



LEGAL AFFAIRS AND SAFETY COMMITTEE

Members present:

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

Members in attendance:

Mr SA Knuth MP
Mr MC 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

WEDNESDAY, 17 MARCH 2021

Cairns

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The committee met at 6.00 pm.

CHAIR: Good evening, everyone. I declare open the public hearing for the committee's inquiry into the Youth Justice and Other Legislation Amendment Bill 2021. I would like to respectfully acknowledge the traditional custodians of the land on which we meet this evening 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, member for Toohey and chair of the committee. The other committee members here with me 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. Kim Richards MP, member for Redlands, is substituting for Mr Jason Hunt, member for Caloundra. The committee has also granted leave for Mr Shane Knuth, member for Hill, and Mr Michael Berkman, member for Maiwar, to ask questions at its hearing this evening.

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 the hearing 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 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 any 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.

Once we begin, I ask that we 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 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 hearing. 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 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 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 this evening. 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 others also 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.

McINNES, Mr Duncan, Private capacity

McLEOD, Mr Aaron, Private capacity

CHAIR: Good evening. I invite you each to make an opening statement, after which committee members may have some questions for you.

Mr McLeod: Thanks so much for that. I am a resident of Cairns and I am also the current president of the Crime and Justice Action Group in Cairns. We are a Queensland registered association. My fiancée and I moved back to Cairns in September 2019 and within a couple of months we became a victim of youth crime where six girls between the ages of 12 and 15 attempted to break into our home. They failed to break in because I was at home at the time. They also tried to break into houses within our street. We assisted police at that stage to track them down and to have them detained. During that process they damaged my vehicle out on the road and there was a wilful damage charge that was brought against one of those six children. The attempted break-in and of course the trespass aspects were not a consideration for police, so police did not bother dealing with that issue. They were only concerned about the wilful damage charge because I actually had video evidence that could be presented before a court. We created the Crime and Justice Action Group out of that event. Eleven founding members created the unincorporated association and from there over the last 12 months we have built a customer base of nearly 11,000 customers. We have about 50 supporters and a regular 20 paid members at the moment and eight members of our management committee.

We are an organisation that established quite quickly and in that time we have been able to gather a substantial amount of research and a substantial amount of information from within the community to determine quite quickly some findings, and those findings have been used to develop a set of policies. We have 12 policies at the moment, one of which—and our most important policy—is parent and guardian accountability. That has been our policy for the last 12 months. Michael Healy knows about this, and we have campaigned with Michael and advocated with Michael to get this put on the floor of parliament and for measures to be put in place around that particular topic.

With regard to the other matters that are defined within the amendments that the government are proposing, we have an opinion about those and I can share that with the committee if you like but, just as a general overview of an introduction, that is basically what I am all about.

CHAIR: I do not think the committee would mind if you addressed the rest of those issues that you just outlined.

Mr McLeod: In relation to the amendments?

CHAIR: Yes, because that is really why we are here. I am just conscious that not everybody may want to address the particular aspects of the bill, but if you have gone to the trouble of doing that then we would invite you to address the committee on those points.

Mr McLeod: Okay. As I said, from CJAG's perspective—CJAG is the Crime and Justice Action Group—our main focus is on parent and guardian supervision and that provision that the judiciary is seeking to mitigate in terms of reoffending and breaching of bail in granting or denying bail to a serious youth offender in the proposed bill. However, the application of GPS trackers in remote and regional centres with limited infrastructure is impractical and unlikely to mitigate serious reoffending. While the broader community is not concerned about the indignity of electronic trackers, by and large we have an unfavourable position to such trackers because the government is likely to justify more community contact with unsafe offenders, putting the community at an increased risk because monitoring and control is assumed as a method of constraint justifiable by the cost-benefit analysis that inherently tolerates a subjective margin of reoffending and therefore an unsafe community. One victim is too many from our perspective.

A presumption against bail is supported. A limitation is unnecessary and unwarranted considering the serious nature of recidivist youth offenders, but 300 serious offenders are serious. Secure accommodation must be a condition of bail. Without such assurances, the court and the Department of Justice and Attorney-General are putting everyone at risk, including youth workers as discussed below, and I have included that in my submission to you, Chair.

CHAIR: Thank you. Aaron, sorry to interrupt, but with regard to the submission that you have given me, have you emailed that also to the secretariat?

Mr McLeod: No, I have not emailed it yet, no.

CHAIR: Are you able to do that?

Mr McLeod: Sure, yes.

CHAIR: Thank you.

Mr McLeod: No problem. Just to finish off this element of responding to those components, our main concern is the parent/guardian accountability element, and there is a lot of substance that we have put in behind this so that you can conduct the analysis on that. It is in the paperwork and we can email that to the committee.

Just finally on those other measures, codifying sentencing practices is unwarranted. The charter of youth justice principles should include reference to community safety, so in terms of effectively codifying these sentence practices they are already defined in common law. It is hard to justify why there would need to be an additional codification in terms of a statutory component on top of that. If the judicial system is not able to decipher common law then there is a bit of a concern around that, so I would suggest that there is no need for codification there. Such an omission in the first instance is insightful of the extent to which carelessness towards community safety in the design of the Youth Justice Strategy and legislation has been evident in the research of frontline practices. We find that, in our objective analysis—there is always an element of prejudice of course and we are trying to find that where we can, to be fair—after the 12 months of research and analysis that we have done in a respectful and confidential way, it is fair to conclude at this stage that the Youth Justice Strategy and the legislation that has been put in place have not considered community safety as a priority. That is evident. With regard to the five changes that the government have put in place in the last 12 years regarding legislation, policy and plans, that is a clear indication that they did not get the mix right from the very beginning. They did not follow Bob Atkinson's advice. That is the response to those.

CHAIR: Aaron, thank you. I want to give Duncan an opportunity to address the committee, but thank you for that input.

Mr McInnes: Thank you for giving me the time to talk about this disturbing subject. I am speaking as an old man from the Indigenous perspective, not as an elder: stolen generation, flogged, jailed, eventually proven innocent, practitioner and holder of knowledge, military service—that is me.

Parents must take the blame. Government direction to the judicial system must take the blame. QPS are too soft and ineffectual. They can be racist and corrupt. Only elders and going back to country can solve this problem. Victims are being blamed. Organisations delivering services are corrupted or underfunded, and it goes on.

I will not and cannot blame anyone or any one thing, but I will direct my thoughts to the baby bonus of 20-odd years ago. We had and still have kids having kids. Parents who are still kids are trying to teach life skills. Grandparents are just middle age. This federal policy has torn apart all threads of family life and values. A couple of weeks ago a 13-year-old girl came to my place because she wanted to have a baby. Her sister at 15 has had one. Her sister at 17 has had two. We have abrogated all parental responsibilities to the government. From birth to death, the government will look after the children. This is the thought process in Indigenous communities.

When did the last missions in Queensland close? It was two or three generations ago. These missions denied the inmates cultural knowledge. We must face the fact that these kids have had a sanitised version of culture for over 150 years at least. They do not need culture and country solutions; they are urbanised and need urban solutions.

It is said that these kids are suffering from intergenerational post-traumatic stress disorder and/or mental anguish or abuse. Have you heard how these kids are spoken to by their immediate carers and elders? These kids are living in conditions that are eye-watering—no food; women getting bashed; everyone, including close relatives, trying to have sex with them; alcohol; gambling; and drug abuse. These are the facts. The offenders must be seen and taught to own their actions and see what their actions end up creating—fear, despair and economic loss. The ugly face of racism and vigilantism or colonialism is raising its ugly head once again. The worst offenders are just locked up. That is wrong.

After many years of observing and implementing the teachings of Geoff Guest and his diet and wellness program, it is an eye-opener. I have used much of Geoff's teachings with my own children and friends' kids, and what has this meant? My four kids—high academic achievers and one with learning difficulties—hold their own in the education system. It must be something in the foods and diets that Geoff teaches.

In the past people have said that Geoff's way was too hard. Today you are trying to deal with the offspring of the hardest and toughest race of people the world has ever seen—as a people we did not conquer this land; we lived on it. The present generation of the greatest hunters and gatherers is still hunting and gathering but not for survival but for fun as they see any future for themselves as bleak and torn away. This generation has no structure put in place to be part of the solution.

If there is any hope for future generations of Queenslanders—one word that Aboriginal culture is based on is respect—respect must be taught and practised by all races and generations of Queenslanders. They are my thoughts on the subject. I thank you for being able to present to you.

CHAIR: Duncan, do you have a spare copy of what you have just read?

Mr McInnes: I have only this one, but you are welcome to have it.

CHAIR: Do you have the resources to be able to email that into the secretariat?

Mr McInnes: I do.

CHAIR: Can we have that copy and the secretariat will give you the email address to send that too. Thank you for your time. We will turn to the committee for questions.

Mr KNUTH: Duncan, you were talking about back to country and Geoff Guest Petford. Are you talking about some form of relocation centre?

Mr McInnes: Geoff Guest's program is not a back-to-country program. It is an urbanised program in the bush to teach these kids respect. It goes to their diet, their language and their thought processes, and it works. I have experimented with it and kept my eye on it. It is an urban program taken into the bush. You cannot say, 'We will take these kids back to country.' You are joking with me. They are three or four generations away from country. They are Big Mac kids. Geoff is trying to get these kids' diet right. He is trying to get their processes right. It works and I have seen it with my own family and friends. It works and is something that has to be investigated and studied.

I do not know all the flash ways to say it, but I know his program works. My oldest daughter is doing a double degree in advanced science and law. My other three kids are all high achievers. One of them was the first black kid in 120 years to be dux at the primary school in Mareeba. My son is brilliant. He has been chased down by BEA. One daughter has educational problems, but because of the diet restrictions and everything we have put into her she is holding her own. She is not going to be a world-beater, but she is holding her own. She does have problems, but because of her diet and what we learned from Geoff Guest and his program it is going to put that little girl on a path to success. That is what I am looking at. That is what we have to be looking at tonight.

Mrs GERBER: Thank you both for your appearance tonight. It is really appreciated. Aaron, in your oral submissions you touched on breach of bail. The amendments proposed by this bill do not actually bring back breach of bail as an offence. Is that something that you think should be included in these amendments? What is your view on breach of bail as an offence?

Mr McLeod: We are not against breach of bail. We are not against breach of bail on the basis of principle. If someone is breaching a bail order imposed by a magistrate or judicial officer, on the basis of that noncompliance there needs to be consequences. We need to bring some respect back into the court. We need to bring some respect back into our institutions. I think that breach of bail on a principle basis is the way to go.

That is not our focus though. We think the big game is around parenting and guardianship. I mean guardianship that includes public administration—Child Safety and Youth Justice. All of these departments are the guardians of these children. The Deputy Director-General of the Department of Children, Youth Justice and Multicultural Affairs, Ms Connors I think her name is, provided a statement to the committee in Brisbane the other day. She testified that a bit over three per cent of the 300 serious recidivist offenders have a child safety protection order. Now, 97 per cent are not under Child Safety supervision. They are under youth worker supervision. They are in a foster care arrangement or they are in some guardianship arrangement as an extension of the public administration system.

A substantial number of these serious youth offenders are subject to state guardianship arrangements or there are parents who are doing a horrific job—no disrespect to parents because they need to be empowered just as much as made accountable—for various reasons. Our suggestion would

be that you actually create an accessory to the offence—an in common offence—whereby parents and guardians are actually charged separately and independently to their children so that our focus is turned away from blaming kids and is brought back to where the parents, guardians and public administration have the ultimate responsibility. Blaming kids is a horrific political agenda. It is a stupid thing.

We believe that there needs to be an accessory to the offence charge put in there. There also needs to be the introduction of a parenting accountability commission modelled on the Family Responsibilities Commission—similar to that which was trialled and then thrown out. There needs to be those two key things. We need to bring a guardian definition into this legislation—I heard the Premier at her press conference yesterday try to water that down, which is unfortunate; that is a very sad thing. She is now excluding guardians in her terminology. She is talking about parents and carers only now being included in the legislation. By excluding guardians, effectively what the government has done is taken away the public administration accountability element from this particular supervision order as it is being proposed.

We think the committee would do a great service to the community if you focused on the parent accountability element and made an accessory to the offence charge separate to the child's offending and investigate properly what the deficiencies in resourcing, support and services are around parents and guardians. That is what our suggestion would be.

CHAIR: We have one minute left.

Ms BUSH: I am interested in the parent/guardian accountability. You have just mentioned a separate offence for guardians. Hypothetically, when that plays out and the guardians are arrested and incarcerated, who then takes responsibility for those young people?

Mr McLeod: In this instance we are actually seeking for it not to be an indictable offence. We are seeking for it to be a process offence. In the first instance, it would be similar to the current strategy by the government where they are providing a softly softly approach of introducing parent accountability as a supervisory issue in a bail consideration. We suggest that you adopt a similar softly softly approach whereby you actually make it a process charge that brings the parent and the guardian or the guardian into a judicial setting where proper investigation and legal processes are applied to the situation. That is what we are suggesting.

We are not wanting people to be locked up. We do not want incarceration to occur, but there are unfortunately some parents who are neglecting their children in substantial circumstances. As Duncan testified just a moment ago, those people definitely need to be charged and need to be indicted for sure.

CHAIR: I am sorry that that brings to a close this part of the hearing. I thank you for coming along and for giving your evidence.

GUEST, Mr Geoff OAM, Private capacity

HARRIS, Mr Len, Private capacity

PROWSE, Mr David, Private capacity

CHAIR: Good evening, gentleman. The way this works is that you each have three minutes to speak. As you would have just witnessed, it is difficult to keep people to three minutes. Just remember that if you go over time it means that the committee does not get the opportunity to ask as many questions as they may have.

Mr Guest: Good evening, ladies and gentlemen and committee. Welcome to Cairns. Thanks for your effort in coming here. I want to talk about some of our most valuable assets—our youth. They are our future, but, unfortunately, some are a liability. Part of it is our fault. How is it our fault? Often we let these serious offenders out straightaway. We should be doing something straightaway. Time and time again they reoffend. It is making it worse for them. They are putting their life at risk plus the lives of others. If we do something straightaway, their mental health and physical health can be assessed. We can do and should do something.

I am talking about serious offenders. I am not talking about minors. We need to do something in 24 hours if possible so they are not out on the streets again. I remind the committee that I am not talking about minor offenders but I am talking about serious offenders that we can do something about. This is important to keep in mind.

CHAIR: I just want to interrupt for one second. Do you have a spare copy of the document you have in front you?

Mr Guest: Yes, I have.

CHAIR: That is great. Keep going because time is of the essence. We will get it off you. Thank you very much for that.

Mr Guest: When serious offenders are apprehended, something should be done as soon as possible. It is no good doing something a week or a fortnight later. With our modern technology it could happen very quickly. It takes the risk away from them being hurt, plus the public, and we get treatment for them quickly. I have found most of these offenders have some mental health issues or some other health issues. I am not talking about drugging the kids to make them better; often just a simple diet and some vitamins and minerals will change them around in a couple of weeks. I have proved this, and there is ample evidence around the world. That is something for us to think about. Most of the offenders are malnourished and substance dependent and often have mental overloads or deficiencies affecting their mental and general health. This needs to be addressed early, in my experience. It is what I firmly believe in.

The next important thing is we should be assisting social families before the trouble starts. Often with a young person out there his old man, his brother, is in trouble. He would be out there, but the whole family would go through it. Why are we not doing something with these families? We have already started working on this experiment. It can be done. It is difficult, but unless we do something they are going to outnumber us and that is a bit frightening.

In relation to electronic monitoring, the serious offenders should be taken bush so they can be helped, not just punished. Most of us want punishment. People who have had their houses broken into and lost their cars are naturally upset and they want something done. While we are taking them out of circulation we should be fixing their mental health problems and getting them better so they can get back into society.

With bail conditions and parental support, I am a bit concerned about parents looking after serious offenders because they often do not have the ability or finances to do it. It puts the parents at risk and the kids are still communicating with one another. I believe we have to get them out of circulation; otherwise they will just keep going round in circles. I think it would be very difficult for a parent to keep these 15- and 16-year-olds home. I really do. We do not want to see our kids locked up, but I really do think it would be very difficult for parents unless somebody really looked at these conditions. Most of these offenders, if they go into rural protection straightaway, we can do something to help them, which is important—not just punishment. I repeat: when we have lost our cars, our property, we are angry. We want to punish, but punishment is not going to fix up the crime. We need to get them out and go without. This is our program we have been doing for years. We try to reward good behaviour and overcome what the problem is. Thank you very much, committee. Sorry I rushed a bit through it, but that is what we have been successful with.

CHAIR: That is okay. We will come back to you if we have some questions. Len, do you want to go next? Do you have a spare copy of what you are reading from?

Mr Prowse: I do. May I table that?

CHAIR: Okay.

Mr Prowse: My name is David Prowse. My background is I am a retired MLA and a resident of Cairns for the last 30 years. One thing I would challenge is the verbiage that is coming out on the radio and in news articles at the moment that there has been a 13 per cent decrease in crime in Cairns. In my opinion and the opinion of everyone that I speak to, that is absolute rubbish. As you know, there are lies, damn lies and statistics, and what the committee really should do if they are going to follow this line is drill down into the basics of this percentage figure: what types of crimes; the age of the criminals; and what caused the decrease, if any—was it COVID lockdown? If so, then authorise curfew for school-age children after 10 pm. Obviously there will have to be allowances for those who are working back and what have you, but do not wipe it out just because of that minority.

The other thing is the electronic monitoring that is suggested for 16- and 17-year-olds. We hear every day from police reports that the majority of these offenders are 10- to 16-year-olds. What do you propose to do about them? That is the issue. The other thing is: what punishment is proposed if the wearer of the device breaks the restrictions placed on them? How rapid will that response be? It has to be almost immediate if they are out there.

I will go to repeat offenders. Send them to tent compounds in the outback. Everyone keeps saying we do not have the money to build new facilities. Put them into tents along the lines that the Army are accommodated in when they are overseas. If it is good enough for our boys overseas and Army personnel, it is good enough for those young criminals who need to be sorted out.

Name and shame is another thing. Everyone cries out that that is no good for their possibilities of future employment. What about the victims? We need to know in the community what has been done and who these people are. The idea is not to shame the kids, because they will just use that as a badge of honour, but the point is that it is for the families. The families, if their names are out there, hopefully will respond and try to drag the kids back into compliance. With these camp rules, you need to grant privileges and remove benefits for all participants of noncompliant individuals. This results in peer pressure on the individual to obey the rules. That is what happens in the Army. I have done 20 years in the Defence Force. That is what we do. We get the peer pressure. We do not have to have Big Brother or anybody else. Let the other people who are living with them do it.

The other thing is the criminal behaviour of the children—they are not children. Most of these young people from the age of 10 know more about life than I did when I was 25. The thing is: we should fine the parents for the misbehaviour of their children. The only way you could do that is restrict the parents' government benefits, because fines would be most unlikely to be paid.

The last one I would address is car theft. It is a major issue for many towns now. Guns and cars are lethal weapons in the wrong hands. Fine the car owners if they do not lock away their keys as per the gun laws. Thank you for your attention.

CHAIR: Len, you have three minutes.

Mr Harris: Thank you, Mr Chair. Good evening and thank you for the opportunity to comment on the Youth Justice and Other Legislation Amendment Bill. I have an apology for your entire committee for the emptiness of this room. One of the biggest problems that the government has in addressing such an emotive issue as this is the apathy of the public. Like all life issues, the current situation of juvenile crime is not a singular phenomenon; neither is it a modern issue. It is a combination of several complex issues. First is the governments, both state and federal, removing any corrective ability of parents when bringing up their children. I have coined a phrase which captures who and what we are and the phrase is: what we are is a result of where we were when. We are collectively a combination of all our experiences in life.

When a child is sent to a childminding centre—and I will exclude the really young children, from two years old to three years old—some for five days a week, one of the first things that the employees of that childcare centre instil into that child's mind is, 'If mummy or dad do something to you that you don't like, tell us and we will fix it.' That is a reality. Then it is perpetuated all the way through their schooling, from grade 1 through to when they come out of grade 12 at approximately somewhere around about 18 years old. Then we pull a whole pile of issues out, and I will call it a booklet, that says, 'Now you're 18, here are the rules on how you are going to live your life,' and expect them to adopt it. Well, members of the committee, I think you are pretty sure you know what the average person is going to tell them where to shove the booklet. That I see is the biggest fundamental problem that we have in our modern society in relation to youth crime.

Now I would like to speak directly to the bill, but before I do that I briefly endorse—

CHAIR: Can I interrupt you for one second? Do you have a spare copy of what you just read from?

Mr Harris: Yes.

CHAIR: Thank you. I should have mentioned this earlier, but I think, if the committee has no objection, that we will just receive the documents that we have tonight as extra submissions.

Mr Harris: The bill itself is the Youth Justice and Other Legislation Amendment Bill. Clauses 1 through to 18 address a lot of other issues. The portion that is addressing youth justice starts at clause 19 and goes through to the end of the bill. The first section, between clauses 19 and 25 that we are interested in, is speaking to children who are already in detention. That is not a really good place to start. I think the members of the committee and the members of parliament need to have a really strong look at why those children are actually in incarceration.

Then I will flip over through to clause 26, which is the insertion of a tracking device and the conditions. One of the real problems that I have with this section of the bill—and I apologise, I only had two hours today to look at this bill, but this is the one that really jumped out to me. First of all, clause 26, insertion of new section 52AA(1) (c): the child has previously been found guilty of at least one indictable offence. Unless a child has been convicted of an indictable offence, they are not subject to the bracelet. If the child is in there with a second indictable offence, I believe that the Queensland government could be exposed to being challenged and asked for punitive compensation, because if you are the second person who has had your car stolen, your house broken into, and the government is well aware that that perpetrator has already been charged, found guilty and incarcerated for a previous indictable offence, then they justly, I believe, have the right to go to the government and say, 'Well, it is through your legislation that I have suffered.' That is one of the really big issues.

Now look at the age limitations in this same section. That person must be 16 years or over. I bring to you an issue with two brothers, one 14 and one 16, who very viciously attacked an elderly lady and hospitalised her. They stole \$1,000 from her home, so this lady was obviously a pensioner, and then went on a four-day rampage. They were held in detention until their case was heard. They had been held without bail due to the violence of the attack. They had been held for 127 days. The court found them guilty and determined that the 127 days they had served in detention was their fine. They walked from the court. When we have judges handing down decisions like this then a lot of the responsibility not only comes back on the government but also comes back on the judiciary. Thank you.

Ms RICHARDS: In response to Mr Prowse raising car theft, I want to make everybody here aware that currently the Queensland parliament through its transport committee has an inquiry into technology around vehicle immobilisation. I would encourage you all to read that material and become involved in that submission process.

Mr Prowse: I understand that, but having this car immobilisation equipment provided free of charge would be good. It is not going to happen, so what we need to do is insist that people lock up their keys. That will cost them nothing.

Ms RICHARDS: I appreciate that. I just thought I would make you aware that that is underway.

Ms BOLTON: Len, thank you for coming. What we have seen over the last couple of days is that there is very much an agreeance about the role of parents. When we are talking about that 10 per cent of repeat offenders who are causing nearly 50 per cent of those crimes, the studies say that if you put them into prison to keep the community safe they come out more hardened and they have learned some extra tricks. Therefore, at the moment, we have a situation where we need to try to keep the community safe. Dealing with parents and programs to bring a change in parenting takes time. How do you think we can keep the community safe and keep these children out of jail in that time, because we do have to keep the community safe?

Mr Harris: Yes. One of the major issues if that is not addressed is the peer pressure of the young people today. They see an older brother go and steal a car, and that becomes a badge of honour. What needs to happen is that these young offenders, particularly those aged between 12 and 16, need to be taken out of their community and placed in an area away to break that condition. As Geoff said before, it is absolutely imperative that, wherever they are placed, a very high priority is placed on the food they have.

There are some very good studies by the Norwegians, and I will email a copy of this to the committee. They had 100 young children. The first group of 40 were put on a diet, and it was quite a wide diet with turkey and fish. The main thing they took out of the diet was white bread and anything

that had a high level of colouring in it. The second group of 40 were allowed to have absolutely anything they wanted to have. The remaining 20, which were the control group, stayed on the food they normally had. The end result was that the first group, who had been diagnosed as high ADD, came down to least to mild—this is the entire 40 group. The majority of them came down to mild and some of them had no symptoms whatsoever. There is very good scientific, peer-reviewed research on the effect of food and diet on activity. That is why I say we are a result of where we were when, and if we are in the wrong place at the wrong time then the outcome is not very good.

Mr KNUTH: Geoff, you mentioned that you have to send the kids out bush and Len just raised the type of food. What is the distance that you feel they need to be sent out? How many programs were in there besides the certain dietary side of it?

Mr Guest: That is right. As Len said, one of the first things we did was cut out sugar at home and we got good results. Then they were not eating their vegetables, because where they come from they did not have vegetables in communities much. We reduced our wheat products and there was a change in behaviour. Then we were not getting jobs, because they were horsemen and could fix up fences and get up in the morning and do things but they want cattlemen. The cattle industry changed. They were only employing people for three or four days at a time, so I bought a remote cattle station and a packhorse took over two drums of flour.

At that time we had 25 young fellows there, and five of them had serious mental health problems. When the flour went, the voices went and their behaviour changed. When the flour came back, they started hearing voices again. This was in the 1990s. I started doing research and it opened my eyes. Our refined food is deadly for us, especially young people with mental health problems already. I have heaps of research. There are papers written. It is fair dinkum. It does help. We cannot help these young people unless we strip the diet and get the right vitamins and minerals assessed for them. It is lucky we have had some good doctors, such as Dr Ernest Hunter, onside and many other doctors have helped us with the vitamins and minerals. We have a lady onside now who is a qualified naturopath. It is not just me doing it; we have professionals helping. We need to treat these youngsters

Going away from home is punishment, but we should make it so it is not a playground but that they learn useful skills, and get up early in the morning, go for a walk and change their diet so we send them back with a chance in life. The problem is getting bigger and bigger—we are always worried about that—and we need to change these families around. It can be done.

Ms BUSH: A couple of you have touched on a specific element of this bill—I know you did, Len—around the electronic monitoring. What do you hope that will achieve, and how do you think it will achieve that?

Mr Prowse: I believe it will just give the wearer of this a badge of honour. I do not believe it will have any effect at all unless there is a group of people who are able to immediately respond in a firm way if they break the conditions that apply to the wearing of the badge of honour.

Mr Harris: There would need to be a curfew from six o'clock in the afternoon to six o'clock in the morning when that person must remain within the designated area. That is one of the most important things; otherwise, there is no point in having the bracelet.

Mr Prowse: Can I comment on Len's opening statement. There are very few people here. It was not well organised as far as invitations to the public are concerned. My wife even said, 'Can I come along tonight?' and I said, 'I don't think so.' There was nothing that indicated that the public were welcome to this committee.

CHAIR: In my defence, if you saw the social media clip that I did, I did invite everybody.

Mr Prowse: I did see that but it was at the last minute and it was not easy to find.

Mr Harris: Can I mention one other problem I am having in researching the bill. The bill actually speaks to designated areas and it talks about the court being in a designated area. The only designated area that I can find is Townsville, is North Queensland.

Mrs GERBER: It is not defined. It is not in the regulation yet. It is yet to be prescribed.

Mr Harris: That was the other concern.

Mrs GERBER: It is unfortunate. I agree it would be helpful if we knew those designated areas.

Mr Harris: Yes, and if it was publicly available.

CHAIR: If there are people in the audience who want to address the committee, the only stipulation is that you have to give the secretariat your name and address. We are not collecting data for the wrong reason. The reason we need your name and address is so we can send you the transcript

of the proceedings today so you can look at what you said. If you agree with it, you can send the message back to the secretariat saying, 'Yes, that's what I said.' If you disagree with it, it gives you the opportunity to say, 'No, I didn't say that. I said something else.' They very seldom get it wrong. We are very interested in hearing from people. I will also let everyone know that we have another session tomorrow morning, between nine and 12. If you know anyone who missed out on coming tonight who would be interested, they are most welcome to come tomorrow.

Ms BOLTON: If you have a 10-year-old who does a program—whether it is with food, and there are a lot of great programs—it has been identified that there are wonderful improvements during the program but then they go back to their previous environment. Unless you take the parents along for the ride, it does not hold. When you talk about going bush or going out, do you believe that the parents should go along in some fashion, to actually see the responses? They obviously need to amend their ways as well. If you run a program and they go back into that same environment, all the good work is undone.

Mr Guest: One of the things we have been doing for years is neurofeedback. We have had great success with it. I first ran across it years back. Astronauts were hallucinating in space. They got Barry Sterman, a neurologist, to research it and they found out it was the rocket fumes. They were killing poor cats, and he had these cats that he trained to think in high alpha. When he tried to kill them, they lasted. I rushed straight to the States, bought the equipment and did the training. It was for kids with ADD, petrol sniffers—fantastic—people with addiction problems, and it really works.

We need to do more of it. It is one of the programs that we do at home. We can train people up to do it. We do not need to pay someone \$1,000 an hour to do it. We can train someone up quite easily—and you have to do a qualified course to do it—but it is easy. It is non-invasive. It is just some sensors on the skull and they learn to control the brain pattern. Kids with ADD have a high beta brain pattern. It should be four to seven but for kids with ADD it goes to 11, 12 and 13 and their beta brain pattern is low. We get them to train it up themselves. The machine does not do anything; it just regulates it. We can see improvements. Every evening we have a check list: are the kids getting up in the morning on time and are they doing what they are told? They are getting points for it and they take it seriously. A lot of these kids who have offended have poor backgrounds, but they have illnesses we need to address. We cannot just say, 'They are bad; we need to punish them.' Punishment has never worked to fix up a problem.

Ms BOLTON: No, but what I am saying has been very clear is that, in terms of the parents at home—and what we are hearing and heard from the hearings yesterday—there are drug addictions, alcoholism and the kids do not want to go back. If you are taking them into a program and they are learning good things, how do you ensure that what they have learned will actually be embedded into the culture at home?

Mr Harris: In actuality that was part of Geoff's program in that the children were in the remote area. Even today, Geoff invites people of a weekend to actually come on site. The obvious answer to that is, yes, the young people are isolated from Monday to Friday in the program. On Saturday and Sunday mum and dad are encouraged to come out, and that is where you actually make the link with the parents.

I have some information about a group called Food for the Brain. It is a wonderful site. I apologise that there are only four copies. If the committee would like to do some research on the linkage between food and the effect, that is a perfect place to start.

Mr Prowse: The situation, as I understand it, is that a lot of these young fellows and girls who are up in the cape come down to live with aunty. Aunty really does not know half of them. They come and they live at their house. You say that the parents have to look after them. Aunty does not really know these young people. They are just running riot and they cannot control them. That is an issue that we have that may be different from Townsville, Mackay et cetera.

CHAIR: Thank you.

BURKE, Mr Roderick, Private capacity

SAILOR, Mr Edward, Private capacity

CHAIR: Please start and we will progress it. If you do not want to make an address, that is fine too, but I understand that you all wanted to tell the committee something; is that correct?

Mr Burke: Yes. I will skip the formalities. I apologise: when I came here, I really did not know what this was all about. I have not looked up the legislation. I do have a passion for my people and to bring about change in cognitive behaviour. I heard the other speakers talk, and there are a lot of things I disagree with. First, there was no real mention of the authorised officers and the way they engage with these young offenders. Really, that needs to be looked into in terms of the authorised officers—not only the police but including public servants. The way they engage can create confrontation rather than an amicable solution to the problems that these kids have.

Yes, I acknowledge that in the house there are problems with drugs and alcohol, but why did that come about? Did anyone ever think about why that came about? We need to look at history. What happened in history with parenting? Go back to the stolen generation. Go back to up in the cape. I know that they used to have dormitories. The community was there and the dormitories were only a couple of hundred metres down the road. Girls and boys were taken away from their parents, so they did not learn parenting skills; they were not afforded parenting skills. When people are blaming the parents, it has been a generational movement of them trying to learn and understand parenting and, more importantly, the responsibility of parenting.

It has been a generation of what I call suppression for Aboriginal and Torres Strait Islanders in these remote areas to progress and to make a valid contribution to economic future within their region. It has always been controlled: 'It's all right Johnny. You haven't got the skills to do this. I'll do it and we'll get the day's job over and done with because we've got to knock off and go down the pub and have a beer.' That kind of approach needs to be changed. This is the nature of what happens in these remote areas.

A lot of them come down to Cairns, as the gentleman said. A lot of them come down to access the justice system, to access health facilities. Families come down for the educational opportunities, but they find that the cost of the rental market in Cairns is way too high. They find that the cost of living in Cairns is much higher than in their remote community. When you talk about food, they can go hunting. They cannot get turtles—their natural food—or dugongs, according to their past dietary habits. It has all been taken away through legislation, the power of the government and the way authorised officers implement these pieces of legislation. I can go on for a long time about this, but I need to provide an answer.

The community have the answer within themselves. Yes, they need resourcing and support. We need to look at the way that we case manage—and I am putting my hand up for this—from the start point, wherever that is, to a line in the sand, wherever that is. The end result is that they, like every individual in Australia, need to be employed to generate an income so they can provide for themselves as individuals and for their families. That is the answer.

We start that through addressing cognitive behaviour. Then we look at the skills. Then we look at their aspirations. We move, we engage with them and we sort out employment opportunities for them. When we reach the line in the sand: 'Okay, you are responsible for your own progress from here.' But it does not stop there for me. We are always in the shadows. I will always be in the shadows, making sure they do not walk to the left side of the road or the right side of the road but stick to the middle of the road.

CHAIR: Thank you.

Mr Sailor: I used to be a safe house manager for one of the houses in the Torres Strait. The problem we used to have up there, which is going all around Australia and the world, was reoffending. I tried to put a structure in place where you reward good behaviour and you give consequences for bad behaviour. That will be like taking things away, not allowing the child to go on a fishing activity or something simple like that. A bandaid was put on the problem in the hope that it would not get reinfected. There are children going on to adulthood who have come through the system and think they will get everything they want. Then when they go out from the child safety system and are on their own, they end up in jail or, worse, dying from drugs. It is frustrating, because they have grown up knowing that what they want they will get, regardless of their actions. We really need to return to the roots of the problem and basically just reward good behaviour. 'Punish' is a bit of a hard word, but they need consequences.

I will give an example. A child smashed a window because they were not allowed to go to the picture night at the school. The very next day they rang the child safety officer and complained that they were being mistreated. To keep the child quiet and calm—that child was very big and boisterous for their age—the child safety officer rewarded that child with a brand new pair of shoes. A couple of days after that, they were given an iPad and a mobile phone. The child safety officers just cave in to them, and that plays into their thinking that ‘what I want I’ll get’. Then when they become adults, if they do not get something they will go and steal it. They have been getting what they have wanted all of their lives, coming up through the system.

I heard other people talk about dietary issues. If there is evidence on that, all good. There is a whole range of things that need to come together, but that is not going to help in the future. We need to think about the future children. For the ones within the system now, we can only do what we can for them. For the ones who are up and coming now, we need those preventive measures in place. That is where child safety officers need more training and need to be screened and recruited better in terms of having the willpower and mentality to undertake those types of jobs.

CHAIR: Thank you.

Mr BERKMAN: Thanks for sharing with us. The member for Noosa mentioned before about how, when a lot of kids are exposed to the youth justice system or the criminal justice system, that runs the risk of just hardening them, in essence, and making them better connected and more effective criminals. The flip side of that, I suppose, is a lot of the people making submissions to this committee suggesting that addressing the causes of criminal behaviour is really important. It is things such as the mental health issues that are underlying; the intergenerational trauma that you have talked about, Roderick; the economic and social disadvantage that sits at the root of a lot of these behaviours. Can either of you speak to your experience of that in any more detail and the kinds of direct services and supports that kids and families might benefit most from?

Mr Sailor: From my experience, the services that are out there are for the child who goes on to adulthood to want to be involved in it. If they do not want to be involved in it and participate in it, it is all for a lost cause. We have to go right back and tackle the issues there. Basically, it is an uncomplicated action for a complicated matter: we just need to reward good behaviour and then deliver the consequences for bad behaviour and stick to it. Otherwise you are just going to have children growing up into adulthood and thinking that they have a right to anything and everything they want.

They have to be shown respect in its true form, what integrity means and honesty and trust and kinship. They are coming from broken families. What they understand is violence, trauma, abuse. The safe houses try to implement and create a safe environment, a family environment. However, it is all for a lost cause if everybody does not come to the party and basically, like I have been saying here tonight, reward good behaviour and discipline—not wanting to use the word ‘punishment’.

CHAIR: Roderick, would you like to add something?

Mr Burke: Yes. I will start off with a well-known phrase from Mr Noel Pearson: it is our right to take responsibility. I live and breathe these communities, particularly in the cape. I was born and raised on Thursday Island and I still have a lot of connections with friends from those days from the Torres Strait Islands. I think you need to look at a way to give responsibility back and for the families and the communities to take responsibility.

As I said earlier, nothing was said about the authorised officers and their behaviour and how they engage, not only within the community but also with the parents and those individuals. I can give you one example. I was in Aurukun, standing in front of the snack bar there. A local resident lady came up to two police officers and complained about her son having a party in her house. Aurukun is a dry community under the alcohol management plans. No alcohol is allowed in that community so how the hell did this fellow walk around in that community drunk? At that time, there were 20 police officers on a rotational basis operating within that community—and they cannot stop the alcohol going into that community?

She told them, ‘I want you to remove him from my house. He has his own house down the road a bit. Get him to go and drink with his mates down there.’ They stood there taking notes. Five minutes later that gentleman, her son, staggered up the road. It was all pally-wally. I do not know his name but it was, ‘Hello, Rod, how you going mate? You had a few today?’ I overheard the conversation. They did not take him away. They left him in the street to stagger around and cause more of a nuisance. They drove off.

That is what I am saying about the authorised officers. They need to be really looked at on how they police and how they conduct and how they engage with people in the community. Give the community back the responsibility. Encourage them to take the responsibility. It is a must. I talk about history, about all that responsibility being taken away through the stolen generation and the children being removed. Give it back to us.

CHAIR: Thank you.

The committee adjourned at 7.21 pm.