

31 July 2014

Crime Inquiry 2014  
Submission 069

Mr Peter Rogers  
Acting Research Director  
Legal Affairs and Community Safety Committee  
Parliament House  
George Street  
Brisbane Qld 4000

Re: Inquiry on strategies to prevent and reduce criminal activity in Queensland

Dear Mr Rogers,

Thank you for permitting this late submission to the above inquiry.

This submission encompasses the following areas of the terms of reference of this inquiry:

- How criminal activity has impacted on our family
- The effectiveness of the Magistrates Court
- The appropriateness of early intervention
- Successful intervention strategies
- Interactions with the Queensland Police Service, the Courts, legal and support services
- Possible strategies to increase collaboration and co-operation between various participants in the criminal justice system.

We are the parents of 2 daughters, the elder diagnosed at the age of 3 (1971) with an Intellectual Disability, the younger attained a science degree from the University of Queensland, but has over the past 20 years succumbed to anxiety and depression for which she blames her elder sister.

The elder daughter attended special schools, growing up with a fun loving personality, worked in an Endeavour Business Service after school and developed challenging behaviours as she matured.

In 1996 she moved to live in an Endeavour Foundation 10 bed residential in Toowoomba and while this worked for 4 years, in 2000 she walked out of the residential early one morning and took up residence on the couch of a fellow employee. She still resides with this man some 14 years later; the relationship is often challenging, abusive and the threat of violence never far away. However at times they make a relatively happy couple.

Her partner was a ward of the State, raised in the 60's and 70's at the Sisters of Mercy orphanage at Nudgee where he suffered much abuse.

We are the QCAT appointed guardians for both our daughter and her partner.

The relationship has been assessed by those working with the two as being the cause of great anxiety to our daughter as she attempts to show her de facto partner that she is a good 'wife'.

Her way of showing this has been to visit supermarkets and bring home groceries and cleaning products. At other times she has visited shopping centres to collect her favourite items, including greeting cards, post cards and dvd's, all unpaid for. We believe that she is attracted by the pretty pictures because often the packages are never opened.

Consequently she has been arrested, charged and appeared before a Magistrate many times, with 15 convictions up to 2006. Her punishments included: **Community Service**, – loved it, packing flavoured milk and confectionary and rewarded with some at the end of the day.

**Fines**, various fines including a \$500 fine and she enjoyed withdrawing the cash from the bank and paying at the courthouse.

**Probation**, the probation officer was at a loss, and had no idea of how to work with her. But, she did not attend these meetings of her own volition.

**Threatened** with jail several times by the Magistrate.

After a slight altercation with a shop assistant, one of the charges was for an indictable offence and in 3 subsequent appearances before the Mental Health Court she was found 'permanently unfit to plead' based on her significant disability.

An appeal in 2010 to the Queensland Court of Appeal was upheld regarding fifteen charges where she was pleaded out on by the Duty lawyer; these convictions were expunged, finding that if she was permanently unfit to plead on later charges then she would have been permanently unfit to plead on the earlier charges. CITATION: *R v AAM; ex parte ATTORNEY-GENERAL (Qld)* [2010] QCA305.

In 2011 Disability Services Specialist Response Service became involved, the Intensive Behaviour Support Team assessed needs and strategies. A new service provider became involved, support workers received targeted on-going training and support and her life slowly began to change course.

Successful intervention strategies are used by the staff; support can recognise the early signs of anxiety and divert her behaviour in a direction acceptable to her. She is now given respect, has self-esteem and dignity and she is encouraged to make decisions that affect her daily life.

We firmly believe that had she been incarcerated she would have returned to the community full of resentment and a hardened criminal trained well by those she would have associated with in prison. She would have been abused, violated and set up to fail again.

The cost saving by receiving support in the community over the costs of imprisonment would also be substantial.

Our daughter has become a valued member of Meals on Wheels in Toowoomba, assisting in delivering meals 3 times a fortnight and is called in when absences demand it.

The above is a simplified summation of the past 20 years, however we strongly believe that this Inquiry should examine the following for people who commit **summary offences**, are suspected of having some form of cognitive impairment and could be brought before a Magistrate:

- Early recognition of the impairment by police
- Fast tracking of the initial assessment for the degree of impairment. (Possibly performed at the courthouse or police station by trained court liaison officers, retired professional volunteers, JP's etc)
- Magistrate refers the person to Disability Services Intensive Behaviour Support Team for a conclusive assessment
- Disability Services required to provide ongoing suitable support as ordered by the Magistrate.

We look forward to expanding on the issues and experiences before the Inquiry.

Yours sincerely

John and Collein Avery

