

REPORT OF PROCEEDINGS BEFORE

STANDING COMMITTEE ON LAW AND JUSTICE

INQUIRY INTO COMMUNITY BASED SENTENCING OPTIONS

**Public forum at the Civic Centre, Bega
on Tuesday 28 June 2005 at 2.15 p.m.**

Corrected

PRESENT

The Hon. C. M. Robertson (Chair)

The Hon. A. R. Fazio
The Hon. G. S. Pearce
Ms L. Rhiannon

ALSO PRESENT:

Kerry Avery, Richard Barcham, Glenda Dixon, Margaret Dixon, John Edmunds, Susie Herbert,
Leonie Kirby, Claire Lupton, Jeff McKenzie,

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 Bega and is looking forward to hearing the voice of the local community on this issue. I invite Margaret Dixon to welcome us.

MARGARET DIXON: To all people in attendance here today, I would like to welcome you to our traditional lands, the beautiful lands of the Djirringanj people—our beautiful lands, where our people have survived for thousands of years. I would also like to acknowledge the convenors of this meeting for consulting the community regarding such an important issue, and for acknowledging the very important Welcome to Country protocol.

My brief understanding of the meeting today is that you will be looking at the judicial sentencing issue and how it can be improved. Please remember that prevention is always better than cure, and the aim should always be focused upon keeping people out of the system by providing better planning in housing, education and employment, to ensure opportunity is available to everyone. I will leave you on that note. Again, welcome to our beautiful lands. Keep respect for the land, yourself and your fellow humans. Thank you.

CHAIR: Thank you very much for the welcome. I need to make some comments about some aspects of the meetings. In accordance with guidelines, members of the Committee and witnesses may be filmed or recorded, but members of the public should not be the primary focus of any film or photographs. The media must take responsibility for what they publish or the interpretations they place on anything 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. One of the reasons we are recording this session is to make sure we have got all of the information written down for our report, so that we are not relying on our memory of what was said in a certain place. We will make sure that those who sign the form get a copy of the report that we put together at the end. At the moment, we will be reporting on this issue in October. But, if we find that we still need more information before submitting a final report, it could be extended a bit longer. But we will make sure you get a copy of it. I might start with a question. What do people actually think about community-based sentencing? Do you think that is a good idea?

Ms AVERY: It is a good idea, in my opinion, because the offenders get to stay within a reasonable distance of their community and reasonably close to their family, and it is community and family that will provide them with the best support, not Corrective Services. So I think it is a good idea.

CHAIR: Do Aboriginal people in this area go to gaol often?

Ms AVERY: There would be a high rate of incarceration.

CHAIR: When they come from gaol — and I am talking about really short sentences of say six months to two years — do they go for those very often?

Ms KIRBY: Sometimes. It depends on the crime that they commit.

CHAIR: Are there resources there for them when they come home?

Ms MARGARET DIXON: I don't think so. That is why they get into trouble.

Ms AVERY: I guess that is why a lot of them are repeat offenders — because there is not much of a system in place when they come back to the community to provide the support that they need, as well as their families and community, in regard to the type of offence that they have committed.

CHAIR: What sort of resources are in the community when somebody does get a community-based sentence or good behaviour bond? Does everybody understand what good behaviour bonds are about?

Ms AVERY: Could you just explain it a bit?

The Hon. GREG PEARCE: Instead of going to gaol, there is a period when you must not get into any more trouble. Sometimes the magistrate might say that you have got to go and have some counselling or something like that.

Ms AVERY: So it is like an agreement with the offender?

The Hon. GREG PEARCE: Yes. Say the bond is for nine months: if they do not offend for nine months, then it is all over and forgotten. But if they do something wrong in the nine months, say after seven months, they might have to serve a couple of months.

Ms AVERY: During that period are they reporting to anybody?

The Hon. GREG PEARCE: Yes. They will be reporting to Corrective Services or the court or the police.

Ms AVERY: Do they get community support? Is it just Corrective Services where they are reporting?

Mr JOHN EDMUNDS: They report to Probation and Parole, which is like a part of Corrective Services but a separate organisation.

Ms AVERY: For example, are there elders in the community that speak to these offenders?

The Hon. GREG PEARCE: That is up to the community.

Mr JOHN EDMUNDS: Usually, the two main areas of community support are anger management courses and drug and alcohol courses, and they now have the serious traffic offenders program operating. Anger management is most important. That is organised through Probation and Parole, but it depends on the availability of facilitators for those courses. Bega is a lot slower in the uptake, as opposed to Batemans Bay, where they get programs going a lot quicker, and have them more regularly, than what is happening down here in Bega in respect of after-court assistance and backup. The reason for that I do not know.

Ms AVERY: Is it because we have not been a high priority?

Mr JOHN EDMUNDS: Just resources, I think. You need a professional or someone trained in that particular area to do them, and I think down here we do not have the people to do it.

Ms KIRBY: We have one DNA worker for the whole area at the moment, and we have not got an indigenous DNA worker down here, which we should have. If, through the court system, they have to go to drug and alcohol and a lot of them have got families, the closest one is Lismore.

CHAIR: For rehabilitation?

Ms KIRBY: For rehabilitation. So now they have to leave the area and go to Nowra and Lismore.

Mr JOHN EDMUNDS: There is Nowra, there is Cowra, and there is The Glen up at Chittaway Bay, and there is Bennelong Haven at Kempsey. They are mainly alcohol-related ones. There are a few in Wollongong. The rehabilitation centres seem to have reserve beds for clients who come in on the MERIT program, but we do not have the MERIT program down here, which we really should have because that is an obvious success. I do not know what the reoffending rate is for people who have got in under the MERIT program.

CHAIR: Do people know what the MERIT program is?

Mr JOHN EDMUNDS: It is the Magistrates Early Referral Into Treatment program. So that if an offender comes before the court showing no symptoms, the magistrate can refer them to the program. Also, as far down as Nowra, there is a mental health nurse who works out of the court and can give on-the-spot assistance as to where they can go. Because we don't have it here, I don't know too much about it, other than what I am saying now, but they can go into a rehab.

CHAIR: Or a drug and alcohol referral group in the health system.

Mr JOHN EDMUNDS: We just don't have any of those facilities here.

Ms KIRBY: However, the point I'm getting at is they have to leave the area, leave their family and the community.

CHAIR: For admission to the rehab unit, yes. But sometimes they can be outpatients.

Ms KIRBY: And they haven't got the support of their family and community because they have to leave the area to do these sorts of things.

Ms AVERY: What did you mean by "outpatients"—of the local hospital or the rehabilitation place?

CHAIR: Drug and alcohol services within the Health system also participate in the Magistrates Early Referral Into Treatment [MERIT] program, so that can be referred from the court to the drug and alcohol services. You started to talk about what happens with good behaviour bonds with the community and perhaps the Elders being involved. How do you think that would happen?

Ms AVERY: I guess it all comes down to respect. In my upbringing authority was authority and nowadays its not like that. The Elders played a big role in how we were brought up and how we were a community. Really we need to go back to that for us Koori people so that the kids learn respect for their elders. Authority is there in place, regardless of what creed or community you come from. Hopefully, that will give us some support for these offenders within our own communities.

CHAIR: So, your communities—I am asking specifically about yours. I am not making a value judgment and I recognise there are different values in individual communities—would there be enough people who are together enough to provide supportive roles in this sort of way?

Mr JOHN EDMUNDS: Yes.

CHAIR: If we talk about circle sentencing you have to have a group of people to work with circle sentencing; who work with the police and with the magistrate; who sit around and work out the problems and how people can be supported with their issues. The Elders actually get more and more involved with the family and become a support process afterwards, because the person stays in the community if they receive a community-based sentence.

Mr JOHN EDMUNDS: One of the successful things that have happened down here in the last few years is the Ancestral Trek—I don't know if you know about that?

CHAIR: We heard something about it this morning.

The Hon. GREG PEARCE: Perhaps you could tell us a bit more about it.

Mr JOHN EDMUNDS: It was another initiative of some of the officers of Probation and Parole and it is also under the Aboriginal men's health and wellbeing association [New South Wales Men's Health and Well-being Association]. But they've got no funding so it is not happening at the moment. It was a walk from the Northern Victoria Lake Tyers area, where there is a big Aboriginal population. They are all related. The coastal Kooris are virtually related—and Aunty Margaret will help me on this—from about Kempsey down to the Lake Tyers area. I think there's what, three nations involved?

Ms MARGARET DIXON: There was people from one tribe used to come home with us and go fruit picking on the land.

Ms LEE RHIANNON: They did seasonal picking?

Ms MARGARET DIXON: Yes, seasonal work.

Mr JOHN EDMUNDS: It is a camp that goes for about three weeks. They have Elders and they have trained facilitators who are used to those that come through the camp, and they walk from the Lake Tyers area back up to here. Each night they sit down and they learn cultural things, and they live off the land. It is drug and alcohol free and it has been most successful. I think there have been three, maybe four, but there is no funding now so it is not happening. They are hoping to get some recurrent funding, but that just hasn't happened.

Mc McKENZIE: I will just correct you there. I have heard that they have got new funding from Federal Attorney General's for the program.

Mr JOHN EDMUNDS: Oh, good. That is a successful program.

CHAIR: Who gets referred to it or do people just volunteer to go?

Mr JOHN EDMUNDS: No, it is through a Criminal Court-based order, either on a period of remand or as a condition of good behaviour bond, but that condition being under supervision of Probation and Parole, who then refers them to the Ancestral Trek.

CHAIR: Which people run the trek?

Mr JOHN EDMUNDS: Troy.

Ms AVERY: Troy Stebbins.

Mr JOHN EDMUNDS: And Brandon and Paul Henlen.

CHAIR: Elder people, is it?

Mr McKENZIE: No.

Ms AVERY: Well, Troy's not!

CHAIR: So, people who are interested in the Aboriginal community?

Ms AVERY: Yes. It is a mix, really.

Mr JOHN EDMUNDS: Those who have done it have been trained up as facilitators during the trek also. That is something that we need for this area that has been working well and could continue to do so.

Mr BARCHAM: Could I make a couple of comments about that, because Ancestral Trek and the men's health stuff, I have been working with those guys for a little while now. I am the co-ordinator for the Wallaga Lake Community Development Employment Program [CDEP]. I have worked on CDEPs elsewhere in Australia. It is the largest employer of indigenous people in the country. We employ 74 people, as of today, at Wallaga Lake near Bermagui, here in Bega and also down at Eden. A lot of the people who are our employees have had contact with the criminal justice system. They may be on a bond; they may be on parole. We have one guy has just come out from four years inside.

We have a guy who was incarcerated recently because of a lack of other sentencing options available to him locally. That was a very bad outcome for that guy. We were about to put him into the job and that would have been, for him, the right solution to get off the grog. He has been doing a lot to

get his life sorted out. Unfortunately, the day that he was in court we did not have David—we had another magistrate that day—and he was put away. It was a bad outcome for him. It was really what happened to that guy that sparked my interest in this particular session, because it is quite clear that we need further sentencing options locally. CDEPs that I have been involved with elsewhere have had a role in supervising community service orders [CSOs], because we have structured activities that people can be involved in, and we are also in a position to provide training and supervisory support to those people.

To try to build up a better, stronger aspect of what the CDEP does, we became involved with the New South Wales Men's Health and Well-being Association and have a continued interest in training mentors and training support people through programs like Ancestral Trek, and through a leadership development-staff development project, which we are currently working up with the New South Wales Men's Health and Well-being Association. The objective of that is to use our organisation and our funding base from the Commonwealth to expand into areas of need in the indigenous community. We also see that there is an employment opportunity there for people in indigenous liaison positions, police liaison positions, juvenile justice and elsewhere. We would like to see a lot more indigenous people in employment in those areas locally.

We have a largish group of people and we would like to spend more time training those people to do two things: one is to support those employees that we have that are dealing with issues around recidivism—some of the young guys who keep stealing cars and we just cannot stop them stealing cars at the moment—and the guys who have just come out of gaol, particularly those who have been in there for while. It is a difficult period of adjustment. The other thing that is interesting as far as the CDEP is concerned is that it involves a lot of men and so we are a place of contact for men. Some days I feel like I run a men's respite centre. A lot of guys just come up there. They quite like to come there and be there together. It is an alternative to drinking. They say, "No, we'll come up to the CDEP and do something, you know, get paid."

CHAIR: What industry bases to you have for your CDEP?

Mr BARCHAM: We have a number of contracts with other government services in the area to provide things for the Home and Community Care Service [HACC]. For example, we provide firewood for all of the Elders and many people in the indigenous community through the HACC program. We also provide maintenance services for Southern Women's Housing, who have a cluster of housing for women in crisis in the area. We do commercial firewood, so we sell to the broader public.

CHAIR: Do you do any good there?

Mr BARCHAM: We do a pretty reasonable trade out of firewood, thank you! We also recycle cardboard, so in the southern part of the shire we have quite a reasonable business recycling cardboard. Up towards Wallaga Lake—Wallaga is different because the community there is on the Mission and is not integrated with the rest of the community in the way that people at Bega and Eden are. It works differently at Wallaga and I would compare it to a remote indigenous community. It gives it some strengths, as well as some difficulties that they need to face up to.

Ms AVERY: They are also on the border of a local government boundary, which makes it really difficult.

CHAIR: Where is Wallaga Lake?

Ms AVERY: At Bermagui, at the northern end of the shire, so they are in Eurobodalla shire, but they also have an agreement with Bega Valley Shire Council through our Memorandum of Understanding because a lot of the community have services that they use here in the community.

Ms MARGARET DIXON: I don't think they call them "Missions" any more. That went out years ago.

Ms AVERY: It's the Koori Village.

CHAIR: It is interesting that a lot of Aboriginal people still refer to them as "Missions". Are the so-called "Missions" amalgamations of different groups of people? For example, Toomelah, on the border of Queensland is a real mess. All different groups were just shoved in there off the properties. Is the Koori Village like that?

Ms AVERY: The same as Wallaga—people as far as Kempsey, and like you mentioned before, those different coastal areas, in a lot of them there are families from all over the State.

CHAIR: One of the issues that I read about relating to circle sentencing is that if you have different families in your community you have to try to put together different groups for the circle, so that it is actually the Elders of the accused person; not the Elders of the family who might hate their guts.

Ms AVERY: That is what Glenda mentioned before with the heads of families being involved in community sentencing.

CHAIR: It has to be a group from that family, rather than another.

Ms AVERY: Yes, that's right. Look after your own

CHAIR: Especially if you do not like the other ones!

Ms AVERY: Just as with factions in any Koori community.

CHAIR: Yes. Any community.

Ms MARGARET DIXON: Black people have lived here for years and years. We have people who have lived here for years and years. I went to school with them. And then we had new people coming in and—

[Interruption.]

CHAIR: That is a given. No-one is making a value judgment on them. It is just another issue. We have to make sure we think about it. I brought up the subject of circle sentencing because that often means that the Elders get involved in the community part of the support. But at the moment if people are on some sort of community-based sentence, apart from organisations like the CDEP who might be doing their bit in the community to assist, the community itself is not involved in helping them in any way.

Ms KIRKBY: I am the Aboriginal Development Officer for Auswide Projects. We do a lot of projects. We are a group training organisation. We do employment and training. For instance, if a lot of young people have to attend court and do not have a family member with them, they contact me and I do court support with them. That is part of my job too.

CHAIR: You find volunteers to do that?

Ms KIRKBY: Yes. Also, if they go on a good behaviour bond or community-based sentencing, we run indigenous training programs like conservation and land management courses, hospitality courses, aquaculture courses. If they do community-based sentencing they can sign an agreement as part of their sentencing that they are required to do a training course. At the same time they are building up their qualifications or we can try to get them ready for employment or further training.

CHAIR: Who pays for that?

Ms KIRKBY: The Department of Education and Training.

CHAIR: It is a service that is already paid for?

Ms KIRKBY: Yes, already serviced and already paid for, and transport and lunch are provided.

The Hon. AMANDA FAZIO: You would like that to be included as a condition of the community-based sentence?

Ms KIRKBY: Yes. The kids who are getting into trouble find it hard to get up and go to work. If they have to be committed to something it gives them motivation to do it, instead of hanging out in the streets every day. That is what the younger kids are doing, from 15 to 21, a really bad age group at the moment in all these areas. It is the social environment and they get in these groups and that is where the peer pressure comes into it and it eggs them on. There are a lot of drug and alcohol issues with teenagers today.

CHAIR: What sort of drugs do you think they use?

Ms KIRKBY: Marijuana.

Mr JOHN EDMUNDS: Heroin and Rohypnol and amphetamines.

CHAIR: They get tablets?

Ms GLENDA DIXON: There were a few big busts in this community, everyone knows that is not going to clean the community out. It is still going to be there, and they know where to find it.

CHAIR: What were the big busts on?

Ms GLENDA DIXON: Marijuana and amphetamines.

Ms KIRKBY: And speed.

Ms GLENDA DIXON: There was a supermarket of it.

Ms KIRKBY: The locals were involved, they had their own labs. There was speed, heroin, you name it, it was probably in there.

Ms GLENDA DIXON: They need somewhere to deal with their problems with alcohol and drugs. Until we address them, you are not going to have kids stop reoffending. They are doing it to get hold of alcohol and drugs.

CHAIR: There are Aboriginal alcohol workers, but you would not know where they are.

Ms AVERY: We do not have any in our shire.

CHAIR: They were sent to different regions, everyone got one. I wonder where yours went. Do you have an Aboriginal Medical Service [AMS] somewhere nearby?

Mr JOHN EDMUNDS: Yes, we do. At Katungal. That was one of the lack of communications, or ongoing communications, between Community Health and the AMSs in the region of Batemans Bay down. Community Health trains the workers and then puts them into the AMS, which is at Katungal. But there is no ongoing support. After the basic training they are logged in Katungal, either at Narooma or here. They have no ongoing support from mainstream Health, which is an issue that should be addressed. They should get that continued assistance and support. The reoffending rate is so high, they do not last very long at all. There is nothing here in Bega.

Ms GLENDA DIXON: That is why they go back into it, they reoffend.

CHAIR: Some of the AMSs tell mainstream Health to go to hell.

Mr JOHN EDMUNDS: I do not know what is going on in Katungal. There seems to be a whole lot of different things pulling and pushing from various different places. There have been huge

problems in Katungal over the years with the coming and going of staff and CEOs. I think now they may well be getting some stability, but that is not yet apparent as far as I can see.

CHAIR: Do all the Federal and State government health services work together? Or do you feel that they are all separate?

Ms KIRKBY: They are separate. We you ask the State something and go to them with social problems they throw back to the Federal, so is a ball game. They do not now had to sit down together and help.

The Hon. GREG PEARCE: No-one co-ordinates them?

Ms KIRKBY: That is right.

Ms AVERY: We have the Department of Aboriginal Affairs partnerships for this region. We have had an office based in Narooma. Its project leader is currently trying to get communities to come on board to have working parties in specific portfolios such as Health, Education, and Justice. Until the community gets together, we will never get an outcome that is sustainable.

CHAIR: Is that your new program?

Ms AVERY: Yes, this is a new program. It came in about six months ago. We have not be able to progressively get people on the working parties in this shire whereas in Eurobodalla the community can see the benefits of having people or community committed to those working parties. So they are going ahead in leaps and bounds. It always seems that we, at the end of the New South Wales far South Coast, do not have the resources. We seem to miss out and we are already stretched to capacity. We do not have the time, let alone the resources or people, to put more people onto the working parties.

CHAIR: Who is trying to co-ordinator that?

Ms AVERY: Through the Department of Aboriginal Affairs.

Mr JOHN EDMUNDS: Adrian Meredith.

Ms AVERY: The nearest office is in Narooma. That will change soon because this structure is changing. Where does that leave us as a community that has not even formed our working parties?

The Hon. GREG PEARCE: You put the lack of not forming working parties down to people now having time?

Ms AVERY: Not having time or already stretched to capacity. And it is always the same people that go on to those committees.

Ms GLENDA DIXON: You can only do so much.

Ms AVERY: You get burnt out. Most of us here are on many committees, it is just ridiculous.

Mr BARCHAM: That is one of the things that we want to try to address through the Community Development Employment Program [CDEP], training up more leadership and helping people with those leadership skills, and mentoring abilities to be able to work more effectively in the community. The Commonwealth is pushing us towards getting people of CDEP and into jobs. I think there is a case to be made for people to be in indigenous liaison jobs and we can work towards that. Community sentencing could be a really good way that we provide a training environment for those people. I have been talking to Juvenile Justice and others about how we actually train people to be good liaison officers in the community.

Ms AVERY: It is not an easy job.

Mr BARCHAM: No, it is not at all, it is a crappy job.

Ms AVERY: That is what my job is.

CHAIR: Who do you liaise for?

Ms AVERY: For Bega council, the local government of this shire. I find it to be one of the most challenging jobs I have ever had in my life.

CHAIR: What do you have to do with the police liaison people who are based at Narooma?

Ms AVERY: The ACLOs were meant to be here today.

Ms KIRKBY: I am not very happy with them at the moment. They wasted my time and energy yesterday. They were supposed to be here to have a meeting with me and the indigenous JPET worker with Auswide Projects. They did not turn up at all. I did not get a phone call or anything. Whereas I was supposed to be in two places at once. I had an information day which one of our indigenous training courses started at Jigamy Farm yesterday. I was supposed to be there to do recruitment. My whole day was just wrecked

CHAIR: How do they work with the community when the kids are in trouble?

Ms AVERY: Honest to God, I have never seen one. I know who those people are, because we have known them since we were little kids. But I have never actually spied them in our community or in any other town in this shire.

Mr JOHN EDMUNDS: They do not come down here unless specifically requested, if there is some event on and the police feel they may be some trouble. They will be sent down specifically.

Ms GLENDA DIXON: A day or two late.

Ms AVERY: Really that is not their job.

Mr JOHN EDMUNDS: Otherwise they are around the Batemans Bay or Moruya area.

Ms KIRKBY: People ring me at my house, or knock on my door, asking for help for the legal service. I work closely with John and Michelle. Because they do not now had to go about it, and the ACLOs are never there when they need to sit down and write a letter, or something. They come to me or Kerry.

Ms AVERY: And we are not trained as legal professionals.

Ms GLENDA DIXON: In six months we had them once into the Land Council for five minutes, and they were back out the door again.

Mr BARCHAM: We provide the same sort of people, same sort of support to people, regularly, to deal with fines and debts.

CHAIR: Are the ACLOs the appropriate people to do that?

Ms KIRKBY: No, we do it in the community. We are known faces in the community, so nobody else will help them. What else can I do? Send them away? No, I cannot.

Ms AVERY: That is the thing, I cannot send people away without giving them an outcome.

CHAIR: You are working to increase the pool of people who are capable of assisting?

Mr BARCHAM: That is one aspect of what would like to continue to work towards. We have started that process in a small way, working with Brendan Dwyer and the Men's Health and Wellbeing Association. It has already been said that they have very limited support for what they are

doing. They have put in a couple of applications for funds to the Attorney General. But I am not too sure what that is up to.

CHAIR: They are with Health, are they not?

Mr BARCHAM: They are a private association. The New South Wales Men's Health and Wellbeing Association. It is an incorporated body, a bunch of committed people doing what they like doing. Like all of us, I think

CHAIR: The people who are giving support at the moment seem to be the employed people?

Ms AVERY: Yes, the majority.

CHAIR: So the general community are not participating?

Ms AVERY: No.

CHAIR: They are somewhat excluded from the process anyway.

Ms AVERY: We try to encourage them.

Mrs MARGARET DIXON: There is a lot of alcohol problems and other things that are getting out of hand. There is trouble at the high school, with the girls.

Ms AVERY: Unless they come together as a community.

Mr BARCHAM: One of the comments that ties in with something you said earlier, we have been working a lot with local schools at speeding and Bega, the primary schools and the high schools, to try to provide better support for indigenous students at those schools, by having an adult indigenous presence that can be a good role model in those schools. We have been able to achieve that by using the funds that are available to employed people on CDEP. The Federal Government would like to characterise the CDEP as a work-for-the-dole program, which conjures up images of mowing lawns and that sort of thing. Generally that is what people think the CDEP is.

I know that we have a very active and intelligent indigenous community here and we are putting people into schools as teachers' aides and into administrative positions and at the hospital, a whole range of things. I can see that we have money for employment and we have the structure to employ people. That is what we have to offer, because if there are people in the community who could be doing mentoring and support, we can employ them. We can put them on placement with police or with the court.

CHAIR: Through your employment base program?

Mr BARCHAM: Yes, we have a mechanism to be able to employ people very easily.

The Hon. GREG PEARCE: Is CDEP Australia-wide?

Mr BARCHAM: It is. It is a national program.

CHAIR: It is not as functional everywhere.

Mr BARCHAM: No, it is not. That is correct.

CHAIR: In some places it is actually quite dysfunctional.

Mr BARCHAM: It varies a lot from place to place. But I can see in this area the potential for the CDEP to be doing a great deal more in the community than it has been doing. The stuff that we are doing in the schools has been trying to demonstrate to the Commonwealth how a whole of government approach can be achieved, because nobody knows how to do that. It has been tried. The COAG trials were done at various places, but it was quite clear government did not have the resources

to repeat what it did at Port Keats or at Shepparton. So we have been working with DEST [Department of Education, Science and Training] and DEWR [Department of Employment and Workplace Relations] and we have been trying to bring DET [Department of Education and Training] into the loop, because the Commonwealth constantly tell us, "We provide the money for education to the State, and it is up to the State how that funding is allocated." If you do not have an Aboriginal education aid in your area, there is nothing the Commonwealth can do about that. The Commonwealth is actually redesigning programs to try to get around that.

CHAIR: Have you not got Aboriginal education services here?

Mr BARCHAM: Very few.

Ms AVERY: We are just trying to start an AECG [Aboriginal Education Consultative Group], which is the lobbying mechanism for the community.

CHAIR: Where is your educational region?

Ms AVERY: Wollongong.

CHAIR: So they are all in Wollongong?

Ms AVERY: The nearest AECG would be at Eurobodalla, which is in the next shire. They have representatives there, and we have been trying for three weeks to get them down here, to the Bega shire, so that the kids in our community can have that opportunity, and so can their parents, to get the interim AECG up, and then lobby the backbencher committees so that they can get AEAs [Aboriginal education aids] in the schools, which are so desperately needed here.

Mr BARCHAM: There are 113 indigenous in schools in the Bega Valley shire.

Ms MARGARET DIXON: We are having a lot of trouble up at the schools.

Ms AVERY: Like Aunty Marg says, the disruption within our communities is right down to the school level. If one family is fighting against another, the kids are then feuding at school.

Ms MARGARET DIXON: My daughter ... [inaudible] ... put him into TAFE ... [inaudible] ...

Ms KIRBY: Down at Eden high school, if any of the Koori kids get picked on and that, they refuse to go to school. These kids are in high school and they are 13- and 14-year-old kids that refuse to go to school because of that teacher. A lot of them are moving from Eden high school up to Bega. These kids have to get up at 7 o'clock in the morning to catch a bus, because they feel more comfortable coming to a high school here.

CHAIR: Is it racism?

Ms KIRBY: That is one of the biggest factors.

Ms AVERY: And it is not just from the student situation. We have kids coming to us and saying it is not just the students, but the teachers as well. If they are feeling that, there is no way that they are going to go to school. We are lucky to get a HSC student—and that is a big thing for us. We need more of our younger kids getting through to the HSC levels so that they can go to university, become professionals and come back to the community. While ever they are not even getting to year 10, that is a big problem that we need to fix.

CHAIR: In some places we have been to—

[*Interruption*]

Ms AVERY: For example, in the last five years we have had three at Bega high school that have finished their HSC, and it is probably the same at Eden. But, when we went to Narooma early

this year, they had 8 kids a year getting to the HSC, because they have got that support mechanism in the school, and the community also are involved—not just their parents, but the elders.

CHAIR: In a community we went to, in relation to resources in the community, there were a lot of women and they said there had been a multitude of pilot programs in their community and they reckoned they were the best trained people in the world, but none of their jobs lasted. Tell me.

Ms AVERY: Like, they come here, they set up a program, and it is here for three or four months—

CHAIR: Then someone goes and gets employed, and then it's gone.

Ms GLENDA DIXON: Yes, but the money does not continue on with that employment.

Ms LEE RHIANNON: Can you give us examples, or at least the department that it was under?

Ms KIRBY: I have an example, because I was one of them, at Eden primary school. I was a teachers aid there for six months, and we had five Koori workers in there. We were all placed in the classrooms with kids. So, whoever was having trouble with their work, we would help them. We thought we were going back again this year, but all of a sudden the education system decided to say: No, we are not funding it this year. That is a big failure, because you get the kids at an early age and you expect they will be supported through high school, but they won't be.

CHAIR: When we sit down to make recommendations it is quite possible the word "pilot" will come up.

Ms AVERY: As long as they are sustainable.

CHAIR: By whom?

Ms AVERY: By both the community and the body providing the resources and funding. You just cannot put a pilot program into a community for a short period of time, because the expectations of the community are elevated to a higher level, but then it is gone. Then where do those people go? They are behind the eight ball 10 times. They are just not sustainable.

CHAIR: When we are talking about the option of community-based sentencing so that people will not get put in gaol so often, and the resources to do that, how could you measure the success? You have got to have some measure of success. You just cannot go around putting in a program, and have people ripping the money off.

Ms AVERY: For example, if we did some sort of community-based sentencing, and if the incarceration rate dropped in this shire, that would be an indication that it was working. Ultimately, we would want to see that incarceration rate at zero. That would be a big indicator.

CHAIR: Perhaps a miracle.

Ms AVERY: It would be a miracle in any community. But it would be a big indicator that things are working if the incarceration rate is going down and people and their families and the community are getting better outcomes.

Ms GLENDA DIXON: There have got to be services in the community that involve the whole family. An offender needs help and family support, and the family need to know what help they can give to help the child in any way they can. There have got to be services out there that work with the whole of the family, not just with the offender.

The Hon. GREG PEARCE: What do you do with dysfunctional families though?

Ms GLENDA DIXON: There are quite a few dysfunctional families in this community.

The Hon. GREG PEARCE: What do you do then?

Ms GLENDA DIXON: They need help. They are sick.

CHAIR: How?

Ms GLENDA DIXON: There have got to be services. If it is an alcohol problem, get people to deal with that alcohol problem. Or if it is a drug problem, get people to deal with that. There are all sorts of different issues in a community, yet there are no services that people can go to to get help. You have to look at what the issue is and try and get the service in the community that is going to help the family.

Mr BARCHAM: What was the name of the book that the Sapphire Coast Community Centre put out not long ago?

Ms AVERY: The Families First report, through the Sapphire Coast community.

Mr BARCHAM: Was it "We Speak"? There was a lot of transcript of interviews with people and their response to government services. It was very good.

Ms AVERY: The program was about making sure the mainstream services were providing services to indigenous communities, because they are actually getting indigenous moneys, and a culturally appropriate service. I will see if I can get a copy of it and give it to Michelle.

CHAIR: Thank you.

Ms AVERY: There were a lot of recommendations, and they came from the grass roots level.

Mr BARCHAM: They did.

Ms AVERY: This consultant went out and spoke to families in the community, looked at what some of the issues were, and how the community saw those issues being dealt with or what would be the solution to those issues.

CHAIR: As a Committee we have heard lots of stuff about specific services that are not available, so we will be thinking about which ones should be recommended. But, also, the process has to be about the community, because, as Greg says, if you have a dysfunctional family and somebody is put on a community service order and the family is in a real mess, and there is no-one in the community to support them to get out to work that day, an increase in community sentencing will not help anybody because they will end up in gaol for breaking their conditions. Do you see what I mean? I am not trying to perform a miracle or anything, but are there ways that support structures could be put in the community for the community to build up so that they can help with support, rather than lump it all on the family, which may not be functioning all that well?

Ms KIRBY: You have various organisations with indigenous workers who can come under their program. For instance, the JPET program, through Auswide Projects, caters for children 15 to 21. Then there is another program call New Careers for Aboriginal People, and it caters—

CHAIR: But they are things that Aboriginal people could tap into.

Ms KIRBY: They can tap into them, yes, through the court system, if they need that support. They have also got myself with the training programs and that.

Ms AVERY: But you are talking about family, aren't you?

Ms KIRBY: The family, yes.

CHAIR: I am talking about the Aboriginal community. You are telling us what good services are here to give support.

The Hon. AMANDA FAZIO: What Christine wants to know is: What else could we do to help the community develop to a level where it can help its own members better?

Ms AVERY: As John mentioned before, regardless of whether you are Koori or not, there are families that are dysfunctional. You would have to just keep chipping away, basically, until the light turned on and they realised the benefits of helping that family member to keep away from being incarcerated.

Mr JOHN EDMUNDS: That is a really hard question. Another really hard question that is keeping a lot of kids and people down is driving offences, and then ultimately driving while disqualified, which invariably means gaol.

The Hon. GREG PEARCE: We have heard a lot about this.

Mr JOHN EDMUNDS: That, coupled with State Debt Recovery—although changes have been made recently. People incur fines, but maybe they are not their fines but they do not want to get a person in trouble so they will wear the fine. It may have been from years ago, and suddenly they want to do something, like get a licence, and they cannot do that because they owe money to the State Debt Recovery Office. So they cannot get their licence, but they are going to drive anyway because of the isolation here and the fact that we have no public transport, except a bus that goes twice a day up and down the Princes Highway. But they are known and will be recognised and picked up by the police, and they will risk being gaoled. But, not only that, they incur the automatic disqualification period. And, if they do that twice, they get the habitual offenders declaration. They can be disqualified for maybe three or four driving offences that are not aggravated, and end up being disqualified for something like 60 years.

CHAIR: We had one life disqualification spoken about today.

Mr JOHN EDMUNDS: They are not then going to be able to get into programs and training programs, because they cannot get to them, and their self-esteem is down so they will be back into drugs and alcohol. If there is some equitable way to allow them to get a licence—have them graduated somehow, or they have to pass some test, or they have to be alcohol free for so many years—they could be on a different sort of licence to enable them to do that.

CHAIR: An appeal process, with conditions or something.

Mr JOHN EDMUNDS: That is a real problem. There are other problems if the driving is aggravated.

The Hon. AMANDA FAZIO: How many people do you reckon get caught up, are brought before the courts and end up being in prison because of driving offences where the only thing they have done is drive without a licence? Quite a lot. It would be over 50 per cent or 60 per cent.

Ms LEE RHIANNON: Of Kooris going before the courts?

Mr JOHN EDMUNDS: Yes.

Mr BARCHAM: To put that another way, of the 74 people that we employ, I estimate that probably 20 of them, at most, have a driver's licence. So, they are unable to get employment. Without a driver's licence you are unemployable in this area.

The Hon. AMANDA FAZIO: You employ 74 people and 20 of them have a licence, but how many of them drive?

Mr BARCHAM: Well—

Ms KIRKBY: They are not going to tell us!

Mr BARCHAM: No. We have had reasonable success with negotiating on their behalf with the State Debt Recovery Office [SDRO], preparing time-to-pay agreements. Also, if someone has been with us for a while and has a reliable record with us, we will make them a loan to allow them to pay a lump sum off their fine. They can then make a time-to-pay agreement with the SDRO and we will then apply on their behalf, as their employer, to have the Roads and Traffic Authority [RTA] sanctions lifted off their licence. In terms of the impact on people, those guys cannot get a job as it stands and so they commit crime.

[*Interruption.*]

Well, there are women as well, but it is primarily fellas.

CHAIR: The aspect of reasonable assistance to address the appeal process with the SDRO has to be an issue surely, because you have become a de facto assistant for persons in trouble with that organisation. Surely that is a reasonable issue, is it not, for us to take up?

Ms LEE RHIANNON: I think so.

Mr BARCHAM: I will have to go, if you will excuse me, but I would like to make one other comment about your concerns about how better to support the indigenous community. One thing that is absolutely essential is building relationships with people and, based on those relationships, building trust so that people are prepared to talk about their problems and trust you that you will deal with them in a reasonable way, and will not exceed the limits of what the indigenous community thinks is acceptable. It is my own view that there is actually very little that a government can do, because the way the government works is not very good at looking after families and communities.

If you want to find an effective way to work with families and communities, we are all here. We know what to do, by and large. For us it is the problem of having the resources to do it. We are too small a group of people trying to do far too much. We all know what we are doing; we all know what more we would like to be doing. We have talked about and mentoring and the potential for employment in the kinds of jobs we are talking about; the kind of training that needs to be offered to build up the capacity of the indigenous community to engage more effectively with the criminal justice system, and to support their own people when they come out of gaol or when they are on community service orders.

We are, as Leonie is, a training organisation to some extent and we are really struggling to come to grips with how we would provide the kind of training that is needed to re-engage a sense of leadership, respect for elders and an acceptable rule of law. I think that any civilised group of people recognises that those things are essential. They have been so deeply eroded in the indigenous community that we really have to go back to square one. I think you have the people in this area to do it and I think the Staying Home, Leaving Violence project is a pilot that I think has made a big impact on the way people in the community here in think about domestic violence, and I think we can make the same sort of impact on people's thinking for indigenous people as well.

CHAIR: The Committee had a good briefing in that this morning as well. Thank you very much for your assistance.

Mr JOHN EDMUNDS: We used to have a pre- and post-release officer—pre- and post-release is Koori probation and parole—who, when asked for help would go into the gaols and assist inmates about to be released, prepare them for coming back into the community and assist them with housing and resources and all of that once back in the community. We were all very excited about that, but it turned out that he was based in Wollongong and he was given the whole of southern New South Wales to look after. We have never seen him. When we asked him for things he said, "I am mainly for those who have sentences of six months or more" whereas, at that stage, all our sentences down here were probably for periods up to six months.

The Hon. GREG PEARCE: We heard from some interesting people from Centrelink who claimed they were doing this all over the State.

Mr JOHN EDMUNDS: The only one that I have any great success with is Jack Walker and his organisation, the name of which escapes me, but he is based in Sydney and he will transport prisoners from gaol to rehabilitation and all of that. He is very good. He is just another private or as aboriginal organisation. He is excellent in the word and he does.

Ms AVERY: Does he receive any resources from the Government?

Mr JOHN EDMUNDS: He is funded by the Government, but I think that is a bit tentative at the moment. I cannot think of that his organisation.

Ms AVERY: There are all these programs that the community comes up with an individual that see a need for them, but where do we get the resources? Everybody keeps a passing the buck!

CHAIR: We understand that that is an issue. The inquiry is about having a look at the distribution of community-based sentencing in the country. What we have done is asked the questions about how community-based sentencing options can be increased in the country. It gets a bit difficult sometimes to just say we will create a few positions here and there, but we need concrete ideas about how the community can work with them and take them on, not merely put other public sector positions on the side. Do you understand what I'm trying to say?

Ms AVERY: Yes. It is no good resource in something, if it is not utilised to its best potential and unless it has the community on side.

CHAIR: We have been to some communities that are, at the moment, totally dysfunctional and creating a couple of positions would probably cause more trouble than good. I am not suggesting that is your community. That is why I am asking this difficult questions about how that could be better used.

Mr JOHN EDMUNDS: Juvenile Justice, both here and in Bateman's Bay, I think doing very good job. They have a lot of resources and can refer to a lot of agencies and programs. All of that is outside the area; the kids have to be sent away to Canberra or to Sydney. There is nothing like that, such as the PALM program or a bail hostel or anything like that in this community. There used to be one at Moruya, Bolloway House, which was a very good men's place but it is now no longer funded. Also, Probation and Parole have resources to be able to facilitate that for adult offenders. I think those two should be targeted to facilitate, but getting the professionals in the field, down here especially, is a bit harder.

Ms HERBERT: I was going to suggest, perhaps, further responsibilities for Probation and Parole. I do not have a whole lot to do with sentencing, but I do work with victims of crime, thus I have had a bit to do with Probation and Parole. My impression of them was that they are so frantically busy that any mention of, "Could you play a role in case management" or "Could you perhaps undertake a liaison role" in just the hopeless because they are beside themselves already.

CHAIR: But they say that they case manage.

Ms HERBERT: They may say that. I do not know. I have not had a whole a lot of experience with them but I know, through my project Staying Home, Leaving Violence, that when dealing with the local officer is very difficult to get any time with them—very difficult to even find them in their offices—because of all their commitments, whereas dealing with them one step up at the regional office revealed that yes, there was money for this and there can be a bit of flexibility for that. I cannot see how a liaison position could be harmful; it would have to be of benefit to have a person that you could contact as a family or as a person who is overseeing how a family is dealing with someone who is serving a community sentence. I just feel like they are a really key service.

CHAIR: Perhaps not enough resources where they should be, perhaps.

The Hon. AMANDA FAZIO: Have you had experience working with domestic violence issues in metropolitan areas?

Ms HERBERT: No.

The Hon. AMANDA FAZIO: Very well. I am curious to know if you had a comparison between the level of assistance and support from Probation and Parole in metropolitan areas versus country areas.

Ms HERBERT: No.

Mr JOHN EDMUNDS: It depends where you are. Southern Women's Housing down here I think do a fantastic job. They have court support offices every court day. There is a domestic violence room where claimants can be put out of sight of the perpetrator and the rest of the community, because it can be quite harrowing, I suppose.

Ms GLENDA DIXON: That service is not there any more.

Ms HERBERT: It is closed, yes. Southern Women's Housing is closed at the refuge is still functioning and the refuge is managing the clients from Southern Women's Housing at the moment. That was a fantastic service for facilitating a whole family doing some healing and sorting something out. I am shaking my head at the loss of that service. I will have to be excused because I have a youth conference.

Mr JOHN EDMUNDS: I guess you have been addressed on periodic detention and home detention and lack thereof down here?

CHAIR: Yes. I want to know what people think about home detention? Do know what it is? Someone use sentenced to gaol but they are in their house and have to wear a bracelet on their ankle and are not allowed out.

Ms KIRKBY: I know one young kid that is actually been on that and the police ring virtually 24/7. They can ring at three o'clock in the morning and if he doesn't answer that phone they come knocking on the door.

Ms AVERY: I think I would rather that than going to gaol.

(The Public Forum adjourned at 3.25 p.m.)