

**REPORT OF PROCEEDINGS BEFORE**

**STANDING COMMITTEE ON LAW AND JUSTICE**

**INQUIRY INTO COMMUNITY BASED SENTENCING OPTIONS**

—————

**At the Holy Family Centre, Emerton, on Tuesday 27 September 2005**

—————

**The Committee met in camera at 1.00 p.m.**

—————

**PRESENT**

The Hon. C. M. Robertson (Chair)

The Hon. D. Clarke

The Hon. R. H. Colless

Ms L. Rhiannon

**CORRECTED**

**Mr CONFEGGI:** Members of the Legislative Council and members of the community of the Holy Family, I welcome you to a special part of Sydney. I thank Uncle Wes and Uncle Greg for already welcoming us, and doing it so well. The smoke rising straight up was a good sign for our meeting. For those of us who are visitors, this is a wonderful community at Holy Family with a tremendous history of healing, bringing people together and a great commitment to reconciliation in the community, very much in the Christian tradition, but also with a great welcome to people of all faiths. We welcome those from other churches and other faiths, in particular, Mohamad, this afternoon from the Rooty Hill Mosque Islamic community. I trust that this will be, in the spirit of Holy Family, a great gathering that advances that healing and reconciliation and bringing people back into the rich community we have here. In welcoming you, I welcome particularly the members of the committee of the Legislative Council who have come to listen to the community and particularly Paul Hanna who has been a part of this community for a long time.

**CHAIR:** Thank you very much for welcoming us. I thank the elders for welcoming us to Dharug country, it is important to us, and for the people who have come to share their information with us. I thank Coral for organising this event. I am Christine Robertson, Chair of this Committee. I am a member of the Australian Labor Party and have only been in the Upper House for this term. I was voted in at the last election.

**Ms LEE RHIANNON:** I am Lee Rhiannon, a Greens member of the Legislative Council Upper House. Often people associate the Greens just with the environment but we have a deep commitment to social and economic justice. The welcome has been a real pleasure to my colleagues on this committee and we are very hopeful that it will help deliver greater justice to communities across New South Wales because one thing that we have learnt time and time again in the work of this committee is that there is massive injustice in many societies and we have a real responsibility to rectify that.

**The Hon. DAVID CLARKE:** Father, and elders of the Dharug community and all the good folk here today, thank you for the welcome that you have afforded to us. My name is David Clarke. I was elected at the same time as Christine at the last State election, which was about 2½ years ago. I know a little bit about this area. My wife grew up in Rooty Hill and taught at Mount Druitt High School as a schoolteacher. Her parents still live in Rooty Hill and from time to time we attend the church at Rooty Hill, so we have an affectionate regard for the area. We look forward to learning from you good people today to help us go back to the State Parliament and look at some of these important issues.

**The Hon. RICK COLLESS:** Thank you for the fabulous welcome earlier. My name is Rick Colless. I am a member of The Nationals and I have been in the Legislative Council for five years. I come from Inverell, which is up near a little place that Uncle Wes knows very well in Ashford where he comes from. I work around rural areas of New South Wales all the time. I spend a lot of time in towns such as Walgett, Brewarrina, Bourke and Broken Hill so I am constantly confronted with the sorts of cultural problems that Aboriginal people are facing around New South Wales. I have got to say I am very impressed with what I have seen here so far and with the attitude of people who are trying to meet what we call reconciliation, whatever it is. This sort of facility is a truly wonderful thing, and it is a great pleasure to be here.

**CHAIR:** Normally in a parliamentary public inquiry people are formally sworn in and questions are asked. The committee has established from this inquiry that opening up these meetings with conversations has been very helpful but it is very hard on the person who is responsible for recording the information. When people want to speak would they say their name? If they do not want their name recorded, please say so and what they have said will be in a document but without their name. Committee meetings are not intended to provide a forum for people to make adverse reflections about others. If you want to say something nasty about some people, it would be preferable if you do not identify them. I therefore request that speakers avoid the mention of other individuals unless it is absolutely essential.

Anything that has been said during this meeting is protected by parliamentary privilege, which means that you can speak freely and honestly. I remind participants that parliamentary privilege only applies to what is said during this meeting, not if you speak with the media outside. Although you are free to talk with the media, please remember that parliamentary privilege will not apply.

**Ms LEE RHIANNON:** This inquiry started last year.

**CHAIR:** The Committee has heard about how complicated these issues are. We have extended the reporting date to enable us to obtain more information, that is why the inquiry seems to be a bit longwinded. We are inquiring into issues in relation to community service orders from the courts, such as bonds, home detention, periodic detention, good behaviour bonds and circle sentencing, and access to them. The Committee found—and the person who told us about this knew—that a lot of people do not have the same access to community service orders when they get into trouble. They tend to go to gaol more often or receive orders that do not give them support, so they can get better and off the trouble trail. This includes disadvantaged people, the homeless, the mentally ill, people who live in the country areas that do not have a lot of support resources.

One of the big problems in New South Wales is the large number of Aboriginal persons in gaols. Maybe we can work out ways that that can happen less often. The Committee's reporting date is December and the Government is obliged to respond to our recommendations within six months. Because this Committee is made up of members of all political parties, when we are given an inquiry as complicated as this one, it is important that the Committee work together. All political parties have worked very hard to try to come to a consensus so that we can put a recommendation to the Government.

The Committee has visited and held formal hearings in a number of rural towns including Inverell, Bourke, Brewarrina, Griffith and Bega. The Committee has held meetings with members of the general community and service providers, similar to what we are doing today. We chose those centres following research by our secretariat, who work very hard for us. They looked at all the information relating to certain towns across New South Wales and chose a cross-section, so we got a different mixture of opinions and problems. We did not deliberately choose areas relating to anyone's politics, but chose a wider picture.

We are here today because we need to know what you people think about this issue. What sort of things may stop equal access to community service orders, instead of someone going to gaol. What happens in the community, or what should happen, to help people who are serving community service orders or any other community service? You may know some things that work well within your area. I understand that Coral McLean is the expert on those matters. Coral will make an opening statement.

**Ms McLEAN:** I welcome everyone and thank you for coming. I acknowledge that we are gathered on the traditional lands of the Dharug people. That is really important to us because in many ways it is the indigenous communities who enrich us and our spirit and provide us with hope. On this land there has been more than 40,000, possibly 60,000, years of continued existence. Families have gathered on this spot generation after generation, cared for each other, taught each other, led each other. In that encouragement of each other and their survival, we too can learn from and draw from. I thank Uncle Wes, Uncle Greg and Joe for providing us with the welcome.

Each of you has been given a copy of a beautiful painting by John Hunter, the son of Marja Melita, one of the Elders in our community, and a co-founder of Link-Up. I am telling you that story to indicate how rich our community is. John painted this as a gift for Father Paul Hanna on his retirement from Holy Family after 23 years of service. What he tried to capture in that beautiful painting was that for all those years the Dharug people, the first people, walked on the these lands. In more recent times people have come here from other places to form the Holy Family community at Mount Druitt. The Elders tell me that there are 76 or 77 different tribal language plans, or groups, who now gather and live in Mount Druitt. Mount Druitt is their home.

Mount Druitt is home to not only the first people, the Dharug people, but also to 75 other language groups. When we reflect upon that richness, what does it mean to us? What does it tell us? What can we learn from that? How can we use that wonderful resource to be more creative in our

responses to people who are suffering, who are marginalised, who are living with all kinds of economic and education deprivations? I hope that that image helps you when you go away from here to draw on that. On the walls of this room you can see three portraits: the one on the left is Yarramundi; the one in the middle is Maria Locke, the daughter of the Yarramundi and Robert Locke; and the one on the right is their baby, which indicates a symbol of hope for the future.

Those portraits were painted by Leanne Tobin, a great-great-great-granddaughter of Marja and Robert Locke, a descendant of Yarramundi. He was the tribal elder at the time of white contact in this place. Yarramundi, in his wisdom, felt that one of the hopes for the future for his people was to be educated in the white fella system. He sent his children to the neighbouring institute that was within walking distance. Marja was an outstanding student, a brilliant academic. We can see copies of her beautiful handwriting. She was dux of her school. Marja married Robert Locke, a convict. That was the first official recorded union of white and black in this country.

They were given land at Liverpool by Governor Macquarie, but had that that land taken away. So Marja has had her land stolen twice. Just imagine that. Yet, from her descendants we have something that is so beautiful as that creation and that story. I feel that that is where we are coming from, all of the people in this room; that is our experience of Mount Druitt. We often welcome people who have come with a sense of negative words such as "disadvantaged". Those who work here celebrate its diversity and richness.

In reference to the Law and Justice Committee, when we first looked at the discussion paper and terms of reference, and when talking amongst others, we felt that we really do have something to contribute to this process, Christine. First, because of who we are, and part of that story that we talked about. Second, because we already have a long history of working with people and advocating for alternatives to custodial sentences. We have a rich heritage that we draw from, from the Catholic social justice teaching, and appreciate the stories of justice and social justice. Also in the indigenous community of finding ways of being more creative in our responses to people who are caught up in the juvenile and adult justice systems.

Our experience tells us also that the judiciary is often very grateful when presented with an alternative to a custodial sentence, when someone from the community or other organisation can advocate on behalf of someone from their relationship, knowledge and understanding of that person in the context of their family and community, and inviting them to consider an alternative. Mostly that has been received positively. In our experience of working with people on community service orders and periodic detention, they have taught us think beyond the normal conversation. For example, earlier this year a group of indigenous men came to Holy Family and they were very concerned about grief and loss issues. It was not just grief through the loss or through death. One of the greatest pains that men were suffering from was when people were incarcerated.

The greatest pain was the loss and grief when a child, partner, father or mother is incarcerated, when people were removed from the family and community and put in gaol. Often in the indigenous communities they were removed for a very long time. There never seemed to be any other way of responding to that. Instead of gaol being the last resort in many cases it was often the very first response. They talked to us about creating space here in the grounds of Holy Family, somewhere between The Shed and the courtyard, that could be dedicated to indigenous men in the community. They need a place where they can come and grieve. Somewhere they could use as they would back home in the country; a tree, log or river. Somewhere we would go and stand and reflect and strengthen each other.

In the absence of anything like those things, they need their own place, because all that was taken. We talked about how it might look. They said that if they were from Brewarrina how could we symbolise that connectedness with Brewarrina; it could be through kinship or culture, it could be river stones or an indigenous tree or shrub from Bourke or down the coast, or it might be some sand. It did not matter what it was, but it would be something that speaks of country, of connectedness that could come here to remind us of the people who are lost to us. That would remind us and call us and invite us to be conscious of what this disconnection means, this break. That is an example of what we may be able to offer through this process.

You have been concerned about lack of opportunity for people from rural and remote areas to have an alternative to a custodial sentence; some kind of community-based sentence. Maybe we already have it here in the gift of the 76 clan groups that have made Mount Druitt their home. The kinship ties, the connectedness to those communities where people could come here and complete an order in the care of kin and be nurtured and nourished in new ways, plus they bring with them some of that gift of their home communities.

That could be a mutual exchange where we have people in our community who require healing that they cannot get from the environment they are in because the environment is the context of the offending, substance abuse, relationship breakdown or there has been no opportunity to discover anything in themselves. They could return to those communities as part of returning to country for a community service order.

If there are no organisations that can welcome them, perhaps we can trust the kin of those people to be the key people to provide supervision and completion of a community service order. That is the first thing we would really like an opportunity to explore. I do not want to do all the talking, but there are two other things I would like to mention. With respect to community service orders, we have tens of thousands of community service orders. Father Paul and others can tell you that sometimes we feel like we have done every single one of those hours ourselves because the community service order is a workplace order.

Our experience is that most people who come here to do a community service order have never been in the workplace before. They have no experience of workplace culture and no experience with the responsibilities of caring for resources and equipment. They have no experience of how to use certain tools and no understanding of health and safety issues, responsibility or reporting. They have had no opportunity to learn those skills.

For communities like Holy Family and others who do that too, to make a voluntary commitment to such a big scheme that we have complete confidence and support for is a huge ask. I cannot tell you how many whipper snippers and lawnmowers have been lost because somebody has left of them outside while they came and got a cuppa. They have just disappeared or they did not know how to care for them, put water in them or whatever.

Communities like ours cannot afford to continually pay for resources like that. It needs a rethink in terms of responsibilities by government and the wider community to support these people. It also needs careful skilling and staff who can care and go to people. That is something I would like to put to the debate. Some people here today can speak more clearly about that.

The other thing I wanted to talk about is periodic detention order stage two [PD2]. We have tried very hard in the past to accommodate people in this, but we found that the inflexibility of the bureaucracy was shocking to believe. When people come to our community we are accountable to them, their families and the community. We feel we have the right to deserve respect, which says that there is a trust implicit in that and that we will work together to do what is in the best interests of those people. We have a right to expect that of others.

It is easier for me to give examples. We might have people who are on PD2 who have become a really important part of our service to the community. Because PD2 is usually long term, it is long enough for people to learn skills and develop relationships and be an important part of our community service. We might have a huge funeral and if it was an indigenous funeral, 500, 600 or 700 people might attend from all over the State. We might want to provide hospitality after the funeral service and burial, so we invite people back here. One important part would be that people on community service orders and on PD2 could provide that hospitality, but you cannot move their days or their hours.

Another example is that they cannot go off site. If they are working for an organisation and the business of that organisation sometimes takes them off site, that can be another consideration. People who are providing the service should be able to determine how best to utilise the gifts, talents and presence of those people. Those are some of the things that I would like to open up for conversation and I would like an opportunity in the future to clarify or perhaps revisit some of those. Certainly, there are people in this room who have been in the role of supervising and people who have

been in the role of monitoring people who have completed a community service order. Some are currently completing them and it is an important time for them.

**CHAIR:** Thank you very much for that. We need to get some idea of how people feel about these issues. What do you think about people doing community service type detention instead of going to gaol? Is it a good idea or a bad idea?

**Mr A.:** It is a good idea.

**Mr MARNE:** It is a good idea, if—and it is a big "if"—they turn up. If you are sentenced to gaol and you have got six months or 12 months, you are there every day. These people get so many hours and they should be made to turn up and do the hours. If they are given three or four days a week—even two days a week—they should be there. Punishment is something that we have to do.

**Mr HART:** I am doing community hours.

**Mr HAWKINS:** I think it is a great idea. It is like Uncle Wes said, people should turn up because at least every afternoon you are going home to your family. It is not keeping you restricted from your family life. Being up at the Shed is a good way to express your feelings. There are people up there like Teddy to talk to and there are plenty of brothers up there to come and visit. It is a really laid-back place. I have been to gaol once before. I reoffended and went back a second time and that proved not to do anything really good for me, whereas community service has done wonders. I feel like a new person. Every day I want to go out and make something of my life and not bother reoffending. It is good.

**CHAIR:** Did you spend short terms in gaol?

**Mr HAWKINS:** The first time was 22 months and the most recent time, I was only in there for six months.

**CHAIR:** Did you get into any programs while you were in gaol?

**Mr HAWKINS:** Yes, I was doing courses in anger management and other things like that, but it is very hard to do them while you are in gaol because there are not enough providers in the system for it. But out here it is great. A man pops up to the shed every Wednesday at about 11 o'clock. You bring your resume up to him and he hooks you up with interviews. It is a good outlook, the Shed. There is a lot of support.

**CHAIR:** How do your family feel?

**Mr HAWKINS:** My family are happy. They are rapt that I am doing community service. I have met this bloke and I have showed him my resume.

**CHAIR:** If your family were not coping very well and the community was not coping very well also, how hard would it be for you to do community service?

**Mr HAWKINS:** No, not that hard really because there is the support up at the Shed. If you are not feeling really good about the day, there are always people to talk to, to give you a pat on the back or a cuddle if you need it. There is plenty of support there.

**CHAIR:** You did the green card to do with occupational health and safety in conjunction with an employment group, did you?

**Mr HART:** Yes. We talked about how we could help the guys doing community hours to get a job because for most of the labour work you need a green card to go on site.

**CHAIR:** That has been a huge problem in the country towns that we visited. It stops council people from taking on workers because they cannot give the appropriate occupational health and safety advice. Who does the courses?

**Mr OO:** It is a joint project between a private employment agency and the Shed. It gives opportunities to disadvantaged people.

**CHAIR:** Who runs the program?

**Mr OO:** It is a professional trainer. The Shed facilitates that activity taking place.

**CHAIR:** Do you have any ideas that communities can use to implement this type of process across the State?

**Mr OO:** Yes, but again we have to take the community into consideration because the community might have different views. I have been working in Mount Druitt for 18 months and you have to understand each community's needs.

**CHAIR:** Obviously, the concept must come out of the community in order for it to survive. I was asking about the joint project between the employment agency and yourself with respect to training for the card. It is a green card, is it not?

**Mr OO:** Yes.

**Mr SANDALL:** You have to find a partner that has a welcoming place for Aboriginal people to go to. You look for a community partner in different locations that has that welcoming feel and that the community accepts and goes to. The partnership is then developed with that agency and the professional job work provider. The key to all of this is the partnership and finding a welcoming place that is already established within the community and that the community will go to. I am sure that Father Paul would agree with that.

**Mr HANNA:** Could I go upstream from where we are and make a statistical snapshot of a prison? I acknowledge Professor Tony Vinson and Dr John Bassinger from Forensic Mental Health. Of the 9,000 inmates in prison today, 94 per cent are male and 6 per cent are female. We know that. We know also that 25 per cent of females are indigenous women and 20 per cent plus are male, and we know it is increasing by 1 per cent a year. We also know that of the 587 postcodes in New South Wales in 1999, 12 per cent of the gaol population came from 3.2 per cent of the postcodes. Six years later, 25 per cent of the gaol population comes from the same 3.2 per cent of the postcodes.

Two-thirds of the 9,000 people in custody are mentally ill and 65 per cent cannot read and write and, I hasten to add, that if we go back to juveniles, of the 300 juveniles in custody, 40 per cent are indigenous. If we look at the profile of people who are in custody, they have a whole galaxy of health, education, housing, homelessness issues—the issues just go on and on. We actually have a very rich picture of where we are. Of the 9,000 in prison, 628 only are serious offenders. What is really disturbing is that we are quarrying inmates from these areas. When there are 330 coming out each year, as there are in this community, the community then needs an enormous amount of resourcing to carry on. It not just a supervisory role, but one that goes back.

When I was here in 1986 there were 28,000 children on the estate. There were 700 or 800 in one stream. I am not blaming the system; I am not shooting at people. We have to acknowledge that that group of people were marginalised, they were socially excluded, not by themselves but by the system in social exclusion units. As we saw on *Four Corners* the other night, we have so many people in prison who are mentally ill. They should not be there. We have so many people in prison and they should not be there. We do not want to just dump them out here and expect people here to do community service. They have been there and done that. It is a really difficult call. However, what I am asking you, and I am grateful for the opportunity, is to look at the whole picture in the debate and look seriously at bringing all of those services, not just Attorney-General's Department not just looking at violence but at the whole picture because the people inside are telling us something really important.

They are quite prophetic. They are prophets and I think they are prophetic for us, calling us because the prison population increased by 50 per cent in the past 10 years. If you go down to Junee—have you ever been to Junee? Do a drive to Junee, do the wait outside for three hours. I am not just having a go at Junee but, you know, the process to get in there is just unbelievable. We cannot

disconnect people from their community because that is where they can be healed. Communities can carry—provided we are really serious about getting the whole of government thinking—health and all that stuff.

**Ms LEE RHIANNON:** You have just identified that community support is so important. What can be improved to give support to the programs that these young man are on? What more can be done?

**Mr HANNA:** I think we just listen carefully to them because they are telling us something important. Victor Hugo said "auscultate" is listening with a stethoscope. I think it is a beautiful word. I think we need to listen with a stethoscope from the people who are already marginalised and custodialised and when they trust us they will tell us. We will see a lot of the fault is in the system. We do not need to bash the system but say "Hang on. There is a reconciliation thing here that is required for all of us." It is disturbing when you have got 40 per cent of juveniles in custody are indigenous; 266,000 brothers are here to look after the one juvenile in custody; 73,000—these are old figures. What I am saying is that is a serious statistical snapshot. I think communities have the capacity and a lot of creative energy but are we prepared to seriously re-enfranchise a community and give it the energy in Health?

**CHAIR:** The committee has heard from a lot of magistrates in this inquiry who want to give a fair sentence for whatever is the crime but they need to know that the service and the supports are there in the community. It would be much easier locally knowing an excellent place to do community service orders. But in some towns in New South Wales there is no place to do a community service order, as no-one will have them.

**Ms McLEAN:** Regarding magistrates, that is true and it is often our experience. However, say the advocacy from Holy Family or one of the other organisations here, the magistrate reads it. He or she determines the sentence but then it goes back into the system. We are lucky we have got a good relationship with Mount Druitt office, Probation and Parole. But it means that that requires a lot of working with, and with a change of staff, some magistrates do not necessarily know who the Holy Family or whoever the organisation is. If there is a change in management or staff at Probation and Parole they may not know. So it is too incidental and ad hoc. It needs to be strengthened in a way that does not allow for the slipping through the cracks. For Luke, for example, if we were advocating for a community service order we want it to carry some weight. We do not want it to be read on the whim or the luck of whoever happens to be bringing it and then when it goes back to Probation and Parole, we definitely want it to be taken notice of.

**CHAIR:** The definitions in the assessments that Probation and Parole has to do for the magistrate has been raised with us. It is perceived that sometimes those definitions relate to societies from which the people do not come, so they exclude a lot of people from community service-type orders.

**Ms LEE RHIANNON:** Luke and Mohamad, what do you think of the program you are on?

**Mr HAWKINS:** They are great. It is a lot better than custodial sentences. I had this trouble that if you do an offence which is your first adult offence and you get more than six months gaol, it is very hard for the magistrate to look at you doing any other thing besides gaol, because you got more than six months sentence for your first offence.

**CHAIR:** It is part of the definition issue?

**Mr HAWKINS:** Yes. Most magistrates when they see someone who for their first offence has been sent to gaol they just automatically send them back to gaol and not giving them that chance because they cannot.

**The Hon. DAVID CLARKE:** If you had the power and could have your wish granted what would you like to improve?

**Mr HAWKINS:** More community service places like The Shed and more drug and alcohol resources. They could get better, more counselling and stuff like that.



**Mr DOUGLAS:** Do you mind if I ask you a question?

**Mr HAWKINS:** No.

**Mr DOUGLAS:** At what point do you feel that the system failed you?

**Mr HAWKINS:** My first adult crime and I was sent straight to gaol. I did not get a second chance. I did not get a chance to do a community service order bond, I got sent to gaol so I felt at that moment the system failed me, they were not giving me a chance at all.

**Mr DOUGLAS:** Do you think if you had been picked up somewhere earlier—

**Mr HAWKINS:** Yes. At the moment where I am now, I wish that was years ago because my life is looking up now.

**Mr DOUGLAS:** I have worked in education out here for 10 years. One of the things that saddened me is that I would go into primary school and would see a child getting into trouble. I would see that same child getting into trouble in secondary school and to me we are not picking up these kids soon enough. An example at one of the schools in this area where two or three kiddies were having a bit of hard time, the thing that really struck me about that little group was each of those children that were off the air either had a father, brother or some relative that was a death in custody. Now that was in one school. It makes you wonder why these kids are all off the air. To me we really need to be picking up these things earlier and giving them better support. How serious in the schools is the Aboriginal education policy being put?

**Mr MARNE:** The only thing we have between Parramatta to the top of the Blue Mountains is The Shed. We do not have enough of these places where the young man just said "I come here and I feel real good". We cannot let everyone come to do community service here because of The Shed, we have to have other places which we do not have. If people are sentenced to come here, they have to come from Penrith and they do not get here.

**CHAIR:** They cannot be transported here?

**Mr MARNE:** They will not come. It is too far for them. They have to have places where people can go where they can be accepted and not be put down, as we all know, because they are a felon, they have committed a crime and they are no good. This place has put people back on their feet again. We have to have other places to do this. I have been in the community now for about 30-odd years and this is the only place. Before we had The Shed this place here was the only place where they could come to get a feeling of being wanted.

**Mr MACDONALD:** I would like to pick up on what Uncle Wes said, if I may. I am the Professor of Primary Health Care, University of Western Sydney. I am saying that title because you picked up on the green card, Christine, and that is good. The green card is partly about The Shed and it is not the only thing they do is employment in The Shed. The Shed is a partnership project between the university and the Holy Family. The Shed could not have existed if it were not for the credibility and the welcoming atmosphere that has been referred to already by Neil and all the Holy Family. But the Holy Family cannot do everything so the university, to its advantage, has expressed a commitment. It is lucky to be in partnership with the Holy Family. We offer The Shed as a small, modest contribution.

I acknowledge the support to The Shed of the former and present staff of the Holy Family. Father Paul said that the bigger picture is very important. None of us involved in The Shed would pretend it was holding the problem, all of us would acknowledge that this is a bandaid but bandaids have their place. We are dealing with symptoms but we have also to look at the causes. If the university is to fulfil its role it will try to help in the service provision for its men in distress but it will also help society look at the causes of this. So the two can work together.

The Shed actually comes from Federal money for the prevention of suicide, and you all know, I am sure you do, that in our society that it is mainly men from aged 25 to 44 killing

themselves. I challenge anybody to tell me what provision there is for that. It is only dealing with the symptoms, it is not looking at the causes. I would agree, I think it is wonderful that the commission is here. I think it is great to see that partnerships are possible but with respect to the green card partnership that you mentioned between the private provider, it would only happen if The Shed was there.

The Shed will stop functioning in six months, as the money runs out—it could stop but with the grace of God and some help from our friends it might continue. But the Federal Government funds and is committed only to another six months so we are scrambling for more. If that sounds like a plug, this is a plug. I think if you see any value in this model—it is only a model—please look at these partnerships and please let our State put its money where its mouth is and try to support such projects.

**CHAIR:** Our recommendation should say that we have found this wonderful model out here and we would really like it replicated elsewhere and be assisted from other departments, and this model needs more funding, you had better pay for it?

**Mr MACDONALD:** I hope you heard that. Leaving aside The Shed for the moment, I have a case history to discuss that I have just finished looking at, about social disadvantage. And it came up not favourably. She was not saying that here is a model in Holy Family for working with the community in creative ways that built on the energy of the community and draws on partnerships. I am not trying to endorse what you said, even if you were speaking tongue in cheek.

**CHAIR:** Only at the end.

**Mr MACDONALD:** It goes beyond personalities and projects. It is a way of working that might help us look at the causes as well as the solutions.

**CHAIR:** Father Hanna, you read from a list of useful statistics, could you hand those over please?

**Mr HANNA:** Yes. I acknowledge that they are available from Professor Tony Vinson and Dr John Basham, both of those you know.

**CHAIR:** In relation to our terms of reference, which are equitable access to community-based sentencing, we recognise that there are other huge issues that interject and may make a difference to people's community-based sentencing. We understand from the statistics that those who actually serve resourced supported community-based sentencing are less likely to get into trouble later than those who are just shoved into gaol. Recognising those issues what do people think about that? Is it true? Is it useful to have community-based sentencing?

**Ms SUTHERLAND:** Absolutely. I am from the Mount Druitt Community Solutions, Probation and Parole. In terms of community-based sentencing, it is quite obvious that in both the personal costs and financial costs, a couple of things regarding sentencing options need to be revisited, specifically, in relation to Aboriginal people, when we talk about evidence-based practice and research and what works. There is something like 1,400 articles on research into Aboriginal deaths in custody. We need to ask: What happened to that research? What happened to the recommendations? Why did we get tired and not keep going with the implementation of those programs? What happened to the evaluation of the programs that were started? What happened to the outcomes of the programs, some of which were very fine but fell away because people were not interested anymore? The publicity grab is no longer there. I am not sure.

Why are we sentencing people? Is it just for the purpose of punishment, or because we want to make a difference to offending behaviour and to the communities in which we live? If we ask ordinary people and give them all the information, they would say, "We want to live in better communities and change people's behaviour." We all know you do not change behaviour by flogging them or making their life difficult, but by coming up with creative solutions. Earlier we spoke about the reasons why people commit crime. Our response has to be incredibly complex and that takes a long time. We cannot just blow into an area and say that we are going to solve the crime in that community, because we are looking at a whole gamut of issues, from spirituality, mental health, drug and alcohol addiction, violence, child abuse and so on. It will take us many years.

One of the things about The Shed and the way it works is fascinating, it is organic, it is not a bunch of outsiders—and I acknowledge that people come from the outside and give resources and support—it is actually people working on the ground. They are trialling it, sucking it and seeing that it works. So it is organic in that sense and it is growing. But if we do not have time to allow it to grow we will not have those models. If we are complicated about the way we achieve these models they will not have any success either. It is on-the-ground stuff, rolling up our sleeves and getting in and doing it. It is important to stress something that Coral spoke about earlier; strength-based model. That is to identify not where the problems are, because that takes too long and is depressing, but to identify the strength in the community.

Coral brought to my attention that this is a remarkable community in its strength of representation of Aboriginal people. That model is perfect because we are talking about maintaining communities, families, the tracks between rural and remote areas of Mount Druitt. This community has so much to offer other Aboriginal communities, and vice versa. There is a really interesting model, a perfect model, a simple model.

**CHAIR:** What about the suggestion that people come here to get better and go back to the community? I would be interested to hear what the small communities think about that.

**Mr A.:** I prefer to remain anonymous for the purpose of this meeting. A little bit of what I want to say was covered by Coral. Why are we sentencing? We live in a community on this land that I refuse to call Australia, where 35 per cent of Australian people are discriminated against, not just Aboriginal people but also other nations now. This is a problem for Aboriginal people, because you have a democracy that is largely undereducated and you can see in the media the misrepresentation of that democracy and of the polity by the media, by the press, to not tell us the truth about the real issues. For example, how many Aboriginal people are locked up? How many go to church? How many sniff glue?

Unfortunately, the democracy does not know because the polity is not educated to understand issues about the wider community of Australia. Also, the broader community of non-Australians, who are indigenous to this land, there are two separate issues there. One is that there are indigenous people and then there are the invaders. There is not much point going into the problem of genuine Australians because it is an evolving community. However, the problem that Aboriginal people face is that those people who make so many decisions about what happens to our communities, our people, our country, are people who may have a position or term of office for four or five years. They may be a bricklayer one day or a graduate. You can be what you want to be in this country, but for Aboriginal people we cannot chop and change. We are always Aboriginal. We cannot become British tomorrow or Australian today. We are one thing.

The problems are being addressed largely by a community that can chop and change; it could be by a Minister for Aboriginal Affairs or a Minister for Defence, or whatever. The decision making about what has happened to Aboriginal people also mirrors the broader community. The decision makers have a term of office, or a length of employment, that is the problem within the system. Democracy is not educated; the polity is making bad decisions about who they are electing and the people who are elected in the whole of Australia may or may not change office this year or next year. If that Minister or that mayor got bungles, they are replaced. All that is being left behind are the Aboriginal issues. What is going to happen to our people? That is the fundamental error in the system that we are talking about. The process of healing is not a lymph thing to the majority of Australians, it is a lymph thing only for the small minority.

I use the English terms to describe our people for the purpose of this meeting. We are always Aboriginal. We will always live on our indigenous country which, by the way, is named Bandaiyan. There is a lot of mis-history, misrepresentation, and I heard it here today. I hear that in certain places that it always has been Dharug land. That is wrong, this country always has been Bandaiyan. The names of tribes come and go. The process of walking out the back door and being re-elected also occurs on our land. We have mis-history, and our people have to reconcile with the land also. These are fundamental errors. This system does not necessarily work for our people and it will not unless our people are given—I do not like the word "empowerment", but you understand it—empowerment to be

able to address the issues of what is happening, at least to Aboriginal people and perhaps to a lot more.

However, we have to remember that a lot of Aboriginal people have to reconcile with the land and their culture before we can open the doors and invite non-Aboriginal people in. Education is the primary function that needs to occur so that Australians can understand what Australians have been saying. The problems with gaols and all that stuff, most of it comes from not looking after the kids and youth in the first place. Do we start way back there? Why wait until people go into gaol?

**CHAIR:** Thank you for reminding us of the enormity of this problem. A gentleman forcefully did that before the Committee in Bourke. We are not taking any of this lightly. We recognise our questions relate only to a small group and hope we can reconcile with the big picture in future.

**Mr A.:** No disrespect meant.

**CHAIR:** No disrespect taken.

**Mr A.:** However, I must say, outside of this meeting I will be disrespectful to our invaders.

**CHAIR:** I accept that, thank you.

**Mr SIMS:** My name is Greg, I am an Elder in the community. We do not see enough of crime prevention. A lot of our people in Western Sydney are disadvantaged. There is nowhere for them to go, they do not have much. We need a bus to take them out on a camp and teach them. One of the main things is to teach them about culture and getting right into it. We probably should stay in the bush for about a week and maybe have their parents come along. Because they get that culture sense, they get that respect back and the self-esteem. Then prevention of drug taking and all that is gone out of the window because they have respect inside them and learn how to respect themselves and others.

We need a crime prevention program setup to take people out between the ages of 12 and 18 years. We do not screen anyone. If anyone wants to come along that is fine. What I have seen in the community looks like communities are set up to fail through government policy. The policies are poisoning our society. They are creating problems for our young people.

When our young people go off to prison and they come out, they are set up to fail. Instead, they should have a place, which I spoke to Father Paul about five or six years ago, away from the community where they can wean these people back into society, especially those who have done quite a few years. Instead of letting them go straight back to their families where they get into trouble again and go back inside. It happens.

Another thing is that a lot of young people go in and out of juvenile justice so the next step is prison. A lot of these people overreact when they sentence our people to prison because they are not culturally appropriate. I think it should be in the curriculum that these people should be taught about Aboriginal culture before they start dealing with Aboriginal issues. You just cannot go out and judge people and sentence them. It does not work that way. I really believe that there are people going to prison who should not be going to prison.

We have different people in the prison system who are counsellors and psychologists. If you asked them how many years they have done behind bars, they will say they have never been in trouble before in their lives. So why should our people talk to these people? They have no interest and they should not be allowed to practise and talk to people who are in and out of prison if they have not done the crime half the time. The people who should be looking after people in our prison are the reformed inmates who have done time. They should become psychologists and counsellors. When you go into a drug and alcohol rehabilitation place, the people who work with us were once drug addicts and alcoholics, so why cannot it work in the prison system?

**CHAIR:** Does anyone know anything about the cultural programs that they give to public servants to help them to work better with Aboriginal people?

**Ms LEE RHIANNON:** Have any of the public servants undertaken any of those programs?

**Mr GLENN:** We have had programs. To a large extent they are textbook and, in my opinion, many are just paying lip service.

**CHAIR:** They are not done by Aboriginal people?

**Mr GLENN:** Within Probation and Parole, they are. We do not have anywhere near as many indigenous employees as we should, but until you actually come and work in a place such as Mount Druitt, Bourke, Brewarrina or somewhere like that, and actually engage with people like Uncle Greg—when I came to this area, fortunately I had had the experience of working in Bourke and Brewarrina, so I had some connection and some knowledge, but it is only by engaging with Uncle Greg and Uncle Wes that you really get that. You will not get that if you go off and do a government two-day course where you are expected to learn about Aboriginal culture.

**CHAIR:** Perhaps we should recommend that every public servant must go to Boggabilla or Toomelah for two months.

**Mr A.:** Employ Boggabilla and Toomelah to do it; leave the public servants out of it. To answer your question, I have done a lot of public service work and I know from the very top to the very bottom that it cannot work unless you fully engage that which Aboriginal people are, not what voters and rock politicians say.

**CHAIR:** I know there are Aboriginal cultural awareness courses run by Aboriginal people that are contracted by the public service organisation to buy in, rather than the organisation trying to do their own. I know they do exist. Can you look at further recommendations for the future?

**Mr SIMS:** When people work with clients, they are not talking about themselves. They are always saying, "You should do this, you should do that." They are not saying, "I was an arsehole of a kid." These are all 100 per cent perfect people. They say, "You should go and see a psychiatrist. There is something wrong with your brain if you have been in trouble." All juveniles have to go through that stage where they get into trouble. I have done minor things but I have never been locked up, but you have to go through that; it is part of life. People forget that they were kids once and that is the biggest downfall.

**Mr MARNE:** This is only my opinion but when the Government brought in the law to say that children from the age of 15 could control their own future, it was wrong. Parents should be able to control their child's future up to 18. This idea of being 15 and being able to do what you like is not right. In Aboriginal terms, no. The parent controls the children or they are controlled by the elders. There are children now who are 15, who are allowed to go out or move in with girls. We have young girls having babies because of this. They are allowed to do what they like and where do they finish up? In the big house because their parents have no control over their future.

**Mr DOUGLAS:** There is a big difference between an in-service, tick the box, and then being out there physically working with the community. I have probably been involved with a lot of so-called in-services that are listened to sometimes and you go away with that for five minutes. But we really get things done when we are out there physically working together, whether we are indigenous or non-indigenous.

**CHAIR:** The reconciliation program was very confronting and caused questions to be asked.

**Mr A.:** It was a joke.

**CHAIR:** I accept you say that it is a joke. Does everyone perceive it was a joke? They do.

**Mr A.:** How can you reconcile with people when you did not concile in the first place.

**CHAIR:** Has anyone been through the reconciliation program where a group questions where you are coming from?

**Mr MACDONALD:** It would be unfair to the Holy Family not to embrace the contradictions of the invasion and the need for reconciliation. It would be a terrible injustice to suggest that despite all the great injustices before this, that there have not been genuine efforts of reconciliation. I am only talking about the efforts of the Holy Family and the contradictions are embraced and people try to deal with them here, in this place where you are sitting.

**Mr DOUGLAS:** To me, one of the greatest example of reconciliation in this community is a gentleman sitting in this room, behind me. He knows who he is, yet that person, just by who he is and how he has conducted his life, is a fine example of reconciliation. I think he knows who he is.

**Mr WELLSMORE:** I am a Christian Brother and I live with the Brothers at Bidwill. I would like to talk about community service. Luke here is an example of someone who has been empowered. If you send someone to prison you are making them co-dependent. I know that Holy Family struggles with this idea of co-dependency and empowerment. I believe really in empowerment. Out at Bidwill we used to hand out tons of food. We no longer do that. We are trying now to empower people.

I think your community service centres would empower the people but also you need to empower the organisations that do it. I am a newcomer to the Holy Family and I spent all my life in the education system. I was principal of an Aboriginal School on the mid North Coast. But there I was empowered because I had the resources; I was well resourced. I fear greatly for the future of the Holy Family because it is not well resourced or empowered.

If the Shed were closed down, that would be a great disaster. At Bidwill we have a community nursery that Probation and Parole, with local councils, helped to set up. Formal funding for the people who work there ends in November. Volunteers will keep it going but no longer will they be able to help out Probation and Parole. There is no more funding for someone to run it. My recommendation to you, as a committee, would be to empower people to run this community sentencing. If you fail to do that, you may as well put them all in prison.

You have some young men here, such as young Mohammed here, who has not said anything, but he has a full-time job and his own business. If he went to prison, he would lose all that. But if he can do community service, he is empowered. I think you need to empower organisations to do this. If you set up 150 sheds—like in Barraba nobody could do community service because the local community would not accept it being done. As principal of the school I was often asked and I could never accept anyone because the community would not empower me to do it. They did not want their kids, even though they were members of their family, to go to someone who had done something. That would be my message to you. You need to really empower organisations to keep on empowering these people.

**CHAIR:** We have had some suggestions in some towns that CDP would have an appropriate place.

**Mr WELLSMORE:** We have got people here who come in with CDPs.

**Mr SIMON:** I have signed up CDP as an organisation and they have come onboard. We are just waiting for the right time to place some of our guys with them. They would be a good organisation to place some of our guys because of the fact that they do activities around the community. The only trouble is that with the CDP, it is a work-for-the-dole program, where they have to do their work for the dole as well as outside work, so they would be doing an extra couple of days a week. I do not know whether they just take them on board without placing them as participants on the CDP. You might not want to go on the CDP.

**CHAIR:** It is a technical difficulty?

**Mr SIMON:** Yes. If you want to go on the CDP, you have to basically work for two days as well as do your community service hours on top of that. I do not think they would be willing to just take them on just to do community service.

**Mr GLENN:** When the community service scheme started up we had a lot more agencies than we do now. Increasingly, litigation and insurance has impacted. We have had a lot of community service orders where we were shown into schools. Over the years a lot of that has decreased because of people being afraid of hurting themselves, compensation and those sorts of factors. We are always very careful whom we place in schools because there is always the media attention that we are going to place paedophiles there, but that does not happen. When you are looking at places such as schools, you have to be very careful. Unfortunately, those placements have decreased.

**CHAIR:** We have had contradictory information about workers compensation insurance. We were told by Probation and Parole that it was actually covered by them.

**Mr GLENN:** Insurance wise?

**CHAIR:** Yes.

**Mr GLENN:** Yes, it is.

**CHAIR:** So it is actually a community perception that they will not take it on because of insurance?

**Mr GLENN:** Yes, that is right. There have been some publicised cases. Yes, there was a misconception.

**Ms McLEAN:** I want to pick up on what Gordon was saying about CDP and community service orders: that is an issue. Say, for example, we used to do our own literacy program here but people given a CSO—it was a workplace community order—and the literacy program or literacy lessons could not be incorporated into their CSOs. If they wanted to do that they had to enrol in addition to.

**CHAIR:** Could magistrates put orders such as counselling and anger management and literacy?

**Ms McLEAN:** They can do that but it cannot be part of the CSO.

**Mr GLENN:** Part of the Act allows what they call personal development to take place. Personal development can be a whole range of things and it does mean literacy.

**CHAIR:** Can that be included as part of the time?

**Mr GLENN:** Yes, it can.

**Ms McLEAN:** When was that introduced?

**CHAIR:** No, it is the way we use it and the way people know about it. That is why it is an important issue for you to put on so perhaps more information needs to go out both to Probation and Parole and the courts about access to other programs, especially if they are available, but in many of the places to which we have been they are not available.

**Mr GLENN:** Yes, it is definitely part of the 2001 sentencing Act in which that component is built in, those personal development powers.

**CHAIR:** That is important for us to know. Thank you.

**Mr ADAM:** I am Tony Adam from drug and alcohol. I want to raise issues of Probation and Parole, anger management courses and other different programs in terms of probation and parole. My experience with these young lads is that they are okay. They have committed different offences over time and I have noticed in the community they are always looking for anger management programs and difficulties in terms of these young lads and lasses. For example, we have a couple of guys who have got anger. We have got to do something in terms of anger. In terms of their anger there must be something dramatically going wrong in their lives at home or with their partners.

Okay we send them up here for a 10-day course and they talk about anger, what is anger, how anger is caused. Anger is caused by some sort of conflict in terms of a relationship. What are we doing for the families and partners of probation and parolees? Guys come in, I am addressing his anger, I am talking to him and he has got his wife and his children. What are we doing for them? I am telling him to go home, sit down and interact with his partner and his family. I have gone through with him who is acting and who is reacting and all that type of stuff. I say we have got to look at family counselling.

If we have got a young guy that is coming out of prison and his first contact with Probation and Parole I think we have got to look at his family straight away. This is about the situation he is in and someone who has been in prison for sometime, from what we know, they have got to be comforted. Their family or partner would be demonstrating "He is out" "What is he going to do?" He is talking to this guy, what is he talking about, so straight away there is a gap there for this guy's recovery. We have to look at their family.

In terms of The Shed, it is great. They all get there, they interact with each other, they have coffee, they share their emotions and feelings and different things but left at home are their partners. I always look at this as a family illness in terms of the social and economic environment. A lot of us fall short with education and finding jobs and that straight away causes the family to break up. It was mentioned here today about programs and resources. I have been in Mount Druitt for about 30 years and there are multiple programs in Mount Druitt. There are a lot of resources in Mount Druitt. A lot of people already have responsibility about what is happening in these communities. I am not here to go over organisations but there is a land council, there is the CDP program. I think they are the organisations that should sit down with people such as yourselves and the community and people from Probation and Parole, the Holy Family and myself and other community people. We should sit down and nut something out how can we make a community better, how can we attract employment and do anything.

I know that the CDPs have a lot of potential, so has the Aboriginal Land Council for us to get access to land, as mentioned about a few days, for them to go camping or whatever. You people may be able to put in different resource on these different sites and that could then be utilised by all services collaboratively. We have to work together. I see it in terms of people in the community. I am associated with a drug and alcohol organisation. Teddy is the chairperson and he has been for about 10 years in that service. We more or less work together and a lot of work needs to be done. It is about bringing resources together, that is all it is, a network of people.

**CHAIR:** In your community do they all work together?

**Mr ADAM:** They do and they do not. There is nothing in writing in terms of partnership or a memorandum of understanding. I think if we could draw up a memorandum of understanding and come to an agreement that we do work together.

**Mr A:** If we drag them kicking and screaming they might work together.

**CHAIR:** It does not matter in which organisation you work, you have to register territory. Because this is such a wonderful centre it might be good for people to sort themselves out and come here after they have been in gaol, ready to go home to their communities. Does someone make an order that they come here as an extension of their gaol term in your mind? What happens to them after they have been in this supported environment and they go back home to their town that has no resources? It is a transition you are talking about?

**Ms McLEAN:** But it is more than a transition, it is strengthening and healing. They are going to go to their homes where there are no resources anyway. How much better would it be if they go there? I do not think we have all the answers here—

**CHAIR:** I do not expect you to do—

**Ms McLEAN:** It is so big and complex, as people are saying. We are offering hope. There is a lot to build on. There is such strength and creativity in this room with all the people who are here and many people who are not here but also in our broader communities. Some of the things are true—



working in partnership with others is a real strength. Where a community may not have it on its own, it may be that if a number of groups got together they can. It is an idea of partnership—no one holder of the truth, no one holder of the resource or the power—we share and accommodate it. There needs to be flexibility in terms of the departments in working with the community. We have heard of that.

You cannot have a two-day program about the culture of the indigenous community, there is also a culture in communities like ours. Mount Druitt is a different culture to Campbelltown, Inverell or Brewarrina so there is that complexity. One of the strengths of these conversations is a recognition as it reinforces people's determination and strengthens them. Also the judiciary needs to be part of this conversation as well. It is an important part that is missing. We cannot bear the pain any more of incarcerating these people. Too many of our families suffer from the loss not only of the relationship but the shame it carries with it. We sentence people to life when we sentence them to 12 months imprisonment. It is a whole life-change for the whole family because we ensure poverty, lack of employment and opportunity and a whole lot of other things.

**CHAIR:** Do Aboriginal people get picked up by the police and go to gaol more often in this area?

**Mr HART:** More than anywhere else in Australia.

**CHAIR:** Is that because they look different? Is that because they are on the target list as individuals?

**Mr MARNE:** This is the most densely populated area for Aboriginal people in Australia.

**CHAIR:** There are a lot of Aboriginals but proportionately there are more white people here. I am deliberately asking this aggressive question to know your response to see whether Aboriginal people are targeted. Do you have individuals targeted who are sent to gaol more often by judges? I want a feeling, mostly from Aboriginal people, about what you think about those statements?

**Mr HART:** Something happened to me recently. When I finished work I was walking home and the police passed me and asked me who I was, what I was doing and where I was going, that is the answer.

**Mr HANNA:** They would not do that to me.

**Mr A:** They are particularly racist in Mount Druitt Police Station.

**Ms McLEAN:** There are six Aboriginal police officers in Mount Druitt Police Station who do not identify their Aboriginality.

**Mr MARNE:** When our children see police cars they run so there is something wrong there. We teach our children: if you are in trouble go to the police and they will help you, but they do not, they run, and something is making them run.

**Mr HANNA:** Up the line again, going upstream, do drug and alcohol services in Corrective Services not talk to mental health in the sense that those two departments are separate? Corrective Services, Probation and Parole, drug and alcohol and mental health really need to be networking much closer together if people come into the system. There is an enormous amount of creative energy in this sort of community, and we all know that. I understand, I maybe wrong, that those two departments, mental health and drug and alcohol, will not network and I think that is critical. I call for an examination of that by your committee. That is critical for mental health and drug and alcohol. I call for an examination of that by your Government.

**CHAIR:** Yes, we will take that on notice and investigate it completely.

**Mr A.:** An issue came to my attention only a couple of years ago when the community that I was working in, a non-Aboriginal community, lead to some people going to Canberra. One person thought of going to the Federal court with an inquiry, instead of becoming known to the court. Eventually that posed the question of some of the people in the courts, and having lunch with one of

the judges. Basically he put this question to the judge: Why is the judicial system failing? The judge quite honestly said, "If the people would tell us what they want us to do for the communities we would know how better to act." With information coming through communities, it appears that this is another process that may need to occur.

**CHAIR:** Can you put your name on that piece of evidence?

**Mr A.:** No, I do not want to. It can be regarded as a lie or dishonesty or whatever, it really does not matter.

**CHAIR:** That is a matter to you. It was useful information.

**Mr A.:** I see that the courts are quite separate from the spirit of the community.

**CHAIR:** Yes, it needs people from Probation and Parole to put that across to the court for a decision.

**Mr WELLSMORE:** I am with the Christian Brothers. What happens if someone comes here and then goes back to the community? If he is sent to prison my experience has been that men who come out of prison would reoffend deliberately so they could go back in. It will be better for them to come here, maybe their families could visit here, and the integration would be better.

**CHAIR:** We have heard sad cases as we visited other towns. Some persons are so unhappy in their homes and community that they perceived gaol as a better place to go. In gaol some persons, for the first time in their life, get three meals a day. That is an enormous problem. I understand why you are saying that about transition.

**Mr MARNE:** I am Uncle Wes, an Elder. When our children come out they just close the door on them. There should be follow up. They do not have a place to go so they end up back on the streets were they got into trouble in the first place. We have been fighting for that in the community for a long time but we are not getting anywhere.

**CHAIR:** It is a hard recommendation to make: rather than saying "You have left gaol, and we will put you in another gaol".

**Mr MARNE:** That is where they go.

**CHAIR:** Yes, I understand that, I am not arguing your suggestion.

**Ms PATON:** Is the long-term objective of this Committee that there should be much less reoffending? If that were proven, you would regard your job as having succeeded?

**CHAIR:** That is the premise. Persons who have successfully concluded community-based sentences, with the support of the community are far less likely to reoffend. That is one of the reasons we were given. The other premise, which was in the terms of reference, relates to gross inequities and disadvantage issues.

**Mr OO:** In working with the community, I suggest it should be able to fit into community culture, related to the concept of changing the person.

**CHAIR:** Circle sentencing, we have been told, involves them getting Education to look into it; about the culture being responsible for working with the legal system. The individual who has offended, the victim, the community and the courts all end up with assistance because they are working with groups of Elders with culture.

**Mr DOUGLAS:** We should go through the process of putting things into little boxes. It seems to me that we need a bridging program with different avenues, with the objective of getting someone, picking them up, and carrying them through until they are able to stand up and be part of the community.

**CHAIR:** You seem to be working hard to treat people as whole people. But some communities are too small and do not have the resources of the Elders. This is a statewide question and that makes it very difficult.

**Ms PATON:** I am a complete outsider and I am very interested in what has been said. I have a lot more experience working with people with a disability. It seems to me that there is a lot more going to help, say, different cultural groups to not reoffend than there is for people who have mental disabilities. I would hope there is a lot more thought given to what is put into place for them. It seems to me that they have unique problems that other groups in the community do not face. I have a real sense that they could be at greater disadvantage than many other groups.

**CHAIR:** The mental health persons will look into that.

**Mr SIMS:** I look at problems in the community, not people. It is just like a lot of flies who come down at summertime. I want to spray them. But when the fly spray runs out the Government says it will not fund them anymore. The problems start again.

**CHAIR:** The Committee is approaching the end of its inquiry now. We have a wonderful project in the pipeline and the information we have collected has been very positive. We will not forget The Shed either. In conclusion, we have a presentation for Coral.

*[After presentation.]*

**CHAIR:** Thank you all. Those who have put their names and addresses on the sheets will be sent a copy of the final report. The transcript from today will be on the web in a few days. Thank you all for participating.

**(The Committee adjourned at 2.55 p.m.)**

=====