



LEGAL AFFAIRS AND SAFETY COMMITTEE

Members present:

Mr PS Russo MP—Chair
Ms SL Bolton MP
Ms JM Bush MP
Mrs LJ Gerber MP
Mr AC Powell MP
Ms KE Richards MP

Member in attendance:

Mr MA Berkman MP

Staff present:

Ms R Easten—Committee Secretary
Ms M Salisbury—Inquiry Secretary

PUBLIC HEARING—INQUIRY INTO THE YOUTH JUSTICE AND OTHER LEGISLATION AMENDMENT BILL 2021

TRANSCRIPT OF PROCEEDINGS

THURSDAY, 18 MARCH 2021

Cairns

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The committee met at 9.00 am.

CHAIR: Good morning, everybody. I declare open the public hearing for the committee's inquiry into the Youth Justice and Other Legislation Amendment Bill 2021. I want 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 very fortunate to live in a country with two of the oldest continuing cultures in Aboriginal and Torres Strait Islander people, whose lands, winds and waters we all share.

My name is Peter Russo. I am the member for Toohey and chair of the committee. Other committee members here with me today are: Mrs Laura Gerber, member for Currumbin and deputy chair; Ms Sandy Bolton, member for Noosa; Ms Jonty Bush, member for Cooper; and Mr Andrew Powell, member for Glass House. Ms Kim Richards MP, member for Redlands, is substituting for Jason Hunt, member for Caloundra. Mr Michael Berkman, member for Maiwar, has been granted permission by the committee to ask questions and is present here today.

On 25 February 2021 the Hon. Mark Ryan, Minister for Police and Corrective Services and Minister for Fire and Emergency Services, introduced the Youth Justice and Other Legislation Amendment Bill 2021 into the parliament and referred it to the Legal Affairs and Safety Committee for consideration. The purpose of today is to hear evidence from stakeholders, community members and submitters about their views on the bill. Only the committee and invited witnesses may participate in the proceedings. Witnesses are not required to give evidence under oath, but I remind witnesses that intentionally misleading the committee is a serious offence. You have previously been provided with a guide for witnesses, so we will take those as read. These proceedings are similar to parliament and are subject to the Legislative Assembly's standing rules and orders. In this regard, I remind members of the public that, under the standing orders, the public may be admitted to or excluded from the hearing at the discretion of the committee.

Our proceedings are covered by parliamentary privilege, which means that you can give your evidence freely and openly without fear that your evidence could be used against you in legal proceedings. That being said, if you do provide evidence that names an individual or reflects poorly on an individual or organisation, the committee may choose to receive but not publish that evidence or may provide that individual or organisation with an opportunity to respond to your evidence before the committee makes it public, in the interests of fairness. If you have any concerns about sharing your story or speaking publicly about these issues, the committee may consider hearing your evidence privately. If that is the case, we just ask that you explain the reasons for this to our committee secretariat staff and we will see what we can do to accommodate you.

Once we begin, I ask that you avoid having any commentary from the floor or any other interruptions to the hearing. In this respect, the proceedings are different to a town hall meeting or open forum because there is a little more order in how we ask that you provide your input. Signs, placards, banners, posters, conspicuous badges or stickers or clothes such as T-shirts that are printed with slogans associated with a political cause or campaign are not permitted in the meeting. Our Hansard reporters are making a transcript of the hearing for the committee's record of evidence. To ensure the transcript is accurate, only one person at a time can speak. That will also give our witnesses the respect they deserve, recognising that it is not always easy to speak in public.

Media may be present and will be subject to my direction at all times. The media rules endorsed by the committee are available from committee staff if required. All those present today should note that it is possible you might be filmed or photographed during the proceedings by media and images may also appear on the parliament's website or social media pages. No other photography or filming is permitted other than that expressly authorised by me. I ask everyone present to turn mobile phones off or to silent mode.

The program for today has been published on the committee's webpage and there are hard copies available from committee staff. There are a number of people who have registered to speak to the committee today and we will try to give all people who wish to speak at the hearing the opportunity, but this will depend on the number of people who wish to speak and the time available. I ask that for those who do speak to the committee you keep to the allotted time to ensure that others have the opportunity to speak. If there is time at the end of the hearing, we will invite anyone who did not register

prior to the hearing but who wishes to speak to make a short statement to the committee. If you would like to speak to the committee but have not yet registered or have any questions, please see one of our secretariat staff, who will help you with your registration.

We will now hear from witnesses who expressed an interest in speaking to the committee. I will call the registered persons up in groups for each session where you will be invited to give a short opening statement of no longer than three minutes each, following which the committee may have some questions.

HUNTER, Senior Sergeant Gary, Queensland Police Service

CHAIR: I welcome Senior Sergeant Gary Hunter to address the committee and then, Senior Sergeant, we may have some questions for you.

Snr Sgt Hunter: Absolutely. I am currently the officer in charge of Cairns police station in command of 168 staff, including 38 administration staff, and my substantive position is the officer in charge of the Cairns Esplanade Police Beat. If you have had the opportunity to get down on the Esplanade, it is a small police beat right on the lagoon. In that role, which I have been in for approximately 9½ years, I basically have charge over the CBD in terms of the safety and the security of the public and tourists and have 25 staff under my command there—dedicated people—to ensure that our Esplanade precinct is a safe place for our tourists and locals to visit and also the CBD. We are now an allocated safe night precinct within the state of Queensland, so we have a responsibility to ensure that those people who use our facilities and venues in the late-night areas are protected. Essentially, I have some police liaison officers also working with me to engage with our public space dwellers who present as a problem generally to us.

The two major issues that we have identified through my 9½ years are those public space dwellers and antisocial behaviour and juveniles—youth—coming into the city and behaving in a manner that is probably not acceptable to society. Alcohol fuelled violence always rears its head when you have a location with late-night venues serving alcohol to the likes of 3 am and sometimes 5 am. I have a responsibility to ensure we have the right resources deployed to those problem hotspots, and we have several throughout the CBD.

We work closely with the Cairns Regional Council with the CitySafe program. It is a network of CCTV cameras that cover the CBD and also the greater Cairns area. We have a healthy relationship with that group, which assists us in doing our job. It is another tool we use to police the city. It is a great asset. It has several advantages. It provides great evidence for court. Like we say, a picture paints a thousand words. If we present CCTV evidence of a crime being committed, on the rare occasion we might get a defence firm negate that but generally speaking they accept what we have and what we are saying and our brief of evidence is supported by this CCTV evidence.

Secondly, it is a great crime prevention tool. As an example, if we narrow down to a group of youths entering the CBD starting to get together in that mob mentality, we can intervene early and engage that group, and generally speaking they will split up and we will see them use the public transport system to get home. We also have several agencies we can call upon to assist getting kids home. From that point of view, it is a great tool to assist police in their efforts in maintaining the safety and security of the city and the greater Cairns area.

CHAIR: Thank you. You just mentioned that there are agencies to help get the kids home if they are not able to access public transport. Are you able to assist the committee with perhaps what those agencies are?

Snr Sgt Hunter: Yes, absolutely. What we rely on is the police and youth justice co-responder model as one of the agencies. It works quite well. They work late into the night, so they can help us out getting people transported home. There is another organisation called YETI. I do not know if you have heard of them; I think they are particularly located here in the Far North. That is Youth Empowered Towards Independence, from memory, and they operate an outreach service from 3 pm to 11 pm on—I stand to be corrected—I believe it is Wednesday to Saturday nights. We can reach out to them. They will come along and, generally speaking, they know the youth who we are engaged with at that particular time. They can do transports. They can divert them back to their centre if need be, if there is a case of substance misuse like chroming, which has been prevalent here in Cairns in the past. They can take them back to their facility to provide that aftercare. We do use them. They also present as people that are responsible people. For police to interview a juvenile—a child—we need a responsible person to be present as part of our legislation. The representatives from YETI can take on that role, rather than going all the way home and waking mum and dad up and maybe causing some family issues. They do that particular role as well. They are the only organisations that we rely on and that operate after 5 pm and they do work on a weekend, on Saturday.

Mrs GERBER: Thanks, Senior Sergeant, for appearing today and for taking the time out of your very busy day. I know you guys have a lot on your plate. I am interested in your views in relation to the youth justice bill that the committee is considering. Do you have views as to whether or not the bill, or any particular sections within the bill, is going to achieve the objectives? I am interested in your perspective in relation to the youth justice bill before us.

Snr Sgt Hunter: I have had some discussions around the contents of the bill and I probably just want to focus on one particular thing. Throughout my career I really have not spent much time in that juvenile space, other than managing groups that behave antisocially. I see that part of the objectives of the bill is early intervention and I think that we do not do this well. When a young person comes into the custody of the watch house for the first time, he may or may not be seen by an agency. I think that is the perfect opportunity to wrap some services around them—for example, get a mental health forensic assessment, for a start. That does not always happen. There are a lot of youth agencies in Cairns at the moment and throughout the state that could potentially come in when that person first comes into the justice system through the watch house that could go and interact, engage that person and engage with the family. I do not think we do that well. The sixth or seventh or eighth time they have committed an offence we wrap all of these other services around, but why are we not doing it as part of our business the first time?

Mrs GERBER: Why do you think that is? Is it because the services are overloaded and are not able to support that youth when they first come in contact with the system? Is it a matter of education in that we are not activating those services when that youth first comes into contact with the justice system? I am interested in that end of it as well.

Snr Sgt Hunter: I think there is not enough education. That is honestly it. My understanding is that Youth Justice does not become involved with the youth until there is an order made by the court. I think there is an opportunity there to get Youth Justice involved at that initial interaction in the watch house and get the young person forensically assessed, because we need to work out why that crime is being committed and why that person has hit the watch house. As we know, young people do not hit the watch house for those simple offences; they are serious offences. That is the perfect opportunity to engage with the person and engage with the family and find out what was the trigger, what caused it, rather than doing it down the track when we are wrapping around bail support and so on. Let us try to nip it in the bud early if we can.

That is probably my take on the bill, that early intervention. We are not doing it well. I think there is a lot of space there to move and get involved. We have some great people and great agencies working with youth, but we are too far down the track when we engage.

Mr POWELL: Senior Sergeant, have you had a chance to look at the aspect around the electronic monitoring devices? Do you have any reflections on those at all?

Snr Sgt Hunter: I have. I support that particular goal. I think from memory—and correct me if I am wrong—we are looking at 16- and 17-year-olds; is that correct?

Mrs GERBER: Yes.

Snr Sgt Hunter: I would probably like to extend it out a bit further. What I do like about it is that between the hours of 10 pm and 2 am the co-responder people—or we get police on overtime—do bail curfew checks on young people. I am thinking that you are waking up a young person between 10 pm and 2 am and that is disrupting sleep. If we had a monitoring system in place, as we are looking to forge forward with, we would not have to do that doorknock and wake that person up and wake the family up. I know the family gets quite distressed—and who wouldn't?—at one or two in the morning. That would alleviate that particular issue. I am supportive of it, definitely. If I had to make a recommendation, it would be to extend the age group.

Mrs GERBER: To what, do you think? What do you think would be more effective?

Snr Sgt Hunter: That is the million dollar question, isn't it? Could you go as young as 10? We have offenders stealing cars at nine years old. Ten years old?

Ms BOLTON: Senior Sergeant, given that the statistics say that 10 per cent are the serious reoffenders, how many within your district or your area, roughly, would you say are causing 48 per cent of crime?

Snr Sgt Hunter: I could probably say it is between 30 and 40 repeat offenders, recidivist offenders—definitely. We acknowledge that when that group of 30 or 40 are either incarcerated or out of the area for whatever reason—on family service placement—there is less of a sting in the crimes happening. Definitely that core group is a focus of ours, because we notice that that core group causes the most damage to the community, for sure.

Ms BOLTON: When the community come to you, obviously you are front facing and you are listening to their concerns. We have heard that the statistics say that crime has actually been going down. Of course, that has caused some real angst because on the ground it feels like it is actually going up. Can you respond to that? Have these crimes increased or is it getting better?

Snr Sgt Hunter: As of this morning, we have decreased property crime by 15 per cent. That is what the data is telling us—15 per cent. I understand the community's angst, definitely. Children stealing cars, crashing cars—the community has become more alert to it. That is what has happened. I think it is on the top of everyone's minds at the moment and, hence, the community resonates the pain of getting cars stolen and getting their houses broken into. Our figures are showing that there is a drop. We are solving more crime and less crime is being committed at the moment, by 15 per cent. That is just locally.

Ms BOLTON: Is there a chance that it is because fewer are being reported as to why that data is reflecting that?

Snr Sgt Hunter: I would suggest not, no. I suggest that people are definitely reporting more than they ever have—absolutely. People believe there is a good chance that their crime is going to get solved. We report it throughout the media. We have a great clear-up rate here in the Far North. I think the consensus of the community is, 'Okay, my car got stolen but the police are going to find it and are going to arrest someone for it.'

Mr BERKMAN: Senior Sergeant, it is really interesting to hear your comments about early intervention and how that might be done better. I am interested in whether you can help the committee understand more about that core group of kids, the 30 or 40 kids, you are dealing with here. The state government's Youth Justice Strategy presents statistics that are pretty full-on: 31 per cent of kids in the youth justice system were being held in adult custody; 58 per cent were diagnosed with suspected mental health and behavioural disorders; nearly 20 per cent were homeless; 51 per cent had involvement with child protection agencies. Those are kids with very real social and economic disadvantage. In your experience, does that smaller group of people have an even greater experience of social and economic disadvantage?

Snr Sgt Hunter: Absolutely, for sure. The problematic youth we have here are usually in a care type arrangement, we find. I cannot give you a percentage on that. Like you say, there is always that social issue that is wrapped around them as well. Some are FASD. They have a whole range of problems that leads us as a law enforcement agency to try to work out what is the best solution. I am not a fan of incarceration for the younger kids. I think we can do some better work in that space. We can wrap around a lot more service support and agency support, trying to steer that person's life away from crime.

What we do find is that that core group that I talked about of 30 or 40, unfortunately, drag some of the good kids along the way, whether it be a stolen car. No-one wants to see any child involved in a car accident where there might be a serious injury or death. We have a lot of those kids that have not been involved in the justice system being dragged along with that core group and that is absolutely concerning.

Mr BERKMAN: One of the really interesting submissions, from my perspective, was from the Community Living Association, which is based in Nundah. They make observations around existing programs not meeting the needs of young people with cognitive disabilities and trauma experiences. They also observe that kids can be really engaged and motivated once they build a trusting relationship with those support services. Is that your experience? Alongside that, given that the bill does not specifically address the need of those kinds of wraparound support services, would you support an expansion of the provision of those services?

Snr Sgt Hunter: Most definitely. I think you specifically looked at and spoke about gaining that trust. From my experience, it is about gaining the trust of the young people. We have seen some great success stories. We have the Clontarf academy here, where schools go and pick up kids, take them to breakfast and do some sport. That is selected schools throughout the area. That has had some great success in diverting young people away from crime. I believe that those support agencies need to gather the trust of the young person to have any great success. That takes time. It does not happen overnight.

Mr BERKMAN: The intervention?

Snr Sgt Hunter: Yes.

are needed to be engaged the most. I think we are lacking in that space. I do not know how that fits into the bill. I understand that there are health and safety issues around agencies working after hours, but I definitely think there could be improvements in terms of doing something after five o'clock and working on weekends. I apologise if I did not answer your question properly.

Ms BOLTON: You did.

Mrs GERBER: I have one final question around the insertion of the presumption against bail section in the bill. I will give you a little preamble to it so you can understand the context. Essentially, it creates a presumption against bail for a limited class of youth offenders. It operates to require police or a court to release a child from custody, but the child has to show cause why their detention in custody is not justified when they are charged with a prescribed indictable offence and they committed that prescribed indictable offence whilst on bail for another indictable offence or were released without bail for another indictable offence. Legal Aid Queensland has made a submission to our committee suggesting that a police officer could decide to charge the child with a more serious offence to bring them within the remit of this section so that the onus of presumption of bail is reversed. As the officer in charge and on the ground, do you see that as feasible? I am interested in your perspective on that suggestion by Legal Aid Queensland.

Snr Sgt Hunter: Yes, I support that there should be a show cause action, especially for those who have committed serious indictable offences, as you mentioned, and then commit another indictable offence. I believe the responsibility should be back on that person to show cause why incarceration should not happen. Police play a role in bringing that evidence before the courts. I am supportive of it. It will be interesting to see what processes we use to go about doing that.

Mrs GERBER: Essentially, what Legal Aid Queensland is suggesting is that if a child were to, for example, enter a store and steal an item below the value of \$150, police can use their discretion to charge them with a less serious offence. Legal Aid Queensland has said that police could decide to charge the child with a more serious offence to bring them within the remit of this section. Is that something that you realistically think police would be doing on the ground? That is what I am interested in. Legal Aid is saying that this section could be misused. As a police officer on the ground, I am interested in your view on that.

Snr Sgt Hunter: Yes, I have had some experience in that space and particularly the example you use. Generally speaking, stealing something from a store is quite a simple offence. It is called unlawful taking goods away—shop stealing, essentially. In the past we charged people with stealing, which is obviously a Criminal Code indictable offence. We need to present evidence to the court as to why we have gone from a simple offence to a more serious offence. It is about how police investigate the matter.

There are some youth who go into shops with the premeditated purpose to steal, whereas others go in and opportunity arises—it is chance discovery, if I can put it that way. We have done that in the past. I have no objection to that, especially if there is recidivism. If we have young people going from shop to shop to shop and their whole purpose is to steal something, I think a greater charge is warranted, for sure.

Mr BERKMAN: Before I ask my question, I want to go to the answer to that last question. Essentially the answer is yes. What Legal Aid has suggested is done by police on the ground and they do exercise their discretion in that way?

Snr Sgt Hunter: Yes, they do. We do not see it too often. It is not a common occurrence. I think it would reflect badly on police if we did that as a common practice. It is not done as a common practice. There are certain examples that we look at. We need the evidence to support that charge of stealing. I know that some of my officers have done it before under certain circumstances. The admission from the person that at the time they had premeditation is a factor—'I was coming into town. I was going to knock over Louis Vuitton and knock over this and that.' We have the preferred charges of stealing rather than unlawfully take goods away.

Mr BERKMAN: I also wanted talk about what these amendments would require of parents around bail conditions. You have already spoken to the fact that, as I understand it, a lot or maybe even most of these kids do not have stable homes and parenting arrangements. Many of them are in state guardianship arrangements. My concern with that provision is that kids who are already facing disadvantage in that space are effectively further disadvantaged because they do not have parents who can meet that responsibility. From your practical experience, do you have any answer to that? There may be additional support people in these kids' lives, but I imagine there are many circumstances where they simply do not have those supports.

Snr Sgt Hunter: I agree with what you are saying. A lot of them do not have that uncle or aunty to go to or the next place to stay or rest. We see a lot of kids from community down here in Cairns. I think there are some opportunities to maybe get some of these people to reconnect back home in their communities, where there is a greater family network than in Cairns. They might only have a small family base in Cairns but have a greater base back in community. There is an opportunity there. I agree with you that sometimes you can take a young person home but it is not a great environment. Where is the next step? Where else do you go? That is a question that is beyond my scope. It is very unfortunate. Sometimes police run around trying to look for that appropriate safe place for a young person to stay.

Mr BERKMAN: And even then it does not always exist?

Snr Sgt Hunter: It does not always exist. What are the options left? There are not a lot. Locally, we do not have a huge shelter but basically a shelter for boys and a shelter for girls within a particular age group parameter. That is an option for us as well. Unfortunately, they do not have too many beds. We are then full. We are really stretching. Where do we go next? We cannot drop a kid off on the street. No-one wants to do that either. There is St Margaret's for females and St John's for males, but they have limited beds. We do use them from time to time. When they are full the options become quite thin. We look at the safest place possible—family; sometimes it may not be family but a friend who has a better housing situation.

Ms RICHARDS: I have a question with regard to hooning, which is an issue in my neck of the woods down south. What is the extent of that up here? Do you think the legislation around requiring the owner of a vehicle being used in a hooning incident to be identified will assist police?

Snr Sgt Hunter: We also have an issue with hooning and it normally involves stolen vehicles. We are lucky we have a speedway which is only a couple of years old, so a lot of people go and use that for their hooning purposes. Hooning is more of an add-on from vehicles that are stolen locally. I will speak from a local context. Owners of vehicles subject to hooning should get some decent compensation for whatever damage is done to the vehicle. I know we have the ability through the courts to ask for that, but that does not happen. If people are not able to pay, you have a person with a vehicle that is completely damaged and there is no course of restitution or compensation for the damage.

CHAIR: Thank you for coming along, Senior Sergeant Hunter. It has been great to get that perspective from on the ground and from an operational point of view. Thank you for your time.

Proceedings suspended from 9.43 am to 10.08 am.

O'SHANE, Mr Patrick, Private capacity

CHAIR: Welcome. The format is for you to tell us your story and then the committee will ask questions, if you are comfortable with that, or we can just start with questions. It is whatever you are comfortable with.

Mr O'Shane: This is a parliamentary inquiry into youth justice. What is happening with Indigenous children is that they are being put in detention. I am told that the Cleveland correctional centre is virtually 100 per cent Indigenous children. I do not see that as a mark against Indigenous people. I do not see it that way at all. I see it as a mark against the society that came in and said that this was their country and they took all the land off them. You have all seen pictures of Aboriginal people in chains, right from the very start of taking over our country. People were hunted on their land; people were shot, like my own people.

I am a Yalanji person. Yalanji country goes from the Mulgrave River on the eastern side of Cape York just south of Mossman to the Annan River, which is slightly south of Cooktown. That is the eastern boundary of the Yalanji country but I belong to a clan of the Yalanji people—the Kubirri Warra clan. Kubirri is like a spiritual messenger. There is a big rock up on the mountain behind Mossman they call Manjal Dimbi in Yalanji language. I am not an expert on Yalanji language but it means 'mountain in the background'. On that mountain is the rock called the Kubirri, and that is where we connect to country.

We believe that our children need to be guided by their elders, not by putting them in detention centres or anything like that. All that you people have known, your society has known, since you came here is putting our people in the jail system all the time. You have created the situation, and you are asking us for the answers for what you have created. We are human beings and we have been treated less than human beings ever since you came here—take them off the land, put them over on the penal settlements and all of that because it did not fit the way in which you wanted your society here to run.

We see your society, we see what happens, we see the pollution, we see the global warming, we see the destruction of habitat, we see the extinction of species and all that sort of thing. We do not really believe in your society. What is there to believe about a society that just wants to rip the earth up, take the money out of it and leave it to destruction? We do not really join with you in those things. I do not and many other people do not.

We want to have our own place in this country where we can control our young people, talk to them, guide them all the time, but that has never been the case. They took my grandparents away from their parents and put them over on Yarrabah mission. When we went to get an anthropologist to look into our connection to country, when we went to get our native title determination of our country, we had to prove our connection to country. It does not matter that we have 60,000 years or whatever connection to country. We have to prove to you—who have been here for 233 years or whatever—that that is our country. You determine whether or not that is in your courts—not by our law but by your law.

You ignore us everywhere. We are a lesser people; we are a lesser humanity. That reflects right across your society. When people talk about white supremacy—there is a big question in today's society and across the world, and it is exactly the same here in this country what has happened to Indigenous Australians. You should know your own history in terms of all the laws put on our people. The Gumeruwarra Yalanji were subject to—what do you call it?—people being chased off their country and shot at where they were camped by the Mowbray River. They got blamed for stealing a cow or something. They chased those people from Mooroo right along Four Mile Beach and they had to swim the river there at Port Douglas into a mangrove island covered in what we call munyuri. Munyuri means sandfly, biting midges. They had to hide in there and people were shot all along Four Mile Beach. They escaped up to Mossman Gorge. The next day they ran through the bush.

That was how people were treated. They were held under the act. They were not allowed to go into town. They needed permission to marry and so on. We believe that that is just evil. There is good and evil in the world and you have to recognise what is evil. Taking those children away and putting them in detention centres—that is evil too, and you have to find other ways. You committed this evil upon our people. It did not matter what we did.

There is a place just north of Cardwell called Kennedy, named after Edmund Kennedy, who did the track from there up to Somerset on Cape York, not far from Bamaga but across onto to the eastern side. An Aboriginal person named Galmarra—we call him Jackey Jackey—guided that Kennedy expedition. Every member of the Kennedy expedition died on that expedition around Escape River. Galmarra found the escape river; that is why they called it Escape River. He was the only one to meet up with the ship that came up the coast, at Somerset. There were no logs of the journey. He hid the logs of Kennedy's journey. The next year he took people through that country and picked up the logs of that journey. You can understand what sort of a bushman Galmarra was—his expertise and all that Cairns

sort of thing. You see up here the Kennedy Highway and the place called Kennedy. The only thing that marks Jackey Jackey is Jackey Jackey Creek, coming off Escape River up there on the cape. That is how Indigenous people are treated: he is not Galmarra; he is Jackey Jackey for goodness sake. This is how people think of us as human beings.

When we were talking some years back about reconciliation, there was a World War II pilot who spoke about reconciliation. He had a name written on the side of his house, Matui. He said that he and his navigator were flying back from New Guinea, from a bombing raid I think, and they crash-landed on the beach. He and his navigator were both injured in that crash. They were there for a couple of days. He saw somebody walking towards him. He thought he must have been 10-foot tall, but when he got closer he could see he was an Aboriginal man carrying his son on his shoulders. He did not know what to expect because there were all sorts of things said about Aboriginal people in terms of how wild they were. When he came closer he broke out into a big smile. Then he realised that things were all right.

Anyway, he took the pilot and the navigator to his camp, fed them up and the pilot asked, 'How far is it to Darwin?' He said, 'Five days by canoe.' He said to him, 'Can you take us to Darwin?' He said, 'Yeah.' After he fed them up and made them strong, he set off and took them to Darwin. The pilot said the first day he will never forget for the rest of his life. They might have been on a peninsula or an island—he didn't explain—but they had to cover this expanse of water. They could not help because they were injured. He said that for 10 hours straight that man paddled relentlessly to cover that expanse of water. Then for five days straight he paddled on relentlessly. He took them to Darwin, stayed for an hour or two and then turned around and went back. Where in the world could you go on to a beach and find a man who can paddle a canoe for five days straight, 10 hours a day?

The fact is that our people lived on this continent. If you look at the pictures from before, you see that they are immensely fit and healthy people. If you go on country where the person is brought up under tradition, you know that they know everything about their country—every animal and every plant that exists on that land. The thing is that our lives were good, our lives were fit and our lives were healthy, but this is the state we are in now. People do not recognise who we are or that we must teach our children. You take them away and say, 'This is the way of life.' This is another way of life; it is not our way of life.

CHAIR: I am sorry to interrupt, but we are running out of time in this session.

Mr O'Shane: What I am saying is that we have our own societies. We know how to look after our own people and yet you come in, ever since you have been here, and say that you have to look after us. We are prisoners of society.

CHAIR: Thank you, Patrick. The committee does not have any questions for you, but thank you for coming along. Patrick, could you take your sign with you, please?

Mr O'Shane: Yes.

CHAIR: Thank you.

WIDER, Mr Stuart, Cairns Street Chaplains

CHAIR: Thank you for coming along. I understand it is short notice, but we value your input. Could you tell us a little about yourself or the chaplain service you run?

Mr Wider: My name is Stuart Wider. I am the executive officer of Cairns Street Chaplains. We are the designated safe night precinct support service for the Cairns Safe Night Precinct. Our organisation has 31 very dedicated street chaplains who volunteer to serve late at night, from 10 pm until 4 am on Fridays and Saturdays. They stay out all night to assist alcohol or drug intoxicated people or other vulnerable people in the safe night precinct of Cairns. It is hard to miss us, with our bright purple van, at the heart of our rest and recovery area, which is on the corner of Grafton and Shields streets. We rehydrate our clients with cups of water and give them first-aid if they need it. We give them a safe place to rest, chat for a while or recharge their phones. We refer on to other services, deliver them into the care of sober family or friends and occasionally call ambulances. We also have an assertive outreach service patrolling the streets on foot in the safe night precinct, actively looking for people who need our assistance, basic first-aid and all those things I just described for the rest and recovery area. We are part of a big team in the city working with police, paramedics, taxi rank marshals, nightclub venue security, council, SNP security and the CitySafe CCTV camera room—all of this to keep the Cairns Safe Night Precinct safe.

As street chaplains we are in a unique position to observe what happens in the Cairns Safe Night Precinct during a very specific time period on Friday and Saturday nights between 10 pm and 4 am. I will talk about that shortly, but first I would like to talk about my observations speaking purely as a regular member of the community when I am not wearing purple.

You do not have to look very far on Cairns social media before you notice the amount of posts related to house break-ins, car thefts, problems with youth crime and violence. As I drive around the suburbs I often notice cars at the side of the road or in fields, presumably stolen, used for joy rides and dumped during the night. It is plain to see that there is a problem. That is why it is so good that you are here right now to discover what is going on and, hopefully, to tackle these issues through the legislation and effective allocation of the authority and resources that you have.

That brings me to what Cairns street chaplains are seeing on the streets of the safe night precinct. Before I say that, I would like to say that the government should be very proud of how the safe night precinct program is working in Cairns. Police, paramedics, taxi rank marshals, nightclub venue security, council, SNP security, the camera room and the street chaplains all work together as a very big team with excellent goodwill and cooperation. We are very much an extended team, all dedicated to making the safe night precinct as safe as we can. We also have a very active and well-attended safe night precinct committee here that brings us all together. It is an excellent thing that we have here in Cairns in the safe night precinct.

What are we actually seeing? Cairns Street Chaplains mainly deals with intoxicated and vulnerable people over 18. Over the last three years we have dealt with nearly 4,000 incidents. Approximately 550 of those could be classed as vulnerable—for example, somebody who has passed out, no money, no phone. They would have had a very bad night if they had not met us. By conservative estimates we have also saved around 220 ambulance callouts. That is by conservative estimates.

In terms of the issue with youth in the safe night precinct, we record relatively few incidents. That does not mean to say that there are no incidents, because we see a particular time of night. Out of the nearly 4,000 incidents over the last three years only 45 involved persons under 18. Most of these incidents would have been simply reporting them to the camera room to be passed on to police or security to attend to those but with a small minority being related to youth in care who have decided to walk out of their residential care home. As I say, we are dealing mainly with the over-18s in the safe night precinct. We do see youth coming through the safe night precinct, but they tend not to hang around too much. Sometimes some of my colleagues in the other services report that occasionally they will cause trouble with the older patrons, but we do not see a massive problem ourselves. That is not to say that other services do not see that. If you have any questions about what is happening in the safe night precinct and what we see then feel free to ask.

CHAIR: Thank you, Stuart.

Ms BOLTON: Thank you, Stuart, for joining us. We heard earlier that an improvement could be that support, as in agencies, be available after 5 pm and that that would actually increase safety overall throughout the community. What do you say to that?

Mr Wider: Yes. For instance, I can give you a specific. Sometimes we have people who would probably benefit from transport to the diversionary centre later at night. Normally those services are only available to pick up people from 5 am. We call the diversionary centre to see if there are places, Cairns

but there is no transport to get the people who require the service there. Then we are relying on police, who obviously do not want to be a taxi service. They have other things that they need to do in the safe night precinct. Definitely it would be of benefit if there were support services for that kind of thing after-hours, yes.

Ms BOLTON: Are there any others or is that the only one that you have found is really needed?

Mr Wider: The other night I actually had people wanting food. There are food outlets open, but this is when they do not have food and they are needing food and there is not that kind of service to feed people who are in need at that time. Some kind of food service might also be of benefit after-hours. Definitely, yes, the more services that we can have to support after-hours the better.

Ms BOLTON: Of those you are dealing with each night, how many are the same faces over and over? Do you have a core of a certain number that is represented and just keep coming back?

Mr Wider: Obviously because we are a small city we have a certain number of people who do come back to us time and time again, but the great thing about what we are doing is that it is often like a base for people. They see it as a place to come to just rest awhile and then we will see them again and again, night after night. They will have a chat with us, build up a relationship. We will find out what is going on on the street with them. We will get to know them and build up a relationship. That actually spins off really well, because people get to know us and what we are doing and they will tell their friends what we are doing and then they know that when they get themselves into trouble they say, 'Go see the street chaplains.'

Ms BUSH: Good morning, Stuart, and thank you for your service here. An element of this proposed bill would allow police in some circumstances to use handheld wands to detect knives. I recognise that that is on the Gold Coast. I am interested in your views on the utility of that type of power.

Mr Wider: Within the safe night precinct, as Cairns Street Chaplains we generally do not see—I do not think I have seen a case of a knife being pulled in Cairns. That is not to say that they do not; it is just that we do not see it. Often there will be people who may have a knife, and certainly in those cases it would be beneficial just to have that checked because there are some people out there who may be carrying knives. It would certainly make the safe night precinct safer as long as it is done with respect and within the rules.

Ms RICHARDS: We were in Mount Isa earlier this week and they were reflecting on the Cairns Safe Night Precinct and the work that is being done and were very keen to see something similar within the CBD of Mount Isa. Would you put the success of the program down to the fact that it has been well coordinated—there is a network and a structure of different agencies working together?

Mr Wider: That is right. The funding is the thing that is the catalyst for the whole thing—regular funding of the program for the committee and for the safe night precinct support service. That is a key thing because that keeps it all running. In Cairns, the success of it is really down to just the teamwork. We are all willing to get together and work together as a team. Everybody knows their place and what their role is in everything. There are no clashes. We are all fairly clear on what we are doing. A key to that is having a really good safe night precinct committee as well to bring us all together. That is well attended and that is what we have in Cairns. It is a very well administered program. I would say that is a key as well. Having everybody just come together as a team and say, 'This is what we are doing,' is a key to it.

Ms RICHARDS: We heard earlier from Sergeant Hunter in regard to service provision outside of those regular hours. Is it possible that the Cairns Safe Night Precinct is something that could be looked at for expansion beyond targeting the 18-year-olds and above in terms of looking at possibly a younger cohort and the ability to have great services like yours being provided to the younger people in those hours as a diversion, do you think?

Mr Wider: Certainly anything is possible. If the funding is available then anything is possible. As I say, for us as street chaplains we see relatively small amounts of youth on the streets. We do have a youth co-responder program now. That is fairly new here. We have had relatively little to do with them, but I am hopeful that is something that is going to be helpful too.

CHAIR: That brings this part of the session to a close. Thank you, Stuart, for coming along. I know it was short notice, but it has been very helpful to the committee. Good luck with your continued work. We are going to have a short break. After the break we have Mr Vincent Knox, the regional manager of ATSILS. I should make a declaration that it has been quite a while since I have seen Vince Cairns

but we used to have a lot of chats when I used to visit the Ipswich Courthouse and Vince was always there. We tried to change the world back then, but I do not think we quite achieved it. After a short break we want you all to come back. I know it can get a bit drawn out, but please stick around.

Proceedings suspended from 10.39 am to 10.56 am.

KNOX, Mr Vincent, Regional Manager, ATSILS NQ

CHAIR: Welcome. The format we have been taking, Vince, is that we allow people to make an opening statement. We try to keep that to within three minutes. Then the committee may have some questions for you.

Mr Knox: Thank you for allowing me to be here. I have been a practitioner for around 20 years. I have had extensive experience working for the DPP. I worked as a parole officer as well down in Logan and I worked as a private practitioner for two years before going to ATSILS, the Aboriginal and Torres Strait Islander Legal Service, for 10 years, seven of those down in Ipswich.

CHAIR: Could you speak up a little?

Mr Knox: I have been with the Aboriginal legal service now for 10 years, seven of those as manager. I was down in Ipswich for seven years—10 years with the service and three years up here in Cairns. I moved to Cairns three years ago on a trial basis to see how we would go and the family followed me up here. My experience with youth justice really goes for around 13 years of my working for the Department of Public Prosecutions. Somehow I seemed to be the lucky one allocated a lot of the youth files down in Ipswich, and then that flowed over when I went to the Aboriginal legal service. For seven years in Ipswich, which is quite a hotspot, I represented all the Indigenous kids down there, so I saw a fair share of Ipswich youth crime.

Again, upon coming here to Cairns we had the outbreak where a lot of kids were held in custody in watch houses for extended periods. A lot of that was happening in Cairns. Once again while manager I also had the full-time role so I got to experience quite a bit when it came to the youth justice issues, the legislation and how it followed in practices within the courtroom. I think that is where a lot of the breakdown comes.

I have not been able to prepare a speech so I thought I would address some of the issues that I noted. I find myself in strange waters here, partly because of the very strict defence lawyer within me. I have been in courtrooms for 15 years, but you will have to forgive any quivers in my voice; the blackfella in me is still quite shamed about speaking in public so there will be a bit of that. I find it strange that in some parts I do agree with what the government is looking at. We do need to curb some of the issues that there are.

Electronic monitoring devices are always somewhat problematic, even with adult offenders. While it does give some guidance as to where people are at, I can assure you I have had many situations where we have had matters discontinued because of the evidentiary proof of such devices not always being accurate enough, and also with the ability of youth to take them off or slip through them. There are a lot of issues there.

Essentially, a lot of the crime up here is property crime and a lot of it happens with our youthful offenders while on bail. In essence, I cannot really see any issues with it at this point of time. If anything, it would assist. It may be something that just needs to be subjected to trial and error before we establish whether or not it will work. I do not see a lot of rights being impeded for the juveniles. I see what types of crimes are committed up here—the nature of them. I get to know what happens behind the scenes. Of course, the court does not get to hear a lot of those things. It is something that I think we will just need to pass and see what happens with it.

As to the issue of the presumption against bail, when someone is on bail for indictable offences, in the adult stream we call that a show cause situation, so they must show cause as to why they should get bail. Again, it is hard to argue against it, but I do note that the courts are somewhat troubled; they feel constrained on certain aspects of the Youth Justice Act. They look at the issue of bail and what they can do to help curtail and the fact that there may need to be an onus upon a defendant to show why they should get bail. It is something which troubles the courts, given the recidivist nature of a lot of the offending, especially the fact that they could be on bail for multiple enter premises or burglary offences and then they go off with a number of other children—another spate of those issues. Perhaps it is something that should come to pass.

The real issue I have in relation to bail and the whole aspect of the aggravation proposal, which is the next point—having the offence aggravated by the fact that they were already on bail—is that a lot of these kids are released into the custody of their parents or other guardians, and a lot up here are on long-term orders or under guardianship orders with the department of child safety. The issue I see up here with parents and guardians is that they are not supervising their children. That is just the plain truth. I cannot speak for a lot of other jurisdictions, but they are not being supervised at all. They come to court and make a promise, or they might be asked by the court, 'Do you promise to contact police if they are not there?' and they say yes, but invariably it does not happen at all.

For a child to have an aggravating circumstance on their offending I think is quite unfair, given that once they are back home the parents—and we see this a lot; I do a lot of home visits as part of my role as a practitioner. When I say 'a lot', I guess it is more than any other legal practitioner would ever get the opportunity to do. I get to represent a lot of the parents within the system as well. Of course, from our side we have the right to remain silent. There are a lot of things we are not bound to bring up to the court unless directly asked, and it is somewhat frustrating at times. To have a child punished for something which is really out of their control—we are talking about children as young as 13 or 14 years of age who have to justify to the court why they did not come to court when they say they will: 'I did not get the money from Mum. Mum was not around,' so they are walking to court, or they do not come to court and then that child is punished.

The role parents and guardians play is not really being looked at by the courts. I do not think it is fair that the courts should look at something the child has no control over—or police for that matter—seeing what the parents are or are not doing, and then punishing that child for it. That is probably the biggest issue I have in relation to the proposed amendments.

I noted the use of handheld scanners in relation to those hotspot areas identified down south; it is not so relevant up here. With regard to earlier evidence I heard, I can assure you that children do have knives on them. Mostly it is in the form of a pocketknife, but that in itself is an offensive weapon. They are not allowed to have it. I do not see great issues with handheld scanners being used. It is not terribly invasive. It is not the situation where a lot of their rights are being violated by being physically searched or patted down. If it is just for the purposes of finding possibly dangerous items of a metal nature then I do not have any issues with that, from my experiences.

Ms BOLTON: Vincent, you touched on the issue of parents and guardians with regard to bail conditions in that they are not really doing what they are supposed to be doing in terms of supervising these kids when they are out. Given that the bill provides that, from my understanding, it is up to the court to assess the willingness or the capability of parents, how do you see that that can be not so subjective for different courts to determine? It is a hard one, to assess someone's capability.

Mr Knox: Before you said 'not so subjective', I was just thinking that it is such an objective one. The courts do not have that ability to look behind the scenes and to consider those factors. It is a simple case: 'Mum, will you be there?' 'Yes' would be the answer. It is rather objective. They do not really get the opportunity to ask more questions: 'How can you do this? What will you do?' That is in itself somewhat invasive as well, and it can be somewhat prejudicial to families. Predominantly, the background of the families up here who are before the courts is of low incomes, and they may not be able to answer that question directly. They may find it hard to justify that to the court. Then the court is also then concerned, 'We just cannot hold a kid for a charge for which there will be no penalty of detention, but we might have to hold them just because they cannot abide by the bail conditions.' That in itself is problematic. I think the courts are actually stuck, because all they can do is objectively assess that situation. There is not much more they can do. If they get an answer from a parent then that is the answer. It is not always a truthful answer, though; that is the problem. If they were able to subjectively assess it, they could look behind that answer.

Ms BOLTON: What do you consider could be improved?

Mr Knox: There are time constraints on these sorts of things. In Ipswich—as busy as it was, being a hotspot for youth crime—it was not the case that we had youths in detention just about every night. It might only be once one week, and in the following week it might be two nights where we had a youth in court for the purposes of bail. Up here in Cairns it is nearly daily; it can happen quite a bit. The courts really are struggling because of the manpower and time factors involved. Having to have all the interested parties represented—if there is a guardianship order then the department of child safety is quite often, more often than not, absent from court proceedings. That does frustrate the courts up here. I am in court; I hear it. I do not think there is a Childrens Court magistrate who would argue against me on that. We have issues there.

Then we have to find the parents. The police would then have to do other checks on certain things—look at the condition of the house—or it may well be the situation that the court will ask, 'Is this house suitable?' 'No, there is an offender living there.' 'Who?' 'Mum' or 'Dad'. The reality is that these households are full of siblings who are also before the court. That is not to say that it is the case each and every time, but the bulk, and, I guess from my experience with the Aboriginal legal service, the recidivist nature of our charges, as I refer to them—it means that we have the same kids coming back quite often, the siblings as well and, maybe to a lesser extent, the parents—the household. Also, if they live in the same street as a co-offender, that becomes an issue. The reality is that that is where these kids live, and it would be very hard.

How do the courts do it? It is a tough question. I am not quite sure the law can really do anything about that. There are concerns about community safety. To address that, what can we do to curb the rate of reoffending? I do not have an answer there. It would mean having a 90-minute or two-hour session just for a bail application, to try to piece something together. The courts do not have the time, and the resources are not out there either.

Mr BERKMAN: We heard some evidence earlier from the senior sergeant up here about the level of disadvantage that most of this group of recidivist offenders are dealing with, both social and economic, and sometimes cognitive impairment and mental health issues. Through that lens, I am interested in the provision in this reversal on the presumption of bail and the fact that the onus is on the child to show cause why their detention is not justified. In your experience, are these kids, even if they are engaged with a duty lawyer or some kind of legal representation, in a position to actually make a case or to show cause for why their bail should not be refused?

Mr Knox: Yes. I think they can. It certainly changes. It is a shifting of the goal posts, but the advocates are there. They need to know what they should be asking for. Perhaps it puts more of an onus on legitimising what is behind the scenes as support for the children, as opposed to just having that objective 'yes' and tick the box. Perhaps by doing that, they will lift the game for not only practitioners but also the support services out there. Support services are there in Cairns. I think they are quite wonderful for our youth—there is a very strong support network—but, again, they can only do so much. It is not the case that they can have one HiAce van go around and rake them all into a bus and bring 10 to court. There needs to be 10 support people as well. They do not have that. Look, it would slow the system down—there is no doubt about that—but perhaps it would bring a lot more accountability to making sure there is something happening appropriately once that child leaves the courtroom.

Mr BERKMAN: Your answer relates much more to the role of the advocates and the support services around the child rather than the child themselves and their capacity. Is that what I am understanding?

Mr Knox: That is only because no child is going to be representing themselves.

Mr BERKMAN: Of course. I note that in the written submission of ATSILS Queensland on that measure—the presumption against bail and others but on that specifically—ATSILS has said—

In our view this measure is disproportionate and unnecessary.

Do you agree with that position or is your submission different from that of the written submission?

CHAIR: That might be an unfair question to Vince.

Mr Knox: Thank you, yes. I would decline, nonetheless anyway, to answer that.

Mr BERKMAN: Okay.

Ms BUSH: Vincent, thank you for appearing. You have touched on the fact that if a young person commits an offence whilst on bail the bill would compel the judge to consider that as an aggravating factor as well as any other mitigating factors, so they do have some discretion. I was interested in your views on how effective the judges are in considering those mitigating and aggravating factors, so how well they wield that discretion when sentencing.

Mr Knox: They do. I think they do it well. It is a very tough call for a Childrens Court judge or magistrate. I think a lot of magistrates look forward to not doing it, so for those who do it they do exercise it. While there is no formal process in place, it very much plays a part. While there are no provisions for people to have an offence for breaching their bail as a child, the police do keep a count of everything and then they can bring the application before a court to revoke bail, looking at the number of different times they have not ticked the right box by being home at night or various other reasons. The courts do weigh it up. While there is nothing formal in place at this point in time, I think this is an area where they subjectively apply it when needed. It is often the straw on the camel's back and it will be applying, and I think it is used appropriately or thought of appropriately by the bench.

Ms BUSH: Thank you.

CHAIR: Thanks very much, Vince, for coming along. I know it was short notice, but the committee really does appreciate hearing from someone with your experience on the ground.

Mr Knox: Thank you for your time.

ADAM, Mr Mike, Coordinator, Amaroo Aboriginal and Torres Strait Islander Elders Justice Group

JAMES, Mr Andrew, Community Liaison Officer, Sunbus

CHAIR: Welcome. We are fast running out of time, and I apologise for that, so if you could keep your opening statements to around three minutes that would be helpful. Then the committee may have some questions for you.

Mr James: I will try to be within that three minutes. I used to live at Maleny when I went to USC for uni. As a kid I used to swim in the Currumbin River and eat strawberries from Redlands and I used to live in Mount Coot-tha. Anyway, I am here representing Sunbus, the public transport up here. Kinetic owns Sunbus, as they do down on the Sunshine Coast and Surfside on the Gold Coast and elsewhere. You are probably aware of that. Up here Sunbus have introduced customer service officers to the network. I am the community liaison officer—so that is addressing antisocial behaviour, code of conduct—and the crux of it is to keep the bus a safe place for all, whoever it is, whether it is youth, any adult or the driver and so forth. We do have issues with youth coming on to the bus. Even when we think they should be at school they will be travelling on the bus. They might be there at 9.30 at night as well, so our moral obligation is to get them from point A to point B and keep them safe.

The role I am doing is forging relationships with the community such as the schools. We are talking to assemblies and year groups, targeting certain demographics within that, and having an ongoing presence. I am working with youth groups and other community groups such as Youth Link and YETI, and we are forging this relationship with the youth justice department up here as well.

From my perspective, I really see the diversionary program as a real positive for youth. I am talking to Billy Ross next Tuesday, because what we are trying to do is get an urban arts program up and running so the youth can own—if you want to say 'ownership'—their output on the bus in wraparounds. We are looking at these community programs. This really comes down to addressing clause 21(3) (A), where the judge puts people on bail conditions or monitored or whatever. We sort of see the support in the legislation whilst also working with community groups to have a proactive and positive approach.

Recognising what Patrick said earlier in terms of working with different groups from all over, we can probably find partnerships. What Kinetic wants is for community groups to drive projects. We might have a good idea, but it has to come from communities. If there is some support network where we can get on board to help that would be good, because we are just one little piece of the jigsaw puzzle as an entity but on the buses we do have issues with youth. Only this week some youth got on the bus and stole keys. That is only a petty crime, but in February someone was held up by knife.

We can do police operations, but what it comes down to is having presence. This program has only been introduced this year. Since we have had more presence, we are finding a positive reaction within the community and within our drivers. I would encourage more support of that. We have a team of CSOs who travel the network and when they see them they are in their hi-viz vests and then we are seeing compliance along those lines. If we can plant that seed, water it and make it shoot and make it grow, we can start to have a positive effect on youth and hopefully they can make positive decisions in the future. That is pretty much what we are trying to focus on.

CHAIR: Thank you, Andrew. Mike, would you like to address the committee for three minutes?

Mr Adam: Sure. I am the coordinator of the Amaroo Aboriginal and Torres Strait Islander justice group. Our current work for the last nearly 10 years has been to work in the Murri Court with adults, 18 years and older, and also in prisons—the two Lotus Glen prisons—where we build up relationships with the prisoners. In this last financial year, because of the success of our work in those two areas I just described, the Attorney-General's office in Brisbane asked us if we would look at taking on children and also look at whether, when prisoners get out and have nowhere to go, we would look to bring them into us.

Our strength is eldership—cultural Aboriginal and Torres Strait Islander eldership. I am the only whitefella there and I am only tolerated because I am very good at finance, administration and talking and they are not good at those three areas, and they like it that way. When it comes to looking after their people, they are all volunteers—no-one gets paid—and they work for many hours because they firmly believe that they must put their lives on the line for their people. It is a very important time. It is not academic. It is not intellectual; it is being there. Most of them only got to grade 6, grade 8 or grade 10, but they are passionate and they are very well respected.

We took on the youth and we are working it through now. Just yesterday we had meetings with service providers, magistrates, lawyers and everybody else. No-one has had Indigenous elders in the Childrens Court before in our area. To us, having an Indigenous person in a dock without an elder is a mortal sin because there is the mother sitting there. She does not want to be there. She wants to be a million miles away. If she comes, she needs support. The family needs support. The boy or the girl needs support. The only one who can truly support them is the Indigenous elder, because the Indigenous elder is still a very recognised and very respected person in our community. I do not know about other communities, but they are in this one.

The twin ones are the Childrens Court graduating through to the youth Murri Court. If any one of you have been in a Murri Court, it is quite amazing. It is absolutely amazing. There are five elders in there. Everyone who has come in has committed a crime and comes into the arrest court and comes before the magistrate with an ATSIL lawyer beside them, and the ATSIL lawyer has seen the benefit of this defendant. Instead of going up to Lotus Glen for six months, two years or whatever, they are diverted into us and he or she then spends anywhere from four months to a year with us. Our recidivism rate is about five per cent. We have taken 1,100 men and women through, and they are still friends of ours. We encourage them to keep coming, so we have built up an enormous community and it is a family community. The Attorney-General's office recognised that and asked us to use that influence to come into the families which would not allow any bureaucrats or others to come in because the whole language is different and the formality is foreign.

Forty per cent of the people in Cairns are related to our elders anyway. As you know with Indigenous families, they are very powerful in their influences one upon the other, be it for good or for bad. We are totally convinced that a key way of helping and working together with organisations is allowing full rein to the Indigenous elders to do it their way. Their way is not formal; it is informal. It is a laugh and a joke and a chat and it is renewing relationships. We are not there just for the person who is sitting in the Childrens Court; we are there for her brothers, her sisters, her uncles, her aunties, her parents. We are there for everybody.

What we are asking you as a panel is to give greater consideration and greater scope to the Indigenous people in that particular role in terms of their eldership role. You will see benefits like those we have given you over the last 10 years. Do not assume that because we only went to school until grade 8 we are stupid. We are not at all. When it comes to family, it is a very powerful way of bringing people together and providing them with life skills so that they can go on and release their children instead of hanging on to their children because they are scared stiff. If they see a white face somewhere near, they think, 'Someone's going to jail in this family,' and they all run in the house and hide. That cannot keep going on, and it does happen. That is the only reason we are here to thank you for this.

CHAIR: In relation to your work in the juvenile justice area with the Murri Court, how long has that been operating here in Cairns?

Mr Adam: Do you mean the adult or the children's?

CHAIR: The children's one.

Mr Adam: That does not start till after Easter. We had the final meeting with the 25 stakeholders the day before yesterday.

CHAIR: One of the issues that came up in Mount Isa was around the elders who work in the adult Murri Court. Are you using the same—

Mr Adam: No.

CHAIR: That was one of the issues in Mount Isa. They said they needed—

Mr Adam: It is completely different.

Ms BOLTON: I just want to clarify the process to the Murri Court for the youth. We have heard that the recidivism rate of youth offenders is 10 per cent. When you talk about five per cent, are you taking a portion of that 10 per cent? Is that who is being referred to the Murri Court, or is it the broader 100 per cent?

Mr Adam: No, that percentage I was talking about is adult Murri Court. We have not started children's Murri Court.

CHAIR: It is going to start after Easter.

Mr Adam: We are in Childrens Court. We have put the final touches to it. We have been going there for several weeks just observing and absorbing information from everybody. We are really after the whole family—not just the person standing in front of the magistrate—and all of their relatives.

Ms BOLTON: We have heard about increased responsibility to communities; that has been a constant over the last two days. How do you believe tangibly we can do that in a clear and succinct way when we are being asked to give greater responsibility back? How can that easily be achieved?

Mr Adam: The time spent in the Childrens Court is only a small part of the time that we will spend with the children's family. With the children's family it is on a social level. We have our elders—we have yarnning tables and yarnning lunches and they will be part of our yarnning lunches. Every Monday we would have 20 to 25 come for a yarnning lunch. We have service providers who are expert in various areas. We bring people together and they will be in there as a family as part of that. The other area, too, is the social area. We take them from community to community; we all go together fishing—all of those pursuits that we all like. We continue to build relationships and friendships with them.

Ms BUSH: In terms of eligibility for the children of Murri Court, what types of matters? Have you turned your mind to eligibility?

Mr Adam: We have left that with the magistrates and the lawyers. They are more qualified than anybody else to make that judgement.

CHAIR: Andrew, you were not asked any questions. We must have covered it all.

Mr James: I really just wanted to explain where we are coming from and what we are doing, because we see value in working.

CHAIR: Thank you, Mike. That was very informative. Good luck and keep up the good work.

Mr Adam: Yes, we will for sure.

CHAIR: I now call Jessica Roe, who is school captain at Smithfield State High School. She is here to give us a young person's perspective.

Ms RICHARDS: Before she starts, I will declare that she is my relative.

ROE, Ms Jessica, School Captain, Smithfield State High School

CHAIR: Thank you for coming along, Jessica. Whilst this may appear to be quite a formal process, please be assured that it is a lot more relaxed than it may appear.

Ms Roe: Thank you. I will try to keep this as short as I can. My name is Jessica Roe. I am a leader at Smithfield State High School. I have actually just come from my final exam this morning, so thank you very much for giving me the opportunity to speak before you all this morning.

I wanted to speak today because I think it is imperative that youth are heard and listened to, especially considering this forum today is to discuss the crimes committed by youth and how we as a community can prevent further crime from occurring. I personally believe that the most important thing to be discussed here today is how youth crime actually comes to be. As a member of the youth population, I hope to be able to shed some light on this for you all.

Growing up in this new era of technology and communication is absolutely terrifying. My peers and I can be easily influenced across these interfaces of social media. Social media has had an enormous impact on youth and can often contribute to peer pressure and lead to acts of youth crime. Of course, there is not a magic solution to this issue. Social media is not just going to go away and everything is going to be hunky-dory again. I believe the initial step in solving a problem is to first understand it.

The fact that the media itself has recently been highlighting youth crime in Queensland has had both positive and negative impacts. A sure positive is that, because of the raised awareness of youth crime in the community, we are able to meet here today to discuss proposed changes to prevent and intervene. However, the media also inadvertently encourages youth to commit these crimes and also encourages discrimination against us youth in the community.

My legal studies class has had a focus on youth crime over this past term due to its abundance in the media. A couple of weeks ago we had a discussion on the proposed ankle bracelets. To begin with, my class believed that the proposal was overkill and we were mostly opposed to the idea. However, as we learned that these ankle bracelets are to be enforced only upon repeat offenders and that 90 per cent of youth offenders do not repeat offend, we warmed up to the idea. I genuinely think this idea is innovative and benevolent to the community.

I believe that preventing youth crime from occurring in the first place is all down to ensuring that youth have hobbies to keep themselves occupied. FairPlay sport vouchers are great for young people to be involved in sport. However, they only cover parts of the cost of sports themselves. Getting young people involved in sport activities is really important.

I believe youth crime is an issue and it is going to take everybody within the community to come together to solve it. That is mums, dads, carers and guardians, teachers, police, judges and, most importantly, young people themselves. Thank you for having me here to speak.

CHAIR: On the issue of sport, the vouchers are about \$150. My understanding is that some of the registration fees in the first instance are a lot higher than \$150.

Ms Roe: Yes, and especially when these vouchers are only available per child per annum. Registration fees go by season, so that is two terms worth of a sport.

CHAIR: Are you able to tell the committee what, say, basketball may cost?

Ms Roe: When I played basketball I think per season it was about \$300 or possibly even more. That is just covering the registration fees. There are also fees for uniforms and expenses to travel away to games that are not on home turf.

Mrs GERBER: I just wanted to thank you for having the courage to present. It was very eloquently put. You are our future. We very much appreciate your input.

Ms BUSH: Thank you, Jessica. That was excellent. It is really great that you turned up today. There have been some conversations in the last few days around ankle bracelets, GPS monitoring and the stigma that might bring to young people wearing them. As a young person yourself, if one of your friends or someone in your school was coming to school wearing that type of bracelet—I am interested in your views on the stigma and what that might do.

Ms Roe: I do not know if it would be too big of a conversation to occur. I think people would just get on with their daily lives.

CHAIR: If there are no more questions, thank you Jessica for coming along. You have been very impressive.

Ms Roe: Thank you very much. Have a lovely day.

HARBROW, Mr Marc, Harbrow Mentoring

CHAIR: I notice you have been sitting here for a short time. The format is that you address the committee for approximately three minutes and then we ask some questions.

Mr Harbrow: Short, sharp, accurate. I like it. My name is Marc Harbrow. I am a local Aboriginal Yirrganydji Australian. My people are the Yirrganydji people between here and Mowbray River; we are coastal Aboriginals. My company is Harbrow Mentoring and it has been in existence since 2011. Only a year and a half ago it became full-time. We are a business. We are not a not-for-profit but a business; we do contracts. I have not filled out one government application form to receive funding. We let the big companies do that and they employ us to do particulars within their scope of work.

I was interested in coming here today to share our experiences and our thoughts on what we have achieved—and we have had some failures—around young people today. Our core area of delivery is not so much in the youth justice area; it is more with the youth not going to youth justice. We do not want them to end up there. That is our core target area.

We deal with young people who are kicked out of high school for whatever reason, whether it is attendance or behaviour or not doing their schoolwork. We grab a hold of them and say, 'Hey, come over here.' We occupy their time and get them involved in sports and positive social deliveries and maintain a consistent relationship with these boys and girls.

We certainly have some really good news stories. Two boys in particular are now 17. They have been in our program since they were 14 or 15, which is when they were kicked out of high school. We knew that if they were not involved with us they would end up in the youth justice system—100 per cent. Family structure is not so great. We know that. We know their families—a dad that is not there, a mum that is there, and we know aunty and uncle look after them as well. Our key area is relationship building. From that we have found we can connect them to many great services beyond Harbrow Mentoring.

One of the key points I want to relay to you is my experience within the youth justice sector, which I have been involved in over some time. We have been approached as a company. We got some good feedback: 'You're doing wonderful things doing all these sorts of things. Can you develop some programs for the co-responder type work?' We have programs that exist in that area already. Those programs are recreation based; they involve taking them out of the streets they live in every day and taking them fishing or on low-tide walks and having some cultural content there. It is all based on building relationships with these young people.

I want to give you an example. I was having coffee at Cairns Central one day and I got a phone call at 10 o'clock in the morning—'Can you come up to DATSIP and have an urgent meeting because we'd like to engage your company in the co-responder area?' I finished my coffee and went up and told them what we were doing already and what we could, I guess, mirror to suit the cohort that we were asked to come in for. Five weeks passed and there was not one word of response. We gave a proposal, we handed in what we were capable of doing and five weeks passed. Common sense says a lot happens in five weeks. I know there is process in everything, and the right process has to be done. There is no doubt that there are bad examples of engaging private organisations. However, when there is a good organisation to engage I think there needs to be action done faster and the engagement needs to happen faster, whatever that looks like—I think that is you guys and the paperwork—but we were ready.

I recruited an ex-Navy Indigenous local male from Cairns who was working at Wuchopperen. He was ready to move into this new contract that we were sort of hoping to get, but it was not going to affect us if we did not get it. We are not about making money; we are about making change. I worked for AFL Cape York for eight years under Rick Hanlon. You are not in that work to make money, I can guarantee you, but what you learn from it in terms of delivery is outstanding. That is how we are as a business.

I have focused on my team to be the best in Cairns in terms of connecting and building relationships with young people. To me, that is the key to any cohort of any kind. I think money needs to be spent more on improving the people who are connecting with our kids and the parents as a holistic approach. There are plenty of people out there who are passionate and whose hearts are in the right spot. However, that is 50 per cent of the delivery. There needs to be improvement on how we connect with these kids.

Everyone is doing great work. There are a lot of people doing hard work. I know that Genevieve, who is sitting up the back, who represents YETI, has been doing the work for some time and is no doubt doing some sensational work. However, I think if we improve the people who are connecting with Cairns

these young people—in terms of how to build relationships, how to talk the same language, how to have a better understanding of cultural diversity, Indigenous, non-Indigenous and multicultural—in time, not overnight, we will see a decrease in criminal behaviour or antisocial behaviour. That will happen if we focus on the people who are connecting with these kids in particular.

When you find a working project that has evidence of building those relationships, I think taking five weeks is a long time. I then lost that ex-Navy person. Five weeks had passed and he could not wait any longer. After that five weeks I was told, 'We're making progress,' but I had to say, 'Sorry, I've lost the key person who would have been for that role,' and it needed to be a male Indigenous local for this particular project.

Ms BOLTON: Given that building relationships does take time, and this bill is particularly focused on those dangerous repeat offenders—that 10 per cent—how do you see improvement can be made? Do you support what is in the bill, or do you think there can be something else in amongst it to keep the community safe during that process?

Mr Harbrow: I support new approaches. I support the bill of those high-end repeat offenders. Jail exists for a reason and it has always existed for many years. I think about the families who are affected in Cairns, and there are many families who are highly affected. To have young offenders back out on the streets again is only doing damage to our communities. Whatever is necessary to limit that needs to happen—110 per cent.

CHAIR: There are no further questions so I thank you for coming and for your input. It has been very helpful to the committee. Keep up your good work.

This concludes the public hearing. I would like to thank all witnesses who participated today. I would like to thank our Hansard reporters. A transcript of these proceedings will be available on the committee's parliamentary webpage in due course. I would like to extend a thank you to the observers who have taken the time out to watch what is happening. I declare this public hearing for the committee's inquiry into the Youth Justice and Other Legislation Amendment Bill 2021 closed.

The committee adjourned at 11.50 am.