



ECONOMICS AND GOVERNANCE COMMITTEE

Members present:

Mr LP Power MP—Chair
Mr RA Stevens MP (via teleconference)
Mr MJ Crandon MP
Mr DG Purdie MP
Mr A Tantari MP
Mr CG Whiting MP

Staff present:

Ms J Langford—Committee Secretary

PUBLIC HEARING—INQUIRY INTO THE STRENGTHENING COMMUNITY SAFETY BILL 2023

TRANSCRIPT OF PROCEEDINGS

Wednesday, 1 March 2023

Cairns

WEDNESDAY, 1 MARCH 2023

The committee met at 10.00 am.

CHAIR: Good morning. I declare open this public hearing of the committee's inquiry into the Strengthening Community Safety Bill 2023. I would like to respectfully acknowledge the traditional custodians of the land on which we meet today and pay our respects to elders past and present. We are fortunate to live in a country with two of the oldest continuing cultures in those of Aboriginal and Torres Strait Islander peoples. My name is Linus Power, member for Logan and chair of the committee. With me in Cairns today are Mr Michael Crandon MP, member for Coomera; Mr Dan Purdie MP, member for Ninderry; and Mr Adrian Tantari MP, member for Hervey Bay. The following members are joining us via videoconference: Mr Ray Stevens MP, member for Mermaid Beach and the deputy chair of the committee; and Mr Chris Whiting MP, member for Bancroft, who is a substitute member for Ms Melissa McMahon MP, member for Macalister.

This hearing is a proceeding of the Queensland parliament and is subject to the parliament's standing rules and orders. Only the committee and invited witnesses may participate in the proceedings. Witnesses are not required to give evidence under oath or affirmation, but I remind witnesses that intentionally misleading the committee is a serious offence.

The inquiry being undertaken by the committee has come about as a response to matters that have resulted in criminal charges, some of which are now pending in the courts. The Legislative Assembly and its committee recognise that matters awaiting or under adjudication in all courts exercising criminal jurisdiction should not be referred to from the moment a charge is made against a person until the matter is resolved. All witnesses are, therefore, reminded not to refer to matters before the criminal courts in their evidence. Witnesses should also ensure that any question or statement concerning a child subject to the Child Protection Act 1999 or the Youth Justice Act 1992 is made in a non-identifying manner. I also remind members of the public that they may be excluded from the hearing at the discretion of the committee.

These proceedings are being recorded and broadcast live on the parliament's website. Media may be present and are subject to the committee's media rules and the chair's direction at all times. You may be filmed or photographed during the proceedings and images may also appear on the parliament's website or social media pages. I remind all participants to please turn your mobile phones to silent mode.

McLEOD, Mr Aaron, President, Crime and Justice Action Group

CHAIR: I welcome Mr Aaron McLeod, President of the Crime and Justice Action Group. Good morning, Mr McLeod. Would you like to make an opening statement before we start our questions or would you prefer us to go straight to questions?

Mr McLeod: I would like to make an opening statement. Thanks very much for the welcome. We have already submitted to the parliamentary committee our observations of the proposed bill. You should have a copy of that there. I will talk briefly about CJAG and then I would like to get into a specific matter in regards to the business of this particular committee and the way in which the government is implementing the youth justice strategy, the various pieces of legislation and the overarching way in which it is mitigating public concern around what would be considered, under international standards, an absolute catastrophe, that the number of deaths that have occurred in our state have occurred under the management of this particular government.

Thank you very much for welcoming me here today. CJAG was founded in March 2020 here in Cairns by 11 residents who decided to do something about the escalating youth crime problem. The catalyst was six teenage girls trying to break and enter into homes of our members during daylight hours. Since then, the Crime and Justice Action Group has gained 150 members and supporters, over 26,000 online customers and a monthly audience of about 150,000 people. Some 73 per cent of our customers are women, including supporters. The Crime and Justice Action Group has gone about acquiring evidence in regards to what the community's concerns are, and what we have done in doing that is complete what is called a crime impact survey as part of our business in order to get the information to determine what best solutions could be provided to the state.

We surveyed 367 respondents, the overwhelming majority of whom believe that the Queensland Police Service handle responses to youth crime very poorly. That is the overwhelming opinion of the 367 victims of crime who have completed that survey. Those individuals directly submitting to that survey identified that \$5,596 is the average cost that they have to pay in order to repair their homes after damage caused by youth crime. In regards to asset upgrades, which include improvements, new fences, security cameras, dogs—a whole range of things—the average cost is \$5,312, according to their submissions to us. The health impact is an average of hours lost per person of 501 hours due to the impact of youth crime in the community. This includes time away from work, time away from family, time away from leisure and quality of life—501 hours on average per person. In regards to medical interventions, out of those 367 victims, 106 have sought doctor engagement, 47 have acquired a disability, 23 people have required hospitalisation and 18 people required first aid.

CJAG conducts monthly supporter meetings. Our management committee and separate planning and policy subcommittee meets every month also. CJAG volunteers provide community support and counselling with referrals to relevant qualified professionals in the health, housing, employment, law and public administration sectors. This is voluntary; we do not get paid.

Turning to the Strengthening Community Safety Bill, the proposed amendments to the Police Powers and Responsibilities Act in this bill compel a police officer not to arrest serious child offenders for breach of bail and other serious offences, including unlawful use of a motor vehicle. The committee's claim on the parliamentary website, therefore, is potentially misleading. Point No. 5 says—

remove the requirement that police consider alternatives to arrest if they reasonable suspect a child on bail for a prescribed indictable offence or certain domestic violence offences has contravened or is contravening a bail condition

The way we interpret the legislation is very clear: the government is seeking police officers now, instead of the judiciary, to be able to not arrest a child offender and to not have them go into the court system. As far as we are concerned, that statement on your own website is a bit misleading.

The harsh penalties are mitigated by aggravation factors, trumped up by interventionists, the courts and police. Due to the 'rubbish' evaluations—and I use quotation marks around the word 'rubbish'; this is actually the word of an actual magistrate—coming from psychologists, for example, magistrates are seeking third-party evaluations of defence expert reports. Breach of bail as an offence is tokenistic gaslighting here in this bill, and acts as a smokescreen for the bill's real intention—developing an interventionist and service provider economy to the youth justice sector and appropriating emergency risk powers through local government authorities to manage community-based corrections. This is the real motive of this bill.

The youth justice sentencing principles do not presume enough on balance to arrest dangerous, serious and repeat offenders. The amendments and principles are a cop-out, especially as the government's unrefuted youth justice strategy seeks to keep youth out of custody.

This bill is offensive and downright disrespectful to the 17 people who have died because of that strategy in the last three years. Additional child and victim injuries will be caused by the failed presumptions of rehabilitation over personal responsibility by the primary serious offender, even under these proposed amendments. The statutory weighting of the presumption against arrest in this bill makes it unworkable for an ethical police command and frontline officers coerced into breaching human rights. However, the real community safety agenda of this bill is to build an economy of suppliers, stakeholders and chief executives to reduce incarceration rates in correctional facilities and, in doing so, will continue to put the community in harm's way. It is about community safety mitigation, as much as it is about enabling the environmental design in the community in order to release offenders and criminals within the community knowing about it.

Police and court reporting in the public interest on youth crime outcomes is completely inadequate. We monitor it very closely across the state. As with all emerging social enterprise sectors, government agencies seek to build a supply marketplace with predictable and certain demand in order to attract public and private investment typical of the insurance and actuarial business models and the rapidly expanding international environment, social and governance funds. It is a requirement on the ASX these days to report on ESG matters. Political equity is profit-making.

Government spending on youth justice is approaching a billion dollars in intervention programs, with little to show but growth in offenders and harm of innocent residents. Treasury's social investment market has great commercial viability with stakeholders buying into the new MACP system, proposed in this bill. Of course, eligible offenders' personal stories, aggravating health factors and the depth of intervention support needed is digital gold for the Treasury, turning victimisation into a commodity for

tax revenue, for employment and GST on services and other taxes. It is probably not ironic that the Economics and Governance Committee has been assigned this task of reviewing legal matters on youth crime. Building a youth justice intervention marketplace is attractive to a jobs campaign. Just as governments obsess over protecting Indigenous equities, mothballing the family responsibilities legislation in 2016, for example, isolating communities and defying family responsibilities, we again are faced with the ideological agenda that is creating another stolen generation of children and youth. It is an agenda, a global economic and political agenda, of destroying family equities and growing the governance and economic pie of youth and adult restorative and rehabilitation justice services.

A couple of years ago I was enjoying fellowship at my local church. It was a month after starting with CJAG in 2020. I noticed two men in black shirts with 'restorative justice' written on their clothes with the United Nations brand on them. Being keen to learn more, I approached the men who were supervising a serious drug trafficker on parole seeking to become a pastor. He had a GPS tracker fitted to his ankle in the church. The workers had flown to Cairns from Brisbane. I explained that I was keen to understand what could be done to fix the growing crime problem. He said to me, 'Stay in your own lane and forget about it.' I was shocked and disappointed, but even more determined to continue my inquiries.

I subsequently learned about social investment bonds and restorative justice programs funded through a Westpac fund manager in Australia. Such innovative financial products are key to the corporate social equities and bond markets today. Prisons and tough criminals are attracting private philanthropic capital backed by government bonds as security for a guaranteed 20 per cent return on investment and principal capital return.

Has the Treasury completed economic modelling on the new MACP system? Will the government release the modelling? Evidence of the nefarious government community safety agenda now exists in the Cairns Regional Council, caught red-handed in a quid pro quo of concealing the emergency risk management strategy out of scope of international standards for a safety or health program. Emergency powers are all invasive. Mandates are the law under such systems and political narrative is the preferred method of community integration.

Does the Strengthening Community Safety Bill seek to integrate emergency risk strategy into requirements for prescribed authorities and preferred interventionist suppliers? This terminology is defined in this bill. The Cairns Community Safety Plan purports to manage improving antisocial behaviour in the safe night precinct and the Cairns CBD, where we sit right now. The entire local government authority endorsed the CBD pilot plan—that is all 10 councillors—and delegated its authority to the CEO to implement with 12 exclusive stakeholder groups, most of whom are on the payroll or hold the purse strings of local government. However, the CEO via the executive director of community, the author of the paper to the council committee, failed to identify an interested party in the one recommendation paper. This is in the Cairns Regional Council and it is the same type of coercive one-option model used by the scientists at the DNA lab in Brisbane which caused the catastrophe with so many victims not able to seek justice. The council submission read 'no interested parties were defined in the document'. This was of course inaccurate, misleading or an intentional omission. Yet given the confirmed 12 stakeholders to the community safety plan and CJAG expressing interest beginning many months prior to the production of the June 2021 council paper, the no interested parties secret emergency management agenda was endorsed by all councillors in a resolution.

CHAIR: Mr McLeod, we are trying to focus on the bill that we have in front of us, so local administration of a different bill is probably outside the scope. For the most part could you focus on this bill before us?

Mr McLeod: This is focusing on this bill.

CHAIR: My understanding is you were talking about the safe night precincts, which was contained in a bill that was passed a couple of years ago and its administration with council.

Mr McLeod: The context of this is relevant because the Cairns Regional Council, in the submissions that have been put to this committee, have included verbatim every single word that the committee has suggested is the best—

CHAIR: We have not made any suggestions.

Mr McLeod: No. I am suggesting that the Cairns Regional Council—

CHAIR: I will let you go on, Mr McLeod. I just want to say that if you wish to focus on the decision we have to make a report on this bill, you are going to run outside of it, but keep going.

Mr McLeod: I am certainly happy to reconsider if there is a time constraint or if you have some other information that you would rather have.

CHAIR: I just want to remind you that the purpose of this hearing is to examine the Strengthening Community Safety Bill and then to report back to the parliament.

Mr McLeod: Is it not relevant that the Cairns Regional Council also has a community safety plan?

CHAIR: It would be very tangential in that they have the same words in it, but it is not really connected to the features of this bill.

Mr McLeod: That is what I am contesting.

CHAIR: Go for it.

Mr McLeod: I am contesting and suggesting to the committee that cabinet or government have engaged with the Cairns Regional Council in the last couple of years, mind you, to bring about a community safety plan that enables the Cairns Regional Council and the key stakeholders—which is the wording, the framework and the business model behind the system that is being proposed to be implemented in this bill. That system has not been discussed. In all of the submissions I have reviewed on the parliamentary website there is not one submission that talks about that new system, yet ironically we have the economics committee being put in charge of a youth crime problem.

There is an agenda here that needs to be discussed. It at least needs to be put on the record. Deaths are occurring on our streets and there are serious injuries in our community because of the youth justice strategy and relevant legislation. This is absolutely relevant to this committee's work because I am focusing on the system that is defined in this bill that not one other submission on your parliamentary website is actually addressing. Why is that?

CHAIR: Because we called for submissions connected to the legislation that is in front of us. There are, and have been previously, more wideranging committees about community safety. This one is focused on the Strengthening Community Safety Bill and the actual parts within it. Many of the other people addressing it have looked directly at the bill, which some of your submission does. It is up to you, Mr McLeod, how you use your time.

Mr McLeod: So the new system is not defined within the current proposed bill; is that what you are saying?

CHAIR: You are talking about the Cairns structure of having a community—

Mr McLeod: No. I am talking about the MACP system that currently sits in this Strengthening Community Safety Bill.

CHAIR: You had not previously talked about that. You were talking about a Cairns council community safety committee.

Mr McLeod: Yes, because that aspect within the Strengthening Community Safety Bill—

CHAIR: Go on, Mr McLeod, if you like.

Mr McLeod:—which is the system—

CHAIR: The floor is yours, Mr McLeod.

Mr McLeod:—for which there is a chief executive defined in the bill to implement and to manage this new system that integrates and creates interoperability between all of the relevant stakeholders, the prescribed authorities and, of course, the core members within this particular bill. It is actually in that bill.

CHAIR: You were not making reference to that, though; you were talking about a past committee. If you have some connection to the bill, that is fine. Go for it.

Mr McLeod: There is a specific element within this bill that talks about the new system that enables core members, which are the chief executives of each department including Corrective Services, the Queensland Police Service et cetera—all of that is defined within this bill. Here is a new system not unlike national disability, aged care, myGov—all of the different systems that government produce and implement in these areas. Fundamentally, at the base of all of those systems is the economic question about how we can ensure there is fair, necessary and reasonable funding, program delivery and interventionist delivery. The fundamental agenda of this particular bill is to build an economic system around that system so that there can be an economy built in Queensland so that the youth crime problem allegedly can be reduced.

My assessment and our investigation of the state government, the Corrective Services commissioner, the Queensland police commissioner—every element of government, policy and legislative instrument now links specifically to the Cairns Regional Council where we currently have embedded one of the most experienced experts in policing and corrective services; they are now employed as the senior security officer at the Cairns Regional Council. It just so happens that two years ago they were considering with state government direction and advice—for example, the Cairns Safer Streets initiative here in Cairns includes Queensland police, the corrective services department, child safety. Every department was involved in the consideration of what the Cairns Regional Council has already implemented as a pilot here and it just so happens to be called community safety.

Here we have a youth justice problem in the state killing people and the parliament thinks that the Economics and Governance Committee is the place to go to deal with youth crime. I am asking the question: what is the real agenda behind this bill—

Mr TANTARI: Community safety.

Mr McLeod:—because from what I can see this bill is actually creating an economic and governance framework that enables the Queensland government to implement a supply driven economy around crime. That is the real agenda of this bill yet no-one is talking about it. I am bringing it to your attention because it needs to be put on the record. I have specific evidence that relates to our engagement at the local level here in Cairns where a community safety plan is already a pilot program.

It seems ironic to me that the state government is suddenly using the same terminology, using the same emergency management framework, using all of the same issues to manage youth crime because it is about antisocial behaviour here in Cairns. It is about managing antisocial behaviour, which includes incivility and not complying with a procedure. This is what the current Cairns system is. This is providing the state overlay for the interoperability of the Cairns Regional Council becoming a prescribed authority with the service providers, interventionists—the Mater Hospital, for example, in Brisbane is defined within the scope of this bill as being part of that system.

This is a completely integrated information technology system that brings all of those stakeholders and suppliers into one system in order to cooperate and to bring youth crime down. What the public do not realise is that the commissioner for corrective services has in his strategic plan—and it has been for some time—a wish to build relationships with local authorities so they can have community corrections in community.

CHAIR: Mr McLeod, we do have your presentation. Usually people give a five-minute introduction. You have already spoken for 26 minutes.

Mr McLeod: Sure. I am happy to answer questions.

CHAIR: Mr Stevens, do you have any questions?

Mr STEVENS: Yes. Mr McLeod, thank you for your dissertation. I am not quite sure whether you think this particular bill is worthwhile supporting as these laws are needed to protect victims or you believe that it is an infringement of human rights and, as one of your members Mr Alex James said, the Human Rights Act should be changed? Do you believe this is a first step, a positive step, in addressing youth crime, making the community safer as the bill says, or do you believe we should not be passing this bill?

Mr McLeod: In that submission we suggested that the bill not proceed. There are individual elements that we support—and you will see in the submission the Crime and Justice Action Group's policies. We are pleased to see the government has moved in our direction in terms of ensuring serious youth offenders are treated similar to adult offenders regarding penalties. We are encouraged by that move and that has been our policy for a couple of years now.

Looking at the overall bill, looking at the agenda and the process behind that bill, it is a reasonable conclusion based on the evidence available that this bill is not about reducing crime and it is not about community safety. It is about building an infrastructure in our community that enables Corrective Services and the Queensland Police Service to release more offenders on bail, on parole, on community-based sentencing. There is a whole range of measures in there for which the federal government—Closing the Gap et cetera—and the United Nations requirement is to reduce incarceration rates.

Mr STEVENS: Could I just have a clarification? Are you saying the bill should not proceed because it does not go far enough? Is that correct?

Mr McLeod: No, that is not correct.

CHAIR: Mr McLeod, many of the people who presented to us yesterday said they felt the outcome would see more people put back in jail for breach of bail, more young people serving longer sentences for their initial crimes and a greater focus on serious repeat offenders serving longer sentences. Are you saying that is completely wrong?

Mr McLeod: Why would you have a presumption against arrest in the bill? The police officer is the front line of the system. This bill is absolutely compelling a frontline police officer not to arrest a youth offender for breaching bail nor committing another offence, because the alternative is what is being encouraged in the bill. So the police officer is being compelled at the front line and I would suggest in a very coercive way by this government, putting extraordinary pressure on frontline police, who are already under enormous pressure, and here the government is putting the senior constable on the spot not to arrest a repeat offender—a dangerous repeat offender. That is what this bill is suggesting.

CHAIR: We have an ex-police officer here.

Mr PURDIE: Mr McLeod, thanks for your submission; you are obviously passionate about it. I am keen to look more at point 5 because that interpretation had not jumped out at me, so I will have a closer look at that. You said your survey of all of your members reflected badly on police.

Mr McLeod: Yes.

Mr PURDIE: Can you unpack that a bit more? For what reason are victims or your community or your followers unsatisfied with the response they have been getting from police?

Mr McLeod: Of course it is their specific opinion and we have not followed that up to be able to unpack every submission in that regard, but certainly what we are finding is that the submissions that have come forward in our group, which is initially a non-stakeholder group, if you like, of the system—we are just voluntary community members—and the ones who were attracted to our survey have had a very bad experience and a very poor experience in terms of the Queensland police response to matters of crime or a threat to them in the community.

People expect the police to protect them from harm in the community and certainly the evidence is there that the efficiency reforms of the ethical commands in Queensland police have changed the coding system as we know it. We do not hear as many sirens in the community now, but certainly people are waiting two to three hours for a frontline police officer to turn up to a reported youth crime incident because the coding for that particular event is not life threatening for anyone else but the individual and the other person. There is no-one in danger and their life is not in danger, so Queensland police have recoded their system currently to make it a low priority—no lights, no sirens, just turn up whenever. We have situations where we are consistently getting people complaining that police do not turn up for two hours to an event. Of course the police, as I was trying to point out with regard to the presumption against arrest in this bill, which is very clear from what I can see—

CHAIR: I just want to follow up with you on that, Mr McLeod.

Mr McLeod: Excuse me, Mr Power.

CHAIR: I just want to push back on—

Mr McLeod: I am trying to—

CHAIR: Yes, I know.

Mr McLeod: Do you want me to terminate—

CHAIR: I wanted to ask you a direct question. So 59A currently says that a police officer must consider alternatives to arresting conventions. The way you described the bill is that it puts extra impositions on police officers in that circumstance.

Mr McLeod: Absolutely.

CHAIR: The new act will say police officers may consider, so it is quite clear that the legislature is putting less burden on police officers to allow them to arrest individuals who have breached or contravened their bail conditions. So the old act and the new act take burdens off police officers when considering this. The old act said they must consider alternatives which means they have to have gone through a procedure of considering alternatives. The new act says they may which means that they have the option of but do not need to, so we are putting in this new act the opposite of the evidence you have put. We are putting less burden on police officers when considering arresting a juvenile for breach of their bail conditions.

Mr McLeod: And of course there is a significant legal implication for that particular word change, but what also has to be considered in the context of this bill is that the overwhelming principles—the overwhelming presumption—in this bill for police not to arrest a youth offender is quite powerful.

CHAIR: Is it unusual that the evidence that we have heard from every other position addresses that and is in line with the statement I have just given you comparing 59A in the two acts—the act and the amendment? They have said the opposite of the evidence you are putting forward.

Mr McLeod: That is their evidence and you will take it as you choose.

CHAIR: Would you agree that it says that a police officer previously must consider alternatives which means they had to go through a process of saying why they rejected those alternatives and now a police officer may consider alternatives which means they have the option to but the act no longer requires them to do it? Isn't that the opposite of the evidence you have put to us?

Mr McLeod: I would suggest that, as far as the accountability framework goes with regard to these matters, we are none the wiser as to what a police officer is being compelled to do within the command of the Police Service.

CHAIR: I put to you that if you compare the two section 59s there is much less compulsion on a police officer when making an arrest for a breach of bail.

Mr McLeod: Okay, so let me ask you this question. Let me just put it to you this way: what happens when a police officer does arrest? In other words, they may find alternatives to arrest which is what the current provision is, as you are suggesting. Are we going to be in the position where the Queensland police now is going to be attacked by Mr Miles as the magistrate has been attacked? What we are doing here is setting up Queensland police officers on the front line who then have to interpret the 'may' or 'must' in being able to arrest or not arrest or find alternatives to arrest.

CHAIR: They no longer—

Mr McLeod: Suddenly we have a situation where Queensland police on the front line will now arrest them and these youths will go into the system and they get charged and prosecuted with regard to these tougher penalties, which are definitely welcomed. However, if the police officer does not make that arrest, is he going to be under enormous political pressure to be compelled to not arrest these youth offenders and put them in incarceration?

CHAIR: I do not think that makes any sense with 59A. Sorry, but did you wish to complete your answer to Mr Purdie, the member for Ninderry? I interrupted you.

Mr McLeod: I am not sure whether you are asking a question, but it seemed to be a rhetorical one to me.

CHAIR: I asked you to compare the two 59As—the old one where there was a much greater imposition on police officers to look for alternatives and the new 59A where there is much less. That was my question. However, it seems to be the opposite in terms of the evidence that you have proffered to the committee.

Mr McLeod: Certainly the bill makes it very clear that police officers are encouraged not to arrest—

CHAIR: I was looking at the changes between the two acts. We have gone over time and we have another person online from Mareeba Shire Council. Thank you very much, Mr McLeod.

TOPPIN, Ms Angela, Mayor, Mareeba Shire Council (via videoconference)

CHAIR: Mayor Toppin, welcome. My name is Linus Power, the chair of the committee. I invite you to make an opening statement, after which we will have some questions for you. Mayor Toppin, the floor is yours.

Ms Toppin: Thank you, Linus. I will go straight into it because I have council workshops today, so I will prevail. Thank you, Chair, and good morning to all members of the committee. May I begin by acknowledging the traditional owners of the land on which we meet today in Mareeba, the Muluridji. I pay my respects to elders past, present and emerging and I especially acknowledge all First Nations people here today.

The crime crisis is causing fear and division across Queensland communities and change is needed now. As mayor of a local government authority, I enjoy the privilege of working with the Queensland Police Service, youth justice and local support services and agencies. I also suffer the heartbreak of being directly connected to the community; connected to the victims of crime, both individuals and business owners; connected to bereft families and lost young people. Sadly, many of these young people are suffering the dire impacts of domestic and family violence and homelessness and intergenerational trauma. This is a familiar story shared by mayors across Queensland and while these young people need significant support it is clear the current youth crime laws, programs and solutions are not having the desired effect. Put simply, the increase in the level and frequency of youth crime and antisocial behaviour in our community is not acceptable. Community sentiment has been rising in recent years and the message is clear that the current consequences for youth offenders are minimal and serve as no deterrent. For this reason, Mareeba Shire Council welcomes legislative changes that can keep people safe in their homes and reduce fear and division by upholding community standards and expectations.

The question is whether the proposed reforms under the Strengthening Community Safety Bill 2023 will have the desired effect. The police and courts will determine the effectiveness of proposed changes in the bill. At the outset, it appears that the amendments to the Bail Act 1980, the Queensland Criminal Code, the Youth Justice Act 1992 and the Police Powers and Responsibilities Act 2000 will go some way towards addressing the issues which are most prevalent in modern-day youth offending, including the use of technology and social media, and disregard for conditions of bail and conditional release orders. Specifically though, I welcome the enshrinement of the multiagency collaborative panels in legislation. It is widely recognised that youth crime is often a manifestation of socio-economic disadvantage experienced by young people and their families and I expect that by providing for genuine collaboration and the sharing of information the children and families will have the best chance of receiving support which addresses their specific needs.

I urge the Queensland government to consider the additional resourcing that is required to effectively implement the changes to the bill. The local Queensland Police Service does a remarkable job with the resources that are currently available, but I suggest that more resources are required now. The committee may be aware that local governments are often called upon to address the youth crime crisis, but community safety is firmly outside our remit and well beyond the resources of a small council funded by ratepayers. For this reason, we are focused on doing all we can within our powers to improve community safety through collaborative action with local stakeholders and agencies. These efforts have already resulted in an increased capacity to respond to what is often a very dynamic environment and are expected to result in greater outcomes than can ever have been achieved working alone. In saying that, these locally-led initiatives cannot replace the Queensland government's responsibilities regarding youth justice and community safety.

I urge the Queensland government to start thinking outside the box to identify new solutions that will have the long-term effect of reducing offending. While the proposed changes contained in the Strengthening Community Safety Bill are welcomed, a solely punitive response will not create the lasting change that we insist on in our communities, and that is why Mareeba Shire Council introduced a motion at the 2022 local government annual conference calling on the Queensland government to introduce diversionary facilities where young people who have started falling foul of the law can be sent to gain both social and technical skills rather than be sent to youth detention facilities. This option could not be available to hardened recidivist offenders, but this sentencing option would give certain young people a chance to learn more about social and technical skills so when they are released they can pursue meaningful employment and become a productive member of society. Mareeba Shire Council calls on the Queensland government to explore this option as a potential solution to addressing the statewide crime crisis as an additional string in the bow.

While not diminishing the devastating effects youth crime and antisocial behaviour are having on our community and, more importantly, victims, there needs to be a firm focus on the actual resources to address the root causes of offending. This requires adopting an holistic approach in conjunction with tough legislation and strong deterrents to help young offenders become contributing members of society. I will conclude by asserting that the initiatives and deterrents contained in the Strengthening Community Safety Bill 2023 are welcomed, but they can only be viewed as a starting point in beginning to address the crime crisis gripping the state.

CHAIR: I turn to the deputy chair for a question.

Mr STEVENS: Thank you, Mayor Toppin. I appreciate your presentation today. I have two questions. Could you explain to me, if you have any statistics or information, the size of the youth crime issue in Mareeba? Secondly, you have made a submission on what should happen as part of the treatment of these serial repeat offenders, could you please also comment particularly on the Youth Justice Act direction for magistrates and judges that detention in custody be used as a last resort?

Ms Toppin: In terms of the statistics, these are provided to us in confidence from the Queensland Police Service. Certainly you would be able to access those. I do not have them in front of me, but I do meet regularly with the Queensland Police Service and they tend to give me trend data in terms of what is happening in our shire and in our town, particularly Mareeba and Kuranda, which are the two areas where we tend to find increases of youth crime. That is all I can say to that because I do not have statistics in front of me. They are presented to me in confidence, but I am sure you would be able to access that. What was the second part of the question, sorry?

Mr STEVENS: In the Youth Justice Act there is a direction to magistrates that detention in custody for these young offenders be used as a last resort which guides a lot of their decision-making in the custodial sentences for these matters. Do you have any view on that particular piece of legislation?

Ms Toppin: I do. I believe that if they are recidivists then detention has to be the solution. If they are young offenders just commencing in this I would rather see diversionary strategies put in place to deal with it, but the strong recidivists who are causing serious community concern, particularly to our seniors, our elderly folk who are defenceless, and the community in general, then I think detention is the solution.

Mr TANTARI: Mayor Toppin, thank you for your statement earlier. It was interesting to note within your submission that you talk about making sure that we recalibrate in favour of victims. It is an interesting comment within your presentation. You also indicate that you welcome the legislation and that it is a solid starting point, but you appear to have some reservations about whether it will be effective in strengthening community safety. I was just wondering whether you might be able to elaborate on that commentary particularly in relation to recalibrating in favour of victims.

Ms Toppin: The victims here who speak to me loud and clear, and I get this very regularly, feel that the perpetrators simply receive a smack on the hand and are just then released to do the same misdemeanours and crimes that they have just been apprehended for. My community feel that the consequence is not severe enough to guarantee—or to ensure, rather; you cannot guarantee—to ensure that the repeat offenders stop terrorising the community.

Mr TANTARI: Further to that, do you believe that the current legislation put in place, as you have indicated, is a solid starting point; that the new bill that is being proposed will go some way towards mitigating some of those issues you have raised?

Ms Toppin: Yes. I repeat: the police and the courts will determine the effectiveness of the proposed changes in the bill, but my community would appreciate greatly that recidivists are more firmly dealt with in the system.

Mr CRANDON: Thank you, Mayor Toppin. You mentioned in your contribution this morning the multiagency collaborative panel. It seemed to me that you spoke about it with some particular knowledge about that panel. I wonder if you could enlarge on your experience. Tell us what you found of benefit or what the shortfalls might be of what is happening at the moment with the MACP.

Ms Toppin: I totally agree that the multiagency collaborative panels should be enshrined in there. I firmly believe as a past educator that sometimes—a lot of the times—when you are dealing with young people who come from very dysfunctional situations, you have to have a very good wraparound in terms of interagency approaches to deal with the many problems. There is not just one problem. There are many agencies that have to pull together and work on a solution. We were actually enlightened by AC Scanlon who established two multiagency collaborative panels—one in

Cairns and one in Mareeba. We were pleased when we got one in Mareeba because we believe that, particularly with the early offenders and offenders who do come from extremely dysfunctional situations, this is at least a starting point to dealing with the multifaceted problems that these young people are facing.

Mr CRANDON: As a follow-up, could you provide an example of a positive outcome to the establishment of the panel in Mareeba? Is there a particular case study that you could perhaps enlighten us with?

Ms Toppin: In a lot of cases when I am informed of this they do not give me names and it is confidential.

Mr CRANDON: You have seen some positive outcomes; is that what you are saying?

Ms Toppin: I have. In my discussions with youth justice, they sometimes bring information to me to say, 'We've just had this young person been placed in such and such. They are back into school. They are doing this and they are doing that', but they never give me names so I would not be able to give you the detail. I am sure youth justice would. I respect the fact that they work in a confidential area and I do not wish to breach any of that.

CHAIR: This bill introduces a new sentencing regime for those who are serious repeat offenders. I note that you spoke about children facing a first offence and diversion and that principle of detention as a last resort. In clause 21(3) it makes clear that when a child is declared as a serious repeat offender there is a different set of principles that do not have detention as a last resort and it includes the need to protect members of the community, the nature and extent of violence, as well as the impact on public safety and the child's previous history of offending as the things that the court makes their decision on. Is that the correct balance to ensure that those who are serious repeat offenders face more serious penalties?

Ms Toppin: Yes, I think that that probably is adequately described by you, thank you.

Mr WHITING: We have talked a bit about the programs that would technically be outside this bill, but in your submission you talk about local-led initiatives not being able to carry all the weight of these reforms. We have talked about the multiagency panels, but, in terms of programs that are delivered, do you have any local-led programs in your area?

Ms Toppin: Yes. Council initiated the collaborating for community safety forum here. We meet quarterly with all the interagencies. I think it was Ray who was asking me if I have any examples. That is where I generally get my information. They come together. What we attempted to do, and we did this last year, was to have these agencies meet in a forum. For me it was important as mayor to see whether there were any gaps and then if this is the gap that is happening in our community who is going to address it, which one of these interagency people can step in and help here. It did a very good job of flushing out the gaps. I have a meeting tomorrow of this collaborating for community safety group that we have initiated in the Mareeba council and it will be interesting. The Queensland police attend and they present trend data and information like that, but we always treat it with confidence unless they say to me, 'You can use it, Angela.' Each agency will speak to us about some of the programs that they are running. Some of them have recently been funded for youth workers. Then I ask what difference will this make, what are you going to do with this funding and these additional employees, what programs are you going to run to try to include the disengaged youth or youth who are at risk. Those sorts of things are already happening here.

Mr CRANDON: You mentioned earlier, and I think the chair alluded to it as well, that this is just a starting point. You have talked about the fact that you have been meeting with other people et cetera. Do you as a group or you as an individual have any particular additions or suggestions that you would like to see be developed beyond this?

Ms Toppin: Absolutely.

Mr CRANDON: Can you give us a couple of thoughts?

Ms Toppin: It is through this collaborative meeting that I am able to get the best advice. Our advocacy priorities as result of these collaborative meetings are that the state provides additional operational funding for the Mareeba PCYC to enable an expansion of their night-time programs for at-risk youth. At the moment, the way they are funded, they can only run to about 8.30 at night and yet a lot of our youths are out on the streets late at night beyond that time. That the state provides funding to the Queensland Police Service to install, maintain and operate CCTV systems in public areas. Small local councils just do not have the capacity. We have a small program where we are helping businesses by funding the installation of CCTV and cameras, but that is about \$20,000 a year and that is all we can afford from our local rate base. That funding for a youth drop-in centre refuge

be prioritised for Mareeba to provide a place where at-risk youth can find safety, support, a bed and a meal. I will not be lying to you as a committee if I say to you that some of our young people, 8-, 9-, 10-year-olds, are out on the streets late at night because the level of domestic violence in their home is such that they are unsafe there. That is one of the main reasons these young people get caught up in that net. It worries me greatly. That funding be secured for a new PCYC purpose-built facility in Mareeba and that the state engages with councils via the LGAQ on how to address legislative and judicial issues relating to youth crime and to identify effective ways to reduce recidivism, including restorative justice processes.

Mr PURDIE: I realise we are just about out of time, but I want to ask a quick question of the mayor as someone who leads her local community. Mayor Toppin, I noted from your bio that you are a former principal of Cairns State High School and you have worked with youths probably for most of your adult life. Yesterday in Brisbane we heard that academics overwhelmingly agree that tougher penalties and tougher laws for police, particularly penalties around incarceration, do not work. You spoke earlier about consequences for actions and the option to put youths in custody. From your experience with youths and your current role, what do you say about those academics who have given us that information? Do you agree or disagree?

Ms Toppin: They need to get a touch of reality about what the community is experiencing. Yes, I am a former educator and principal and I would be the very first to say to you that we need to look at diversion at the very start of youth crime. However, if they continue along this path and continue to offend, continue to abuse, continue to hurt victims physically and violently—whatever it is—then there needs to be something stronger to deter that. As I have spoken about before, I am very supportive of young people who are starting to dabble in this area having support, multiagency support, diversionary programs, re-entry to schools and so on. However, when it gets to that bitter end we have to protect the community.

Mr STEVENS: Mayor Toppin, you mentioned young kids—eight- and 10-year-olds—roaming the streets at night. Has council ever considered a curfew, as has been tried in other places, to address those young kids being out at those hours?

Ms Toppin: It has been put to us, Ray. My understanding is that council cannot impose a curfew.

Mr STEVENS: No, but they can call for the state government to. They have not discussed it; is that what you are saying?

Ms Toppin: The local community would love me as mayor to impose a curfew on these young people, yes. However, it certainly is not in my jurisdiction. I cannot do that.

Mr STEVENS: I understand that. It could be state legislation. I was asking if you had considered it or supported it.

Ms Toppin: Yes, I would support it, particularly if it gets extremely out of hand, but then we would need the resourcing to do that.

Mr STEVENS: That would be a police job then to enforce the state legislation.

Ms Toppin: That is right. Thank you so much, Ray.

CHAIR: Thank you, Mayor Toppin. We really appreciate your contribution here today. I note no questions were taken on notice. I will suspend the meeting for a brief break. We will return with the Cairns Regional Council at 11.30.

Proceedings suspended from 11.03 am to 11.28 am.

MANNING, Mr Bob, Mayor, Cairn Regional Council

CHAIR: I welcome Mayor Manning from the Cairns Regional Council. Mayor Manning, would you like to make a brief introductory speech, after which we might have some questions for you?

Mr Manning: Firstly, this has all been fairly hurriedly convened so, probably like you, we are picking up bits and pieces too.

CHAIR: I understand that.

Mr Manning: We have a very important message that we want to get across to the government. I will start off by saying that the Cairns Regional Council supports the proposed objectives of the Strengthening Community Safety Bill 2023 that are aimed at keeping the community safe and to strengthen youth justice laws to respond to serious repeat offenders. I also advise, as I said earlier, the very short notice for notification to attend this public hearing. I will speak to some of the notes we have here and I also have some personal views that I would like to put across because I have been involved in some activities over a period.

We do need to strengthen laws around breach of bail and we do need to take all measures available to protect our communities. That is a very strong feeling, one that perhaps goes almost beyond a good point. There are many reasons young people offend. Some of those offenders become recidivists and cause untold damage, physically and psychologically, not only to our communities but also to themselves and their families. As leaders we need to ask ourselves how it got to this and why did we not see this coming and take steps well before today. We know that the home environment of many of those offending young people is not safe. This is a major contributor to why many of the young people are not in the control of their parents but are out on the streets committing some horrific crimes. The home environment is not safe in some cases. Let me give you an example.

In March 2017 I was part of the Youth Sexual Violence and Abuse Steering Committee, chaired by the Hon. Stanley Jones, with myself as one mayor, the mayor of Aurukun and a parade of public servants. Thirty-one recommendations resulted from that report. Have any of those been implemented? No. So what was the point of doing it? That is one example and I am sure there are many others. My point here is that we do all these reports on why a small minority of young people are causing problems and reoffending, yet we do not seem to be doing much about the potential root cause. Again, I ask: didn't we see any of this coming? We must have. It is simply a 'yes' answer.

Here we are now, rushing through amendments to strengthen laws on repeat offenders—and we should. We should protect our community as best we can but I, and I suspect many others, would like to know: what is the government's collective plan to significantly reduce the incidence of youth crime in the first place? What is the collective, coherent plan to better prepare and support families to parent appropriately and to guide our young people who have been identified as being at risk? What is the collective, coherent plan to act on the many reports and strategies that indicated why this is a problem in our society?

I commend the government for wanting to strengthen laws in this area, but I still feel as though we are at the bottom of a cliff. What I would really like to know is: what is the plan to prevent us from going over the cliff, because that will then be beyond the pale. Do we just do better? I mentioned the Youth Sexual Violence and Abuse Steering Committee. The committee report was finalised on 30 March 2017. To the best of my knowledge, from what I have been able to find out, not one recommendation in here has been implemented.

At the moment our council, the City of Townsville and the City of Mount Isa are talking together. We are probably miles apart from each other in many ways, but we are working together. We are saying to the state government that we want to work with you. This goes beyond politics; this goes beyond colour; this goes beyond everything. I said to my wife recently that we are no different from other people who practised apartheid years ago.

Mr STEVENS: Mayor Manning, thank you very much for appearing before us today. You said that you support this bill as a first step in addressing the youth crime problems of Cairns. We heard from the mayor of Mareeba earlier. You mentioned the 31 recommendations of the steering committee report. I am not sure which of those recommendations are involved in this bill. Could you comment on, firstly, the fact that detention as a last resort is still in the Youth Justice Act? Secondly, has the Cairns Regional Council had discussions around a curfew? We understand that a local government cannot introduce a curfew, but have you discussed a curfew on young offenders, if you have young kids roaming the streets of Cairns late at night? Could you comment on those two matters, please?

Mr Manning: You might have to prompt me. Firstly, the report I talked about was a state government generated report. It was chaired by Justice Stanley Jones. The mayor of Aurukun and I were called onto that committee because at that time we had a lot of problems within families in some parts of the city, although not anything like we are talking about now. It was mainly around young people and abuse. To me, surely something should have come out of this. Surely something was sending a message to someone. As I said, no goals.

Coming back to curfews, we have submitted to the government and to the opposition issues that we think need to be addressed. We are not saying that there is any one fix here. We simply need to have a shower and sit down and start from scratch on this because it seems like reports are building up in the cupboards. I am well aware of this report because I sat on the committee. Noel Pearson was also on that committee. He came to the first meeting and we never saw him again. Do you know why? He was smarter than the rest of us; he knew it was going to go nowhere. It has always stuck in my mind that Noel has sat through a few of these and knows that they do not get anywhere. I do not know Noel very well. I think if he saw me in the street he would not know me. Does that answer your question?

Mr STEVENS: It does, except for one part, Mayor Manning. Principle 18 of the Youth Justice Act states—A child should be detained in custody for an offence, whether on arrest, remand or sentence, only as a last resort and for the least time that is justified in the circumstances.

Have you considered that matter at all?

Mr Manning: It is 2023 and I am starting to build the years up. There have to be consequences for things. I think if you go the other way you can do more damage, but I am not someone for making things hard. Let us fix up the problems. How do we put out a report like this one and then not pull it together and implement what it says? Who is to blame there?

CHAIR: Mayor Manning, in response to the Youth Sexual Violence and Abuse Steering Committee report the Queensland government released the Queensland government response. They went through all of the recommendations and made commentary and goals on them. Do you feel that that response, going through each of the recommendations, was insufficient? What are your concerns there? We are a little outside the bill but it is an important issue.

Mr Manning: I think trying to pick off one or two items—may be it has gone beyond that. I am born and bred in Cairns. My family came here prior to the last war, whichever one that was. I was born here after the war. My wife was born here. I was educated here to year 12 standard and then I worked for the council for a while. I was trying to work out whether I go to university or what I do, but the government got me so I got called up for two years national service. I did three. I did three because I volunteered to go overseas for a year. I did not want to go but I wanted to learn something about life and people and all of us. When I got out of the Army I went to university and then I went to Longreach. I went back to Cairns in 1984, when we had taken over the airport. My job for 18 years involved building the airport and the city port and all the stuff that is starting to be built there now.

I played a lot of football. The reason I mention that is because the team I played in, the Kangaroos, were mostly Indigenous people. We had the closest relationship—our wives, our kids, us. I could not have asked for a better team of people to play for. I personally feel some responsibility in this. These are people I have known. If I drive in now to visit one of the communities, in 10 minutes there will be a group with me. There are a lot of things that are wrong. Good mates of mine work in the police force at Yarrabah. Johnny Jia—a great guy. I guess I get a little bit emotional about this because it is not fair. I know what is fair. I learned that in the Army. I learned that with my mates. This is not fair.

Mr PURDIE: You spoke about this report in 2017 which I am looking at now. You said that things have got a lot worse since then. I think you mentioned that it was not as bad then as it is now. You talk more about the family situation, which we are aware of. What else do you think has contributed, since 2017 to now, to the problem of youth crime getting a lot worse?

Mr Manning: I do not know. There seems to be a fair degree of 'being out of control'. I do not know whether the presentations we see on the news at night are out of whack and not being presented fairly. I think the media can always make things look better or worse. I said to my wife that I do not want to go on anymore. I have lost the urge to go on, because we are not getting it right. Local government elections are next year. I certainly am not standing again, because this is just getting—not too hard, but we are not doing enough.

Mr PURDIE: From your evidence on the ground—

Mr Manning: I have been here most of my life.

Mr PURDIE: One of the reasons we have come here, I suppose, is that, as you said, sometimes what you see on the TV is not reflective of what is on the ground. You are on the ground. We have come up to talk to people like you to find out whether this is an issue on the ground.

Mr Manning: It is an issue on the ground.

CHAIR: Thank you.

Mr Manning: I like the guy the government has appointed to take over the task force on the kids. I have met him only briefly, for a couple of hours. I just walked away thinking, 'Is this the one who is different? Is this the one who can see it and will make things happen?' I do not know. That is certainly my walk away. I look forward to meeting him again soon.

CHAIR: I think the leadership of individual public servants and police officers is really important.

Mr TANTARI: In your opening address you made comments regarding your belief that you could not quite see an answer in that the whole suite of programs that the government had put forward previously may not be working. There is evidence to show that intensive case management, co-responder models and other programs that have been put on the ground do have some worth and some value and there actually has been some success in that. Given that and given the council's submission regarding the Strengthening Community Safety Bill, do you believe that the bill will help to improve community safety in Cairns and, if so, why? The government has put forward a suite of changes and that is the reason we are here, to discuss this bill. Obviously we have had different commentary in Brisbane and elsewhere regarding the for and againsts. What is your personal opinion, or is it the council's opinion?

Mr Manning: My personal opinion is that it is like a new section of main roads. We have had a lot of rain and now there are a lot of potholes. I cannot see anything much but potholes. Why did we fall off the edge of the cliff in the first place? Why did we let this happen? With that report, there was obviously a concern. Why did we become more aware of the concern but then not do anything about it? How does that work? For somebody older, you get tired of it.

Mr TANTARI: The report you are referring to is the one that the chair just raised and you had a discussion on?

Mr Manning: Yes.

Mr CRANDON: I am not sure that we got an answer. Perhaps I missed it.

CHAIR: Maybe concentrate on something specific—the effectiveness in the local Cairns region.

Mr CRANDON: Does the council believe that the bill will help improve community safety in Cairns? If so, how? I think that was the direct question. I am not sure that I gleaned a response to that question. I am not saying that your response was wrong.

CHAIR: Member for Coomera, one of the things is there is an emphasis to look at the child's bail history when they are a serious repeat offender. Would you like to make it more specific or do you want to ask the question again? Sorry, member for Coomera; it is your question.

Mr CRANDON: You talked earlier about there having to be consequences for actions and so forth. We are looking at a particular bill and particular aspects of the bill. Do you think it is going to make a difference? If so, how? If not, are there things that you have in your mind, as I asked the mayor of Mareeba, that need to be implemented that would help us get to where we need to be for your community?

Mr Manning: I am not ducking the question—

Mr CRANDON: No, I understand.

Mr Manning: This is an incredibly sensitive issue. A whole lot of people can be badly branded. Kids can be branded. We should have been pushing this harder. We should have encouraged more action earlier. That is the cross we have to carry—likewise for the government, for that matter. We are new to the legislation in terms of what you are drafting. Will it work? I do not know. Will the government be able to make it work? Do you know what I mean? We here are all a bit tarred. We should have done more earlier.

Mr CRANDON: Is it a good start?

Mr Manning: It is a start.

Mr CRANDON: That is what we heard from the mayor of Mareeba.

Mr Manning: It is a start. I am not here to condemn you guys, and I am sure you are not here to condemn us. We all want to make this work.

CONTI, Ms Perri, Private capacity

CHAIR: One matter that I should have reiterated after the break is that we are dealing with issues where committees are limited in some of the things they can speak about. One of them is that where criminal charges are before a court and the court is still examining that, we do not give evidence about something that is directly before a court. The other one is that, where there are children subject to the Child Protection Act or the Youth Justice Act, any discussion of them is made in a non-identifying manner in accordance with the law. I think you would be aware of that, but I thought it would be polite to remind witnesses of such for this afternoon's session. Would you like to make some brief introductory remarks, after which we might have some questions for you? We do have your submission as well.

Ms Conti: Thank you for allowing me to speak today. I am just a community member and a victim of crime. I have read through the new laws that the government wants to implement. I have put it in order. Increase maximum penalties: I think this is an overreaction. It is a knee-jerk reaction from the government. It has been proven that incarcerating kids only leads to a lifetime in the justice system. I know that a judge makes a ruling and we have review officers who can overturn a judge's decision. Why is this the case? The maximum penalty that these kids get at the moment for stealing a car is three, six or 12 months. Increasing penalties is not going to make any difference because, honestly, who is going to lock up a kid for 10 or 14 years for stealing a car? It is just ridiculous.

Social media: I am for that. Social media needs to cooperate with the government, or the government needs to bring in legislation. Social media just creates a badge system among the kids.

Offending day or night: it makes no difference. We have kids whose parents are either alcoholics or ice users. Domestic violence is rife. We have 30 to 40 incidents per day of domestic violence. Their homes are not safe. Some kids are stealing cars for a safe place to sleep. Some kids are stealing from supermarkets because Child Safety are not issuing food or clothing vouchers and basic necessities for these kids under their care. I have attended their office to get a clothing voucher for a child and I was turned away. I had to fight for three weeks to get this child a clothing voucher. In that three-week period I ended up going and buying him clothes, out of my own pocket.

Threatening violence: we need new legislation when an offender uses violence or is threatening violence, pretends to be armed and makes threats to damage property. We do need that.

Breach of bail: yes, we should have breach of bail in certain circumstances. I believe that if an unsafe environment at home has led a child to breaching the designated curfew set out in their bail conditions, they should not be locked up. As long as they have not committed an offence, they should not be locked up. It should not apply when they have an unsafe home environment.

Removing detention as a last resort unshackles the judiciary and gives them discretion to send youth criminals to detention when warranted. We need to see consequences for their actions and the community needs to be protected at all costs, but I do not believe police should have the power to arrest kids on suspicion.

Having a trial of electronic monitoring is a complete waste of time and money. We spent \$3.8 million on monitoring eight kids. It does not work. It is a waste of money.

I believe that police should be allowed to consider alternatives to arrest. They are well trained, they are at the scene and they should be allowed to make an informed decision.

Bail history: absolutely a child's history should be taken into account when sentencing.

The ability of a sentencing court to declare that a child offender is a serious repeat offender: we believe the community should be protected from repeat serious offenders and the child should be protected from themselves.

Enabling conditional release orders sounds fine, but I do not believe it happens. We do not know how many kids are on conditional release—10 per cent or 50 per cent. Where are these youth justice officers? At present kids are given a choice to do a program—a choice. There should be no choices: 'You do the program.' Why are they given a choice? There should be no choice. It should be mandatory. The Queensland government website states—

The purpose of a conditional release order is to:

- address your child's offending behaviour through counselling and programs—

at present the lack of mental health programs and counselling is a big issue—

- provide consequences for your child's offending behaviour—

well there are no consequences—

- let your child take part in community and family life in a supervised and supported way—

these kids are not supervised or supported in any way—

- help your child to continue with their study and work commitments—

They do not work. They do not even go to school. It continues—

A youth justice officer will supervise your child for the period of the order. Your child must follow rules, take part in activities, and frequently go to see their youth justice officer. They may also receive home visits.

They 'may' receive home visits. There are no curfew conditions. There are no community service conditions. Maybe this should be considered.

Suspended terms: if a child is released on parole and reoffends, they should be made to complete their sentence. It depends on the offence. If they have breached their curfew because of an unsafe environment, no, they should not finish their sentence. It comes back to consequences for actions.

Expand the list of offences: overhaul the Youth Justice Act, which was written in 1992. It is over 30 years old and out of date. Society has changed dramatically. Ice addiction, gambling and alcohol are part of our society now. We already have a long list of offences. We do not need to add to them. They are trying to make it more complex when it just needs to be simple.

Enabling the transfer of persons who have turned 18 years: anyone who turns 18 while in the system should be transferred to an adult system.

Multiagency collaboration: none of this is actually happening. These kids appear to be neglected by all agencies. We have kids being released from Cleveland under the care of Child Safety arriving in Cairns from detention with no placements. No-one is collecting them from the airport. Child Safety needs to start issuing clothing vouchers and food vouchers. Doing this would stop them stealing food and clothing from the supermarket and local shopping centres.

As much as I do not like kids being on Centrelink—I would rather they have employment opportunities—it does give these kids some stability and they can learn budgeting skills. They have issues logging into MyGov so then they lose their Centrelink. They have no money. What do they do? They break into your house and steal your car. It is a never-ending cycle. This cycle needs to stop. Having a regular income gives a person self-respect and would make these kids believe that society cares for them.

'Resi-not-care' I call it needs a policy that ensures that 16- and 17-year-olds are not placed in a house with 10- or 12-year-olds. They have nothing in common. This results in them being insecure and unhappy and leads them to living on the street. There are cases of kids leaving care to go and stay with responsible adults and Child Safety do not allow it. This is considered to be a breach of their condition and they can then be removed and sent to a detention centre. If the child is happy and is staying out of trouble, I do not see why it would be an issue.

This is a never-ending cycle. We have a 12-year-old who was dropped at his grandparents' house by the co-responders after being released from detention knowing full well the grandparents were in Brisbane. This kid was unsupervised for three days. What happened? He went out and committed another crime. We have a 10-year old under the care of Child Safety living in a resi-care house walking the streets of Cairns, stealing from shops, pulling knives and scissors on staff and robbing tourists. If you ask his carer where he is, they do not know.

We have an 11-year-old under the care of Child Safety and she is pregnant. We have a 14-year-old under the care of Child Safety whose life was cut short because he was killed while in a stolen car. He was living on the streets, but he was under the care of Child Safety. We have a 15-year-old under the care of Child Safety who is chroming. She was also in the stolen car when that young boy was killed. She is out every day in stolen cars. I could go on and on. Where is Child Safety's duty of care? They are the parents of these kids committing crime every day on our streets.

The process is that we move the child, assess the child and find their next of kin. If we do not find their next of kin, we do resi-care housing. I can assure you that finding their next of kin is not being done. I know that for a fact: I am one of them. The next step is to make a referral to the internal placement unit. There are 11 different providers offering residential care services and there are 73 houses in Cairns. It is an expensive disaster at a cost of \$56.7 million during 2021. A child costs \$1.5 million for round-the-clock government care. It is like there is a bidding war by these organisations and the kids are being put up for auction like cattle. The only qualification needed is a three-day online course and a requirement to have an intention to enrol in a TAFE-run course to get a youth work certificate.

The government has spent so much money with no positive outcomes. The government is using strict privacy provisions which prohibit the identification of children in care to avoid public scrutiny of problems within the sector. Resi care is a failed model.

After talking with numerous CEOs in residential care, I have to say that what is going on in these resi-care houses and how these kids are being cared for is appalling. There is horrific child-on-child abuse. There is common knowledge of teen girls prostituting themselves to get drugs. Kids are not made to go to school or TAFE or get an education. They steal from local shops. They break and enter. They steal cars. They chrome. They smoke drugs. They make bongos. These kids are being schooled in crime and are destroying the rented properties which costs taxpayers. The kids even steal the CEOs' cars. Most of these kids have serious mental health issues and are never given any mental health support.

We get the gist of what happens in resi care. It is a complete failure. We are demanding a royal commission into the crime emergency which includes Child Safety, residential care and detention alternatives. The commissioner needs to hear from the community, the police, the victims, the teachers, the parents, the volunteers and the kids themselves to get a true picture and to find workable, genuine solutions.

Who will be responsible for monitoring if we introduce monitoring? We do not have enough police now, so how are they going to monitor conditional release orders or breach of bail conditions? Bail checks and curfews are difficult to enforce. At present this is being done by police on overtime: 'Oh, the kid's not home—tick.'

Police are leaving the police force in droves. They are frustrated and they are angry with having to participate in a catch-and-release program. Our police are not being allowed to do the job that they were employed to do—which is policing. They have become taxi drivers, returning kids to either their resi-care housing or their homes. We have fewer police and the numbers are still declining. We do not have enough police officers. A simple way to slow down this process and to stop them from leaving is to raise morale in the Police Service. To make it more attractive, we should modify the Youth Justice Act and other laws.

How can we make informed decisions when everything is a secret? We spend billions of dollars funding church-based NGOs, Indigenous organisations and resi-care providers that have no accountability and no KPIs. There are solutions like the Missouri model. They have detention centre-based schooling, learning skills, social skills and vocational training. The recidivism rate is 17 per cent. In Australia overall it is 80 per cent plus.

Trauma is personally defined. The justice system is failing to preserve public safety. Our justice system has failed victims of crime. It is upholding the rights of offenders and providing them with minimal or no consequences. There are groups of children and youths in particular in Cairns and surrounding areas who are out of control, breaking into homes and causing considerable damage to property and to the wellbeing of the community.

We have the solutions but the government does not want to listen. In this bill there are not the solutions. They are not the solutions for our community, for our kids. This is the government's fault that we have such a huge crime issue. It is not the kids' fault. They come from dysfunctional families. They have to do what they need to do to survive and we do not help them. Our kids just want a safe place to be where their parents cannot come and visit. That is what they want—a safe place. Why can't we give them a safe place? That would stop crime.

We need an educational, detention-based place located somewhere between Mareeba and Kuranda. We need drug rehabilitation centres for these kids. We need court appointed guardians. We need safe places for schoolkids to live. We have an 11-year-old prostituting herself so she can go to school and get an education—11! Maybe boarding schools attached to public schools could help these kids. We need a place for young working kids to live and feel safe where they can put their computer and clothes in a room and know it is not going to be stolen by family. We need places like that. We need in-home support programs for parents. We need school-based one-on-one mentoring. We need a better foster system. At the end of the day, if you give up your child you give up your rights, as far as I am concerned. These kid just want a safe place where their parents cannot visit.

Mr STEVENS: Perri, thank you very much for appearing today. I know that you had some issues around the consultation period and putting in your submission, but you have done a very comprehensive job. From your presentation I gather that you are in support of the bill as a first step in addressing some of the issues you mentioned, although not all of the issues. This bill will create government spending in terms of either more detention centres for the increased number of incarcerated persons or more police in certain areas. Do you have any view around curfews applying

to these young kids, not to incarcerate them for breaking curfew but to return them to parents or carers, which would involve more police? Have you any views on that as going some way to addressing the problem you have in Cairns?

Ms Conti: Curfews do not work. Police go to the house of the first one and check that he is there. Then he will ring his mate and say, 'Have the police been and checked on your curfew?' 'Yeah.' 'Well, come on, let's go.' That is how curfews work—they do not.

Mr STEVENS: You mentioned the Youth Justice Act in terms of detention and custody to be used as a last resort by magistrates. You mentioned that in your submission to the committee, but you believe that should not be part of the Youth Justice Act. Is that what I gather from your comments?

Ms Conti: That is correct. Detention cannot be the last resort.

CHAIR: When it comes to detention as a last resort, we often see young people involving themselves with criminal activities and facing charges for the very first time. Is it important that at that point the court looks to diversionary programs to make a change before incarcerating someone as a first choice?

Ms Conti: Yes, but the programs we have at the moment do not work. We need to defund the programs that are not working, that have no KPIs, and introduce programs that do work and actually care about these kids and not just about how much money it puts in their pocket.

CHAIR: This legislation introduces a serious offender category where, if someone has repeatedly committed offences, the judge first looks at community safety as a priority; therefore, incarceration is more likely to be an option. Do you support that section of the bill?

Ms Conti: I believe we would not have recidivist offenders if we had the right programs to begin with. We are always going to have the 10 per cent of kids we cannot help who are always going to live a life of crime. There has to be other answers. I do not want to see kids locked up. I want the community to be safe and the kids to be safe. We just need correct programs that actually work.

CHAIR: With that being said, this section says there will be repeat serious offenders. At that stage should we prioritise community safety as a first priority?

Ms Conti: Yes, we should.

Mr CRANDON: I appreciate everything you have talked about. There are three things I would like to talk to you about. The first of them will be the last one I wrote down here. You have just been talking about the programs. Would you support an audit of all programs currently in place to establish what is working and what is not?

Ms Conti: Oh, 100 per cent.

Mr CRANDON: I figured from what you were saying that that would be a quick one. I just wanted to get that on the record. Early on in your presentation you talked about the MACPs, the multiagency collaborative panels. I think the words you used are 'they aren't happening' or 'they're not happening', something along those lines. Can you elaborate on what you mean when you say 'they're not happening'?

Ms Conti: What programs come from it? Like I keep saying, if we had the correct programs in place we all would not be sitting here today.

Mr CRANDON: We have multiagency panels, but as far as you are concerned it is not working or it is not happening. Do you mean they are not actually happening, or do you mean they are not working?

Ms Conti: For example, do you mean is Child Safety working in with Joe Blow, and is Joe Blow—

Mr CRANDON: Working with police and—

Ms Conti: No, it is not happening. That is why we have crime. They are not talking together.

Mr CRANDON: So they are failing?

Ms Conti: They are failing. It is a big fail.

Mr CRANDON: I just wanted to clarify that point. Then you talked about—I made a note here—'next of kin first step before going on to resi care'.

Ms Conti: That is correct.

Mr CRANDON: That is not done?

Ms Conti: No.

Mr CRANDON: Then you said, 'I'm one of them.'

Ms Conti: That is right.

Mr CRANDON: Can you elaborate on your own personal experience in that regard and give us an example of how you were bypassed or how people are being bypassed?

CHAIR: Remember that we cannot identify individuals. We have to be careful here because it is the law. I understand your frustration with that law as well.

Ms Conti: My niece is a triplet with mental issues.

CHAIR: We are getting a lot of identification in Cairns.

Ms Conti: She has been in care for six years. I went with my sister-in-law through all the process and never once was I asked to take her. I have worked in schools with disabled kids so I was quite capable, but I was never asked. I only learned six months ago that next of kin was the process. Because resi care earns too much money, that is what it is all about—the money. Resi care does not care about the kids. It is about—

Mr CRANDON: In your view, the system is not going through the proper process of trying to find appropriate kin to look after these young people and be their carers before going to resi care because, as far as you are concerned, it seems like that is an easier process for them.

Ms Conti: That is correct.

CHAIR: You are saying that residential care makes too much money. Do the organisations return a profit to their head office regarding those things, or are they cost recovery? I think if we looked at the budget of the Sisters of Mercy, for example, we would not see large profits. There is a large expenditure, large employment costs and large rental costs—there are certainly a lot of costs.

Ms Conti: We just did an exercise and worked out what your expenses are and what you get paid for the child. It works out you make about \$750,000 profit per child per house. I would take a kid for \$1.5 million, and I tell you what—I would turn him out better than what they do.

Mr WHITING: Thank you again, Ms Conti. I really appreciate this. You talked about community programs. This is one of the things we have talked about, the programs in our communities, the non-government organisations and not-for-profits that deliver the actual programs themselves. I am not talking about the collaborative panels that assess serious offenders. In your area are there agencies or non-government organisations that are delivering diversionary programs or training programs for people who have been in the youth justice system?

Ms Conti: I know of Harbrow Mentoring and YETI. There are many, but those are the only two I would say that are doing good. Cairns Safer Streets just refers. Everybody just refers, and then it gets all lumped onto one or two places to take on all of these kids when nobody is doing the job they are getting funded for. That is the problem.

Mr WHITING: You mentioned there are 11 different providers with 73 different houses. Is that in Cairns city itself or the broader region?

Ms Conti: Yes, in Cairns.

Mr WHITING: In the city itself?

Ms Conti: Yes.

Mr WHITING: Do you know if they are youth justice places with people under child protection orders or domestic violence? Would that be all of those clients in those particular houses?

Ms Conti: No, they are just kids in those houses.

Mr WHITING: So 73?

Ms Conti: Yes, kids only. Not domestic violence; just kids.

Mr WHITING: So they may be young people who have gone through the DV system or the child protection system or the youth justice system; have I got that right?

Ms Conti: Yes.

Mr PURDIE: So those kids are essentially kids under the care of the state?

Ms Conti: Yes.

Mr PURDIE: That are still under child protection orders, not kinship orders like you have talked about. I was taking some notes about programs that monitor KPIs and you mentioned a model overseas. What model was that?

Ms Conti: The Missouri model. We looked at a lot of different programs from around the world and that suited our demographics.

Mr PURDIE: We heard yesterday from Sisters Inside in Brisbane that they have concerns about the resi-care model. Mr McLeod raised concerns about the cost and effectiveness of it. In my personal experience as a former child protection detective with the Queensland police there was not much care given. They do provide accommodation and get paid for it, but that was about it. You talked about safe places. What is a better model to provide a safe place for a child?

Ms Conti: Maybe you should be asking a child that. They just want a place where they can come and go and their parents cannot visit them. We have all different types of groups here in Cairns that do different things. We have parents who get their kids to go out and steal alcohol and drugs and blah, blah, blah. They are sick of it. They want out. We have kids out because they have nowhere to sleep, so they go and steal a car because they can sleep in it because that is a safe place. When the car gets too hot, after three or four days they will dump that car and go and find another one they can sleep in. They just want a safe place, but not resi care.

Back in the 1980s, we had a program called Cottage Homes where they were placed in a family environment with a mother and a father with three or four kids and that was their family then—right through until they decided. It was family based, similar to a foster care system. You cannot place a child, who is then happy, and then in two years time come along and give them back to their drug-infested parents. You are just ruining these kids' lives. We have kids where that has happened to them. They will probably be dead next year. They have got no hope. There is no life for them—nothing. They are just so damaged that they cannot be fixed—and we did that. We allowed that because we did not stand up. Maybe we did stand up to Child Safety, but they did not listen, or the fostering system.

I know of a place that was just doing fostering and now sees how much money can be made in resi care that they have branched out to resi care. This is why we have the crime. I am not saying it is all resi-care houses, but the majority. I just hate them. They are just breeding criminals. These kids deserve a better life. They did not ask to be born into this. They were not born being bad. It is the environment in which they live that has created this, and we have all allowed it. We have allowed the government to allow it. We need to take a stand and we need to take back our towns. Our community needs to feel safe in their homes, and we need to live a normal life. They deserve that as well.

CHAIR: Thank you very much, Ms Conti. We have asked all of our questions. I really appreciate you appearing before us. We hear very much the emotion in how you are speaking about this issue and your passion for better outcomes for these kids. Thank you very much for your time. We appreciate it.

GRAU, Mr Timothy, Private capacity

CHAIR: Welcome, Mr Grau. Thank you for appearing today. Would you like to make an opening statement before we ask our questions?

Mr Grau: I am conscious of your comments earlier about identifying people. I will be making reference to some people but the names are not the actual names.

CHAIR: I think you have an awareness of the two laws involved, but I appreciate that.

Mr Grau: I would like to begin by acknowledging the traditional owners of the land on which we meet today and I would also like to pay my respects to the elders past, present and emerging. I thank the committee for the opportunity to appear before you.

Oliver was 12 years old. He was one of an eight-sibling group from a blended family. Oliver's father had been incarcerated since Oliver was an infant. Oliver and his siblings had an extensive child protection history from the age of two. There were concerns about domestic violence, substance misuse as well as emotional and physical harm. At 14, Oliver was a regular ice user.

Elizabeth was 15 years of age. She was the second eldest of a four-sibling group. Elizabeth's relationship with her father was characterised by concerns about alcohol abuse, domestic violence and lack of care. Elizabeth's mother was transient and not in her life. The Department of Child Safety records reveal an extensive child protection history dating back to prior to Elizabeth's birth, with themes of domestic violence, neglect and physical and emotional abuse. Records indicate that Elizabeth's mother was drinking heavily during her pregnancy with Elizabeth and that her mother was also both a perpetrator of and a victim of domestic violence.

Child Safety records dating back to Elizabeth's birth indicate concerns relating to domestic violence and family violence, serious physical harm to her, significant parental alcohol misuse, severe neglect and a lack of supervision. Elizabeth and her siblings suffered physical and emotional harm due to the exposure of cumulative trauma. Records indicate the family was frequently homeless and the children were left in the care of people considered unsafe. Elizabeth had been hospitalised on a number of occasions whilst in the care of her parents. At the age of 10 Elizabeth was granted a Long Term Guardianship Child Protection Order. Over a 13-year period, Child Safety records show that Elizabeth had resided in 60 different placements—28 of which occurred over a two-year period when she was about 13. Unsurprisingly, Elizabeth had an unstable housing situation which significantly impacted on her schooling and education.

Paul was 13 and was born interstate. He had a child protection history prior to his arrival in Queensland. Child Protection records indicate there were concerns about Paul's father's substance abuse and Paul being left unsupervised from a very young age. When Paul was three years of age, his father was assessed as having very limited insight into his own substance abuse and the risk involved in leaving very young children alone unsupervised. Paul and his brother were removed from their father's care. Interstate child protection records indicated Paul's mother engaged in limited to no medical care during her pregnancy. Paul's mother demonstrated an antenatal history of alcohol and opioid drug use during pregnancy, resulting in neonatal abstinence syndrome whereby a newborn baby experiences withdrawal as a result of the mother's dependence on drugs during pregnancy. At the age of three, Paul was diagnosed with fetal alcohol syndrome.

Paul is the young boy referred to in Her Honour Judge Fantin's remarks, which I have circulated, in the Childrens Court last week. Her Honour found that Paul's extended period of isolated solitary confinement in the Cleveland Youth Detention Centre, which included more than 20 hours a day for the majority of his time of incarceration, which was 139 days, and on 10 occasions he was isolated in his room for 24 hours. Her Honour found that this caused him harm, served no rehabilitative purpose and indeed placed the community at greater risk.

These stories are just a snapshot of a fraction of the young people I deal with on a weekly basis. These young people, these young Queenslanders, are the most disadvantaged and deprived Australians in the country. These are not the worst stories; they are the typical stories. Young people end up in the criminal justice system because for many, from birth and from early childhood, they have faced the most deprived, dysfunctional and disadvantaged life of almost anybody in this state and country. As a society, as a parliament, as a government, as a community, we have failed these young people. We have been failing them for decades. All governments, all parliaments, all parties have failed. Not only have we failed these young people, but we have failed every victim of their offending for decades.

How have we failed them and their victims? By ignoring the science of youth crime. As I noted in my submission—and I note that many other submissions to this committee referred to this—there are a multitude of national and international reports, inquiries and programs that have demonstrated what works and what does not work in dealing with the causes of youth crime, how to effectively deal with it and how to prevent it. Overwhelmingly, the research has consistently said that what we have been doing and what this bill proposes does not and will not work. To continue to implement legislation and policies that have been proven to fail by its very nature is insane.

To my mind, it is no different from ignoring the science on climate change or ignoring the science on managing the COVID-19 pandemic. Experts in those fields successfully guided and drove legislative and policy responses to those complex problems, but when it comes to the even more complex issue associated with intergenerational disadvantage or criminogenic factors, all parties, all parliaments and all governments continue to ignore the science. In doing so, we continue to fail these young people, their victims of the offending and the broader community. Quite simply, tougher penalties and increased detention does not work.

Queensland does not have a law and order crisis; it has an entrenched and terrible social welfare crisis. This, I say, is our Keatingesque banana republic moment. What is needed is an acceptance and a recognition that what we have been doing for decades does not work. What is needed is a fundamental shift in our legislative and policy response and framework. The time for tinkering as part of another law-and-order auction is over. A responsible response to decades of failure requires a root-and-branch refocus on our approach. These young people, the victims of their offending and the community need a major investment in intervention, not in incarceration, not in prison cells and not in more police officers. We have more young people incarcerated, more police on the beat and more prison cells than ever before. It has not worked and it is not working.

A new focus putting youth, social and child safety workers, psychologists, psychiatrists, parental support programs, appropriate educational opportunities, and sporting and community engagement at the centre of our efforts is what is required. What every victim of a youthful offender wants is for it to end—we all do—but what the science tells us about youthful offending is that this bill and the approach will not achieve that goal. I implore this committee and this parliament in the strongest possible terms to defer this bill—but, not only that, to demand that the parliament and the government refocus its approach that is deeply rooted in the known science on youth crime.

Mr STEVENS: Thank you, Mr Grau, for appearing today before the committee. I noticed in your submission that your legal work is primarily in the defence of these young children and young people before the courts. I have a couple of questions, but the first is whether you have actually ever worked for the prosecution side in the courts—in terms of that would be the interests of the victims of crime. How would you balance the human rights of the victims against the human rights of the young offenders?

CHAIR: I am not sure if that is relevant to the bill but over to you, Mr Grau.

Mr Grau: No, I have not worked for the prosecution. My work as a barrister in Cairns is predominantly in crime and criminal defence, as you correctly identified. In doing so though, part of my responsibility in dealing with these young offenders is to provide to them the copies of any victim impact statements, for example, that victims might provide. That is often read to them so they understand the impact it has had on them. There is within the youth justice system also the restorative justice programs where I conference with my clients about whether or not they want to participate in that so they have a better understanding of what is going on. Part of the difficulty in that regard is that some of these young children have had such a dysfunctional background that their appreciation of the difference between right and wrong is not always as clear as we would like it. In relation to your inquiry about—

CHAIR: If that was accepted by the court, they would not be sentenced.

Mr Grau: Well, no, that is not how it works. If the child is under the age of 14, the prosecutor has a responsibility to prove that the child has the capacity to understand right and wrong. What I am talking about is not that they do not understand what they have done is right or wrong, but that they do not necessarily have empathy for the victim because of their disadvantage. That is not all of them but some of them.

Mr Stevens, the point you are also raising is, yes, as I said in my opening address, we have failed the victims of these offenders because we have not dealt with the problem to prevent the offending in the first place. I am very conscious of the impact this offending has on community members who are victims and that is why I want it to stop too, but it does not stop by locking children up. All that does is put them in the wrong environment. In actual fact, all the research shows that the biggest issue that leads to recidivism is actually detention.

If you think about it in relation to your own children, if your child is at school and hanging out with a bad crowd, you say to your child, 'Don't hang out with those kids. Go and hang out with these kids who are doing sport, being sensible and academic.' Yet the criminal justice system says, 'No, what we are going to do is we are going to take that kid away from the bad kids he is hanging out with and we are going to put him or her with worse kids and make them live with them 24 hours a day, seven days a week.'

Mr STEVENS: Thank you, Mr Grau, for that matter in relation to the rights of the victims as well. The other thing you mentioned was longer term solutions, and we all get that; that incarceration is a shorter term solution to a problem that is pretty well right across Queensland and is seriously worrying our communities that we represent. I know you are at the coalface with the children, but we are in the communities that are terribly concerned. I am from the Gold Coast. My wife leaves the keys in the corridor so the kids will take the car and not worry her and those types of things. That is a serious state of play for crime right across Queensland, and no doubt in Cairns as well. It is not going to go away. Perhaps you do believe in these longer term solutions. Can you tell me do you honestly believe that in the longer term solution you have there will be no youth crime after adopting all those measures that you believe governments would adopt? Unfortunately, as our previous speaker told us, there will always be 10 per cent that are bad kids. The example that you gave about just taking the children away and locking them up, we understand that, but we have to have a short-term solution to a very major problem which is actually causing death in our community. My question is: do you honestly believe that there will be, in the future, no youth crime even with adopting your long-term solutions?

Mr Grau: No. It is accepted that there are always going to be some bad apples in any community and in any society; I accept that. However, I implore the committee to have a look at, for example, the submission from the Justice Reform Initiative, which has been provided to the committee, where it sets out in quite some detail a range of programs that work and do not work. That is what I am imploring the committee and the parliament to do. There are programs that we know that work. I appreciate your concern and that of the community that there is a short-term issue that needs to be addressed, but that is what we have been doing for decades—fixing up the immediate front-page story with a legislative bandaid. What I am saying is what is required is a complete shift in a Keatingesque kind of way: 'We need to do something about the national economy, otherwise we will become a banana republic.' The government then spent a significant period of time educating the community about why we needed to float the Australian dollar and all those sorts of national issues. What I am saying is required here is a similar kind of dialogue with the community. Yes, there are those who are always going to be bad apples and the programs that I am talking about and that work takes time.

The other document I have provided to the committee is the Queensland Productivity Commission report that was done in August 2019 called *Inquiry into imprisonment and recidivism*. I draw your attention, as I do in my submission, to page 11 of that report which deals with the risk factors by age. In summary, it says that between the ages of zero and five, if you have these dysfunctional things happening in the family home—parent abstinence, alcohol and drug abuse, members of the community in prison—then those children are probably not reaching their developmental goals. Between the age of five and 11 or 12, if those things are still happening in the home, they are probably not meeting their educational goals, and then by 12 they start to enter the criminal justice system by having their first exposure to the police, perhaps at a local shopping centre or something. So by the time they are 12, we have lost them. We know the trajectory that these children are going to go on; it is known. What are we doing at that zero to five, zero to 12 age, to prevent them from getting their first involvement in the criminal justice system? Once they get into the criminal justice system, it is too late.

Mr STEVENS: Thank you, Mr Grau.

Mr TANTARI: Mr Grau, thank you for coming along today. I am interested in the comment that you raised during your opening address in regards to some points you raised about programs within that, and you glossed over them. I want to take you back to that and could you again raise those programs that you believe could be impactful on mitigating some of the issues we are dealing with through this bill?

Mr Grau: I glossed over them because that is not my area of expertise. There are others who have expertise in these programs. As I said, I particularly refer you to the Justice Reform Initiative's submission which identifies a number of programs that work and—

Mr TANTARI: Sorry to cut you off, but do you believe the current programs we have in place at the moment are not successful?

Mr Grau: No, because I—

Mr TANTARI: All of them?

Mr Grau: No, and I am—

Mr TANTARI: I am saying that your comment was very much a generalisation about the whole program suite that the government currently has in place which I believe is an unfair comment that all programs are failing. That is probably a pretty poor reflection on the workers who are working in those areas, trying to manage these problems at this point in time. To say that all of the programs do not work is pretty rough.

Mr Grau: I do not think I said all of the programs do not work; what I said was our approach does not work, that is it has an emphasis on incarceration. As I said, I am not a child safety officer, I am not a youth worker and I am not a social worker. I do not deal with those particular programs. What I know is that I end up representing young people who have not successfully gone through those programs, otherwise they would not appear in my chambers. What I do know is that those programs and those who are working hard in that area are massively under-resourced and undersupported. That is where the focus needs to be. There is lots of research on this—and I think it is in the Justice Reform Initiative's submission: to incarcerate a young person in detention for a year costs in excess of \$500,000 a year. That money, in my submission, would be much better spent on programs directed at those children rather than incarcerating them in youth detention centres that are understaffed. The case of the King v TA which Her Honour dealt with, that young boy was in solitary confinement not because of massive misbehaviour on his behalf but because of staff shortages. The problem is across the board.

I accept that there are programs and that those people working on them are working very hard, but they are massively under-resourced. I have an example of a young man who was 15 or 16 who had committed a series of offences and was in the care of Child Safety. He lived in Cairns; his Child Safety Officer lived in Cooktown. I am assuming it is because of staffing issues, but how can a Child Safety Officer based in Cooktown, four hours drive away, be properly looking after a 14-, 15- or 16-year-old boy who is already in trouble?

Mr TANTARI: In regard to some of your comments about younger people who are not intellectually or emotionally developed before they enter the system, do you think family and community are equally responsible for managing these children?

Mr Grau: Part of the problem is they do not have families or they have dysfunctional families. In fact, I said to someone this morning parenting is hard, particularly teenagers. If you as a parent do not have the skills to parent well and you have a wayward child, it is not unsurprising that some of those parents might give up. Yes, I accept that the best situation for any child is to be in a loving, working family. Unfortunately, that is not always the case, and that is why we do then have these other programs to try and deal with those circumstances. The point I am making is that when the breakdown of that loving family relationship occurs very early, we know the trajectory of what happens when that does happen.

CHAIR: Mr Grau, I tend to think of looking at this as a reflection of my life in adulthood and what has happened in that time. You seem to hark back to a halcyon day of freedom and lax policing in the 1980s in Queensland. That seems to be the reflection of the trend we have gone over in the last 20 years. What has happened to crime in Queensland in the last 30 years since I have been an adult? It has massively reduced, has it not?

Mr Grau: Again, that is borne out in the Queensland Productivity Commission report. No doubt the community perception is crime has increased.

CHAIR: We are not looking to go back to the 1980s of Joh's police; is that right?

Mr Grau: I am not sure that I was making those observations. The observation I make is what the data shows and, in fact, it is in that report from the Productivity Commission. It identifies on page 7 that imprisonment is growing, but the crime rate per 100,000 people is actually declining. I accept that that is not the community perception.

CHAIR: And it is not some of the realities in Cairns with unlawful use of a motor vehicle and home break-ins, is it?

Mr Grau: I do not have the breakdown of those statistics, but what I accept is that there is a community perception, and their perception is their reality. That is why I say that what is required is leadership to explain to the community what is actually happening and what actually works.

CHAIR: We can explain that we do have an increase in those two categories in Cairns; it is quite clear.

Mr Grau: Yes.

CHAIR: The perception that people have come to speak to us about is correct; it is backed up by fact.

Mr Grau: Yes.

CHAIR: I thought the general tone that we have moved towards a more incarcerative system and you talk about those children who have care workers, some of those things did not exist 20 or 30 years ago.

Mr Grau: I accept that.

CHAIR: The general argument that we have moved towards this system that does not have any of those services, placements, programs—it was not that FASD did not exist in the eighties, it is just that we did not know about it. No defence lawyer produced FASD as a mitigating circumstance because, although it certainly existed, it was not identified or clinically understood.

Mr Grau: I accept that.

CHAIR: There are a lot of positive things that we have engaged in in the last 30 years.

Mr Grau: I accept that, but what the statistics also show is that our incarceration rates are going up exponentially, vis-a-vis the crime rates.

CHAIR: We are constantly told about the science. It is not science as in hard science. This is soft science; it is about the interactions of people. If a judge or magistrate has determined that a period of detention is warranted for a crime committed by one person but not for the same crime committed by another person, fundamentally the magistrate has made a decision that this person's behaviour is a much greater threat to public safety and that their crime was, in the scheme of the same nominated crime, much worse. Magistrates have made that decision, so it is not surprising that, of that group, we see a higher recidivism rate. I do not understand how they make those absolutely scientific—I mean, it is the best form of social science research we have, but there is a fundamental problem in that the sample where the magistrate forms the opinion—and in some cases conceded by the defence—that a period of detention is to be imposed is fundamentally a different sample from those who committed perhaps the same nominated offence but to a much lesser extent. They are a different group of people.

Mr Grau: Yes, I accept that. I accept that there are some young people who need to be detained for the safety of the community—

CHAIR: You would no doubt concede that as a defence lawyer.

Mr Grau: Yes, I do—and often do not seek bail applications for people who need to be detained for their own safety and/or the community safety. That then leads to the other issue—and it is not related to this bill but I touch on it in my submission and it is related to how we deal with people in incarceration—which is that one of the purposes of our criminal justice system is to rehabilitate people. The recidivism rates show we are not rehabilitating people when they are incarcerated.

CHAIR: That is the logic problem I just talked about.

Mr Grau: Let me deal with the adult prisons because it is what I deal with on a regular basis and particularly prisoners who are incarcerated for an extended period of time for serious violent offences of a domestic violence nature, particularly one of the newer pieces of legislation, the choking and strangulation legislation. Ordinarily, a person who chokes or strangles a person is looking at two to four years in prison. Under the system if a person pleads guilty to an offence like that, ordinarily they then are entitled to be released after serving a third of whatever penalty they get. For a strangulation offence where a prisoner is incarcerated for three years, they would ordinarily be released on parole after a year.

I cannot recall the last time I had such a prisoner who was released after serving eight, nine or 12 months on remand who had done a domestic violence course while on remand. They were released, as they should be because that is the way the system is set up. The programs to deal with rehabilitation are not happening in the facilities because they are on remand. That is where the recidivism comes in. You have someone who has been incarcerated and has spent a long time in jail—12 months is a long time for anybody—and they get out on day of sentence and have not done a domestic violence course while incarcerated.

CHAIR: This is a question we have had discussions about. Why are those courses not being offered to those on remand with the proviso—obviously they are not yet guilty of anything by law; that is the nature of being on remand. Why can they not participate in those courses and if they are released, if they are found not guilty or if they are released with time served, they continue those courses through a different method? Why is it not being offered to people on remand? We have talked about this with youth justice as well.

Mr Grau: A number of lawyers in town have a meeting with Corrective Services this week to discuss that actual issue. I appreciate there was a COVID era where that was difficult—where prisoners could not move around the prison to do courses. My experience is it is a funding issue, that there is not enough funding to run these programs. You are right; when someone is on remand as I understand it, they cannot be forced to do these courses. But invariably my clients want to do the courses. My advice to them is always, 'Put your name down for the course because even if you do not get into the course, when it comes to your sentence I can say to the judge, "He's put his name down for an alcohol and drug course, but he has not been able to do it."'

CHAIR: Do not reveal too many tricks in front of the magistrate!

Mr Grau: In fact, I had a District Court judge not so long ago. The client was sentenced to 2½ years in prison. He had spent 10 months in prison, so he had done his one-third. Ordinarily he would be released on parole. He was, but because he had not done the courses, the judge put him on probation in relation to some other minor charge so he could do the courses. In actual fact that was an appealable point because he had been doubly punished not due to any fault of his own. That is a more fundamental issue across the justice system: once they are incarcerated the rehabilitation is not happening whether they be youth or adult.

Mr CRANDON: I have done a bit of work in this area. I have been to quite a few prisons and talked to people in the prison facilities. Another of the issues is room. It is not just funding, but it is also that they do not have the room to run the programs. It is a massive program. In some circumstances up to two-thirds of prisoners who want to get onto programs cannot. The remand area is a particular problem in Queensland. It is not the problem in other states. It could be resolved so they are put on programs in Queensland if we were minded to do so. There is also the possibility for a magistrate to require them as part of the parole to do the course outside of the system. I know that they exist; I have actually been to observe one of those courses. I just wanted to put that on the record.

Coming back to the overall discussion—and I am sorry I was not here for your opening remarks; I had to pop outside for a short while. I refer to page 11 of the summary report from the Queensland Productivity Commission. It makes the point that it is really from the womb through to adulthood that we are talking about in terms of the issues that are there. We do have some programs in Queensland. There is one in my electorate where a school has a wraparound program of Queensland Health working with them, working with families, working with the little ones—I call them gummies and anklebiters—right the way through to year 3 or 4. That is where we have to do it; right the way through the system we have to implement the programs to try to nip it in the bud.

Right now we are in a crisis. Right now we have seen an increase from 10 per cent to 17 per cent of the number of juvenile offenders becoming problem juvenile offenders. That is the reason we are looking at this particular bill.

CHAIR: Do you have a question, Mr Crandon?

Mr CRANDON: I do. Chair, with respect, you were talking about all of those matters. I think it is only fair that, because I do have knowledge of it, to put it on record as well. Coming to my question in relation to the bill, do you accept that the aspects of the bill that we are considering are appropriate and will assist us? Is it a good first step? Are there other things that you would suggest—and as I say, I was not here for your original presentation—could be done in addition to this bill that would assist us with this crisis in our youth justice system?

Mr Grau: In short, no, I do not believe the bill is a good first step. In actual fact it will not achieve what it sets out to do and it will have detrimental effects on young people and the community. What I would prefer to see is those wraparound programs that you talk about be the priority. I appreciate that is a funding issue rather than a legislative issue.

The bill as it stands has significant financial consequences for the state in any event. For example, the reference to incarceration of a child who breaches a conditional release order will see any number of children who breach a conditional release order, which in essence is like a suspended sentence for an adult, reincarcerated. They do not have the opportunity as you do as an adult to go

back to the court and argue why they should not be reincarcerated; it is automatic detention. You will have these already overcrowded youth detention centres and watch houses with a whole bunch of new kids going in there which is going to cost the government and the community money to fund it. The funds we use to detain most of these people would be better spent in those wraparound programs. That should be the focus of the parliament.

You asked the previous speaker: should there be an audit of the programs? That is probably not a bad idea: what is working and what is not working? As I said, there have been any number of inquiries and investigations around these things and there are submissions from people who know much more than I do. The Justice Reform Initiative is full of former Supreme Court judges, High Court judges, Court of Appeal judges and the like. I do not profess to be an expert in which particular programs work. The science is that they work and incarceration does not.

Mr CRANDON: Multiagency collaborative panels is one of the areas that I explored a little earlier with Ms Conti. They appear to be not working for us given that we have seen this increase in the number of youth going into the system. In a crisis situation aren't we meant to do something to try to sort that out while we are trying to do all of these other things?

CHAIR: What is the question? We should not be sorting—

Mr CRANDON: Mr Grau has indicated that he does not believe the bill will do anything. We have this crisis right now. We need to stem the flow right now. Could this not be the thing that stems the flow whilst we sort all of these other things out that we talked about?

Mr Grau: I think Mr Stevens referred to this earlier. The problem we have had for decades is that is what we keep doing. We keep putting bandaids on the latest crisis.

Mr CRANDON: While we sort these other things out.

Mr Grau: But we do not actually sort these other things out to the extent that we need to.

Mr CRANDON: I hear you.

Mr Grau: For example, it is known that increasing penalties does not work. A young 15- or 16-year-old who breaks into a house to steal car keys and go for a joy-ride—or do tricks, as they refer to it—is not thinking, 'I better not do this because the government has just increased the penalty.' That is not the thought process that is going on. Ideally it is getting in earlier, as I said, before they get to that point. It is my submission to the committee and to the parliament that that should be the priority.

As I said, I accept there is a community demand and, as representatives of the community, you are obliged to respond to that. One of the ways to respond to that is to actually educate the community about what we know and take that leadership role to the community and say, 'Yes, I understand. I empathise. It's appalling that your car was stolen or your house was broken into or you lost a family member.' That is accepted; that should not happen. However, locking up Joe because he has done that for three months, six months or a year just stops him from doing that for that time and, in fact, trains him to be a better criminal next time.

Mr CRANDON: Unless we put the programs in place. We have to cauterise the wound though. That is the point I was making.

CHAIR: Thank you, Mr Grau. We really appreciate your appearance before us today. Now we have witnesses appearing in Brisbane. We have made clear that people from all over the state can participate via videoconference. Although we made the effort to travel to Cairns and Townsville, we were not excluding any other communities. In fact, we had broader discussions about making sure we did include anyone who came forward. We now have before us witnesses from Stop Black Deaths in Custody Committee.

NUNAN, Ms Michelle, Administrative Officer, Stop Black Deaths in Custody Committee

WHARTON, Mr Wayne, Convenor, Stop Black Deaths in Custody Committee

CHAIR: Mr Stevens, are the witnesses in front of you?

Mr STEVENS: Yes, they are here. They are moving from the cheap seats to the main seats here at the front. Welcome Mr Wharton.

CHAIR: Deputy Chair, I might deputise you briefly to conduct the proceedings, if that is all right.

Mr STEVENS: Thank you, Chair. I will do my best to imitate your wonderful chairing. Mr Wharton, thank you for appearing here today. We have not received your submission, but we would like to hear your views on the proposed community safety bill. I invite you to make a presentation and then be available for some questions from committee members following your presentation. Mr Wharton, over to you.

Mr Wharton: I will just introduce Ms Nunan. Ms Nunan has been acting as our administrative person for the last almost two years. We are a not-for-profit organisation. I have taken over a lot of the work that was done in the community by the late Sam Watson, who was an advocate. Some of you may have known some of his work. I have been in that position for the last two years. We run a monthly meeting and at this monthly meeting we have the senior First Nations people from the QPS, from corrections, from health, from juvenile justice and some non-funded organisations around Brisbane and some that are funded. We work particularly with the justice groups across the state. We were able to hold the first community justice forum which involved representatives from 50 of those community groups from Mount Isa and Mornington Island up to Weipa and Aurukun and from Thursday Island down to here. That is basically where we come from and how we operate. Day to day I run a construction and demolition company, but in terms of my other work after five o'clock I am answering calls from mothers and fathers throughout the community and that involves a fair bit of community work.

The thing that I wanted to touch on today is more directly to do with juveniles and the incarceration of young people. In the last three weeks some six to eight people younger than 15 have been locked up in the Ipswich and Toowoomba watch houses for anything from 10 days to 31 days. Most of these people have been brought to my attention by their parents and then I have followed through with the various people within the police force. For these young men—they are mostly young men—it is enough to spend one day in a watch house let alone 10 to 31 days in a watch house. When we look at the numbers over the last month that have been confined to Toowoomba, Ipswich, the north side and Southport, if you look at the watch house keeper's records this is nothing unusual.

Where do we go from here? I am not going to go into details. I have heard other people go into details, but I think there is something really broken in terms of the system when we treat our young people to that point. You would not lock your dog away in a cell for two days or three days, let alone 31 days, and we are talking about no access to the sun and no access to fresh oxygen and being free to walk around. If anyone has been in a watch house, you know the confinements, you know what it is and you know how it affects you. This breaches all parenting skills or any child custody skills. You do not treat people like that.

The loser in this is what messages we send back to those juveniles who are placed in those conditions for 31 days. Often they are not represented by the system. The legal system that exists for First Nations people in this state at present is totally rubbish. It is a system where if you do not plead guilty you do not get a service. You get no visitation rights. There is very little access for people to check the security of these young people within the watch house system and even within the juvenile system. That is the major thing that we wanted to bring to this committee's attention—what is there and what is the status quo at the moment between those kids.

Over the last two years we have been trying to deal with the youth justice task force. We understand it has just gone through a change of hierarchy in terms of the person who is supposed to be the head of it at the moment. In the last two years we have seen no initiatives whatsoever in terms of the youth justice system. We have made a number of appeals with the particular committee. If you look at the east coast of Queensland and right across, apart from the Mater Hospital here, there is not one facility that directs itself at substance abuse for children from 10 to 16. The Mater Hospital runs one facility. The number of bail houses, safe houses and alternatives to the watch house have failed. There has been nothing but closures. There has not been a new bail house or a new safe house for young people to go to.

As I said to this committee, we have senior QPS people who attend, so a lot of this information that I am giving you and that we are talking about now comes straight from them. If a young child steals a car, crashes it and gets caught at 10 o'clock or 12 o'clock at night and they are 10 or 11 years old, which has been the case, there is no facility for those people to go to. There are no crosschecks in terms of their health. There are no crosschecks in terms of their condition, apart from being locked up with adults in an adult watch house, often, as I have said, not just for one or two hours; this runs for days. In recent times it has been 20 to 30 days that these young people have been left in there.

Then there is the point about substance abuse. Whether it is alcohol, whether it is drugs, whether it is paint, whether it is glue, if you go back through the facilities that are available for these young people there is not one. The Aboriginal community—the Indigenous community—put up a number of options to the task force where we required some sort of facility out of Cairns, Rockhampton and greater Brisbane in the southern part of Queensland. All of these submissions have fallen on deaf ears and there has been nothing—no direction.

The role of health in community safety leaves a lot to be desired—that is, where a kid comes into custody with a health problem and that health problem is not being addressed. Many of the kids progress from this to going into the prison system within the last three years under COVID where we have seen 16-year-olds who go into juvenile become 17-year-olds and end up in an adult prison and then end up with a needle up their arm and come up with a full-blown meth habit, with that meth habit forever changing their lives. They come out as a 19-year-old or a 20-year-old with a full-blown habit. Given that COVID has been around for the last three years, there has been no person-to-person contact in these prisons, so the question has to be asked: how does this shit get in there when only the guards and the employees are the only ones who are given access to this? We are the recipients of those kids when they come out. They go in as a 17- or an 18-year-old with no habit whatsoever and they come out as full-blown drug addicts and we are meant to pick up the pieces at the end of that.

Someone is not listening. I can only say it from a First Nations point of view: if we go back to the questions of why these young people break into places, why they steal cars, why they are resentful, I am not a doctor and I am not a scientist—I do not try to work something out—but from an Aboriginal perspective often it is the case that it is not much different to a young person growing up in France during the occupation by the Nazis or the Germans. The behaviour of young people in the colony now and the way that we see it now, they are not the same as young white boys or they are not the same as other young citizens. They are young people and they are under occupation and being under occupation gives way to different types of behaviour.

When someone's historical inheritance and what they believe is theirs is taken away from them, they react, and they react through behaviour that is resentful and revengeful. Often we see cases where for those young people who end up in incarceration it does not mean anything to them. A lot of our young people who end up in incarceration for stolen property or behaviour that is directed towards causing harm to the dominant society is caused by their resentment and their placement in terms of occupation. Whether they are taught or not taught and know nothing else but legislation and laws and incarceration—and we are talking about four or five generations of it—this is the behaviour that is borne out of that.

Many of our young people who cause these actions do not consider themselves to be people of the colony. They do not believe themselves to be citizens. They believe themselves to be people who are occupied by a foreign force and they are people who are carrying out resentment towards that occupation. In saying that, when you ask a young person why they did that and why they behaved like that and constantly go back to it, they say, 'What's the difference between them stealing our land, stealing our country, stealing our inheritance and us stealing their cars?' This is the response that we get from many of our young people. It is a behavioural thing that would probably be reflected by many people who are under occupation. How we address that and how we try to accommodate that is that it is often clouded with the intoxication of substances such as glue.

It starts with the glue, it starts with the paint. It graduates into the meth and the alcohol. When these parents ring up and try to get assistance there is nowhere to take them. There is not one facility, like I said, in the whole of Brisbane apart from the Mater Hospital. The amount of money I just heard—we hear that there is anything up to \$500,000 that is spent on looking after one person in incarceration in a year whereas we have numerous communities from here to Weipa to Aurukun to Mornington that would gladly develop or have those young people back in their homelands undergoing rehab and education rather than being forced into a system, an incarceration system, that has not worked since 1770 when the first prisoners arrived here.

Mr STEVENS: Mr Wharton, I am cognisant of the time and there may be some members of the committee who would like to ask some questions in relation to the bill that we are discussing today.

CHAIR: I have a question. At the moment there is consultation occurring on the construction of a Cairns youth residential rehabilitation and treatment service. It is accommodation designed for young people to have drug treatment. Is that exactly the type of service you are looking for?

Mr Wharton: No. As you can appreciate—you live up there—a lot of our young people respect their lore and where you place these things. I think the onus is back onto the community as to whether there is an outstation or a system within their social background, whether it is the elders—I do not like the word elders—whether there are people within their community that take responsibility.

Mr STEVENS: Like the FRC?

Mr Wharton: Yes. I think it has to be a factor where those children or the youth are given a choice whether they go back to their community and undergo whatever they have to in terms of rehabilitation or adjustments. There is an old saying—a lore within our mob—that we do not go to someone else's country and make a mess. We behave within our lore. If the magistrates and the judges had the ability to sentence these young people, whether it is in Cairns or Brisbane, back to their particular—

Mr STEVENS: Tribal area.

Mr Wharton: I like to call it homeland because everyone deserves a homeland. If they were sent back to their homeland and the community justice group within that particular area were able to administer a program, and there were any number of programs that were developed for their health, which is the rehab requirements, whether there is substance abuse at the bottom of this—

CHAIR: Just to interrupt, this service which says its services are tailored to meet the needs of Aboriginal and Torres Strait Islander peoples and their families from 13 through to 18 years in Cairns, you do not want that service?

Mr Wharton: The first thing you are going to have is you are going to have kids anywhere from Thursday Island out to Doomadgee up to Wujal Wujal and Aurukun and you are going to have all these young boys from different backgrounds and they bring with them certain obligations and kinship responsibilities back to their own people and the behaviour that you are going to have within that centre is not really conducive to developing any alternative behaviour. The option of developing more appropriate care, and it is not a cultural thing, it is a lore thing and it is a responsibility thing, I think has to be given back to those kinship areas and it has to be based on those kinship areas by listening to those particular groups up there describing their own kinship areas. You could develop a more appropriate model where it fits in with their lore and then their social obligations.

Mr STEVENS: My final question is in terms of the bill itself that is before this committee that we are discussing here today, I take it that you do not support this bill as having the effect of reducing Indigenous crime rates in the kids that you represent.

Mr Wharton: It does not. The systems since they have been imposed—I am 61 years old and I have known nothing else but someone else deciding laws that are applicable to me. The bill does not say anywhere, in the whole area where it addresses our children's health, anything about substance abuse. We are talking about building three new institutions across the state. It does not talk about the creation of any rehabilitation or substance abuse centres. It does not talk about the funding of an organisation or organisations when the trouble occurs. The core hours for the offences are 5 pm in the afternoon and 9 am the following morning. None of the service providers and none of the systems are there for them. The thing that scares me most about the bill is the relationship between the QPS and our young people. Here we have a system that is going to import police from around the world, and they are already advertising around the world to bring foreigners here, who have never had a conversation with a black person, an Aboriginal person, know nothing about Aboriginal people or Torres Strait Islander people and they are going to be employed to enforce the law on our children. Fourteen years for a stolen car—a lot of the time a person does not even get that for murder. What is the message law making bodies and politicians are sending to these young people? That is the thing that needs to be addressed.

Mr STEVENS: Thank you, Mr Wharton. We have other presenters ready. Thank you for your presentation. I will pass back to you, Chair.

CHAIR: Thank you, Deputy Chair.

JOSE, Ms Fiona, Chief Executive Officer, Cape York Partnership, Cape York Institute

ELLERMAN, Ms Zoe, Strategic Adviser, Cape York Institute

HART, Ms Doreen, Local Commissioner, Family Responsibilities Commission

CHAIR: Welcome. Would one or several of you like to make an opening statement before we start our questions?

Ms Jose: I first acknowledge the traditional owners of the land we are having this discussion on today and pay my respects to elders past, present and emerging. My name is Fiona Jose and I am here representing the Cape York Institute. The Cape York Institute is one of three partners that make up the Family Responsibilities Board—the Commonwealth government, the state government and the Cape York Institute. The issues that we talk about, and that are part of this, have been decades long in our communities and, in fact, the Family Responsibilities Commission, which is a separate entity altogether, is actually an Indigenous-led solution to the very issues that we were talking about 10 or 20 years ago. We wanted to bring to the state's attention that we actually have an Indigenous provided solution in a legislative body that has local commissioners like Commissioner Hart, who is the longest standing local commissioner as part of the FRC from Hope Vale. It is a legislated body that the state is really not using in these elements. There are triggers to use. In fact, from an empowerment perspective, the Family Responsibilities Commission brings families to the table. It has that conversation, it can do referrals, and it has that holistic approach to actually how do you case manage the complexities in the home and out of home of a young person from that perspective.

We are aware of the challenges. We have an element of what is called the youth justice trigger as part of the Family Responsibilities Commission and it is not being used by the state. It was at a period in time. The commission started in 2008 and the trigger has not been used for five, six or more years. In a preventative model, where a young person was breaking the law, the local commissioners bring together the families to conference, to have those discussions. They have the power to compel families to come, to refer to programs that have all been done from an Indigenous-led perspective and it is simply not being used. I think that is what I would say in my opening statement and I will now hand over to Commissioner Hart because she will have the real local examples of that.

Ms Hart: The commission has had parents and children of primary school aged attend and we are able to work with them around attendance and control those children, but with the youth we are not able to use the youth trigger because of the privacy act. We are not able to bring them in and conference the parents and the youth and provide them with the wraparound services that they need in order to change their lifestyle. There is a great opportunity for us to be able to use that trigger again because the crime in our communities has risen. You guys talk about the crime in your towns and cities. In our communities it is much worse. It is on a nightly basis, it is on a daily basis, and parents are at their wits end as to what they can do with their children, especially the older youths, the youth age groups from 13 to 18 or 14 to 17.

Ms Ellerman: I want to add to what Fiona and Commissioner Hart have said. It seems very frustrating that we are in a situation where Queensland's one and only model that actually through legislation gives local people some real power to address problems locally with families, we have a youth justice trigger which communities demanded year in, year out in the lead-up to the Family Responsibilities Commission being established, and then once it was established in annual consultations, until we got that trigger finally put in place, then it was only able to be operationalised for a short period in, I think, 2015. It still exists in the legislation, and yet our understanding is that because of some consequential amendments that were made to the Youth Justice Act there is now an argument in youth justice that it would be in breach of human rights or privacy issues for the local commissioners, for the FRC, to receive the youth justice notices, which just seems ludicrous given the youth justice crisis in these communities and the fact that everyone in these communities knows exactly what is going on anyway. The FRC has confidentiality provisions in their act. They deal with confidential information all day, every day. We would love to see local people like Commissioner Hart empowered to be able to do something about it locally.

Mr PURDIE: Who pulls the trigger? Was this a court-imposed—

Ms Ellerman: The trigger is in the legislation. Currently there are four triggers. It allows the FRC to exercise its powers.

Mr PURDIE: The court would do that in a sentencing, potentially? They would trigger your services?

Ms Ellerman: What should happen is that Youth Justice should automatically notify the FRC when there has been a youth justice conviction. Then the FRC can call the family involved, including the young person but parents as well, to have a conference, to set up a case plan, to make the compulsory referrals to services and, if they see it as being absolutely necessary, they can also impose an income management order on parental income. There is a range of, if you like, options that they can take, all in a holistic case management service. At the moment the problem is that those trigger notifications are not being received by the FRC.

Mr PURDIE: Was that only on conviction? Would that only happen after conviction and it was Youth Justice that would contact the FRC? Was there any option to do that at a youth justice conference stage, as at an early intervention stage before someone was convicted of a crime?

Ms Ellerman: We would love to see that and, in fact, communities and the FRC have been arguing for a police caution trigger as well to be added, but we have not had any success in terms of getting that trigger added.

CHAIR: The member for Ninderry was rather enthusiastic. Have you completed your opening statement? Do you want to move to questions?

Mr PURDIE: I am sorry.

CHAIR: I did not pull him up.

Ms Jose: You are going where we would go anyway, naturally.

Ms Ellerman: That is fine, thanks, Chair.

CHAIR: Deputy Chair, do you have any questions?

Mr STEVENS: Ms Jose, I note in your submission you said that after amendments were made to the Youth Justice Act in 2016 the FRC was no longer notified. In 2014-15 the then government oversaw a reduction, as I recall, of five per cent in youth crime activity. In 2016, obviously it started to rise. Do you believe the fact that the FRC was not involved under the government's new legislation resulted in some increase in the Indigenous youth crime, because the FRC was not made aware of those individuals?

Ms Hart: Yes, absolutely. It did change after that, after the trigger was taken away. Before that we had case conferencing and case management of these people and wraparound referral services—all the agencies that they were referred to—to a case management meeting to actually make sure that the parents and the child were coping. However, since then we have not been able to do case management and make the referrals for those young people to get the support that they need.

Mr TANTARI: My question is directed to any of the three panellists here today. This is a general question. I had a look at your submission and I understand your role and the issues that you have raised within your submission. Does the institute support the bill and its objectives and do you believe the bill will help to improve community safety?

Ms Jose: Passing on from the last speaker and what Commissioner Hart has said, no, unless they are solutions led by local people on the ground and, in our case, in our communities as First Nations people, with the proper listening and engagement that is needed. Clearly we have not been part of the bill or that conversation, yet we sit here and present that we have created in partnership an Indigenous-led solution called the Family Responsibilities Commission. Hence the reason we were, I guess, motivated to put in the submission and to make that point. In the current form, no, we do not because you need local leadership at every level for this. You need to be able to have the triggers and solutions and bring the power, which is what the FRC does through a legislative body.

I probably should make the point that the Family Responsibilities Commission is in four Cape York communities as well as one gulf community, Doomadgee. We are saying this because we believe this is an option and model that has not even been considered but that could be used across the country, because other communities are crying out to the Family Responsibilities Commission for this type of option and model. I wanted to highlight that and its success being led from that perspective, from a grassroots solution, Indigenous designed, responding to our complex challenges in a way that we know.

There is another unique part we have not talked about around the Family Responsibilities Commission. They have the power to bring families and the young offender to the table, but they also have the power to hold the service providers to account. There is this holistic model to it and, for a lot of people, we do not talk about that side: who is providing the referral, the orbiting program or the job program or the pathway program. The FRC can actually case manage and hold those providers to account to ensure that everyone does not go off and just do their part but it is that holistic case management. It is another big strength to the Family Responsibilities Commission.

CHAIR: One of the focuses of the bill is about serious repeat offenders, those who over time have caused a lot of pain to others and a lot of heartache. Often they are dislocated from families and the concepts of family responsibility, so when they are in residential care or only have a very peripheral and negative connection to the family. How would the FRC deal with those types of situations?

Ms Ellerman: The FRC legislation itself says that it is to work in an early intervention way. Obviously the FRC cannot fix problems that have been decades in the making, but if we could get this youth justice trigger working then they would at least be picking up these kids in the first instance when they have a conviction. Hopefully they are able to step in then and prevent them from becoming serious and repeat offenders. That is the model. We want to get in there as early as possible. Again, the ability to get in even earlier than that, at the caution stage, would also be very much welcomed in the communities.

CHAIR: We appreciate that early intervention is better than getting serious repeat offenders. We also have to deal with those individuals who are often causing a lot of hurt and pain to their communities in Cairns, Rocky, Townsville, Brisbane. This is attempting to create a point where serious consequences result from their actions. They will go before a court and be declared as having committed enough offences that they are now a serious repeat offender. Say they are told that, just like when you get into adulthood and the situation changes, they have had numerous connections with facing court and the situation is going to change and they have to change if they want to see better outcomes. Is that likely to make much of an impact on them? Also, if they are going to face serious time away, is that likely to reduce the pain that they cause to their community?

Ms Hart: A lot of the youth are crying out for leadership within their families. They say that they are not being heard or they have no-one to talk to. When they are that far, we still have to work with them. Even if they do get imprisoned, they are still going to come back to our community so we need them to have some sort of change of attitude. We still need to work with them and with their families to make sure that when he comes out he has learnt his lesson and he is trying to reform. We have had a couple of young fellows who have done that. They have come back and taken on leadership roles within the community and spoken to some of the young people about their experience in prison. You would never give up.

CHAIR: No.

Ms Hart: You would continue working with them.

Ms Ellerman: I should also have said that, although the idea of the FRC is to intervene as early as possible, there is an existing trigger that operates very well for adult offenders. If someone goes to jail, the FRC will still conference that person but they will conference them so that when they come out of jail and return to community they are trying to set them up and support them for success there.

CHAIR: Whether adults or young people.

Ms Ellerman: Yes. If the youth justice trigger were operationalised as it was intended by communities and by the Queensland government at the time, the FRC could certainly operate in the same way with those serious and repeat offenders if they were to go into detention, to conference them and their families upon their return to community to try to set them up for success.

Mr PURDIE: Ms Ellerman, explain to me again, if I did not understand: in 2016 when the new legislation came in was it just an unintended consequence of that legislation that stopped that trigger being pulled or was it a conscious decision to go in a different direction?

Ms Ellerman: We believe it was an unintended consequence. The FRC was not consulted about the amendments that were being made to the Youth Justice Act so they were not able to highlight any risk. The notices just stopped. It has been an administrative change that has occurred, if you like, as a result of the change in the legislation that has occurred. It is just a problem that we have been unable to resolve with the Queensland government.

CHAIR: In the Youth Justice Act?

Ms Ellerman: Correct.

Mr PURDIE: I was not in parliament back then, but I believe that in 2016 the legislation put more—not secrecy but it closed the Childrens Court results more. Is it the case that then you were not allowed to be notified when a child had been convicted of an offence?

Ms Ellerman: That is correct.

Mr PURDIE: Is that the issue?

Ms Ellerman: That is correct.

Mr PURDIE: If that was resolved, essentially this program—

Ms Jose: You would have a solution. We say you would have a very active solution.

Mr PURDIE: Do you think that was the problem? Is it now the case that Youth Justice cannot tell you of a conviction in the Childrens Court?

Ms Jose: That is—

CHAIR: We are talking about small interconnected communities. Everyone knows everyone's issues.

Ms Ellerman: Correct.

Ms Jose: That is our point. That is why, from our perspective, it is so silly because Commissioner Hart and the local commissioners know every single person in their communities. There is this administrative unintended consequence to something they already know, but because they do not have the notice they cannot use their legislation to call the family of the offender to account.

Ms Hart: Following on from that, the commissioners in the community are elders who have seen these children grow. They know the connections. They know who the people are they need to bring in to speak to these children about their behaviours. That opportunity has been taken away by this change.

CHAIR: What is interesting is that when you are in a smaller community like Hope Vale there is so much history and family interconnection, but if you are in Edmonton or Logan then the circumstances are very different. How would the FRC work in the southern suburbs of Cairns where people are pulled from so many different communities and have less connection with and respect for specific elders? Is it a much more complex situation? I am not sure I am putting the question well. Would it be functional or useful in a place like Logan or Edmonton?

Ms Jose: Absolutely it would be because it is about the right representation and you do that as part of the co-design.

CHAIR: It is quite difficult, though.

Ms Jose: I am a Cape York person who relocated to Cairns for work and other opportunities. My extended family would, no doubt, be in trouble at different times. I do not think the word 'difficult' is probably how I would put it. It means you would have to have a whole range of different local commissioners. You would not have the same commissioner sitting for every family or child because you would have to have some connection, but you could if that is what the group or the family decided would work and that would be okay as well.

CHAIR: Do you wish to add something?

Ms Hart: Yes. I think that it would work. Yes, Fiona is right. You would have to have the right leadership. In a place like Logan, there would be elders in that area who have lived there for a while who possibly could put their hand up to be an FRC commissioner and be supported by the legislation.

Ms Jose: Then there is the complementary of that. This is getting to connection to kin. In terms of the traditional owners of the place base where you are, it is not about that necessary First Nations leadership. It works if you are from this place base but as elders or local commissioners you would have a representative of those place bases, so Torres Strait or Aboriginal. I would say—and the statistics would tell you—that the majority of Aboriginal and Torres Strait Islander kids in Cairns, Townsville and these regional centres come from all our communities and they are not traditional owners to Cairns or to Townsville specifically. We really do think it is about the model and how do you do that from a local community base perspective and not saying that the issue is for Cairns traditional owners who have to be all local commissioners because to your place it is about that connection place base. Even at my age, if I am sitting in front of four of my elders who I know know my family connections, I will respond differently to how I would respond to you, which is exactly the model of the Family Responsibilities Commission. There are ways to do it as there are communities that have reached out and asked to know more about the FRC and how that could be extended, because it is leadership and local elders addressing our own families and putting supports around them.

CHAIR: It has been a long day for us .It has been interesting and there have been diverse opinions. We thank you for taking the time to present to us. Thank you especially, Commissioner Hart. There being no further questions, we thank you again for assisting today. We note that no questions were taken on notice. That concludes the hearing. Thank you to everyone who has participated today.

The committee adjourned at 2.01 pm.