

REPORT OF PROCEEDINGS BEFORE

STANDING COMMITTEE ON LAW AND JUSTICE

INQUIRY INTO COMMUNITY BASED SENTENCING OPTIONS

**Public forum at the Supper Room, Bega Town Hall
on Wednesday 29 June 2005 at 10.00 a.m.**

Corrected

PRESENT

The Hon. C. M. Robertson (Chair)

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

Also present:

Margaret Dixon, Glenda Dixon, David Dixon, Kerry Avery, Jeff McKenzie, Alan Royce Harrison, Ellen Mundy, Valmai Cooper.

CHAIR: Ms Margaret Dixon, would you like to give us a Welcome to Country, please.

Ms 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 conveners 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 the cure. 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, I welcome you to our beautiful lands. Keep respect for the land, yourself and your fellow humans. Thank you.

CHAIR: Thank you very much. The Committee recognises the traditional owners of this country and the current custodians of this land. There are some formalities before we begin. Welcome to the public hearing of the Standing Committee on Law and Justice inquiry into community based sentencing options. Thank you very much for welcoming the Committee here today. The Committee is very pleased to be here and is looking forward to hearing the advice of the local community on this issue. Before we commence I would like to make some comments about the meeting. I do not think any media are present but if they come there are some rules about how they should behave. They are not to take general photographs; only photographs of witnesses and members of the Committee.

Committee hearings are not intended to provide a forum for people to make adverse reflections upon, or to say unfortunate or nasty things about other people. I therefore request that speakers avoid the mention of other individuals unless it is absolutely essential. I would ask that those who speak at this meeting to please first state their name. If people do not want their names recorded on the transcript, that is fine. We will delete the names but retain the comment. Anyone who has a mobile phone should turn it off for the duration of the meeting please.

The Committee's visit to Bega has been very interesting and fruitful. For those who do not know the Committee has already visited Inverell, Bourke and Brewarrina, Griffith and now Bega. They are all very different communities, as they should be, but the information we gained from the people who spoke with the Committee yesterday was incredibly valuable. We all appreciate the huge issue of prevention and the provision of equal opportunity, but the questions that the Committee has been asked to work on are about more people being able to access community-based sentencing and not being sent to gaol every time something happens to them. However, lots of new issues have arisen and the Committee believes that they will give us a lot of extra work to do. The other point is that the Committee was due to report on this issue very soon, but because we have been provided with so much information there is absolutely no way we can do that. We may be unable to get our recommendations together by October, but we will certainly endeavour to do so.

Mr DIXON: Would you introduce the members of the Committee, please?

CHAIR: Yes. This is Greg Pearce, a very important member of our Committee. He has legal training and is helping to make sure we understand issues related to the law. This is Amanda Fazio, also a very important member of the Committee, who has been working in the political field for a long time. Amanda has a lot of work in the country as well. This is Lee Rhiannon. Lee also has done a lot of work in the country and she does a lot of extra work with Aboriginal people. My name is Christine Robertson. I am from the country and have worked in the country for many years. We volunteered to serve on the Committee or our parties selected us to serve on it. This is what is called a Standing Committee and it exists for the whole of the Parliament. If one committee member is unable to attend a Committee meeting we cannot just pick just anyone to fill in; it has to be someone who is working full-time on issues associated with the Committee. We have come here today with open minds to hear what you have to say.

Mr DIXON: Where will you go from here?

CHAIR: This is the last country visit scheduled for the Committee at the moment. We received a submission from some of your legal aid people and one of our terms of reference is to have a look at how these problems are dealt with in other places. The legal aid people suggested to us that we should investigate what happens in Western Australia and the Committee is presently considering how we might get that information.

Ms MUNDY: Why did you set up the committee? Who put the committee together? What was the reason behind it?

CHAIR: The Committee is in existence all the time. Parliament gives us questions that relates to the law or and to such things as insurance or workers compensation et cetera. This particular question was given to us by the Attorney General, Bob Debus, as part of a crime prevention program. He has given us this question and we know now that it is not easy for a judge to give a community-based sentence in the country because of problems of access. For example, if a judge imposes a sentence of periodic detention, how on earth is someone going to drive all the way to Wollongong every weekend to serve detention? We have come here to find out from the community and the service people what things can happen so that country people can have more access.

Ms COOPER: We are not going to be so isolated. That's good.

CHAIR: The other question relates to the fact that a lot of mentally ill people are sent to gaol rather than being able to take advantage of other options.

Ms MUNDY: I do know, as an Aboriginal living in a small community like Bega, that Aboriginal people are quite isolated when it comes to legal aid, because the Aboriginal Legal Aid is only set up for certain reasons. With general cases we virtually have to go into the court and speak up for ourselves. If you are uneducated and you don't understand anything, you feel even more isolated and you just feel like there's no one there to help you because the Aboriginal Legal Aid only get so much funding—unless you are a rapist or a murderer, that is the only time you are going to get really proper legal aid assistance. Aboriginal people feel even more isolated.

Mr HARRISON: Every time I go to the courts I am always representing myself, because it does not matter what I tell the lawyers or people representing me to say, they won't say it. So you have got a get up on the transcript and you've got to say it because they won't say it for you. If you mentioned anything to do with being treated differently or being discriminated against in the first place to get there, oh no! They won't mention that to the judge; they won't tell the judge that. If the judge was well aware, or if he was to be told, and if he carries out a person's threat like police officers stated in Bega that I'm going to be the next Aboriginal death in custody, and then they were running around trying to get me for all the little, petty little, minor little things. A lot of people in this community knew that I was having a hard time. They were trying to put me in jail to shut my mouth up.

Something bad was going to happen to me. But I used my head, and I rang everyone I could think of and put in a complaint. The judicial commission, the Ombudsman, everyone. There is only one worker in the office that I am allowed to speak to, because I had an argument with one person in the Ombudsman's office. I am only allowed to speak to Terry Chinnery. What if Terry Chinnery chucks in his job this afternoon? What if he drops dead tomorrow? I will have no-one to deal with within the Ombudsman's office, because I have got one person in there that is offended with my mouth, because I told people off. I told people to do their jobs and stop treating Aboriginal people differently. And the police, and the courts.

The judge is well aware, he has seen the document in front of him, and it stated that I was going to be the next Aboriginal death in custody. It frightened me, I moved out of Bega and went to Queanbeyan. He put two warrants out for petty little minor things, and I went to the police station and went off my head. Put me before Judge Russell. I told Judge Russell, she let me go and she told me what to do, to put a complaint in. It is ridiculous. I could go down there and swear, the coppers know who I am. I only swear just like conversation. They are well aware who I am, where I live. I was sent a little court attendance notice to me, just to be smart. Oh, it didn't happen this time. I got dragged from down the street, no alcohol or nothing in me, straight as. They stripped me naked, dragged me up

to the police station, sat me on a chair and read out a court attendance notice for calling them a "redneck cunt".

He well knew who I was and where I lived. He done it to me before. He sent it to me in the mail before. What is the difference now, today, [name deleted by resolution of the Committee]? He has done enough to me. Another person that did it, these people are running the police station—[name deleted by resolution of the Committee] is the other fellow. He put in the statement that I am going to be the next Aboriginal death in custody. I have got a white man that—

[Interruption]

—that is my father. People are running around pushing Aboriginality and its affairs upon me because I choose to identify as an Aboriginal. No. Don't do them things to me. I will crack up. That is just taking my rights away from me as an individual. There's a lot of things that people do not understand when it comes to the social justice system. We are all equal and we should be treated the same. We are all individuals. We are not the same. We don't look the same. We don't do everything exactly the same. There is a big difference. We are getting painted with one big brush and getting treated the same as derelict drunks.

Ms MUNDY: I know what Royce is talking about. He showed me something a couple of weeks ago, just a pamphlet. When I looked at it properly, it was feeding the wrong message because it was a cartoon drawing of an Aboriginal, looked to me like a young Aboriginal male, so it was targeted at Aboriginal males. It was from the Attorney General's Department. To me that is like segregating, feeding the wrong message to the community, even though it does not say it is Aboriginal, it did not say anything about being printed by an Aboriginal legal aid service or anything. It just said on the back Attorney General's Department. Any young Aboriginal male could pick that up and say "Oh, it is targeting Aboriginal people", it doesn't say anything but that is what they are going to see when they pick that up.

Mr HARRISON: It's got red, yellow and black.

Ms MUNDY: There is not a picture of a Chinese person or a non-Aboriginal person or a female. It is directed at young Aboriginal males.

CHAIR: That is a very important issue.

The Hon. GREG PEARCE: For the record, this is a brochure headed "What Will Happen If I Don't Pay My Fine". It contains information about fine enforcement by the State Debt Recovery Office.

Ms MUNDY: It is intimidating.

Ms LEE RHIANNON: Do you find it intimidating because it is clearly directed at Aboriginal males?

The Hon. GREG PEARCE: It was put out by the Attorney General.

Ms MUNDY: It is targeted at young Aboriginal males, not females. It doesn't say anything about Chinese or Italian. A young Aboriginal male would pick it up and say it is targeted at him.

CHAIR: What is the answer to that?

Ms MUNDY: Stop stereotyping people, not Aboriginal males.

CHAIR: You would prefer pamphlets like that to be addressed to the general public?

Ms MUNDY: Not targeted at Aboriginal males or females.

[Interruption]

Mr DIXON: That is what I want to get at. There should be a time limit. I represent Bega Local Aboriginal Land Council. I assume there could well be extra services of funding that could come from the State Government and this could be reported back to Government. What role is there for the Aboriginal communities, not what can I get out of it. A lot of Aboriginal people go to courts, you see them every day at the Local Court. There is a large number of Aboriginal people there on the steps. I don't want to be about putting statements to a report like this that is going to prop up people who are already in the industry, like Correctional Services, the judges, the lowers, and stuff like that.

I think they are already getting a lot out of it. There's got to be funding and what sort of role is there that the indigenous community can be involved in, if there is going to be services or some thing provided such as how do people get up to see legal aid and transport issues. Whether Aboriginal people can be involved in that sort of stuff and have responsibility to run a service like that. I am looking at it from the other side. Instead of being a victim, what is it that we can do to try to make things better for ourselves? That then creates training for indigenous people in the area, helping and servicing the people.

CHAIR: One of the big questions that we have asked the community about, is what they think is best. If being sentenced to a community-based sentence means fewer people going to gaol?

[Interruption]

If more people are sentenced to community, that means more people in the community will need support to get through their sentence, so they do not end up in gaol. What would the Bega community need?

Mr DIXON: What is the alternative to gaol?

CHAIR: Yes. The alternatives we have under the law are community service orders, good behaviour bonds and suspended sentences. One of them means you can be put on a suspended sentence and if you make a mistake you end up in gaol. Some people get suspended sentences for three years and make a mistake after eight months; they might end up in gaol for the three years.

Ms COOPER: Isn't that called a bond?

CHAIR: Yes. There are other bonds that are not as fierce, and you can serve some time, make a mistake, and maybe end up in gaol for a few months. But some can put you in gaol for the whole time that the suspended sentence was for.

The Hon. AMANDA FAZIO: Most good behaviour bonds are 12 months—

[Interruption]

Mr DIXON: If you get a fine, your education is limited and you really don't have an opportunity out there. It always comes back to things like that, or else you try to stop somebody from doing something which could well be something that is pretty normal. It is because they are marginalised within the community and the reasons why they get into that position is probably poor parenting. The parents had problems themselves. How do you stop a cycle? That is what it is; a cycle. You have to look at the whole circle, you can't just look at a piece of the circle.

[Interruption]

Those people need to come up to par on literacy and numeracy.

[Interruption]

What services provide that sort of stuff? Some sort of mentoring.

They may not even have any mentors or people that they can look up to. Where is that sort of thing in the community? We have a TAFE in Bega and I can count on one hand the number of indigenous people who have gone to TAFE.

CHAIR: Is it not indigenous friendly or are they just not interested?

Mr DIXON: They used to run indigenous courses that they don't do it anymore, it has gone more towards mainstream.

CHAIR: Industry-needs stuff?

Mr DIXON: That's right. If you want to do arts and crafts or pottery you have to do it with the rest of the community. You'll find that black fellas won't go to TAFE because they feel intimidated. A big State Government service like that and money that costs to run that sort of service, and the statistics on that TAFE would show how many Aboriginal people have gone through it in the past 12 months. It would not be many, if any. That is painting a picture in itself. Aboriginal people are coming through school, what are they doing in the training area? It is tailor-made for them to be a statistic in the judiciary system.

CHAIR: Recognising that we are talking about people who do hit the judiciary, do you think that you could set up some structure with some community support for Probation and Parole or the justice system to work for the people to go to TAFE when they are on community sentences?

Mr DIXON: That's right.

CHAIR: They could learn to read and write.

Mr DIXON: That's right. And a tutoring outlook as well, where people could prop that up a bit, like one on one.

CHAIR: Some country TAFEs have that arrangement, and some do not. Do you know why that happens?

Ms MUNDY: It falls down to numbers. TAFE always uses the excuse of not enough numbers.

CHAIR: But you could rouse up enough numbers.

Ms MUNDY: Yes.

[Interruption]

Mr DIXON: Yes, but TAFE has probably sat on its hands down here in not promoting itself to the indigenous community. It is probably not alone in that.

[Interruption]

These are the sorts of services that are training our community in best practice, tradespeople.

[Interruption]

Even if you got a handful of Aboriginal people through, with some qualifications are TAFE, it would have a big effect on the community and the people would be qualified to either run a business or work for local government services and so forth.

The Hon. AMANDA FAZIO: In terms of kids' educational experience in Bega, yesterday we heard that not many Aboriginal kids from Bega or Eden high school do the Higher School Certificate.

Mr DIXON: That's right.

The Hon. AMANDA FAZIO: Do you think that Aboriginal kids from Bega and Eden in having such a poor educational experience at high school that TAFE does not appeal? Is that part of the problem as well?

Ms MUNDY: I will tell you, it is not having the proper teachers, not having the proper committee set up with the parents, and there is quite a bit of discrimination at the high school. I am talking from experience, I used to go to this high school and it goes back quite a few years. It still has not changed. It is a little more hidden; for example, a few weeks ago a young aboriginals student was at the school and there was a bit of violence going on. A non-Aboriginal bloke hit him at the school. My mother went down to the police station to try to get the young guy charged and the police didn't want to do anything about it. Actually they were quite smart about it.

So I went up to the police station myself and I said, "If you don't do anything about it, I'll go over your head." They were reluctant to charge the other non-Aboriginal person. I said, "If that person was Aboriginal and went into the school and hit a non-Aboriginal person, it would be a different story." The police seem to jump on them, but every time it comes to something to do with Aboriginal people they are a bit slow about doing anything. He brought around a piece of paper around about the Young Offenders Act, because I questioned it. This other guy who hit him was under age. It went to court and Valmai's grandson got charged as an adult, but he was under age, yet they have an Act that is called the Youth Offenders Act. Is it just for one race? The policeman actually brought some paper round because I questioned it was under the Youth Offenders Act, and I read it and I said, "Well, it seems to be for non-Aboriginals." You are putting this on Aboriginal people, and when it comes to non-Aboriginal people it's a different story.

CHAIR: Do you people know that there are very strict rules in the schools about bullying—outside the police system? Do you know that there are very strict rules?

Ms MARGARET DIXON: My grandson got hit by a boy who was about 16, and nothing was done about it.

[Interruption]

Mr DIXON: And indigenous kids they throw the book at if they just step out of line.

[Interruption]

Ms COOPER: In the case of my grandson, he just pushed another boy, and the parents had him charged with assault. The police then took it up, I don't know why, and they got him charged, and he got a 12-month bond and an AVO put out against him.

[Interruption]

—see the boy where he wasn't supposed to be. The police came to my place and said they were taking him "just for a chat". These were their words, "just for a chat". They took him down there and they charged him. They let him out on bail, and he went back to court, and it got adjourned. We still have adjournments going on. But the thing is, in spite of it just being alleged that he spat—not even proven—they charged my grandson as an adult, and he is 16.

[Interruption]

Mr DIXON: He is not a bad kid.

Ms LEE RHIANNON: And that happened just before his time was nearly up?

Ms COOPER: He was only about four weeks off his AVO.

CHAIR: In small towns, how do you work on AVOs?

Ms MUNDY: I was questioning this copper and I asked him about AVOs. I said, "How does the AVO work?" He said, "Well, as far as I know, this is how the AVO works. It's up to the police to

take that AVO out." I said, "Hang on. I thought it's supposed to be the other party that takes the AVO out." As far as I know how the AVO works, you have to go through the courts, the other party has to take the AVO out, not the police.

Now, there's a good example of what happened in Bega. My brother, his spouse is not Aboriginal, and they were arguing, just having a little domestic among themselves. He didn't hit her; they were just arguing. And the police were sitting in the car and they saw this, and they actually went up and took out an AVO on my brother. I questioned the police about it. I said, "I don't think that's the way the AVO works." He said, "As far as I know, that's the way it works." I said, "Well, I thought you had to go through the courts to take out an AVO." He said, "No, the police can take an AVO out." I said, "Yes, but wouldn't the courts be swamped? Because that tells me that you can go round and if you see any couples arguing in the street you're allowed to go and take out an AVO on them. Wouldn't the courts be swamped with that?"

The Hon. AMANDA FAZIO: In a domestic violence case the police can get a temporary AVO, until the matter goes to court.

Ms MUNDY: But wouldn't the other party have to agree with it?

The Hon. AMANDA FAZIO: No, not if they allege it is a domestic violence matter.

Ms COOPER: Is domestic violence a couple of words? Where do you cross the line there? Are a couple of loud words spoken domestic violence?

Mr DIXON: This is where it is being abused, I reckon.

CHAIR: If there is a young person going to school with a young person who has got an AVO out on him, how does it work?

Ms COOPER: This is it! And, not only that, he has to go past him to get home, it's nearly on his way home. And then he does a lot of errands for me, to get my bread and milk daily. He's got to go to Coles to get that, and he's got to go right round. They're reminding him, "Right around, right around, right around!" And he did this for nearly the whole 12 months. Then somebody alleged—and he swears to God that he didn't do it—that the child spat, or whatever. But, beat this! On a court day here on the 22nd just gone, we went to court with him on the same charge, and it was adjourned, but before that his solicitor came up and said to him, "What we need to do, Gareth," he says, "is to find the other person." I said, "Well, blow me down! We've just told you that the boy didn't do it. He wasn't even there. What are you going to do to him?" He was up there sucking up to the prosecutor minutes before he came and said that to us. So what do you do when you've got your own lawyer working against you, and doesn't believe you? And you're black! And how come they took it out on him in the first place? How come the police did it? Was he so bad—this poor boy who did nothing in his whole life? Was he so bad that you've got to take an AVO out on him for this poor little white boy that just got shoved? For heaven's sake! It was an alleged spit—an alleged spit!

Mr DIXON: But didn't the parents of the other boy, Aunty Valmai, say that they didn't want it, to just have words with him? But the police took it up.

Ms COOPER: Yes. They were short of numbers. They needed a few more numbers, a few more records for themselves up their sleeves.

[Interruption]

Mr HARRISON: It affects the parents and all.

Mr DIXON: That's a very good of the system gone mad.

[Interruption]

Ms MUNDY: Non-Aboriginal people don't get charged as an adult, yet an Aboriginal person gets charged as an adult when there's an Act there called the Youth Offenders Act.

Mr DIXON: Aunty Valmai, that boy is at home, isn't he?

Ms COOPER: Yes.

Mr DIXON: He's not out on the streets of a night.

Ms COOPER: No. He's very quiet.

[Interruption]

The Hon. AMANDA FAZIO: I would like to ask you a question, Valmai. Had your grandson been in trouble before this incident?

Ms COOPER: No. It was one-off.

The Hon. AMANDA FAZIO: So, from the one incident of being accused of shoving someone at school—

Ms COOPER: It was one-off. By the same token, when they came to the house on the Saturday they said, "We just want your boy to come down and talk to us." He was away at a party on the Saturday. On the Sunday he came home, and I took him straight down there, believing that they only wanted to talk to him. But they take him in and charged him. They had photographs and all. I said, "What's this?" They said, "Well, it's an AVO until he goes to court and is proven guilty." Already, they have done all the things, and read him his rights. I nearly fell over! They're reading my grandson his rights!

CHAIR: We will take this on board, and we will ask questions in the right places. We have no reason to disbelieve that. This is more about the process of getting people to court. So I must not refer to your grandson, because this inquiry is about when a person actually goes to court and the judge is sitting there and he looks around and the Probation and Parole have said to the judge, "The only option in this town for this person is either a good behaviour bond or to go to prison," because that is very often in the country areas what the options are; there are no other choices for the judge. This is about us and the community and the services trying to work together to see if there is a way that more people do not go to gaol, but get access to something in the community that makes a difference. And the TAFE suggestion is very important, because we know a lot of people don't get to that.

Ms COOPER: The boy is 16.

Mr DIXON: But it also depends on the crime as well. We're not going to be supporting people who are committing crime as well. It's a fine line. There are people, even Aboriginal people, out there offending against Aboriginal people, and we don't want to see them getting off lightly if they're committing an offence. So it's a fine line of where—

CHAIR: Do you think that serving a sentence not in gaol is getting off light?

Mr DIXON: What is a minor offence?

CHAIR: A lot of people seem to be getting put into gaol for assault and bad language and driving disqualified, which often happens because they can't get a licence for the next 20 years.

Mr DIXON: I think if somebody is going to assault somebody, that's a serious matter. A push is a minor offence. That, to me, is not an assault.

CHAIR: But that is defined as an assault.

Mr DIXON: That's where it's mad. It's the system gone mad. That, to me, is not an assault. If a person falls over and splits their head open, that's an assault. There's worse things going on in

sport than that. A person who goes up and actually physically assaults or punches someone going to TAFE, or something like that, is probably not the way things should be going.

CHAIR: There are lots of definitions between assault and violent assault. But it is up to the court to work that out.

Mr DIXON: I think what we are worrying about is, when it comes to indigenous people, a minor offence is judged like a severe offence.

CHAIR: A bad offence.

Mr DIXON: With non-Aboriginal people, some more serious offences are then deemed to be not as serious—like the pulling of an Aboriginal child by the neck is not considered to be serious enough for a person to be put in gaol. Black fellows around the country said straight away, "If that was a black person, he would be in gaol." There it is right there! There's the system right there about how black fellows view the system. It's there to wallop us. It's there to be gentle with the non-indigenous community—except when they want to show some examples.

CHAIR: The thing that we are asking questions about is: At the judge level, when the judge is deciding what penalty, what sort of things can be implemented, or put there, with the community or whatever, to increase the options of not going to gaol?

Ms MUNDY: One of the things that David was talking about earlier on was community work orders and things with TAFE.

Mr DIXON: But, again, that's what I'm saying: If someone comes up and assaults me when I'm going to TAFE, I'll be saying, "This person has got to go to gaol." Something has got to happen for that person, because you can't do that. The law says you can't do it. Driving offences and stuff like that I think is the stuff you are looking at. If you could go to TAFE, and there could even be other things they could do. Why can't they go and do some community work through CDEP or through the local government or through a local Aboriginal organisation?

CHAIR: That is exactly what I wanted to know. Do you people get equal access to the health services?

Ms MUNDY: No.

CHAIR: Tell me why.

Mr HARRISON: Because you've got Katungal there, and everyone thinks that all Aboriginal people have got to go to Katungal.

CHAIR: Katungal is your main service, is it?

Ms MUNDY: Yes. Before Katungal it was even worse. With Katungal, it still seems to be no better, because we don't get any doctors. We've got a health service there, but there are no doctors. So it's no good. When it comes to your health, we want to know we've got the best doctor.

[Interruption]

CHAIR: Does the health service work with the AMS?

Ms MUNDY: It's supposed to.

CHAIR: Do you know whether there is drug and alcohol counselling and stuff available in town?

Ms MUNDY: No, not at Katungal.

Ms AVERY: There's no-one professional enough.

CHAIR: Is there anything at community health?

Ms AVERY: We spoke about this yesterday. There is only one drug and alcohol worker, which is in the mainstream, for the whole of this entire area.

[Interruption]

There is no-one Aboriginal specific. We do not have any that are within our medical service that we can access.

CHAIR: So in the health region somewhere there are Aboriginal drug and alcohol physicians?

Ms AVERY: Yes, but not—

CHAIR: But not serving you.

Ms AVERY: Yes.

Ms MUNDY: There are no designated positions here in Bega.

CHAIR: So who does anger management, do you think? Who would do anger management? Would it make sense to you?

The Hon. AMANDA FAZIO: Do you think it would help cut down on domestic violence if you did have anger management strategies put in place?

Ms AVERY: They should know that they've got access to support and services so that they can deal with the problems that they are going through.

Ms COOPER: You have got a lot of domestic violence services set up in Bega to cover domestic violence, and you've got the women's refuge.

CHAIR: Can Aboriginal people get to them?

Ms COOPER: No.

Ms MUNDY: If there are no designated position or Aboriginal workers in these services, really, you feel isolated again.

CHAIR: So you don't feel like you have equal access to domestic violence services?

Ms AVERY: No.

CHAIR: The lady who came yesterday deals with—

Ms AVERY: A violence project worker. Really, I've only ever seen that pilot in Eden, not here in Bega. They have concentrated on one of the housing estates down at Eden. I have never seen that worker come over. We run a program in the housing estate here for the kids and we have never seen this project officer come along to our project, which is a project called, "Fun in the Park". It is for kids aged between zero and 19 so that they have structured activities within their own housing estate so the parents know that they are safe and we draw from other services to come along to that project. But so far we have not had this project officer offer to come along to these programs and talk to the parents. Some parents do come down and integrate with the kids and join in the activities.

Ms COOPER: There is another thing I want to bring up, too, because I see jobs being created that are really not needed, where I see funds being wasted—such as the Aboriginal Liaison Officer.

[Interruption]

Well, Bega. I have never seen the Aboriginal Liaison Officer.

[Interruption]

I can see them not working for any Aboriginal. I can't speak to the whole of New South Wales.

The Hon. GREG PEARCE: You talking about police?

Ms COOPER: Yes, police liaison officers. They're not needed because I just see government funds just getting wasted and they don't know any more than an Aboriginal person out in the community; and they don't really do much. I mean, they are flying around in a flashy car, looking good, but as for really getting to be nitty-gritty of the problem in the community, it's just not happening.

[Interruption]

Mr DIXON: Yes, but I mean they do facilitates meetings with the command, right. They try. We have been there and we've had talks with the superintendents and that, which they have facilitated. So they've brought an important role to play, but I don't think they are there to solve all problems.

Ms LEE RHIANNON: Have those meetings been useful?

Mr DIXON: They've been useful, yes. They've been useful to bring up things that have happened in the communities. We had a meeting up at Boat Harbour at Narooma. There were people there from Narooma, Bateman's Bay and Moruya and they were bringing forward things that had happened in the areas with the local police or poor service from the police; things that they wanted the police to look into. Even to having some Aboriginal people work with the police when they go to the schools up in Bateman's Bay. I think they were going to do that, you know talking to children; young people who were offenders and have turned things around going with the Police Service and speaking with the children in the school about how it's not a good way to go; that there is no future in that sort of stuff. It was a pretty good idea.

Ms MUNDY: The reason why I brought that up is because when it comes to Aboriginal people, says there are two parties in the community having a disagreement or argument, the non-Aboriginal police just treat it as a big brawl. They don't look at it as serious. If someone went and stabbed someone, oh, it's just Aborigines having a brawl. Whereas if it's a non-Aboriginal party and an Aboriginal party and an Aboriginal heard only non-Aboriginal, the police are right there. When it comes to two Aboriginal people in the community, we get painted all with the one brush, like, "You are all the same." If you've got no criminal record the police will try and do something to give you a criminal record. I'm talking from experience now. It's happened here in Bega. We went to the courts, I'm going back a few years ago, and they actually tried to charge a person that didn't have a record; they try to give her a record.

[Interruption]

They treat it as big brawls. And Aboriginal people think there is no justice in there for all Aboriginal people.

Ms COOPER: Well, there isn't. At Bega there isn't.

Mr DIXON: When something happens if you talk to the Aboriginal liaison officers they are the first to say, "You are telling me that this happened, but the police in your area are not necessarily flowing this on to us." You've got to actually tell them that you want them to be there. We want the Aboriginal liaison officers down here to speak with them.

Ms LEE RHIANNON: Would you like an Aboriginal liaison officer based down here?

Ms AVERY: There's two in Narooma—one of them based down here. That was the original action plan for the southeast region.

Ms COOPER: We've had been here before. They don't stay here because they get ridiculed by the police.

[Interruption]

Ms AVERY: We just got the second position back because we had a previous liaison officer that moved way out west and took the position with her. We have only just got the second position back in the last 12 months.

Mr DIXON: We have to be careful there, ridiculing services that we have fought for. We don't want that wiped out. There are still cobwebs and kinks in the system that need to be worked out. Sure it can work, it's just got to be worked out.

CHAIR: This was a deaths in custody recommendation, the liaison officers.

Mr DIXON: That's right. Maybe there are not enough. Maybe they've got too much on their plates. There needs to be a few more people and probably need to be Aboriginal police officers coming through the service.

The Hon. GREG PEARCE: I have run up against this during the inquiry into the Redfern riots. There are four positions for Aboriginal Community Liaison Officers [ACLOs] at Redfern. Only three of them were filled, but of those three one was on secondment out of Redfern and the other two were on stress leave. You spoke about the circle, how does the Aboriginal community break that circle to fill the jobs that are already there? There are those vacancies and we have been to other places where they cannot get any want to do that job.

Mr DIXON: That's right. To me it is just a reflection of where things are at. I mean, 90 per cent of Aboriginal people in this area are on work-for-the-dole schemes. Where do the people come from? You've got TAFE not been used. There's just not even some of the people leaving school in years 7 and 8. Obviously you are definitely not going to have the numbers for the police or anything else if people are not coming through; if they're not getting an education and they're not going on and filling these sorts of places. I am pretty sure that even in a liaison officer position you can't just walk into a position like that with no basic numeracy and literacy and communication skills.

Formally everything always comes back to that. It keeps on arriving back at that area. That's the area. If you see that picked up you will find positions like this being filled. You would probably have too many people applying for them. That is where it's got to be. To me, that is at the forefront of everything—a decent education.

CHAIR: At one place the Committee visited they were having trouble filling a position. They said they kept on advertising it but the people applying were not suitable.

[Interruption]

Mr DIXON: A lot of people, a lot of black fellas, just don't want to work with the police. A lot of people would like to work with the police but probably see it as being too hard. And, yes, you are going to get ridiculed if you go into that position. why do that when you can go into that job over there and get paid? Over here you are doing the job and getting paid but getting ridiculed by the community for not doing your job. That's a big aspect of it as well.

CHAIR: I'm sorry to interrupt but we referred earlier to health. Do you get equal access to the health service? Do you get decent service from the health service? Are there any Aboriginal employees locally?

Mr DIXON: There was a liaison officer working at that the hospital in Bega. I don't know if it's still there.

Ms AVERY: For example, they just advertised and someone won the position, but they had moved.

[*Interruption*]

Yes, Donna has gone into mental health now, so she has gone into a mainstream position.

Mr DIXON: That's in the area.

Ms AVERY: That's in here.

Mr DIXON: There's no Aboriginal mental health worker.

Ms AVERY: That's it! Because people don't know that Donna there in that mainstream position but she's not at the level of going out and servicing our community, people aren't using the service. The mental health problems are escalating out of control. And because we don't have that liaison officer position filled, like somebody won it—

CHAIR: There is no one to tell people, "You can go and use the service and now you have an Aboriginal worker".

[*Interruption*]

Ms AVERY: That's right.

Mr HARRISON: I'll tell you why a lot of people won't use mental health, it's because of the name. It's called "mental health" and people think that they've got mental problems and keep well away from there. That's why you have people not using the service. I don't like the name of it. I've been sent by a judge to see somebody at mental health. I never went nowhere near that mental health service because they sit down and draw a little diagram. Within half an hour they know you just like that. They do a report, give it to the judge and they know you better than your own mother and father, more than your own nineties and uncles, more than your family and friends in the community.

Probation on Parole do the same thing. They will sit down and do a little diagram, ask you a few questions, even ask if you are gay and things like that. It's a joke the stupid questions that they ask. They don't need to. Then I make a little diagram and a little report about you. You don't get to see this report on you. And when you do get to see it you'll crack up because there's things in there that you don't like. Like I seen a report down here, I was an alcoholic, I was on drugs and everything, even know I have never been convicted in this courthouse for such things, but I'm an alcoholic and a druggie. You know what I mean?

CHAIR: Yes.

Mr HARRISON: Its a stereotype view. It's coming from verbals; from somebody else's mouth that's been put into black and white. The court is based on facts and evidence; not verbals. Do you understand what I mean?

CHAIR: I understand about country mental health. A lot of country people do not like the expression, but one of the things that the Committee found is that mental health services are not spread equally. If you have someone who is not coping really well and the judge wants them to have mental health assistance as part of their community-based sentence, you have to know the services of there. Wouldn't there be a lot of young people who would love to be the liaison officer?

Ms AVERY: Ominously, as a liaison officer and local government, I don't think I'd ever like to work in health as a liaison officer, simply because you aren't just dealing with one person; you are dealing with the whole family, whereas in my position I am dealing with organisations and not individuals. I guess that would deter a lot of people from actually applying for the position.

CHAIR: It is a position where people just need to be able to read and write but they would not need any formal training because it's a position where the person just has to know how to speak

with the community. You do not have to be responsible for making people better; you have to be responsible for trying to get people hooked into the bit that does.

Ms MUNDY: Just liaison.

CHAIR: That is what the word means. All they have to do is be present. The thing they have to do is know how to talk to the family that they do not like, because there is no use having a liaison officer that belongs to one family and will not work with the others. In this inquiry in relation to legal issues one of the things we have found is that the hooking together of things does not happen. Do you know what I mean?

Mr HARRISON: It's like counselling.

Mr DIXON: It's working together. They do not link in together and so it is not working. There's no network.

CHAIR: Do you feel like you're community is linked up and networking issues?

Ms MUNDY: Our community is isolated from heaps of things.

CHAIR: I know about the regional issues and transport issues, but Bega itself? You seem to have a lot of resources in Bega.

Mr DIXON: It's not as bad as some. Housing is a big issue in Bega for Aboriginal people.

CHAIR: Is it?

Mr DIXON: Absolutely. Dealing with the New South Wales Aboriginal Housing Office [AHO] is a task of its own. Probably the big issue for us is the relationship between the AHO and the Department of Housing. That is probably right up there with education. I mean if you don't have a decent home and you have 10 or 15 people living in one home there will be all sorts of problems. It extends into a lot of different areas.

CHAIR: That creates problems with community sentencing, too.

Mr DIXON: You have to have a base to work. If you are sharing a base with lots of other people, their problems are going to flow on to you and your problems are going to flow on to them. That is why it is going to cause lots of health problems and educational problems. It just extends out into a whole lot of areas. We have questioned places like the New South Wales Aboriginal Housing Office and the Department of Housing, "What's your plan? What's your Housing plan for indigenous people in the area?" We have failed to come up with any sort of plan of how they actually acquire housing for indigenous people.

CHAIR: Do many people access Housing Commission as well?

Mr DIXON: You could probably count on one hand the number of Aboriginal people owning houses, their own houses. Probably two or three, something like that. A lot, 99 per cent of housing is New South Wales Department of Housing; houses owned by New South Wales Aboriginal Housing Office.

CHAIR: If Probation and Parole were investigating for a recommendation for sentencing, is there a system for a homeless person? Does it work so that a homeless person could get a flat for support, so they could serve their sentence in the community?

Mr DIXON: That is the problem in the community.

Ms AVERY: There is no housing stock.

Mr HARRISON: It is all right for women and children.

[*Interruption*]

Mr DIXON: Nothing for a single person. If you are homeless, you could have five or six children living with other people because you cannot get a house. There are a lot of single people, it is pretty bad. You cannot even look at the single people because you have families who haven't got a house. That problem needs to be addressed, there should be some plan. There are two State Government departments who get away with not being able to produce a plan. They haven't got it for here, they probably haven't got it for anywhere else.

CHAIR: Yesterday a man from CDEP, Richard Barcham, talked about wanting to work more with people, to resource them up to be mentors so they could take on liaison-type jobs. What do you think of that?

Mr DIXON: CDEPs can play a very big role; it probably worked pretty poor in the past, but Richard seems to have turned things around.

Mr HARRISON: A bit of extra money wouldn't go astray either; \$200 a week isn't much.

CHAIR: I see what you mean. If you are on a community service order, this is assistance for you to help people.

Mr DIXON: They get propped up. \$400 or \$500 in the hand a week. If there is extra money you could put on top of that there is nothing to stop them—

[*Interruption*]

There are other government subsidies or if they are outsourced to an agency ought to a service, they can also put their funds in to top up their payments. They are not getting just \$200, but they could get a fairly good wage.

CHAIR: Recognising that in some areas CDEPs are not always in good nick, when the Committee considers what recommendations we put forward, how could we put a recommendation forward about this that means it is for longer-term? Sometimes the CDEPs fall over for a while.

Mr DIXON: But people are seeing CDEP as a group that is there and does lawnmowing and a lot of CDEP participants are outsourced. You have to look at it as just as subsidy that can be used as a lay subsidy. It can be a good start to a person to go into two start of, to trial a business, instead of putting their own money upfront, they use the Government services that are there. They get access to training facilities, they have got good networks and training facilities and businesses. That is really why they are set up. They are supposed to be set up for that anyway, not to be an enterprise by themselves, but to get people trained and in a position where they can run their own business or go along and work in the services and so forth.

CHAIR: There is there a chance for partnership with TAFE?

Mr DIXON: With CDEP? I have spoken to Richard about this. They tried to get a partnership with TAFE but there was a bit of a standoff approach. I think it partnership is with Mission Employment, and they have got training services there that they can provide. I asked them why they are not linked up with TAFE and they said that TAFE has probably been dragging the chain a little bit when we have put proposals to them and actually getting back and working with them to try to get that a reality. So he said, "Why not get back here, it is four months down the track and it is lost. You have gone over and now you've got other partnerships working?"

CHAIR: That is something for the Committee to seriously consider. It is there a community hall in the housing estate?

Mr DIXON: In the public housing estate? There is only the land council.

Ms AVERY: There is none in Eden, but there is the Koori Church. And up at the Koori village at Wallaga, they have a community hall.

Mr DIXON: I wouldn't call in a community hall, probably only space to swing a cat.

Ms AVERY: It is quite small, I do not know how they do their church service.

CHAIR: The Committee visited a place in south Inverell which has a really good community hall. People work there all the time and they run kids programs in computer and after-school sport programs. There are other good things in Inverell as well.

Ms AVERY: An example of that is Wallaga. A lot of people consider that place to be overserved. It has the CTC, which is the computer training centre.

CHAIR: Where is Wallaga?

Ms AVERY: Bermagui, which we spoke about yesterday with the Koori village.

CHAIR: It is an Aboriginal community only?

Ms AVERY: Yes.

CHAIR: They get special funding.

Ms AVERY: They also have the public Internet access point.

[Interruption]

The Hon. GREG PEARCE: Has anyone had experience with appeals? When someone has been found guilty and given a suspended sentence, have they appealed to the District Court?

Mr HARRISON: Yes, I am going through one now.

The Hon. GREG PEARCE: Have any of you had any experience of what happens after an appeal, whether you get a better outcome?

Mr HARRISON: You could define it this way: If you appeal you could be looking at more punishment, even gaol, because you are going against the judge's decision. You are disagreeing with him. For example like Schapelle Corby, she might get life or the firing squad, because she appealed.

Ms AVERY: Legal Aid tells us that this is available.

Mr HARRISON: That's right.

Ms AVERY: You do not know how to go through that process. You don't have to go through that to get your own papers. That is ridiculous.

[Interruption]

Ms COOPER: How does the appeal work? I've never used it.

The Hon. GREG PEARCE: You do not know anything about it?

Ms COOPER: Is it like a tribunal?

The Hon. GREG PEARCE: No.

CHAIR: People do not know how the appeal works, so they do not try to use it.

Ms MUNDY: We don't get told about it.

Ms LEE RHIANNON: When you say that are not aware of it, is that because your legal people do not give you the right information?

Ms MUNDY: We are not aware of it, because we are isolated. People don't tell us things.

Ms AVERY: As soon as you go through court and you get sentenced, for whatever reason, you should be told. For example, I worked for Centrelink for 10 years and one of the first things that I told people was, "When you claim for something and you do not get that payment, you go an appeal. You go to the Aboriginal resource officer, through the Ombudsman, or Legal Aid.

The Hon. GREG PEARCE: I asked that question for two reasons: Obviously to get the response that we just got, but there is a gap there. The Committee probably should look at the court system as well. Yesterday the magistrate told us about the research facility at the courts that gives them the results on each of the charge levels. The Committee should look at whether there is a trend on appeal to reduce them.

CHAIR: Also, the magistrate told us about the court officer. Apparently, what is supposed to happen is, the judge hands down a decision but it is not his job to tell you anything. He sends you to the court officer where you sign off, and the court officer is supposed to tell you everything.

The Hon. AMANDA FAZIO: Yesterday we asked the magistrate what happens to illiterate people, or those unable to read very well, when they are given a bond or a suspended sentence. Who explains to them the conditions of their bond so that they make sure they do not accidentally breach that bond?

Mr HARRISON: The Probation Officer.

The Hon. AMANDA FAZIO: The judge said basically that they are so busy that they leave that up to the court officials who are supposed to explain to you the conditions of the bond when you sign or pay your fine. Does that happen?

Mr DIXON: But there is a saying around town that might explain it. If you want to go to gaol get Legal Aid to represent you, the Aboriginal Legal Aid.

CHAIR: They said that in Bourke.

Mr DIXON: They never appeal. It seems they just go with the flow. The magistrate hands down the sentence and I never heard of Legal Aid appealing anything.

Ms MUNDY: Never.

Ms LEE RHIANNON: Do you hear that they encourage people to plead guilty?

Mr DIXON: Yes, I have heard a lot of that. Aboriginal people in this town will not use Aboriginal Legal Aid because you have to pay money to appeal.

Ms MUNDY: Aboriginal Legal Aid is not really there, it is set up for really hardened criminals, other than that we are isolated, we are not told about anything.

Mr DIXON: It is like a production line.

CHAIR: Too busy?

Ms MUNDY: Or they don't get enough funding, they haven't got enough lawyers and because they are isolated from Bega.

Ms AVERY: Our service is a stepping stone for them. They do a stint in Legal Aid.

CHAIR: No wonder it has gone backwards.

Ms LEE RHIANNON: The pressure in Bourke had been there about 18 years. So someone did the hard yakka.

Mr DIXON: The lawyer isn't there any more. One of the Aboriginal Legal Aid lawyers was at one of the car sales to get his car serviced to go back. He could not see me, I was behind him. He was having a good laugh, about Aboriginal people and the judiciary system, with people behind the counter. I overheard that. When I went and check to see who he was, he was for service to all lawyer with the Aboriginal Legal Aid Service in Moruya. That confirms exactly what we have been saying. He feels obliged to accommodate them with racist remarks.

Mr HARRISON: In courts in the ACT—and I have been in a lot of courts—all judges identify themselves. They run the court properly, they send the court attendance notices and they do their jobs, they have cameras all around them. The Bega court has a new TV screen, so they don't sent court attendance notices but they will send you a fine. They will most definitely send you a fine. But the judge does not identify himself. You could be speaking and he will cut you clean off before you finish speaking, he will not let you speak. The issue is that judges have bosses too. We can complain about judges too, but the issue is that this is being kept from the community, from Aboriginal people, who these people are who you can complain to about an individual judge.

There are other issues, but my main issue is I could be put before this judge, get set up to Batemans Bay, put in prison and I am running around stressed out. I do not know the judge's name, and I want to put in a complaint. Do I have to wait till I get out of gaol to find out his name? No, I want to know now, so I can put in a complaint if I feel that he has done something wrong. This judge in Bega puts nothing upfront with his name on it. I have been twice in this courthouse, and it is run the old-fashioned way.

The Hon. GREG PEARCE: It is probably outside sentencing options. But I think the education side of it is something we have not been talking enough about.

Mr HARRISON: It would be nice to know who the judge is that you're standing before. Do you know what I mean?

CHAIR: Yes.

Mr HARRISON: I would like to know who that judge is, because he could be dismissive or discriminatory, and it's all on camera. He said, "I remind you that you're on transcript, and it's on the tape." I reminded the judge last fortnight, "You're also on the transcript and the tape, and so is everybody else in this room, Your Honour. Otherwise, I wouldn't have said what I said."

CHAIR: Yes.

Mr HARRISON: "Oh, please, Mr Harrison." And I walked out. And they all put their heads down, because I said something that they didn't like in a courtroom.

CHAIR: We are talking about issues about information. This pamphlet that you are offended by, some organisations believe that Aboriginal people will not pick up a pamphlet that doesn't relate to them. That is why the organisations put it in that colour—I think; I mean, we would have to ask them—and the picture, but it's made you angry. So it is a very difficult problem.

Mr HARRISON: That's not true.

Ms COOPER: Can I just show you something?

CHAIR: Yes.

Ms COOPER: An example of that—

CHAIR: Aboriginals have angrily said that to me, "I'm not interested in that. It's not for us."

Mr HARRISON: To be honest, can they read?

CHAIR: I understand about literacy as well.

Ms AVERY: You want people to pick up the pamphlet, regardless of what culture they come from. But if you have a look at council, we are still in the corporate production format. We may have just put a couple of Koori people on that, but we haven't specifically—

CHAIR: Labelled.

Ms AVERY: —labelled a segment in the community.

The Hon. GREG PEARCE: This is your booklet on the community?

Ms AVERY: This is the community directory. So it has got all organisations.

Ms LEE RHIANNON: So you are saying that works better for the Aboriginal community than others?

Ms AVERY: Let's put everyone together. That's right.

[Interruption]

Ms AVERY: Some Koori people won't pick one of these up because it's not identified as a Koori document. But it's got information in there.

CHAIR: But it is there, and you know it is there.

Ms AVERY: Yes.

Mr DIXON: Who printed that?

Ms AVERY: This is the council's.

[Interruption]

Ms MUNDY: I know what you're talking about, but other Aboriginal people want a pamphlet like that.

Mr DIXON: The printing must be a big industry, I reckon. The stuff that comes through the Land Council is ridiculous, the brochures and pamphlets and booklets and all the printing that's happening. I've got no problem with them printing this stuff targeting Aboriginal people, with Aboriginal people printing this stuff. Are they getting the rewards out of that and running a printing business and stuff like that? I've got no problems with that. But there's got to be some sort of other flow-on, I reckon, to Aboriginal people. I reckon the government must spend millions and millions of dollars on printing, and how many Aboriginal people work in the printing industry and actually benefit out of that?

[Interruption]

Ms MUNDY: A lot of people can walk into the Aboriginal health service and I guarantee a lot of Aboriginal people don't pick up the pamphlets and that. It doesn't make any difference. What Kerry was saying, it's better if we're together. That way, you're not targeting Aboriginal people.

CHAIR: Another thing I want to put on the table before we break up is that Nowra is doing circle sentencing. Do you know all this? It means more involvement of the whole community in the process. Do you know what circle sentencing is? This is not in our terms of reference, but the problem for circle sentencing is that you have to have a lot of community-based options as well as other ones—the magistrate, the community people, the policemen and the victim and the offender. They all get together, sit down and try to work through what is the best sentence. We have read about it, and it

looks like the elders in the community who participate actually helped to support the person to deliver the community-based sentence afterwards.

Mr DIXON: Do they get paid for any of this sort of stuff?

CHAIR: It does not sound like it, but I do not know the real answer. But it is a huge commitment.

Mr DIXON: That is right.

The Hon. GREG PEARCE: They do not get paid at the moment, but they are discussing whether they should get paid.

Mr DIXON: I think that is what it comes down to. For me, you are better off putting your efforts into trying to keep people out, trying to generate employment or trying to generate something that is getting income to give people employment, partnerships and so forth, and put a lot of energy into that, because if you put your energy into this other side there is no financial benefit. We are looking at elderly people being involved in stuff that is fairly stressful. They are going to be fairly lengthy mediums and so forth and not getting any form of income or any sort of reward for that.

CHAIR: So if they got income—and let us pretend that that is going to happen—

Mr DIXON: It is almost as if Aboriginal people don't need any sort of financial income. I think governments get like this sometimes, and the community can be like that sometimes with Aboriginal people; they are just there, and we will get them to do something.

CHAIR: We will take that issue on board about the money.

Mr DIXON: But they would not be willing to sit there themselves without getting paid—not a judge, not a lawyer, not a police officer.

Ms MUNDY: What David's talking about—

CHAIR: We have all registered that as a major issue. So let's pretend you all get paid a reasonable rate for sitting there. Would this particular community be able to pull together enough elders or respected persons—and, obviously, there are two communities inside this community—to set up circle sentencing programs that meant something and actually were involved? Would that happen?

Mr DIXON: Because it has never happened before, there is nothing to say what you are up against.

CHAIR: It is a bit of a power thing. It is like putting people into a power situation, because they are there negotiating the sentence with the magistrate.

Mr DIXON: What about family differences and stuff like that?

CHAIR: That is exactly what I meant. You would have two groups, because you could not have someone from the other family being support persons for a perpetrator. So you would have to have two groups. Would you have enough people who feel good enough about themselves to participate in a process to make maybe even three groups of people who would have to work together?

Ms AVERY: It would have been good to have John here today, because he would have been able to let us know because he runs our elders council.

Mr DIXON: What is John doing? John is out there trying to get work for people, and he probably does more benefit in that way than any other way.

CHAIR: Would you have enough general community people?

Ms MUNDY: If we had an information day, you might be able to invite all the Aboriginal people along to the information day and let the Aboriginal community themselves pick the people. We can't say that unless all the Aboriginal people are involved.

Mr DIXON: You can see if there is interest in it.

Ms MUNDY: Young and old have got to be at that meeting so that they can put a good committee together.

Mr DIXON: If there's no interest—

[Interruption]

CHAIR: That puts the power where it should be. Apparently, when they are thinking about doing it, they employ someone to actually pull all this stuff together and set it up. I am not saying this committee would come and do that. I just wanted to hear how your community would feel about dealing with that.

Ms MUNDY: I think if you have an information day, you have got the whole community involved, and the whole community can sit down, so that no-one's got differences, and everybody can agree on it as an Aboriginal community. It's up to the community who they want to sit there and work in with them.

CHAIR: It does not work like voting someone in. Everyone has to work together to make sure every family is represented.

Ms MUNDY: It won't happen unless we have that information day.

CHAIR: That's exactly right. I understand that is an important thing for us to put in as advice about the process.

Ms MUNDY: But there needs to be an information day.

CHAIR: Yes.

Mr DIXON: What if you end up with a situation where there were people from certain families that were interested in it, and then you had other sections of other families that weren't interested?

CHAIR: I think you would find there would be no recommendation to use the process. The person who is charged also has to opt to be involved in the process. So, if there is no circle for his family, then he or she would not be in circle sentencing and would have to go straight to the magistrate and not have the benefit of the whole consultation process. So people would be excluded. And if a person from Taree came and did some dreadful crime down here and got charged, it would be almost impossible for your people to do the circle sentencing because you did not have the family around to do that. So it is only for your own community.

Mr DIXON: You have got a mixture within the community. You have got the traditional owners, you've got people who have been here with all the historical links to the area and have been here for probably 40 or 50 years, and then you have got people who have just come in new and don't know a lot of the community. You have got to take all that sort of stuff into account.

CHAIR: So it all gets divided up like that, yes. All the blow-ins would not get into circle sentencing, because the elders would not know their history to help work with them about what has gone wrong and what might fix it.

Mr DIXON: That's right. But, by the same token, there are people out there trying to work with young people to ensure that they don't end up in the system.

CHAIR: That's right.

Mr DIXON: Families do that, black or white. They look at trying to ensure that their young people are not out there getting into trouble and have got something to do.

CHAIR: Yes.

Mr DIXON: Trying to mentor them as well. It's already probably happening on the prevention side.

CHAIR: Yes. But it gets bigger if everyone is sitting round chatting over what could have gone wrong and what might fix it.

Ms MUNDY: And nobody wants to do anything about it.

CHAIR: Yes. This is how it is working up there, but we have not actually talked to people properly. A group in the community might be helping those persons to serve out their community-based sentence so that they keep out of gaol.

Mr DIXON: So how long has that been going for up there?

CHAIR: Seven years, is it?

The Hon. GREG PEARCE: I think it is only two or three years.

CHAIR: No, it is more than five years. I read the book.

Mr DIXON: Is it working?

CHAIR: They are saying it is good, and that more people are able to get through the community-based sentence, or even gaol because they have got assistance when they get out, because there is a community group that actually understands all of their issues and helps to support them—the elders.

Mr DIXON: Where people are reoffending—

CHAIR: Apparently, it is less. We have not got the statistical data, but that is what the book says.

Mr DIXON: Are some stats kept on that?

CHAIR: Yes, there are statistics.

Ms MUNDY: If they are going to break the cycle that is going on in the community—

CHAIR: They are involving the community in the whole process. That is why I asked those hard questions about how could your community cope with it if it got increased.

Mr DIXON: It's just whether people are interested in the whole thing, I suppose. It's commitment. That's what it is.

Ms MUNDY: Like I said, if you hold an information day you ask everybody who turns up on that day where the interested parties are. If people are interested and they want to do something—

CHAIR: That is an excellent suggestion, and we have written it down. The words have come onto the recording. My scribble notes aren't useful.

Mr DIXON: Is this just for Aboriginal communities?

CHAIR: There is circle sentencing for Aboriginal people, because they have kinship/family groups that stick together in their local community. That is why it was designed; it was the Nowra people who help the magistrates to do it.

Mr DIXON: It would be all right.

Ms MUNDY: I can see something like that breaking a cycle a cycle in Bega that has been going on since day one, for 40-something years. Something like that will start breaking the cycle with young Aboriginal people. We have been caught up in a cycle and just going round and round and round, drinking and not getting anywhere. If it is getting an education, and keeping young people out of gaol, something like that will start to break the cycle.

CHAIR: It attracts a lot of people to the responsibility. That is what it does.

[Interruption]

Mr DIXON: But what you find is that it's the same old people. There's a lot of people who talk about wanting to do things and other people who are doing things. You find with these people that it is probably taking 10 or 15 years off their lives, because they're out there actively involved. It's the same old people. There needs to be a broader base of people who will come forward. I have lived here all my life, and the base has always been thin.

CHAIR: In Brewarrina there were five people, that's all. They just started it. They were very excited, but they understood it was a huge job. They were hoping that more people would be able to be resourced up and get interested in being included as time went on. There is lots of education stuff and lots of work to do.

Ms MUNDY: What you find with Aboriginal people is that it takes someone to start something in a community and it takes a while for them to come on board. That is with anything.

CHAIR: The community has to own it, or it is a waste of time, and you don't bother.

Mr DIXON: That's right.

Ms MUNDY: But, if you don't do anything about it, all we are doing is just talking and it is getting worse.

CHAIR: We are not saying this is going to come. We are just talking about it now.

Ms MUNDY: There's one other thing I wanted to bring up. What I find in Bega and what we are isolated from—and I am talking by experience because I have already taken a real estate to the discrimination board in Wollongong—we went through a conciliation process right here where we are sitting. But it has happened a lot in Bega. Bega has a lot of what we call hidden racism and a lot of Aboriginal people that discriminated against just about every day, but the thing is they just don't pick it up. So we are quite isolated from the legal aid service and the discrimination board is in Wollongong. We've got no agency down here; we've got no lawyers giving us the right advice about what pamphlet to take. There are a lot of discrimination cases, people getting discriminated against, it's just gotten worse because there's nowhere for us to go, who talk to, what lawyers to talk to. There is none of that stuff.

CHAIR: This is a problem across New South Wales.

Ms MUNDY: There is a lot of discrimination and going on here in the area of accommodation, like real estate—not just real estate is, pubs and clubs.

CHAIR: There are lawyers everywhere in Tamworth and that same problem happens in Tamworth.

Ms MUNDY: What if they are on educated and cannot read and write? You feel isolated.

Ms AVERY: Are there any opportunities for the Ombudsman to do field visits? Like I was just saying to Auntie Marg, you know then that at least twice a year these people are coming to your community and you can have that face-to-face contact with them and have the questions answered.

Mr HARRISON: We ring up a complaints service and no-one will return the phone call.

CHAIR: We will ask more questions about that. I know that legal aid in the northwest is now doing very well in advertising, "Come and talk to us about your domestic problems" and things like that.

Mr DIXON: The Elders and people like myself work with local government. Local government down here, as a Parliamentary committee you would know that the council was sacked and an administrator put in.

CHAIR: When did that happen?

Mr DIXON: Probably about three or four years ago or something.

Ms AVERY: I have been there for four years and in 2001 we signed the Memorandum of Understanding, so it was the two years before that.

Mr DIXON: So, 1999, 2000. It was a pretty bad relationship there between Aboriginal people and local government. It has got a bit better only because of parties talking with each other.

Ms AVERY: We have had signed an agreement that makes talk happen.

Mr DIXON: There is a willingness to work together. There is a hand-back in process of two national parks in the area, things like that. But there is still a lot of racism, but there are people like that everywhere. It is never going to change people, but things have gotten better. It is not all doom and gloom. I think what it is about is that you have got to stand up. They'll say we have got to take part basically and want to change things and not want government to change it for us. We have to get the education and learn how things work, and get out there and do it.

CHAIR: I want to thank you people for coming to talk to the Committee. It has been incredibly useful. We have masses of information. I am not going to pretend I know about it but we will go back and look at it. They have been really good suggestions and propositions and we have picked up some big issues from you. I really want to thank you. You are very welcome to sit around and chat with us for a little while.

Mr DIXON: When will the report be completed?

CHAIR: We are supposed to submit the report to Parliament in October. If you have written your name on the sheet you will receive a copy of it. Because the questions are complicated we cannot promise that that will happen in October. It might take us a bit longer to work through the issues. What will happen there is the Attorney General who has asked the questions will give us an answer about what he is going to implement, and why and how.

(The Public Forum concluded at 11.35 a.m.)