accommodation for the protection of the community, and if there is no assistance for the offender by way of intervention, you are setting people up to fail. So you need to make sure that the address is appropriate, keeping all the various aspects of addressing recidivism to the forefront of your mind.

**CHAIR:** When there are no resources in the community, for even a short gaol sentence there may be no programs and no resources.

**Mr NEVILLE:** In a custodial environment, depending on the location, there may well be offender programs available. It depends on the circumstances.

**CHAIR:** Does this disadvantage people because country areas do not have the same resources for mental health and drug and alcohol support?

**Mr NEVILLE:** In some country locations they might be more accessible than in others. Here, in Griffith, for argument's sake, there is no drug and alcohol counselling. In Leeton there is. We are down to one or two mental health workers here at the moment. In Leeton they have none. It depends where you can, in that 50-kilometre radius, through the health department get access. We have offenders who drive from here to Leeton to get drug and alcohol intervention because they choose to live and work in Griffith.

**Mr NICKLE:** The impact would be that the person either serves longer in gaol or is released to less effective intervention when released.

**CHAIR:** You are talking about pre-release?

**Mr NICKLE:** Yes.

**CHAIR:** We are also working of course on court referrals.

**Mr NEVILLE:** Yes. The issue there, though, is that, by way of the assessment that is provided to the court and to the presiding magistrate and/or judge, that information would be pretty well detailed, so that they will be aware of the current situation. I think that one of the important aspects of our work beyond the assessment is to maintain an ongoing interaction with Local Court staff and magistrates and judges, so that they are aware of what the situation is in a particular locality.

**The Hon. AMANDA FAZIO:** When you are doing a pre-court assessment, have you ever had a case where you know the lack of a suitable address will mean that the person really will face the option of a custodial sentence? Do you think it would be better if there was a change to the eligibility criteria for community-based sentencing options to take into account the fact that in some rural communities some people do not have a fixed address, but may stay with relatives around about the place?

**Mr NEVILLE:** That is a hard one to answer. In essence, whilst they may have some transient nature as far as addresses go, if they have intrinsic community links—by way of family, relatives, friends or a peer support network—the issue of a suitable address is not always the first thing that may well rule out a recommendation. But, in all honesty, we have to take a devil's advocate type of approach for the magistrate, so that they can ask questions if need be, or even put someone into remand for a period so that they can be further explored, depending upon their full deliberations. But, fundamentally, it still comes back down to the criminogenic nature of the offender, the offence itself and the determination of the court.

**Mr NICKLE:** It is the court that has to make the decision about the balance between the reasons for sentencing—the deterrence, the punishment and the rehabilitation—and we can only advise the court what is available. At the end of the day, the court has to make a decision on how to balance those considerations.

**Mr NEVILLE:** The assessment of any court is obviously objective, it has to be verifiable, and it obviously has to be relevant to the needs of the particular offender. If the criminogenic needs are outweighed by some other community aspect, we need to highlight that. But we need to focus us on what are the best potential interventions, and then it is up to the courts to make the decision.

**Ms LEE RHIANNON:** In regard to your role of managing offenders in the community, what support do you get from the local business community?

**Mr NEVILLE:** That is a good question.

**CHAIR:** You can tell it is none, if it is none.

**Mr NEVILLE:** No. It varies, and it varies from location to location.

**CHAIR:** What about in Griffith?

**Mr NEVILLE:** In Griffith it is very good.

**Ms LEE RHIANNON:** What form does it take?

**Mr NEVILLE:** There are a range of options. One of the most practical ways in which people assist us is by allowing people to undertake their community service work. That is a double-edged sword too, because it depends how committed the offenders are to the sanction. Pre-sentence, people are 150 committed: post-sentence, that can vary. A range of issues impact upon that. With people who are under other community based sentencing options, including parole, we have an obligation in some areas to discuss with the employer the current circumstances of their employee. But, obviously, after giving the employee a direction to notify their employer—particularly in cases where it may well be a sex offender returning to a community—it is vital that people are aware that there is a requirement to report. There may be a requirement for ongoing intervention by way of drug and alcohol or other treatment, or a requirement to undertake a field trip to see people at their workplace and/or at their home from time to time.

**Ms LEE RHIANNON:** What percentage of community service orders would be undertaken in the business community?

**Mr NEVILLE:** Again, depends on localities. In Griffith very few are in business; most are in local government and/or other community organisations.

**Ms LEE RHIANNON:** You referred to local government. The Committee heard reference to local government earlier.

**CHAIR:** Yes, it was referred to earlier.

**Mr NEVILLE:** Sorry, in Griffith, local government-wise we have people currently at the saleyards, assisting in the cleaning down on the yards and garden maintenance and that type of work, and at the cemetery, and also at other larger community areas including the Showgrounds and the like.

**Ms LEE RHIANNON:** Are you saying that the business community is more involved in areas other than in the local government areas?

**Mr NEVILLE:** Yes.

**Mr NICKLE:** It is very difficult for a business to provide community service work opportunities because the community work that is done is required to be done for the benefit of the community and not for business. It would be very difficult for business to provide community service work opportunities. Where the business community could be really helpful would be in the provision of employment opportunities for people on good behaviour bonds or on parole. That is a very significant factor in terms of offending behaviour and we probably need to do a lot more work in developing relationships with the business community at that level, where they would provide employment opportunities for, say, people coming out of gaol

**Mr NEVILLE:** Throughout the area that we service from the Griffith District Office we work pretty closely with the number of job network agencies and obviously come face-to-face and in contact with a range of employers. One way that the business community in Griffith lends support is by supporting the community groups that actually provide it. They assist by way of providing supervisors. That in itself is an intrinsic way to make sure that things are successful because whilst you may well have a range of community groups that have available work, they do not always have supervisors on call and people do have to take time off work more work often than not.

**Ms LEE RHIANNON:** Are you able to give the Committee an example of a business that is providing a supervisor for a program?

**Mr NEVILLE:** Actually name the employer?

**Ms LEE RHIANNON:** No, an example of the type of business that is supplying a supervisor?

**Mr NEVILLE:** Yes, well, we have a local metal manufacturer here—it is an engineering business—that provides assistance by way of support for the Riding for the Disabled project locally. They have provided on-the-ground supervision people on the weekends so that we can actually make sure that people get through particular projects, particularly because Riding for the Disabled and that particular intervention is great for young disabled people, but also because quite often most of the people we have available for community service in this particular locality are people from general labouring or agricultural backgrounds and it is relevant that with adequate supervision they can actually get through and meet the sanctions required.

**Ms LEE RHIANNON:** Was that something in respect of which you approached the business community with a request to provide services or supervision for this program, or was it a business initiative?

**Mr NEVILLE:** It was something that basically stemmed from discussions about the project itself and the available players. Someone, like most people would, put up their hand to volunteer.

**Ms LEE RHIANNON:** Excellent.

**Mr NICKLE:** You should know that Mike is a member of Griffith City Council and a former Mayor and, as such, he has established some networks.

**CHAIR:** The Committee heard from council this morning and some questions will be forwarded to council for a response.

**Mr NEVILLE:** I look forward to receiving the questions.

**CHAIR:** Is there anything else you wish to tell us?

**Mr NEVILLE:** I think probably one thing that you need be aware of, and I guess it would have been raised by other witnesses, is the transport issue and access to transport—particularly in respect of some sanctions. Periodic detention is a big one for us, more often than not, possibly due to the nature of the offences quite often, but also the geographic remoteness from the nearest periodic detention centre, which is at Tumberumba, 350 kilometres away. The other issue is that from the supervision point of view we have an institutional workload model and a community workload model—which is the department's view on how we service people based upon the amount of work that needs to be done, how much time is allocated and the like.

For example, transport to and from for an officer, for argument's sake, to attend Hay Local Court is a 160-kilometre one-way trip, to Balranald it is 320 kilometres, and to Ivanhoe it is 350 kilometres across pretty dubious roads from time to time. At this time of the year, after the good rains we have had recently, it is a longer trip. Those things are important for efficiency and the co-ordination aspect. Working in the travel component is significant because it does reduce the available time for the officer.

**CHAIR:** I recognise that you are employees and this question may be difficult for you, but what resources does Probation and Parole have, compared with the amount of work it has to deliver—especially considering it involves pre-release work now?

**Mr NICKLE:** There are issues there, but they are probably beyond our level to respond to.

**CHAIR:** You are on the ground. Is it difficult? Do you have to work out what you can and cannot do?

**Mr NICKLE:** It is always a question of priorities.

**Mr NEVILLE:** Priorities in hours more so, because you have the community aspect you need to consider.

**Mr NICKLE:** The areas we have difficulty in intervening in effectively would be substance abuse and mental health. The whole area of Aboriginal people needs a lot more work and attention.

**CHAIR:** Are there many resources with Probation and Parole for Aboriginal people? I know that Juvenile Justice is running some programs.

**Mr NICKLE:** The department has policies to work on that issue. For example, in Wagga Wagga there is an officer whose position is Aboriginal Client Service Officer. He assists in the various offices in the area, which are Tumut, Albury, Deniliquin and Griffith. His job is more that of consultant. He will help the local people. It is a big job. Substance abuse and literacy problems are identifiable factors in offending behaviour. The more effectively we can address those, the lower the rate of offending behaviour will be.

**Mr NEVILLE:** The key issue really is our reliance at times on other agencies. The issue raised was Aboriginal interventions and programs. Whilst the department is cultivating and growing its availability of shelf programs, it comes down to time on the job and the ability to deliver, as well.

**(The witnesses withdrew)**

**HANNAH HALLIBURTON**, Juvenile Justice Officer, Department of Juvenile Justice, PO Box 1422, Griffith, affirmed and examined:

**[The Chair repeated her opening statement and guidelines for the media.]**

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

**Ms HALLIBURTON:** I am appearing as a representative.

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

**Ms HALLIBURTON:** 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 questions on notice. Just send the answer in writing to the Committee later. If you take questions on notice the Committee would appreciate the response by Thursday 28 July 2005, but you will get a formal request. Would you like to begin with a short opening statement?

**Ms HALLIBURTON:** I am the Juvenile Justice Officer. I have been in this position for a little over two years. My duties are to supervise children from the age of 10 years up to the age of 18 years who receive orders from the court. This is to make sure that they follow whatever orders the Magistrate has given them, such as attend counselling and the rest of it. Also it helps them put things in place so they do not reoffend; and that is not always possible. I am a court support person for them. I do background reports so that the magistrate has an understanding about the young person before he gives them a sentence. In that way, he knows a little about their history, what they have been up to, and why they may be standing in court.

**CHAIR:** The same as Probation and Parole.

**Ms HALLIBURTON:** Very similar, except I work with juveniles.

**CHAIR:** What are the major issues with community-based sentences that young people in Griffith are facing?

**Ms HALLIBURTON:** The major issue we face at the moment with community service is placement. We do not have enough placements for young people. I deal with Leeton as well, which is not far down the road, and they just will not take young people at all because they cannot offer them adequate supervision. I have the same problem in Griffith; I have only two placements in Griffith and they are the Salvation Army and Pioneer Park. Pioneer Park will not take any young person who has been charged with stealing offences, so that basically leaves me with not many kids I can send to Pioneer Park. Accommodation is another issue. We are very limited as to where we can place kids who are at risk of being homeless. That brings us back to court, and I have nowhere to place them, so they are sent to the detention centre at Riverina until I can find somewhere. Young people go into custody unnecessarily, because of lack of accommodation.

**The Hon. GREG PEARCE:** How many kids are you responsible for at any one time?

**Ms HALLIBURTON:** At the moment, I am responsible for 30 kids.

**The Hon. GREG PEARCE:** Just you?

**Ms HALLIBURTON:** Just me.

**The Hon. GREG PEARCE:** And that is spread between Griffith and Leeton?



**Ms HALLIBURTON:** Yes, there are about five kids in Leeton at the moment and the rest are here in Griffith.

**The Hon. GREG PEARCE:** How do you do it?

**Ms HALLIBURTON:** It is a lot of fun! I am struggling, actually. Recently another lady came from Deniliquin to give me a hand, but I am struggling.

**CHAIR:** How many of your people are with KOOL?

**Ms HALLIBURTON:** At the moment, one young person. In the past 18 months, I had four kids go through KOOL, and I find it very good for Aboriginal kids.

**Ms LEE RHIANNON:** How many more could you place with KOOL?

**Ms HALLIBURTON:** I have about 10 Aboriginal kids on my books and I could probably place another three there. As I said, when I first started in this position I had only one Aboriginal kid and now I have 10.

**Ms LEE RHIANNON:** It has been commented that young Aboriginal children end up in Juvenile Justice and go on through to prison because they are picked up for riding bikes without wearing a helmet, are then fined, do not pay the fine, and the fines accumulate and consequently they do not obtain their drivers licence. Do you see that occur?

**Ms HALLIBURTON:** Yes. That has happened to a few kids in Leeton who have been riding their pushbikes without wearing a helmet and were fined. The whole fining process continued and they were not able to get their licence because they had not paid the fines. I am aware that that has been a major issue in Narrandera, but I do not deal with Narrandera, one of my co-workers deals with Narrandera.

**Ms LEE RHIANNON:** That scenario still plays out today?

**Ms HALLIBURTON:** Yes.

**The Hon. AMANDA FAZIO:** Does that change from time to time, depending on local policing policies?

**Ms HALLIBURTON:** Yes, sometimes we go through a phase when a lot of that is happening. Kids will come in and tell me that they have received another fine, and then it will die down for a bit and later will pick up. At the moment it is pretty quiet, I have not had a lot of kids coming with that issue. It goes up and down.

**Ms LEE RHIANNON:** What are the charges or fines that young people receive, what are they in trouble for?

**Ms HALLIBURTON:** The majority are break and enters and larceny, a few are assaults, stealing cars. At the moment lot of them are getting resist police, trespassing or offensive manner.

**CHAIR:** Offensive behaviour?

**Ms HALLIBURTON:** Yes. They will be out with their friends and often are intoxicated and the police will approach. Instead of going home, they become abusive and the police pick them up on being abusive and resisting police. So they are charged with that.

**The Hon. GREG PEARCE:** What do you do, given that there is no drug and alcohol counselling available in Griffith?

**Ms HALLIBURTON:** We have a drug and alcohol counsellor in our department, but I cannot utilise her at the moment because she is full to capacity.

**The Hon. GREG PEARCE:** Is she located in Griffith?

**Ms HALLIBURTON:** No, she is in Wagga Wagga, so she has to come over. She covers not just the Griffith area but also Wagga and everywhere that branches out from the Wagga office. A lot of the time I have to leave people hanging in limbo, unfortunately, until I can hook them up with a counsellor of some sort. The closest drug and alcohol counsellor I have at the moment is in Leeton. It is hard when I have an order for a child to attend alcohol and drug counselling and I cannot put them anywhere. That is normally the reason why they are a defendant, because of an alcohol-related issue.

**Ms LEE RHIANNON:** Is substance abuse—such as binge-drinking or overdrinking, glue sniffing or marijuana use—a regular issue?

**Ms HALLIBURTON:** When I started, the major things were cannabis use and paint sniffing. Alcohol use was not as big an issue. In the past six to 12 months alcohol has become a major problem, because it is cheap, because kids can get their friends to buy it.

**CHAIR:** What has happened with paint sniffing?

**Ms HALLIBURTON:** It has died down.

**CHAIR:** Any drug use, other than marijuana?

**Ms HALLIBURTON:** A few are on speed. There is not a huge amount on speed but I am aware of; it is mainly alcohol abuse.

**CHAIR:** Does the community tell you that?

**Ms HALLIBURTON:** Do they say that?

**CHAIR:** Yes, a community group has told us about big problems with drug use. I thought that meant heroin or more addictive drugs, but it was marijuana use that people were cross about.

**Ms HALLIBURTON:** There is a reasonable use.

**CHAIR:** Do the people say "drugs, drugs, drugs"?

**Ms HALLIBURTON:** That and alcohol. They have noticed young kids, between the ages of 11 and 15, on the streets at night who are intoxicated,. We do not have a service to pick them up and take them home. People are realising that that is quite a problem.

**CHAIR:** They usually grow up in the community. Is the community strong enough to do that?

**Ms HALLIBURTON:** We had an Aboriginal interagency meeting not long ago at which we discussed how the Aboriginal community can get together and put something into place to pick up the kids, so they do not get locked up or are not out terrorising the community. We need to get them home. We are looking at that at the moment.

**Ms LEE RHIANNON:** You need more support for transport services, is that the issue?

**Ms HALLIBURTON:** Yes, I feel that that is the issue. We need someone to transport those kids to their home.

**CHAIR:** It is not just a kids home either, is it?

**Ms HALLIBURTON:** No.

**CHAIR:** The Committee found at Inverell that the people wanted to be able to get home from the pub.

**Ms HALLIBURTON:** That is right. Another thing is the need for a safe house. Even if we get them home, sometimes home is not safe. Home is either not safe or mum and dad are not there anyway. Those are the things we are looking at; a safe house with transport, for the kids for the night, or whatever.

**CHAIR:** The Committee has heard previous evidence of people returning to their local community after a period in gaol and reverting to the behaviour that led them to offend previously. The problems they faced in the local community had not been addressed.

**Ms HALLIBURTON:** That is right.

**CHAIR:** Are you aware of any community development work undertaken to help address the social causes of crime?

**Ms HALLIBURTON:** At the moment we have the Journey to Respect Program, which is targeted at Aboriginal kids. In Griffith we had people trained, but to my knowledge it has not actually run in Griffith. It has run in Narrandera. In support services we have the Jobs Placement, Education and Training Program service to which I refer a lot of my clients in an effort to veer them into education or some sort of employment so that they do not jump straight back on the same track that they were on. In Wagga they have the Staysafe Program, but they do not have funding to branch out as far as Griffith. They go to Narrandera. That is all I am aware of.

**CHAIR:** No family work?

**Ms HALLIBURTON:** There is the Families First Program.

**CHAIR:** That is only for babies.

**Ms HALLIBURTON:** Yes. We had a worker come out and speak at the interagency meeting about dealing with teens and their problems. But they are just bandaids, they set up programs and they come and go. But at least that is something, it is better than nothing.

**CHAIR:** Do short-term pilot programs come to town, those that hire one person for six months, train them, and then they are gone?

**Ms HALLIBURTON:** Yes, I have seen that, but it is not just with my job in Juvenile Justice.

**Ms LEE RHIANNON:** It is across all government programs?

**Ms HALLIBURTON:** Yes. You need to have something for at least three to five years for it to work, or see some sort of outcome.

**CHAIR:** Do you have anything else you would like to tell the Committee?

**Ms HALLIBURTON:** Yes, in question number seven, referring to government agencies such as the Department of Corrective Services: Could co-ordination between government agencies and local agencies be improved? Through my job I liaise a lot with various agencies in town. One issue I have come across in the past 12 months, a major issue concerning my department, is working with the Department of Community Services [DOCS]. A lot of times we get their order "to reside where directed by Juvenile Justice". If we cannot find somewhere for the young person to reside, that becomes a major issue. I notify DOCS if a young person is at risk of being homeless, that is part of my job requirement. DOCS cannot place them. I refer a lot of kids through them, and they have nowhere to place them. So, DOCS refers the kid back to me and it becomes a yo-yo.

**CHAIR:** Is that housing placement?

**Ms HALLIBURTON:** Yes. It is a combination, because they are under 16 years of age I can do the Living Skills Program but I cannot put them into the Department of Housing accommodation—they are too young anyway. So, I refer them back to DOCS and DOCS cannot place them anywhere,

and ask me, "So, where are you going to place them?" It becomes a vicious circle. Also, because of their age, I know and understand that they are not on the priority list for DOCS, but they still under the age of 16. That is a conflict that I have on a local level, with DOCS.

**The Hon. AMANDA FAZIO:** There is no youth refuge?

**Ms HALLIBURTON:** There is a youth refuge but it is normally full, or can take only so many girls to so many boys. I have to ring up Wagga Wagga to see if I can get a young person into the refuge there. Then I am taking the young persons out of their environment that they know, are familiar with and are comfortable in, and place them somewhere that may not be the best option. Apart from that, we refer to the Department of Housing, and that is basically it.

**CHAIR:** That is a very good issue for you to raise.

**The Hon. AMANDA FAZIO:** What solution would you like, instead of bouncing kids backwards and forwards?

**Ms HALLIBURTON:** There needs to be more refuges in Griffith, because there are homeless kids. They are bouncing from friend to friend to friend, until they wear out their welcome with all their friends. They end up on the street for a period and then go back to the first friend that let them in and they bounce again from friend to friend. There definitely needs to be more refuges in Griffith, there is not even one in Leeton and there are homeless kids in Leeton.

**CHAIR:** This is an affluent, highly employed community and you have this problem with homeless youths?

**Ms HALLIBURTON:** I know. It is sad.

**CHAIR:** This is a very affluent community, yet it has this problem with homeless youth.

**Ms HALLIBURTON:** Yes. I do not have any indigenous kids; their living arrangements may not be the greatest, but they are housed with family members— always.

**Ms LEE RHIANNON:** So we are talking about young people, maybe from even middle-class homes, who are alienated from their families?

**Ms HALLIBURTON:** Yes. As an example, a young person in Leeton was granted bail. He had been bail refused, but he was granted bail on condition that he went to live where deemed suitable by Juvenile Justice. He wanted to live with his uncle. His mother said no, because his uncle had substance abuse issues. This went backwards and forwards for about a day, until the mother said, "I will take him back." This was even though he was granted bail. If there had been a refuge in Leeton I could possibly have said, "Stay in the refuge until we find you somewhere else."

**CHAIR:** Thank you very much for coming along to give evidence today and for your information.

**(The witness withdrew)**

**(The Committee adjourned at 1.20 p.m.)**