

REPORT OF PROCEEDINGS BEFORE

STANDING COMMITTEE ON LAW AND JUSTICE

INQUIRY INTO COMMUNITY BASED SENTENCING OPTIONS

**Public Forum at the Burley Griffin Room, Griffith,
on Monday 27 June 2005 at 2.15 p.m.**

PRESENT

The Hon. C. M. Robertson (Chair)

The Hon. A. R. Fazio

The Hon. G. S. Pearce

Ms L. Rhiannon

Corrected Transcript

ALSO PRESENT:

Lisa Caldwell, Ian Chauncy, Karee Drake, Diane Erika, Hannah Halliburton, Kathy Lockeridge, Elio Minato, Steve Meredith, Torey Mita, Marlene Nehme, David Polhill and L. Tavua.

CHAIR: I would like to welcome everyone to the public meeting of the Standing Committee on Law and Justice inquiry into community-based sentencing options. This part of the day is much less formal. The Committee is very pleased to be here in Griffith and is looking forward to hearing the voice of the local community on this issue. I would like to acknowledge that this meeting is held on the traditional lands of the Wiradjuri people.

Before we commence I would like to make some comments about aspects of the meeting. In accordance with guidelines, members 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. The media must take responsibility for what they publish or what interpretation is placed on anything that is said before the Committee. Committee meetings are not intended to provide a forum for people to make adverse reflections about others. I therefore request that speakers avoid the mention of other individuals unless it is absolutely essential. I request anyone who speaks to state their name first. That is because at these meetings we are, as much as possible, collecting information by recording so that we as the Committee, when in Sydney in a month or two or three, can sit down and pick up exactly what you have said, and not our memory of it. That is one of the reasons that we have the recording made.

I welcome you all. Did anyone want to make a statement about anything before we start? I will start off by asking people to talk about whether they think criminal sentences that are served in the community are not as harsh as those served by people who are sent to gaol. What do people think about that? Do you think it is easier for people to do a community sentence rather than go to gaol?

Ms ERIKA: If the option is there through different programs that maybe the community or the people can participate in, it would be more beneficial for them to be proactive in that sense, and that they be put into a program to help improve and enhance areas of positive living and other positive outcomes.

CHAIR: What sorts of programs are available in Griffith that would support people on community sentences?

Ms ERIKA: Depending on what that person was charged with, there are different programs within the community. Whether it is to deal with a drug and alcohol problem, they may refer that person to a particular project officer or worker, who can then ensure the inclusion of that person in that part of the program.

CHAIR: One of the things that the police told us this morning is that a lot of people face assault charges arising from domestic violence. Are there any support services for that here? Has no-one ever heard of anger management courses?

Ms ERIKA: There have been a few that have been run through Griffith. Centacare has often run programs on anger management.

CHAIR: Is that a demand thing? Have they got a group of people who might need a bit of anger management? And do they do it? And is it consistent?

Ms ERIKA: Because Griffith is a community that is very diverse in its differing cultural groups, the cultures have to be taken into account when acting in any particular situation. There possibly could be a way of overcoming this particular offence, maybe by getting in contact with particular community leaders who may already have established in their own community a program to specifically target domestic violence and ways to overcome the problem without that person being placed in gaol.

CHAIR: So have the community playing a supportive role?

Ms ERIKA: Yes.

CHAIR: Can people tell me whether all the communities in Griffith work together to be able to provide this?

Ms ERIKA: Not all of them.

Mr CHAUNCY: Some of the multicultural communities would have stronger networks than other communities within the town.

Ms ERIKA: I guess so, because basically you have to look at the cultural structure of that particular group. They would have dealt with domestic violence in their own way, and maybe that can be brought forward to the justice department so that it can deal with domestic violence issues in a positive and enhancing way.

CHAIR: Some multicultural communities could deal with this, but one of the highest rates of crimes in this area is assault. Which group of people in the community are these people?

Ms ERIKA: Probably right across the board.

CHAIR: That are getting to court?

Ms ERIKA: Yes, sir.

Ms CALDOW: Being a youth worker, I know that alcohol contributes to most young people being involved in assaults or drugs. But, at the present time, alcohol seems to be more of a problem in town because it is more accessible. And they can get somebody else to buy it, and it is less expensive than drugs, or they can go in and steal it. So there is a big issue with alcohol. Once they drink to a certain level, they can't seem to handle their alcohol, and that is when they become aggressive, and it is usually in public places and towards the police.

Ms LEE RHIANNON: What sort of programs do you think would be preferable?

Ms CALDOW: I think more drug and alcohol programs available to youth. I am running a drug and alcohol program here at the moment for youth, to educate them on the dangers of the use of drugs and alcohol.

CHAIR: The questions we are asking at the moment relate to whether or not community-based sentencing is available equitably across the State, and for whom. When we worked out which towns to visit, we deliberately worked out different towns. We have been to Inverell and Bourke and Brewarrina, today we are here in Griffith and then we are going to Bega. The thing about country towns is that they are all totally different. You people are very different, and one of the reasons you are different is that most of you have got jobs. That is a very rare thing in the country.

But you still have the same sorts of rates of crime as have other places, and so you still have got the same issues facing you. We want to know what you think are the solutions for you people. You are saying some communities have a multicultural community. But there are other communities, so you cannot make a blanket provision. So, if there are more options for community-based sentencing, and probation and parole, what sorts of things do you think Probation and Parole need up their sleeve to be able to recommend that people not have to go to gaol when they have committed a crime that requires a penalty of less than two years gaol? Has anyone got any ideas?

Ms ERIKA: I think cultural awareness is really important in assessing people. There might be an option, and if the person is aware that this particular culture deals with this issue in this way, maybe that community group or its leaders can be approached to assist with a program that is suitable for that particular person.

Ms HALLIBURTON: I had a client close on two years ago, when I first started in the position, and I took into account his cultural issues when I did his background report for the purpose of sentencing options. I explained to the magistrate, through my report, that even though this young person needs to face the consequences, he would be going back to New Zealand and the magistrate took that into account in sentencing.

The Hon. GREG PEARCE: Has anybody had any experience with an offender being given community service work?

Ms ERIKA: We have had people who have been put into basically a community organisation to do community work, and it was very successful in that sense.

CHAIR: What kind of work?

Ms ERIKA: Basically, to participate in the activities of that particular community group, whether it was to assist with organising a social event or festival, or whether it was basically to teach young people how to do dancing, putting costumes together and things like that. So they were being empowered at the same time to look at the skills they already had and to enhance those.

CHAIR: Do people know of any people in this town over 18 getting community service orders, or bail orders?

Ms ERIKA: I am supervising some, because even though I get them to when they turn 18, I still have young people that I am dealing with until they are about 19 or 20. Not all the time do I feel that is a suitable community service order to be given to them, because they are so hard to supervise and, as I have said before, there are only placements that I could place juveniles in.

CHAIR: Where would you think these people should go?

Ms ERIKA: I think it would be easier if the community service order is given to put them back into some sort of training, so that they can gain the skills so that they can contribute to the community in a more positive manner, and give themselves self-esteem, and also make a rehabilitation program part of their community service, because these are the sorts of things that the client group that I am dealing with would not actually do unless they are made to do it. So they would benefit from it, but they are made to do these things.

CHAIR: So training and occupational health and safety certificates and stuff like that do not become part of the community service orders?

Ms ERIKA: No. At the moment, I have only one or two programs-

CHAIR: I realise that is about the individuals. I am asking generally. So TAFE is not involved at all? Have people got any ideas about how these could work better? This morning we heard that the council has some work at the cemetery, and that there are some private people doing Riding for the Disabled work—

Ms LEE RHIANNON: And parks and gardens.

CHAIR: —and parks and gardens in this area for community service work. How would people feel about doing that work? Would people you know go there, do you think?

Ms ERIKA: I think they should be made to go to those things. The Land Council that looks after the wildlife area is always looking for people, volunteers, to go out and water the trees or plant trees. I feel that they should participate in programs like that, programs that are serving the community and contributing to the environment as well.

CHAIR: There has to be a system of supervisors for that to work, so how could that happen?

Ms ERIKA: Perhaps by contacting those specific services that are available. Quite often they have programs that are going throughout the year, and finding out, whether it is in March or April or whatever, which ones are running programs in that particular month, and then allocate people to those areas.

The Hon. GREG PEARCE: What sort of community groups do you already have that you think might be able to help with counselling or shelters?

Ms ERIKA: We are very limited in the resources in the way of counselling here in Griffith. Centacare is basically it. I am not sure about other services, but Centacare seems to be the only that has conducted counselling. I'm not sure whether they have a counsellor at Community Health, but we

are very limited in the resources that we have where we can refer people for counselling, whether it is anger management or to do with family. It is very hard; we have to travel to Albury or to Wagga Wagga to be able to have those services. We need more community based services to be able to help the community.

CHAIR: What happens when people are placed on good behaviour bonds? This is a very different community and we have to feel what it is like. Do people know anyone who has been on a bond? In one community what happens when people are placed on bonds or just released from gaol is that they are followed around continually to ensure they do nothing wrong. Do you know anybody who has been in that circumstance?

Ms HALLIBURTON: With the good behaviour bonds that my client group are on I have to supervise them. They come in for their weekly or fortnightly supervision and I just make sure that they are following the conditions that they have been placed on by the court. Those conditions can vary. The first one is always to be of good behaviour and not to reoffend, then to follow the instructions given by the department, and then there is often some sort of counselling after that. As was referred to before, counselling facilities are limited here. I mainly concentrate on them not reoffending and keep a bit of an eye on how they are, and be someone they can talk to and a support person in that sense as well. Then I normally refer them through to Jobs Placement Education and Training [JPET] or something like that.

CHAIR: So that no-one knows anyone who has been on a bond or probation?

Ms CALDOW: Oh, I do. Half my clients are.

CHAIR: But they are young people, are they not?

Ms CALDOW: They are between the ages of 15 and 21. I am a JPET youth worker. I do the government program for JPET. I just make sure that they are either go to Probation and Parole or to Juvenile Justice to make sure that they are following the conditions they have been given.

CHAIR: Is there any community support for these people so that they will not reoffend?

Ms CALDOW: No.

CHAIR: So there is no structure?

Ms CALDOW: There is no structure, no.

Mr CHAUNCY: There is probably, even with community service orders [CSOs] there is probably a lack of legitimate places to place people on a community service order—especially to have people who may have the skills or the ability to provide some support or to work alongside them in a constructive way. There might be good-hearted groups that do good work but it is a question of whether they have the skills to manage people appropriately. They may not want to, for a start. They are happy to have people come and help but do they want to manage someone with anger problems or whatever. There is probably a lack of legitimate options.

Ms CALDOW: Then it is the individual themselves. Some of them just won't do it. I have had a couple come to me and say, "I've still got 200 hours to do and I've got four days to complete it in. What do I do?"

CHAIR: Well, what they do is they go to gaol if they do not do it. We understand that option quite clearly.

Ms CALDOW: But, they don't.

Ms HALLIBURTON: I do not feel that a lot of them really quite comprehend that a community service order is a direct alternative to them going into custody. They think: That's okay. My solicitor will get me off when it comes time because—

[*Interruption.*]

CHAIR: There are other forms of community-based sentencing, such as periodic detention. You have a great problem with weekend gaol because of transport issues with centres for weekend detention all more than 100 kilometres away.

Ms CALDOW: And there are no funds to be able to help transport them.

CHAIR: What would you do?

Ms CALDOW: What you mean?

CHAIR: You would want funding to put people in a truck on Friday night and bring them back on Sunday night, would you?

Ms CALDOW: Yes, if that was an option. We do not even have that option because there are those services that have that extra money to be able to transport them for weekend detention. Everything comes down to transport.

The Hon. GREG PEARCE: Has anyone heard about home detention?

Ms ERIKA: Apparently the people are supervised within their home. They are only allowed to specifically leave for certain appointments or work.

The Hon. GREG PEARCE: They have to wear an electronic bracelet around their ankle to make sure they stay at home and the parole people check on them every now and then. Do you think that would work as an alternative to putting people in gaol?

Ms CALDOW: It depends on the situation. I mean some of their home life is one of the reasons why they got into trouble in the first place. It is not always an option to have home detention because the environment in which they live, which is actually the cause of their problem to begin with.

Mr MINATO: It is also pretty demeaning, having to wear a tag.

The Hon. GREG PEARCE: It is meant to be demeaning. Are there cultural reasons why it would be more demeaning than going to gaol?

Ms ERIKA: Yes, depending on the cultures. Speaking now from my own experience of coming from a Pacific Island community, by the time the person actually gets to be sentenced, knowledge within our community is shaming enough. By the time they get to the court and are charged with whatever offence they have committed, that person has already gone through that demeaning process, in the sense that everyone within the community knows what they have done. They have had to deal with it not only at their family level; they have to deal with the extended family and at the level of our chiefs.

It is different in that sense. Quite often when our young people go forward to be sentenced I feel sorry for them because they have already been through this and have already had people within the community coming up and saying to them, "You have done this. It is wrong. This is not what you do." So that by the time of sentencing they have already regretted what they have done. I suppose things like that we sort of would like to be taken into consideration, that they have already received this as punishment. It is almost like public shaming. Although the general public do not know about it, in their community it is a big thing to go through that.

Mr MEREDITH: I am with the Griffith Aboriginal Medical Service [AMS]. Just on punishment, from my point of view I agree with that; everyone in the community knows when someone has done something wrong, so they are shamed already. But our focus is on punishment. I understand that if you break the law there should be a penalty, but that easy. We leave the offender with nothing. We should be shifting the focus on to training. There was mention before about community service orders and building up people's self-esteem and that sort of thing. We do not seem

to do that. Violence begets violence. If you get a penalty, you are punished for that and that offender shuns the community and thinks: Bugger 'em. I'll just do it again." We do not bring that person back into the community.

We are looking at a few different things. At the moment there is a distinct lack of youth services in Griffith. What we have done is put together a course proposal through TAFE—I am also Aboriginal programs co-ordinator up there—Certificate 3 in Youth Work. That commences in the second semester. We are trying to start focusing on those sorts of things. We have a diversionary facility being built between Coleambally and Darlington Point, Takarni Inaburra.

CHAIR: What does that mean?

Mr MEREDITH: "To Learn to Dream"—It is a diversionary facility for up to 15 youth.

CHAIR: Cultural.

Mr MEREDITH: Yes. They will stay out there for a period of three to six months. They will go to school out there but they will do some cultural learning too. TAFE will be involved there or will give them a trade sampler cause during their time out there. I think we should be shifting the focus more from punishment to training.

CHAIR: Who is setting up the diversionary centre?

Mr MEREDITH: It is through Attorney General's Department, and the Commonwealth.

CHAIR: I guess this Committee—and I do not mean to speak for everyone, because we are all individuals and trying to work together to put forward a positive recommendation—recognises the benefits or otherwise of productive sentences, sentences where people actually gets something at the other end. At the same time, the community demands that people will be punished, as do our laws.

Mr MEREDITH: I understand that. It is just that usually people who will offend do not have a lot of options in life. By just punishing them and leaving them like that, you are not encouraging that person to become part of the community. That is why I mentioned about community service orders and people working in the community to empower them. We should be looking more at training and things like that.

CHAIR: What happens to people who are charged with assault, which you can get from pushing a policeman who is arresting you when you are very drunk, and trying to get public sector work or CSOs with community groups? Does anyone know the answer that question?

Ms ERIKA: Sorry, could you repeat that?

CHAIR: I threw in something left of centre! Sometimes people get an assault charge when they are very drunk and the policeman is picking them up and they push the policeman and are charged with assaulting police. That can prevent them from getting work in the public sector. AMS probably has the same problem, does it? Like Health, you cannot take people convicted of violent crime, can you?

Mr MEREDITH: We have recently got a set of policies and procedures with regard to that.

CHAIR: Does that limit people in regard to CSOs?

Mr MEREDITH: We have had them down there but basically only doing gardening and general maintenance and that sort of thing. They do not come out of it with transportable skills. I think we should be looking at that.

Ms ERIKA: Do they get to participate in anger management courses?

Mr MEREDITH: No, it is another service that we just do not have. We basically have to train people up before we can run those types of courses. I suppose it comes back to a lack of

resources. If the funding does come along it usually has to run through an agency or one of the departments and then you get tied up in a lot of that red tape and bureaucracy. When departments and agencies consult with communities they take it on board but then they have to mould that into the way the department thinks. Usually when they come back to tell us what they are going to do, it is a lot different to the original idea in the community. While we are talking about community sentencing and community control, maybe groups around town could enter into memorandums of understanding or partnership agreements with those parties.

CHAIR: Have any of you been approached by the Probation and Parole Service to work with them?

Mr MEREDITH: No.

CHAIR: Which people in the community tend to get locked up the most?

Ms ERIKA: I guess it is pretty much right across the board. We are finding that it is almost always drug or alcohol related. Then we get domestic violence we possibly the family, due to the cultural background where it might have been an acceptable back home to do that, they come here and lack understanding of the law and the system is here. They continue to do this and that is why I mentioned looking at the cultural background, because with every single culture it is always their way of dealing with domestic violence. Maybe by identifying that a structure plan can be put in place or an organisation that is reachable in the area can service that, it can be approached to assist the person.

CHAIR: We are hearing good, positive ideas for recommendations for the future. I am still not hearing anything about Griffith. We are getting good philosophy and good ideas on what we can do, but I want to know who gets locked up in Griffith? What are their ages and backgrounds?

Ms ERIKA: Do you mean the young people?

Ms LEE RHIANNON: Yes.

CHAIR: And different cultural groups.

Ms ERIKA: All different cultural groups, that is why we are saying it is right across the board, in the community. They have people who have been in trouble and gone to court.

CHAIR: Do they go to gaol? In some communities, different people do not go to gaol.

Ms ERIKA: I would say Pacific Islanders and a lot of the Australian people have gone to gaol. They make up the majority of the people who usually go to gaol.

CHAIR: For what charge?

Ms ERIKA: Mostly for breach of a good behaviour bond or severe to the point of driving under the influence of alcohol.

Ms NEHME: Are you saying there is discrimination in other towns whereas a specific group of people, even though they offend, do not get locked up?

CHAIR: Some do not get caught.

The Hon. AMANDA FAZIO: Maybe people are not looking out for them as much.

Ms CALDOW: And repeat offenders, those who continuously do the same crime such as break and enters or constant assaults. You have to look at the reason behind why they are doing it. There are no program is available in this area to help those people to get any better or move forward in life.

CHAIR: What program will do that?

Ms CALDOW: For assault, an anger management program. One a year is run here and that is it, we need more. We have a certain amount of money in our funds to be able to help, but it only goes a certain way, it is very limited. I can run four drug and alcohol programs and four life skills programs and probably one anger management program for a year out of my program money, and that is it. That is still not enough to be able to help all the people in the town who need help. It is a lack of resources and lack of funds.

The Hon. AMANDA FAZIO: When you say you can run one anger management course a year, what does that involve?

Ms CALDOW: It is run through Centrecare. People are usually repeat offenders for assault or domestic violence offenders. There is only one program the year that I know of.

The Hon. AMANDA FAZIO: What does the program entail?

Ms CALDOW: Able to control their anger and how to deal with it.

The Hon. AMANDA FAZIO: How long does it go for?

Ms CALDOW: Usually for only three or four days. It is run through Centrecare.

Ms ERIKA: It is a program that gives the person in options on ways to deal with anger management. They also provide counselling and that is looking at what started this particular person to get to the stage when he committed that act.

The Hon. AMANDA FAZIO: If some is sent to anger management counselling in the part of the State where I come from, they would probably go for 20 or 26 weeks, three hours every Wednesday night, for example. So they would get a lot more resources than someone getting an anger management course in Griffith.

Ms CALDOW: Yes, as I said, we do not have the resources or funds.

CHAIR: Who does the anger management courses?

Ms CALDOW: The Probation and Parole Service.

CHAIR: What skills do they have?

The Hon. AMANDA FAZIO: They bring in counsellors, on contract.

Ms LEE RHIANNON: You talked about repeat offenders with break and enter charges. Is that caused by antisocial behaviour or is it drug based?

Ms CALDOW: It is drug and alcohol based.

Ms ERIKA: Or boredom as well.

Ms LEE RHIANNON: People may be disadvantaged, so it is mainly drug and alcohol behind the break and enters?

Ms CALDOW: Yes.

Ms LEE RHIANNON: They are getting a bit of money to buy drugs?

Ms CALDOW: To buy drugs and alcohol and just follow the rest of their mates who are doing the same thing.

Ms ERIKA: I know that with a lot of young people who we specifically worked with, if they were asked why they committed the crime the reply always was, "What else is there to do in Griffith?" Not enough things are available for the youth to access in the way of programs or places where they

can socialise or study. Basically we have only the Griffith library, the youth centre, the PCYC, which quite often is not accessed by young people. We have all those things that the young people look at and when they are bored there is a lot of vandalism. I do not know whether we need to provide programs for the young people or make them responsible to repair what they have damaged. All I know is, that was the reply from some of them.

CHAIR: In some cases where unemployment levels are incredibly high, there is a feeling of hopelessness by young people?

Ms CALDOW: Yes.

CHAIR: But unemployment levels are very low here.

Ms LEE RHIANNON: This morning we saw figures of indigenous unemployment at 47 per cent.

CHAIR: That is correct. Aboriginal people have a much higher rate of unemployment.

Ms ERIKA: A lot of work is available but it is mostly seasonal labouring work at farms for young people. A lot of young people do not want to work at picking fruit in a farm, they want to work towards a certificate as a forklift driver or other options in which they can develop their education and go from not just up to TAFE standard but head up to university standard.

CHAIR: If Aboriginal young people go to the fruit pickers for a job, do they get a job?

Ms ERIKA: I do not see why not, it is open to everyone.

CHAIR: I want to know whether they do get a job. I realise their right to get a job.

Ms ERIKA: It is up to the farmers themselves, whether they will employ them. They depend on young people to be there every day at a specific time. I know it is very important for the farmers to get the fruit off the trees by a certain time.

Ms LEE RHIANNON: Does anyone else have experience with that?

Ms CALDOW: Some of my clients know that they are rejected because they are Aboriginal. I would like to think that there is no racism, but there is, but not across the board.

CHAIR: Some people are hiding in the corner and not saying anything.

Ms LEE RHIANNON: Is that just for picking, or jobs in general?

Ms CALDOW: For picking, labouring.

Mr CHAUNCY: There are job opportunities. Every day people can go out and pick for half a day and say, "Oh, I'm sick of this" or "The oranges are too small" or "It's too muddy" or "I'm fed up with it". There are lots of opportunities. The work might be there but they might be refused for racist reasons or whatever. Probably there is a sense that we have a choice, like there is anywhere and some choose not to go.

Ms MITA: When you are young you do not want to see yourself in a job like picking fruit. You want to go out and do something that interests you and that you want to do. You do not want to get a job just because there is a job. I am young and I would not want to go out and pick fruit just because it is a job. I want a job that I can go to every day and enjoy.

Ms ERIKA: You find a lot of people applying to work at Kentucky Fried Chicken [KFC] or McDonald's. They are interested in retail but that is all they can get besides picking. They are the only options. According to their reply, that is why the frustration is there: they cannot proceed to other avenues. If they are looking at retail, they are stuck with Maccas or KFC. They have the option of working at the farms.

CHAIR: It is not common to see Aboriginal people employed at McDonald's. If community-based sentencing options became more common in this area, and more people were able to service their sentences in the local community and fewer people went to gaol, what would this community need? What is needed to make community-based sentencing options successful so that people do not commit another crime and end up back in gaol?

Ms ERIKA: We need more services.

CHAIR: What does that mean?

Ms ERIKA: It means that we need to look at the offences are, and if the offenders require more anger management we need to have services running more programs or counselling and things like that. If it is domestic violence, we need a domestic violence counsellor. We need to look at the overall problem, I am not aware—and I do not know if anyone here is aware—of the statistics regarding offences are go through the court. Maybe we need to look at that and decide what areas that seem to be high and, therefore, we will need more services to provide programs to meet the needs of those people.

Ms CALDOW: If you have more community service orders, who will supervise them all? Will it fall back on Probation and Parole or Juvenile Justice? They are overloaded as it is. There is an issue of having someone there to monitor them; that is all they did, monitor. That would take some of the pressure of Juvenile Justice and Probation and Parole.

CHAIR: I will extend that question a little more.

Mr POLHILL: I am with Fusion Australia at Narrandera, which is about an hour away. Fusion is a non-profit Christian organisation Australia-wide. We operate the Narrandera portion of it. We were on a panel that helped first-time offenders to do community service in Narrandera as a way of avoiding gaol. They got put onto our racecourse, parks and gardens. We felt restricted because we had to put them into those sorts of areas. Whereas, if there had been freedom to put them with an employer or a company where there would be a sense of mentoring—not just anywhere, but with people who had been accessed and encouraged to realise their role in the process—but it was always seen that the offender might take a job, or that might be reducing employment opportunities for other people. I agree with the concept here, that they need to go to training rather than serving their time, to make it beneficial. I felt that there needed to be a freedom for the communities to be able to place them in places other than the government choices.

The Hon. GREG PEARCE: If you insist that under the community service orders they do training or anger management courses, do you think you are putting more conditions on them and making it more difficult to comply with the orders? Are you setting them up to fail?

Mr POLHILL: Where I was, we spent a fair amount of time with young people. Often, there are more fundamental problems; the presenting problems result from things that are totally out of line in life. I was coming from the idea that they work alongside someone or for someone who has got it together and is willing to provide the service to help young people, or even older people, to integrate. I can speak for our community. There are people out there in our community who would do that as a service to the community. But three or four years ago we were not allowed to put people with them. That was the frustration. But, in answer to your question about anger management: I think it is part of what some people need to do, and there is a sense that people need to realise that when they have done the wrong thing they are responsible to get themselves organised and comply with some of those things.

Mr CHAUNCY: Part of the whole approach to community service orders or community sentencing is that you have to have a structured, co-ordinated system so that people coming in know where they fit in and know that "you are part of this because you have done that." They have picked up somewhere along the line that they have done something wrong. But, to do a garden down the road may seem to have very little purpose or meaning or consequence, other than the fact that they are involuntarily doing that. The feeling is, "You have got to go and do this." Instead, we could have some sort of structured, co-ordinated approach, so that they could see the sense in what they are doing, and

seeking positive outcomes, saying, "You are going to be doing some training, and this is why, and this is how it is going to help you." Also, the community would recognise it as a meaningful penalty, an adequate outcome for what they have done, and would feel much more positive about community sentencing as well.

From the sounds of it, we have probably got different stories from different people that we have seen, and yet I do not know if any of us have a clear enough picture of the total scene. What is there in Griffith? Who is doing what? What is available? We have all got a bit of an idea of some things, but if there was some co-ordination we might be able to say: Riding for the Disabled are willing to have three community service order people. But at the moment they do not have the resources to give adequate support. Is there a way of supporting that organisation to do that? I guess it is like Diane is saying: you can talk about extra services, but what are those services? What do we provide that will actually help the people on those community service orders to move forward and learn from them, rather than feel, "It is a waste of time, so why should I bother? If they are thinking, "I am going to go and build a fence, and I do not know why I am doing it," it is going to be hard to turn up. And they don't, do they? Then there is the threat, "You are going to go to gaol." Well, perhaps it would have been easier for them to go and do their time, because at least then it is dealt with. They are not necessarily moving forward, or in any direction. It is just, "We will take control of your life for you, and put you in gaol for a while." Ultimately, you have to be helping people to have responsibility.

Ms HALLIBURTON: I find suspended sentences work better than community service orders.

Ms LEE RHIANNON: Can you elaborate?

Ms HALLIBURTON: With a suspended sentence, the child knows, "If I don't do this, if I go this way and don't follow the order that's been given to me, I am definitely going to juvey." Usually, they have a program that they have got to attend, and they know that they have got to do that. Whereas, with a community service order, they still have in the back of their minds that they can wriggle their way out of it—and some of them do. It goes to court, it gets revoked, or they get it extended, or it goes on a breach and then they get a suspended sentence instead of going in. But I find a suspended sentence works better for my client group than a community service order.

Youth justice conferencing is another good option for the young people. I have been to court a few times, and they were going to recommend a good behaviour bond for the offence, and I have said, "I think this deserves youth justice conferencing." I have kids who have actually had youth justice conferencing and I have never seen them again. Yes, some are in the revolving door, and they will be back, but it gives the young person the chance, with the victim, to see what they have actually done. Most of them know they have done something wrong, but to actually sit there and talk to somebody and say, "I'm sorry for what I did," makes a difference to some of them—not all of them, but for some of it does.

CHAIR: We have picked up that there is an issue with co-ordination and structure problems.

Mr CHAUNCY: Yes. I do not know whether Probation and Parole are here.

CHAIR: They are not in this group, but they gave evidence today.

Mr CHAUNCY: Obviously they are a key party.

CHAIR: There has been a problem for a long time in this town with drug and alcohol abuse.

CALDOW: We do not have a drug and alcohol counsellor. She left us last year.

CHAIR: So is there one position in the town?

CALDOW: Yes, and that is it. The person who was doing it originally went on leave, and they got another worker, and she left at the end of last year and that position has not been filled. I rang the other day, and they are only just starting to advertise for another drug and alcohol worker. I rang

two programs in town—the Personal Support Program, which is government funded, plus JPEG. I can honestly say that at least 70 per cent of programs have drug and alcohol issues. That makes it very difficult for me to deal with them and the different barriers and issues that people face when we do not have an important service like drug and alcohol counselling.

CHAIR: You never put in for Aboriginal funding?

Mr MEREDITH: It has taken us since 1992 to build the service up. Since 2000, when we went into partnership with Greater Murray, which is now Greater Southern Health Service, they gave us access to funding. In the last five years we have got to the stage of engaging a doctor. It was in 2003 that we secured Commonwealth recurrent funding, so that we can have a CEO of the organisation, and pay for that and pay for a practising administrator. Our next step—because you get tunnel vision on what you are trying to do—was to basically start service provision of public health. We realised then that we have not trained anybody. So the focus of our board of management has shifted onto training. We need a group of professional people who are trained up. That could consist of all the different cultural groups in town having their own counsellors.

The Hon. AMANDA FAZIO: When you did have a drug and alcohol counsellor, which agency did they work for?

CALDOW: Community Health. But we would only have the same problem again. A lot of people in town would love to say we do not have a drug and alcohol issue. I am sorry, but we do. I see it every day. And having only one drug and alcohol worker here in town means we will wind up with the same problem that we had before: this person is going to be overloaded and burnt out, and then we will again be left with no-one. We need at least two. They are trying to get two, but it is nearly impossible. We are having trouble getting one.

CHAIR: But there are workers who work with drug and alcohol teams. There are drug and alcohol support people who have some training, aren't there?

CALDOW: I have some training in drug and alcohol matters, and I do what I can. But it would be really good to have a service that I can refer them onto. My workload is really heavy.

CHAIR: Do the criteria for the position in health require some specialty sort of person? Does anyone know what the criteria are?

Ms HALLIBURTON: Bachelor, I think.

CHAIR: In nursing, or something?

Ms HALLIBURTON: No.

CHAIR: Bachelor of social science?

Ms HALLIBURTON: That is it.

CHAIR: At Wagga Wagga.

Ms HALLIBURTON: It would be great if we could take the detention centre and all the facilities it has and bring it here. That would be ideal; that would work really well with the youth. Unfortunately, when they go into the detention centre they access all the things they need, they go back on their ADD medication, they are seeing the drug and alcohol counsellor, and under sufferance they go to school, and then learn to enjoy it again, doing certificates in farm machinery and all that sort of stuff. If we could take the detention centre in there and everything it offers, and put it out here in the community, we would be cheering.

CHAIR: But it does not happen for adults who serve less than six months, or even less than a year. They are put into gaol, and their incarceration is too short, and they do not get onto any programs whatsoever. I understand why you are saying what you suggest would be nice. But we hear that community-based sentences do not really offer rehabilitation in a lot of cases.

CALDOW: Because you do not have the facilities to help, we have people reoffending.

CHAIR: There is lots of evidence to say that community-based sentencing actually decreases reoffending.

Mr CHAUNCY: I am aware of one church—and there may be others—that has taken CSAs from adult CSAs. Steve spoke about embracing people and somehow integrating them into the community or back into the community, or at least not ostracising them, and how that helps them to feel connected. With this particular church, that has happened at times. The people find a sense of community and a place to belong. In that sense, it is probably a positive outcome, because they are going there to do some community service orders but they are reconnecting with a community.

Ms LEE RHIANNON: Do you think there needs to be education of the community about community service orders and willingness to become involved in the program?

Ms ERIKA: I think there should be.

Mr MEREDITH: That is the biggest problem. We call it the usual suspects—the people who are doing it all. They volunteer their time and, as everybody has been saying, you take on so much work you can burn out. We need a stock of trained people, but we just do not have those resources. You mentioned about Wagga Wagga: to go there and do training at that level, it is 200 kilometres, and it is very hard for older people with families to do that. ... [inaudible] ...

CHAIR: There are problems getting drug and alcohol workers and anger management counsellors—and we have found this to be present wherever we have been—but, if there was a system with old-fashioned welfare officers, like the mental health welfare officer—not the ones that were chasing the kids, but the other ones—and a few experts to actually manage the system, and then the welfare workers knew when to refer people to the experts, is there a possibility that that would work?

Mr MEREDITH: If you are going to change anything in our community, it has got to be community people who change it. You can't just broker in that service. The commitment comes from the community.

CHAIR: But would your community people be able to get skilled up enough to know when somebody was really in trouble and they needed to get the experts in?

Mr MEREDITH: I think they could be trained for that, yes.

CHAIR: That is a problem that sometimes arises, that they do not refer people on and then someone gets into big trouble.

Mr MEREDITH: Not having the service to refer them to is another big problem. We know that that person needs to be referred, but he or she cannot access the service.

Mr MINATO: It is very important to assess the clients, assess them properly and find out what is the cause of the problems. Once that is worked out, then you can get them involved in community programs. They need the proper assessment to put them on a course for a solution. If you just stick them in the community and hope for the best, more than likely there are going to be further problems down the track.

CHAIR: What sort of person would be appropriate to conduct these assessments?

Mr MINATO: I am not sure. A lot of them have mental health issues; it is not only drugs and alcohol. I mean, drugs and alcohol is probably a symptom of a mental issue, to start with.

Ms ERIKA: Just further to where Elio is coming from, we have a new and emerging communities. When I say "new and emerging" I mean communities that within the last two to five years have started relocating to Griffith—secondary migration from other areas of Australia or basically straight from overseas. We have a lot of refugee people and the problem we are finding with

them is that they need torture and trauma counselling. Part of the component, I suppose, for those people to offend is because they are so stressed out about their family situation that they have committed certain offences in the community because of their background and where they came from. So all of those things are not being attended to or assessed to a level to assist them. We have a whole new category that Griffith has to look at and work out how to deal with those people, because they have language difficulties.

CHAIR: What sorts of crimes would these people commit?

Ms ERIKA: Domestic violence is one, and because the language difficulty you have to have access to on-site interpreters—which quite often we do not have been Griffith, because they have to be accredited. Therefore, secondary interpreters have had to be used.

CHAIR: Telephone interpreters.

Ms ERIKA: Yes, and its very difficult to do that over the telephone. You are spending hours with clients in order to try to find out what happened and what the issue was. We are not only dealing with basically the general problems; we are also dealing with all these new things that are coming here as well.

CHAIR: Do people here know anything about circle sentencing?

Ms ERIKA: No.

CHAIR: It is for Aboriginal people. Several Elders or responsible people within the community work with magistrates, the victim and the person who has been charged to set the sentence. During the process the community becomes involved. What has made me interested in this is listening to you saying that there are some community groups that could deal with this. The big problem is that if the Committee makes a recommendation saying that Griffith could probably deal with this, and then in the different community groups—not just Aboriginal people—you still have a whole lot of dysfunctional people and we have recommended circle sentencing, it might be worse.

A group of Elders, the victim and the offender sit down with the magistrate and work out the sentence. By doing that, more people in the community become involved in that person's problem—and that is what you are saying—you get a lot of community emphasis on helping them to get through whatever punishment is decided upon. Even if they go to gaol, they have supporters when they come out on parole later on. It is a process that is working in Bega. The Committee is going to Bega tomorrow, so we have not actually talked to people there. Do you think that the Aboriginal community here would be strong enough to carry it? Do you have enough people in different families? There cannot be different families on the same circle.

Mr MEREDITH: It has the potential, but at the moment we are getting our community working party organised.

CHAIR: You are looking at it already?

Mr MEREDITH: Yes. It has to do with the demise of ATSIC and to do with the ICC. Yes, it has the potential, but you still come back to the problems of Housing and health and there are a lot of issues there. They are always going to occupy people thoughts. Circle sentencing probably is not up there as a priority at the moment.

Ms ERIKA: Is that like a mediator?

CHAIR: It is a type of mediation. What happens is that members of the community, Elders and respected persons participate in the actual sentencing. The magistrate, the victim and the police officer is there with them. In doing that they are all sharing the different issues in relation to that particular crime and in relation to the person's ability not to commit that particular crime. They are providing extra skills for the person undergoing the sentence—either a community based sentence or, if they go to gaol, when they come out on parole—because a support structure has been set up by the

people in the community. Usually the victims feel a lot happier with the process, because they have heard the whole story. Everybody hears the whole story.

Ms ERIKA: I can see that been beneficial for the Pacific Island community.

CHAIR: I believe the project is designed for Aboriginal and Torres Strait Islander people, not Pacific Island communities.

Ms ERIKA: But it is the same sort of format.

CHAIR: You will have to apply for that!

Ms LEE RHIANNON: Perhaps there could be a pilot project.

CHAIR: The Ms Lee Rhiannon's comment has reminded me that the Committee visited one area where a group of Aboriginal people told us that they had been through so many pilot projects they were the most trained people in the whole world but there was still no work and still no programs. Is it true?

Ms ERIKA: No, it is good to be skilled in those areas. I think people in Griffith, once they know that something is there and it is going to benefit them, they will participate in it.

CHAIR: That is not what she meant, this lass. She was saying that all these dollars came to the town for a pilot project. Whoever got the job was trained to do it and then the pilot project ran out and there was no project and no funding. This lass has been trained in five kinds of pilot programs.

Ms ERIKA: They need to go for three to four years.

CHAIR: What are the odds of a pilot program being held in one or two towns and then being distributed across the State instead of a pilot in every town on one project? Is that a good idea? I could make a recommendation. It is not a good idea? Very well, I will not make a recommendation.

Mr CHAUNCY: That is the idea of a pilot, is it not? It is a trial to see if it works and then it is distributed if it works. Isn't that the whole idea? It is not just have a pilot program and then close it down.

Ms CALDOW: That is what happens, though.

CHAIR: I think they often have a pilot project because of an established need. A need pops up and someone receives funding for a pilot project.

Mr CHAUNCY: And then it just peters out.

Ms CALDOW: They are a staff something and then it stops and you wonder what the point of it was in the first place if it is not going to be the re six months or 12 months later.

CHAIR: Some of them need to go. We have come across a pilot program that obviously needed to go and it was obvious from the first that it had to go. It was an Aboriginal bail hostel that was set up at Tingha. We had someone present before the Committee to say how important it was and when we went to another town many miles away a man said, "Oh, they never understood anything about Aboriginal people." Sometimes trials do need to be tossed.

Ms CALDOW: Once again, you can do everything, but not without the resources or funding.

Ms LEE RHIANNON: And jobs.

Ms CALDOW: Yes, and jobs, and attracting people skilled in particular areas to actually come here, and making them want to stay.

CHAIR: That is what our discussion was about, training up the locals.

Ms CALDOW: But that has happened in places before. You train up the locals and they are lured away by someone else who offers them more money, then they go. Money speaks all languages.

CHAIR: That is private enterprise. We are no longer allowed to tell people where to live.

Mr CHAUNCY: In regard to community sentencing and the management of CSOs or whatever, it would be great to have all these other services. They could give us arrows in our quiver, so to speak, but make them strategic enough. So far as community sentencing is concerned, I think most of us would agree that at its best it is great. When it works is a great option not to send people to gaol. If they actually learn through their experience and come out a better person and a contributor to the community, that is wonderful. Within a community like Griffith there probably are still a lot of people who are genuinely community minded, who are willing to support things they regard as worthwhile, and even to give their time and whatever ability they possess.

As I said, you could have the funding to run a pilot program yet it might only last as long as the funding or burn out. You mentioned education. I think if people in the community could understand community sentencing better and how they could be a contributor to it, could actually help other people, help the community and see the outcomes, they would say, "I could be part of that." I think there are times when we say we need more funding and more services, which is a real issue, but we can allocate the resources that are within the community, if they can see where it fits in; if it has their understanding and they see their place in it.

CHAIR: In Griffith would there be many in the community who would say, "Chuck them in gaol and throw away the key?"

Ms LEE RHIANNON: A few heads nodded.

CHAIR: That is a major perception issue with the whole education program for community based sentencing. If you have a whole lot of people who actually believe the most extreme reaction to any crime is the only reaction, then sometimes a change perception program is more dangerous than good? I am asking you a question, really.

Mr CHAUNCY: I think within Griffith there would certainly be enough people who would have that attitude: If they have done the crime, they do that time. Just lock them up. I think—others may disagree—that the majority of people would still be fair and equitable and rational. If they can see the evidence that shows that these people in this situation should actually not go to gaol—I mean, you guys, potentially see the data or statistics that may validate that or disprove it—but if they can see that for this person to do 100 hours community service with these support networks is going to result in a better outcome, I believe people would say, "That is great. I can see why. I would rather that." Rather than saying, "Just lock them up."

CHAIR: That is good. That is important to know. Thank you for that.

Mr CHAUNCY: I think so.

CHAIR: Have we missed something out? Does anyone have anything to add.

Ms ERIKA: I was just thinking about something. I was not going to say anything because I wanted to do a little bit of research first and find out. It relates to the involvement of our local council perhaps looking at what its role is and how it can have an input into this area. Maybe because of funding. Often services are dependent on funding, but because it is a local government they have access to funding and may have a component whereby someone can co-ordinate or look at programs within the community to service people.

CHAIR: That is a good suggestion, thank you.

Ms ERIKA: Maybe because you are going from town to town. I have not heard anything about local councils being part of it, but they are very much a part of the community. They would like to get within the community. Maybe this could be an area that they can help in.

Ms CALDOW: What happens after today?

CHAIR: After today, we go to Bega. Our reporting date has been extended, partly because I had a big accident and partly because after we started this inquiry it became more and more complex. We realised just how much work was needed for us to make sensible recommendations that could make a difference. At the moment our reporting date is October. We were given these terms of reference by the Attorney General. I am sure you would all agree that he has quite a few programs running at the moment on these sorts of issues that he is trying to implement.

It is my belief that Parliament's terms of reference will be answered, and that as many as possible would be implemented. If not, we will be advised why they cannot be implemented. At the moment we are planning to report in October and it looks like we will meet that target. If we have to have more hearings, that date will be extended.

The Hon. AMANDA FAZIO: We make recommendations in our report and they will go to the Attorney General and then to Cabinet. Cabinet then provides a written response to all of our recommendations.

CHAIR: We are told if they do not like them.

Ms LEE RHIANNON: It is supposed to be within six months of us tabling our report.

The Hon. AMANDA FAZIO: The Minister may ask the Committee to do something and that gives a quicker response to the final report.

CHAIR: As this inquiry has been asked for by the Attorney General, I have a strong suspicion that some of our recommendations will impact on other Government Ministers. It is a bit more complicated, and we will work to have it adopted.

Ms CALDOW: Can anyone read the recommendations afterwards?

CHAIR: Certainly, and the Committee would be quite happy to send the report to anyone who wants it.

The Hon. AMANDA FAZIO: Put your name and address on the clipboard and the report can be sent to you.

CHAIR: The Committee held another inquiry into backend home detention, which was about increasing home detention. Much of the information we have heard in this inquiry influences what we were going to say about that inquiry, we have formally put off reporting on that. We will report on the them together.

Ms ERIKA: It is a shame that we did not get a lot from the public, from the community, to come and put forward their views.

CHAIR: Yes, the service providers.

(The Committee adjourned at 3.40 p.m.)