

**TRANSCRIPT OF HEARING**



<b>FILE NUMBER:</b>	
Commissioners:	Commissioner Kim Wood (CW) Commissioner Bronwyn Fredericks (CF)
Presenters:	Anne Russell (AR) Mick Schuele (MS) Jeff Nelson (JN) Andrew Beck (AB) Shane Duffy (SD) Eddie Pearce (EP) Questions/Comments - various

Inquiry into Imprisonment and Recidivism

Cairns Public Forum  
conducted at Hilton Doubletree, 121-123 Esplanade, Cairns  
on 30 April 2019.

**QUEENSLAND PRODUCTIVITY COMMISSION**

CF: Good morning everyone. We're going to kick off. So welcome to the Doubletree and the Cairns Public Forum of the Queensland Productivity Commission. In opening the forum this morning I'll also acknowledge the country that the hearing is taking place on, that of the Yidinji people. And acknowledge ancestors of this place and Elders of the past and of the present and also of the future, those that are coming up and those that are yet to be born. And we'll hear some of the impacts of some of the work on people that are yet to be born in our first speaker this morning. I do want to stress that this is a public hearing and Commissioner Kim Wood will go through some of that in a moment. This is one of four public hearings that are being undertaken across the State. There's one here in Cairns, followed by one in Brisbane later in the week, one in Townsville early next week, and one in Brisbane late next week. So there's four in total. People are welcome to come and present at a public hearing, as well as also sending or connecting via Skype, video messages and other forms into the public hearing process.

I just need to let people know if there is a fire in the building one of us will signal that we move outside through those doors straight out to the main courtyard here to the left and straight to the back. You'll see a doorway that opens quite large to the light, through that doorway and onto the patio. So Maire with her list of who's registered will look at that and make sure everybody's out there. For people who may need to use the restrooms and the toilets, same outside to the courtyard and to the left, male and female are there. Coffee and tea will be available through the day. We will be going through the process of the hearings and then we will take a lunch break around 12:30. Okay. So just to let you know. In between the presentations we'll also maybe take a short morning tea break or we'll, the Commissioners will probably get up and have a tea or coffee and come back here pending how we're going for time. We do want to run it quite sharp in terms of time. We also understand that there are some people who've got really, well all of you have got really important information that you want to share, and we don't want to cut things short just cause we need to have a cut of coffee.

Okay. I do want to introduce the team. So beside me to my left is Commissioner Kim Wood who is the presiding Commissioner and Principal Commissioner with the Queensland Productivity Commission. Working on the camera today we've got Matt Clarke who's one of the team members for this Inquiry. He's just dubbing today as a video tech. And down the back we also have Maire Ingram who's a member of the team, and today is also just helping out as all the staff with the Productivity

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Commission do do a range of multiple roles in terms of the work we do. So I'll just hand it over at the moment to Commissioner Wood. Thank you.

KW: Thank you. If you haven't had time to look at the draft report which is on our website [www.qpc.qld.gov.au](http://www.qpc.qld.gov.au) just Google or whatever your engine of choice is Queensland Productivity Commission. You can find the Issues Paper and the draft Inquiry Report on our website pdf format and it can be downloaded or read on the site. If you have difficulty accessing it or downloading just let us know, we're happy to pop a copy in the mail to you.

We're a body that works via public consultation, so we don't formulate in a vacuum ideas, as I was saying to a couple of the gentlemen before we started. We live or die on consultation and public input. And the Report will be essentially ground in what we hear, not what we think. So it's important that everyone has a chance to make a contribution. There'll probably be the odd question from the floor. And that's very welcome. Commissioner Fredericks and I will also ask some questions and have a conversation at the end of each presentation. And if nobody has any objections the presentations are being videotaped and tape recorded. So how will today work? We've got six presenters. Four this morning, then lunch, then two following lunch. As I said we're being videoed and taped, so don't be nervous. The transcripts will be, and the recordings will be published on the QPC website for the public to see. Presenters are asked to make a 15 or 20 minute presentation. And it can be shorter if you like. And if it's a little longer we can live with that too. We'll then ask a few questions and have a conversation with each presenter on the material they presented. And we'll capture that by recording it. These public hearing processes generally only invite presenters to speak, however following the conversation between Commissioner Fredericks and myself there will be some time for questions I'm sure from the floor if there are any. Oaths are not required. Just be truthful. And I should say don't be defamatory or libellous if you can at all help it. We're not covered by any government protection here. Stick to the topic, not the players, and play nice. I'm sure we all will. I say that just for the record, but I'm sure, and we've not had any issues in any other hearings previously either on this particular hearing or prior hearings on that matter. And for the record please state your name clearly at the beginning of your presentation and the organisation you represent, if in fact you represent an organisation. Back to you Commissioner Fredericks to introduce our first speaker.

CF: Thank you. So as Commissioner Wood said we'll go through the presentations this morning and leading into lunch. And I'm really pleased to say the first presentation this morning is by Anne Russell. And Anne is from the Russell Family Fetal Alcohol Disorders Association. And so Anne if I can ask you to please take a seat there. You don't need to move the microphone. And this is also for other speakers coming up. The microphone will pick up whatever you say. Just be conscious, all speakers, that any ruffling of papers will come through on the mic. So I've got to be a bit mindful of that myself, I tend to fidget sometimes. So just be mindful of that. And really yeah give your presentation and just think about what you're going to say. Just what Kim said. Thank you. And we look forward to it.

CW: Welcome Anne.

AR: Thank you.

CF: Thank you. Welcome.

AR: Elizabeth Anne Russell, called Anne, from the Russell Family Fetal Alcohol Disorders Association. And I'm going to read my presentation today, simply because I wanted to make sure I covered everything, cause I can easily get side-tracked as a couple of people noticed this morning I'm sure. So I want to talk about fetal alcohol spectrum disorder and recidivism. So why do we bring up, or why do I bring up FASD at this hearing? Because it's the single most effective indicator we have for people who will potentially enter and re-enter the criminal justice system. Why are they likely to be recidivists? Because FASD is an organic brain injury that results in a combination of injuries to the brain and to the rest of the body. Collectively these insults result in symptoms which cause grave misunderstanding about these peoples' ability to make informed decisions, their understanding of court proceedings, their capacity for connecting cause and consequence, and the motive for doing the things that have brought them up against the criminal justice system. They will often misunderstand property. Their logic is strange and unconventional. And their desire to please will cause them to be in court for opportunistic and petty crimes such as breaking and entering, joy riding, property damage, not showing up in court, missing their bail requirements, missing appointments with their parole or probation officer, and sex crimes. They find it difficult to express remorse for their actions even though they feel it. Additionally, these symptoms can trigger sensory overload when faced with flashing lights, loud voices and confusing instructions.

Further, individuals with FASD are unlikely to be capable of competently instructing their solicitor.

In 2005 I wrote this about my experience with FASD. What disability results in people being good at small talk but without substance. They have kind hearts but violent tempers. Complex needs but no insight. Small frames with big expectations. And perhaps saddest of all, damaged minds with such beautiful faces. It's true. Every part of the brain that's damaged by prenatal alcohol exposure allows the individual to look and sound neurotypical, appear as though they have made a considered choice, yet end up bewildered by the consequences. I'm not sure how much I can stress the likelihood that huge numbers of people in our prisons in Australia, and even more who are there more than once, have FASD. The Banksia Hill Study in Western Australia found that at least 40% of people in detention had diagnosable FASD. That doesn't mean that the other 60% didn't, it just means that perhaps prenatal alcohol exposure was difficult to obtain.

Further to that we know that over 60% of women in Australia disclosed that they used alcohol while pregnant. This means that over 60% of babies born in Australia are prenatally exposed to alcohol. That's one of the highest rates of alcohol consumption during pregnancy in the world, if not the highest. Perhaps three-quarters of those women would abstain if they knew the damage that alcohol caused their babies. A national media campaign would reduce that rate to one-quarter, or could reduce that rate to one-quarter. A consistent message on television would educate not only parents-to-be but medical professionals, teachers, correction staff, allied health professionals and others who need to know that FASD exists. At the moment we're not giving people a consistent message. If you go online you can find information about prenatal exposure that can go from absolute abstinence to you know two or three drinks every few weeks, if that's what people want to find. The reason that juveniles and adults with FASD are incarcerated to such a high degree is because of the known and studied symptoms of this disability. I'm wondering how fair our justice system is when people are incarcerated for behaving in exactly the way that 40 or 50 years of research has found are related to this disability. It's like incarcerating a blind person for having eyes but still refusing to see. People with FASD will be incarcerated and re-incarcerated for usually petty crimes. They will find it difficult to understand the court process. In a journal article I co-authored called FASD and the Juvenile Justice System: A Need for Increased Awareness, and published in the Journal for Law Enforcement in Minnesota a few

years ago there was a case study that I won't read out but I'll table for this hearing. So the boy in the case study doesn't deserve to spend time in the juvenile justice system. This young lad's brain function is compromised. He can't, not won't, make appropriate decisions. Because he can't weigh up the consequences of his actions. He isn't a criminal, he is a child with a disability. People with this condition or who are suspected of having this condition must be identified and appropriate methods of punishment must be utilised. Jailing someone and putting them in a cell, even in neurotypical cases, has questionable efficacy. But when a person who clearly does not connect cause and consequence is placed in a cell nothing will change. The part of the brain that controls impulses and allows accurate processing will not grow back. Placing a child with FASD in a cell with other criminals who may or may not be neurotypical is asking for recidivism to grow, society to misunderstand people with a disability, and it will confirm to these young people who may be otherwise able to live productive and healthy lives that no matter what they do they'll be in trouble.

My own son has been convicted of a crime and sentenced to 12 months. He had been diagnosed with full fetal alcohol syndrome. That is, he had the facial features. He had the thick upper lip, the flat philtrum, which is this part of the face here, and the short eye slits. He was diagnosed in Canada by one of the world's leading experts in FASD, Dr Sterling Clarren. However, because his solicitor at Legal Aid had no knowledge of FASD, and when I explained it appeared doubtful, she requested another assessment from a well respected psychiatrist in Brisbane. In his report he said that my son did not have FAS and that his problems all stemmed from his drug and alcohol use. And this is the problem that we do have, is that FASD covers so many different areas. Secondary disabilities include drug and alcohol use, to mask anxiety and depression, and fear and all the things that go with never seeming to be able to do the right thing. Mental health issues, dropping out of school, ending up in the criminal justice system are all secondary disabilities. Known and researched and studied secondary disabilities of FASD.

So this is how we treat people with disability. We ignore them, disbelieve them, incarcerate them, contribute to their poor mental health, and then we cast them aside. My son's case is not an outlier, unfortunately this is happening around Australia in the various State and Territory criminal justice systems. I have evidence for all my claims if required.

The following are the most important things as I see it for a person with FASD, or suspected FASD, convicted of a crime. Firstly, they must be diagnosed. If they have to be incarcerated they should be held in a farm type environment. Strict but productive. Routine and structure are very important for people with FASD. This environment needs to teach people with FASD and others the skills involved in daily living, such as cooking, cleaning, paying bills and other life skills that we all take for granted. They should be linked with services, including the Public Trustee and the Office of the Public Guardian, and other services such as Advocacy and Disability, NDIS. These relationships should be established prior to their release. And of course they need to have supports after that. I'm not suggesting that after release everything should cease. They need, this condition is life-long. And brain injury won't, it's irreparable. So the supports need to be there throughout the life of the person.

They do need to be aware that even though they may find it very difficult and sometimes unable to link cause and consequence they live in a society where consequences and personal responsibility are key. So reinforcing that during their stay in the prison would be really good. And they need to be supported to understand relationships and friendships, including the sexual component of these relationships. Because a lot of people with FASD will end up in prison for sex crimes.

And that's my presentation. I'd like to table also a document that was published in the Academy for Justice, a report on Scholarship and Criminal Justice Reform. It's called Prisoners with Disabilities: Individualisation and Integration. It's from the US. And it doesn't specifically go through FASD, but it certainly does have some recommendations that I'd like to put forward.

CW: Thank you Anne.

AR: Thank you.

CW: Well done. We'd like to take the material, and certainly we'll publish that. Are you comfortable for your presentation to be, as taped to be uploaded to the website when the time comes?

AR: Yes. Mmhmm.

CW: Would you mind telling us a little bit about your background? As much as you're comfortable to share.

AR: Sure. So I'm a recovering alcohol. I've been sober for 20 years. Unfortunately, that was after my boys were born. And in 2000 I sort of, my young son had been diagnosed with ADHD. But it didn't explain some of his behaviours. And this is a common, very common diagnosis. The more of these sort of diagnoses, ODD, RAD, you know that sort of thing, autism even that a person has the more likely it is to be FASD. So anyway it didn't explain the whole of his behaviour. So I did some research and found that FASD was a possibility. And because I was an alcoholic it was very clear to me that that was what the problem was. And he certainly displayed many of the behaviours, almost all of the behaviours. My oldest son had almost every symptom when he was little, but somehow dodged the bullet that my young son didn't. And that was the mental health, misunderstand, cause and consequence. He did have some of the physical issues. Because this disability is a whole of body condition, it's not just related to the brain. It impacts a lot of organs and parts of the body. But my young son then went on to get into so much trouble that I just didn't know where to turn. He was suicidal because he was always getting into trouble and he was at heart a good kid. So I tried to get support for him here. I'm afraid doctors really didn't understand the condition. Wondered why I was doing this to myself when my son was all I was concerned about. So eventually I went overseas to a conference and met Dr Sterling Clarren, who was able to diagnose my son using software that he'd just developed, which measured the facial features. And from then on I guess I wanted to learn as much as I could about FASD, but also to, because I knew the horrendous consequences and how my son, both sons really have suffered. Yeah, I wanted to try and you know reduce the prevalence of this condition. So far it's been really tough. I was saying to Matt I think and Bronwyn that in 20 years we've come what should have been about five years. You know it's very unfortunate that it's taken us so long. We're about 20, at least 20 years behind Canada. Yeah. And it's really great that this is being picked up now.

CF: Thank you. Anne, you mentioned that a farm environment might be a good option.

AR: Mmm.

CF: I'm wondering where that thinking comes from. If it's because you've seen that work. And, secondly, if you had you know the hope for any environment what would be the ultimate environment? Moreso because we sometimes think we've seen a farm and that might work.

AR: Mmm.

CF: But if you had, options were open slather what might that look like?

AR: So specifically for FASD it would be an environment that is conducive to sensory issues. Cause sensory issues are also a part of FASD. So the environment, I suggest a farm because I think that's sort of been discussed amongst our group and we believe that's probably the best option. Because it gets kids out into the open air, it gives them a multiple range of skills that they can learn. You know the farm might be supplying you know various produce for the actual prison. So they might learn you know production, manufacturing, you know selling, wholesale, all of that sort of thing. They are learning new skills. And these life skills are critical, because that's where they, you know that's where their whole brain lets them down. I haven't actually seen it, but I have been to a classroom that was specific for children with FASD over in Winnipeg. And I would imagine, I would like to see that environment translated into that farm environment, where everybody understands FASD. And understands that because if somebody can't do something or refuses to do something it's not because they're being you know disrespectful or you know, you know it's because they can't do it. And because so many times in the past they've tried to do something and somebody said well you did it yesterday why can't you do it today. You know and so they're reluctant to try. They start out wanting to please everybody, and by the time they're in year, I don't know, maybe 6 or 7 or 8 they start to realise that there's something different about them. And so they still keep trying, and failing, trying and failing and then they stop trying. And so if we can get to them before that, that's great, but after that then we need an environment where they actually are succeeding at things. And the only way they're going to do that is for everybody around them to understand the reasons why they've failed in the past.

CW: Thanks Anne, that's really helpful. Could I ask you, if we go back a little earlier in the process. So something's happened, there's been a failure of some sort, the police have become involved, and then you get into the nightmare of needing to brief solicitors and all that sort of stuff.

AR: Yeah.

CW: How do we help, what would help in that part of the process? Let's say a crime's been committed or they've been caught doing something wrong, then the relentless justice process starts. What sort of support would be appropriate during that period of the process?

AR: Well you know what, I think the best support is the support that's led by people who understand the condition. There's no substitute for you know people understanding why these people are making the decisions that they're making, or not able to make the decisions. You know right at the very beginning, like the flashing lights, I mean that escalates their behaviour. So it might be a very simple issue but they can't problem solve, they can't, or they find it difficult to problem solve, they find it difficult to make decisions. So, and because of the sensory issues they're automatically escalated. So the police might say you know, give them an instruction and they, because their processing takes a longer time they're standing there not doing what the police officer. So it's right from the beginning. It just, it needs people to understand FASD.

CW: Yeah. This is not just a problem in indigenous communities, clearly.

AR: No.

CW: So Australia would have perhaps more FASD cases than we realise.

AR: And unfortunately we don't have any mainstream prevalence rates. We have indigenous community prevalence rates up in Western Australia, which is much much higher than was stated in the media. But we don't have mainstream. And so until we get the mainstream prevalence rates, people are going to think it's just an indigenous issue. And clearly I'm here to say it's not.

CF: Thank you.

CW: Thank you. Are there any questions from the floor for Anne?

EP: I've got a question.

CW: Could you state your name if you don't mind.

EP: Yeah, sure. Eddie Pearce from LifeBlood Australia. My question relates to even further back, insomuch as going back, because of what you've said it's somewhat personal, so going back to the days when you were an alcoholic I'm thinking that you thought about the reasons why you may have been that way but then had the effect on the person. So what I've heard it said is that if we understood why an individual turned out the way they did then we could go back to prevent those circumstances from even occurring, such as they get to that result. So I guess my question is with what you're doing are you also looking back further to that root level as opposed to, you know and it's important to look after people like your son, but to

say that being able to prevent that. And you've mentioned about TV advertising. I guess you know possibly even goes back to you know the family level so to speak you know.

CW: Has there been any appetite from government for a media campaign? Or are you getting traction when you've lobbied over the years?

AR: No. No. I have to say we're not getting traction in terms of a national media campaign. I'm not sure why. I just have to say that RFFADA, my organisation, or our organisation is unfunded, completely unfunded for general work. So we operate solely on volunteer work. And yes, we have gone back. And yes that to me, because everybody's been giving an inconsistent message. So you can go to one medical professional and they'll say it's okay to have one or two drinks. When it's not. Because even one or two drinks can cause problems. And then you go to somebody else who says abstinence. Women aren't getting consistent messages.

CW: Is the science out there established? Is there a baseline we know absolutely what to do which would produce the best outcome?

AR: Absolutely.

CW: So it's understood, the science?

AR: The science is there.

CW: Right.

AR: And I've heard people say in the media and on the net that there's no science, you know there's nothing to say. There is absolute science. There's also science that says one person who's affected by FASD their DNA changes. And that can be handed down for several generations. For example, my eldest son and his wife obviously knew about this condition and did everything perfectly, but their daughter has autism. My eldest son, my eldest grandson has FASD. This is from my youngest son's marriage. So we don't know whether that autism with my eldest son's daughter, my granddaughter, is related to his, the changes in his DNA. But that science has also been established. So there's no, there should be no confusion. But unfortunately there is. Additionally, we've got new research coming out now from the States and Canada, I think Canada, and it says that dad's impact at conception is very critical as well. So if dad's a heavy drinker or drug user at conception, even if mum doesn't use any drugs or alcohol throughout her pregnancy

that child can still have very similar issues to, this is anecdotal, to a person with FASD. And I know several instances where that's occurred. So you know, but we've got not only to prevent but we've got to inform parents-to-be for the best possible outcome is to plan a pregnancy, to know exactly what, you know what to do and what not to do in terms of alcohol, and then they've got the best opportunity. Unfortunately, 50% of pregnancies are unplanned in Australia.

CW: You've been very brave to tell your story the way you've told it today. So thank you.

AR: Thank you very much.

CW: Commissioner Fredericks any other questions?

CF: No. I'm fine.

CW: Any other questions from the floor?

EP: I just want to commend Anne on what she's doing. It's taken a lot of guts to get up there and say what you're saying.

AR: Thanks Eddie. Thank you. Thank you very much.

CW: Thank you Anne. And we'd love to take submissions on the case study. And good luck.

AR: Thank you.

CF: We've still got a little bit of Anne.

AR: Yes.

CF: Since there's no further questions I'm happy for you to state any key points that you might want to put across just if you wish to do that.

AR: I guess it would only be an emotional plea to understand these kids and these people. To know them is to really understand that they're not bad people. They are, you know the majority of these kids they try really, really hard. And if you saw the progression of a child with FASD who is not identified and see how they, my grandson for an example. And I'm using that because this is, yeah.

CW: Yeah.

AR: After the fact, but. He tried so hard. He's tried and tried to do the right thing. He tried to you know learn reading at the same level as all the other kids. And now I

can see after his diagnosis, he's in year, he's 10 now, and I can see him, his deterioration. Even though we know he's got FASD it still wasn't picked up soon enough. He was 9 when he was diagnosed. So the deterioration now has to be arrested. Because I just shudder at the thought that he is going to end up like his dad.

CW: And it sounds like he'll get the support he needs. What will life be like ultimately for him? What sort of life can he create, given the start he's had? What would you hope for him? What's achievable?

AR: Well I think he can live a normal life. What we call a normal life. I think he can, if he can understand relationships and the give and take in relationships.

CW: Okay.

AR: Because people with FASD are very self-centred, because of their brain issues. They're very aligned to the moment. If he can understand about the give and take in relationships, and if he can stay away from drugs and alcohol. And that's a key factor I think. Because these kids become very anxious. Am I going to go to school today and get into trouble. Probably. You know because that's what happens. You know they're always in trouble.

CW: And that's corrosive to them long-term.

AR: Absolutely.

CW: And that just sort of corrodes away their self-esteem.

AR: Self-esteem, and causes depression and anxiety. And then when they get to the stage where they have access to alcohol and drugs, I remember myself that was the only time I was happy. Of course they're going to do it you know. And then that takes on a life of its own. And then the mental health issues that go with it. And then the societal issues that come with that. If he can avoid that he has a chance.

CF: Thank you. Thank you Anne.

AR: Thank you very much.

CF: Thank you.

CW: Keep up the good work.

CF: Just a reminder that Anne Russell is from the Russell Family Fetal Alcohol Disorders Association.

AR: I'm sorry but I have to go.

CF: Thank you Anne.

CW: Thank you Anne.

AR: I do have another job. But the names on that document are, I think Matt wanted to, the names of a clinic on the Gold Coast. That's the contact details.

CF: Okay.

CW: Thank you very much.

CF: Thank you.

AR: Thank you very much.

CW: Bye.

CF: Thank you for that. Alright. We have Mick Schuele scheduled for 10:15. So we need to wait till 10:15 in case anyone was wanting to come in for that. Okay, so we'll just have a short interval till 10:15 and then we'll commence at 10:15. Okay.

CW: Grab a coffee anybody if you're keen.

CF: Yeah, we're pretty much keeping to the schedule so just be aware of that.

(BREAK IN HEARING)

CF: If people can just take their seats thanks. We're going onto the next session. And just a reminder this is the Queensland Productivity Commission Public hearing regarding the Imprisonment and Recidivism Inquiry. First of four hearings. The next person who is present is Mick Schuele from the Cape York Partnership, Cape York Institute. So thank you. Mick, I'll hand it over to you if you can introduce yourself and then start into your presentation.

MS: Thanks Commissioners. Yeah, so my name is Mick Schuele, I work for the Cape York Institute within the Cape York Partnership structure. And we've had involvement, particularly on the Cape, you know for 15 years. And the Cape York Institute some of you might be aware it ran the welfare reform, or the welfare reform trials that began in 2007 are a you know a project run out of the Cape York Institute.

We've also had Empowered Communities. More recently we've had Pama Futures and we've had previous involvement, particularly with the Queensland Productivity Commission and their 2017 Inquiry into the Reforming Service Delivery in Remote and Discreet Indigenous Communities in Queensland. So for this particular Inquiry I'd like to thank the Queensland Productivity Commission for the opportunity to come and speak with you and to hear our views. We are making a more detailed, longer submission in addition to our initial submission at the moment.

CW: Great.

MS: And we'll have that in the next couple of days. And I also know that Ms Zoe Ellerman and Mr Noel Pearson will come and speak with you at your Brisbane hearings on the 10<sup>th</sup> of May. So there'll be some additional points they'll make with the submission that's still being finalised at the moment. So thank you for your patience. So yeah in our region of Cape York, Far North Queensland you know we're particularly concerned for the very high rates, and you know in the last 10 years, increasing rates of imprisonment and recidivism for indigenous people. And of course our concern is for the people that are already in the system and that those numbers are growing, but you know our history of our involvement in this has been primarily focused on trying to address the underlying structural drivers that are leading to these very high rates of imprisonment and recidivism. So just one thing with your Report, there's not much mention of the youth detention numbers. I know it's not in your terms of reference explicitly, but it does give you an idea, you know you're 26 times more likely to be in youth detention in Queensland if you're indigenous than if you're non-indigenous.

CW: 26?

MS: 26 times. And so it gives you, it's predictive I suppose of the continuing rapid rise in the adult prison population. So these structural drivers, I mean as we heard from the previous speaker as well, I mean they go right back to in utero, but you know that headline youth detention rate for indigenous youth, and of course for non-indigenous youth it's catastrophic as well, but particularly you know for mainstream. For the imprisonment rate of adults it's 10 times, but for youth it's 26 times. So that's a big issue. So you know this massive level of over-representation of indigenous people, indigenous youth in the prison system it's not, you know too much we've been dealing with it's the result of a system, and particularly in remote and discreet communities you know I'd just like to come back to the 2017 QPC

report which really it was probably the most important report released by the Queensland Government in 20 years. And it really assessed the structural drivers and the fact we're still in this management and protection era concerning you know 25,000 first nation indigenous people in Queensland. And so I suppose for the draft report we were particularly disappointed to see that you know on page 85 you had half a page on the response to that. And a particular, I mean you know I've got the printout of the page here, the heading for the discussion of that very important inquiry was you know Better Service Delivery in Remote and Discreet Indigenous Communities. It's not about better service delivery, it's about the underlying structural reform and the history of that. But more importantly what we do with it now given you know the very high levels of disadvantage and all the sort of downstream consequences of that that we're always sort of talking about in the headline indicators. So I guess the other side to that, and I'll just talk to this initially, but you know the Queensland Government's response in the last 18 months since that report was released, we've been talking to the Queensland Government, we've been trying to understand their Thriving Communities response, and given the quality of the Queensland Productivity Commission's Inquiry the response of the Queensland Government so far is just, it just doesn't pay any respect to the quality of the report that you did. We don't know what else is going on or what else is in the wings at the moment, but we feel that there is an opportunity for this Inquiry that you're currently doing to re-state your core findings of that Inquiry that you did in 2017. And to also I guess ask the Queensland Government, the Treasury and DATSIP where its response is at and to give them the opportunity to respond within your final report. But for them to have 18 months and just to say well we're going to move now from a surviving to a thriving situation is quite crazy when there's nothing attached to that beyond the usual measures, you know like for example diversion or more investment in local services. You know this is not a service delivery issue. You know there's a structural reform issue that was well articulated. And really we would like to see that re-articulated in line with our own thinking that we have made over the years, particularly Empowered Communities, Pama Futures. So just to make one final point around the Queensland Government's response I mean the one I guess structural policy reform that really was bipartisan across the Australian and Queensland Government and was designed by Cape York Communities was the Families Responsibilities Commission. And that is the one thing in terms of the Thriving Communities response that the Queensland Government said they're going to cease if you like. So there is opportunity within reform of the FRC to you know

improve the outcomes with regard to imprisonment and recidivism with relation to the justice groups. So there's a real opportunity there, but I guess it's just emblematic of where we're at with the Queensland Government is that they don't see the opportunity for further reform or improvement, but they want to dismantle something I suppose that doesn't fit into their management and protection objectives. So, yeah in summary I think we really would like to see the final report go back to re-state those principles. And it's not about service delivery it's about the structural reform.

So one other thing that really stood out from the report is there was some good data discussion. And you know we thank you for the work in the report. But, and particularly the differences between indigenous and non-indigenous and the sort of reasons people are getting custodial sentences. So you know at the national level the ABS data shows that almost half of all indigenous sentences are from acts intended to cause injury and unlawful entry with intent. So the point here is that we know a lot of these injury convictions for indigenous people are linked to alcohol and substance abuse. So in addition to that, the report doesn't really make any mention of the link to alcohol management plans. And you know what the position is on those types, on that particular issue from the government either. So I think there's an opportunity to make some very strong recommendations. And also to analyse the problem more clearly on that front.

So, yeah just going back to one, you know like a lot of us know the 1991 Royal Commission into Aboriginal Deaths in Custody and similarly to the QPC's 2017 Report one of the main findings of that Aboriginal Deaths in Custody Report was that disempowerment and the structural dimensions is to blame for a lot of the problems back in 1991. I guess what the report didn't do back then, it came up with a set of recommendations that really you know treated the symptoms. It didn't treat the underlying drivers. So that's what we have to learn from that history and from the last 30 years where the rates of indigenous incarceration recidivism has gone up is that you know we have to get to the underlying structural causes. And we just can't, this symptom thinking has to end. So yeah I think that's all I'll say on that. And there's definitely more discussion that will be coming from Ms Ellerman and Mr Pearson on the 10<sup>th</sup> of May in Brisbane around that.

So I think that's pretty much in terms of the draft report sort of the comments we would like to make on that. But there's plenty of room for discussion obviously within what I've said.

CW: Thank you Mick.

CF: Have you got questions?

CW: Thanks for that. The underlying structure reform it's a key issue for us to identify those. And I'm not about to mount a defence of the draft report. It was essentially to do exactly what you've done. It was to fly some kites and to get exactly that sort of response...

MS: Yeah.

CW: ...and tell us where we've still got some gaps and where we've got it wrong. You've done a great job in doing that. I hear you loud and clear. And we'll make an effort to plug some of those gaps going forward. Do you want to give us an example of an underlying structural issue that really, you know it's one of the many things I suspect that really we all should be concerned about and making efforts to solve.

MS: Well, I think in terms of remote and discreet communities you just have to look at the history of you know the Missionary. You had the protection era. And you know government are quick to say oh we've got local Councils and you know they've got their own government structures. But you know there's no rates base in these communities. Like the Councils are completely funded from the State Government. They are, they have no choice but to fall in line with what the State Government, you know there are no, local people are not, don't have a normal relationship with their local level of government. You know it's very much a State Government apparatus the local Councils. And I'm not denigrating what they do, because they provide critically important services and they do way more than a mainstream Council. But if you understand the history of the Missionary or the protection era and then the movement to Aboriginal local government this is not self-determination. We are still stuck, you know stuck in this service delivery paradigm that you know seems to strengthen year on year. So the reality is people on the ground understand the problems that they face. And you know I've seen 20 years of work in some of these communities that if government had backed this thinking 20 years ago we would now be talking about something completely different. And this is about human beings in a certain situation. This is not about being indigenous. There's nothing indigenous-specific. This is, you know some of the unemployment rates are a good example of that too. So. I don't know if you're aware but I mean the ABS does in our small labour market does a very comprehensive small over market survey. So for Yarrabah for example that employment rate's been hovering around 75% for the

last five years. And it's always been very high for the last 20 years. The participation rates in the 30's. So that's 40 minutes down the road from Gordonvale. There is a high level of unemployment from you know mainstream standards is 8% and the participation rate is 60%. But you know I guess to as a society and as a government tolerate that level of unemployment and to say that we can get there with better service delivery or building things in the same way that we used to when for 20 years local people have been telling people that it's not going to work then, you know I don't know if that answers your question about the example, but that's the situation. That is the current situation.

CW: You've answered it well. That's a great example.

MS: Yeah.

CW: I know there's many others. We haven't talked about alcohol, we haven't talked about health, we haven't talked about schooling. There's a whole range of them out there with fundamental structural problems.

MS: People are recipients of, they get services but they really have very little local opportunity to improve their lives. But even where you've got mainstream labour markets down the road for example the linkages aren't there. There's just no, you know and to go back to the welfare reform project that was begun in 2007 I mean there was, the correct theory is there's been a collapse of social norms around a whole bunch of issues. And how do you rebuild those social norms. And the only way you can rebuild those social norms is through local authority and agency. You know we've seen it time and again. So the FRC is an example of that where you're rebuilding local social norms. The social norms around local agency and authority. And it works. It really works. But...

CW: Mick, these aren't intractable problems. There are potential solutions if we're encourage to embrace them.

MS: Absolutely there are. Yeah. And you back the local people with the agency and authority. But you know it's working out what the role of government is in such an extraordinary situation and an extraordinary legacy. But to keep perpetuating you know a myth I suppose around what works when it actually doesn't work it's costing a lot of money and it's not getting anywhere. And ultimately, like the people on the ground are blamed for lack of progress.

CF: That's right.

MS: I'm not saying they're not, they have to be active players but they have to also be given the right supports. So. Yeah.

CF: Thanks Mick for your presentation. And also for making reference to the 2017 NQPC Report. A significant amount of work was put into that. A significant amount of work's gone in to this today, but as I explained in the break, and I'll just let other people know, some of the data that we've recently received was slow in coming, both from government and a number of another agencies. And we've been getting that data over time. So you'll see a significant amount. And a shift in some of the data as represented going into that final report. Which is a good message to give everybody today.

You mentioned the alcohol management plans. And I acknowledge we haven't gone into those in too much detail yet in the draft report. What is your thoughts around those, in terms of going forward in terms of the recommendation? Is it number one matter around looking at decriminalising or criminalising or maintaining laws around some substances?

MS: Yeah. Well, so first off I say I'm not an expert on AMP's...

CF: No.

MS: But I've had some involvement, and I would certainly encourage you to ask Mr Pearson and Ms Ellerman those questions...

CF: Yes.

MS: ...in Brisbane. But in terms of my response to that is that you know the AMP's have come under attack at various times and it fundamentally misunderstands the foundation of the AMP's. The foundation of the AMP's is people in communities are saying enough is enough. Like you know we can't have a community where half the community has got a real problem with alcohol where we've got no policy as to the supply and policing of alcohol. So you know people often get upset about the rights of drinkers, well what about the rights of the women and the children in that community. What about the rights of the unborn children, the kids that are in utero. So it's not a complete solution but, and people often say well prohibition doesn't work. Yeah, well sure, but in these cases if you didn't have the AMP's what would be the situation. And things would be far worse. So it's an example of a policy that needs more support and it maybe needs some more current thinking. But fundamentally it's got to be about supporting local agency and authority to take

control of those AMP's. And what other services might need to hang off the AMP's. For example the FRC. What other services can the FRC in those communities direct people that have got you know alcohol abuse, substance abuse addictions. So there's a co-ordination issue, but fundamentally I would say these things must be maintained and to the degree that communities want to maintain them and that you know it's up to government to get completely behind the local people in terms of how they want these things to look in the future. But that's not to listen to the noisy minority who complain about the rights of drinkers and the rights to sell alcohol. I mean the history of this stuff is some of these communities, some of their base funding used to come from canteen sales you know. It's ridiculous. Like how can you have canteen sales being the funder of local government services. It's absolutely crazy. So we can never go back to that situation. And you know not that long ago with the State Government under the Neumann Government that's where we were heading. You know we had you know representatives of major alcohol interests flying around the Cape saying we've got to reopen the canteen because there's money to be made you know. Well, no way. No way we're going back to that.

CW: What's the role of government in this issue, the Queensland Government? Where should they, how should they play in this space?

MS: Well, I think going back to the QPC's there's a lack of structures at the moment that can really engage with government. So. But the Councils do a really good job, but they're always under funding pressure. So I think there's got to be an effort to really, to find a sub-regional voice and a regional voice on these matters. And whatever happens federally I think there's scope for the Queensland Government to come up with its own solution in this space. And the QPC's 2017 Report's got all of the recommendations you'll ever need on that. You know there's got to be an interface between government and community, and it can't just be the local government. They have a critical role to play, but for what I just outlined before they also, they are a dependent arm of the State Government. They can't be relied upon. Nor are they representative of the entire, you know of all the issues that are there. So how you generate, create those structures the Cape York Regional Organisation have thought about those issues a lot as well. And it's on the public record. So. But in answer to your answer Kim the Queensland Government needs to think about the structures it engages with. It can't just defer all the decision making to local Councils. Yeah.

CF: Thank you.

CW: We hear you and we understand.

MS: Yeah.

CF: At this, did you have another question?

CW: No. That's it for me.

CF: At this point I'll open it up to the floor, if there's any questions from other members of the audience here today. Yes. Please remember to state your name and where you're from.

CB: Sure. My name's Camille Banks, I'm from the Family Responsibilities Commission. I guess I just wanted to add something to the discussion if I can. It seems to me that some of the I guess new justice strategies that the Queensland Government in fact already supports in other areas like the (ui) and (ui) and I guess leaning towards justice reinvestment strategies. We've dovetailed really well into something like the FRC where the response is a community response is an early intervention kind of conferencing response rather than you know (ui) justice response. Which (ui) run into problems with criminalising people really quickly with AMP's. But I guess yeah so my comment I guess is that some of these things that the Queensland Government already support work really well with the indigenous authority structures (ui) FRC and in many other ways. But that link isn't being made. So, yeah I guess that's (ui).

MS: So yeah, I totally agree with, I mean we would totally agree with that. And there's this opportunity being missed. Because the FRC should have evolved quite significantly over its lifetime. And that was no lack of trying by the FRC or the regional orgs. But you know we've had, the FRC's had a series of one year extensions to its mandate and to its operation. And so you know I remember back when the FRC was first being thought of and someone said in government oh well how long do you need? And said oh we'll need about 20 years. Like you know just laughter you know. So. Well, that's the truth. So now we've had 11 or 12 years after initial three or four year trial and I think a big problem is the short-term sort of funding extension. So that never gives you any space to sort of do the sort of things you're talking about there. And just to make one more point about the FRC. The FRC has done a fantastic job, but it really has struggled with that hardcore group of people in community who once you conditionally income manage and once you've

had the hard conversations with the Commissioners there's not much more you do. So it needs more tools in its arsenal in terms of what the local Commissioners, who are the voices of indigenous agency and authority. Not just punitive but they're measures of support. You know you need more measures of support. So. And that is the critical moment where someone may be just before entering the criminal justice system and first custodial term. And that's what the Queensland Government should say well that is the opportunity. Maybe not early intervention but it's not too late stage intervention to help somebody. So, yeah.

CF: Thanks Mick. Anyone else? Eddie?

EP: Eddie Pearce again from LifeBlood Australia. Just listening to what you've had to say. The speaker before basically touched on early intervention as well and you also reinforce that. And just from what you're saying, I mean I'm a bit of a layman here, but to say that it seems like agencies tend to get tied up with their political agenda as such rather than just coming down to human level and dealing with things on a much simpler platform, if I can put it that way. So I haven't really got a question, but just to say that the common comment of early intervention has at least reoccurred twice now. And I know it's something that I'll be mentioning. But you know unless we can get to that root-level stuff a lot of these other things with drugs and alcohol and whatever it is they'll just keep on reoccurring you know.

MS: Absolutely. And early intervention it's in utero, you know. I mean we just heard about FASD. Like you know there's no worse, that's a terrible start for a child. I mean it's not that the parents don't love the child, but developmentally that child can never bridge that gap. So. And so if you can do things that avoid as many of those situations as possible, even bring it to mainstream rates. I mean there's just got to be a full court press on that in terms of the reform that's needed to achieve that you know. Yeah. So.

CW: Are you optimistic Mick about the future?

MS: Oh 100% I'm optimistic. Because even in my 10, 12 years that I've been lucky enough to have been involved with this you know I've seen enormous changes, enormous change for the positive. But it varies from place to place, it's not the same everywhere. And I think it's another issue that we sort of lump indigenous people into one you know homogenous category. These are discreet first nations. And I think if there's, and I shouldn't be the one telling you this, you know people from first nation should be telling you this, but you know every place has its own

identity and will have its own way to develop its solutions. And even with the QPC's 2017 report you know you can have structural reform but there will be different speeds at different places develop. And I would say some, you know if there's a spectrum or a continuum, like some places have really, you know really seen rapid improvement. And it's not even because anyone else is involved, they've done it themselves. But then other places are, the problems are so great if you like. And also I would say that the government response sometimes has just, you know I don't want to mention any particular place but you know the service delivery response is so overwhelming in its quantity and its level that you know it ceases to be a place where people identify as their home town. It's a service delivery hub you know. And then a lot of the decision making you see is about how do we get, where do we house the police, where do we house the agents of service delivery rather than what does the community think about this. So, yeah. So yeah I am optimistic, very optimistic. But there are things as a nation that, and I think we're about to reach that point federally where you know Australia's got a lot of growing up to do. But I think there's stuff that Queensland can do off its own bat, not have to wait for any federal movement. So. Yeah.

EP: Just another comment. You mentioned about community in a particular area having impact on the way that they're progressing forward. It's something that I have certainly come across where individuals in the community seem to recognise that there are issues and it probably just takes for someone to step forward and create the lead push for that group to take it to the next level, because for some reason I don't know why but like you know government just don't seem to have that relationship connection. (ui) if that's a good way to put it. So you know if you can take models from those communities that are doing it well and endeavour to maybe reciprocate those in other areas perhaps.

MS: Yeah, I think it's a local leadership issue. And there are fantastic natural leaders in all the places. And I meet them every day. And I just, you know I'm always so impressed. You know they're just remarkable human beings you know. And they're the ones you just have to back in each place. So. And I think coming back to the structural interface, the natural leaders that's the people you really have to you know hear the voice of and consistently hear the voice of that. And then you can come up with a five year plan or a 10 year plan. But you know it starts with you know this aspiration what the future is and then you have absolute consistency with trying to

you know meet those challenges. But you got to back those local natural leaders. So. Yeah.

CF: Any other questions from the floor? Okay. We've still got a little bit of time Mick so I'm going to hand it back to you for any final comments or points that you want to just re-go over in terms of your presentation. We've got a little bit of time.

MS: So...

CW: Mick, I wouldn't mind also hearing a little bit about what's got you here, this particular part of your life. Why here? Why now? Why?

MS: Oh look, I think anyone that works in this area you know, well, from a public policy point of view you know there are a lot of very difficult problems in Australia. And my background's from public policy with the Federal Productivity Commissioner. I worked for the Federal Treasury. And you know when you initially come, when you initially understand the situation, particularly with remote and discreet community and the history of it, and you start to think about the policy issues I think you know you can't help but want to be involved to try and help with that situation. So. I think this is a really, look there's a lot of challenging things in public policy, but in terms of for me this is a very big public policy issue for Queensland that I think we've now got enough understanding of what the problem is, it's now time to really do something significant. So in terms of indigenous over-representation in the criminal justice system it's, you know standalone it's got so many headlines, we've been talking about it for 30 years but you know we've had report after report. Even setting targets you know there was you know, we've mentioned a report in here from 2000 but that was a partnership report between the Queensland Government and the communities in 2000. And it said there was going to be a 50% reduction in the imprisonment rate by 2010 you know. And it went exactly the opposite way, there was a 50% increase. So you know at some stage you have to go back and say well this isn't working. And there's no command and control of public policy answers in this space. It has to be at local agency and authority. Particularly given the remoteness and the discreet nature of these communities. So, yeah. I wish there wasn't so much work for public policy in this but there is and you know I'm happy to be involved in it, continue to be involved. So. So just, if I've got a minute...

CF: Yes, you have.

MS: Yeah, I think just to re-highlight the point, I'm sorry I've forgotten your name, but from the FRC.

CB: Camille.

MS: Camille. There's just a lot more opportunity I think to link the service delivery system that really is the State's service delivery system with the sort of things that the FRC's trying to do. So with the local justice groups, with the Magistrates Court, there's just sort of a moment now to have some clear thought. You know I'd be interested the collective minds of the QPC to have a look at that particular issue and to make some comment. Because I know you've got a good understanding of what the FRC does, the history of it. And maybe, you know the FRC's future is absolutely under threat at the moment. So (a) what are your views on the FRC and that type of reform, and what are the opportunities in this particular sphere for the FRC to improve what it's doing and to you know be you know a central point for re-establishing agency and authority but you know making the Queensland service delivery system work you know for all those people, in particular that you know harder core group that at the moment the FRC really hasn't had much opportunity to work with. Yeah. Anything else?

CF: Thanks Mick.

CW: Well done Mick, that was very helpful.

CF: Thanks for your presentation. And just a reminder to everyone it's Mick Schuele from the Cape York Institute just presented now. So we do have a bit of time. We're going to go to a break, just five minutes and then we'll start again, reconvene again with Jeff Nelson, Clinical Psychologist. Thank you. Thanks Mick.

CW: Thank you. Well done Mick. Thank you very much.

(BREAK IN HEARING)

CW: Jeff, thanks for coming. Now you're a Clinical Psychologist in practice here in Cairns.

JN: Yes.

CW: And you've been in the game a long time.

JN: Yes.

CW: And thanks for coming and speaking with us today. We've got till 11:45. You'll give us a presentation no doubt and Commissioner Fredericks and I will ask a number of questions and then we'll open up to the floor. So as I've said earlier our work is essentially grounded in these sorts of consultations and presentations. We welcome you. We thank you. And looking very much forward to hearing what you've got to say to us this morning.

JN: Alright. I'll start at the beginning. I'm going to sort of try to float something which is a little bit left of centre. But anyway that's what we do I suppose. Look, basically I want to look at three different things. One is the idea that jail is an alternative environment. It's not a consequence of unlawful behaviour. So whether I live in environment A or B has its different costs and benefits. I want to look at the idea that incarceration is rehabilitation. And you'll find that I'm not very positive on that. And I want to talk about an alternative sentencing option based on the Charters Towers Rehabilitation Unit. I don't know if anyone knows about that unit. It's mainly for dual disability. So people with developmental disability and mental health concerns go into that unit. And there's a long protracted process where they come out the other end independent, capable, able to negotiate the world. And I think there's an extreme overlap between the population definitely in Lotus Glen and Charters Towers. Also I want to talk about a potential pilot process that might allow us to look at whether the alternative sentencing option could be viable in terms of dollars and cents. And I don't know anything about money so just allow for my sort of limitations there.

So jail as an alternative environment. It sounds like I'm saying well life in the community is rubbish and life is much better in custody. Most people would say that's clearly not the case. But I'd argue that may be not so much you wake up in the morning and choose to go to prison, but the fact that you might be sent to prison is not such a huge disincentive. So what I mean by that is even if you look at, I don't know how many people know what it's like inside prison, but if you look at the food that you're given, the fact that you've got a single or shared accommodation, you got access to TV, you got access to media, there's a lot of things there. You got access to programs, you've got sporting opportunities. Now obviously I'm telling you about all the positives, there's also some negatives that go with it. But if you think about those things being the basics of everyday life and the fact that you're on Centrelink you get \$240 a week I'd argue that there's no way in the world you can actually have that lifestyle on the outside on \$240 a week.

CW: Jeff, are these comments just to clarify specifically regarding people in a remote, discreet community?

JN: No.

CW: Or generally?

JN: Just more generally.

CW: Okay.

JN: And sort of what backs that up is that you know in custody you've got limited opportunities to actually have a job. You know not everyone can be employed. I'm only talking about Lotus Glen here, I'm not talking about south. A lot of guys who are doing longer sentences will work for eight years straight. Now you don't get that opportunity out here. You come out of jail, you know if you've served eight to 10, which means you've done something pretty serious, you go to an employer employers don't really want to know you that much. By having a job, by getting up in the morning and going to work with different guys, you know achieving outcomes, producing a product, it's validating, it's a sense of purpose. You come out and you have to report to parole you know once a week or maybe twice a week or you know then it sort of stretches out. Possibly you need to do programs. Possibly you have to work with people like me, which you know I'm not always that friendly. It's difficult to get on with life. So many of my guys come in to me after being out for two weeks saying I just want to go back. Cause being back is simple. It works. So when I say jail as an alternative environment I see that as far as recidivism going as the disincentive to offend isn't there. Or it's marginally there. When you work with guys who go in for the first time or doing their first longer term it's important to say to them don't have a life here, your life belongs out in the community. Cause once guys get caught up in the to and fro of the prison environment they get caught up in the politics, they get caught up in the schemes and what I can get and all the rest of it. It's all-consuming. It's also very satisfying. So you adapt to your environment.

I suppose the other thing that's not mentioned all that much, and it more affects the female family members, is you know there's a lot of press at the moment about indigenous suicide. Now if you break down through the prevalence rates we work out that we lose 160 Aboriginal and Torres Strait Islander people roughly a year across Australia. We lose many many more to jail. Now for a lot of guys going in there's a lot of family inside. And that's just not just an indigenous thing. But I just

want to focus on the indigenous side for a minute. Guys are well supported inside by family most of the time, as much as they can be. The matriarch, the mothers of the family, the sisters, the nieces, they lose contact with that person who is inside. Now we know that we're looking at 60% recidivism. And a lot of guys will go in young and they'll keep bouncing in and out. So the grief and loss stuff, which hasn't really been explored that fully in Australia, has been fairly well explored in America and the statistics are quite alarming about the negative effects it has on female family members. Cause even going to visit isn't that pleasant.

I know I was talking to a colleague in Darwin this morning and she was saying that you know to go and visit in Darwin you need to, the dogs are put over you, sniffer dogs. And you have to consent to some sort of search to go and visit a family member. You know, it's a bit tough. So that's the idea. You know if we're talking about recidivism, if jail doesn't have any disincentive why do we expect people to not do what they've done before?

The second point I want to talk about is jail as being rehabilitation. And I think we need to seriously look at the characteristics of who actually goes to jail. You know do we know whether it's the rich or the poor. Do we know that if you can afford a \$50,000 barrister you're less likely to be put in jail. I know that Legal Aid do all they can. I think you know guys go in to jail, they do a needs analysis when they first get in, and there's not a lot more known about them. I write reports for court. I request that a report is forwarded to the jail, so at least the sentence management have an understanding of who this person may be. But full assessment, intellectual, social, emotional, is not done as practice. So if we just pick a number in Lotus Glen we got 800 people roughly. I know we've got more than that. Let's work on 800. You know people from Synapse in Brisbane have publicly stated that 95% of the indigenous people in Lotus Glen are intellectually impaired. Now when you actually challenge Synapse on that they didn't do any assessment, they're picking a number out of the sky. Assessment will allow us to say these people are not impaired or they are impaired. But to do it from a very valid scientific basis. Once we know a person's capacity, capability, limitations, then we work with that person knowing what we know. It's those limitations possibly that contribute to why the person's in jail anyway. Because impulse control is challenged. I know there's a lot of, the previous talker was about fetal alcohol. I've done a lot of that work, but for me that's not particularly interesting. For me it's about well what, how does this person present. So if we have a responsible bureaucracy working with people that are in

our care how do we work with that particular person. Assessment isn't necessarily incredibly expensive. You've got a group of I think five or maybe eight psychologists who are employed in Lotus Glen. They can do this stuff. They choose not to. If we're going to rehabilitate we need to know what we're rehabilitating from. Or is it about only having people not offending. So if we just focus on the offending behaviour it's all done, tick the box, thanks very much. That doesn't work. We need to work with the person as a whole. And this is why I'll talk about alternative sentencing options a little bit later on, and possibly a way of proving to government that maybe this is a not that costly alternative that will have better outcomes. And I could be completely wrong. So please, I take responsibility for that.

I get called in to actually provide services for guys in jail who don't do well in group. I always like to know at what stage of their sentence they're at. Are they towards the end. Because the argument logically would be that if I have a guy in the last two months of his time incarcerated I have him for the next three months when he's out in the community it's going to be far more effective than me having him for a full year inside. Because recovery is about, it's an experiential process. We need to work with the people when they're being tempted by different complexities of community. You don't have that in jail. It's very straight forward. Rehabilitation has to go past the release date if they're talking about rehabilitation. The other thing in that is you know we have an education wing at Lotus. And I don't know how effectively that's used. We have a wood shop, we have a metal shop, we have a tailor shop, we have lots and lots of computers up there. You talk to the old guys up there and they said that in the earlier days people could do a trade. So you'd come out as a chippie or you could come out as a metal worker or boiler maker. Why aren't we doing that? So the idea of rehabilitation is someone comes out of a period of incarceration and they're able to succeed in the community. Not endure the community and want to go back. Surely if we've got, we've already got supervisors sitting in those shops. Are they not qualified to actually take people through an apprenticeship? Or do we see that as rewarding bad behaviour?

I'm not asking for a lot here but I think if guys are choosing to go to work four days a week in Lotus, and it's the same in other centres, coming out with a piece of paper that means they can get a job is really important. There's the negative side where you've done time. This is what I did. This is the conversation with an employer. Spent conviction. Legislation doesn't work. We know that. They can say look yeah I've done time but I got this trade and I've been working with tools for the last eight

years of my life. That's a work-ready person isn't it, surely? And also too by actually being in a process where you're achieving, so if it's competency based training like an apprenticeship is that's really empowering. It's really quite exciting to you know say I've got a trade. Or I've done a university degree. Cause there are universities that actually provide education into jails.

The other thing is I've got written here yearning to return. So that desire to be in the community. And that will come with being looked after well by actually achieving something, being validated, actually having your mental health improve, you know having guys able to say look I'm doing really well but this thing is sticking. So if they've done something really, really serious in the crime world you know like how do I get past this bit. So a guy who is wanting to get up and be motivated and achieve is more likely to put their hand up than someone who's just going well I've got another four years to go, I'll just sit here and not do too much.

So jails can be very rehabilitative I'm sure. I don't think it's going to be particularly expensive to change them, tweak them a bit, but I don't know how we say to government well maybe we do this differently and it's going to cost you extra money but look what we might get. Cause the might, we're selling faith to the government – this might work. I mean if someone came to you and said look give us an extra 100 grand and you might get a return on it would you give them 100 grand? You know.

Alternate destinations. Alright, so we've got, if you look at the normal processes you have kids growing up, they sort of go, you know they might get expelled from school or suspended or get sick of school and fall into sort of a disengaged crew. They'll go to court quite a few times. They'll be dealt with through formal warnings lots and lots of times. They'll eventually get to court and they'll be possibly given an order, or they'll go to Cleveland Detention in Townsville. After that they'll get out, they may reoffend, and they may reoffend at a more serious level, and that may be due to things they've picked up while they've been in Cleveland. And I really believe that it's happening at the moment. But it's only my personal belief so don't, I don't bring that from anywhere else.

The court is stuck. I mean they go do we let this person go back into the community and miss the chance of reoffending and seriously hurting another victim or do we remove them from the community. Because number one the community is thought to be safer, and two, maybe they'll change while inside. Now the maybe they'll

change seems quite ridiculous if you don't have any plan about how you're going to work with the person so a positive change comes.

Now there's a centre in Charters Towers. It closed down, but I believe it's reopened again. It's the Charters Towers Rehabilitation Unit and it's run by Queensland Health. And it's designed solely for people who are dual disability. Which is intellectual impairment or any other developmental disability. And it's also mental health. Now we know that if intellectual impairment is not picked up in young children they're 70% more likely to go on to develop a serious mental health issue, and that means psychosis. So automatically by not assessing and not identifying we're increasing the probability that we're going to have some pretty messed up people in the community. The way Charters Towers works is there's different stages. And the process is you start at an area where it's really really high care, high needs. And the process there is actually developing some sense of self, some competencies. And you move from I think stage 7 to stage 6. Eventually you get to stage 1. You're coming and going from the centre as you wish. And then you move out. Now what that means is you come in mental health, or mental illness I should say, developmental disability, and you come out able to engage with the world. You know if mental illness is still part of your life it's very well managed. It's self-managed. And life goes on.

CW: Jeff, just to clarify. Are these people that are deemed not fit to plead?

JN: No. That's a very different space again. And I'll come back to that if you (ui)...

CW: So the process to get to the Charters Towers facility?

JN: That's nothing to do with crime.

CW: Okay.

JN: That's clearly within the, I think it's Communities and Queensland Health systems.

CW: Okay. Gotcha.

JN: But what I'm arguing is that...

CW: As a model.

JN: As a model. And also too, the fact that if we seriously assessed in jail, and based on international statistics we know that up to 70% of the population is IQ 85 or less. Now everyone talks about IQ 70, two standard deviations, which will actually get you

some sort of benefits, NDIS. Well it's now NDIS. You know some sort of support to get through life. If you're 71 to 85 you're deemed borderline intellectually impaired. And the sad part about that mob is they don't get any care and they can't quite negotiate the world. So that's really really, you know if you've got a choice between 71 and 69 put your hand up for 69 hey, because it's far better. So I've done a lot of assessment in community, a lot of assessment in the Cape, a lot of assessment in Lotus Glen and the numbers are not exciting by any stretch. And to me, the number doesn't mean that much. What we do know is that those, the people who are struggling intellectually will struggle to get through life. And also too when you think about it this makes sense, when they do do crime they're more likely to get caught. And when they do go to court they'll say yes, because it pleases the other person. A lot of them don't know why they say yes. Yes is guilty. Then they're incarcerated. And I would challenge anyone to prove to me that a lot of these guys can actually understand the court process, but they just go blindly through.

So the reason why I talk about the Charters Towers model is I don't see there being incredible difference between what we've got at Lotus. You know bearing in mind there's a lot of guys doing very well in Lotus intellectually and developmentally. And the only difference is that someone's been caught for a crime. They put their hand up or is proven guilty by a jury. And the others may have committed a crime but didn't get caught. Or no-one committed any crimes, which is great. Now how would we say to the government well maybe this is the way we need to do it. How do we actually say we need to take an approach that's all about support, education, and learning adaptive skills. And I've said this before. The way we could possibly do that is create some sort of pilot. Which is a word I really detest. Some sort of process where we maybe use one unit in an established centre that has 30 to 54 guys in it. And that becomes the Charters Towers model. And we hand pick the staff who'll work there. I mean the custodians. They have to be part of the process, they can't be derailing the process. All services provided, psychological, education, health, the whole lot, assessment, you name it. It is done by externals who are duly qualified, duly experienced, and don't judge. And we roll it out. We do the assessment, we do continuous assessment, we do reporting, we look at the numbers, we look at the costs. What does it actually cost to do that in comparison to the normal process. Then we follow those guys for another two years. They get let out. We call them back every three months like, or meet them in community and look at you know what they're thinking about recidivism, look at their general wellbeing, look at their level of engagement with the community. Let them tell us the

challenges that they've got. Now the post part, the two years post release wouldn't be that expensive really. And you could use different university students to do a lot of that work. Especially those, I talk from a psychology perspective cause that's what I am. People who are doing clinical Masters need to do projects. And they need to be good, otherwise they don't practice. So we could recruit some of that man/woman power I suppose. They call it human power. What do they call it these days? I'll say manpower. Anyway, to do that part of it. And then we write a comprehensive report to the government say this is what it costs, this is the outcome, why can't we do it larger scale. I know that Barellan has this sort of idea of being a more educative process. I don't know the in's out of that place.

But the way I see working with my guys at the moment is that most of them will go back. It's the nature of the beast.

A few things I want to just throw up as comments. One is that non-custodial staff in prisons shouldn't be wearing blue. That's complete madness. I work as an external. The psychs who work in the prison are seen as prison. There is no rapport, there is no trust.

CW: And it's as simple as the colour of the outfit?

JN: They're wearing the uniform.

CW: Yeah.

JN: You know, you are the bad guy. And really you think Corrections would actually save money through that wouldn't they? You don't have to supply a uniform.

AUDIENCE: The uniform supplier would.

JN: You know, automatically, and it would change the nature of the beast. They would be seen as psychologists, not as Correctional Services staff, even though they're getting paid by Corrections. I think that could be very very different. In the early assessment process look at educational outcomes. Where are they academically. Not as far as any sort of intelligence stuff, but did they go to grade 6. You know a lot of the guys from the Cape school stops at grade 6 now. Used to be grade 7. A lot of guys don't do the transition into, and girls, I'm just talking guys cause of the jail. They don't do the transition into boarding school well. They bounce back. We lose them. So if we know that someone's only gone to grade 6 can we actually provide education that's targeted to a particular person. So that when they try to negotiate

or they're in a better position they can do grade 7 and 8 can they do grade 9 and 10. You know I know it's interrupted. I know a lot of guys do short sentences, but they come back. And the other thing is that Probation and Parole actually provide mentors into the community. We'd have case management. And I know they've got large lists. But a guy who's done 20 years you know bring them out into the community and see how they go. I know a guy who did eight years and he told me he got on a bus 12 times and got off 11 cause he didn't know how to ask for a ticket. No-one told him how. You know negotiate Centrelink. I challenge you, you know. And if you've been in jail for that time it's a nightmare. They're just comments.

That's all I've got to say. I mean probably for me it'd be better if you sort of threw things in the air and I could talk about them. But I really think we need to look at the population and what we're doing, and why would we expect people not to offend when the disincentives are this big.

CF: Thank you. Thanks Jeff. Kim?

CW: Jeff, you mentioned earlier that recidivism is easy. A number of us have seen inside a range of prisons. You know despite what the media may think they're not motels. And you know I understand a bed and three meals a day, and some of those things are maybe a better environment than some of the guys and girls are in that go to jail. I'm personally really attracted to the idea of people leaving jail with a skill or a ticket or you know something to ensure they have a better chance at surviving outside when they've been inside. Is a typical prisoner, if there is such a thing, open-minded and wants to actually learn a skill and not go back? Or is the pull of going back with friends, family and his or her tribe you know that significant that people just want to come back and aren't going to work too hard at improving life?

JN: I think even if you take it outside of the jail environment the belief that you can achieve in the mainstream world it's difficult. You know why would I believe that I can actually get a ticket and have a full time job. You know a lot of Aboriginal and Torres Strait Islander guys do. But a lot don't. And it's like why would I try, because I'm just going to get knocked back?

CW: So will they be receptive to a different model or other new initiatives inside?

JN: I think, I mean you've got Bama Services, right. Now this isn't to do with jail per sé, right, but Bama have got some fairly sizeable contracts through the Cape, through the Torres. It's all indigenous workforce. Guys are able to do apprenticeships there.

They do really well. And there's a whole program wrapped around that, a wellbeing program, where everyone is supported to come to work every day, and if there's a struggle at home how do we actually support you through that.

CW: Great. So there's good evidence out there that these things produce good outcomes?

JN: Yeah. And also too I mean the other thing is that you know Bama's more, relies on funding and it's now getting contracts. But if you had an independent contractor that said alright I'm going to employ guys who've come out of Lotus, alright. And obviously there's going to be rules around all that sort of stuff. And there'll be your ongoing you know drug and alcohol testing, which happens in most worksites now anyway.

CW: It does.

JN: It gives the guys the idea that I can go and get a job. You know if you went, I don't know if anyone's been to McLeod Street, the boarding house there, you want to go back to jail. You know the conditions and places, those halfway type houses that you parole to there's no incentive to get up and do something, cause it's too hard. If there's, you know it'd great for someone to go right I'm going to employ 10 guys from Lotus. And have it known in Lotus that you know if you do your ticket or whatever it is you've got a job to go to. I think you'd be really, really surprised about how much enthusiasm there'd be.

CF: Yep.

CW: In terms of multi-propose, Andy, is Andy here? He stepped out.

AUDIENCE: He stepped out.

CW: Okay. But Barellan is partly that from what I've observed.

JN: Right.

CW: And it sounds like that's what they're hoping for. Those services that you indicated would need to be wrapped around may or may not exist at Barellan to the extent you're talking about. But I think it's a part-model you talked about. But again, it's only one of the correctional facilities, it's not common to all.

JN: Look, I don't think the problem is the behaviour. So the offending behaviour is what gets people in jail. It's the intention and level of poor decision making that sits

underneath the behaviour that's the concern. Like everyone can do bad stuff. But to choose that was really really stupid. Didn't have enough insight to go that was really stupid, I won't do that again, that's the more important part of it.

CF: I'm going to just open it up to the floor. If there's any questions. We've probably got time for one, maybe two questions. Please just a remind to say your name and where you're from in asking a question. Yes?

JA: My name is Judy Andrews and I used to work for Far North Queensland Families and Prisoner Support, which is no longer.

CF: Thanks Judy.

JA: I'd really like the point about outside services and getting the professional staff, the non-custodial staff out of uniform. That is a really bad (ui) change. And (ui) over the years our organisation used to go once a week and do general welfare. Staff would get paid a small fee for it. Incidentally, our staff always wore bright colours.

CW: Not blue.

JA: But there were also a number of other outside organisations that went in. Over the years those access for organisations has been restricted. And we, they say oh we've got our own psychologist, we've got our own. But of course they're not trusted. And some of them say they're not trustworthy either. How can that be, that trend be reversed and get more outside people in so that...

JN: I think...

JA: ...that's also building community links during their time there?

CW: Just to clarify, Jeff and Judy. You seem to be in fused agreement there is a significant lack of trust if somebody's in a prison uniform?

JN: Yes.

CW: Correctional officer uniform.

JN: And also too I mean the thing is that there's a requirement on people wearing blue uniforms to report anything they know to Intel, right. Now if you're working as a psychologist and the whole thing around confidentiality you know it changes the whole thing. Because if you say to your psych well this is what's going on, this is what I'm struggling with. And you know or you suspect that goes straight to Intel you're not going to have that conversation. Cause you know we all know that if

you're identified inside as being you know a dog so to speak you know your life's not really that much fun.

CW: So there's a significant opportunity here perhaps to improve trust and outcomes.

CF: (ui).

JA: By giving your funding outside organisations to provide services rather than providing more service staff within Corrective Services I would suggest.

CF: I'm going to move to one more question.

TC: My name's Tanya Cohen from the Cape York Institute. Jeff, could you tell us a bit about what you've seen people struggling with with regards to their social norms from where they grew up. Or you know the culture, I'm talking about remote discreet communities, when they come to Cairns and that sort of, it appears to be a (ui) between what's expected in their home community and what's expected in a more mainstream setting that people end up struggling with.

JN: I suppose one of the most obvious is the ideas around acceptable behaviour versus antisocial/unlawful behaviour. So in a place like Aurukun you know a lot of behaviours that are seen as just required here locked up for in Cairns. Guys who have done a fairly big stretch in jail who get out you know you always have to have the last word in jail, you can't let something float past, cause it affects your reputation. Now in the community of Cairns that doesn't bear well for you. I'm not sure I'm answering that question. It's like for me one of the biggest things, the people who come in from, and I saw it, it's not just here, so if you look in the Kimberley, right. So if you look at people from Kalumburu, Oombulgurri, the communities in East Kimberley they'll either go to Kununurra or they'll go to Derby when they're getting out of community. The same sort of behaviours that you see in community that are most troublesome are exactly the same in Kununurra and Derby. But then if that person goes to Perth the chances that they won't come to the attention of the police are about zero, right. So what I know, and there was a case here, I won't mention, but where someone acted according to what he believed was okay in community and now he's doing a very long stretch. It doesn't excuse his behaviour, but it says a lot about the effect of community on what he sees as being okay.

CF: Mick, last question.

MS: Mick Schuele, Cape York Institute. Thanks a lot Jeff, that was really interesting. Just in terms of your experience in the last 10 or 15 years I mean all the stats we're reading about, indigenous over-representation, incarceration, you know it's getting rapidly worse. I just want you to reflect on I guess what you see. Does that play out what you see? And what's it's linked to, is it the rate of offending or what is it? You know is there a whole generation coming through now that we, you know we have to track back 20 years to see what really happened? Just what your reflections are on that, the data that we're seeing coming through.

JN: Look, I think we did, you're probably aware I did all the assessment in the Cape with the CYA schools, right. Now, and that's in the public space. And you know we looked at numbers of 33% intellectually impaired and up to 70% under that borderline level. And not only that, if you look at the (ui) so the frontal lobe functioning is also quite low. Emotional and social development also low. Now schools go, and this is something that you know schools have kids in the Cape till grade 6 and it used to be grade 7. If a kid goes to school for 40 weeks and he averages 80% attendance, which is a high ask, the school will be responsible for that child for 11% of their life the other 89% sits with family. Now you've got kids who are now seeing fourth generation unemployed or more. Education is not valuable. It's not valued. So these are the kids that are coming through. And you know we now have a much more mobile population. You know so as a kid from East Kimberley or from the Cape you can be in Sydney tomorrow and Melbourne the next day. Kids are not being prepared for that. We're talking about, this morning I was talking to a psych, she's a Murri girl, about kids who are going through the Yalari process who are going to Melbourne Grammar and all the best schools. And she was saying some of those kids are from the Halls Creek area and they're going back and they're working in a shop and they're really really getting unhinged. Because they've got five years of this really really flash you know modern Grammar that's pretty special you come back to Halls Creek there's no jobs. And they will see Halls Creek through a different set of eyes. They've had exposure to something different. They know that their thinking possibly at a different level. You know so I think the more that we provide kids opportunities for education away from community the more we need to think about what happens next.

CW: Jeff, just back there a little further, and we're just about at the end of our time, our first speaker Anne Russell talked about the relatively high incidents of FASD and the impact it has on kids. Is it simply not valuing education despite not having FASD or

other physical ailments, but still produces that you know borderline potential IQ level issue. So it's much bigger than the underlying physical (ui) hearing, eyes...

JN: Yeah.

CW: ....FASD.

JN: Yeah. So...

CW: It's actually education itself, the lack of it.

JN: Yeah. Education's not important. Education in schools, some of the schools in the Cape is something to do. We went through a process in 2015 where we had kids, we actually had to push to have kids suspended because the kids were really really really off the wall. Kids wouldn't leave the school. They didn't want to be in the classroom but the school was safe. So not only you got kids who you know have had in utero but also too they've experienced lots of really bad stuff as young kids.

CW: Yeah.

JN: The capacity to learn and to apply knowledge and to cope in a world that is unfamiliar is very much diminished if you're working in lower brain, hypervigilance. And these are the kids who will go to jail. Cause they can't cope.

CW: Thank you. That's helpful. Thanks Jeff.

CF: That concludes the session for Jeff Nelson, Clinical Psychologist, who's working in the Cairns region. Thanks.

JN: Thank you.

CF: So we're going to have a changeover to Andrew Beck from Queensland Corrective Services.

CW: Welcome Andrew.

AB: Can you give me one second (ui)?

CF: Yeah, sure.

CW: Andrew, you've engaged with us on a couple of occasions now.

AB: I have indeed, yeah.

CW: Andrew, you've engaged on several occasions, so we thank you for that. And we really appreciate you coming and speaking to us today. You're one of the senior managers in the Queensland Correctional Services and you've got international experience as well.

AB: I have. That's correct.

CW: And without further ado off you go.

AB: Okay. Great. I'm Andrew Beck, I'm the Deputy Commissioner for Custodial Operations in Queensland Corrective Services. And I'm here today to represent Mr Peter Martin the Commissioner for Corrections. As you pointed out I spent 30 years in Corrections working in a number of jurisdictions including the UK, Western Australia, more recently Queensland, and also in New Zealand, so I guess I have a broad understanding of Corrections and some of the challenges that we face. I'd like to thank the Productivity Commission for inviting Queensland Corrective Services to participate in the Public Hearing as part of an Inquiry into Imprisonment and Recidivism. As I said I'm representing the Commissioner. I've got a prepared statement which I'd like to just read it through and then I'll be more than happy to take questions. QCS is a forward-thinking frontline public safety agency responsible for community safety and crime prevention through the humane containment, supervision and rehabilitation of prisoners and offenders. With a workforce of around 5,000 dedicated and professional staff QCS works hard 24 hours a day seven days a week to keep Queenslanders safe. The Commission's Inquiry comes at a critical time for Corrective Services in Queensland. As a new standalone department there is now a dedicated and sustained focus on the development and reform of the correctional system. A system that is undergoing significant changes in response to the Queensland parole system review and more recently the Crime and Corruption Commission's taskforce Flaxton. QCS has also developed an ambitious 10 year plan to chart the course for the strategic development of Corrective Services in Queensland. QCS along with other criminal justice and human service agencies is dedicated to upholding community safety and addressing the causes of offending behaviour. With rising prisoner and offender numbers and increasing recidivism rates more needs to be done however. For these reasons QCS welcome the QPC Inquiry into imprisonment and recidivism as an opportunity to assess current systems and processes and identify key strategies to ensure an effective and sustainable criminal justice system into the future. In respect to QCS prisoner growth has been a significant challenge for us. Since 2012 the prison

population has increased exponentially which has created an increasingly complex operational environment in which to achieve our objectives. The women's system has increased at a faster rate than the men's system with 107% growth since January 2012 compared with 57% growth in the men's system. There's also been 120% increase in unsentenced prisoners since 2012 compared with a 43% increase in sentenced prisoners. More prisoners on remand creates an increasingly volatile prison environment with a large population of prisoners who may be released at short notice. This inhibits QCS's capacity to deliver effective rehabilitation programs which often require at least a six months stay in custody under sentence. Between 2012 and 2018 prisoners sentenced for drug offences and violent offences made up almost 60% of the increase in the sentenced prisoner numbers. Since 2012 the number of prisoners serving sentences of 1 to 3 years, 3 to 5 years, and 5 to 10 years has increased dramatically. While approximately 60% of prisoners are staying for less than six months, sentences have generally been getting longer, which reduces the number of discharges every day which contributes to the overall rise in the prisoner population. I've noted the draft recommendations made by the QPC in relation to sentencing reform. QCS supports the consideration of a range of options to reduce demand pressure on the criminal justice system that would not compromise community safety including a review of bail legislation. QCS is contributing to the Queensland Sentencing Advisory Council's review of community based options and parole, and continues to support the Council's important work. There are many challenges that overcrowding brings. Queensland secure correctional centres are currently operating 131% of capacity. With men's secure centres 135% of their capacity. And a women's secure centre at 99% capacity. I'll just put that in context. A well functioning system should only operate around the 95% capacity to ensure that we've got ability to move prisoners around the system. So as you can see we're considerably overcrowded. As a result, approximately 4,000 male prisoners are sharing a cell originally designed for one person. As noted in the Taskforce Flaxton Report overcrowding affects every aspect of the custodial environment. It increases pressure on infrastructure, resources and services, and changes the way that custodial services are delivered. Almost all cells in Queensland prisons are designed for a single occupant. A standard secure cell is 2.1 metres wide and four metres deep, for a total of around eight metres squared. This area includes a single bed, a desk, a shower and a toilet area. And it leaves a small walkway between the bed and the desk to the shower and the toilet area. When cells are doubled-up often a mattress is placed in this walkway between the

bed and the desk. Prisoners are required to sleep with their heads next to the toilet to ensure that staff can actually observe them through the cell and to check on their wellbeing. On average, prisoners in high security spend more than 13 hours a day locked in their cells. This means that for 13 hours a day two people are locked in eight square metres. And if one of the prisoners wishes to use the toilet or sit at the desk the prisoner on the floor must move. Furthermore, due to safety concerns, the majority of double-up cells do not have screen amenities so prisoners must shower and toilet without any privacy. This increases tensions within prisons. And this environment is fundamentally not suited to fostering rehabilitation and reintegration. We are having to change our structured day to manage the demand. For everyday resources such as phones, tables and chairs and activity equipment are significantly impacted by the overcrowding and prisoners effectively fight for space. Understandably, this is increasing the volatility of the correctional system. There are increasing levels of tension and boredom rates which increase assault, and self-harm is on the rise. Regrettably staff safety has also declined. Our officers are highly trained community safety professionals who do a fantastic job at managing conflict and tension in challenging working environments. However, overcrowding is escalating these tensions and putting additional pressure on our staff. As Commissioner Martin stated in his evidence to Taskforce Flaxton on the 14<sup>th</sup> of May a difficult balance has to be struck in an overcrowded custodial environment between ensuring staff safety and security and good order and humane containment for the realisation of prisoners. In July 2018 the Queensland Government announced the decision to repurpose Southern Queensland Correctional Centre to a women's facility in line with the commissioning of the additional capacity at Barellan Training Centre. This was in response to the strain and stress and challenges of chronic overcrowding in the women's estate with secure units in Brisbane Women's Correctional Centre operating at 200% of available capacity in May 2018. I'm pleased to inform the Commission that as a result of this decision, all women in secure custody are now off the floor and in a bed. Resolving this severe overcrowding for women prisoners has enabled QCS to refocus its efforts away managing overcrowding in women centres to developing an agenda-specific women's strategy. It's a strategy that will acknowledge the unique needs of women in custody, particularly Aboriginal and Torres Strait Islander women and ensures operational responsiveness to those needs in line with a professional, proactive and consistent management of women across the State. That's a really good example. When you take the pressure out of the system the system then is

more enabled to actually address the needs of individual prisoners. Of course safety and security are paramount to achieving rehabilitation. The QPS draft report provides an accurate reflection of the challenges faced by QCS. Complex social factors including disadvantage, mental illness, disability, and substance abuse all contribute to offending behaviour. While these don't excuse wrongdoing it's important that we understand them. Prisoners often arrive in prison with several health problems. Their health is considerably poorer than the general population. Approximately 33% of prisoners report having a chronic health condition or disability. About 25% receive medication for mental illness whilst in prison. Two-thirds report having used illicit drugs in the 12 months prior to entering custody. And about 75% of prisoners are daily smokers before entering custody. Prisoners with these complex needs require additional support while in custody. Overcrowding makes it increasingly difficult for QCS and Queensland Health staff to provide this additional support within the existing infrastructure which is insufficient to deliver the required level of health services. Overcrowding also exacerbates any existing mental health and chronic health conditions a prisoner may have. Prisoners cannot be effectively rehabilitated if they feel unsafe and their complex health needs are not being adequately met. With regard to rehabilitation many people forget that nearly all prisoners will return to society. It's vital that each one does so having grown as a person, addressed the issues behind their offending and taken responsibility and to some extent repaired some of the damage they have caused and they caused to the community. QCS offers a number of rehabilitation, reintegration and educational services that aim to address the underlying cause of offending behaviour. We know however that overcrowding is threatening the effectiveness of rehabilitation, the vocational training and education. Queensland parole system review identified overcrowding as a single greatest impost on the correctional system, which creates a lack of physical space to deliver services such as programs and education. QCS is constrained in its ability to significantly expand services to meet the demands of the increase in prisoner population. Despite these infrastructure challenges the starting point for effective rehabilitation program delivery however has to be a safe and secure custodial environment for staff and prisoners. Prisoners need an environment where they can be focused on wanting to change and immerse in activities aimed at improving consequential thinking, and address key issues such as substance abuse, mental health and that violent behaviour. This is difficult to achieve in an overcrowded environment where prisoners' structured days are disrupted, tensions are high and unscheduled lockdowns occur on a more regular

basis as a result of increased security incidents. Research tells us that more than 50% of prisoners entered custody with mental health conditions. Overcrowding is having a significant impact on these prisoners resulting in increased anxiety and tension that is only exacerbating their mental health conditions. With the focus on managing their mental health and ensuring prisoner safety there is little room left for staff to engage in dynamic case management and good supervision and building relationships with prisoners. Reducing overcrowding will provide a stable structured environment in which to deliver programs and services. When staff and prisoners feel safe they are better able to work together to achieve positive behavioural change. This is how QCS can rehabilitate prisoners and offenders, reduce crime and improve community safety. With regard to community supervision the story of community corrections over recent years is similar to the challenges faced in the custodial environment. Staff number have not kept pace with the increase in offender numbers reducing the capacity of our dedicated community corrections officers to work with offenders to achieve meaningful behavioural change and improved community safety and reduce recidivism. Between 2012 and 2018 the population of offenders being supervised in the community has grown by over 30%, from 14,000 offenders to over 20,000 offenders. Queensland has the most cost-effective community supervision in the country. It costs just \$14.19 per day to supervise an offender in Queensland. The average across the country is around \$24. However this is partly driven by the fact that Queensland has also the highest staff to offender ration in the country with each community corrections officer required to case manager over 29 offenders, and in many instances it's much higher. Which is significantly higher than the average across the national corrections, which is around 18 offenders. High caseloads result in staff focus on compliance factors rather than therapeutic case management where pro-social modelling and motivational interviewing techniques can achieve results. This in turn results in a greater focus on breaches and contributes to the cycle of people in and out of custody, putting more pressure on the correctional system as a whole. In line with the \$265 million government response to the Queensland parole system review, work is underway across community corrections to re-focus efforts on rehabilitation and reduce recidivism. We are developing an end to end through care approach that is intended to provide people with consistent case management at all stages of the Corrective Services journey and joining up rehabilitation services in custody and in the community to provide continuity of support and promote rehabilitation. This will be supported by a new assessment framework that will for

the first time introduce standardised assessment for both custodial and community corrections to help staff better understand an individual's needs in order to implement targeted interventions. The effectiveness of these initiatives will be constrained however if overcrowding continues and community corrections case loads remain high. In summary, both custodial and community corrections in Queensland face significant pressures to deliver on QCS objectives to rehabilitate offenders. Addressing the strain on the system would provide QCS with greater capacity to reduce recidivism further rather than focusing on operational imperatives like maintaining safety and security in correctional centres and ensuring compliance with community supervision orders. QCS will continue to work with other criminal justice agencies as well as the broader social services sector including health, education, community services and Child Safety to promote better outcomes for vulnerable Queenslanders and ensure community safety as a whole. I'd like again to thank the QPC for the opportunity to engage in a public hearing. And I'm happy to take questions.

CF: Thanks Andrew.

CW: Andrew, you raise the overwhelming issue being overcrowding and I guess a related issue which is perhaps pressure on officers, QCS officers providing community based correctional order support. Can QCS solve the overcrowding problem or is this a problem that's external for QCS? What's a solution as you see it?

AB: I think at the end of the day QCS receives the prisoners that are committed by the courts. The drivers for what puts people in custody in terms of sentencing reform are the areas that require review. And effectively that's what the Commission's doing. I think QCS has a role to play in breaking the cycle of reoffending which will slow down the rate of return into custody. But ultimately you know what drives people into custody is (a) the nature of the offending, but also the community and political response to actual offending. Whether we actually put people in jail or whether we actually manage them in the community under some kind of supervision, or we actually through diversionary practices.

CW: So through reconfiguration, high levels of efficiency, repurposing existing facilities, the solution is still not entirely there for QCS?

AB: QCS can't solve the problem of prison overcrowding itself. It requires sentencing reform. It requires reform to our systems and processes to stop that churn, people coming back in, reduce the rate of reoffending. So we are one part of a system.

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And we contribute to the overall system. We can't change what we do without changes to other areas of the criminal justice system to actually reduce that demand on prisoner places. The important thing for me is that we have enough beds to put prisoners in. I have almost a thousand prisoners sleeping on floors today. There has been a program of the introduction of double bunks into cells, which has become the norm. A thousand bunks have already been put into correctional facilities. There's another thousand bunks being put in over the next two years which is being funded by government. However, we need to focus on the drivers, what's actually putting people into jail. How can we divert people from ending up in prison. One of the key drivers has been the increase in the remand population. There's been a 60% increase in that population. There's a number of programs which are being put in place around Supreme Court bail for male and female to actually link offenders up with services which you can divert them away from custody and give Magistrates the option of actually not putting people into custody.

CW: You may have commented earlier in your presentation that the high number of prisoners on remand has increased the volatility. Is that simply a function of overcrowding or is there something specific about increasing remand prisoners that cause that...

AB: So I think there's two factors. So one is simply overcrowding. And the pressure that that brings in terms of fighting for space in units. If you've got a unit designed for 50 and you put 75 prisoners in that and you don't increase the activity that sits outside of that unit and prisoners are locked in cells for 13 hours a day that increases the tension on the units. The other factor particularly with remand prisoners, and I've got a lot of experience with dealing with remand prisoners, is that the nature of remand prisoners is that they come off the street, often in highly dysfunctional states, you know they got very poor health, they've got drug addiction issues, they're in a court process but they don't know what the outcome of that's going to be. That creates high degrees of uncertainty. The average stay is very short for remand prisoners. And many of them either don't get a custodial sentence or get released from custody, get released from court having served a period of time. All that uncertainty and the issues they have in terms of mental health, drug and alcohol abuse etcetera, actually creates a heightened sense of I guess anxiety, which translates into increases in tension on units, which our staff then have to manage.

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- CF: Yeah, no, I don't have any questions. My question was about remand, but you answered that. I'm going to open it up to the floor. And just a reminder to please say your name and where you're from again, for the record.
- JN: Jeff Nelson. I'm a psychologist. You said that Queensland manages offenders in community at \$14 something a day where the national average is \$24 a day. That's correct?
- AB: That's correct.
- JN: So if you brought up parity and said that we're going to, it will cost us \$24 a day to actually supervise in community that's an extra cost of about \$50 million a year. That's working on a five day week, so sorry I should have gone for the seven. I know it's an unanswerable question but I mean do you think that investment into the community supervision would actually change the rates of recidivism and the number of guys who are actually breaching orders?
- AB: Absolutely I think it will. Yeah. The reality is we have highly professional, highly skilled community corrections officers that when they're given the time and the space to work with offenders in terms of motivational interviewing techniques in terms of linking them up with services in the community and providing them support in that community then ultimately they will impact on the likelihood of return to custody. So yeah the high case loads, and I quoted a number of 29, there are, I've spoken to officers that carry 70 on their case loads. You know that is an extreme number of prisoners to manage. You have 40% of those prisoners will be high risk. And the challenge for community corrections officers is how do they manage that case load. How do they actually use their professional skills, and you'll know this as a psychologist, how do you use those professional skills when you've not got the time to actually engage with that prisoner and provide the support that they, or of that person that's being supervised in the community. What that leads to is a compliance approach, which basically says here's the conditions of your parole or here's the conditions of your community sentence you're either compliant or you're not. If you're not compliant we'll breach you. And then you just get that perpetual cycle. So you know ultimately yes it will reduce the rate of return into imprisonment.
- CW: Well not a huge, it's a relevant number, not a huge investment you might argue.
- JN: I wouldn't think so, no. If you look at you know people going back for longer sentences, the cost per year to keep someone.

CF: It's not.

JN: And probably the reduced cost because as you said the overcrowding and everyone's on edge. It goes pear-shaped.

AB: I guess there's two ways to look at you know the cost per prisoner place and the cost per offender place is you can look at it saying you know Queensland is highly efficient in the way they manage the offenders. And you know if you look across the rate of return is that Queensland performs relatively well. We're the third lowest rate of return for adult prisoners. About 42%. The national average is around 45%. Yeah, the rate in terms of return to corrections, which would include community corrections, is around 53%. The national average is 54%. So you could argue that yeah we're highly effective and that we're actually, yeah we manage our resources well. I think there's a counter-argument that says actually what that tells you is actually you're under-resourced and actually we could achieve far more and achieve better results if we had the resources and we were in line with the national average. Now that's an issue which is challenging for government. And there's always competing demands for resources you know in terms of schools, health, education. But yeah that's a decision that as a society we have to make about the cost of imprisonment, the cost of corrections is expensive business, without a doubt. QCS's budget is over a billion dollars. But it's still per head of population under you know where it should be. However, we imprison higher rates of people in this State than most other States. So I think yeah for me it's about a decision about where do you invest the money.

CF: Thank you. Got a question at the back.

SD: Thank you Commissioner. Shane Duffy from Aboriginal and Torres Strait Islander Legal Service. I'm particularly interested in relation to, it's more a statement in response to a question (ui) a psychologist in the room. Jails are about locking people up, not about rehabilitating psychological, psychiatric or post-traumatic stress. Do you see the benefits of creating a relationship particularly with our regional medical services across the State who service those prisoners to make sure the community controlled organisations are better off servicing people whole they're incarcerated as opposed to the challenge that psychs face as an employee predominantly of a correctional system and meeting those mental health needs of our clients. And I think we can also relate that across to the fetal alcohol spectrum disorder. And I apologise, I know it's been raised around the disability the amount of

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Aboriginal and Torres Strait Islander women, men and young people particularly in prisons that have a disability yet are being treated as criminals.

CF: Thanks Shane.

SD: So it was an observation than a question.

AB: I would like to respond. I'd like to respond by saying that prisons aren't just about locking people up. In a healthy prison system positive change can happen. Prisoners can change their attitudes, their behaviours, and with the right support, and particularly around health, mental health, and particularly around the needs of Aboriginal prisoners. In a system that's well funded and actually has the right objectives and has, is seen as part of a system, which includes the community, it can achieve good outcomes. So for me I believe absolute passionately in what Corrective Services does, but what I want is to see a prison system that delivers better outcomes because it has the right investment, has the right services, it links into the community, it deals with the issue of over-representation of Aboriginal prisoners you know in custody. You know they're sitting around the 30% yet in the community around 4.6% of the general population. QCS is committed to that within the resources that we have. And yeah we've got a number of programs which are actively engaging with Elders, First Peoples chaplaincy services, mental health services. We've got the Murri Dargan cultural centre which provides leadership and capability development around Aboriginal services. We also work in partnership with the Aboriginal and Torres Strait Islander staff and external persons to deliver Aboriginal and Torres Strait Islander mental health first aid program. And through the Sofronoff Review there's also been funding provided for community liaison officers for Aboriginal prisoners. And we're working on a program at the moment about developing cultural capability within our own organisation. And that's funded through the Sofronoff Review.

SD: One observation (ui) this question with the greatest respect. My role in putting forward Aboriginal medical services, Aboriginal and Torres Strait medical services, they are the experts to understand the cultural (ui). I'd suggest the vast majority of the prison population on remand that are Aboriginal and Torres Strait Islander people when they're sentenced, perhaps they weren't even sentenced to a term of imprisonment or the sentence given to them by the court was less than the amount of time they spent on remand. Why I want to highlight this is because we pushed a process through the Aboriginal and Torres Strait Islander Legal Service about

getting Aboriginal medical services to come in and work with inmates, women, men and young people. The challenge of course is legislation. And if it isn't about money out of Corrections it's not out Queensland Government cost centre is Medicare. And the Medicare cost centre is (ui) restriction through the Commonwealth Government, whoever that may be in the future. So there's some real proactive (ui) basically some shit in public policy that would take the costs of the burden of the Queensland Government (ui) an effective level. Cause as I say you know I think in reports, and I can't quote the source, but 78% of men and 82% of women who go in prison from my understanding present with psychological, psychiatric or post-traumatic stress. And jail's the only place (ui). But what I'm promoting is that supporting Corrections (ui) look after the security in prison, and that's your main objective. And we need health experts working with people who are incarcerated. I'm with you brother.

AB: Yeah, I absolutely agree. You know the State's responsible for prisoner health. Prisoners in custody can't access Medicare and all the services that come with that. Queensland Health provide services in each of the jails through the local HHS's. And there's a review that's recently undertaken of prisoner health with a view to reforming how it's funded, what the service provided. And we work very closely with that. And for me Queensland Health, yeah there are lots of services in the community that can reach in to jails. And I think I would like to see more of that. QCS can't solve the problems on their own. And jail, yes we do look after security. But fundamentally why do we exist. You know we serve the courts, we serve the public by constraining people, however we're there to rehabilitate offenders. And that includes dealing with their health, mental health, psychiatric issues. And yeah the system needs to be able to do that within the resources that it's got.

SD: Last comment thank you Commissioner. The only challenge is the vast majority are on remand.

CW: Thank you.

CF: Thank you Shane. Okay. We've got one and then two. Okay. Mick and then (ui).

MS: Mick Schuele. Cape York Institute. I was just very interested in the interchange you just had there. Like can you just explain if you're on a community corrections order so can you access sort of Medicare funded like community health centres, Aboriginal controlled community health at that point? Or are you also required to use Queensland Health like?

AB: No, my understanding is that when you're on a community corrections order you're a member of the public like everybody else.

MS: Yes.

AB: And you're able to access Medicare and all the other federally funded services through that such as NDIS etcetera. We've got a project around NDIS in terms of assessment of prisoners so they can access NDIS scheme when they get released. In custody it's responsibility of the State, in the community you're like a private citizen.

MS: Like (ui). Do you have to use Queensland Health inside the system?

AB: Inside the system it's Queensland Health's mandated as the service delivery for prisoner health.

MS: Cool.

CF: Thank you. Yes

SE: Shaun Edwards. Former team leader for CREST throughout the region here. I did a lot of work trying to assist with services coming into Lotus Glen to help the men up there and my understanding was that the door was open for AMS's to come in. I'm not sure if that happened cause I've since moved on. But, and Anne spoke this morning which was great. In my time we also had Anne present in Queensland the first presentation to custodial staff on fetal alcohol spectrum disorder. And I wondered – that was two years ago up at Lotus Glen – and I wondered whether any work has come out of that in terms of diagnosing instead of just putting cognitive impairment. But also whether the AMS's are accessing Lotus Glen and supporting.

AB: I can't comment specifically on Lotus Glen. The project which we've got looking at disability and access to the NDIS is actually, part of that is implementation of an assessment tool. It doesn't look specifically at fetal alcohol syndrome. But it's a broad assessment of cognitive ability or disability, whichever way you want to phrase that. That project's funded by government through the Sofronoff Review. And that will be in terms of important work for us in terms of providing services inside and access, but more importantly when prisoners are released part of their preparation for release. The highest risk time when prisoners are released is the first three months. The better able we are to support prisoners when they get

released, and there's a number of reintegration service providers which we work with that actually help us build a reintegration plan for prisoners, the better able that they're able to engage with local services, such as Medicare, housing, the better, the more likely they are to not return to custody. And Disability Services is obviously going to be a key one, particularly around NDIS. Given the fact yeah the significantly high prevalence of mental health disorder, drug and alcohol issues within, and just general health issues within the prisoner population you know health is a significant factor for us.

CF: Thank you. Any further questions from the floor? No. Thank you. Thank you Andrew for your presentation today for the hearing.

CW: Well done Andrew.

CF: Thank you.

CW: We hope not to impose upon you too much again in the future, but you've been very generous with your time. Much appreciated. Thank you.

AB: Thank you. And on behalf of the Commissioner I'd like to thank you for giving us the opportunity to present today. And we're more than happy to engage when required, or as much as we possibly can to shape the review.

CW: Thanks Andrew, well done.

AB: Thank you.

CF: Just to let people know that we will be breaking now for lunch and refreshments. And we will resume at 1:15 for the public hearing. Thank you.

(BREAK IN HEARING)

CF: So good afternoon everybody. Just a reminder this is a public hearing. The Queensland Productivity Commission session after lunch. And it was great just to catch up with people during the lunch break and hear a little bit more about some of the issues up here in the North. Just a reminder that this session is being recorded. We will move to Shane Duffy in a moment and hear him around his presentation. And then after that we'll ask Kim Wood, Commissioner Kim Wood and myself will ask questions and then we'll open the floor for questions from the floor. At that time please state your name and where you're from before the question. Okay. Thank you. So the next speaker up for the presentation is Shane Duffy who is the CEO, Aboriginal and Torres Strait Legal Service. Thank you Shane.

CW: Welcome Shane.

SD: Thank you Commissioners. I appreciate the opportunity to address the forum today. May I acknowledge country and where we are today first and foremost and pay respect to my Elders both past, present and future for giving me the strength to continue to do what we do. If I may, I don't like reading a whole lot, you've already got the submission. I think for the benefit of the audience just a general introduction Commissioners. So obviously the Aboriginal and Torres Strait Islander Legal Service if I can give everyone a bit of a profile we provide criminal, civil and family law services across Queensland. We've got over 230 staff in 26 locations. Obviously Cairns is our busiest office in Queensland, Townsville being our next and then Brisbane. We are funded by the Commonwealth Attorney-General's Department. We receive minimal funds from the Queensland Government, but nevertheless the Queensland Government does kick in for our higher court matters for brief out costs with Counsel when needed. We're also funded from the Torres Strait Regional Authority as a statutory body through Prime Minister in Cabinet for our services in the northern peninsula area and the Torres Strait. But in saying that, irrespective of who we're funded by it's important to note that we provide a joined up universal legal assistance service to Aboriginal and Torres Strait Islander Queenslanders no matter where they live geographically. We also provide prisoner through-care services. And I may note from our previous guests that the prisoner through-care service referred to by Corrective Services are actually provided by the Aboriginal and Torres Strait Islander Legal Service not by the Department of Corrective Services. We also provide inquest activities unfortunately for any coronial activities for deaths in care. And we have a complaints mechanism which is State-wide to deal with particularly police, the frontline of defence against our people, and also within the Health Department should any sorry business takes place. Might I just say right from the outset you can't arrest your way out of a social problem. And looking at the economic and social challenges that Aboriginal and Torres Strait Islander people face, and that's compounded even further the further you go out of the regional particularly the metropolitan areas and get into remote, very remote communities across Queensland. So we welcome the opportunity to give evidence here at the Commission here today. I think many speakers before said the problem lies as we all know in identifying the underlying drivers of the root causes of why people come into contact with the police in particular, and then in turn with the courts and then into a correctional facility. The challenges that we face around understanding and addressing the social and economic challenges around

affordable housing, education, employment and training, disability as mentioned before in looking at fetal alcohol spectrum disorder, and particularly our young people who are now men and women being locked up even though they possibly could have mental health and/or a disability is quite obscene. Might I say right from the outset, and I think I said it to one of the Commissioners there before, I'm gobsmacked that I've got to sit here and talk to people about what the issues are that get people locked up. I'm absolutely floored. I feel like an idiot. I've got to sit here and we've got to spend money. And I know there's a process in working with government and the importance of commissioning this, but things have not changed. As each and every one of you know the crime rates have gone down, the imprisonment rates have gone up. I think the bottom line is tough on crime wins votes. And you know if someone was robbing my place I'd probably want something done too. But what we do know is that Aboriginal and Torres Strait Islander people commit crimes against their own people. The crime problems we have in Cairns I would suggest for a lot of people that have been forced from communities for one reason or another, predominantly to access health services, to get affordable accommodation or have access to all of those other services we talked about before. There are some solutions on the table and we'll go to them later, and I particularly want to focus on legislative reform. We're actually dealing with those who experience the deepest and persistent disadvantage in Queensland as a minority group. There are some solutions of course to this, and justice reinvestment is to name but one through the Bourke Justice Reinvestment to process the Maranguka Justice Reinvestment Project in Bourke which has substantial investment from the New South Wales Government, private sector investment, to actually look at addressing the root causes, the reasons why people offend in the first place. One of the challenges we have here, and I can look at one example in particular, is the amount of our people who are going to jail for unlicensed driving. So I'm not too sure of the right department. We'll talk about Transport and Main Roads. I know in the NPA and the Torres Strait itself the bulk of people that are sitting in Lotus Glen and/or because it's full could be sitting in Townsville or in Brisbane, in Woodford Correctional Facility are there because of driving offences. The investment from the Queensland Government is so poor in relation to going up and do driver licensing programs. Where is the common sense in all of this that they go up once or twice a year and yet they know the cost of imprisonment. So we look at, I don't know, the fees 120,000 a year.

CW: 107.

SD: Pardon sir?

CW: 107.

SD: 107,000 a year. Take 10 people out. That's \$1.07 million can be reinvested straight back into frontline service delivery. It's cheaper to employ a public servant to travel up into the Cape, particularly in the NPA, and get driver licence programs done than it is in locking them up. And we talk about the socialisations that they may or may not experience that already haven't been sort of in touch with their mob in relation to increased recidivism. So that's just one example. I want to talk about some of the less sort of challenges. And the Aboriginal and Torres Strait Islander Legal Service has been very proactive in this space, not only in the criminal but particularly around civil and family law services. So we're in support the review to reduce the scope of some criminal offences to remove sentences of imprisonment as a penalty for some offences and create summary offences as alternatives to more serious offences in the Criminal Code. Especially when we're looking at low-level offending committed by youthful offenders. It would be ideal if a multi-disciplinary consultation group could examine potential offences to remove, downgrade or limit it in their application. We're also supportive of exploring alternative approaches to addressing low-level offending as interlinked with disadvantage or deprivation. For example nuisance behaviour by mentally unwell is better addressed by medical interventions. Dealing with addiction is another area that calls for better responses. We often see clients who experience both homelessness and addiction, mental illness and addiction, untreated trauma and addiction, chronic pain conditions and addiction. One problem cannot be addressed in isolation from the other. So there are better, cheaper and more effective interventions that repeated contact with the criminal justice system. And as I said before, you can't arrest your way out of social problems. So breach of bail. Breach of bail was more of a compliance. It's become a criminal offence. So breach of bail offences commonly cumulative sentence of imprisonment being imposed, or imprisonment being imposed standing alone, given that contempt of court orders treated very serious and yet often, a breach of bail offence has nothing to do with an act of actual contempt but rather a court date is missed due to confusion, oversight, sorry business, mental health challenge, or lack of financial means to travel. So I know that if you come to Cairns and you live on Thursday Island you come down here and you eventually get your way home well more often than not you're going to be bailed to where you live you'll be bailed somewhere local. What's the opportunity for somebody to come all the way from TI. You and I couldn't

afford to get, well one, in a motor car or a car, or pay for a plane to get back down to appear before the court. So the Bail Act could be amended incorporating a new breach of bail simpliciter offence. And our recommendation is around a factual situation where actual contempt is not at play and for which a sentence of imprisonment is not a sentencing option. So a breach of bail aggravated offence could still remain an option for genuine contempt situations where imprisonment remains a sentencing option. So we need to provide options for victim involvement as well. If we look at the DV data in Queensland I know and I will say I am a product of DV and the way I grew up out on country because severity of floggings that my father dished out. And I put this disclaimer in place for a very simple reason. Is the data at this point in time, and the Commission has an opportunity, if you have a look at Aboriginal and Torres Strait Island data the aggrieved I think you'll be absolutely blown away when it comes to male aggrieved and also female aggrieved. Now that's now popular. But what I'm saying is we need to stop looking at perpetrators and victims and starting at a holistic approach about peoples' right, but more importantly their obligations and responsibilities in healing themselves, because it's a sickness and it's an illness. So the DV is the discussion and the argument. And I don't say I throw the challenge across to you as Commissioners in your report, but it's something that the (ui) needs to be pulled out and thrown onto the ground. Because the result of not having adequate services that are gender specific available to women and men and their children as victims of what happens between their parents doesn't alleviate but what it actually does is pick up high suicide rates of our young men and our adults in the community on a day to day basis. Reducing the use of remand. And that's really around looking at accommodation. And the challenge of us, and I note Levi one of my staff members here in our Cairns office who provides the prisoner through-care service, the challenge we've got for anyone leaving prison is alternative accommodation. So it's noted that the report the absence of alternative accommodation was a key contributor to the number of women particularly remanded in custody. And that's at its highest increase ever. And in fact as you know we're at our highest imprisonment rate in Queensland's history. The same observation would hold for some men charged with DV orders, hence my comments previously. So obviously keeping accused remanded in custody in preference to anyone else is the most expensive option. Immediate relief of overcrowding in prisons could be created by more sustainable terms for remand such as a bail hostels. We know that it's cheaper, and I can't remember the Deloitte Report, but it is cheaper to offer services in the community of origin as opposed to

taking people out of their community of origin and putting them into alien environments. And another cause of high level prison cell and remand are unnecessarily stringent bail conditions. The report concluded that failure to comply with these conditions along with stringent policing of minor breaches in some locations increased the risks of custodial remand for indigenous defendants with court delays contributing to the length of time defendants remained in remand. I've been around nearly three decades and what I've noticed parole and probation with particularly community based orders is breaches and compliance and people going back. I can look at our young people even on juvenile justice orders, governments over time, and I don't know where they had the evidence, maybe they asked the question and found the evidence that they needed to make changes. There were youth workers employed to support young people on juvenile justice orders years ago. No longer the case. The role of corrections in the community isn't about supporting the individual anymore it's about breach and it's about compliance. I understand the philosophy, but it's a backward step. Why did it change from 10, 15, 20 years ago to end up where we are today. I might just stop there if I may Commissioners and pass it over to yourselves please.

CW: Shane, that last list of points you've made about stringent bail conditions, stringent policing, court delays QCS breach and compliance.

SD: Mmm. Mmm.

CW: You've seen a significant, you've seen. Sorry, I don't want to lead the witness.

SD: Mmm.

CW: You've seen a change in your 30 odd years in the game.

SD: Mmm.

CW: So it's deteriorating. It's not improving in your view?

SD: No, it's not Commissioner. It's not. And maybe if I have an opportunity from our submission of course which you've got, but for the benefit of people. So an example. Quite a number of years ago one of our practitioners appeared in a particular jurisdiction where the failure appear rate for Aboriginal and Torres Strait Islander offenders was disproportionately high. Presiding Magistrate's response was to always impose imprisonment for a breach of bail offence, and would do so with ever increasing periods in custody. The rationale was to send a clear message to

the community that not turning up to court would not be tolerated. However, this sentencing regime had the exact opposite effect of that which was intended. Failure to appear rates markedly increased. The Magistrate continued to respond with ever increasing sentences of imprisonment to make the point, with the failure to appear rate increasing still further. The reason for this became evidence upon seeking instructions from clients and taking them through their criminal histories. Most of the clients did not associate their previous sentence of imprisonment, or breach of bail offence, with not attending court. Rather, the exact opposite. In their often confused thought processes they equated attending court with going to prison. Hence the downward spiral of poor court appearances.

CW: That's pretty grim.

CF: Yeah.

SD: You'd be aware of the terminology gratuitous concurrence.

CF: Yeah.

SD: Where you agree because authority or you think you've got to agree. Yes means yes. Yes means no. And yes means I don't know. Hence the exceptional service we provide in understanding those verbals and non-verbals and those cultural nuances, depending on where we are across this great State of ours, in having our lawyers, our court support, our para-legals and administration and our 48% Aboriginal and Torres Strait Islander employment because we know our people. Cause more often than not they're our mob. They're our family.

CW: Shane, that was a useful example, that sort of a court example. Do you have examples in terms of interactions with the police?

SD: Commissioner, I can give you many examples. I can tell you now, I suppose the example I see is this. If I go down a street down here in Cairns and I see a white fella sitting there have a charge with a beer in the park by himself you'll look, we do it ourselves, this is our own prejudice. I'm sorry, I'm not putting our own into that category, but it's a broad statement. But if I go down there and I see a bunch of black fellas, because it's a cultural thing to hang around having a charge, first thing coppers are going to do is go over and it starts. We call it the ham, cheese and tomato. Resist, obscene, assault police. And this comes back to people's perceptions or a broad assumption that, I live on North Stradbroke Island and I see tourists all the time walking along the street in our little township of 300 people with

beers in their hand. I can guarantee you if they were Aboriginal or Torres Strait Islander people perceived, because of their colour of skin, because I'm fair skinned, I guarantee the wallopers, the coppers would turn up and they'd be charged.

CW: Has that changed in the last you know 20, 25 years?

SD: No. And the biggest challenge of course, no, can I say from the QPS perspective they do a bloody damn fine job with what they have or haven't got.

CW: Yeah.

SD: And when you're in trouble you call the Ghostbusters don't you?

CF: Yeah.

SD: So we acknowledge that. Our whole role is really looking at problem orientated policing. I had an opportunity to present to a couple of your team members the other day The Change the Record: Smarter Justice, Safe Communities Blueprint. And it's about community policing, it's not policing the community. And it's making sure that Aboriginal and Torres Strait Islander people are front and centre in the solutions to the challenges that are impacting upon them in their communities irrespective of where they live. Now that's smarter policing. That's problem orientated policing. So unfortunately it does take place. Yeah, I'll be respectful.

CW: So your people on community correction orders.

SD: Mmhmm.

CW: So we've talked about the police. We've talked about the courts.

SD: Yeah. Yeah.

CW: Similar sort of issues? Not many conditions. They're breached from time to time? I had in fact met, you might have been there, was it, no, you weren't in Mt Isa. Were you? Okay. One of the attendees at one of our sessions there indicated that just fundamentally simple issues, well, I say simple, but lack of literacy. Things coming through the mail and not sure what they are. Dates get missed.

SD: Mmm.

CW: Issues are not responded to. The cycle starts again, so.

SD: Absolutely.

CW: And there's not a lot of support out there in the trenches? I've seen some of the handout material I think you provide if somebody's apprehended by the police...

SD: Yeah.

CW: ...what they should or shouldn't do in those crucial interactions.

SD: Yeah. Mmm. So might I answer the first part of the question, cause. Well I'll go back to police. I've got a memo of understanding with the current police Commissioner, not the newly announced.

CW: Yeah. Yeah.

SD: One of the challenges around the Operation and Procedures Manual on police powers and responsibility legislation, and may I say it's increased tenfold of former governments increasing police powers, is a reference that we should be contacted in relation to any of our mob sitting in a watch-house. That's not the case. We'll have instances where the police will ring up, the phone will ring once and they'll hang up. Because it's then recorded that they've contacted our phone. The police will send us faxes in the middle of the night even though our office is closed. So we believe there should be legislative amendments made to legislation in direction relation to this that say the police must contact us and remove their election of choice. What we find normally, and it's being funded by the State Government at the moment, the Queensland Government, what we're finding is the police aren't sticking to their own agreement within the OPM's and the police power and responsibility.

CW: Shane, are there occasions when it does work well?

SD: Absolutely. Because the idea is if someone's alleged to have committed an offence we want to make sure, and you know we work off (ui) and the rule of law is that you're innocent till proven guilty. And it's not this automatic assumption that you're good for what you've done. Our whole approach, and may I acknowledge Commissioner you've had an opportunity to see the broad range of paraphernalia through our social media, our marketing, our hard copy Know Your Rights and your Responsibilities. Not only in English, Aboriginal and English but also in languages from the Torres Strait is to be able to say to people these are your rights but these are your responsibilities. We've been very proactive to make sure that our people understand their rights. There seems to be a perspective that comes up. And once again it was a smokey in the room to say that the Aboriginal and Torres Strait Islander Legal Service lawyers tell them not to participate in a record of interview.

Too right we do. Because we've had instances where police officers have contacted us to do a record of interview and it all worked out. And we always put our diversionary, our restorative justice principles up, justice cautioning conferencing, acknowledging there's admission of guilt. But we find out the next day that the charges that were discussed on the phone weren't even the ones that were shared with us by the officer the night before. So might I say it'd be difficult being a police officer. It's not a job I'd like to do. But I can say the continual bastardisation and misinterpretation of public policy and very very poor legislation makes it even more valid that people by not utilising us in records of interviews would eventually get people charged. Cause we find when we are contacted our clients have already participated in a record of interview. They get a Justice of the Peace to come in. There's some challenges there. But I must say with juveniles for example they can talk about having parents. Well they can be subpoenaed. They haven't got protection under law to be subpoenaed to court as a witness. So there's a whole lot of I think intentional acts taking place by the QPS which are quite challenging.

CW: So there's opportunities there...

SD: Absolutely.

CW: For significant improvement?

SD: Absolutely. Legislation is one.

CW: Right.

SD: And we have learnt from the New South Wales experience is notifying people of being in custody. There was an Aboriginal woman was subject to an inquest a year and a half, two years ago, that was brought into police watch-house and died whilst in custody but wasn't officially under arrest. So the system did break down. So it needs to be further bolstered up from the learnings we had in New South Wales. Commissioner, might I just add some response to your example from Mt Isa around literacy. There's some broader political issues and interference at play in Mt Isa, and it starts at the Commonwealth Government level. Suspension of the Racial Discrimination Act in the Northern Territory for breaches under Centrelink Act. So Northern Territory intervention the Commonwealth, through powers, through Australia's Constitution, has the ability the ACT and Northern Territory to basically implement certain powers. So the intervention in the Territory has been a big issue, because whole families are in poverty and starving. What we've noticed in Mt Isa,

and I think it was an opportune time is a good example is all the (ui) mob, all the Territory mob coming across the border.

CW: Yeah.

CF: Yeah.

SD: So we've got the poorest of the poor. Unemployable predominantly. Drug and alcohol addiction, substance abuse, living in the riverbed. So Mt Isa's a big challenge. And I can tell you the data that we're capturing in Mt Isa is in relation to mob coming across the border. It's not local black fellas from Mt Isa, it's mob from the Territory. So when you've got an amalgamation of juvenile justice offences allegedly committed in Mt Isa and/or possibly some from the Territory, you got kids coming across into Queensland jurisdiction that are actually subject to child protection orders in the Northern Territory and possibly subject to child protection orders in Queensland.

CF: Queensland as well. Yeah.

SD: So it's compounding. And what we do find, and I work off rule of thumb, and bureaucrats may disagree, but I would suggest 70% of all of our kids that are in youth detention centre, as I always think is a rule of thumb for adult correctional facilities, are actually subject to dual orders, child protection and juvenile justice. You know there's an international covenant called Convention on the Rights of the Child. And Juvenile Justice Act as it now, it's been brought back in. The Neumann government took it out. But detention is the last resort. The Queensland Labour Government has put it back in. So we've got a whole lot of issues. Cause those kids on child protection orders are our potential so-called criminals of tomorrow once they hit the age of 10 and then they're going to move into the adult correctional facilities. So we talk about that upstream and downstream argument.

CW: Yeah.

SD: And we need to address it upstream before they get to corrections, the police, ourselves, and the courts.

CW: I asked one of the other presenters this morning were they optimistic or pessimistic about the future. Where are you? Do you have some optimism about the way things are going?

SD: Yeah, I do. I get asked the same question do you think you can reduce incarceration rates?

CW: Yeah. Yeah.

SD: No.

CW: No.

SD: Because I can't control the upstream.

CF: Systems. Yeah.

SD: And I mean you can look at, I look at a simple solution, albeit it's going to be a massive challenge, is the different regions of the different Queensland Government agencies. They don't mimic each other. They cross boundaries. So when you're a client or you're an Aboriginal or Torres Strait Islander person you're moving from the Townsville health district into the Cairns health district into the Far North health district and those districts are different to Queensland Housing or different to, so we have a whole lot of issues. Because people pass the buck. Now that's a big challenge. I'm not saying by any stretch of the imagination is that is it a challenge that can't be addressed. But we've got to move beyond the best intent. If we're really going to get to the bottom of this we need to move beyond the best intent and actually start changing. A bit of transformational learning. If we keep doing the same thing getting the same result, well you know what it is, the definition of insanity. Let's actually make sure that if we're talking about solutions let's start locally. Let's involve our Aboriginal and Torres Strait Island people front and centre in the challenges and more important in solutions that are available in the community. And it's not always about new money. It could be cost neutral. But it could be the way the government procures services as well. And I think I was talking to someone in the audience before. I know many senior executive members of the bureaucracy that leave government, go and head up large non-government organisations, NGO's, and get a lot of money, particularly faith based groups, and yet if I talk about child protection service we're at our highest removal rate even before we under the Act pre-67. So there's massive investments, but all our data's heading south. A critical solution to all of this would be to start looking at mapping services. The success of our prisoner through-care program. Marginal success in some ways I may say is that more often than not through talking to my staff they'll find out by word of mouth about who's funded for what. So I'm fortunate, I sit on the Queensland Legal

Assistance Forum. And that's Legal Aid Queensland, Queensland Community Legal Centres, ourselves, the Domestic and Family Violence Services, the Queensland Bar Association, Queensland Law Society. The challenge for us wouldn't it be good if I went and made a submission to the court and the Magistrate, His or Her Honour, made a court order and we knew that the referral points were actually in existence. The success of the Murri Court in Brisbane is one where it originally started, was that it's resource so when submissions are made on behalf of a client by the lawyers we know that those referral points actually exist.

CW: Shane, based on your experience the Murri Court we've seen it, it looks terrific, small numbers I assume are able to be handled in the Murri Court. It looks like it's high touch and high cost.

SD: Yeah.

CW: Can it scale? Can that model be scaled up do you think? Or will it always be a small niche...

SD: Well you got to plead guilty.

CW: Yeah.

SD: You got to admit guilt. I think the good thing about the Murri Court is the Elders that sit with the Magistrate, and the name and shame factor.

CW: Yeah, they do.

SD: And it has been successful because it's resourced. Look, they're currently undergoing a review of the Murri Court. My sense is is that it's, the reduction in recidivism is really high. And in fact, and without the evidence of course Commissioner, but I would suggest that it's far more effective than the mainstream courts.

CW: The Drug Court seems to be a similar model.

SD: Mmm.

CW: And they both look highly effective. The question in my mind is can they be scaled up without you know prohibitive costs. Perhaps I know that it certainly seems that time between when you first present and when you're sentenced in the Murri Court, and then there's a process of...

SD: Yeah. That's right.

CW: ...repair, rehabilitation, restoration that's gone through.

SD: Yeah.

CW: Looks terrific as a model.

SD: Yeah, it is. And you know the success of those diversionary processes around the Drug Court is making sure there's services.

CW: Yeah.

SD: And we continually say it, services not sentences. Commissioners, may I just say, and can I present this as evidence to you.

CW: Please.

SD: Sorry it's a hard copy, but...

CF: That's all right.

SD: ...I can send you the electronic link.

CF: It'll be loaded up now.

SD: But we've, I don't know if you're aware but the Close the Gap, and as I say I'm here as an advocate for Aboriginal and Torres Strait Islander Queenslanders, but the Close the Gap Refresh led by the Commonwealth Government, an agreement signed off before all State and Territory jurisdictions with the Morrison Government has now included incarceration and child protection or justice targets within the Closing the Gap Refresh. May I say the Queensland Government is the head of the game in relation to that. The challenge of course is they're talking about the widgets and the numbers. The whole idea in leading a campaign, I was fortunate to be the co-Chair of this without any government funds, from philanthropists, and lobbied for five years with the Commonwealth Government, we've it in Close the Gap, is not to so much at this point in time, it was a national approach, and that's looking at recording the same thing the same way and making sure our data sets are captured in consistency across the country. And that's acknowledging a mob will move across borders too. The number game, or the justice targets in widgets needs to come at a later stage. So this was originally meant as a national process for the Commonwealth to take some leadership and then for the State, sorry, I'm going between National and State, but for the Queensland Government to actually have a look at some...

CF: Shane, I might just pull you up there.

SD: Sorry.

CF: And with the courtesy of the audience if we just go over a little bit. If people do from the audience. I don't want you to miss have an opportunity to ask a question if anyone here does have a question. And failing that, because we're running very close to time for the next group. If people have questions they think of later if they can't think of one now, if they can forward it and we can get it to Shane. Same as myself. Is that suitable to the group?

AUDIENCE: That's fine.

CF: Yeah. Sorry Shane.

SD: No, you're right.

CF: Thank you. Can you leave that document?

SD: I can Commissioner.

CF: And is it okay if we, is it online?

SD: It is online. And I'll be able to send you a link.

CF: We can make a link to that with your presentation. We'll put that as a link to the presentation and upload that.

SD: Commissioner, may I just briefly say the headings?

CF: Yes.

SD: And it's about invest in communities and not prisons. It's about local communities have the answers. Let's recognise the driving factors of imprisonment and violence. Focus on safety. Services not sentences. Community orientated policing. Smarter sentencing. And that's what we're endeavouring to achieve. Eliminate unnecessary imprisonment. Adopt community justice approaches. And young people don't belong in prison. And the other two. Rehabilitation is in all our interest. And reintegration not recidivism. So if I may table that Commissioner.

CW: Thank you Shane.

CF: Really looking forward to having a look at that.

SD: Thank you.

CW: It's a useful place to finish the formal presentation. It's almost where you started. What am I doing sitting here saying these things.

SD: Yes, (ui).

CW: I'm sure there will be a question or two before you're done.

CF: I think other people are waiting to present. So.

EP: Eddie Pearce from LifeBlood Australia. Shane, not so much a question, but I'm just really liking what I'm hearing coming from you. I think you sound like you're a real trailblazer and barrier breaker, so I think we need more of those around the place.

CW: Thanks Eddie.

CF: Thank you.

CW: Shane, it looks like your time is done.

SD: Thank you.

CW: Look, really appreciate it. Another strong presentation. So thanks for that. And Eddie thanks for being a little flexible in terms of your timing. You're our final presenter today. Thanks Shane.

CF: Thank you Shane.

SD: Thank you very much.

CW: Keep up the good work hey.

SD: Thank you.

CF: Okay, thanks Eddie. Next up we have Eddie Pearce. And I see there's a couple of Eddie's colleagues here as well. Eddie is from LifeBlood Australia and here to give a presentation to the QPC public hearing. Thank you Eddie.

EP: Thank you Commissioner. Good afternoon Commissioners and guests of the public forum. My name is Eddie Pearce of LifeBlood Australia. Firstly I'd just like to acknowledge the traditional owners of this land past, present and future, and also thanking you for having me here today and giving me this opportunity. When speaking on a topic it's good to know that the speaker has lived experience and therefore knowledge with the topic they are speaking on. As I say my name is Eddie Pearce, since 2012 I've been employed as a correctional officer and also part of that

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time working as an activities officer. My wife and I have operated our own pest management business since 1997 and I'm a boiler maker by trade. I was brought up on a sugar cane farm in the Burdekin. My father passed away in June 2007. In 2015 I was presented with the book Bloodline. The story of John Turnipseed, a former gang leader and drug dealer who now is a community leader, pastor, speaker, facilitator, and has written Parenting Curriculum. John ran the biggest gang in Minnesota history. The National Guard were brought in to disband the gang. John has lived experience. Come 2019 I've been given the position of LifeBlood co-ordinator for LifeBlood Australia. LifeBlood Australia is facilitating the LifeBlood curriculum and co-ordinating the establishment of other facilitators to facilitate LifeBlood. I am currently part-way through the first LifeBlood curriculum to be facilitated in the community. Our goal is to establish partnerships throughout not just Queensland but Australia with Correctional Services, probation and parole and other service providers to inmates or those have gotten out on parole and to give every individual who comes into the Corrective Services system the opportunity to partake in the LifeBlood curriculum and turn their life around. So just summing up the Commission's or Inquiry's findings at this point in time. Imprisonment rates are rising despite falls in crime rates. Prisons are overcrowded compromising safety and rehabilitation methods. Prisons are expensive. It costs around \$107,000 a year to house a prisoner. And just add to that guesstimate wise you could add probably another 30 to \$50,000 to that with the family related issues that come attached to that particular person. There is little evidence that the increasing use of imprisonment benefits the community. High rates of reoffending are compromising community safety. On current trends investments are 5.2 to 6.5 billion will be required to ensure that prison capacity is able to meet demand in 2025. We can't keep building prisons and locking our problems away. It's like a person pushing their problems under the carpet so to speak and hoping the problems just go away. This very rarely happens. After being in the system for the time that I have, and now with my position with LifeBlood, it is very clear to me that the root cause of society and community dysfunction as we know it is fatherlessness and the lack of positive, encouraging mentors. That now I don't have a father I have a little understanding of what fatherlessness looks like. But certainly not the same experience as some of those who have or are incarcerated. Drugs, alcohol, sex, food, anger, fighting, whatever it might be, are all the end result of a dysfunctional upbringing. A child without a father is like a building without a roof. Unless there is a paradigm shift in our thinking to embrace a compassionate approach nothing will change. Unless we

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love the unlovable and get to the root cause of dysfunction we will spend a lot of money plugging holes. Lived experience as part of the solution. Last year I was fortunate enough to attend the 14<sup>th</sup> National Reintegration Puzzle Conference where it was identified that people with lived experience need to be part of the rehabilitation solution. In support of this, I'll only mention a couple of points here, but in 2015 a lady by the name of Claire Seppings, a Churchill Fellow, carried out a study on the rehabilitative role of ex-prisoners, offenders, as peer mentors in reintegration models in the UK, Republic of Ireland, Sweden and USA. I'll just mention a couple of these points here in her conclusion if I might Commissioners. I might add this particular report to the submission.

CW: Thank you.

EP: So Claire says my project set out to study the rehabilitative role of ex-prisoners, offenders as peer mentors in reintegration models UK, Republic of Ireland, Sweden and the United States of America. I succeeded in that and found so much more. So just a couple of the things. Successful reformed offenders driven by their lived experiences to develop and lead their own agencies and services employ former convicted persons and work with prison and probation systems to deliver person-centred services. We will not reduce crime unless we deal with the us versus them culture and division. I was saying to a couple of people a little bit earlier I mean when we were a child I'm sure most of us that weren't perfect, and we've all done something wrong in our lives, and because we were a bad boy or bad girl at a young age we weren't tarnished with that term for the rest of our lives. So this is something that goes against individuals when they're looking for jobs and so forth out in the community. Rehabilitation can only happen when everyone in the criminal justice system shares responsibility for transforming the us-them culture into real collaboration. Peer mentoring make sense. User voice or lived experience individuals input into research, policy development and service delivery makes sense. Removing criminal record barriers to mentoring and employment makes sense. I'll just go down to the last part of it here. Reducing crime and victims and creating an inclusive, health and productive society requires whole of government leadership and will and community engagement and response. Including the voice and expertise of service users, those closest to the problem to help address the problem and help foster the leadership potential of those who want to change their lives for the better makes sense and will bring about real reform. So I've got a note here. Can a lawyer teach an individual how to be a boiler maker or can a boiler

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maker teach an individual how to be a lawyer. So using that lived experience is something that's coming from someone who knows the system. If they've turned their lives around then it's very difficult to debate someone's own personal testimony when they're trying to give you some good guidance. LifeBlood is a ground-breaking curriculum designed for lifechanging transformation. LifeBlood is presented by individuals who have lived experience in incarceration and have turned their lives around. Currently there is a LifeBlood for men and one for women. In the very first group of men that took part in the first LifeBlood curriculum was my son who at the time was 16 years old. I noticed that he gained great insight, knowledge and maturity from going through the curriculum. So I know that LifeBlood will be beneficial for youth as well. LifeBlood Australia envisages a holistic approach to reintegration so that recidivism and incarceration are avoided. We know that we need to walk alongside individuals for at least 12 months. In some cases it may be the rest of our lives. Particularly until new skills become regular everyday habits. The organisations I'm associated with have proven history of successes. John Turnipseed who I mentioned before himself up until recently ran Urban Ventures Centre for Families. The goal of the Centre for Families is to provide services that equip and empower entire families to grow as individuals, overcome obstacles and support each other. A quote from a recent graduate said: I learned that it takes healthy co-parenting to have a stable environment for a child. Two working as one is better than one working as one. Urban Ventures provides cradle to career support for youth and families in one of Minneapolis's most under resourced neighbourhoods. Since 2010 there have been 800 graduates a year from the Centre for Families. Of that number 800 have gained full time employment and are putting five to \$10 million back into the US economy. And this is where we need to go. We need to be, rather than spending the money we need to be able to have people to be able to put positively back into the community again. We all need mentors. It is like going through an apprenticeship, learning new skills until they become ingrained habits. A lot of the incarcerated individuals I speak to have a desire to do and be different, but don't have the faith in the current system, particularly for those who are repeat offenders. Most who have been in the system for at least 10 years recognise the dysfunctionality of their actions. Individuals require their thoughts to be challenged. LifeBlood challenges, restores and transforms. LifeBlood is the key to a door to a different but fruitful perspective to living, including dealing with issues that come along. At LifeBlood Australia we recognise that not every individual that goes through the LifeBlood curriculum will be transformed. But we do believe that the

LifeBlood curriculum gives any individual the best available opportunity to understand themselves and choose the path to a life of fruitfulness. At LifeBlood Australia we understand the need for training, re-skilling, health, education, support, restoration and transformation. The model LifeBlood Australia follows is a tried and proven model. There needs to be great consideration for what outcome is desired. What steps are prepared to be taken. Outside the box there are great alternatives. There is a great opportunity to restore our communities for the better. If we have less people going to prison I'd suggest to you that we have a safer society and community. I've heard it said to have great community we need to have great families. To have great families we need to have great fathers and mentors. So that basically concludes my presentation. So again, I just want to thank you for giving me the opportunity. For my own personal assessment of what I've heard today the common thing that has come up has been about getting to the root of the issues, because otherwise we're just going to be plugging holes. And from memory I guess Shane was the last person that we heard, but you know he talked about the community getting involved. And rather than just you know Queensland Correctional Services being the ones that sort of look after the prisoners, and they're put in a box that no-one really thinks about anymore cause you know they're over there and we're doing all right over here. Well, we need to take responsibility, because us as a community have had some impact on the way that we're functioning out there. So we need to realise that as a whole rather than just letting you know Correctional Services or the police or whoever deal with it you know. At the end of the day it starts first in the family.

CW: Shane, is the program, the LifeBlood program a program that's run for prisoners while they're in prison?

EP: It is a program that is done, yes. This is being presented, we don't have this being presented in any prisons at this point in time.

CW: Right. Is that your ultimate goal?

EP: Absolutely. To be able to present this within the prison system. And then also outside of the system. As I mentioned earlier, you know LifeBlood is the key to a doorway to a different perspective on life. After that then comes walking alongside people. And you know having a facility or partnering with a facility where people can learn skills. I guess one of the visions that I've been given is having a place where we restore things. So that could be a chair, it could be a mic, it could be a

telephone. But with the theme of restoration in what you're doing that's then working on your mind with restoration up here. Because the battle's all up here.

CW: Right. Would previous participants in the program ultimately then move on to become mentors?

EP: Yes, they have. Yes. If I can just say that in the United States LifeBlood is being facilitated in jails in Texas, Alabama, Florida, Minneapolis. The ones that I can remember off the top of my head. Now, and it comes to mind that the fellow, the psychologist talked about having a unit where you had it as a sample unit for testing I guess some of these theories or programs. So in Alabama there is a whole unit of 100 men that is a LifeBlood unit only. And it is apparently you know if you want to see a unit that runs well, people getting on well together, you know end of the day those individuals in a positive environment should come out of the system with a better attitude anyway.

CW Yeah.

EP So, yeah it's something, because it's presented by, these guys with lived experience have done anything from assault to murder. So we're not just talking about people that have done simple stuff, if you want to put it. So you know, and they're talking on subjects like family, power, loyalty, the right thing, transformation. Because you know what might be the right thing for me might be a different right thing for you.

CW: One of the issues we've come across is that sometimes some of these programs that have been available previously in Queensland correctional facilities take longer than the average sentence these days. The average sentence is relatively short, 3.9 months or something like that.

EP: Mmm.

CW: How long does the formal program take?

EP: 12 weeks. It can be done in six weeks.

CW: Okay.

EP: But 12 weeks is the standard.

CW: And I know that, I'm not indigenous, I'm just a Anglo Saxon Celtic guy, is this program, will it cross cultural boundaries? It's come from the US to Australia so it's already crossed one boundary.

EP: Sure.

CW: Is it applicable for indigenous Queenslanders?

EP: Well, when you say. Well, yes. In the United States when you talk about individuals that are going through the curriculum you know you've got Latinos, African Americans, your white individuals.

CW: So the evidence would say that it can work with different cultural groups?

EP: Absolutely. Absolutely. I personally have had interaction with some of the Islanders and Murriss out at the jail. And my passion and desire is also motivated by the response given by these guys when they, they agree wholeheartedly with everything here you know. There's a couple of the Bloodline books that are going around in the jail. And one of the individuals that I've spoken to recently he said to me that he's read lots of other books similar but this one he never put down. And he's someone that's been in and out of incarceration since he was probably nine or 10 years old. And he said the Bloodline book read almost you know word for word like his life. And I guess a lot of them, like some of us in some situations outside we feel like that we're the only person in the world that has this issue or whatever. So when you find out there's other people that have had a similar problem and they've been able to get through it and come out the other side a little bit shinier that's encouraging. That gives you hope.

CW: Eddie, what would a next step be for you with this program? You know if there was next logical step to move forward what would it look like for you?

EP: That would look like being able to partner with Corrective Services such that they would allow LifeBlood to be facilitated within the system. And you know probation and parole would come in line with that as well. So. But as I mentioned earlier I mean any of the services whereby individuals are dealing with people who have been in incarceration. Even for someone who hasn't been incarceration and maybe just wants to get a bit of a guideline as to what traits make up for a more fruitful life and not a destructive life.

CW: I hear you loud and clear.

EP: Yeah.

CF: Eddie, thanks for that presentation and hearing about the program. Interested in how many people are in the organisation here locally?

EP: Yeah.

CF: And also in Australia. So here in this region, and then in Australia. Like has it taken up, has it got traction elsewhere?

EP: To answer the first question, here in...

CF: Cairns.

EP: In Cairns or in Far North Queensland there are Levi Meadows, who was here a little earlier. He's part of the Board of LifeBlood Australia. Ben is one of my students let's say. And I have about another two other guys up in the Tablelands that are part of the Board.

CF: Yeah.

EP: We have been finding it challenging to break ground. But I guess you would say, like I don't get paid for doing anything that I do. So this is purely just run on passion and the understanding that from the interaction that I've had with individuals that this hits a point and that there is a desire out there for something outside the square.

CF: Has it got, is LifeBlood, are you the contact for the US here or is there other groups in the country, Australia?

EP: No. I'm the only contact...

CF: In Australia.

EP: In Australia. And we had one of the guys from the States come out last year. And I co-ordinated what was called a Man-up Conference up in the Tablelands. But at this point in time I have a manager of offender development in another jail in Queensland that's looking over this particular LifeBlood information. And a chaplain in another jail down south is actually going to and approaching management about LifeBlood curriculum. So that's where it's standing...

CF: That sounds positive. Yeah.

EP: Yeah. Look it's something that, I guess if you believe in something and that there's integrity behind it, that the outcomes that are looking at being achieved by going through the curriculum are all for the benefit of the individual going through you know they should walk out that door a lot better off than when they walked in. I feel good about that. So.

CF: Yeah. Have any of the team here at all managed, been able to travel to the USA to see how it works there?

EP: No. That's my next plan or next step in the plan...

CF: Take a group maybe.

EP: ...is to be able to go over there.

CF: Yeah.

CW: Fabulous.

EP: I've got, you can go onto the internet and Google LifeBlood curriculum, or Five Stone Media and you will come across considerable amounts of information on this particular curriculum and also the one for the women. Interestingly enough the one for the women the face for that is Sheila Charles. So you'd all know Ray Charles the pianist. So he was a heavy, I think it was heroin user. His daughter spent 10 years incarcerated because of drugs. And turned her life around. Unfortunately, she passed away 18 months ago from the drug use. But her testimony alone is just insanely powerful. So. You know I don't know, just like when you can present something to somebody who's walked in possibly going oh you know yeah this is another curriculum, or whatever, and then get interaction from individuals on the very first meeting. Because I understand in the prison system some of the guys there it might take them six weeks before they start interacting with a facilitator you know. And this just, it opens stuff up that other things don't. And call me arrogant, but you know as far as I'm aware there's no other program going in Australia for that matter. And it is or has been put together in such a polished and professional manner. Yeah, it just speaks for itself.

CW: We wish you well Eddie. It sounds like it's a very interesting program.

EP: Thank you.

CF: Thanks Eddie. I'm going to open it up for any questions from the floor. People got any questions? Alright. So Eddie, thank you for your time this afternoon and for presenting.

EP: Thank you.

CF: We do have, yeah those links we'll probably follow up anyway...

EP: Yeah. Yeah.

CF: ...to have a look ourselves at that program in more detail through the US connection.

EP: Sure.

CF: So if you can make sure that Matt gets those. I'd be very much interested in following that up.

EP: Yes.

CF: And to have a look at what evaluation has been undertaken of the program.

EP: Yeah. For sure.

CF: Yeah.

EP: For sure.

CF: Okay. Thank you.

EP: Thank you very much.

CW: That sounds very interesting. Thank you.

EP: Thank you.

CF: So.

CW: That brings us to an end.

CF: Yeah. So just in conclusion now, that's the last presentation for today. And just thank people here for participating, either as presenters or just members of the audience asking questions and just for the general chit-chat on really important issues during the breaks. Just a reminder to people that this material will be collected together and there'll be some edits. Right Matt. In terms of making it a whole load-up that's easy for people to listen to and look at and then be available on our website. So thank you once again everybody.

CW: I think Commissioner Fredericks views. And for those of you that have stuck through the whole event today congratulations and well done. And this material will reach an audience I suspect of hundreds if not thousands. So thank you for your participation. And Eddie thanks again and best of luck.

EP: Thank you very much.

CW: Thank you.

EP: Best to you guys too.

CW: And thanks Matt and Maire.