REPORT ON PROCEEDINGS BEFORE

LEGISLATIVE ASSEMBLY COMMITTEE ON LAW AND SAFETY

COMMUNITY SAFETY IN REGIONAL AND RURAL COMMUNITIES

At Broken Hill Civic Centre, Broken Hill, on Wednesday 2 October 2024

The Committee met at 10:00.

PRESENT

Mr Edmond Atalla (Chair)

Dr Hugh McDermott (Deputy Chair)
Ms Maryanne Stuart
Mr Paul Toole
Mr Tri Vo

* Please note:
[inaudible] is used when audio words cannot be deciphered.
[audio malfunction] is used when words are lost due to a technical malfunction.
[disorder] is used when members or witnesses speak over one another.

The CHAIR: Before we start, I acknowledge the traditional custodians of the lands on which we meet. I also pay my respects to Elders, past, present and emerging, and extend that respect to other Aboriginal and Torres Strait Islander people who are either present here or viewing the proceedings online. Welcome to the second public hearing of the Legislative Assembly Committee on Law and Safety inquiry into community safety in regional and rural communities. We thank the witnesses who are appearing before the Committee today and the many stakeholders who have made written submissions. We appreciate their input into the inquiry.

Mayor TOM KENNEDY, Mayor, Broken Hill City Council, sworn and examined

Mr GREGORY HILL, General Manager, Central Darling Shire Council, sworn and examined

The CHAIR: I welcome our first witnesses. Thank you for appearing before the Committee today to give evidence. Please note that the Committee staff will be taking photos and videos during the hearing. The photos and videos may be used on the New South Wales Legislative Assembly's social media pages. Please inform the Committee should you have an objection to photos or videos being taken. Will you please confirm that you have been issued with the Committee's terms of reference and information about the standing orders that relate to the examination of witnesses.

TOM KENNEDY: I have.

GREGORY HILL: I have.

The CHAIR: Do you have any questions in relation to that information?

TOM KENNEDY: No.

GREGORY HILL: No.

The CHAIR: Would either of you like to make a short opening statement?

GREGORY HILL: Yes, if I can. I am not sure what the line of questioning will be this morning, but there are three things I would like to raise. The first is the law around the juvenile bail conditions and conditions of release following charges, the second is life skills programs for juvenile repeat offenders, and the third is Working with Children Checks for Aboriginal men.

TOM KENNEDY: I'll just make a brief statement. As the mayor, I meet regularly with the police and also meet with different organisations that are involved indirectly that have the potential for reducing crime in the city. Crimes that include break and enter, break into vehicles, and vehicle theft in Broken Hill are committed by repeat offenders and consist mostly of a couple of dozen individuals. Crime decreases significantly when the ringleaders of these repeat offenders are in prison.

The use of drugs in Broken Hill has become a significant problem that leads to much of the crime in the city. Many in the city support a drug and alcohol detoxification facility to help those addicted to break the habit, and this would help many in need, but also reduce crime, by breaking the cycle of those learning the art of crime from seasoned criminals to feed their drug habit. I recently met with the CEO of the PCYC and discussed a number of programs that are operated by the organisation and the benefits it has to help young people to be good citizens and stop them from going into crime and drugs. The PCYC, the local police and Council are committed to advocate for federal and state governments to provide funding to help build a new PCYC that will encourage young people to be engaged in a positive community manner. The local commander of police has expressed the importance of such programs to tackle the root cause of crime, in the hope of showing those that have the potential for crime that there is a better way of life.

Another issue that we are facing as a community is a lack of criminal defence lawyers. As a community we all believe that everyone should have the opportunity to defend against charges for crimes, and at the moment we have only a couple of private defence lawyers and a legal aid service that is not available to all. We also just recently lost our community legal centre. Probation and jail work release programs do seem to be at least partially successful and should be used more to break the cycle of crime. My opinion is that a new PCYC, a drug and alcohol detoxification centre, and probation and jail work release programs would significantly reduce crime in our city.

The CHAIR: Are you happy to take some questions from the parliamentary members?

GREGORY HILL: Yes.

The CHAIR: Mr Hill, you mentioned in your opening statement a number of issues. Can you expand on those and give us an idea of what you're seeking?

GREGORY HILL: The first one I spoke about was law around the juvenile bail conditions or conditions of release following charges. When we have offenders who are charged and then they come into Broken Hill and they get bail, or are released in some cases—and these are generally repeat offenders—the common joke in our communities is that they beat the police back to Wilcannia or Menindee. They release that quick, it's a bit of a joke. Also they're released to parents, other family members or guardians, which are not responsible or are not suitable. They don't supervise them and the conditions are, or might be, that they can't go out after dark or they're restricted to certain areas.

But what we're finding is they're released to these people who aren't managing them, and in fact in some cases encourage them to go on and commit more crime. These people are a bad influence, and there's also peer pressure with other groups or friends, and they go on to commit more crime. More likely, they're repeat offences within a short period of time after being released. What we see is we require greater laws to detain juvenile repeat offenders which are not suitable for supervision.

The second point I made—while we're detaining them, life skill programs for juvenile repeat offenders. There have been a number of programs around the country which take young juveniles onto country or out into the bush, as such, or onto cattle stations and sheep stations, and start teaching them life skills. I believe that's a worthwhile program, and I'd like to see more of that to get these young offenders off the streets, away from the peer pressure of family, friends and community, and get them out to teach them life skills, work ethic, and just to have an understanding of what it's like to be part of a community.

Dr HUGH McDERMOTT: Do you have a name of any of the programs that you would suggest?

GREGORY HILL: One that comes to mind is one in South Australia that they operate up in the Flinders Ranges. I was originally from South Australia. This is going back 10 years ago. I believe that it's a very successful program where they take kids from Adelaide up into the Flinders. They spend two or three weeks up there at a given time. There are such programs around. I can't see why it couldn't work out here in the Far West, being that we've got a number of large national parks, being Mutawintji National Park and Kinchega National Park. You could align something quite easy with National Parks and the land councils to work in with the system. These kids could actually learn some life skills, have an understanding and get an education about their country.

The third point that I was making was Working with Children Checks for Aboriginal men. What I've found over the years is that Aboriginal men who are charged with DV most likely wouldn't pass a Working with Children Check. In most cases, a DV charge didn't involve an offence against a child; it was more domestic violence against their partner at the time. Working with Children Checks stay with these men for life. An example I'll give you is that we struggle to get lifeguards or pool attendants. We operate four swimming pools in the Shire. When it's swimming season, there's a shortage of lifeguards. When we come to employ casually, a number of Aboriginal men put their hands up seeking employment.

Part of being a lifeguard or a pool attendant is that you need to have a Working with Children Check. It's obvious why. That's the first failure. Unfortunately, we have to reject them because of the high risk of working with children. Most of these offenders are around about 30 years of age. We're looking at men who are in their late forties or early fifties who are looking for employment. There are also limited employment opportunities later in life, for social or community work types. They're the three points I would like to make.

The CHAIR: Mr Mayor, what do you think are the drivers of youth crime in your local government area?

TOM KENNEDY: They're similar to what Greg just stated. I believe it needs to be addressed before we get to the point where they become repeat offenders. That's why the PCYC is so important. There are programs, for example, that they run where they pick up children for school—pick them up at about 7.30 or seven o'clock. They have breakfast and get to know the police involved at the PCYC. Speaking to some of the police, when it first starts, they have a deep hatred for police. They're only seven or eight years old and they have a deep hatred for police. As they get older, that hatred grows. What happens, though, after about three or four months in the program—I'll give a real example. One little seven- or eight-year-old told the police commander that he loves him. It went from complete hatred to "You're the best person ever." What that does to that eight-year-old stays with him forever. Even if he does go into crime, it's much easier to get him out of crime if there's not the deep hatred of the people who are involved.

The PCYC programs, particularly for those younger children, are really important. As they get older and they get into crime, it's still really important, because if it's a facility they like, you can take them away from the people who are the ones who drive them into the crime. As Greg stated—and it is known here in Broken Hill—some of those repeat offenders, when they're in jail, those young 12-, 13-, 14-year-old kids stop committing crimes because they're not the driver of the crime; they're the people who are used in the crime. When they do go into jail, it allows those children to not be committing crimes for that period of time. That's a time when you need programs. They can be work programs, like Greg said, where you need to break it. But how do you get to those children? You need to get to those children through a structured facility such as the PCYC.

In the past there has been boxing. A lot of young offenders have always been into boxing and get a lot of discipline from boxing. One of the things that it taught them was to have discipline. You don't use your boxing to go bash up people; you use your boxing as a defence. The PCYC and the police have been really good at that. Council will be very keen to facilitate and be involved with that. One of the funding streams that we had as a

council was Resources for Regions. As a mining community, we had a Resources for Regions fund, which has been removed. It allowed us to get about $4 million per year for the council to do such projects. We would be more than willing to put that sort of money into a PCYC, matched by state and federal governments. Between $10 million and $15 million would build a fantastic facility out here. We have land that we have already identified that could be used. There is gymnastics, basketball, indoor soccer—there are plenty of things in those facilities.

As a mining community, we face a lot of adverse effects, such as lead. Lead, we all know—and it now comes out in inquiries and comes out in different areas—can lead to lower IQs and an increase in crime, so we need to make sure that lead is kept to a minimum in Broken Hill. The Premier's Department is involved in that. What really does help and did help the community of Broken Hill was the Resources for Regions. We were able to build a netball complex. The more sporting complexes you have—the library was also partly funded by Resources for Regions. You also want to make sure that people have the opportunity to learn. Another area that—and Legal Aid has been involved in this, and the Dolly Parton reading program. They know that if people are well educated they're more likely to have better outcomes later in life. Making sure that we have those good facilities for the Broken Hill community does reduce crimes.

The other thing that's really big is a lot of young people getting addicted to drugs really early on. That then leads to a life of crime. It's very difficult to break that life of crime when you need to, perhaps, get thousands of dollars for your drug habit, but you can't even work because you're addicted to drugs. Obviously it's going to become an issue of having to commit crimes to feed your addiction. For us, we would really like to see also an alcohol and drug detoxification centre that may be 15 beds. You would have the family support, instead of people having to go to Orange or out of the city, where they more than often fail because they don't have that family network.

Dr HUGH McDERMOTT: Mr Hill and Mayor Kennedy, thank you for today. We appreciate what you're doing. Excuse my ignorance, but can I firstly ask Mr Hill about the Central Darling Shire Council area. What is that area that we're talking about?

GREGORY HILL: The Central Darling Shire Council is the biggest LGA in New South Wales. It covers 53,000 square kilometres. It takes in the towns of Wilcannia, Menindee, Ivanhoe and White Cliffs and also the villages of Tilpa and Sunset Strip. It is a large area. The population base is around 1,800 and we have about 48 to 49 per cent Indigenous population. It is a very mixed, diverse culture. Obviously the tyranny of distance is an issue. Just to pick up on what Mayor Kennedy has mentioned about PCYC, we do have a program at Wilcannia. It works well. We don't have such programs in Menindee and Ivanhoe just because the police numbers are very low and also, again, it's the tyranny of distance to get people out there to run those programs.

What I see in our communities is that, yes, the PCYC does work well, but it works well in that younger child age bracket. Where they get into the teens is where they start to go astray. That's the age where they're most influential. While the activities run by the PCYC are great and they target a broad range, teenagers want more. So while we have limited recreation facilities—rugby is the main sport played. There is netball at Menindee but outside of that there's nothing for kids to do. When you've got an idle teenager, they are looking for something to do.

I'll give you an example. Our crime rate during school holidays goes up, and it is actually the kids coming back from boarding school from Forbes, Parkes, Dubbo, and they come back into Wilcannia, Menindee and Ivanhoe. They're bored. They have nothing to do. Mum and dad are home doing what they normally do or having a party or whatever. The kids aren't into alcohol, but then they start roaming the streets. They're looking for something to do. They start to break and enter, or in some cases they just break and enter to get some food or something to do. They're not actually there to steal. Break and enter into our council office to steal our computers, but they're not interested in the computer. They're just in there for a bit of fun, to pick up a couple of biscuits and then out again. That's where we see the problems.

Dr HUGH McDERMOTT: Half of your community is Indigenous. How many children do you reckon will be in that area? Is it a significant amount of kids? A couple of hundred or is it fifty? What do you think? I'll talk to Broken Hill in a moment.

GREGORY HILL: Of the 1,800, we'd probably be looking at one-quarter. There is a fair number of children. I think truancy is problematic for schools, consistently getting the kids to go to school. While the education program and schools do a great job in trying to encourage the kids, the problem I think and I understand is the family support, of getting the kids ready, and getting them to school. While the school will actually put on breakfast for them and feed them before they actually start the school day, it is actually someone physically getting them out of bed, getting them dressed and off to school. That is the biggest issue. Buses in a little town like Wilcannia will go around and pick kids up, even to a point where the driver gets out, knocks on the door and says,

"Come on, Fred, get on the bus." I suppose it's an education process, where it's an education for the whole community, to understand what education is about and getting the kids motivated to go to school to start with.

Dr HUGH McDERMOTT: Would you say the drivers of youth crime in your region—and I will talk to Broken Hill in a moment—isn't, for example, drugs, property theft for the sake of trying to make money but basically kids from dysfunctional families who basically don't want to be in the home and are out opportunistically getting food?

GREGORY HILL: Yes, I think that's the start, and then they move into the drugs, the alcohol, and stuff like that. I wouldn't say we haven't got a drug problem; we do have a drug problem.

Dr HUGH McDERMOTT: What types of drugs are you talking about?

GREGORY HILL: We're talking about speed and ice and a bit of marijuana as well. What I was probably trying to allude to is it starts at a young age, then they start transgressing into the drugs, theft—small petty theft and then into larger theft, being breaking into cars, and then stealing cars. What we do find is—and this is not a criticism of Broken Hill—we have kids from Broken Hill who will come out to Wilcannia and Menindee for something to do. They'll steal a car, go and see their cousin out at Wilcannia or Menindee, have a joy ride, catch up with them, and then they'll burn the car. I would say half our crime would probably be kids who are actually outside of our shire, kids coming through. An example we had three weeks ago were some kids who stole a car down at Wentworth and they were going through to Dubbo and they got to Wilcannia, the car broke down, and they stole another car at the caravan park. It's that type of—

Dr HUGH McDERMOTT: The transport.

GREGORY HILL: The transport, yes.

Dr HUGH McDERMOTT: Mayor Kennedy, would you have a similar belief that what is happening in Broken Hill is what is happening over in the Shire? You have kids who are progressively going through, firstly, to opportunity crime and then into drugs and other areas like that to finance it?

TOM KENNEDY: Broken Hill and Central Darling Shire are really close, particularly the townships at Menindee and Wilcannia. Many of those people come to Broken Hill regularly. Speaking to the police, a lot of the break and enters, particularly in Wilcannia, are food related. These kids are breaking in not to steal computers, as Greg said. They're there to break in, and a lot of the time they just take food. We're pretty lucky out here in Broken Hill, Wilcannia, Menindee; our criminals are not particularly violent. They also aren't the ones that burn cars. As Greg was saying, it's different from Dareton where, if they steal a car, they will burn it. Here in Broken Hill, they'll steal a car and you can often find it out behind Creedon Street. Or in Wilcannia, if it does come from Broken Hill, often you'll find that car because they just use it as a transport vehicle—occasionally used for other crimes, such as transporting drugs et cetera. But, yes, exactly the same issues are facing Broken Hill that are facing Wilcannia in the exact same way.

A lot of the break and enters in Broken Hill are also food related or they take car keys. Once they take the car keys, they then use that car to go to, for example, mainly Wilcannia as opposed to Menindee—very, very similar sorts of things. We're a very connected community anyway. Just on the point from Greg about rugby league, rugby league was started back up in 2008. I was the vice-president of rugby league at the time. We ended up with eight teams: three in Wilcannia, two in Menindee, and three in Broken Hill. We introduced a program at the time which was a domestic violence program that was first put into Broken Hill. The way that worked was that each club got $5,000 if they entered the program. What it was used for is, if any person in those townships that play rugby was even accused of domestic violence, they weren't allowed to play rugby for the next couple of weeks. It reduced domestic violence in those communities significantly over that time because rugby is a really important part of those communities.

Unfortunately, over the last few years it's almost ceased to operate other than one or two teams. As a council we are trying to get lighting at Lamb Oval, which is used for rugby. We also have spoken to the leagues clubs in Sydney. There are a number of leagues clubs that are interested in restarting rugby in Broken Hill. It is good for Broken Hill, but it's particularly good for communities like Wilcannia and Menindee. For young people particularly, and Aboriginal people, young kids, rugby is their life. That's what they believe in and it's another form of discipline that's really important. I mentioned the PCYC because it's all a form of discipline. If you have people that are in those groups that are willing to get people or young kids out of committing crimes, there is nothing better than to have them put their energy into sporting operations.

Dr HUGH McDERMOTT: Both in the Shire and in Broken Hill you're really missing diversionary wraparound-type programs. A kid gets picked up. They've come from a bad background, bad home life, don't

want to be back there. They're on the street. They get arrested. There's nowhere for them to go. There's nothing for them to do. They go to bail and they go back out to do it all over again

GREGORY HILL: It's circular.

Dr HUGH McDERMOTT: It's a circle that continues on. There's nothing there to try to break it and you need that.

TOM KENNEDY: And I suppose it's a little bit worse than that as well, because they don't want to be at home. Often their home life is violent. They often leave or go walking in the middle of the night because there has been some form of alcoholism, drug-related violence in the home, so they do leave their houses and wander the street because it's dangerous at home. There wouldn't be many people that you wouldn't speak to that have been involved in child services or anything like that that wouldn't admit that that goes on.

GREGORY HILL: While we're talking about crime, domestic violence is a big issue too. Talking to police out at Wilcannia—and the command for Central Darling is basically based at Wilcannia, and they manage Menindee, Ivanhoe et cetera. The police have always—they're more of a social worker than actually a policeman in Central Darling, because that's what they seem to do. It's all social work, especially around domestic violence. Domestic violence is everywhere. It's just not in our council or Broken Hill. It can be in one of the affluent suburbs in Sydney. It's just hidden. Likewise it's hidden in Wilcannia, Menindee and Ivanhoe.

A lot of that small crime, petty crime we're seeing is probably a result of domestic violence, alcoholism, drug use et cetera. We've also got overcrowding of people in social housing, where a family of 12 will be in one four-bedroom house, which is inadequate. An example is that Wilcannia has something like 86 public housing, which is owned by either Aboriginal Housing or the land council. There's a shortage of housing, so that means when you've got, say, 12 people, you've got mum, dad, say three kids, an aunty and an uncle, that opens it up to domestic violence and also child abuse. We do have cases where there has been child abuse and sexual assault as well. Again, going back to that circular issue, it's just not drugs and alcohol. There are a lot of other contributing factors as well.

TOM KENNEDY: Could I just make one more comment on the domestic violence? In Broken Hill we have a real shortage of domestic violence housing, and a lot of the people that are involved in domestic violence end up in hotels, which is not the ideal outcome. They're not secure for starters, so there are a number of organisations that are trying to establish more domestic violence housing in Broken Hill.

Dr HUGH McDERMOTT: There are none here at the moment?

TOM KENNEDY: There are some, but there are not near enough. A lot of the housing—I think there are about six odd houses and they're spread out in different locations. They're not adequately secure and there are not enough of them. I often, as the mayor, get last-resort phone calls—perhaps they've gone through all other avenues—to say, "Look, is there anything you can do?" I will often ring the police and the police will always make sure that they can do what they can. But often it ends in motels, and if there is not enough room in motels then it becomes very difficult.

Ms MARYANNE STUART: Thank you to both Mr Hill and Mayor Kennedy for your submissions and also for being here today. Mayor Kennedy, you spoke about the rugby league. It sounds like you've been doing some great work there. If we were able to get those rugby league games up again, do you think you could have springboard-type sports like touch footy or Oztag as well, so we could expand if we were able to lift that up?

TOM KENNEDY: How rugby got started again back in 2008 was it started from tag rugby league. The first season was 2007 tag rugby league. That was going to go on for a couple of seasons, but it was so well received it went straight into rugby league, so it got back in. What caused rugby league to fail again is as soon as you get the drivers, or the governing drivers of the sport, if you don't get committed people, or people who know what they're doing, it falls away. I stopped being the vice-president in about 2016. The then president, who is also a councillor, Councillor Dave Gallagher, left in about 2017-18. The drivers of it, and the people who kept the governance going well fell away. It's not that there's not an interest for the teams; if there aren't people to drive the competition and organise the competition, it falls away really quickly.

It was organised by Country Rugby League—or Outback Rugby League it ended up being called—and they had, through sports and rec, there was a position paid for and they were the CEO. They were the person that did the day-to-day operations, but it was a really strong board as well that was involved. That kept the rugby league going. For it to be successful you have to have good governance and good administration. It will be really easy to get the teams back up and running, but very difficult to keep that structural organisation that keeps the competition healthy.

Ms MARYANNE STUART: So local volunteering capacity?

TOM KENNEDY: Yes, the right volunteers. They have to be people that are committed, but there needs to be a significant level of funding put in to pay people to organise it, and they have to be the right people. If it's the wrong person, it's not going to work. For a long time we had a number of really good administrators of the sport and they kept it very healthy. As the quality of the administrator decreased, so did the competition itself.

GREGORY HILL: Can I add something? While we're talking about rugby, rugby is a winter sport. It's only probably played what, three months of the year, Tom, or something like that. What are the kids to do for the rest of the nine months of the year? That's part of the problem. Rugby is great. From both councils' perspective we support it, but especially in my shire there needs to be something else for them to do after rugby.

Ms MARYANNE STUART: That leads me to my next question. Are there any arts and culture types of programs here? Not everyone plays a sport. What we saw yesterday, for example, is that people use art and the creative side for helping mental health issues they may have. I wondered if there was anything locally around that.

GREGORY HILL: Yes, we're in the process of building our Baaka Cultural Centre, which is a $9.5 million build. While that's based at Wilcannia, that will support local artists. I think that there needs to be more work done in that space. We do have a lot of emerging children—kids—coming through who are into arts, but it's not only just art; it's also music. Music is a big thing. I think we've got a world-renowned rapper—a Wilcannia-based lad. He's quite famous in that rap music area, which I've got no knowledge of. There is the talent there. It just needs to be nurtured, and the programs put behind them to develop them further and look beyond what there is in their home town.

Ms MARYANNE STUART: What other services do you require around here? My understanding is that the only service that's open 24/7 is the NSW Police Force, but I've heard this morning about DV, mental health and drugs.

TOM KENNEDY: Homelessness is an issue here in Broken Hill. It never was. The non-government organisations that are paid to look after that do a terrible job, and I'm not beating about the bush. It's often left to the police and the council to address the issues, even though there are many organisations that are funded to do this. They're not doing a good enough job. When it comes to drugs and alcoholism, as well, they're not doing a good enough job. There are many millions of dollars that are put into these organisations. If I am getting a call as the mayor, or the police are getting calls for the same things, then something is not working particularly well there. Some of the services we need, as I explained, are a drug and alcohol detoxification centre, PCYC, and rugby. These are all things that break the cycle of crime.

We were talking about art. Art is really important, but even the people that do art are very heavily involved in rugby league. Whether they play it, or their family members play it, what it does is it gets people out into the community and gets them talking. Even though it's three or four months of the year, what it does is it builds those connections, and then they're able to have a relationship with some of these younger kids that can steer them in the right direction. The money is being put in there; it's just not working at the moment. That's really disappointing, because there is Mission Australia, the Salvation Army, and CatholicCare. There are plenty of different organisations. I suppose they talk to the people. Maybe they're not getting the funding that's required to break the cycle, because it's certainly not addressing the issue at the moment, as I see it.

GREGORY HILL: Mayor Kennedy mentioned domestic violence housing. Up to about three years ago, the same thing used to happen at Wilcannia. DV victims were put into a motel. Unfortunately, both motels have been sold in Wilcannia and turned into private accommodation or workers' accommodation, so we don't have a motel. So there is actually nowhere for any DV people to go in our communities at the present moment. That issue needs to be addressed. From resources, other than what I mentioned before, programs and stuff obviously need to be resourced. Policing, I believe, is adequate, although sometimes it can be a bit hit-and-miss with staffing levels.

Obviously, we're out in the far west and we're remote, especially in places like Ivanhoe and Menindee. Getting officers to relocate from Sydney—I understand there are incentive programs in place, but it's not all the time that they can fill those positions. I think the policing is resourced reasonably adequately, but a lot more needs to be done around the programs and the support programs to support the police. While they do a fantastic job in our communities and, like I said, they are more social workers than crime busters, they need a high level of assistance in supporting them, especially around the law changes, because that's one thing that really frustrates them. While I said it's a standing joke when a juvenile gets bailed or is released into the community and they beat them back to Wilcannia or to Menindee, there is an element of frustration—why are we doing this?

TOM KENNEDY: One more thing which is really important is the work release programs. They are trying to do work release in Broken Hill, where if you are in jail and you've got full-time employment, they can actually release you into the community. You have to have a rented house. It's almost impossible to get anyone

that takes on a criminal that's at full wages. For council, for example, it still has to be merit based, so you can't just say, "I'm going to put on someone who's been released from jail." That would break the cycle.

I will give a real example. There was a bloke that had been released from jail and had been out for about two or three weeks. He asked the police to put him back in jail because he couldn't find a job and had no housing. The police said, "We can't do that, mate", so he stole $100 out of a cash register, rang the police and said, "I've just committed a crime", so he could go back into jail. If you want to break that, you are going to have to make sure that when people do get out of jail—and you'd like them to get out before their time is up, so that they are able to be part of these programs and get back into employment, because the only way that you are really going to succeed in stopping crime or repeat offenders is to make sure they have good-quality work when they get out.

Mr PAUL TOOLE: Thank you both for your leadership in the community. I am curious to know—a question to both of you but probably more for you, Greg—how you actually engage with police in the community. Obviously, looking at crime rates, data, trending campaigns and all of that—and I know yours is more challenging because of the area, Greg—I am just curious how you do that. And then Tom can probably answer as well.

GREGORY HILL: I have a very close working relationship with the police. If anything happens, our local inspector—if anything goes down which I think they should know about, I ring them and, likewise, vice versa. There wouldn't be a week that goes past where I'm not having a conversation with our local inspector, who looks after basically the whole Central Darling Shire and down to Balranald. Communication is important, and that chain of communication, obviously, is there at the present moment. Also, we've got our LEMC [Local Emergency Management Committee] and other committees which we are both on. We work in tandem, together. If they have a problem and they want a resource for a road closure or something like that, we are there. We're there to support the community, and that's what we do.

TOM KENNEDY: I meet with the police bimonthly, but I speak to inspectors and the commander regularly in between meetings. I'm always given the crime statistics, and they're very good at showing, for example, if Broken Hill does have an event, crime can spike over that period. It's usually because the people that come here don't secure their objects, so it's a crime of convenience—for example, an unlocked car or an unlocked caravan et cetera. I meet with the police all the time. They're the ones that let us know when there are issues with drugs, when there are more issues with domestic violence, break and enters, and car thefts.

One of the things that is really important to the police, particularly the commander of police, is break and enters. He takes a very dim view of break and enters simply because people are going into someone's home. It is one thing to steal something from someone's vehicle, but it's another thing to make people feel uncomfortable in their homes. What gets brought up is that these break and enters, when they do get to court, aren't always dealt with in the way they should be. When you are going into someone's house, there needs to be a strong deterrence by maximising penalties. When it is breaking into a car, it is a different thing. Some of those programs that break that cycle are probably better, but when people are going into homes, the police are really tough on that. And I am glad for that, because I understand where they are coming from.

They also, as Greg said, do still have sympathy for people that are committing crimes. They get to know them. They get to know their families. As the mayor, I get to hear all this. What you've heard here today comes from many people in the community, including the police, so it's not usually my personal experience. I take on what people have said. For me, the police are proud of Broken Hill. They're quick to say that, in Broken Hill, cars aren't burnt out. Vandalism is quite low. Particularly, graffiti is very low in Broken Hill. They're quite quick to say just how good Broken Hill is and how much we could do to make it a much better place.

Mr TRI VO: Thank you, Mayor Kennedy and General Manager Hill, for coming here today. Your evidence and the things you've said here today are very important for the hearing. I just have a few questions. What is the time of operation of PCYC? Is it seven days a week? What time does it operate?

GREGORY HILL: Out at Wilcannia, it's only one day a week. It operates on a Tuesday morning. It starts off with a breakfast, and then they do some activities. It then wraps up just a bit before nine o'clock before the kids go to school. That's basically the limit of the PCYC.

Mr TRI VO: Just one day a week?

GREGORY HILL: One day a week.

Mr TRI VO: That's just in Wilcannia?

GREGORY HILL: Just in Wilcannia, yes.

Mr TRI VO: Not around here? Not around Broken Hill?

TOM KENNEDY: In Broken Hill we have the PCYC. It's a building that's over 60 or 70 years old, so it's well beyond its use-by date. It's a fairly small area—probably about the size of this room. In that, there was a gym that has been turned into a childcare facility. Its operation is not what it used to be, but it's open six days a week. It's open every weekday. It's open on Sundays if need be. The PCYC does a great job. Where they're lacking is a facility that's state-of-the-art. There is one that was recently built at Walgett, one at Hawkesbury, and one at Port Macquarie. They're having real success in getting more people in. The more we get into the PCYC, the more people you can help through their programs. They sold it to me very quickly on how important it is. That's why I'm pushing that so much here today. The PCYC—six days a week in Broken Hill.

Mr TRI VO: What time does it close?

TOM KENNEDY: It will stay open until about five o'clock, but opens at about seven in the morning for those food programs where they pick up children, give them breakfast and take them to school. It really does have a significant impact on school attendance and also making those children feel more part of a wider community.

GREGORY HILL: I'd just like to add, while we're just focused on PCYC—in Wilcannia, Maari Ma has the WINGS Drop-in Centre, which operates Monday through to Friday during normal school terms and also during school holidays. They are actually about to look at revisiting their—I'll say level of service, in what they actually do, because they find that kids have actually dropped off because, one, the building that they've got and the programs that they're running aren't really cutting the mustard, I suppose, in getting the kids to come. It really operates after school hours up to six o'clock, so there's a gap to get the kids off the streets from the finish of school up until six o'clock. But they are revisiting and looking at the model. It may be that they're not going to go down that path again or they might turn it into something else. There is a service, but it might not be there for much longer. Whatever is put in place in the future has to cover that older teenage bracket as well, because the Maari Ma WINGS Drop-in Centre is more child focused than teenage focused.

TOM KENNEDY: The local PCYC is going to start a Ninja Warrior program. That's to attract the teenagers. Instead of calling it gym, it's Ninja Warrior. As Greg said, it has to appeal to those teenage kids, so you have to be creative in what you do. They are doing a lot of those sorts of things to encourage teenagers in, and they're the sorts of things you do.

The CHAIR: Mr Vo, if you have any further questions we can take them as supplementary questions and send them through.

Dr HUGH McDERMOTT: I think we will have extra questions for you.

The CHAIR: Thank you both for appearing before the Committee today. A copy of the transcript will be provided to you for corrections, and the Committee may send you supplementary questions and will give you directions of when and how to return those.

GREGORY HILL: That would be fine. We're happy to take extra questions, obviously.

(The witnesses withdrew.)

Assistant Commissioner ANDREW HOLLAND, APM, Western Region Commander, NSW Police Force, sworn and examined

Superintendent DAVID COOPER, District Commander, Barrier Police District, NSW Police Force, sworn and examined

The CHAIR: I welcome our next witnesses. Thank you for attending the official hearing today. Thank you for your time this morning; it was very informative and very useful for the Committee members. Please note that Committee staff will be taking photos and videos during the session, so if you have any objections to that then please let us know and we will cater for that. Can you please confirm that you've been issued with the terms of reference and information about the standing orders that relate to the examination of witnesses?

ANDREW HOLLAND: Yes, I have, Mr Atalla.

DAVID COOPER: Yes, I can.

The CHAIR: Do you have any questions about that information?

ANDREW HOLLAND: No.

DAVID COOPER: Nothing further.

The CHAIR: Do either of you want to make a short opening statement?

ANDREW HOLLAND: I will, thank you, sir. I was honoured to be selected as the Western Region Commander about five weeks ago.

The CHAIR: Congratulations.

ANDREW HOLLAND: I came back to the Western Region after 15 years. I was in the Bathurst area previously. Unfortunately, some of the issues we faced back then are still happening now. I know Commissioner Webb has acknowledged that we are suffering a staffing shortage at the moment across the board, and that's no different in the Western Region. We're at about 75 per cent capacity at the moment. One of the things I will say about the Western Region is that we have five priorities at the moment, which we look to do to make sure our communities are supported and to reassure them. Our first is domestic violence. We make sure that our victims are supported, and make sure that they get the support they need from their non-government agencies and, more importantly, that we target the main offenders. Obviously, we've got domestic violence being probably 60 per cent of our workload.

Our second thing is in relation to youth. We work closely with our crime prevention and Youth Command to make sure that there are enough programs in place across our region. They work very closely with our PD [Police District] commander to make sure that those processes are in place, to give the kids a chance to probably divert away from crime, but more importantly to build relationships with our police, so they're not afraid of our police. Unfortunately, when those programs don't work, we have to put in place things like our programs, which is Operation Mongoose, which you'd be aware of, which is directly focusing on aggravated break and enters and stolen motor vehicles, which is affecting some PDs across the Western Region. That has been successful and obviously there have been a number of arrests in relation to those offences.

Our third thing is firearm safety. Under Operation Armour II, we look to make sure that our firearms across the region are secured and safe, and obviously then can't be accessed or involved in break and enter offences, through correct safety observations, and safe storage inspections by our crews across the commands. I'd like to thank the PD commanders for that. Especially involved is the Rural Crime Prevention Team. They are out there making sure that this stuff is done in those remote and very remote locations, and making sure those firearms are secured, which prevents them being accessed by criminals.

Our final thing is road trauma. Unfortunately, we are battling to keep that under control. The example I'll use is—we had an operation turn around in the last five days, where the north-west highway patrol came out to the Western Region, patrolled around the Orana district for five days, and the day after they left we had that unfortunate four-vehicle fatal accident just outside of Dubbo. Sometimes we can't control these things that happen. Our last priority for the region is recruitment and retention. We're looking at You Should Be A Cop In Your Home Town. That's one of the big things we look at—trying to get people back to the west, and trying to keep them in the Western Region is probably one of the challenges we face. But, as I said before, I'm very proud of the work that the officers in the Western Region do. They do an outstanding job and they are more resilient, more reliable, and more responsive than a lot of police I've ever met.

The CHAIR: Superintendent, do you have anything further to add?

DAVID COOPER: Thank you, Mr Chair, I'll leave it at that. I'll be happy to take questions.

The CHAIR: Some of the submissions we've received talk about the lack of respect from the young people for law enforcement and that they don't fear the consequences of breaking the law. Can you comment on that? Do you believe that is the case?

ANDREW HOLLAND: I think it depends on the community and it depends on the police involved. A lot of the PDs we work at develop great relationships. Unfortunately, like any social area, you can't be friends with everyone. I think there are breakdowns in the youth area in some instances, but that goes back to family connections, how well they're connected with the local community and, again, it depends on the local police. Again, like any employment or any location or any job—you can have a good store attendant; you can have a bad store attendant. Depending on where you go, you get the respect you deserve. But I think a lot of the local police around here have developed fantastic relationships. Some of the programs they put in place with our local police are great. Unfortunately, I would say that, in some of our Youth Command locations, there aren't the police or the number of police we should have, which then relies back on PD commands to obviously fill those holes. The breakdown in that area probably hurts a bit.

The CHAIR: In your commands that you look after, Assistant Commissioner, what programs are you putting in place to improve the relationship between young people and the police?

ANDREW HOLLAND: I will go through them now for you. Just in Broken Hill itself, there is Fit For Life. It's run at Wilcannia on Tuesday mornings. It's run in Menindee on Thursday mornings. It's run at Broken Hill on Wednesday mornings. There is Fight For Success, which is Wednesday mid-mornings. There is also a program which is just about to kick off. It's called Yindyamarra Buwanha—I'll just read this out. It's a program that New South Wales Police, along with People and Capability, Youth Command, the Australian Literacy and Numeracy Foundation, and the Department of Education have collaborated to create a program to positively influence Aboriginal young people, and strengthen the relationship between police and community. Underpinned by themes of "Wellbeing", "Respect", and "Connected to Country", culture will be central to the program, including understanding of local cultural context, history, and involvement of community leaders.

The program is an eight-week immersive arts experience designed to provide a safe space and supported environment for Aboriginal young people to explore their own identity through collaboration. Throughout the program, participants will create a performance of their story based on their local culture and their mentorship under the guidance of highly skilled Aboriginal artists. It commenced in Wilcannia on 18 September and will go for four weeks in the next school term, and the last four weeks will be done in the first term of 2025. In Broken Hill it commenced on 19 September 2024, again finalising in 2025. In Menindee it started on 19 September as well and, similarly, will be finalised in 2025. I'll probably hand over to Mr Cooper to talk about the other local programs.

DAVID COOPER: In relation to the Fit for Life, Chair, the program is an intervention, basically, to intervention early. The idea is that we get our school-age kids along to a breakfast program at the PCYC. We pick them up, firstly, we take them along for some activities, some sporting activities, whatever it happens to be. We have breakfast together and then we're back on the bus and off to school. We find it's a very positive way to start the day. I personally get just as much out of it as the kids. It's a really positive way to start the day. The idea is that we build some of those relationships and break down some of the barriers, as some of those kids might have only seen the cops in a negative light.

Dr HUGH McDERMOTT: Assistant Commissioner, I'm very pleased that you're up here after the good work you did in Western Sydney, which the MPs in this Committee know you from. Superintendent, thank you for the frank discussions we had prior to this with a number of officers in your command. That certainly helps us to paint a very strong picture. We have a lot of submissions that came in—hundreds of submissions—and we went through a lot. I want to talk to you a bit about what is happening on the ground here and what you're seeing. The BOCSAR data up to June of this year shows a 10 per cent increase in the number of court proceedings against young people over the last two years. We've also had the Aboriginal Legal Service tell us that Aboriginal children—and I want to quote them—"are more likely to be criminalised and prosecuted instead of diverted by use of warnings and cautions under the Young Offenders Act", and they're also more likely to receive Youth Justice conferences. Could you comment on this? I know that we've had some discussions, but I'd like to hear your views on the record of what you think about such a comment.

ANDREW HOLLAND: In relation to the young people involved in the 10 per cent increase, I think all of this stuff is serious matters. That's what's changing it. They're no longer committing the small, petty thefts, the shoplifting offences, where they're entitled to the cautions and the diversions program. They're stepping right into aggravated break and enters and things like that, and stolen motor vehicles. There is a group of ringleaders we believe and again our focus, with the strike force Operation Regional Mongoose, is to identify those ringleaders.

We're working with cross-border operations in our northern states, and more so especially down in Mildura as well, to identify those ringleaders. Once we take those people out, we notice straight away a drop-off in crime in those areas.

As far as the diversion process goes, I know that the police in all of the PDs are reminded of the PAS program, which is the Protected Admissions Scheme. Any young person or Aboriginal person that comes into those locations is offered that straight away. It's up to them in a conversation that they have with ALS [the Aboriginal Legal Service] whether they wish to proceed along those paths. As far as diversion programs, our youth officers again are involved in all of those processes, where they often issue cautions for offences. We're not into locking children up. Our biggest issue, obviously, is making sure that those kids are given the support and the programs at home. Probably our biggest issue is bailing those children, because in situations like country locations there's nowhere to bail them to. If we don't bail them with family and friends, where do they go to?

Dr HUGH McDERMOTT: That's probably my next question. But I'll just stay on the aggravated assaults and the increase of these more serious crimes. What is driving that? Why do you think there has been an increase in crime in those particular areas?

ANDREW HOLLAND: I think there's still the thrill aspect of things. I think there's still the thrill aspect of stealing a motor vehicle and being involved in the pursuit. Admittedly, in the Barrier region, we don't have the post-and-boast stuff as much as in other locations. But there is still that process where kids will steal a motor vehicle. The difference is that these days, you can't steal a motor vehicle by hot-wiring it like you used to. The only way to get into a motor vehicle these days is to break into a house, get the keys, and come out again. Therefore, we are seeing the aggravated break and enters.

Unfortunately, in Western Region, there is the involvement of kids in violent matters when that happens. I know, for example, if we talk about the northern suburbs of Sydney, there are the [Strike Force] Sweetenham targets, which is what they call those kids. They sneak into houses very quietly, grab keys, and disappear. The kids here seem to be more prone to going in there with a weapon. If someone takes them on, they'll use the weapon. That's the unfortunate part. I think that's part of upbringing—a part of the socialisation that they're brought to. They live in a life of violence. They're used to that, and that might be coming through.

Dr HUGH McDERMOTT: What is the process? You'll pick a child up—and I use that word "child" because they're under 18—for a serious aggravated offence. They will be charged. If they get bail, what happens to them then? Do they just go back into the environment that they've just come from? Is there anywhere they can go? Should there be something? Could you give us the current reality and what you think should happen?

DAVID COOPER: Generally speaking, if bail is granted, it would be with family or kin. At times, that's not the most appropriate place for the young person to be. In a perfect world, there would be a place that young offenders could go as part of their bail that would include an education component and a culture component, but probably more just around safety. There has to be an intervention as early as we can, because quite often the offending is coming from the house, and it's intergenerational trauma that's causing it.

Dr HUGH McDERMOTT: Can I raise with you the legislation affecting youth—the Young Offenders Act. Do you think it's working effectively? Do you think it could be improved or changed?

DAVID COOPER: I think the Young Offenders Act and the diversion provisions, when we can use them, can and do work well. I would love to see another layer attached to that where, once they are diverted out of the criminal justice system, we don't just divert them away from it, but we divert them to something. Again, that could be programs around education, culture, and early intervention. That's the stuff I'm thinking about. If I think about an on-the-ground, coalface comment around the Young Offenders Act, some of the provisions around the need for the young person to make admissions to their offending in order to be considered can be problematic. At times, the legal advice they're given is not to say anything. That then precludes them from protected admissions or going through the Young Offenders Act, be it caution or conference.

Dr HUGH McDERMOTT: So you think that if there's enough evidence or enough reasonable suspicion, that the police should be able to direct those children into some kind of program? Is that what you're saying?

DAVID COOPER: Firstly, they commit an offence. I'm certainly not suggesting they admit to something they haven't done. If they commit an offence and they admit to it, we can then address the offending.

Dr HUGH McDERMOTT: That's how it is now. But what if they don't admit to the offence, but you have reasonable suspicion this child has done something? I'm not suggesting you're going to load them up with something at all. But you don't want them to go to the courts process and to the criminal justice system. Do you

think that the police should have the discretion to be able to refer them on to a specialist program that could assist them?

DAVID COOPER: If they don't make the admission and they're not under the Protected Admissions Scheme and they're not entitled to those current diversions, then they either go to court, which is something we don't want to do, or that next layer that I talk about. The next layer of diversion, but diversion to something—not just away but to something.

Dr HUGH McDERMOTT: To something that can assist them.

DAVID COOPER: That's my view.

Mr PAUL TOOLE: Thank you both for your time and for the work that both of you do. I want to take a bit of a different tack this morning. Part of the inquiry is also about looking at whether police need more resourcing and whether we can assist police. One of the things that we find is that policing continues 24 hours a day. Sometimes you're the last organisation in the community because after five o'clock, everybody has closed their doors. Therefore, you're left to carry everything and be everything in the local community. I just want to know a couple of things. First of all, I want to ask a question about doli incapax. Obviously, there is a rule in place suggesting that children under 14 years of age are not capable of evil. Does that law itself need to be reviewed? I think the point was made by Greg Hill, the administrator for Central Darling Shire, that in a lot of cases these young kids are actually released before the police even get back into town.

DAVID COOPER: Certainly, the provisions of doli incapax, as it stands, create obvious issues for the young people offending. As I say, if they are alleged to have committed offences and we cannot establish doli incapax, then what is it that we get to do with them? I guess that's the process—as in, they are not deemed to be capable of evil, so they can't have committed an offence at law. What we do with them then, is the next trick. They go back to the home. Is the home right place for them? What is the next step? I will come back to that next level of diversion that I would like to see, and that's where that education piece—I'm not just talking about education around offending; I'm talking about education broadly.

ANDREW HOLLAND: I think more so the requirements of the police, to prove doli incapax and the understanding of the young person involved in the crime, is reaching a higher and higher threshold to go through the courts. The courts are sort of taking things—every time there is a step and we go in with something, they will come back with something further. As I said before, the police are getting frustrated because we go down a path, we ask for a certain point, and the goal posts move again. We say this child now doesn't understand, but he's been spoken to by the police, he's been spoken to by lawyers, and he's been spoken to by hundreds of people. Yet that doesn't prove that he has the criminal intent to go ahead again. So it's about proof in that level.

Mr PAUL TOOLE: The issue around the transfer of prisoners—I feel as though, in a lot of cases, our police are now actually responsible for the transferring of prisoners, whether it be to jails or to courts. Obviously, that is taking resources out of towns and out of communities. In some stations they could be held over, I believe, for several days, which means they have got to be supervised. Therefore, policing in those communities is either absent or is actually not taking place.

ANDREW HOLLAND: Yes. Very correct, sir. Broken Hill's very lucky, obviously, with the jail here. They have a great relationship with the jail here. If I go to other commands—I'll use the Central North as an example, with Bourke and obviously with Walgett. Corrective Services actually drop the prisoners on a Monday, Wednesday, and Friday rotation, meaning that if a prisoner is required for court on Wednesday, they will bring the prisoner to either Walgett or Bourke on the Monday, and the police will then mind the prisoner for two days. So, obviously, we're using police resources to mind a prisoner who is in Corrective Services custody.

Similarly, for example, at the Coonamble police station, they don't have that luxury of being dropped off. If they need a prisoner from Dubbo, they'll have to drive 1¾ hours each way before court to pick the prisoner up. So we're taking two police out of the command for up to four hours just to collect the prisoner, bring them back to court, wait with them at court, and then take them back again, if required. So we're losing police vehicles and police time conveying prisoners. Similarly, for example, at Gunnedah, if prisoners are bail refused at Gunnedah and they are taken to Grafton jail, it's a four-hour each way journey. So the time we're using for police—and we talk about stresses on police. The majority of those times are done on overtime, or police coming in to fill those shifts on overtime—the majority of the time, to go across there. So we're fatiguing our police, who are already under-resourced, to convey people to and from jails.

Mr PAUL TOOLE: In some areas where our actual strength might only be at 70 or 75 per cent, we have got police actually going out of town, which is causing more lack of visibility of policing in those communities.

ANDREW HOLLAND: You are correct.

Mr PAUL TOOLE: I totally agree that it needs to be looked at. I want to ask you about one-man police stations. Obviously, there are quite a number of them in the Western Region. I think every community and every area is important, but are we finding that—I know they are difficult to fill, in some cases. But, at other times, are we actually pulling the police out of those stations to go to larger centres because the numbers are shorter in the larger centres as well?

ANDREW HOLLAND: I can answer this. I've been in a one-man police station. I spent six years at Carcoar. I've definitely been there and done that and know exactly what you're talking about. When I was at Carcoar years ago, you worked in a cluster with Blayney, and we never left that area. Unfortunately, now we do. With the strain on resources, we are bringing those people in. That does disconnect them a little bit from their local communities. They don't get to do the work in their local communities as often. I still think we will fill locations the majority of times. There are obviously the special remote locations, which have incentives for police to go to those locations.

Probably the greater concern for us is the locations where we might have a police station—for example, like Coonamble, which has six police there, but there are only two police houses. We'll get the two police houses filled, but then asking the police to go to those other locations to rent a premises is not attractive, and makes it very hard for those locations. The small, one-man locations we usually have no trouble filling. They're usually a prize. When I say a prize, people go there for a reason: to obviously connect with the community and gain some experience. It's a great experience for them to build relationships and then move on. But I think the incentive to get people to go to smaller country towns that have a slightly larger police population is harder.

Mr PAUL TOOLE: Could you maybe explain to the Committee that sometimes, too, if an officer is out on leave, that could be an extended period of time? They may be going through the process of exiting the NSW Police Force, but we can't actually replace that position in a community until that's officially occurred, so there could be an officer vacancy in that community for one or two years. Does that need to be reviewed as well to make sure that, if there is an opportunity to advertise for a position, that actually occurs? Because otherwise the strength is a lot lower than it actually would be in that community.

ANDREW HOLLAND: I agree there are concerns around that, but I think the welfare of the officer involved—if they're off sick, then we have to look after the welfare of the officer involved at the location as well, moving them away from their home, which would be the case. But I do address your concerns in relation to that, that community does not have a police officer for extended periods, because of the process and the length of time it takes to exit police officers. Whereas I would be more concerned about moving an officer out of a one-man police station or something similar for their welfare and, again, the thought that, if they've moved out of there, is the police force pushing them aside? They're not valued anymore; they're not looked after—that's my only concern at that point.

Mr PAUL TOOLE: It's getting the balance between still looking—and I don't just mean one-man police stations; I mean any station across the state.

ANDREW HOLLAND: Correct. The exit process for police does take time. In some instances, depending on the individual involved, they can extend the time. I've known circumstances where officers have taken a number of years before they're exited.

DAVID COOPER: As a District Commander, Mr Toole, I can say that those considerations are always at the forefront of my mind as well. I've got communities in my district that are in that exact situation, and I make sure that I liaise closely with community members to reassure them that there will always be a policing response. It means I move my staff around the district quite a bit, just to make sure that we do service all of our little districts, all of our little communities and villages as well.

Mr PAUL TOOLE: Thank you both again for what you do.

Mr TRI VO: Thank you, Superintendent Cooper and Assistant Commissioner Holland for attending today. Your evidence is very important for the hearing. I have a couple of questions. What is the total number of the police force in the western district at the moment?

ANDREW HOLLAND: The number we have—the authorised positions is 1,260, and I think at the moment we have 192 vacancies.

Mr TRI VO: In the long term, can you foresee that's a reasonable way of operating or are you under capacity?

ANDREW HOLLAND: It's definitely under capacity. We're operating at about 75 per cent capacity at the moment. As I said before, the officers currently working are doing a fantastic job maintaining our current work performance levels, but it is placing a strain on those officers. I am concerned for their fatigue issues and obviously their management of their health, welfare, safety, and wellbeing as we move forward.

Mr TRI VO: I understand that around this area, some of the services are closed by 5.00 p.m., and the only places that are open 24 hours are the police stations. You also have to take on more work and services around the area by helping, especially, the youth. You're running at 75 per cent capacity. What kind of support do you need from the New South Wales Government for the long term?

ANDREW HOLLAND: I think there are a lot of non-government agencies that could extend their hours. A lot of those hours are, as you said, business hours, and, as we said before, we have certain custodial support people we call on. They're volunteers; they're not getting paid. But in the circumstances where non-government agencies are filling roles which support police or support community, I think their hours could be extended, and there is a definite opportunity to relieve some of the duties on police especially.

Similarly, along the lines of mental health, for example, mental health is a major contributor to police work. The examples we use is that Broken Hill has a very good relationship with the hospitals, and they have something similar to a PACER [Police Ambulance and Clinical Early Response program]. I'll let Mr Cooper explain that. In circumstances with mental health patients, we are going to locations to deal with mental health patients, and then we are the people scheduling those people into the hospitals. We're then conveying those people to hospitals. We're then acting as security at hospitals till they get assessed and then, unfortunately, as we spoke about before, in certain circumstances, those people are beating police out the door back into the community and we're locking them up again, or catching them again, and bringing them back before the hospital within a short space of time.

Mr TRI VO: Through the inquiry, we realised that the root cause of the problems with youth is their family, whether it is a problematic family or it's dysfunctional or there is violence, drugs or alcohol or abuse in the family. Do you have any suggestions of breaking the cycle of crime from one generation to another so that we can solve the core cause of the problems for the long term?

ANDREW HOLLAND: I think the Fit for Life programs are a way that we're addressing that. I think getting the kids out. Obviously a lot of the programs these days—there are concerns about whether the kids are getting fed properly. That simple fact of getting them out in the morning, getting them fed to start with, and hopefully getting them to school, is probably a big starting point. Education is obviously the biggest concern, and, again, if they could address that, what they do after school—and, again, I suppose there's a lot of pressure if you put it on the police to say, "If we're doing the morning sessions, what can we do in the afternoon?"

Someone needs to pick up that slack in the afternoon and provide an opportunity for the youth to have somewhere to go to feel safe, to be involved, and I think that's a lot of the problem with youth is that they are very bored very easily. They need a program which engages them, whether it be sport, whether it be training, whether it be some sort of education, cooking, social, cultural services. But those hours need to not stop at 5.00 p.m. At 5.00 p.m., the doors close and then they're back on the streets, and then unfortunately the police pick up the slack again from five o'clock till whenever those people go to sleep.

Ms MARYANNE STUART: Thank you, Assistant Commissioner and Superintendent, not just for meeting with us this morning and being here today at the Committee hearing but for everything you do, especially being role models for the young police officers that are coming through. Youth Action Meetings, do we hold those here, and if so, who attends them?

DAVID COOPER: We don't have a Youth Action Meeting [YAM] here in Barrier at the moment. We do have an informal one that's based on the same process we use for the Safety Action Meetings [SAMs]. Whilst we don't have an official YAM, we do so through an inter-agency approach using the same sort of methods we use on the SAMs. But we don't have a funded coordinator. It is done by my crime manager, and it's probably through our goodwill, and acknowledging that we're the ones who are going to have to lead it at the moment that that process has—it's in its infancy here, absolutely. But that case management process for youth, the same way that we do for our DV victims, I think has absolute terrific merit.

Ms MARYANNE STUART: The program that you run currently, who sits around the table?

DAVID COOPER: Under the SAM process—I'll just use the same under our loose YAM process—we have WDVCAS [Women's Domestic Violence Court Advocacy Services], we have Education, we have Juvenile Justice, we have some of the NGOs, Mission Australia and those types of people from the community, we have Health. The good part of that process is we can say a name or a family and you might say from Health, "Yes, we've seen those people in the last week and this is where we're up to." Education will say, "No, those kids haven't

been to school this week." They then get an action out of it. They say, "Okay, we're now going to engage them from that side." The whole idea of that process is absolutely outcome driven. It's not a talkfest. Unless we get outcomes out of it, it's a waste of time.

Ms MARYANNE STUART: How often do you have those meetings?

DAVID COOPER: Every fortnight.

Ms MARYANNE STUART: Are there any Aboriginal Elders that sit at that table?

DAVID COOPER: On an ad hoc basis, yes. But we engage with our own Aboriginal Community Liaison Officers as well on that process, so the ones that I have here in Broken Hill.

Ms MARYANNE STUART: How many Youth Engagement Officers do we have in this command?

DAVID COOPER: I have one Youth Liaison Officer attached to my district. But Youth Engagement Officers that would normally be attached to Youth Command currently have two vacancies.

Ms MARYANNE STUART: You have two vacancies?

DAVID COOPER: Yes.

Ms MARYANNE STUART: Out of how many?

DAVID COOPER: Out of two. And I can assure you it's not through lack of trying.

ANDREW HOLLAND: I can advise that the two officers involved actually got promoted into other positions, so they're not off sick or anything. There's just a vacancy, and at this stage the positions haven't been filled.

DAVID COOPER: For the last almost four months I've had one of the staff from Dareton seconded into that position. They have a particular passion and flair for the youth. Even though he's 300 ks away down the road there—he's covering a big distance. But he's been participating. He's been coming up for the Fit For Life program. He's been doing the outreach out to Wilcannia and Menindee as well.

ANDREW HOLLAND: I'll also just add we've also just sought some Vikings funding, which is usually used for proactive work, to use in preventative work for the PCYCs for Barrier, for I think Central North and Walgett, and I think it might be Bourke as well. There are vacancies there. The local police can obviously be paid to go and do the role which are normally covered by PCYC staff.

Ms MARYANNE STUART: How is policing different here to, say, my electorate in Heathcote—Sutherland PAC [Police Area Command], and Wollongong PAC? We had Mayor Tom Kennedy before talk about a seven-year-old child who is going to the PCYC programs who turned to one of your officers and said, "I love you." How is policing different here to Sydney-based policing?

DAVID COOPER: Would you like me to answer that, Sir?

ANDREW HOLLAND: I'll leave that up to you.

DAVID COOPER: I'm very passionate about this. The reason it's different here is because we live and work in these communities. By geography, we're here, remote from a lot of other people. In Sydney, the police that are working in your electorate may reside elsewhere. I'm not suggesting they all do, but they may live on the Central Coast, they may live in the Blue Mountains—they may live anywhere, for whatever circumstance. Every single one of my police officers here in this district live in this district. What's the importance of that? The importance is it's one of the Peelian police principles. The police are the public and the public are the police. I'm very passionate about that.

When something happens in our town, it really does affect us all. Each time someone gets their house broken into, I take it absolutely personally. I've worked in Sydney—albeit many years ago—and, unfortunately, because of the nature of the policing down there, you go around and you take reports about break and enters, and you go to the next one, and you take a report about break and enters. You don't ever actually get to really engage with those victims more than just writing their name in your notebook and following up with them in a few days' time. Out here, we might see them down the street having a coffee, or we might run into them at one of our programs. But it's just incredibly personal. I think I can speak for Western Region. I've policed a few areas of the state and that's really the reason. We live and breathe it.

The CHAIR: Thank you both for attending before the Committee. You will be provided with a copy of the transcript from today's hearing for corrections. The Committee staff may send you supplementary questions and they'll give you directions on how to respond to those questions.

(The witnesses withdrew.)

Mr ANTHONY HAYWARD, Transition Worker, Far Western New South Wales, Community Restorative Centre, affirmed and examined

Ms TERINA KING, Manager, Transition Programs – Far West, Community Restorative Centre, affirmed and examined

The CHAIR: I welcome our next guests. Thank you for coming to give evidence at this hearing. We may be joined by Mr Chris Doherty from Making Tracks, who is not here at the moment. Please note that the Committee may be taking photos or videos during the hearing session. If you have any objections to photos being taken, just let us know and we can cater for that. Can you confirm that you have received the terms of reference for this inquiry?

ANTHONY HAYWARD: Yes.

TERINA KING: Yes.

The CHAIR: Do you have any questions about this information?

ANTHONY HAYWARD: No.

The CHAIR: Would either or both of you like to make an opening statement?

ANTHONY HAYWARD: I'm a proud Ngemba man. I live and work here in far western New South Wales. I'm passionate about my community and the role that we play within that.

TERINA KING: I'm a Barkindji woman, originally from Menindee. I've lived in the area my whole life.

The CHAIR: I might start and ask either of you to elaborate on your particular organisation, what they do, how is it that you help the youth in the community—just some background about your particular organisation.

TERINA KING: Our organisation works with adults 18 and over affected by the criminal justice system, primarily those that are coming out of prison and reintegration into community.

The CHAIR: It's only adults that you work with?

TERINA KING: Yes.

The CHAIR: No juveniles are part of your program?

TERINA KING: No juveniles, no.

The CHAIR: Can you elaborate on the types of programs you provide to those adults coming out of the justice system?

TERINA KING: It's an individual case plan. We can work across whatever the client puts on their case plan, so whether that's housing—it's all the underlying issues that affect the reasons why they're in custody in the first place, so housing, mental health, just linking them with services to support their needs.

The CHAIR: Some of the evidence we've heard in terms of the troubles that young people are having is because of the home environment that they're in. We've also heard that some of the adults in those homes are also part of the justice system that you're referring to. Are you aware of what happens to the youth when those parents are in custody or in jail?

TERINA KING: They usually, to my understanding, are left to family to step up and just take ownership.

The CHAIR: Other family members?

TERINA KING: Other family members, yes, or other people within the house. The houses are usually overcrowded. Up to five or six adults living in houses with large numbers of children is one of the biggest issues.

The CHAIR: Which corrective centres do you normally work with?

TERINA KING: All of the New South Wales corrective services.

The CHAIR: You cover all of New South Wales?

TERINA KING: Yes.

Dr HUGH McDERMOTT: Thank you for being here today and thank you for the work that you do. It's extremely important work. It's going to be really good to hear from you. Obviously we're focusing on youth justice at the moment. But obviously youth justice ends at 18 but the issues don't. Often those guys who are 18 or in their early twenties have come through a pretty rough time, for various reasons. We want to try to find solutions to that so that you guys are out of a job one day. From your view and your experience, what are the drivers that get a lot of these children into trouble? And young adults, because we don't want to just finish it at 18. We want to see that recommendations are sorted for those who are in the criminal justice system now, or on the edges of it, who are young men and young women. Can you give some views about what you think drives it and what we could perhaps do to try to help young adults to sort this out?

ANTHONY HAYWARD: I think a lot of it is, unfortunately, dysfunction within our own communities. We see the likes of drug and alcohol abuse. We see the likes, unfortunately, of other things that happen in the home and in community that drive some of this. I see my role as a caseworker. For those young fellas who are getting out of prison, or who are in the system, I see my role as to help maybe plant seeds in their minds, to be able to say, "I'm only young; I'm 18. I've just been incarcerated for a number of months or whatever." Our role then is basically to try to plant seeds to be able to change those cycles that we see.

It's very unfortunate, as you just said. Our young people are getting incarcerated at a young age, and they're ending up in a cycle. When they turn 18, that's when we begin to see them and then, unfortunately, that cycle continues. This is where our role steps in. Where do we break the cycle is the question. I think if we can get in as quick as we can, the better off we are. As a caseworker, I see these cycles and I see the disadvantages of it. My role is to assist in helping them think differently around some of these cycles that we're constantly seeing in our communities, and that's something that I'm extremely passionate about. The reality is, I know some of these fellas. I grew up with them. That's the raw reality that we live here. For me, it's just about being passionate about it within my own role, looking at what's affecting our community, and then how we can work with, not just community, but also organisations, the criminal justice system itself, prison, and the police to nip this in the bud while we can, at a younger age.

TERINA KING: Working with the family as a whole, too, instead of just the person that's facing the system—whether that be a mum and dad who are facing the system or children—because it starts with the older children following through with what they're seeing.

Dr HUGH McDERMOTT: What are you seeing in those families? Do you find that those who are youth—18-plus—are fathers already? Are they already in that cycle, with young kids already?

ANTHONY HAYWARD: Yes.

TERINA KING: Yes.

Dr HUGH McDERMOTT: Are you seeing that it's predominantly just the fathers that are going to prison, or are you finding that there are also a lot of young women? Are there different types of crimes they're committing?

TERINA KING: I think it's generally the dads here, more so than the women. There are a couple of women that are starting to—and times are changing where it is starting to become more the women as well. But what I'm seeing is the dads will step up and take more of the responsibility or they'll plead guilty to something, even if they haven't committed the crime, rather than seeing their partner go into custody.

Dr HUGH McDERMOTT: What happens to those kids when one of the parents goes into prison? Are there care services that help the mother? If both the parents go into prison, what happens to those kids?

ANTHONY HAYWARD: We do have services in town that may step in, but also family. We find that extended family—so grandmothers, aunties, uncles, cousins—will actually look after these children while their parents are incarcerated.

Dr HUGH McDERMOTT: It seems from the evidence we've heard today and yesterday—we were up in Bourke yesterday—that grandparents play a major role with those kids.

TERINA KING: It's exactly the same here—grandparents, aunties, uncles, and the parents' siblings.

Dr HUGH McDERMOTT: Do you think there's anything we can do for the grandparents—because they seem to set up a lot—as far as support for them in this environment?

TERINA KING: Yes, there's definitely a lot that can be done to support the grandparents. Bigger housing—housing is always an issue. Money is always an issue. Employment. Identifying that they're Elders in their own right—that's not something that can be taught or you go to uni for. That's a given, right through our culture.

ANTHONY HAYWARD: Our grandparents, yes, are stepping in. There's a thing here called "our way" in New South Wales—this is our way. We don't see family as just mum, dad, and the siblings; it's extended, and that's just our way. Grandmother and grandfather will step in and look after grandchildren—that's just a given. Extra supports around food security, and things like that—things that are actually needed. Service providers also, maybe, to check in a little bit more than usual, because it's not always easy for Elders to get down to the AMS [Aboriginal Medical Service] or wherever. I think there are definitely some gaps, but grandparents play a big role in western New South Wales, as far as I'm aware.

Dr HUGH McDERMOTT: The more evidence that I'm hearing—I don't know about other members of the Committee—it seems that grandparents are more and more a key to assisting these children, because we're looking at home lives which are pretty dysfunctional, but the grandparents seem able to step in and help. I'm looking at what is a potential key here. But I've heard also that the respect for grandparents as Elders is not necessarily there a lot of the time. It's there sometimes, but even that has been undermined. Are there programs for leadership or things like that with the grandparents which we could help provide or create?

ANTHONY HAYWARD: There's a lot that we can definitely do. What sort of programs we could possibly offer, I'm not quite sure. I can't answer that question just yet.

Dr HUGH McDERMOTT: They might not exist yet; that's the thing.

ANTHONY HAYWARD: They might not exist yet.

TERINA KING: Maybe introducing things into the school around our culture, and more cultural practices happening than what is currently out there.

Dr HUGH McDERMOTT: In these young adults that you're working with, are you seeing a high prevalence of mental health issues and drug abuse?

TERINA KING: Yes.

ANTHONY HAYWARD: Yes.

Dr HUGH McDERMOTT: Both?

TERINA KING: Yes.

Dr HUGH McDERMOTT: And they've often come from dysfunctional families?

TERINA KING: Yes.

Dr HUGH McDERMOTT: Do they have any guidance on being parents—on what it's like to be a parent, or to look after their children, or anything like that?

TERINA KING: Not that I'm aware of.

Dr HUGH McDERMOTT: Because I'm guessing the role models aren't there for them.

TERINA KING: No.

Dr HUGH McDERMOTT: They've not got it either. Do you think that's something we could introduce into the prison system?

TERINA KING: Definitely, yes.

Mr TRI VO: Throughout this inquiry we've heard that a lot of the younger inmates would go to school and do very well inside prison because they're supervised, looked after and all of that, and then, when they come out of prison, they have a problem transitioning to their families, schools and communities. Of course, that doesn't help their situation. I understand your work is very important in terms of transitioning inmates back to work, community and school, and breaking the cycle of crime for repeat offenders and the cycle of crime from one generation to the next. I'd like to know more about the work you do, from reading inside prison to what you do before they get out of prison and your follow-up after that, and also the effectiveness of that and what support you need to make it more effective.

ANTHONY HAYWARD: We work with prisoners—I think it's three months pre-release.

TERINA KING: It's three to six months pre-release engagement, before they're coming out. That's identifying their individual case plan, and that is whatever they put on it. We do have a little prompt for people to work off. Then we start working with those, and the family, preparing the family for when they're ready to come out. Things that we've done in the past are—we know prison cells are reasonably small, and people get used to that kind of lifestyle. Coming out and into a bedroom, it's quite large, so we've had to put up curtains and come

up with different ideas to make that room feel smaller, and slowly open the space up, working with families around that. Working with the families, and letting them know that people are on schedules when they're in prison—everything is timed. Generally, people get up at five or six o'clock in the morning. They do breakfast, they do their line-up, they have a bit of yard time, lunchtime, do another line-up, and lock in at three. Where we're getting families that are not used to people going into a room, or going to bed at three o'clock, or stuff like that, it's just about trying to make sure that families, as well as the person, know that this is their life and this is their structure. It takes a little bit to reintegrate back into community from that.

ANTHONY HAYWARD: We help them—they're then released from custody. Our role then is to help set up their things like Centrelink, getting their medical appointments looked at as well, looking at maybe some job opportunities, also education—anything that they have in their case plan structure that they might want to address. Licensing is also something that we look at for them. It's a bit of a holistic thing as well: looking at all the categories of life and where they can start to rebuild their steps back into society as well as a member of community. We then work with them up to two years post-release, and then basically help them integrate slowly back into a place where they can be actively involved in community, making a contribution like everyone else, getting them back into the workforce et cetera, if they wish.

For some people, that's not always the case. Some people are just happy to be home with family, looking after other family, or looking after themselves and their own mental health. We've seen that with some of the clients that we've had in the past as well. For me, a big part of it is their mental health, and also how they are spiritually and culturally as well. A part of what we do within the prison is run a cultural program as well, which helps our clients specifically reconnect back to culture. That way, then, we believe that it also helps—when they do get out, that they feel reconnected a little bit more, because prison takes all that away; they're just a number. Our role is to help them reconnect to, not only their family and their community, but also their culture as well. I think that has made a positive impact on some of the stuff that we do out here.

Mr TRI VO: That's very important information because sometimes freedom means responsibility and that's why they need to be responsible when they have their freedom. Thanks for the detailed information. I just want to know how effective it is for those who you follow. It's very good that you follow them for a long period of time like two years. How effective is it in getting them transitioned successfully back into society and their community? It's good that you're taking a very holistic approach—physically, culturally and spiritually. How effective is it in terms of transitioning? You may not have all the figures but, say out of 10 or 100, how effective is it for them to transition back to society?

ANTHONY HAYWARD: The reality is we see people go back within that cycle. Our role, if we can help one person—and I can think of one client off the top of my head who has been out for quite a while now. That, for us, is a big win. It's a huge win. He is able to connect to his family, his community, and be active in sports et cetera. The stats are always changing, from what I can understand, but I think I've definitely seen a few really good news stories. I think that's where I'm passionate about the role that I play amongst it all.

TERINA KING: Our stats are pretty high the moment, which is good: About 88 per cent of our clients are not returning to prison within the first six months of being released.

Dr HUGH McDERMOTT: That's a great result. Well done—geez!

Mr TRI VO: That's a wonderful result.

TERINA KING: But we have fluctuated with that.

ANTHONY HAYWARD: And obviously things change as well. If there's a wave of sorry business—deaths in communities—or sporting events, all these things have a huge impact on how some of our clients are reoffending and stuff like that. We monitor that and we reflect on that quite often—about what's actually happening within our community. That's when we see things fluctuate too.

Mr TRI VO: I'm quite interested and passionate about breaking the cycle of crime. I think a lot of the things you do are quite important. Maybe the things you do and the knowledge and experience you gain from it might be very useful. How can you see the government helping you or helping the wider system of helping people transition back into society and breaking the cycle of crime?

TERINA KING: I think housing is one of the biggest issues. If somebody has stable accommodation, and their own accommodation, that's kind of like your ground level and then you build off of that.

ANTHONY HAYWARD: For me, the government needs to recognise that, just because somebody is incarcerated, it's not their whole life. I really feel as though, within the justice system specifically, people are stuck in that transition of their life that I think the government needs to look at going, "Okay, this is a road bump in your life. You are incarcerated at the moment, but this is not the end." I think it needs to start from inside the prison

system and say, "What about a plan? We need to start to make a plan about how you can actually start to move forward with your life after this period of time"—putting in those structures, putting in those places, having those case plans, having those ideas.

Everything needs to start to be addressed about why they're incarcerated, I think, from day dot. I think then and only then—and then also there needs to be a cultural shift as well. The reality here is a lot of our people are locked up. Because culture is such a huge part of who we are as Aboriginal people, we need to start to also re-strengthen that from the inside as well. We're not just a number; we're more than that. We're 40,000-plus years of culture and knowledge, and that's something that's stripped away at the gates to the jail straight away. So we need to look past that and put in a plan for people's lives to move forward and not go back inside.

TERINA KING: To add to that, a prison is so segregated from community and services, so to be able to link people up with services pre-release, so that then it's not done on the day or after they're released, would be a really big thing. People are not entitled to have housing applications until after they're released, so the day of release they're not even registered on a NSW Housing register or whatever. There are lots of little things like that. Medical is another big issue. They don't have access to full medical.

ANTHONY HAYWARD: Yes, a lack of.

TERINA KING: They're outside services, out of the prison. It's all just within the prison, and what they have available there, which is very limited. If somebody is planning to come out, at least three months pre-release, start linking them with the services that are in their communities, and have that all up and ready to go prior to them being released.

Ms MARYANNE STUART: Terina and Anthony, congratulations on the work that you're doing. It's outstanding; 88 per cent is terrific. How long has CRC been operating for?

TERINA KING: CRC was a Sydney-based service, and has been operating since 1951. It extended out here in the Far West about 15 years ago.

Ms MARYANNE STUART: Is it live-in accommodation whilst you work with them?

TERINA KING: No.

Ms MARYANNE STUART: So you go to them or they have to come to you?

TERINA KING: We go to them. We're an outreach service that works with people within their homes.

Ms MARYANNE STUART: It's culturally appropriate rehabilitation from what I'm hearing, yes?

ANTHONY HAYWARD: For the Far West team, yes.

TERINA KING: For the Far West. The rest of CRC is anyone, but for the Far West we're Aboriginal only.

Ms MARYANNE STUART: Yesterday, in particular, we heard a lot about education, and what I mean by that is truancy rates and things like that. When you have your clients come to you, 18 and over, is there any indication of whether a number of them are illiterate?

TERINA KING: Yes.

ANTHONY HAYWARD: Yes. I've seen that quite recently. It is something to remind myself of, as a caseworker, that this is a thing that we constantly face as well, so just reminding ourselves of the unfortunate illiteracy in some people that we see, and they're quite young.

TERINA KING: It's massive within our clients. The majority of our clients are illiterate.

Ms MARYANNE STUART: You're working with the families, you said, which is terrific. Does every family participate? Is it voluntary?

TERINA KING: It's a voluntary service, yes.

Ms MARYANNE STUART: Do the majority want to participate?

ANTHONY HAYWARD: Yes.

TERINA KING: All of our clients have to want to be a client. We'll do that in our first initial contact: We may get a referral and we go and see a client and they don't want to be, so that's fine.

Ms MARYANNE STUART: You said that three to six months before they get released you start working with them, which is terrific. If you haven't already had a relationship, it's about relationship building and that trust.

TERINA KING: Yes.

Ms MARYANNE STUART: Who brings you into the process? How do you know that this person is going to be released?

TERINA KING: SAPOs [Services and Programs Officers] generally.

Ms MARYANNE STUART: Who?

TERINA KING: The SAPOs at a prison.

Ms MARYANNE STUART: What is SAPOs?

ANTHONY HAYWARD: Basically a liaison officer.

TERINA KING: Yes, like a support worker. We would usually get a referral from a SAPO from the prison that will contact us and say, "This person is going to be released within your area." Then we can make contact with the person after that.

Ms MARYANNE STUART: You clearly change people's lives. You must see that. Because you're so passionate, it must drive you to go even further. Can you just share a story of how someone—Anthony, you spoke briefly about someone before. But just for the people who are online, it is really important for them—for all of us—to understand the impact and changes that you are making.

TERINA KING: We've had a male client around 50. We got a referral for him and, when we first touched base, because we're so much younger than what he is—or he looks at us as younger, and feels like he needs to be a role model to us—it was extremely hard for him to engage with all the staff at CRC at the start. He was on that cycle of reoffending quite regularly, in and out of prison. But, when he'd come out, there was just small little changes that we were helping him with to start off with, and then he realised that—there was just one breakthrough with one bigger issue, and then he is like, "Actually, I do need you guys." So he came back to us and he's been out now just over six months, and has not reoffended in that time.

Ms MARYANNE STUART: Terrific. Well done.

ANTHONY HAYWARD: He is quite a unique individual within his own rights—respected as well within our own community, but somebody who initially maybe wasn't quite sure of how our service could actually play a role within his own life. But we watched him move mountains over the last—how long?

TERINA KING: It's been about 12 months that we've been on-off working with him. I suppose, because he's the person that he is within community, so he is an identified kind of—of moving into the space of an Elder, very respected within community. He feels that he had to be that lead, and didn't like to lean on anybody else for support. For us, a lot of our people that we work with are family related to us as well. Therefore it makes—sometimes it can make it easier, but then for somebody in that space, it makes it harder for them to actually lean back on us when they need to.

ANTHONY HAYWARD: To be able to be on the path with somebody, to be able to help them look at their own life, some of the cycles that they've faced in the past—then to be able to look at that and say, "Look, I'm 50-plus", or whatever, "I want to start to change my life and break these cycles." Then we know what that flow-on effect has for our community, which is very positive. This man is able to re-strengthen himself individually, spiritually, and, again, culturally as well, and he's been on a roll ever since. That's something that drives us and our passion. He's just one of the good news stories that we have. There are others. But I truly believe that this is the true meaning of what we do, and this is why I go to work every day.

TERINA KING: I think for this person it was our prison program that got him really interested in us, and really connected. Without doing that program within the prison, I think he would've been somebody that possibly slipped through our fingers.

The CHAIR: Thank you both for attending before the Committee today. You will be provided with a transcript of the evidence you gave today for corrections and the Committee may send you some supplementary questions and give you directions on how to return those and by what time frame. Once again, we really appreciate your attendance here.

(The witnesses withdrew.)

Mr MICHAEL KENNEDY, Chairman, Wilcannia Local Aboriginal Land Council, before the Committee via videoconference, affirmed and examined

The CHAIR: Thank you, Mr Kennedy, for appearing before the Committee today. Please note that the Committee may be taking photos or videos during this session. If you have any objections to those being taken, please let us know. Can you confirm that you have received the Committee's terms of reference? It is just information about the hearing.

MICHAEL KENNEDY: Yes.

The CHAIR: Do you have any questions in relation to that information?

MICHAEL KENNEDY: No.

The CHAIR: Would you like to make a brief opening statement as to why you're appearing before the Committee?

MICHAEL KENNEDY: No, I think if we just moved on with it, mate, and then we'll just go from there.

The CHAIR: Are you happy to take questions from Committee members?

MICHAEL KENNEDY: Yes.

The CHAIR: Can you give us an outline of your organisation and what you do in relation to assistance for the Committee to understand exactly what it is you do in your organisation?

MICHAEL KENNEDY: My position is to basically—we're an Aboriginal organisation under the Land Rights Act, and we try to provide employment and housing, and mental health. We basically cover all areas in town wherever we can. That's to support the community in whatever area that we can support them.

The CHAIR: And do you engage with young people in your community?

MICHAEL KENNEDY: Yes, young people, all ages, we engage with.

The CHAIR: Do you know that the inquiry that we're holding is about looking into community safety and the drivers that are causing crime from young people? What do you believe are the drivers that are really causing young people to commit crimes?

MICHAEL KENNEDY: Out here, in Wilcannia, there's a whole bunch of issues. What makes them take that path, I think, is when you have a lot of grief and loss. In the last month or so we've had [audio malfunction] funerals here. Last year, I think it was, we had 27 funerals in total. So we were basically having a funeral a fortnight. We all have big families out here, close friends, mates. It's a small community, so everyone knows everyone, and every time something like that happens it affects us, because we know that person in one way or the other. There's that side of it. So obviously you get impacted by the mental health, the grief and loss.

The river here is a massive part of our life. Being on Barwon River we're known as Barkindji people. "Barkindji" means people of the river, or people belonging to the river. When I was a teenager growing up back through the '90s, we had water in the river system. We had a lot more water than what we do today. So every summer we spent hours and hours down on the river. I tell people all the time we were so fit because we just swam. We ran up and down the steep riverbanks. We hunted for our traditional foods. We had fish in our diet every week for three or four days a week if we wanted them. We'd swim for kilometres and kilometres down the river and walk back into town. Mentally, emotionally, and physically, it was so good for us in that sense. We'd go home at night and we'd be too tired to do anything else. The next morning we'd get up, go to school, and do the same thing over again.

These days, with the way the water trading and irrigation has affected the river, and the damage that it's doing to the river, we don't have that opportunity anymore. We might only have enough water here for a few months before it starts to go stagnant and get algae in it, so you can't swim in it and you can't catch fish. These days we get a feed of fish probably once every 12 to 18 months if we're lucky. We had that in our diet every day of the week back through the '90s, when I was a teenager.

The police reports here also show that when the river is up, the crime rate is down. When the river is down, the crime rate is up. The police actually have reports on that, and statistics on that. That affects the young ones here as well. Then, with sports in general, we don't have no sports out here whatsoever. We get a little bit of rugby league out here, when New South Wales Rugby League comes out. They tick a few boxes and say how successful a year they've had out here with the rugby league, but in reality, on the ground, it was absolutely crap.

Outside of rugby league out here, there are no other sports. There's no support from any sports organisations, or the sports Minister or whoever funds that area, to come out here and get basketball, netball, touch football, or any other sports happening in community. So there are no sports. There's no river—all the grief, loss, and trauma that we deal with there. Those three areas alone have a major impact on the young ones here.

Also, when it comes to housing, because we have some problems with overcrowding in the houses, for a lot of the young ones who are 12, 13, or 14, their bedroom is the lounge room, or they've got to share a bedroom with three or four other siblings. There's not even any privacy for young boys or girls in that area. That all becomes frustrating, and stress levels start to build. They piss off out of their house, out of their home, and go with their friends, and they end up getting into mischief. They're the four key areas, I think, where young ones out here get a bit lost and start to take that wrong path.

The CHAIR: Thank you for that insight.

Dr HUGH McDERMOTT: Thank you, Michael, for being with us today, and thank you for those insights you've just given us. What is the relationship like for the community with the local police force? Is it a working relationship? Is it hostile? What's your view on it? Can you tell us how it perhaps could be better, if it needs to be better?

MICHAEL KENNEDY: With the police, one of the problems that we have, in my vision, is that there are three areas in town—police, education, and health. I know one of the things that affects the community is the turnover of staff in those areas. You'll build a relationship. I'll use myself as an example. Again, when I was younger, we had a police officer that was here for five or six years, but he built trust and a relationship with the community. Everyone knew him and respected him. I got myself into a little bit of trouble one night. He said to me, "Michael, get in the back of the paddy wagon." I jumped in the back of the paddy wagon. He took me down to the police station. I had a few cups of coffee with him. I had a good old yarn with him. He took me and dropped me off home and said, "I don't want to see you again tonight." I listened to him because I respected him. He built that trust and relationship with the community.

It's so hard, because every 12 months or two years you're going to turn that staff over, and then you've got to try and build that relationship again with a different lot of police, nurses, or teachers. That can have a big effect on a small community, because there's just a high turnover. It's so hard to get us to trust, especially law enforcement. When you're turning them over at a high rate, every 12 months or two years, you're only just starting to get that trust and relationship with them. There's one police officer here now, at the moment. He's pretty good; I had a bit of a heated discussion with him a while ago, but now we get on like a house on fire. But that's only one police officer. No doubt he'll be gone, and then we've got to start over again.

I think one of the other areas they need to really get involved in is understanding how our people work, and the reasons we are the way we are, because one of the things with us with law enforcement is—obviously, we all know the Stolen Generation. Transgenerational trauma really does exist in our people, because it's been passed down, generation to generation. We still look at the law and DOCS as people that have taken our kids away. Automatically, straightaway, there's that barrier there of having that fear of that.

I've had meetings here a couple of times with the police, and I've said the one thing that I think that they need to do a bit more often is get involved with community a bit more—just driving around, pulling up, and having a yarn with people; or even walking downtown and not driving in a police vehicle all the time, just walking along and having a yarn to people; or jumping on the pushbikes; or whatever the case may be. No doubt you're going to get some idiots that'll still tell them to piss off, but there are a lot of good people in our community. They will accept them in, and start to build that relationship with them. When there's a problem at a certain house or something, it's so much easier for them to control when problems happen, because they've got the trust, and they've built that relationship with that family or that individual. It makes their job so much easier as well.

Dr HUGH McDERMOTT: Do you think there is trust towards Elders in the community by children? Do you think the children trust the Elders?

MICHAEL KENNEDY: Yes, the Elders, but also all age groups. It needs to happen with all age groups because, like I said first, it's something that's passed down, generation to generation. It needs to happen through all age groups—building that relationship and trying to break down that trust barrier.

Ms MARYANNE STUART: We really appreciate your time and your advice to us. Do you think that having a NSW Police Force Aboriginal Community Liaison Officer helps young people in your community?

MICHAEL KENNEDY: Yes, the Liaison Officers that we have here in town do a pretty good job. But there's only so much they can do, as well. Obviously they work certain hours. We don't have a female Aboriginal liaison worker here in the community. But a lot of the stuff that does normally happen with young ones happens

after hours—so anywhere from six in the evening to six in the morning. I know one of the blokes that actually worked as a Liaison Officer here would go above and beyond to help people after hours. He'll get up at three or four in the morning to go and help a young one that's feeling suicidal, or in a bit of trouble with family, and then he'll turn around and get up at 7.30 in the morning and go to work. Like I said, they're limited with what they can do, but it is beneficial and does help with the young ones.

Ms MARYANNE STUART: The purpose of this inquiry is to be able to provide us with things that need to be addressed. We're going to find that there are some things that need to be addressed. It's also an opportunity for you to provide recommendations. I ask—and it doesn't have to be today—if you can think of anywhere there are gaps in, for example, government services. Could you advise us what is required to be able to assist?

MICHAEL KENNEDY: For me, over the years now I can see how that gap has kind of been slowly closing. Just an example—through NSW Health, we're currently in the process of trying to get a hub built. The hub will be a place for community to meet Health, like a halfway mark, so they don't have to go straight to hospital or see doctors or whatever. They can go to this hub and still be in the comfort of family and friends. I hope this will be able to open up with their mental health and whatever other issues that might be going on. That's one way that we're trying to close that gap between the different areas and that. It's to meet halfway in a place like that. Like I said, I think that's going to be really successful.

As I said before, with the law side of things—police force—for me, I just really feel like they need to get more involved with community. As I said, just pulling up and having a yarn. When they first came into the community—what do you call them? Like an introduction into community by a couple of traditional owners here, on how things operate in the community, and what to sort of expect. I think that could be really good for the police force: introducing the officers to stuff like that. I'm just trying to think of things that—like I said, to meet halfway and open up both our eyes on both sides so we can build a better relationship.

Ms MARYANNE STUART: You don't have regular meetings with the police?

MICHAEL KENNEDY: They do have PACC [Police Aboriginal Consultative Committee] meetings—police and community—but a lot of the time at the PACC meetings they don't really talk about the main problems. They will try to use a positive area like Fit for Life with the kids in town—so once a week, I think it is, they do Fit for Life early in the morning. They get the kids to do some exercise, and give them a bit of breakfast and stuff like that. When you go to these PACC meetings, they just want to talk about stuff like that, but not the main issues and problems that are going on in the community. They don't really like to talk to you about that too much. Hopefully we can change that and, again, talk about the real issues.

Mr PAUL TOOLE: Mr Kennedy, thanks for your time. I just have one quick question. In the community, working with the Wilcannia Local Aboriginal Land Council, if there is a child or a family that may need support, do the other agencies engage with the land council to actually assist with those families or individuals who might need help?

MICHAEL KENNEDY: No. No organisation assists with the land council, so we only know things that happen in the community because, as I said, it's a small community and most of us are family. But the women's safe house, Wilcannia Health Service, the police, education—none of them areas assist with the land council or invite the land council into them problems or them areas. We always just set up meetings ourselves and see what we can do to help, but you never really hear back or get invited to their tables.

Mr PAUL TOOLE: But you would think it would be beneficial if the Aboriginal Land Council was involved in those meetings because you guys would know the families and the individuals to be able to also ensure that their history and various needs might also be addressed at those meetings.

MICHAEL KENNEDY: Yes, correct. With myself, I also sit on the Far West Local Health District board up here at Wilcannia. I take this hat off and put that hat on. But, like I said, that's the only real way or reason why we at the land council get the information; it's because I wear a couple of hats—and then, as I said, families. But you don't really get invited to anyone's table.

Mr TRI VO: How do you engage with young people in your community?

MICHAEL KENNEDY: The way I engage is normally just through fishing trips, getting back out on country, so I take different kids and that back out on country. But, again, we do all this off our own back. We're not paid to do any of this sort of stuff, and then the footy when it does happen. But at the moment, for the last few years, there hasn't really been a juniors comp, so it makes it a lot harder. But footy is another way that we definitely engage with the young ones. There's not a real lot of other ways, mate, to be honest.

Mr TRI VO: What kind of support do you think would best help Aboriginal young people who are engaging in criminal behaviour? How do you think this should be delivered, not just locally around this area but also in other regional and rural communities as well?

MICHAEL KENNEDY: One of the big things, like I said earlier, is the river. The river is so important to us; it means everything to us. That's our identity; that's our name—the river. To see it in the state it is in today is literally criminal. To see the river and the destruction being done to it is so heartbreaking for us because, for us as Aboriginal people, we're such a spiritual culture. Everything about the river and the land and our culture, we're connected to that. We feel connected to the river. We feel connected to the land. We feel so connected to our culture. When you take that stuff away from us, I feel like that is the main thing that is affecting the young ones and the old ones today.

For us here in Wilcannia, we're on the brink of thinking that it's genocide, because everything that we do and we're about is being taken away from us. The main thing is the river. Like I said, when I was young, all the things that I done in this river—we cannot do that anymore. Or if we do it, it only happens once every 12 months, 18 months, two years. Especially for young ones, one of the best ways for their mental health and to get them out of crime and stuff is water in the river. From that, you have all the ripple effects that come off it. Then things start improving, like the mental health will start improving, the physical health will start improving, the healthier foods will start improving, because we all know how good fish is for your body. Positive things will start happening off that river system. It's a massive fight but that's probably—one of our biggest fights out here is the river, the water. We need our river back.

Mr TRI VO: Which river are you talking about specifically?

MICHAEL KENNEDY: The Darling River.

Mr TRI VO: I understand for the past many decades what occurred in this country—and it's very important to build relationships and trust again. You mentioned previously trust towards the police officers and also trust towards the legal system. You also mentioned closing the gap—we are closing the gap but what other ways do you think will help us build that relationship and trust quicker?

MICHAEL KENNEDY: For me, the number one thing I'd say would be just direct engagement with grassroots people. Instead of everything running through all these different channels and different organisations, connect directly with grassroots people. As I said, with the police—don't always be seen as just driving around in a van; get out and have a yarn to people, meet people, say g'day, shake their hands. Direct contact with people is the quickest way, anyway, that you'll break down some of those barriers. When you don't have that direct connection or communication with people, that does get frustrating for them. Like I said, probably the quickest way is just having direct contact and communication with grassroots people on the ground.

Mr TRI VO: Through this inquiry, what we have found is a lot of the problems for the youth engaging in criminal activities and reoffending is that, when they return to their homes—a lot of the problems originate from their homes, whether it is a home that is problematic or dysfunctional or there is alcohol or drugs or abuse. We'd like to break the cycle of crime, not just for them but for generations—this generation, next generation and for the long term. Do you have any suggestions about how we can help break that cycle of crime, especially people who are going through difficulties with the legal system?

MICHAEL KENNEDY: Not right off the top of my head. Like I said before, there are a lot of issues in many different areas. It's a bit hard to say at the moment, mate.

Mr TRI VO: Thank you for all the information you've provided today. I appreciate it.

The CHAIR: Thank you, Mr Kennedy, for giving evidence today before the Committee. You will be provided with a copy of the transcript from today's proceedings for corrections. The Committee may send you some supplementary questions and will ask you to respond to those, and you'll be given directions as to when and how they're required. Once again, we really appreciate your attendance, your honesty and your insight into some of the issues that are being faced.

MICHAEL KENNEDY: Thank you, guys, for listening. I really appreciate it.

(The witness withdrew.)

(Luncheon adjournment)

Mr DOMINIC HOLLES, Deputy Principal Solicitor, Western NSW, Aboriginal Legal Service, sworn and examined

Mr JAMES CLIFFORD, Managing Solicitor, Statewide Children's Criminal Law Practice, Aboriginal Legal Service, affirmed and examined

Mr JOE STEWART, before the Committee: I think everyone knows me here. If anyone doesn't know who I am, my name is Joe Stewart, Senior Aboriginal Liaison Officer at the Parliament of New South Wales. We didn't do the welcome to country earlier, but we're going to do it now. To welcome us to Wilyakali from the Wilyakali mob is Taunoa Bugmy. Taunoa is going to say a few words.

Ms TAUNOA BUGMY, before the Committee: Hi and Ngayi which is also hi, in the southern dialect of Barkindji lingo. My name is Taunoa Bugmy. I'm a young Wilyakali woman, and it's an honour to give a welcome to country for you guys here today. A welcome to country gives us a voice in places that usually we're not welcome in. It gives us a sense of belonging and it also gives us a bit of ownership back—that this is our country, and it always will be. I'd like to acknowledge my Elders, past, present, and future, for they're the ones who hold the key to the future of our generations. They also pass down culture and important practices and protocols to us to keep us ingrained in our history. I'd like to welcome you all. I hope that this meeting runs smoothly and you're informed very well. I did want to give a bit of evidence but, unfortunately, there's no time today, so I will put in a submission later on.

One message from Wilyakali is that there are a lot of policies in businesses, organisations, that all work in our Aboriginal communities on this specific issue. But they do it in isolation; they don't do it together. Unless those businesses and government agencies can start collectively working, we won't progress. Thank you, from Wilyakali, for having us here to do the welcome to country. Like I said, it's a very important cultural protocol and I hope moving forward you have more welcomes to country along the journey. Safe travels, and many blessings from Wilyakali.

The CHAIR: Thank you so much. On behalf of the Committee, we really appreciate you coming out here today to give us the welcome to country. We wish you all the best here in Broken Hill.

Dr HUGH McDERMOTT: We look forward to reading your submission, very much.

Ms MARYANNE STUART: Yes, 100 per cent.

The CHAIR: I welcome our next witnesses. I note that the Committee may be taking photos or videos during this session, so if you have any objections to your photos being taken, please let us know. The Committee has issued you with terms of reference. Can you confirm that you've received those terms of reference?

JAMES CLIFFORD: Yes.

DOMINIC HOLLES: Yes.

The CHAIR: Would either or both of you like to make an opening statement?

JAMES CLIFFORD: I'd just like to commence by thanking Ms Bugmy for the welcome to country that we had this morning. I was really pleased to see that as part of today. I hope she gets the opportunity to give that evidence as well. I manage the Aboriginal Legal Service's children's crime practice that has courts across the state and is part of the ALS, which is an Aboriginal community controlled organisation, and the peak legal service provider for Aboriginal adults and young people across the state. I note that ALS itself was created with the principle of self-determination at the forefront of its work, and is a service provider of choice for Aboriginal and Torres Strait Islander people across the state, often in very vulnerable positions. We have 27 offices across the state, 360 staff members, and the majority of our offices are in regional New South Wales, and that is where most of our lawyers practise from.

We do all sorts of work. I'm a crime lawyer. There are family lawyers, care protection lawyers, and civil lawyers. There are also new pilots, experimenting with working with allied professionals, so that it's not just lawyers doing the work but also people who can wrap support around children, young people, and adults. I have represented hundreds of children in criminal matters across the state. I would open by saying not one child that I've represented hasn't experienced some type of poverty or some type of disadvantage. Not one child I've represented hasn't experienced racism in some form. Every single child I have represented has also had dreams or aspirations for a future that didn't not involve courts, lawyers—including myself—police, or crime. I'm really excited to give evidence today about what we think works in terms of keeping communities safe, and keeping the children that are part of that community safe.

DOMINIC HOLLES: I've been practising as a criminal lawyer for the last nine years and in that time I have worked in the Riverina, New England, and the Central West. I spent all that time in the regions, apart from about seven months in Western Sydney. I currently supervise 10 officers in the western region of New South Wales, as far south as Wagga, as far north as Moree, and as far west as Broken Hill. Those 10 officers service some of the most remote and vulnerable communities in New South Wales. The team that works as a part of that are some of the most diligent and competent practitioners and staff that I've had the privilege of working with. They work very hard to deliver the best outcomes for our clients.

The CHAIR: We've heard some conflicting evidence throughout the hearings regarding the Young Offenders Act. In your view, do you believe that Act is working sufficiently or does it need improvement? We want to get your views in relation to the Young Offenders Act.

JAMES CLIFFORD: I'm happy to speak to that, because it is definitely very close to a lot of the work we do in the children's crime practice. I would say fairly definitively that it's not working as well as it could. The Young Offenders Act is a really important way of diverting kids from coming to court, and really quickly dealing with matters. It can be diverted from the police; you don't have to be arrested. You can have an immediate ownership of what happened, and you can start progressing from that act to what you are going to do about it afterwards. Unfortunately, there are a lot of barriers to how the Young Offenders Act works at the moment. There are a lot of offences that are ineligible to be dealt with under the Young Offenders Act. For example, if I go and punch someone, that can be dealt with under the Young Offenders Act. If I say to someone, "I'm going to punch you", that can't be dealt with under the Young Offenders Act. So we land in these situations where you might have a child in that latter category who ends up having to go to court, be put on bail conditions, have that whole court proceeding, only to ultimately receive a court caution, instead of a caution under the Young Offenders Act.

One thing that we've also identified, and we see as a bit of a missed opportunity with the Young Offenders Act is, we really want young people to get assistance early. We don't want to have to wait for them to go to court, be on bail, take months and months—and in regional areas often up to a year—for a matter to get finalised. But often there's not support provided at that point of, say, a caution. You go to the police station and you have to come back once, and then that's the end of it. I think an opportunity to link in with supports at that point would really make those divisions more effective and more meaningful. Rather than just focusing on an individual act, it's about saying, "What's going on for this young person? How can we help them more broadly?" We're starting to do that. We have a bail advocacy program that works out of Wagga, south Sydney, and Penrith in Western Sydney, which is starting to connect in with kids at that point. But that's only three sites, and we'd love to see that across the whole state.

The CHAIR: You've given an example of where the Young Offenders Act doesn't apply. Are there any crimes that you believe should be included in the Young Offenders Act—for example, graffiti?

JAMES CLIFFORD: Yes, graffiti is a strange anomaly, where you can't receive a graffiti caution from the police, but you can receive it from the courts. We see a young person perhaps charged with a graffiti offence. We operate a custody notification service 24 hours a day, and we get a call whenever an Aboriginal child goes into custody. The police officer will often say to us on the phone, "I'd love to give them a caution but I can't because of the legislation, so I have to put them before a court. I'll put them on bail, I'll come back in six weeks, and then they'll get the caution from the court." It's a real wasted opportunity.

The Young Offenders Act has a lot of guidance, encouraging matters to be dealt with under the Young Offenders Act and countervailing factors that can be considered, in terms of whether or not it's appropriate for a matter to be dealt with. My view is that you should have discretion that is broad, to say that you can make an assessment yourself of whether or not this offence is too serious or is appropriate to be dealt with under the Young Offenders Act, and then proceed to have it dealt with that way, instead of creating what at the moment are fairly artificial categories of what can be dealt with.

The other issue that connects to that is there's a maximum of three cautions that you can get at the moment under the Young Offenders Act. We often see, again, a very willing police officer who might say, "Yes, I want to give a caution, but they got three cautions when they were 13. Now they're 17, and I can't give them a caution to this shoplifting charge, so it has to go to court." Then the court gives them a court caution. I think it's one of those real inefficiencies in the system that could be rectified.

Dr HUGH McDERMOTT: Thank you for your submission, for being here today and for the work you do. It's vital work in this community, as it is throughout New South Wales. Thank you also for the recommendations you made in your submission. I will draw you to those and talk about bail provisions. Can you comment on the current use of the bail provisions in your community, including the bail test for young people in custody, what your views are and how you think they could be made better? I particularly ask this because we've

been given evidence, especially by the police, that the bail laws are good, especially with reoffenders. I'd like to hear your views on that.

JAMES CLIFFORD: In terms of bail laws, would you like to hear about the Bail Act as a whole, or are you referring specifically to the recent amendments?

Dr HUGH McDERMOTT: Specifically referring to the community you're dealing with—with the Indigenous community, especially youth. That's what we're really here for.

JAMES CLIFFORD: I think the Bail Act—there's a lot to unpack there. I looked up the numbers today, and we have a total of 214 children in custody in the state today. Of those, 123 are Aboriginal. That's just below 60 per cent who are Aboriginal. Of those who are in custody, 72 per cent are on remand, so they haven't had their matters finalised. They're not sentenced to a control order.

Dr HUGH McDERMOTT: How long are they on remand for, usually?

JAMES CLIFFORD: It ranges. There's a real problem of short-term remand, so that would be—which I'm sure perhaps the Committee's heard of today—where a young person goes into custody overnight and they get bail the next day. There's a big disparity, in terms of the decision-making by the courts versus police, in terms of who is granting that bail, and often that disparity is the largest for Aboriginal young people. There are a lot of people having really short periods of time, where they're in overnight or maybe for a week, and then they're released. That's quite a fluid population, but there are other young people who remain in custody for a long period of time. That's a particularly large problem in regional courts that we service, where a young person may not get a hearing date for up to a year. It could be six months.

Thinking about the underservicing of regional communities, you can get a hearing date at Surry Hills Children's Court in two months. If you're out at Dubbo, you're probably waiting for eight months. That creates problems for young people who might struggle to comply with bail conditions. They might be granted bail initially but struggle with that compliance, or they might have very onerous conditions. They might have complicated home lives. They might be living in out-of-home care placement where they're struggling to engage in that environment, which can often be pretty traumatic. So they end up breaching their bail and going back in.

The issue with the bail setting that we really see is that a lot of young people who, if they pled guilty, wouldn't receive time in juvie, or youth detention, are spending that time because of the bail laws, if that makes sense. They're seeing themselves remanded while they're defending matters, but if they actually pled guilty and were sentenced—and waived their defence—they would be released on a community-based order. I think that those settings around remand, to our mind, are causing big problems, because we shouldn't be having a remand population that's 72 per cent of those in custody. Custody should be for those who are guilty of an offence and sentenced for that offence, if that's what the response we want to have is. So I think there is more work to be done.

Maybe touching on 22C, which are the bail changes that came through earlier this year, we've seen those bail changes serve to further keep young people in custody where, frankly, the rehabilitation we want to see isn't happening in a custodial centre. Young people meet other young people there. They form an identity: I'm a bad kid, I belong in a detention centre, and I can't function on the outside. They lose that connection. They might go to school in custody, but their transition from school in custody to school in the community often breaks down. So we have young people who really form an identity that can be attached to a detention centre, where they're losing the connections with those that they would otherwise have in the community.

So the 22C—I can think of a young person who applied and got a bed at a residential rehab program. There's one in Randwick that he got into, after a number of matters where he was coming before the courts again and again—breaches of bail for the charges connected to substance use issues. We did the bail application to go to the residential rehab he was assessed as eligible for, but the magistrate said, "I can't get to a high degree of confidence to grant him bail to that rehab", because of these breaches of bail that had occurred, connected to the substance use he was trying to address. In the end, that young person didn't go to the rehab, was sentenced in the normal course a short while later, and never took up that bed, because another kid took it. I think that there can be these consequences by limiting discretion, that I don't think anyone would intend, that we see play out from some of the bail laws. That would probably be my comment. I'm not sure if you want to add anything to that.

DOMINIC HOLLES: I'd add a few points, if I could. As a matter of disclosure, I've heard some of what the police might have given evidence on. One issue that could be identified from that is, given how long the 22C has been enacted, versus what dataset they are looking at, it might be a bit premature to comment on the efficacy of 22C and its effect in terms of reducing the actual risk of offending in the community by children. The other thing I'd add is that—and I think this would be the ALS's position generally—22C and the test there is actually a higher burden or higher standard than show cause, which is a test that normally applies to adults. We have a situation—which is contrary to other provisions in the Children (Criminal Proceedings) Act, I might add—

where there is a higher burden on children in certain situations applying for bail than there would be for adults, and that is problematic in our view. The last comment I'd make is that, for children who spend lengthy periods of time in remand, especially for children who are placed in that situation for the first time, overall, I think you'd likely find that their criminogenic risk has increased by that lengthy period of remand.

Dr HUGH McDERMOTT: I accept what you are saying. You are right; it's a new piece of legislation. The police at Bourke as well have said similar comments that they have here. If we remove that clause, what do you do with the kids that are repeat offenders? What programs can we have them go into? From my point of view, looking at it, how can we now change this cycle? How can we break it? How can we get them to stop offending rather than being released back out into the community and offending again and then being put back in and eventually just going into the criminal justice system altogether? What would you suggest? There seems to be a lack of services here. You mentioned under-servicing generally. We were stunned this morning when we found out there is no rehab centre here for things like that. What would you need, in an ideal world, do you think, that would help to break these cycles with youth offending?

JAMES CLIFFORD: It's a correct observation that what we would want to see are those kind of intensive services that are addressing the underlying factors that might lead to a kid being a repeat offender, for instance, or having a number of interactions with the criminal justice system. What's frustrating with the bail changes is that they don't address those underlying issues in a meaningful way. You might have a child incarcerated because of those bail changes, but eventually they will be released. Those issues that led to them being there aren't going to be rectified. Our ultimate position, of course, is that we don't want things to be in new courts, or for kids to get to the point where they are in that category of having a number of interactions with the criminal justice system.

If you look at the Youth Koori Court, for example, that court isn't an early intervention tool at all. That's there to target young people who are looking at a custodial sentence, and have been through the Children's Court, and that kind of mainstream court is not working. What we see with that Youth Koori Court is you are working with that kid for a longer period of time. You are with them for six months or 12 months. I've had young people who have been there for two years because they say, "I want this support. It's important to me." Through that process, you are actually able to sit with that young person—and young people have ideas. They know what's going to work for them. When you sit with them in a respectful way, with the Elders opposite the table, who are a very important factor to that court, saying, "What is actually going to work to make this stop", a lot can be produced in that time.

It is contingent, to a degree, on what services are available. I think about how Moree doesn't have a Justice Health worker for adolescents, and so you don't see that mental health diversion. We have waitlists for even universal services, let alone a specialist service. To a degree, it's contingent on having those services available, because that's what ultimately will make the difference for those young people. If they go into custody, we know the recidivism rate when one comes out of custody. It doesn't fix that issue. Ideally, I'd like to see a Youth Koori Court with the services attached to it being Aboriginal-run, community controlled organisations, because we know they really work for Aboriginal children more than mainstream services. If you could see that in those towns, you could see these young people having a really different response. And we know that it works in the places where we do have a Koori court sitting.

Dr HUGH McDERMOTT: Putting on a DCJ hat, what are the court services like here? Are they efficient? Are there enough resources? Are there enough magistrates coming in and out? What could be done to improve it?

DOMINIC HOLLES: I'll take a recent example. There has been a surge in sittings, for example, in the New England. There are additional magistrates sitting for six months, spread between—off the top of my head—Gunnedah, Tamworth, Armidale, and Moree. That's great, but none of the other stakeholders received any funding for that. I'm talking the police, Legal Aid, us—and there are obviously other stakeholders such as Community Corrections or Youth Justice. There was no additional funding for them. It was a point that was raised when it was first discussed: On our current staffing, we can't effectively service that. It's not the first time this has happened.

Going back to when District Court 9 was introduced—additional sittings for district courts in a number of regional centres—there was some additional resourcing given to Legal Aid, for example, none to the Aboriginal Legal Service, and significant additional resourcing to the DPP. Again, that disparity in resourcing has created problems with serviceability. Another example: When there's a significant increase of funding to various stakeholders in the justice system, what I've heard anecdotally is that Corrective Services receive very little funding. So if you've got a huge surge in funding to police, but none to Corrective Services when additional crimes are being detected, there's this disparity in resourcing.

Dr HUGH McDERMOTT: So there needs to be a whole-of-government approach to it—as in, you can't just give it to one area; you've got to give it across the board so they can all pick up and improve. Is that what you're saying?

JAMES CLIFFORD: Yes, I think that's right. For the ALS, as Mr Holles said, if there is a new court created, or new sitting, or something like that, the ALS, for example, isn't included as part of the cost impact assessment for that. It's asked to then service that court as well. We're not seeing, I suppose, investment. The ALS, for instance, is principally funded by the Commonwealth. There are packets of funding that are from New South Wales. There was recently the review into the National Legal Assistance funding, which said there really needs to be a shared responsibility because, at the moment, when we have these courts expand, for instance, the idea is that the people who participate in those courts will be represented. For Aboriginal people, there really is an expectation that they will have the choice of the ALS. Often we do have these connections to community that make it a form of successful formal representation. But if we don't have the resources when these courts are then expanded, the goal can't be fulfilled, because people go unrepresented, or we're not able to offer what we would need to.

Mr PAUL TOOLE: I thank both of you for the work that you do. You have touched on it, but I notice in your submission that you wrote about things like funding for public transport, street lighting and infrastructure like that. If I asked you where you see the largest or biggest gap in supporting young people, where would it be? I know diversionary programs are needed. I know rehabilitation centres are needed. But if I asked you, "What is the main thing that's missing as part of the gap?"—there's lots there so I know it's collective, but if I asked you for one thing that probably has a bigger gap than others, what would it be?

DOMINIC HOLLES: Could I say two things? Education and health. Education—and I'm sure Mr Clifford would agree. What we frequently see in young people before the court is that they are suspended from school, well and truly. Often, for a lot of young people we represent, there are multiple behavioural issues: ADHD [attention deficit/hyperactivity disorder], ODD [oppositional defiant disorder], ASD [autisum spectrum disorder]—take your pick of the DSM-5 disorders. What we often see is the second a child starts to act up in school, for want of a better way of putting it, the school's response is to suspend that child or expel them. The problem is that child is then—and, in some of these regional or remote communities, there is nowhere else for them to go to school. So if you've got a child already at risk, once they're suspended from school and not pro-socially engaged, if I could put it that way, their criminogenic risk massively increases once they've been suspended or expelled. I'm not criticising schools in country towns here. I live in a country town. I know the issues. It's a resourcing thing, ultimately, at the end of the day. Also, the schools obviously have to take into account risk, as I they see it, for the other students. But that's a major issue that I think we'd see consistently.

JAMES CLIFFORD: I think what I'd probably say is having those services that aren't tied to the justice system, so you don't need to have gone to a court to get Youth Justice supervision, or gone to police to get a caution—those Aboriginal-run services embedded in the community that work with the kid from when they're young. The family knows them; they trust them. I think a good example is a service called Redfern Youth Connect that works out of Waterloo in Redfern. It's a drop-in centre, it's open after hours, and it's a beautiful space. There are people from the community who will know kids because they knew their parents; they know from when they grow up that's a safe place for that kid to go at night after hours. If they're having trouble with school, they can get connected in with all sorts of people.

I agree that education and health are such important factors but, for the children we represent, if it's a mainstream service, it's not always going to have the outcome that you intended, unless it's paired with someone who is going to culturally understand that young person and be able to support them and their family. They see a service like Redfern Youth Connect that can really tie together all those other supports by saying, "Hey, we're here for you. You don't need to wait to get a Justice response to get this help." And so a lot of the kids that they work with never get in trouble with the police or courts. They're always connected in with that community all the way through, and if something does happen, they're still there as well. You're just not waiting for that response that might come from a police response or a mandated response. I think more of that, and it exists in a lot of pockets, but they're often underfunded. Sometimes it's just a nan somewhere running a program without any money at all. Seeing that invested in and expanded I think would make a really big difference.

Mr PAUL TOOLE: You also mention in your submission localised programs with each police command to look at Closing the Gap. I'm just curious to explore a little bit more about what your thoughts might be in relation to how that's actually done.

JAMES CLIFFORD: I think that it's always an interesting question that will look different depending on what the landscape is in different communities, and what the relationship is, I think, with the police in different communities. I think a big part of that work involves having a level playing field in terms of decision-making to

say, "We're not inviting you to come to a PACC [Police Aboriginal Consultative Committee] meeting where we have a preconceived notion of what we're going to do. We're actually going to sit down with you in partnership and say, 'Things have gone wrong here on both sides. What do we need to do to address it?'"

I think about what we're doing with the Bail Advocacy Program in some locations, where we're having those candid conversations with police, who are a stakeholder as well, and we say, "Hey, look, we have a number of young people who are getting bail refused by police, spending overnight in custody, and then getting out on bail the next day. Let's try to do something different there." And then talking with the local community. There's an organisation called Wollundry Dreaming in Wagga, and they have that kind of wraparound—from the age of eight, they're going to work with the young person, and they can say, "In this community, maybe if you have an issue as a Youth Officer, instead of calling and running a charge through, why don't you call us and say, 'Hey, do you know this kid? What's going on in their life? Can we do something to collaborate with our resources to do something better than a simple charge?'" There are places where it's happening. I just think that you need to have that broad commitment to say, "We have to do things probably differently to how we're doing them."

Mr PAUL TOOLE: You also spoke about funding for Aboriginal men's and boys' programs. I guess they'll be tailored differently for different communities. Are there any that you would know specifically that you see are successful now?

DOMINIC HOLLES: There's a program called Boys to the Bush, which is located across various regional towns. I'm talking from a perspective in the Riverina and Hume. They were particularly active and, in my opinion, helped a lot diverting kids away from the justice system. That's perhaps one example. There's another example of an organisation, which I can't remember the name of, that operates in Armidale, which puts children/young men—it's sort of a rural working, almost like a cadetship, which has been quite effective as well. They're just two examples off the top of my head. There are others that I can't recall specifically, but there are definitely ones in existence that have been effective.

JAMES CLIFFORD: Maybe I would add to that, it doesn't have to look like "We're going to take a young person out of where they're living, out of their community, to do a program." And it doesn't also have to be necessarily branded as like a "men's and boys' violence intervention program". I think about Just Reinvest in Mount Druitt. There's a great program there, and most of the young people attending are young Aboriginal men and boys. I know this inquiry is focusing on under-18s in some ways, but that transition from 18 to 25 is a really critical time, and it's really led by what the young people themselves want to do. A lot of them are really interested in music, for example, or having like Kobie Dee, an Aboriginal rapper they can look up to, who comes and says, "Hey, here's how I channelled it. You should try the same thing."

It sort of leads, in this indirect way, to this area of supportive intervention where they say, "Hey, this is how I want to live my life. It's a different way to what I saw before." We know the majority of the kids in custody are boys. I think having that kind of focus on saying, "Well, what do you guys need to help you here? What will actually be meaningful to you?"—I think that what they're doing out of Mounty Yarns in Mount Druitt is a really good example of listening to what young people are saying and following through with delivering it. It's had a lot of success.

Mr TRI VO: Do you think the youth justice conference process is helpful for Aboriginal young people and why or why not?

JAMES CLIFFORD: I think it is helpful. I think it's very underutilised at the moment. The Young Offenders Act effectively says we've got warnings, which is for a really narrow range of offences—it is often used for transport offences—you've got cautions, and you've got conferences. The number of matters being dealt with under a conference are very small. It's about 6 per cent of all matters, and unfortunately it's about half of that for Aboriginal young people versus non-Aboriginal young people. It can be a really effective process because, effectively, it involves restorative justice principles, where you're talking about what happened, you're talking about the broader context. You're not just focusing on the individual act. You're allowing people who might've been affected by the act to come and have a say about what they've experienced. Then you're putting together an outcome plan about what you're going to do about it, that the young person has input into.

There are some problems with its underutilisation. I think sometimes there is some confusion from police and courts about how it works, which leads to the under-referral. Sometimes there's a misconception that, "Oh, they've had three cautions so I can't give them a conference." Then also I think, in some locations for Aboriginal young people, there are provisions in the Young Offenders Act that allow community Elders, respected community people to be involved, that are probably underutilised. Because if you're an Elder in the community, you've got a lot of responsibilities, so I think finding a way to use those provisions by funding Elders to participate in those conferences can make them really more meaningful.

The other big advantage about them is that you're not starting that whole court process. I can't express the number of matters I've had where something happens and then it takes a year before it's finalised, and by that time it's difficult for there to be a very meaningful intervention. You've also had a number of arrests and incarcerations for breaches of bail in the meantime. The Young Offenders Act really gets straight to the meat of it right from the start, but I think it does suffer those same limitations I touched on about the Young Offenders Act before. Making those conferences relevant and accessible for Aboriginal young people, I think, does involve bringing the community in as well.

Mr TRI VO: How can we encourage more usage of the youth justice conference? At the moment it's just 6 per cent. How can we increase that? Through awareness or through encouragement? How do we do it? Or through the change of laws—

DOMINIC HOLLES: The laws there are probably sufficient and when they're done well, they're very good, but I think it really would come down to a matter of education for both practitioners and the judiciary.

JAMES CLIFFORD: I think for the police as well, because they can make that referral at that time. I'm happy to say there is a real interest in youth justice conferences and enhancing their use. We're on a working group under target 11 of Closing the Gap, which is looking at reducing youth incarceration. There is some work being done with Youth Justice in collaboration with us as well as the police to try to boost that number. I think it's a pretty terrible number that we'd all agree needs to change. I think it's a combination of the conferences being accessible, the police knowing to refer, and also those changes to the Young Offenders Act that we touched on before, that create a barrier to what it looks like. That Young Offenders Act has been under review for quite a long time, and I think really seeing that progress would assist in it being taken up. Because at the moment I think, yes, there is an education issue, and there are also some other barriers to it being referred to at this stage.

Mr TRI VO: Because we spoke to some of the police officers and they said, because one of the requirements to be able to have a youth justice conference is the offender needs to—

JAMES CLIFFORD: Make an admission.

Mr TRI VO: Yes, admission. But if you're a lawyer or a solicitor, you usually advise your client to have the right of silence, not to say anything. That's why it's a little bit hard, in terms of making admission and then being able to go through that channel. I know you are lawyers. Maybe it's hard for you to advise taking it on more but how can we get around it?

JAMES CLIFFORD: I'm very happy to speak to that, and you may or may not have noticed my eyes lit up at that. I think it's a very common misconception about the way that the legal advice that young people receive progresses when they're contacted on the custody notification line. Recently, I provided Assistant Commissioner Gavin Wood a flow chart of how our advice works, in terms of the custody notification service. Effectively, our lawyers are prompted every time we're called to say to the police, "Is this matter eligible to be dealt with under the Young Offenders Act?" If the answer is yes, "Are you willing to deal with it under the Young Offenders Act?" If the answer is yes, we don't then proceed to say to the young person, "You have a right to silence. I suggest you use it." We'll say, "You have a right to silence, sure. There's also this other option, and what that looks like is you make an admission under a thing called the Protected Admissions Scheme."

I won't go into too much detail but, effectively, the Protected Admissions Scheme is a protection that says, "If you make this admission now for the diversion, it's not going to be used against you in court down the line." That's not enshrined in the legislation; it's a matter of policy. Obviously, there can be difficulties at times. We do have police say, "I'm not willing to do it under the Protected Admissions Scheme", which for us can create a sense—we might have to say to the young person, "I can't guarantee to you that this isn't going to end up back in court", which may lead to the young person saying, "I don't want to do it."

Mr TRI VO: You mentioned that it's more like a policy in your organisation, but do you think maybe putting it into legislation, and enshrining it to have that guarantee, might help?

JAMES CLIFFORD: Yes. If you look at the Young Offenders Act, the wording is quite strong. It says you're entitled to be dealt with under the youth justice conference if you aren't eligible for a caution. I think that what often happens is we might say to the police, "Are you willing to dealt with it under the Young Offenders Act?" They might think, "I'm not 100 per cent what that is. No." Then we say we're not going to talk to a 13-year-old about how you can make an admission but it has to be under this scheme. But if you do that, it may be used against you if it's not under the scheme. But if it is under the scheme, it won't be used against you.

It becomes very complicated. So if the police say to us, "We're not willing to do it", we don't then give that advice. If they say, "We are willing to do it", we're very keen to do it because, for us, it's a good outcome. It doesn't go on their criminal record. It gets dealt with straight away. There are no issues around bail or conditions.

We're working on it, but I would say there needs to be an adjustment in understanding how that advice flows, to get police, right from the start, saying, "Yes, I want to divert. Let's talk about how we can do it."

Mr TRI VO: I think that's a very important thing. We should be able to simplify the processes, especially for young offenders. It's very hard to explain it to an adult, let alone a young person. Maybe it's something we'll look into to simplify processes for young people. The Youth Koori Court that you mentioned before is a modified Children's Court. Currently there are three places—Parramatta, Surry Hills and Dubbo. Can you explain more about this court and whether it would be beneficial for young people in the Far West, around this area?

JAMES CLIFFORD: Sure. I practised in the Koori Court at Surry Hills and Parramatta, and I've also sat in at Dubbo when it got established. I think it would have enormous benefit. It's been independently evaluated to show that it reduces incarceration of Aboriginal children without increasing any offending. Effectively, it's because it actually looks at those underlying factors. You're taking young people who maybe previously have sat up the back of a courtroom, fairly disengaged, not really sure what's going on, as their life is discussed by other people and adults, whereas in the Koori court, you're really changing the nature. You're sitting around a table. It's more intimate than this, I would say. You often have two Elders sitting next to a magistrate who are willing to get into what's going on for a young person. I do think that they can work in other communities. The more community buy-in and resources that are wrapped around them, the more successful they will be.

Ultimately, Youth Koori Court is fantastic, and works well for those young people we were talking about earlier who have been in and out of the system. We obviously want to see that front-loaded, so you don't need to have gone through the courts to access something like the Youth Koori Court. But it does really do a good job of targeting those underlying factors, and giving you the time to have those open conversations where you can do it. I think having the Elders involved in that way—there's also an Aboriginal casework coordinator attached to the court—really enables you to have that mutual respect that can lead to really positive outcomes. I've seen it. I've seen young people who you would think were on a one-track to adult detention and a whole life of coming in and out, who are able to identify what they need and turn it around, often with the support of their families, who are also getting helped through that system.

Dr HUGH McDERMOTT: Do we know if the Youth Court has been effective at breaking the cycles of repeat offenders?

JAMES CLIFFORD: Yes.

Dr HUGH McDERMOTT: I do not know what the data is. That is why I am asking.

JAMES CLIFFORD: The evaluation that came out—and that was based on Surry Hills and Parramatta, prior to the expansion to Dubbo—looked at what the ongoing trajectory is for some of those young people and found that, effectively, you're reducing using prison as an outcome. It's targeting young people that otherwise would probably find themselves in custody. You are then really reducing that ongoing, flow-on effect throughout their life, without necessarily having to use custody in that way. Custody is a containment—when someone is contained in a prison cell. Offending still happens in custody, we know that, but it shows that you can do that in the community without increasing that recidivism.

The other part of Koori Court that I think was a kind of unexpected but powerful flow-on effect is that you would see a lot of young parents coming through Koori Court, who were maybe pregnant or maybe their partner was pregnant and, where they previously were unsupported in how they would, as a teenage parent, raise that child, they are getting support from the start because they have a bunch of trusted adults around them. So we've seen a lot of young people who I think would have ended up being removed and placed in the out-of-home care system able to advocate for themselves to say, "No, I can provide support", and the DCJ would say, "Yes, you can", or someone was having those arguments to say that you need to give them a bit of faith and we'll show what you can do. So we have a lot of children that otherwise would end up in the out-of-home care system, when we know the flow-on effects that that has, the huge cost, and the recidivism that can flow from criminalised kids in care. We can see that get broken, because that kid is now actually staying at home with a family who are able to support and care for them, because they've got that support themselves.

Ms MARYANNE STUART: Thanks, James and Dominic, for being here and for your submission. Let's start off with what we have been hearing over the past day and a bit now. We have heard that education and health are crucial. We heard that when a young person is in custody and it is mandatory to go to school, they do very well. We heard that when they come out from being in custody and go back home there is no structure and no organisation and they may go back to their old ways again. We have heard a lot about domestic violence, mental health, alcohol and drug abuse, and the fact that there are families that have these continual challenges. If we were to look at early intervention and how we prevent this from going on to the next generation, how do you think we could help break the cycle?

DOMINIC HOLLES: There are two factors that I think need to be considered. First and foremost, that they're culturally appropriate. That's because if they're not culturally appropriate, you're not going to get engagement.

Ms MARYANNE STUART: What do you mean by culturally appropriate? Is that for Indigenous folks to be at the table and part of the plan and the discussion?

DOMINIC HOLLES: At a government level, yes. The community has to very much be part of the decision-making process because, if you don't get that feedback and input, it's probably destined to fail from the starting point, to be honest. Also, in terms of how it's implemented on the ground, for Aboriginal community controlled organisations to be spearheading those services, I think, would be the starting point because, once that's in place, you ought to achieve a culturally appropriate and effective service producing that engagement.

The second thing I would say is that it has to be properly coordinated. Say we look at the healthcare model: If you're in a hospital, you've got a patient on the ward, and at the start of every day you've got a doctor, a nurse, a speech pathologist, a physio, and allied health et cetera having a coordinated discussion about how to achieve the best outcome for the patient. We don't have that for families who might be at a higher risk. So a part of that—if we call it a collection of intervention services that are properly coordinated. But also, a real goal of that has to be to keep any children in the home. If children are removed from home and placed outside of their community, I think the data would pretty consistently show that that leads often to bad outcomes, especially in out-of-home care. That should be an absolute last resort. Instead of removing children from families and from the community, have a culturally appropriate, early intervention service supporting families to provide a better home environment.

Ms MARYANNE STUART: Dominic, what do you say when we hear that young people want to reoffend so that they can go to a place where they're being fed three meals a day, where they're having a bed?

DOMINIC HOLLES: Yes, and they get to play football, and they get to go to school, and Xbox—100 per cent. That's still a failing of social services in the first place to properly support those families, in my opinion. If we have that integrated wraparound service providing that early intervention for families, I think you would find that that response from young people who are in Youth Justice would be far less present.

Ms MARYANNE STUART: Have you ever heard young ones say, "I don't want to go back home"?

DOMINIC HOLLES: All the time.

Ms MARYANNE STUART: Why is that?

JAMES CLIFFORD: I think that you see—you do sometimes hear that. It's heartbreaking. You often also hear them say that, and then change their mind after a couple of days. But I think that part of it is that the more we invest in that end-of-the-line response—we invest in a youth detention centre so that it has a class with a ratio of four to one. The more that we invest in having that in a jail setting—and, ultimately, that is what it is: At the end of the night, they go into a cell with a locked door. If you invest in having that in a jail setting, and you don't invest in having that in a family setting, of course you're going to end up in that situation. I mentioned poverty at the start of this evidence, because I think poverty goes to the heart of it. I genuinely have had no clients who weren't living at some point in a state of poverty, so if you have clients who are families struggling to make ends meet, and the pressure of that that only gets greater, it becomes difficult.

We have a program that's just started out of Moree. It's funded until June 2026, so you know we have that issue as well. That's the Aboriginal Child and Family Advocacy and Support—ACFAS. That's designed to say, "Before we even get to this point, let's have a chat with families about what kind of support they need and how we can get it." Because most children aren't going around saying, "I'd rather be in a juvie so that I can get three meals a day." It's a very small part of the population, who we know are historically the most under-served. If we can shift that resource allocation across, we do see that.

The other point to make very briefly is that the number of children for whom a decision's made to say, "Your family can't take care of you. We're going to place you in an out-of-home care service where the Children's Court is told you're going to have this education program, you're going to have these health services, you're going to have this and that"—they feel completely alienated there, so they run home, and they get listed as a missing person. The police spend hours trying to find them and they're at their parents' house. We've got a very expensive property sitting there that they don't want to be in, with two workers who are strangers to them 24 hours a day, when there's a home that they want to go to that is living in poverty. I think that's really where we see the frustration when you hear that response because it means our investments are inverted in some way,

DOMINIC HOLLES: Just to add to that, if I could, a lot of the times that a child is placed into custody, they're receiving clinical intervention for the first time because it's not available in their community. It's the first

time they've been to school in months because they were suspended or expelled from their school, or that they've been able to play sport because it was too expensive for them to engage in sport in the community they were living at. Again, we're coming back to these fundamental lack of services available in these remote communities, that are not available in their communities, but are available in Riverina Youth Justice Centre. If they were properly serviced in the first place, I think, in line with what Mr Clifford is saying, you would see far less children who might express wanting to return to custody.

Ms MARYANNE STUART: Do you think there is community cohesion among the services and there's a lot of good will and a lot of passion, or are we still working in silos?

JAMES CLIFFORD: I'd probably say that we're trying to move in that direction—and I'm conscious that on that point you talk about having schools, and that you get out and there's no connection. You're talking about throughcare, effectively, there. At the moment the ALS and DCJ are part of this joint program that's really in a strategy stage, the Aboriginal Throughcare strategy for children and adults, as well as a Therapeutic Pathway, so an alternative pathway for 10- to 14-year-olds. What you sort of see there is about trying to work better together. I think that one thing I would really say that's important there, that sometimes gets missed, is you need the child and the family at that table as well.

You might have heard of Youth Action Meetings today, YAMs, that have been spread out across a number of communities—I think it's 20 now. YAMs, by their design, are run by police. They don't involve the child sitting at that table. They don't involve the family. You have a bunch of professionals sitting around talking about someone who's not there, and they might say, "We should go to this service." That kid might be like, "I had someone say something really racist to me. I'm never going there again." But they'll keep referring there because no-one's asked that kid, "Where would you prefer to go? Who should we turn to?" I do think that there are moves there.

There is a lot of goodwill. There are a lot of people working hard. But I think sometimes people forget that the children we're talking about, and the families we're talking about, are people too, who have aspirations and have ideas and often know what can work. It's about bringing them to the table and saying, "Let's actually talk together. Let's not talk about you without you being present." That could lead to a lot of those silos being improved. They are present, and they're pretty profound. I think there are a lot of good people who are trying to bring it together, but there are a lot of barriers to that happening—most of all is not having the key people at the table, which is the child and family.

DOMINIC HOLLES: And on the issue of silos, it comes back to that issue of coordination. If there's a lack of coordination, services aren't necessarily going to talk to each other. A lot of our sometimes very junior lawyers effectively find themselves as almost casework coordinators, where they are speaking to various services to get them to work together. That's another observation I'd make. Further to what Mr Clifford was saying about YAMs, if a meeting is run by the police—they're coordinating it—you're effectively starting from an enforcement approach as opposed to a therapeutic approach, and that is fundamentally flawed.

JAMES CLIFFORD: Even if the police don't want it to be that. The police will be like, "We're genuinely trying to do this in a way that's not police." But if you go to someone and say, "The police have been talking about your family in a setting with Health and Education, and we think you should try this", you can imagine the difficulties they will have. If you have that sit with a community organisation that they already trust, there's going to be that buy-in right off, and then you can have those other services have the conversation in an inclusive and effective way.

The CHAIR: Thank you both for appearing before the Committee today. You will be issued with a copy of the transcript of your evidence today for corrections. The Committee may send you some supplementary questions, and they'll give you guidance as to when they're required to be returned.

(The witnesses withdrew.)

Mrs PAM TUCKER, Treasurer, Broken Hill Branch, Country Women's Association, sworn and examined

Mrs FRAN GREVILLE, Treasurer, Darling River Group, Country Women's Association, sworn and examined

Ms MEGAN BOSHELL, Area Manager, Central and Far West New South Wales, Mission Australia, affirmed and examined

Ms ERIN REBERGER, Team Leader, Far West New South Wales, Mission Australia, sworn and examined

The CHAIR: I welcome our next witnesses. Thank you all for appearing before the Committee today to give evidence. Please note that the Committee staff may be taking photos or videos during the session. If you have any objections to having your photo taken, please let us know and we'll cater for that. I understand you've been issued with the terms of reference for this inquiry. Can you please all confirm that you've received those?

MEGAN BOSHELL: Yes.

ERIN REBERGER: Yes.

PAM TUCKER: Yes.

FRAN GREVILLE: Yes.

The CHAIR: Are there any questions in relation to those terms of reference before we start the proceedings?

PAM TUCKER: Nothing.

FRAN GREVILLE: No.

The CHAIR: I'll now ask you if you want to make a short opening statement.

PAM TUCKER: I'm happy to do that. Firstly, I wanted to thank you for inviting us to be part of this today. You have a very detailed submission from the CWA of NSW. We're not going to make you read through it, but there's a couple of comments we did want to make around the seven items that CWA did identify—just a couple of comments from Fran, myself and our members and what we know regarding Broken Hill specifically. The first recommendation was around the increased police presence. I'm assuming that you guys drove out here today?

Dr HUGH McDERMOTT: No, we flew in from Bourke yesterday.

PAM TUCKER: You flew in, okay. That's really good—great for you. But one of the things that does give the true perspective of the local rural and remote is when people do drive in, and they get that whole experience of, "Oh, my God. When does this road end? It's so long and straight." That's one of the things—really being in touch with the remoteness, not only of Broken Hill, but Bourke and everywhere else you're going to travel, understanding that for increasing a police presence in Broken Hill, that remoteness has a huge impact.

It is also around attracting and retaining people to come out here. I believe we have got a good headcount here locally in the police force in Broken Hill, but it's attracting and retaining people to fill those positions. You would've spoken to the police already. There is a fair number of vacancies. It's attracting and retaining officers, their families and their experience. It's the facilities, health, school, recreation, housing and, of course, child care. They are some of the challenges that hit in that area as well.

Moving to stricter penalties and enforcement. Whilst I'm not an expert in that area—and I don't believe that CWA are, in any way, an expert—there is the importance of community engagement with the Indigenous community to ensure appropriate penalties and enforcement. No-one knows better how to treat their people than the people themselves. That engagement with them is really important. In saying that, increasing the police presence, and Indigenous police, would be—I'm not sure how many we have here in Broken Hill. I know we have six Aboriginal Liaison Officers across the area. I think possibly that could be something that could be investigated. The second last one about providing targeted support, and this is the last one I make a comment on, is around victims of crime. When a community member has been a victim of crime, the support that is given—we do all the support for the offenders and all of those things, but for the victims of crime there doesn't appear—having been one, I don't believe that there is enough support for victims of crime after the event.

MEGAN BOSHELL: I wanted to introduce some of the services that we deliver across this community. Both Erin and myself work within the Central and Far West region. We cover a region that starts around Bathurst and finishes out here in Broken Hill, and covers everything you can imagine in between, from Lightning Ridge to Walgett through Brewarrina and out to Cowra and Coonabarabran—you name it and we go there. You'll see our

cars all over the place. We deliver a huge portfolio of programs across Central and Far West, which include family services, homelessness services, mental health programs, and drug and alcohol. But we also have a really significant justice focus pillar within this region. We've been delivering post-release support programs for young people in the Central and Far West since about 2002.

We operate a Youth Justice funded residential rehab service called Mac River in Dubbo, we deliver the Youth on Track program, and then we also deliver a range of adult-based services that cross over into the justice space as well. Mission Australia very much acknowledges that, while we have young people in contact with the criminal justice system, there are so many life factors that drive a young person into that space, and so many factors that need to be addressed to reduce their recidivism, and that our services really intersect across that. We very much work from that perspective of looking at the strengths of a young person, and the strengths of their family, and how do we support them across our service system within Mission to ensure that they are minimising their risk of contact.

There is a very strong focus from Mission, in terms of place-based supports, and the CWA just touched on that community engagement. Services need to be responsive to what's happening in each individual community, particularly when we are talking about regional and remote communities, and the absolute difference between metro services and the services that we deliver out here. I think also it's just ensuring that we are considering diversionary programs—from an NGO perspective, what those diversionary programs look like, the longevity of services, continuity of service when we are working in funding streams, and the impact those have on recidivism for young people and the flow-on effect, again, into family and community. It's also considering the Raise the Age campaign. Mission is quite a strong supporter of that and is committed to looking at raising the age for young people. Is there anything you want to add, Erin?

ERIN REBERGER: No, I don't think so. Thank you for having us here. It's great to be able to speak with you about how the different communities are impacted by different areas of concern. As Megan said, we are talking one regional area as opposed to another regional area. It can be completely different. It's great to be able to sit here and discuss that with you.

The CHAIR: This inquiry is looking at community safety and the drivers of future crime. This question it is to both organisations. What do you believe is driving youth crime in your community? I might start with the CWA first.

FRAN GREVILLE: I suppose I have younger children. Not younger—year 12 this year. I see—and these are my feelings and my opinions—that I suppose what we call the typical family unit has changed quite a lot. The ideal to be cool and connected to your friends and what your friends are out doing, I think there's a lot of that peer pressure now on younger kids. My year 12 daughter isn't into the alcohol and the parties, but there is a lot of underage drinking, there are kids walking the streets—all that sort of thing. I think some of that is that family breakdown. She has unfortunately got the older parent who's going, "Where are you? What are you doing?", but I don't think some of those values are there now. The family unit is quite different.

The younger we start with children—my children were connected to Burke Ward School. I know Burke Ward School here locally has changed the focus of its school since my children were there. A lot of the class names used to have "2W" or whatever was the name, but they've actually transitioned over to using Aboriginal names of the classes. They've obviously changed their focus, and they have a high number of Indigenous children there now. I would assume—and I don't know for fact—that they are doing more within that family unit, trying to have families coming for lunches, and trying to make it a nice place for a family to go, and that education is important. The Clontarf at the high school, the programs there, I think they are quite useful and could be successful—and could probably be more successful—but I think those things are good starting points.

The CHAIR: Mission Australia, do you have any comments to make?

MEGAN BOSHELL: In terms of drivers of youth crime?

The CHAIR: Yes, drivers of youth crime.

MEGAN BOSHELL: For us, across the board: homelessness, domestic and family violence, intergenerational trauma. We work with young people across not just our Youth Justice services but in our youth homelessness services and drug and alcohol programs. We know that about 80 per cent of the young people who come into contact with the Mission Australia service in Central and Far West New South Wales have experienced significant domestic and family violence, often as both victim and, in some cases, as a perpetrator. The region that our footprint covers has some of the highest rates of domestic and family violence in the state. When you look at the rates of adolescent family violence then, we think that is a significant driver, in terms of family safety and protection and things like that.

Poor education—the previous speakers touched on the issues around young people accessing education in regional communities. I think in Broken Hill at the moment you have one public high school. In Dubbo, where I'm based, we have two public high schools. You have such limited education options for young people. Unfortunately, if the school is unable to support the young person's particular behaviours—they have a lot of other young people to look after; I'm not dismissing that—there are very few alternative options for a young person in such small communities.

If we think of Dubbo as a relatively big regional community, in smaller communities, that lack of education also means that a young person quite literally can't access—if there are two high schools, you might speak to one high school. Before I've driven to the next high school, the principals have already called each other because there are such significant concerns about that young person accessing the school—so limited education options and alternative education. Mental illness is a really significant driver that we see for young people involved in the criminal justice system. Lack of access to primary health care, which can also influence behaviour, medication—things like that. And also just the continuity of services again, which we touched on before, and young people not being able to access the necessary support services that they need to be able to manage themselves safely.

Dr HUGH McDERMOTT: Thank you all of you for being here. It's really important. We've certainly read your submission. You talk about DV a lot and victims of crime a lot. Victims of crime are often forgotten, so I'm pleased that that focus is there. We have received hundreds of submissions in regard to victims of crime, which is good because I think that has to be focused on as well. You said in your submission that we need more police officers, and you've said that here as well. You mentioned that some of your members are sceptical about police effectiveness. Could you firstly just talk a bit about that and what you think of that and, secondly, about the court process and what you think of that with repeat offenders being released on bail and things like that? Can you make any comments on either of those? The CWA, I'm really asking, and then I'll talk to you guys about something else.

FRAN GREVILLE: I suppose, as a group we've talked about our experiences. There have been some people who were broken into, but the forensics weren't going to be there for a week, so they were living in a house where they weren't meant to touch anything or do anything with, because forensics couldn't get there to actually test anything. I imagine that came back to issues around staffing and all of that sort of thing. I've heard people say, "The police have said they know who it was." They know who it is, who has broken into your house or whatever—and they possibly may. But then that leaves people with the sensation of, "If you know, why are they still able to do this? Why are they still out? What other things need to occur to support and help so that they aren't doing this because it's having an ongoing impact?"

In an older community, you have people who are fearful, and then you can see all the things. Like on Facebook, there's the crime Facebook things where people get sharing, and then you get that vigilante-type feeling happening, and that's actually not what we want for our community. We want people to feel safe. We want people to feel reassured. Some of it must be around resourcing for police, but also the impact of "we know who it is" leaves people unsure.

Dr HUGH McDERMOTT: What about court processes? They finally get someone, they arrest them, sometimes they get police bail, sometimes they're court processed. Do you have any comment on that?

FRAN GREVILLE: Not really. I do know someone who was told, "We know who it is", and has just recently gone through the court process, but I haven't been able to get hold of her to actually see how that went.

PAM TUCKER: I can share mine probably. We had a break and enter two years ago where they stole car keys. They broke into the house, they stole my bags, my briefcase, and a whole lot of personal things that they took from us, my phone, a whole lot of things that they took. The police came. They were wonderful; they came really quickly. Over a period of a week and a half, I did my list of the things, and they came and said, "Do you know so and so?" I said, "No." They fingerprinted and they had the fingerprints. The person was arrested. They rang on a regular basis, and it really did feel a little bit like ticking the box, to tell me that it was proceeding but they didn't have any update for me. I think they did that about six times, to the point where I ended up asking them to not ring me. "Please don't ring me anymore because every time you ring me, you've got no idea of the amount of stress that it actually creates within me."

These are people who were in my home in the middle of the night while I was asleep in my bed as far as we are away from where they were in my home. There is no amount of reassurance that anyone can give you, when you know someone is out there, that they won't come back. We had no house keys, we had no car keys, we had a whole range of issues, so there was the emotional stress for me. I still wake up at 2.22 every morning because I actually woke up that night and I thought, "I'll get a drink, take a Panadol. No, go back to bed, stop it." Anyway,

10 minutes later I woke up again and went out to get a drink of water and the back door was open. For me, that is, "Oh my God, what if I had come out when I first woke up?"

That whole trauma of that home invasion was incredibly stressful. Apart from the theft of my things, our things, the cost for insurance—you've got property, you've got two cars and then you've got contents. The cost of that was about $2,500 to me, to us. There was no recompense for that. I think CWA talk about parents or guardians being responsible for paying that. I don't want that. That's not the solution. No disrespect to the CWA's suggestion, but having a parent responsible for paying for it—I want a parent responsible for being part of the solution to stop it. That isn't the solution to me. This is whether it's Indigenous, non-Indigenous, if it's drug related, or my brother does it. I know the brother of this lad had done another break and enter and stole cars.

The emotional, the mental, the physical—me waking up at 2.22 a.m. two years later every morning, having to say to the police, "Please don't ring me, because you ring at teatime to tick a box that you've been in contact and you're actually not telling me anything." What I want to know is, "Yes, the boy has been arrested. Yes, we've recovered your 25-year-old briefcase that you were really attached to", and things like that. The car keys gone that we needed to—you know how much car keys are to replace now? It's $2,000. You get them replaced, and you've got two lots of excess on the cars. The financial inconvenience—and the frustration that we had to go through every four to six weeks being reminded that the police hadn't been able to do anything. When we talk about the police being effective—I don't believe it's necessarily their fault. They were out there quickly. We had fingerprints. Then that was it. What I wanted to see was my things back.

Dr HUGH McDERMOTT: A resolution to the crime.

PAM TUCKER: A resolution.

Dr HUGH McDERMOTT: It sounds to me like victim services or support for the victims of crime or survivors of crime aren't really there and need to be.

PAM TUCKER: I'm not saying that the kids or that people—these are young kids under 16. Nothing can happen, but big brother is 22 and a serial offender. That's where some of that impact is coming from, to that home environment, and their social network with siblings and so on—"Yes, come on. You can go because you won't get any time. We'll poke you in there." And that was the second break and enter.

Dr HUGH McDERMOTT: I'm going to move to Mission Australia. We were kind of shocked today when we found out that there is no drug rehabilitation centre here in Broken Hill. Can you talk to us about drug crime in youth, what you're seeing, what the drugs are? Is it a growth? We've had evidence there is a growth in that issue, though I looked at the BOCSAR data this morning and I couldn't see much movement. That doesn't mean it's not happening; it's just not reflected in the data. Can you tell us what happens if you're a young offender and found to be hooked on ice or something like that? What happens to you if you're in Broken Hill?

ERIN REBERGER: Our local youth drug and alcohol program—we work with young people 12 to 18, and young adults 18 to 24. There is still a real stigma around people accessing drug and alcohol services across the country, especially with young people, because they know that they're going to get into trouble. We've had to work really hard to be able to encourage young people to actually access those supports, which we're starting to see happen. But the issue is we really need some multidisciplinary teams.

At Mission Australia we offer psychosocial support. So we work really closely with young people and adults around their substance use; however, being able to access psychologists, psychiatrists is really difficult. Sometimes we can wait six to 18 months to be able to actually access those services, unless we pay a $700 or $800 fee to be able to access those. What we are seeing is that, for some of the older younger people that we're working with, when we're able to get them to see those specialists, there are diagnoses and if that intervention could have happened when they were 12 or 13, then, potentially, they wouldn't have had as much access to the justice system.

In terms of the drugs that are circulating, it's actually quite scary if I'm being honest. A lot of the young people are experimenting with substances like cocaine and ketamine. That's really big in our area. They're both really heavy-duty substances that, combined together, can be quite fatal. I think the previous speakers spoke about people being able to access things like sports, and being able to access things in the community, but the lack of funding and poverty are really preventing children from being able to do that. So they're engaging in drug taking, risk-taking behaviours, and crime. It has been a real change in the trajectory of the drug use, and the young people are actually starting to use things like cocaine and ice. We are the only AOD [alcohol and other drugs] service in Broken Hill or the Far West.

Dr HUGH McDERMOTT: Where are you based?

ERIN REBERGER: We're here in Broken Hill. Our youth program is fairly new. We only commenced service in February. Prior to that, it was 18 and over. We are the only AOD service. One of the problems that we have is that within the health service, they find it very difficult to retain staff who specialise in youth and in alcohol and other drugs. We really do need specialists in that area. Yes, people are participating in taking drugs or using alcohol, but we know, and the literature suggests, that that is part of a much bigger problem. There are a lot of underlying factors, being family and domestic violence and complex trauma, and those people are experimenting with those drugs to potentially self-medicate. We really need that multidisciplinary approach, so that we can provide those specialised, wraparound services to young people so that they're not 20, 30, and 40 before they are able to access that kind of specialised support.

Dr HUGH McDERMOTT: If I'm a kid—say I'm 14 and I've got an addiction to ice or meth or something like that—and I come to you, what happens to me? Can I stay here in the community or do I have to be sent to Dubbo? What happens?

ERIN REBERGER: Mission Australia is a really client-focused organisation. The young person will have the opportunity to address their substance use within the community or we can facilitate a residential rehab stay for them.

Dr HUGH McDERMOTT: In Broken Hill?

ERIN REBERGER: No. Our closest residential rehab would be our MAC River residence in Dubbo. However, we do struggle because a lot of the time, if somebody is using methamphetamine, they will need to undertake a medically supervised detox, and a lot of hospitals are unable to facilitate that.

MEGAN BOSHELL: Just to jump in there, when Erin says that the hospitals won't facilitate it, there is no detox available in New South Wales for a person under the age of 16. You're talking about a lack of residential rehabs. There is no residential setting where a young person can detox under the age of 16 in New South Wales. In some circumstances, Mission have had some success with navigating that with some of our smaller regional hospitals. I've been told by NSW Health staff before that a young person who is 14 who is addicted to ice can't possibly be using ice enough that they need detox. That's why they don't do it.

Dr HUGH McDERMOTT: I shouldn't laugh. That's ridiculous.

MEGAN BOSHELL: Absolutely. Erin is talking about MAC River, which is the facility we operate in Dubbo. But that's not unique to this regional area—there is no detox. To add weight to what Erin is talking about and your question around a young person and that contact with the criminal justice system, we also work with a huge number of young people—some of Erin's clients—who will offend in order to go to custody because that's the quickest and safest way for them to get to a rehab. I've had young people call me from inside custody to say, "I've breached my bail. Can I come to Mac River now?" The process to support a young person to detox is so complex and so difficult, and it absolutely needs to be medically supervised. So it's not as easy as saying, "Come to Mac River. You can detox here." That's not safe. That's not appropriate.

But just to add weight to it, it's not just the need for residential rehabs; it's the work that has to be done to get a young person safely to a rehab. There obviously is the option of community detox. When we're talking about young people who have drug and alcohol entrenched in their home, where every family member is using some sort of substance, detoxing at home is also not a safe and suitable option. Not to speak for Erin, but in the program that Erin operates here, we actually had a young person travel from Broken Hill last week to the service that we operate in Dubbo.

That's something that Mission Australia does that some services wouldn't be able to do, when we consider the distance. We've flown kids before from Dareton, down on the border with Mildura. That area is covered by Erin and her team. We will fly them, if we can, to Sydney to detox, then we have to fly them to Dubbo to be able to attend the rehab. Imagine what that's like for a 14-year-old, and in this case it would have to be a 16-year-old. That example is a 16-year-old, because Sydney was the only option for the 16-year-old to detox. He'd never left Dareton before.

Dr HUGH McDERMOTT: But if you're a 14-year-old, your only option, really, is to go into detention if you want to try to break it.

MEGAN BOSHELL: It's the quickest option, certainly.

Mr TRI VO: I have two questions, and the first is for Mission Australia. You run the AODs, which are the alcohol and other drugs programs, mainly for adults.

ERIN REBERGER: We have adults and young people.

Mr TRI VO: Through this inquiry, we've found out that a lot of the problems of the offenders were probably in the family, whether it's problematic families or dysfunctional families with drugs and alcohol, violence or abuse. Sometimes, if the young offenders do go to prison or they go to services during the day, they have to return home. In the case of your programs for alcohol and other drugs, what's the success rate like? How do you help them overcome their problems, whether it's alcohol, drugs or other ingrained problems?

MEGAN BOSHELL: Do you mean the day programs?

Mr TRI VO: Yes.

ERIN REBERGER: We work really closely with families. If we're working with a young person, we try and involve parents, if appropriate, or carers, so that we can work holistically with the whole family. It is a challenge, but we understand that the substance use is one part of the picture, so we try to actually incorporate the families together as a whole so that we can try to address those different concerns. I guess, as Megan mentioned before, Mission Australia offers a whole host of programs, and quite often families can be working with three or four different programs within Mission Australia at any given time so that we're actually addressing some of those concerns.

If we're working with adults, again, that are experiencing harms related to their substance use, then quite often we will link them in with parenting programs, as well, so that we can actually highlight and educate around how their substance use is affecting their children in the present, but how it also may lead then to their children living with substance use concerns in the future as well. One thing that we're seeing at the moment is that the age of children engaging in drug and alcohol consumption locally, in Broken Hill, is about nine or 10.

Mr TRI VO: They start to use aged nine or 10?

ERIN REBERGER: Yes. Our youth AOD program—as I said, we're funded from 12 to 18, and 18 to 24. I have received multiple inquiries from our local primary schools to actually go in and offer drug and alcohol education to children in years 5 and 6, as a preventative measure, because we know that by the time they're 14 and 15, those learned behaviours are really ingrained. We're getting in earlier so that we can try to prevent that from happening.

Mr TRI VO: My next question is to the Country Women's Association, in particular Mrs Tucker, because you've pretty much been on two sides. You're a victim yourself and also you help others—and a lot of them are offenders—to overcome their problems and all that. Yesterday we were at the police station and one of the police officers said, "With a lot of these inquiries, we look into the offenders, but sometimes we're not looking enough into the victims and what they were going through." In your situation, how do you think the Government can support to get the offenders not to offend, of course, and to break the cycle of the crime through themselves and one generation to the next.

At the same time, once we solve that, how can we help the victims as well? Sometimes we forget about the victims—what they're going through, their families are going through and the trauma. Sometimes it is, for everyone, a forever nightmare. In your case, 2.22 is your forever nightmare. How can the Government support you and help to solve the problem of these offenders going into people's houses late at night, sometimes with weapons, and traumatising people?

PAM TUCKER: I'd love to have an answer for you. I probably don't. One of the most important things, I think, is that parents and families, and Elders in Indigenous communities, and those senior community leaders of non-Indigenous communities, are involved in what the solution is. I don't have it. I would love to. I think I'd be Prime Minister if I had the solution to it. I'd be on a much higher pay grade than I am, but I think to be able to resolve something like this is so complex. I'd like to think it is as simple as right and wrong and understanding the difference and teaching it at a young age. Some of those values have gone, not only from kids or teenagers; it's gone from generations before mine in schools—that basis of honesty, integrity, trust, and respect that are just missing.

How to solve it? Talking, including—I think Mission Australia do an amazing job. I'm just devastated to know that there are nine- and 10-year-olds. That was something I didn't know in our community, so we always learn. I have a level of faith in our mental health support. I'm on the board of Far West Local Health so I know the work that we are doing with our drug and alcohol. We've got an amazing new Director of Mental Health, Drug and Alcohol, Denise Jack. I don't know if you've come across Denise. She's a mover and shaker, and a changer. She's a changer. She really is. For Broken Hill, I think she'll be an amazing asset. I think understanding the complexity, nothing can do it as well as something like this where someone comes and listens to what the community says. It's great to think—I know there's no drug rehab centre here, but you've still got to part-staff it. It's no good having a brilliant drug rehabilitation centre here if you don't have the resources to run it.

It's like the police force, health, teaching—all of those areas in rural and remote suffer the tyranny of distance, and the impact of being in rural and remote. It impacts all of those areas in being able to attract and retain staff. You can have all of the whiz-bang facilities that you like, but if you don't have the people who are qualified, and the multidisciplinary health meeting with all of the people on board—I heard someone talking about it earlier. I'm thinking, "Wow. That would be amazing to be able to achieve that." I'm sure the girls would be the same. To be able to pull all of those resources together to talk at the one time is probably another thing. It's that engagement, for wonderful organisations like Mission Australia that are trying really hard, and to point out something like that there is no centre in New South Wales. That's probably a big one for you guys. That probably wasn't the answer you wanted, but it's the best I can do. Fran, did you have anything?

FRAN GREVILLE: No.

Ms MARYANNE STUART: My first question may be something you want to take on board. Do you have any suggestions for a way to improve community safety?

PAM TUCKER: Volunteering is a dying art. Community safety depends, to a degree, on volunteers. It also depends on the community being forthcoming with their time to participate. That's the secret. We do a fair degree of community consultation with things that we do with CWA. Some people who use the building where we have our meetings last week came to us and said, "We've got a lady who is in a fair degree of pain. She's had a couple of bad experiences. She lost her best friend and then her partner. We want to do something in her home, and we've got a group of volunteers who are going to do it." They got the volunteers, and we got people doing cuttings and things to plant in her garden, and then we donated some money that we knew could help with buying some things. That bit of community liaison, and talking to them and to our members, and sorting out something as a group of volunteers, we could actually do something substantial to help that lady. That's community engagement with us. That's on a very, very small scale to how law and safety and community safety needs to happen to make a change.

Whilst community safety and a group of people coming together to talk—talk is great, but it doesn't make anything happen. There are other things that are going to be out there. You can get all of the security in your home. We've got cameras. I think that was a last resort. We had done everything the first time, and then this last time the only thing we didn't have were cameras. Electric gates and all of the whiz-bang—we had that. It still didn't make any difference. For a community group to have confidence in what they're spending their time doing, they need to see something happening, or know that something is happening. It's not just about numbers—that there's only seven break and enters this week, or there's five last week, but there's only two this week, and the numbers are coming down. That's great, but it has got to be seen. I'm not sure how that can be done.

Ms MARYANNE STUART: Fran, did you have anything to add?

FRAN GREVILLE: Just taking on from what Pam said, for me, the heart of the community, the heart of the people, is that cohesiveness and togetherness. That's something that we've got at CWA. We're a group of people who are all very individual. There's lots of different skills and abilities, but the heart of it, the heart of the CWA in Broken Hill, is the community, and what difference we can make in our small way. Our plans and our future views are to try to expand and grow that to be inclusive and to bring in other people who need to feel a bit of safety in their community and a bit of friendship so that they know they've got someone they can rely on if they need a hand or whatever. How you grow that on a bigger scale, I don't know. Volunteering is becoming a thing of the past. People don't want to put their hand up.

PAM TUCKER: They don't have the time.

FRAN GREVILLE: Yes. They don't want to put their hand up and they don't want to do that risk.

Ms MARYANNE STUART: Do you have Indigenous as well as non-Indigenous members?

PAM TUCKER: We have multicultural members. We don't have any Indigenous members that I'm aware of.

FRAN GREVILLE: Not that have identified. There could be some that haven't identified.

PAM TUCKER: Actually, yes, we do

FRAN GREVILLE: There you go.

PAM TUCKER: Sorry, yes, we do. Obviously, it's not always something that visibly you are aware of, but we are multicultural. We welcome—

FRAN GREVILLE: Yes, we've got quite a few different countries.

PAM TUCKER: We've even got boys—one young lad.

Ms MARYANNE STUART: Over to you, Megan and Erin. It sounds like, in some of the cases that you have, there are addicts in the family already. Is that fair to say? That must be tough to break that cycle.

ERIN REBERGER: Yes.

Ms MARYANNE STUART: Remind me how young your youngest people are that have been or are drug addicts.

ERIN REBERGER: We've got nine- and 10-year-old children who are exploring. They haven't actually met the criteria to be diagnosed with having a dependence, but they are absolutely exploring and engaging in substance use behaviours.

Ms MARYANNE STUART: And getting to know the family—you said that sometimes you bring the families in—if mum and dad have an addiction, does that become a family caseload, then, for you?

ERIN REBERGER: If the parents are wanting to address their substance use. Our programs at Mission Australia are voluntary. We would then link the parents in with our adult service and we'd work with the young people and then bring the schools in and a whole host of people.

MEGAN BOSHELL: That depends as well on the availability of that service. While there are youth and adult drug and alcohol services here that Mission operate, in somewhere like Brewarrina we might be working with a family where there is substance misuse, and where there are young people engaged in substance misuse, but we are not funded to deliver a drug and alcohol program. But there may not be another suitable program. We might be working with that entire family under a completely separate funding model and a completely different service model. It is very dependent on what community you are in and what's available. Sometimes services—not just Mission, but other funded services that are like Mission Australia—would also be picking up some of that work to support the whole family because there may be a drug and alcohol service or a more appropriate service but they are not currently staffed, which is quite common. They are not able to get that necessary drug and alcohol worker, so you are kind of doing the work almost ad hoc because it needs to be done. It is very dependent on where you are.

Ms MARYANNE STUART: Erin, have you started the schooling program of going to year 5 and year 6 students?

ERIN REBERGER: That starts next term. We are working closely with two of the primary schools. We have started with the high schools. We are actually funded to run a day rehabilitation program, so that's what we will be doing with the students.

Ms MARYANNE STUART: At a later time, it would be great if we could, through the Committee, get a copy of the parents program that you run as well as the schooling one that you are going to run.

ERIN REBERGER: Yes, sure.

Ms MARYANNE STUART: Just to be clear, you are a nine-to-five service? There are no after-hours services. Around here, the only 24/7 service is the NSW Police Force. Is that correct?

ERIN REBERGER: Yes, and the hospital.

Ms MARYANNE STUART: In closing, thank you to each and every one of you for the work that you do, the compassion that you provide and the passion that you have for change.

FRAN GREVILLE: Can I just add one thing I have forgotten to mention. There was a submission done last year I think for a rehabilitation centre in Broken Hill. I know there was a petition put forward, but I suspect that there weren't enough people. I think you need to have so many people sign the petition for it to go through into Parliament. There has been work done about trying to get a rehabilitation centre.

Dr HUGH McDERMOTT: Who did that? Do you know?

FRAN GREVILLE: There's a committee.

ERIN REBERGER: There's a steering committee.

FRAN GREVILLE: There is a steering committee. And it's Joanie—

ERIN REBERGER: Joanie Sanderson.

FRAN GREVILLE: She has done some work on it.

Dr HUGH McDERMOTT: Could you send that to the Committee—the link or something so that we can have a look at it, because I haven't heard of that, so it would be good.

FRAN GREVILLE: I'll see what I can—yes. I've seen the petition up on the Parliament website. I know it was there, but I suspect it didn't get the number. I think it closed last November or December.

PAM TUCKER: I think it was about some challenges around the model and the resourcing.

Mr PAUL TOOLE: First of all, I'll start with Mission Australia. How do you evaluate the success of your programs?

MEGAN BOSHELL: That's such a good question.

Mr PAUL TOOLE: We run programs, but how do you actually measure it at the end?

MEGAN BOSHELL: I think the first response to that would be the obvious, which is around the reporting. Every funded service comes with a reporting framework. We report back to all of our funders. We're funded through a whole range of different government agencies and, in some cases, philanthropic funding. That kind of necessary reporting—stats and demographics and things like that. Something that Mission is very passionate about, and we we've worked very hard as an organisation to grow across our services, is using impact measurement. We have whole systems attached to working with individuals, regardless of program, when they come into our service, to really try to ascertain from them where they think they're at. What's life like for you? We use personal wellbeing indexes, different surveys and things like that. Then we will review that as a person moves through our service, and then complete them at the end. That provides us with a really broad range of data that speaks to the impact, literally, that we've made for an individual.

Sometimes reporting that is set from funding bodies—I absolutely understand the need to have those, but reporting on statistics, demographics and numbers doesn't tell you a story. It doesn't tell you a story about how a person has experienced a time in a service, what things were like before they came into that program, or things that might have happened in the middle. We're very careful to ensure that any impact measurement or any service measurement that we do in those specific services is targeted at that particular program. If we talk about young offender services in particular, we were very careful to make sure that we were asking particular questions that might be different to a drug and alcohol service or a mental health service, because what we don't want is for a young person to be reporting on how they feel about their offending necessarily, but more so to be able to report to us on what's changed in your life, what's changed around that, how do you feel in yourself, what does that look like, safety—things like that.

There is a lot of impact measurement. We do a lot of case studies. We love feedback and even complaints from clients, because complaints are important too. We really empower the voice of the people who access our services. We want to make sure that they have that voice, and that they feel they have control—all of those different measurement points. The other big measurement for us, in terms of impact, is whether people come back into our services. We have a case management system that allows us to see if people have been through our services before, because that's a good way to determine whether there's been impact as well, and whether there's been success. If a young person engages in a program and we don't see them again for five years, that's great because it means that they've taken away some tools and some strategies. Or we can look at if they accessed a service for one reason in the beginning and they've changed the way that looks for them. There are lots of different measurement tools, but making sure that at the forefront is the voice of the person who is actually using a service and what that means for them.

Mr PAUL TOOLE: Is it a minefield? I know you support both adults and children and yours is a voluntary program for people to go into but, for example, if a young person needs support and assistance, isn't it a minefield for them to know where they're meant to be going and who actually provides the necessary support?

MEGAN BOSHELL: Absolutely. We often talk as caseworkers, and we hear a lot of that from our frontline staff, around how does a person navigate some of the systems that they're expected to navigate. I know very high-functioning adults who would struggle to work out what they need to do at Centrelink. Then you take a young person who hasn't been to school since they were in year 4 or 5, their literacy isn't where should be, they might have a learning difficulty and they've got mental health issues, and now we're saying you have to navigate all of these different systems and, if you don't, you'll be in more trouble than when you started. That in itself is a minefield.

I think sometimes even as service workers we struggle to work out how many things an individual has to do in order to stay on track—so absolutely. I think that accountability of services and looking at it in terms of how we can do things better and trying to reduce those silos is so important. That silo even between government services and non-government services who are all trying to work for the same outcome. Reducing the silos between our services, I think, would absolutely improve that minefield around all the different moving parts and surely would impact the way a person engages in those processes much better.

Mr PAUL TOOLE: Pam, I'm going to go to you. Thank you for sharing your story. It doesn't have to be your personal story anymore; it could be also other members of the CWA that have also written in and expressed concerns where they've also been victims of crime. You mentioned about support for victims of crime. In your view, what do you see is a gap? What should be there to actually support victims of crime? It might even be other members who have actually said things as well.

PAM TUCKER: Probably because it wasn't there, I haven't given it a lot of thought, just assuming that it wasn't going to be there. But I think having mental health support—obviously I've sought that myself. I think maybe having someone who specifically is looking after those people. They'll come along, the police will come in, they'll take the forensics, they'll go away, they'll do their court stuff and then it goes off to court. I got a request to appear at the court session. It was sent on the Monday; the court session was on the Wednesday. I picked the mail up on the Wednesday and it was at 10 o'clock that morning, but that's just another side thing. Not everyone needs it, but a policeman says to you, "Is there anything else I can do?" And I say, "That's not the right question, probably."

Mr PAUL TOOLE: He's a police officer, not a mental health worker.

PAM TUCKER: He's a police officer; he's not going to help me at all. I found that support with my GP and through those means. But I don't know—I think there's something about closure. There was never any real outcome except that the lad had been dismissed. That was it, so I'm not sure what the—

Mr PAUL TOOLE: But if you go away and you think about it and you want to provide it—

PAM TUCKER: If I could.

Mr PAUL TOOLE: If there are some things or ideas that you think of after this hearing, please provide that, because that's really important for many people.

PAM TUCKER: Yes, absolutely. I'll take that on notice. I'd appreciate it.

FRAN GREVILLE: Can I just add, just from someone else that I've spoken to—I think someone to actually explain the process. If you haven't been involved in the legal process and the court process and the police process and the insurance process and all that, I think that's where we could do some stuff. Someone could come and go, "Okay, this is terrible"—so you'd need someone with a bit of heart and care—"This is what could happen and should happen now, and this is what the process is." So you're not expecting it to be resolved in six months. Someone can give you some advice of, "Right, your car keys, your house keys. This is what you can do now. These are some of the places you can go to get that sorted"—someone with a bit of, I suppose, organisational skill and command about, "This is how this works now."

PAM TUCKER: I think one of the other things—the insurance companies. The insurance companies, when they say, "Have you got a photo of that?"—and in the end I think I really lost my cool after about the tenth email about, "Have you got a photo of that briefcase that your parents gave you 25 years ago that meant so much to you?" Why would I have a photo of it? There were things like that. I think I lost my cool a bit with the insurance person and it was interesting because it was settled as it was and paid within a week.

Mr PAUL TOOLE: They want a photo of your keys as well?

PAM TUCKER: Yes, absolutely. They wanted a photo of everything.

FRAN GREVILLE: So when you go home, take some photos!

PAM TUCKER: I've got a whole thing with photos that I can zoom in on anything in the house, but then there's always those things—the things that were in your briefcase.

Dr HUGH McDERMOTT: Can I make a joke?

PAM TUCKER: Absolutely.

Dr HUGH McDERMOTT: I had my office burgled and of course we'd taken photos of everything, but they stole the camera. So there you go.

PAM TUCKER: You know what, that's the sort of—you've got to have a little bit of lightness in it. It's not about doom and gloom because you don't want to send someone into the depths of depression about what's happened. You need to be the right person to be able to lift them as well.

The CHAIR: On behalf of the Committee, I really appreciate your attendance today. You will be provided with a copy of the transcript from today's hearing for corrections. The Committee may send you some supplementary questions and we ask you to complete those and return them to the Committee. They'll give you directions on how to do that. I thank you all for your attendance. It's been very informative.

(The witnesses withdrew.)

The Committee adjourned at 15:35.