



COMMONWEALTH OF AUSTRALIA

Official Committee Hansard

**HOUSE OF
REPRESENTATIVES**

STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL
AFFAIRS

Reference: Crime in the community

THURSDAY, 12 JUNE 2003

DARWIN

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HOUSE OF REPRESENTATIVES
STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS

Thursday, 12 June 2003

Members: Mrs Bronwyn Bishop (*Chair*), Mr Murphy (*Deputy Chair*), Ms Julie Bishop, Mr Cadman, Mr Kerr, Mr Melham (until 11/8/03), Mr McClelland (from 11/8/03), Ms Panopoulos, Mr Sciacca, Mr Secker and Dr Washer

Members in attendance: Mrs Bishop, Mr Cadman, Mr Murphy, Ms Panopoulos, Mr Secker and Dr Washer.

Terms of reference for the inquiry:

To inquire into and report on:

The extent and impact of crime and fear of crime within the Australian community and effective measures for the Commonwealth in countering and preventing crime. The Committee's inquiry shall consider but not be limited to:

- a) the types of crimes committed against Australians
- b) perpetrators of crime and motives
- c) fear of crime in the community
- d) the impact of being a victim of crime and fear of crime
- e) strategies to support victims and reduce crime
- f) apprehension rates
- g) effectiveness of sentencing
- h) community safety and policing

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Committee met at 9.12 a.m.

CHAIR—I declare open this hearing of the House of Representatives Standing Committee on Legal and Constitutional Affairs. The committee is currently inquiring into crime in the community: victims, offenders and fear of crime. The committee has received more than 150 submissions on a wide range of issues concerning crime and has taken evidence in New South Wales, Victoria, Western Australia and now, of course, the Northern Territory. Yesterday the committee took evidence in Wadeye and found that, while some of the issues and challenges faced by that community are specific to an isolated Indigenous community, there are parallels that can be drawn from experience in other Australian towns. For instance, many communities are voicing a heartfelt fear of crime, but some of it we feel is exacerbated by sensationalist coverage in the media and is not necessarily reflected in statistics of criminal behaviour. On the other hand, there are also issues faced by the Wadeye community that are specific to that community. The committee was encouraged to see the strong will and determination of key personalities within Wadeye, and I would particularly like to mention Theodora Narndu and Leon Melpi, who were most impressive. They are working hard to overcome the problems created by some, which can give rise to bad press in the community. We found that there was a very good working relationship with the police.

The committee was told of many worthwhile initiatives of the new governing structure that has been set up to overcome some of the difficulties faced by different tribal groups when they are on other groups' land. The committee was particularly impressed by the initiatives of the women's group, which has paved the way for young Indigenous Wadeye women to contribute to the stability and positive future of that community. There was great stress put on the importance of the new COAG initiative to work through some of their problems.

Today the committee will take evidence from the Northern Territory government departments, including the Crime Prevention Unit and the Northern Territory Police, as well as community groups such as the victims of crime support unit and Mission Australia, which operates patrols.

[9.14 a.m.]

JACKSON, Mr Stephen, Director, Research and Statistics, Office of Crime Prevention, Northern Territory Department of Justice

YICK, Mr Joe Kwokhung, Principal Research Officer, Office of Crime Prevention, Northern Territory Department of Justice

CHAIR—We welcome our first witnesses, Stephen Jackson and Joe Yick of the Crime Prevention Unit. They will talk to the committee about the latest Northern Territory crime statistics, which were released this week. Thank you for being part of our public hearing. Would either or both of you like to make an opening statement?

Mr Jackson—I believe I have been asked to present to you the latest statistics from the Northern Territory government. I have a presentation of about 50 minutes, which will give you the highlights of that. That will be my opening statement, if you are comfortable with that.

Mr Yick—I am basically here to assist Stephen to present the statistics to you and maybe to answer some detailed questions. Because I am the hands-on officer I may be able to give you some supplementary information.

CHAIR—Thank you very much. Would you like to begin, Mr Jackson?

Mr Jackson—You have a package of information from us that includes our quarterly publication, which is a compendium of all the information on crime and justice statistics in the Territory. You have a copy of the presentation I am about to deliver to you and you have a selection of six or seven fact sheets detailing crime as we see it in each of the major centres in the Territory. If you want to ask any questions as I go through the presentation, I am more than happy to take them on the fly. I will talk to you only about the recorded crime aspects of the report. The report covers a much broader spectrum of information, but I believe that you are only interested in recorded crime. I just let you know that the information in this publication has been audited by Ernst and Young, and they are of the view that the statistics are sound and the information is presented without any bias.

CHAIR—Are these figures police reporting figures or victims survey figures? Do they correlate with the ABS categories?

Mr Jackson—The figures are police reported crime, so they come out of the police database. It is the same police database that supports the reporting of violence statistics to the Australian Bureau of Statistics, so we are each using the same base information. However, we report on offences and the ABS report on victims. But we are both analysing the same base information—we are both coming from the same data source.

CHAIR—Thank you.

Mr Jackson—One of the difficulties we have to deal with when we present this information is that the Territory is a relatively small community; it has a small population and relatively low levels of crime. That creates a dilemma for us in terms of volatility of information—what we suffer from is big swings of information from one period to the next. When we present our statistics we try to present them in the context of what has gone before. So, in our quarterly report and in our presentation today, we will present the information within the context of the last two years so that we can try to look at information in its broader context.

This is based on the report that was issued on 10 June—this week—so it is the most comprehensive and up-to-date information available in the Territory at this point in time. As I have mentioned, the report contains information on recorded crime. It includes incarceration rates, so it tells you about the profile of both adult and juvenile detainees; it gives the court outcomes of drug offences; and it presents details of court outcomes for aggravated property offences—aggravated property is the legislation that this government introduced when mandatory sentencing for property offenders was repealed.

Slides were then shown—

Mr Jackson—Here is the first slide. Here we are looking at the offences against the person. We report on two broad categories of crime. We report on crimes against the person and property crimes. The way we report on those offences is consistent with the ABS classifications. We will talk about assaults, homicide and robbery, and they are consistent with the ABS classification of crime, which is known as ASOC.

In the March quarter 2003 there were 1,130 offences against the person in total. This is a reduction of seven per cent on the previous quarter. Within that broad classification of offences, we have assaults. Assaults were 1,009; they constitute 90 per cent of the overall level of offences against the person, and that is five per cent on the previous quarter. Sexual assaults were the next most significant classification. At 65 such offences recorded in the last quarter, they constitute six per cent of the overall offences against the person and they were 27 per cent down on the previous quarter. The next most significant classification is robbery. There were only 23 such offences. They constitute two per cent of the offences against the person and they were 18 per cent down on the previous quarter.

Mr SECKER—What is the comparison with this time last year?

Mr Jackson—If you bear with me, I will give you that in a slide in a second. Other offences, which include kidnapping and non-sexual assault type offences, are very small. They form two per cent of the overall figure. There were 28 such offences. Homicide and related offences are the murder, attempted murder and suicide type offences, and there were five of those in the last quarter in the Territory.

If we look at these offences on a year on year basis, comparing the 12 months to the end of March of this year with the preceding 12 months, we find that all of these offence categories are down compared to the preceding 12 months except for robbery. That is the only one that went up, and that went up by five offences.

CHAIR—Do you mind if I ask how you define burglary and robbery?

Mr Jackson—Robbery is an attempt or actual theft of property with a threat or actual violence.

CHAIR—Yes, I am aware of it, but I want to know if you use the same definitions as the ABS standards.

Mr Jackson—Absolutely. All of our definitions here are consistent with the ABS with the Australian Standard Offence Classification, the ASOC classification. When we talk about offences here, all the terminology is consistent with those definitions.

CHAIR—And do you do a figure dealing with the incidents, so we do a comparison with other states and the ACT of how many incidents per 100,000?

Mr Jackson—We do not do that ourselves because we do not have access to that. But, of course, the ABS do. They do it on their victim based analysis, and that was published a week ago in their recorded crime publication.

CHAIR—I am just going to have some of those stats faxed up so we can have a look at them.

Mr Jackson—We can have a look at some of the significant offences in detail. As we saw earlier on, assaults are 90 per cent of our offences against the person.

CHAIR—How much would that be domestic violence?

Mr Jackson—We cannot look at that specific offence category. We do not actually report on that specific offence category in our statistics. Domestic violence, as you would be aware, is a very complicated issue and is highly underreported. A lot of it does not get into the formal stats. It gets trapped through reporting mechanisms—through the social services, through health, through informal reporting and through women's aids groups. We do not have a picture of that in our statistics here.

CHAIR—Is that deliberate? Certainly, we have taken evidence from other groups in other states where there is a definite move that, in order for the problem to be dealt with, it has to be regarded as a crime of assault like any other crime of assault and, therefore, not put off in the health or other sets of figures.

Mr Jackson—There is no intent to minimise the importance of domestic violence offences. In fact, domestic violence offences are thoroughly researched by the Office of Women's Policy in the Department of the Chief Minister. There is actually a separate unit which deals with domestic violence issues. They have an annual statistical report and a strategy document, which I can make available to you should you so desire.

CHAIR—They are coming this afternoon, but the point made by others giving evidence is that it ought not to be hived off as if it were not regular crime.

Mr Jackson—We are not saying that. We are saying that we could report on 1,000 different classes of offence but, for public reporting, we are aggregating them up to a pretty high level. For research matters we go down below that to the individual offence types, but for the public

reporting that we have here for you it is aggregated up to a broader level of classification that the community can relate to.

CHAIR—The reason I am persevering with the question is that, when it comes to theft from the person, one of the largest categories seems to be mobile phones. If you disaggregate that information you get a different picture of what is happening.

Mr Jackson—There is no question that we can and do go down below the covers, but we do not report that in the public domain at this point.

CHAIR—Is that information that we could have access to?

Mr Jackson—To be frank, I am not sure. We do not actually have a report that we could give you that is tabulated into those types of offences. We would have to do a bit of work to generate that for you and I am not sure about our ability to present that to you in a timely fashion. I will have a look at that if you would like and get back to the secretary.

CHAIR—Yes, if you would. This is quite a lengthy inquiry, so I think that would be very interesting material to have.

Mr Yick—One of the reasons we do not do it is that, unlike other states, our numbers are very small, even with a very high level of aggregation. If you go down to the very minimum, some periods have no such offence recorded. So it is very hard to do a conclusive interpretation of those data. That is something you may want to bear in mind.

Mr Jackson—In the category of assaults we have seen that there are 1,009 offences. If we look at the comparison to the previous quarter, we can see that we have a reduction of five per cent. If we look at the year on year picture we have a seven per cent reduction.

CHAIR—What is the trend, say, over the last five years?

Mr Jackson—We do not have data going back five years. This office—the Office of Crime Prevention—was established in February last year. The police have given us access to data going back to July 1999. In our publication, we report on a rolling nine quarters. In this slide we see the trend over those nine quarters for assaults. The green line shows you the monthly observations; the red line shows you the underlying average value over that time. Back in March 2001 we were running at a level of about 260 offences per month on average. It then jumped up, in September 2001, to about 360 on average per month. It then dropped down to an average of about 300 and now it has popped up to average of about 320. We would maintain, because we have four months where the figure has increased, that there is a possible upward trend in this current 12 months. But that will not be confirmed until we get the next set of quarterly information.

Mr CADMAN—It is very cyclical, isn't it?

Mr Jackson—It looks as if it might be cyclical, but we have not got sufficient information to prove its statistical significance for seasonality. We would need five years of data, but, as we

have just mentioned, we have not quite got that yet. We have got data from when the police system, PROMIS, became operational.

CHAIR—The ABS figures go back five years. How do those figures show up?

Mr Jackson—The ABS figures do go back over five years. They would show that assaults have gone up over that five-year period, but that is the same with all jurisdictions.

CHAIR—I know.

Mr Jackson—The next most significant group was sexual assaults. We had 65 such offences in the previous quarter, the March quarter, and they were 27 per cent down on the preceding quarter. That is, from the December quarter to the March quarter we had a 27 per cent reduction. If we look at the same quarter last year, March 2002, we see a 28 per cent reduction, and if we look at the 12 months prior to March 2003, as compared with the 12 months prior to March 2002, we see a five per cent reduction on a rolling 12-month basis.

Looking at the trend there, what we are really saying is that this is a very good example of the volatility of small numbers in the Territory. The green line shows you the monthly observations, which are bouncing all over the show. And yes, we had a horrible peak in the previous quarter, but as you can see it has dropped right down. The underlying average over that period is running at about 27 such offences per month. We would say that is stable; there is no discernible trend there.

Mr CADMAN—But there may be a trend there. It may be seasonal or it may be action-reaction.

Mr Jackson—It may be, but we have not got enough data to be able to sustain the argument, I am afraid, at this point in time.

Mr CADMAN—This is important work you are doing.

Mr Jackson—The information that the Bureau of Statistics has could not give you any degrees of seasonality either, because all it publishes is a one-off figure for the year. We do have the base of that information and we are establishing the databases to be able to report on those sorts of factors, but we are still a couple of years away from that, I am afraid.

CHAIR—So you are saying that by looking at it in a quarterly fashion you are getting a better understanding of what time of the year you might need to put more resources in?

Mr Jackson—Yes, indeed. We will get a better idea not only of what time of the year, in terms of what month, but of the day of the week and the hour of the day. We are certainly moving in that direction, but sadly the jurisdictions such as New South Wales, South Australia and Victoria are 10 years ahead of the game. They have got that data, whereas we have not quite got there yet. But with this government we are certainly moving in that direction.

Mr CADMAN—You are versed in statistics. Can you second-guess whether any pattern of interest to you seems to be emerging? I am not trying to put words in your mouth, but can you draw there any glimmer from what you have got?

Mr Jackson—Not on these assaultive type offences, no. When we look at the property offences we certainly do see something appearing. We will move on to show you those in a moment. Intuitively, you would say assaultive offences are going to occur on a Friday and a Saturday, which are the pub nights. Police will definitely have local information about their patrolling patterns and the levels of activity that their officers meet, but we have not got that coming through into our statistics.

CHAIR—Do you also use hospital statistics? They would certainly tell you about Friday and Saturday nights.

Mr Jackson—We do not use those at this point in time. It certainly is an area of interest, and my colleague Jenne Roberts is well versed in those sources of information. Sadly, we have to recognise that we are new to the game—we have only been established just over a year—and we are building up to a much more comprehensive level of reporting. But I am very proud that we have actually got the publication, because no other jurisdiction puts out anything like this on a quarterly basis.

CHAIR—It is very impressive.

Mr Jackson—We do not get that level of disclosure anywhere else at the moment.

CHAIR—It is very good.

Mr Jackson—I am sorry about the trumpet blowing.

CHAIR—Feel free! If you have done something terrific, say so.

Mr Jackson—To turn to property offences—

Dr WASHER—Sorry to interrupt you: the indication is that your employment levels are fairly high, if people just go to the pub on a Friday and Saturday. Is that the case? Is there a high employment level in the Territory?

Mr Yick—Certainly our unemployment level is lower than the national average most of the time. Also, the Territory has a very transient population, in the sense that if people come from down south and lose their jobs they probably go back instead of hanging on and becoming an input. I think this nature of the Territory makes us have a lower unemployment rate.

Mr Jackson—And there is no question about the association between alcohol consumption and the hormones of young men, and the fights that happen on Friday and Saturday nights. I suspect that our stats would be influenced by the fact that we have a significant influx of young visitors during this particular time of the year, so our tourist input on our small base population would be quite significant.

CHAIR—In the future, will you keep stats that show people who are not residents of the Northern Territory who flow in and what their crimes might be? That could be quite an interesting stat.

Mr Jackson—It is hard to say. At the moment we are only reporting on offences. Our next step is to move on to alleged offenders, and it depends on the availability of information about the characteristics of those alleged offenders that get recorded in the police databases. One would suspect that information about whether they are a visitor to the Territory or not may be deemed important enough to be able to include.

CHAIR—That is interesting.

Mr Jackson—We had 6,738 property offences in the Northern Territory in the March quarter of this year. That is the same level as the preceding quarter. Property damage is the most significant property offence: 38 per cent of our offences are property damage. That is 2,473 offences, and that is four per cent down on the previous quarter. Property damage includes vandalism, graffiti, wilful damage to property, and the running of keys down the side of a car and damaging the paint work. It is that group of offences that comes in under property damage. The next most significant category is ‘other theft’ at 34 per cent. That is seven per cent up on the preceding quarter. ‘Other theft’ is predominantly stealing offences and shoplifting. House break-ins are 11 per cent of our property offences; there were 764 such offences—one per cent up on the preceding quarter. One per cent is seven offences; we have got seven offences more this quarter than the previous quarter.

Mr SECKER—Some of the ‘other theft’ in the previous one could actually be house break-ins and theft?

Mr Jackson—Absolutely, and this is an issue for us in the Territory. Our legislation means that when somebody breaks into a home they know that they may get prosecuted for unlawful entry, they may get prosecuted for damage and they may get prosecuted for a theft; so three offences may occur out of this one incident. In other jurisdictions, it is only counted as one such offence. There is currently a national working party, under the auspice of the Australian Bureau of Statistics, looking at this issue about rationalising how things are counted in the recorded crime stats. But at the moment it is a legislative issue for us in the Territory.

Mr SECKER—But in this set-up, if someone breaks in and steals they are not going to go in both categories, are they?

Mr Jackson—They will; they will be in a house break-in and they will be in ‘other theft’.

Mr SECKER—Then your percentages should add up to well over 100 per cent.

Mr Jackson—No, because this is the percentage of the total number of offences recorded. We have a total of 6,780, that is all offences—

Mr SECKER—So you could actually have three or four offences from the one occasion.

Mr Jackson—That is right, and that is somewhat irksome for our commissioner of police because other jurisdictions do not multiple count those offences.

CHAIR—In the ABS stats—as well as Don Weatherburn in New South Wales—don't they only record the worst of a number of offences?

Mr Yick—The principal offence is all that they are recording, yes.

Mr Jackson—That is right, and that is the ABS convention. We have chosen to report on offences—as do other jurisdictions, by the way—but our legislation determines the counting rule. It is not us saying, 'We want to inflate the numbers for some peculiar reason for the Territory'; it is a legislative issue. Okay, so house break-ins were up by one per cent on the previous quarter.

Mr SECKER—Do you keep a separate set of statistics similar to the ABS statistics, which go only on the worst offences? Because it would be of some concern—

Mr Jackson—We do not at this point in time.

Mr SECKER—It would be of some concern to me—and I would have thought to other people—if the legislation changes in the future and you go along the way of just reporting the highest offence. That would mean you would be starting from scratch again. You would not have a way of associating the two.

Mr Jackson—What we would have the opportunity to do is to back cast that way of counting over time. An option for us would be to adjust previous records to reflect that new counting rule so that we could still maintain a time series which would give us trends over time. That is not an uncommon approach—to back cast counting rules. In fact, you see that with a number of sources of statistics.

Break-ins to other premises make up nine per cent of our property offences—that is, 607 offences. These are break-ins to commercial premises or break-ins to factories or garden sheds and such like. They were up two per cent compared to the previous quarter. That is an increase of about nine offences.

Motor vehicle and related offences make up eight per cent of our property offences. There were 554, down 12 per cent compared to the previous quarter. Motor vehicle and related offences are the take and drive type offences, the theft and permanent deprivation offences and the thefts from a motor vehicle. That last could be theft of parts or theft of contents—they come in that category. As I mentioned earlier, all of these categories are consistent with the Australian Bureau of Statistics classification for offences.

Dr WASHER—Do you have any motivation for Territory people to buy steering wheel locking mechanisms, as we do in Western Australia? Are we subsidising that and it is reflected in a reduction of stolen cars?

Mr Jackson—You have your immobilisation legislation.

Dr WASHER—Yes.

Mr Jackson—We do not have that here. We are a pretty affluent society up here in the Territory and we have the newest fleet in Australia. A large percentage of our vehicles are the newer vehicles, which have these immobilisers built in as part of the package. But that is not to say there is not a need for immobiliser technology—and hand-wheel-brake technology as well.

Dr WASHER—That is fairly statistically significant, though—12 per cent down. Do you think that reflects these newer types of vehicles being in the Northern Territory in increasing proportions?

Mr Jackson—It certainly would. The number of thefts of motor vehicles is in fact on the decline. One factor influencing that would certainly be the fact that we have a newer fleet up here in the Territory.

CHAIR—In other evidence we have heard with regard to motor vehicle theft, people say that 80 per cent of it is opportunistic and 20 per cent is organised crime, rebirthing and what goes with that. Is that similar here in the Territory?

Mr Jackson—I can only talk anecdotally here. Through conversations with people in the profession and with the police, the firm view is that well over 90 per cent of our motor vehicle offences are opportunistic. We have a different profile to the other jurisdictions. Rebirthing and such are not an issue for the police up here as I understand it. The fact that we are so remote from a market makes life tricky for the professional car thieves. The bulk of our motor vehicle theft offences are in fact opportunistic, and because of that the bulk of them in fact are returned to the owners.

CHAIR—What about boats? Is there any evidence of rebirthing in the boat industry?

Mr Jackson—We have not done any work on that. There is no anecdotal evidence; there is no cry from the community that we have heard about that.

Dr WASHER—It is the isolation.

CHAIR—Yes, it is the isolation question.

Dr WASHER—That probably reduces it. It is a long way to get from here to somewhere you can flog it.

Mr Yick—And that probably explains why the Territory has a lower than national average motor vehicle victimisation rate. If you look at the latest ABS report, you can see we are below that.

CHAIR—Yes, you are.

Mr Jackson—We have just had a look at motor vehicle stuff. If we look at other property offences—the handling of stolen goods and receiving goods—there are only 27 such offences compared to the previous quarter. There is no change there. This graph is a summary of the

property offences. We could have a look at some of the specific offences. The one that most of us are interested in is the house break-ins. As we mentioned earlier, we had some 764 such offences in total in the last quarter. That is one per cent—or seven offences—up on the previous quarter. But that is a significant reduction compared to the same quarter last year—28 per cent down. If we look at the rolling four quarters of the 12 months up to March 2003 compared to the 12 months up to March 2002, it is also 28 per cent down.

CHAIR—What do you put that down to?

Mr SECKER—Is there an explanation for that? Is it because more people are putting in more security?

Mr Jackson—I cannot talk definitively about the cause and effect. We certainly know that a significant amount of police activity has been directed at the house break-ins and at the individuals involved in that—known repeat offenders. I do not have definitive information about cause and effect.

CHAIR—What about the clear up rate—catching the perpetrators?

Mr Jackson—I would rather leave that question to the police because there are some issues of interpretation that I am not really competent to talk about on their behalf. The clear up rates are published in their annual report and I am sure they would welcome the opportunity to talk to you about those. In New South Wales and South Australia, the departments have a formal relationship with, and report on behalf of, the police. They can put a hat on and talk authoritatively on behalf of the police. In the Territory we have a degree of separation at the moment. That is why I am reluctant to encroach on their domain.

If we look at the house break-ins over the two years, we can see by the green line on the graph that they do bob up and down. But we have had a significant drop since early last year and we would say that, in this 12-month period, despite the peaks and troughs, the underlying trend is really stable. In relation to commercial and other break-ins, we had 607 such offences recorded in the March quarter 2003. This is two per cent up on the previous quarter—nine offences. Compared to the same quarter last year, that is 23 per cent down. If we look at the rolling 12 months, year on year, it is seven per cent down.

Dr WASHER—I am sorry to interrupt. That would indicate, possibly, what Mr Secker said: security would be a deterrent. You would assume that most commercial properties would have some form of security system, but that does not seem to be a great deterrent because there is no fluctuation. Perhaps they have always had security—and I guess we see that—but it has not been a great deterrent. So maybe the reduction of break-ins to households has been because of targeting, catching and identifying people and stopping recidivism, to some degree. Would you infer that from the data? I would imagine all those properties would have some sort of security.

Mr Jackson—Indeed, I would imagine most commercial premises would. The thing to bear in mind is that commercial premises in the Territory tend to be small businesses. We do not have big business here; they are small offices and small factories. To be frank, I have not done a survey on the nature of the security in those premises, so I would not be able to comment on

them. We really need to get the police who do the security audits to have a word on that matter for you.

Mr CADMAN—What about the combination of drug and alcohol abuse and road accidents? I do not know whether that is a criminal offence.

Mr Jackson—Driving under the influence is certainly a criminal offence.

Mr CADMAN—If you kill somebody while you are doing it, it is a criminal offence, isn't it?

Mr Jackson—It is a dangerous act, yes.

Mr CADMAN—Have you got any stats on that sort of thing?

Mr Jackson—We have not got anything that we publish. Joe will have a look through the listing here and see, but I suspect not at this point in time.

CHAIR—You have some drug stats.

Mr Jackson—Those are court outcomes for very specific drug offences, not offences in association with some substance abuse. What Mr Cadman is talking about is committing an offence whilst under the influence of some substance.

Mr SECKER—So you have on-the-spot fines here for cannabis.

Mr Jackson—Drug infringement notices, yes. A \$200 fine.

Mr SECKER—Rather than it being a criminal offence.

Mr Jackson—No, you can have both. It depends on the quantum, the weight, of cannabis on your person at the time you have been arrested.

CHAIR—And you will put up slides on drug stats, will you?

Mr Jackson—I was not going to because the stats that we produce on drugs are court outcomes and not recorded offences. The stats we have here on drug offences are offences which have gone to court and have had a judgment made on them. The reporting requirement there was to let the community know the types of outcomes that were coming out of the courts for drug offences.

CHAIR—But not a clear-up rate.

Mr SECKER—Or on fines.

Mr Jackson—I can tell you how many drug infringement notices were issued. There were 60 issued in the last quarter.

Mr SECKER—On-the-spot fines. Is that all? You could probably find that in Wadeye in a day.

CHAIR—In Wadeye we have heard that marijuana is a growing problem.

Mr Jackson—But there is the issue of what is actually detected by the police and dealt with formally and what is dealt with informally. I can tell you how many drug infringement notices were issued but I cannot tell you how things might have been dealt with in Wadeye and I cannot tell you the localities where those 60 drug infringement notices came from. I can tell you definitively that the 60 were issued in the March quarter.

CHAIR—All in Darwin?

Mr Yick—That is the whole Northern Territory.

Mr SECKER—On page 7 it gives a figure of 92 per cent.

Mr Jackson—But they are only for the personal use type offences.

CHAIR—What about drug dealer offences?

Mr Jackson—That is in there. Page 86 gives a profile of the offences which have been dealt with by the courts and the type of penalty that has been imposed by the courts. In the table we can see that there are two types of dealing with drugs. You can deal with a commercial volume or a non-commercial volume. In the second row in the table you will see that, in relation to dealing or trafficking in illicit drugs of a non-commercial volume, we had a total of 124 such offences dealt with by the courts in the year to date, and, of that 124, 30 per cent, or 37 of them, were dealt with through imprisonment.

CHAIR—The problem with that so-called non-commercial definition is that it would seem that the distribution of drugs, particularly marijuana, amphetamines and those sorts of drugs, is through what you can only call pyramid selling. The people at the bottom of the pyramid are known people who are dealing in small quantities, which protects the dealers further up the pyramid because they are the ones with the quantities. They know the people at the bottom dealing in small quantities will be dealt with leniently, yet the bigger the base of the pyramid the bigger the sale of the product. We have outlawed it for legal business but it works very efficiently for illicit drug trafficking.

Mr Jackson—That is an issue to do with the legislation and the justice system and the way these offences are dealt with. There is no question that you are right.

CHAIR—I think it is a real problem.

Mr Jackson—We know definitively what weights constitute non-commercial quantities of a given product, and the professionals in the game can keep under those weights, surely.

CHAIR—It is like organised crime using young kids because they know the court system will be more lenient with them. The Australian Institute of Health and Welfare report on drug use

says that the source of heroin is known dealers, and for cocaine, amphetamines and marijuana the source is usually a friend or relative. But these are really mini-dealers who are down at the base of the pyramid. It worries me that we use language like, 'They're only getting it off friends,' when they are in fact part of a criminal chain. If we use language like, 'Oh, it's only from a friend,' we are minimising the damage being done and the extent of the crime.

Mr Jackson—We certainly do not use that language.

CHAIR—'Non-commercial' to me is part of that problem.

Mr Jackson—We have taken the terminology from the legislation. That is where we picked up this terminology. We are not trying to impute any interpretation other than that this is the legislation and these are the outcomes under that legislation.

CHAIR—I understand that. I am criticising the legislation in that sense, not you. It is like hearing people on the ABC talk about recreational drugs when they are in fact illicit drugs. To me that is wrong.

Mr Jackson—Is there anything else I can help you with in terms of interpreting the drug offences information on page 86?

Dr WASHER—The number of prescription drug offences is very low—one person in nine months—and over a 12-month period in the previous year there were seven. It seems low. Do you think that reflects the fact that you do not have a lot of medical practices up here so doctors would have a good network and there would be less doctor shopping and that type of thing?

Mr Jackson—It is certainly a low level of activity. Given that the numbers are one and seven, it would be hard to make any deduction, to be honest. The numbers are so small they are insignificant.

Dr WASHER—They are very small, but do you think they are low for your population in comparison with other states if you took the same size slab of their population?

Mr Jackson—We have not done the work, so I would be loath to make a comment there, I am sad to say.

Dr WASHER—I think that number is low, and at a guess it is probably because the doctor network is better up here and stops doctor shopping and overprescription.

Mr Jackson—It certainly is a much smaller community.

Dr WASHER—If that is the case, we just have to get a better system. In larger states it is easier to do that to prevent what we perceive to be a major problem—certainly in WA and those big city areas.

Mr Yick—I think part of the reason is that a big proportion of our population lives in communities. While the Territory's population is around 200,000, the number of people who

have access to prescription drugs would be less, because about 40 per cent of our population live in remote areas, and I do not think they have much prescription drug offence activity over there.

Mr Jackson—My colleague Jenne Roberts, who will appear as a witness after us, has some information on that issue. As I mentioned earlier on, Jenne has come from a health background and has an interest in health statistics. She has some information on the drug task force.

Dr WASHER—Great. It is just an indication. And maybe, as you say, they do not see doctors, so perhaps it is a bad thing.

Mr CADMAN—Can I ask you about another couple of pages in the report. The number of Indigenous juvenile offenders, particularly males, seems to have been rising since about the end of 2001. Does this indicate that there is a tougher program of incarceration for Indigenous juvenile offenders? There is a definite increase in the number over that period. We have heard a lot about mandatory detention and diversion programs, yet the numbers seem to be increasing.

Mr Jackson—The issue I would bring to your attention there is that, although it does look as if the numbers are increasing, the numbers are so small that you just get natural fluctuations. We are talking about movements between about 10 and 25, so the numbers are very small. You can get a group of individuals going on a bit of a crime spree and coming before the courts at the same time. Then if they go in and do 28 days, or something of that nature, at the same time, it bumps the figures up.

Mr CADMAN—I would contend that there is a trend over a period of 12 months.

Mr Yick—Another reason is that since 1 June 2001 the 17-year-olds have been considered to be juveniles. Prior to this period, 17-year-olds were considered adults. The period before June 2001 includes 10- and 16-year-olds; 17-year-olds would be in the adult prison. But from this point onward the 17-year-olds are now considered as juveniles. So you have got a—

Mr CADMAN—The increase starts probably nine months later, though.

Mr Jackson—The September quarter is the low, and then we come up in the December quarter, where things have started to increase, yes.

Mr CADMAN—The March quarter of 2001 seems to be the start of the rise.

Mr Jackson—Yes. That is what my colleague is saying: one of the issues there is that at that point in time we started to treat 17-year-olds as juveniles, as opposed to adults. They came out of the adult system and went into the juvenile system, so we have increased our client base, if you like. The sad fact of the matter is that it is that age group which is the most active.

CHAIR—It includes the most victims, as well.

Mr Jackson—Indeed, yes, when it comes to assaults.

Mr CADMAN—Isn't there a typo in this printing? Shouldn't that be March 2002? I am referring to page 83.

Mr Jackson—Yes, sorry. There are typos in the headings on that table, and on the adults table as well. The first column heading should read ‘March 2001’ and then the next March column heading, instead of ‘March 2001’, should be ‘March 2002’. Well spotted. We had to pay auditors to find this out!

Mr CADMAN—Well, we come and do the job for you. The other question I want to ask you is this: there seems to be a drop in the number of people smugglers that you have in prison, and that seemed to cease in numbers in the March quarter of 2001.

Mr Jackson—Yes, this is true. At that period in time, people smugglers were running at close to 20 per cent of our prison population. People smugglers are those people who are engaged in the activity of bringing illegal immigrants into Australia.

Mr CADMAN—So that would include people in charge of vessels?

Mr Jackson—That is right, yes. It is not the immigrants; it is the actual people in charge of the vessels.

Mr CADMAN—Is that the skipper of the vessel and the crew? You are not talking about mastermind people?

Mr Jackson—No. It is people who have been apprehended on the vessels.

Mr SECKER—And that has gone down?

Mr Jackson—Absolutely, yes.

Mr CADMAN—So it really stopped about December—wait, we have got another problem here with the numbers.

Mr SECKER—These are the ones who are in prison, so it depends on how long they were put there for.

Mr CADMAN—We have got the same problems with the statistics at the top of that section, too.

Mr Jackson—Yes.

Mr CADMAN—Really, it stopped in about the December quarter of 2001, or early in March 2002? It seems to taper off quite steeply.

Mr Jackson—Yes. That is because of the federal government initiatives. It is the offshore patrolling and the offshore housing of illegal immigrants. That stopped the trade. There is no client base for the people smugglers to actually smuggle into Australia any more.

Mr CADMAN—It is very good to see the stats. We hear a lot about the policy having actually worked, but it shows here in the statistics. That is pleasing.

Mr Jackson—It certainly does for Australia. I am not sure about Western Australia, which would have a number of people smugglers in its system as well, I would assume. Certainly in the Territory they have gone right down. We have a concept of receptions—people being received into the prison system in a given year—and I think in the last 12 months we have had two people received into the prison system for people smuggling.

Mr CADMAN—Very good.

Dr WASHER—I know these people get imprisoned for doing this. What is the policy now for what is done with their boats? The boats are sunk, aren't they?

Mr Jackson—It depends on the vessel, to be honest, especially whether it has got any economic value. They are largely burnt, or they may be sunk offshore. Some of them are timber boats, which would get burnt because of the concern about disease. If they had metal hulls, they could be recycled into the fleet; the government may get some monetary return from them. Or they could be sunk offshore. We have a number of very good fishing spots off the Territory which relate to ships which have been confiscated and sunk.

Ms PANOPOULOS—With the statistics regarding people smugglers, in the last two quarters there has obviously been a significant decrease. Would the figures relating to the two most recent quarters be cases that have followed on from previous periods?

Mr Jackson—What we are seeing in these figures here are prisoners in the prison system. The decline is from people having served their time, exiting the system and being repatriated back home.

Ms PANOPOULOS—I am sorry, I have not seen a copy of this yet. Do you have statistics of successful prosecutions of people smugglers?

Mr Jackson—By definition, these are all successful prosecutions because they are imprisoned.

Ms PANOPOULOS—Yes, but it is very difficult to calculate, because of the length of the prison terms, for example—

Mr Jackson—I see where you are coming from. We could tell you how many people went to prison for a people-smuggling offence in a given year. That is the people received into prison in that year for a people-smuggling offence. It is the number of, if you like, successful prosecutions which ended up with an imprisonment outcome. That information is available in other sources. We do not publish it because it was not perceived as a public interest issue but we have the underlying information.

CHAIR—I think that the question Sophie is getting at is what the success rate of prosecution is.

Mr Jackson—I would say 98 to 100 per cent. They are found on their boats; they are found with a bunch of people who have no papers. There is little contra-evidence that says—

Mr CADMAN—They thought that they were going on a fishing trip.

Mr Jackson—‘We were not there, we were not involved in it.’

Mr Yick—That was published in the ABS publication on higher courts. If you look under ‘other offences’ in the Territory, you have close to a 100 per cent—definitely over 90 per cent—successful prosecution rate and, mostly, they are people smugglers.

CHAIR—The bottom line is that the Commonwealth policy is working in that the trade is down; the people smugglers have disappeared and the stats bear that out.

Mr Jackson—The stats bear that out. The numbers imprisoned are declining and we do not have any new intake coming in.

CHAIR—I am going back, for one moment, to the assault figures and the unlawful entry with intent that we were dealing with before. I am having a look at the ABS comparative figures and calculating them on a rate per 100,000, so you get a comparison of how the Northern Territory fares against the national average and against other states. It would seem that, when it comes to the assault rate, the rate in the Northern Territory is 1,660 per 100,000, which is the highest—double the national average. Equally, in regard to unlawful entry with intent, the national average is 2,000 whereas the rate for the Northern Territory is 2,800. When we look at the breakdown of taking property or other, it is still above the national average. In terms of the stats in the quarterly movements that you were showing us, do you see an improvement against the national average figure?

Mr Jackson—For the unlawful entries, yes—

CHAIR—And assault as well.

Mr Jackson—Our local figures are definitely showing an improvement. What we have here is a set of figures that are dealing with things as they were in 2002. I am presenting you with much more current information. Therein lies a bit of the dilemma in terms of the context and the reference periods we are dealing with. There is no question that our levels of assault are much higher than the national average and have been so for well over a decade. We are not going to get them to drop right down in a short period. It is something in which we have a lot of underlying issues we have to address. We are not comfy with the rate that we have; we accept that it is high. We know that it has been that way for an awfully long time, and this is one of the reasons why this office has been established.

CHAIR—When we talk to your colleague, she might be able to tell us about reasons why you think that the levels are higher.

Mr Jackson—Why the levels are higher?

Mr Yick—In 2002 we are actually improving, but nationally the improvement is even better. I think they have had the highest improvement in 2002. When the ABS released the figures a few weeks ago, I think Don Weatherburn attributed it to the heroin drought. The figures for unlawful entry offences are definitely improving, but nationally they are improving even more quickly

because they had a reason for it. In the Territory, as Stephen mentioned earlier, the police activity has certainly brought the level down. Comparing that nationally is another issue, because other jurisdictions are also doing things right.

Mr Jackson—There is a whole raft of demographic issues that make the Territory different to the rest of the country and why a number of our statistics will be significantly different from the rest of the country.

CHAIR—It is interesting to see in the stats—and again it bears out what you were saying about motor vehicle theft—that you are considerably below the national average. The explanation you gave of having the newest fleet with immobilisers built in, being isolated and there being no market is very interesting.

Mr Jackson—It is intuitively right—or intuitively sound, anyway.

Dr WASHER—The number of juveniles held in detention weighs very heavily towards Indigenous juveniles. What percentage of the overall population of juveniles in the Territory is Indigenous?

Mr Jackson—I cannot bring that to mind, to be honest. Of the total population in the Territory about 28 per cent are Indigenous.

Mr Yick—I think that for juveniles it is about 40 per cent.

Mr Jackson—That is right. For juveniles it is much higher.

Mr Yick—About 40 per cent of our juvenile population are Indigenous.

Dr WASHER—If you could repeat that, just to get it clear, the overall percentage of Indigenous is—

Mr Yick—Around 28 per cent.

Dr WASHER—But there would be a skew when it come to juveniles? What I am saying is that there would be more juveniles—

Mr Jackson—Of our total population, about 28 per cent is Indigenous. Of our juvenile population, about 40 per cent are Indigenous.

Dr WASHER—That is right. It skews up.

Mr Jackson—Yes, it is moving up.

Dr WASHER—So that has to be given some consideration.

Mr Jackson—Absolutely.

Mr CADMAN—I would like to come back to your comments about 17-year-olds, Indigenous and non-Indigenous. If you go to total prisoners, which would include juveniles as well as adults, there is a significant increase over the last 12 months in the number of Indigenous people in prison. It seemed to be a fairly stable figure, on the statistics you have given us, from March 2001 through to June 2002 when it started to rise significantly. Down south we hear lots of media comment about how terrible mandatory sentencing is and how alternative strategies are needed. It appears from the figures that alternative strategies are not working. They have been in place now for nearly three years and yet there is an increase in the number of Indigenous people in prison. As far as I can calculate, the non-Indigenous prison population has fallen by about 40 per cent over the same period.

Mr Jackson—Yes, it has. That is because the people smugglers are treated as non-Indigenous. The foreign nationals are exiting the system so that is bringing down the non-Indigenous proportion quite significantly.

Mr CADMAN—I take that point.

Mr Jackson—We would say that the true non-Indigenous component of people under the Territory justice system has been reasonably stable over that period. But there is no question—and I am not trying to dodge the issue—that Indigenous numbers have gone up.

Mr CADMAN—No, that is a good explanation.

Mr Jackson—Indigenous numbers have gone up, no question at all. Why have they gone up? Are alternative strategies failing? I cannot honestly say. Our preliminary research indicates—I will give you non-quotable figures, if I can use that term, because I do not have the real numbers here—that 40 per cent of Indigenous people in prison are in prison because of an assault type offence; 20 per cent of them are in prison because of a driving type offence in the Territory. They were driving under the influence or driving unregistered. Those offences have nothing to do with mandatory sentencing. Mandatory sentencing was focusing on the property offences.

Mr CADMAN—So it is on property only; it has nothing to do with assault or anything like that?

Mr Jackson—Mandatory sentencing was for property offences only, and for a selected range of property offences.

Mr MURPHY—Is there any heroin in Darwin?

Mr Jackson—There is, yes. My colleague Jenne Roberts would be able to give you chapter and verse on that, I think. I say there is because I have looked at the drug offences that have gone before the courts and I have got information about the types of drugs that were involved in those offences, and there is some heroin. It is not a significant amount.

Mr CADMAN—That is a fairly big increase in the Indigenous—

Mr Jackson—There is no question it is.

Mr CADMAN—A 25 per cent increase.

Mr Jackson—It is very worrisome, and I can assure you that a considerable amount of energy at this time is being put into understanding how it is coming about and what we might be able to do to redress that increase. Sorry, I do not think there is any more I can say on that one.

Mr CADMAN—From a statistical point of view, is there any advantage in knowing the number of cases that are brought before the court, particularly by the police, which do not succeed? We visited an Indigenous community yesterday where a number of instances were brought to our attention where it might have been better for somebody to go into a diversion program of some sort or other but the defence was, ‘This is just an internal, local affair. Let them off with a warning,’ and no offence was attributed. Would keeping stats about appearances for causing assault or being involved in a fracas of some sort or other be useful or not? Would it give you an idea of what is happening, say, with the younger community?

Mr Jackson—We capture that when we talk about offences, because offences are offences which have been recorded by the police. Those offences may or may not get to court, to be honest. So the offences that we have there are certainly giving us a measure of the level of activity.

Mr CADMAN—They are not proven offences?

Mr Jackson—No, that is right. So they are offences reported to the police and recorded by them. In relation to whether offences are juvenile offences, when we have offender information or alleged offender information we would be able to attribute a proportion of those recorded offences to juveniles. I notice that my colleague Graham Waite is here. He will be appearing as a witness before you shortly. Graham is intimately involved in the juvenile diversion programs.

Mr CADMAN—Thank you. That is good.

CHAIR—There being no further questions, I thank you very much for your attendance. Your evidence has been most useful to us, and I commend you on the way you are developing the quarterly reporting figures. I think you are leading the nation in relation to transparency. So thank you very much for appearing before us this morning.

Mr Jackson—You are welcome.

[10.20 a.m.]

ROBERTS, Ms Jenne, Principal Policy Adviser, Policy and Community Liaison Division, Office of Crime Prevention, Northern Territory Department of Justice

CHAIR—Welcome. Would you like to make an opening statement?

Ms Roberts—I have an opening statement and I have a prepared submission for you. You have raised a number of questions during Stephen Jackson's presentation. With your permission, I will probably go through my own submission first and then come back to a number of issues you have raised, because some of them are things I was going to cover anyway.

CHAIR—That would be very good. Thank you.

A PowerPoint presentation was then made—

Ms Roberts—The Office of Crime Prevention was established in February 2002. The office is divided into two sections. One is the statistics and research side of the office, which Joe and Stephen have just ably represented. The other half of the staff of the office—there are 15 of us altogether—work on the policy and community liaison side. Our role is very specifically to work to develop crime prevention strategies and crime prevention initiatives within the Northern Territory.

The structure in terms of how crime prevention works in the Northern Territory is that we have a ministerial standing committee on crime prevention, which comprises the relevant ministers—police, justice, health and education ministers, and the Chief Minister sits on that committee too. We then have the Crime Prevention Committee, which is the CEOs of those relevant government departments as nominated by their ministers. So the Crime Prevention Committee consists of the CEOs of justice, police, health and community services, and education.

At this level you can see where the Office of Crime Prevention fits in. We work both with community organisations and with the NT government agencies across the board to try and ensure that the strategies that they put in place, particularly new cabinet submissions for new initiatives, are analysed with a view to what impact they may have on crime rates, criminal activity and fear of crime in the Northern Territory.

The office supports a number of regional crime prevention councils. Since February of last year we have established crime prevention councils in Alice Springs, Tennant Creek, Katherine and more recently Darwin, where their second meeting is on Thursday of next week. We are having early discussions with Nhulunbuy about a crime prevention council. We have also established Kurduju, which is an Indigenous regional crime prevention council that represents a group of four Warlpiri communities in central Australia. That initiative came out of Ali Curung, which is just south of Tennant Creek. The Kurduju committee operates similarly to a regional crime prevention council, although the Kurduju communities are Warlpiri communities who

have chosen to work together as a region. They are not necessarily a region that you would put a line around on the map as would be the case with, for example, Darwin or Katherine.

Working to the regional crime prevention councils we have got a number of local crime prevention committees. They are groups like the Esplanade Action Group or the Wagaman Residents Association: small, local, often suburban groups, some of which have been established for a long period of time and some of which have come out of Neighbourhood Watch initiatives. We are in the process of establishing local crime prevention committees in some of the northern suburbs of Darwin, although some of the northern suburbs have had local action groups for quite some time. Structurally that is how it works and that is how we relate to one another.

Crime prevention initiatives are reported on across government to the Office of Crime Prevention and we report up to that committee of CEOs, which meets monthly at the moment. The ministerial standing committee meets quarterly.

We have three roles. We provide evidence based advice to government and to the community about crime, the level of crime and criminal activity—the type of information that Stephen has just gone through with you. We also provide them with information regarding evaluations and the evidence base for crime prevention initiatives. We try to offer as much support as we can in terms of establishing and resourcing the regional crime prevention councils. We have two field officers within our office who work full time providing that support. They have been proactive in going out and establishing regional crime prevention councils. We also support community partnerships and initiatives. I will go through examples later, but they might be initiatives that do not necessarily come out of a regional crime prevention council but might be generated by a non-government organisation.

One of the things I will talk about here is the \$400,000 grant scheme. Each year we have a community grants program which provides \$400,000 in grants to the community. The next grant round opens on 1 July of this year. We have only recently announced grants for the second half of last year. A number of those grants are small grants, up to \$15,000, and they are usually for small local initiatives that target the particular crimes in that neighbourhood. A number of them, usually four grants per year, are what we call ‘targeted’ grants, which are larger initiatives, sometimes lasting more than a year. For example, the Real Justice Project, which I will talk about in more detail later, is something that we would fund under the targeted grants program. That is where our office has looked at the evidence, at the nature of crime in a particular area and at early intervention options. Then we have specifically worked up an idea of what we think will be an appropriate response in that setting and seek non-government agencies and other agencies in the government sector to partner with us to introduce those initiatives.

We also convene forums and seminars. That is part of our role of getting the evidence out there. For example, at the end of May we ran a two-day workshop here with two or three representatives from each regional crime prevention council and a number of other interested parties, like other people who work within the justice and non-government areas. We spent two days with that group, because people who are active on regional crime prevention councils also have their full-time jobs. For example, in Alice Springs you might be the chair of the regional crime prevention council but you are also the headmaster of the local high school. So we are aiming to ensure that the people who are contributing and participating in regional crime prevention councils have a really good background in crime in the Northern Territory, in ideas

about what works and what does not work—the kind of information that the staff in our office are privy to because we travel to interstate conferences or because we have access to the journals. We spend that two days distilling as much of that evidence base and ideas about things that have worked elsewhere and how they might be adapted in the Territory to the members of our regional crime prevention councils. We also included Neighbourhood Watch and some other local community action groups in that seminar.

The role of the regional council is very much to stimulate and sustain community involvement in crime prevention. We take very much a ‘local solutions to local problems’ approach in the Northern Territory, but it works two ways. They also feed back to us and to government and ensure that we remain in touch with what the community thinks will work, or what the community thinks is happening, in relation to crime in that local area. So it is very much a two-way exchange of information.

The other role that they play, the thing that they do for us which we are very appreciative of, is they help in the process of assessing those grant applications under the community grants scheme. For example, if three grant applications come in from the Tennant Creek or the Barkly district, we would refer those three applications to the regional crime prevention council and ask them to indicate whether they are in keeping with what they think the problems are in Tennant Creek, whether they are consistent with the regional crime prevention plan that they have for their region and whether they support that application.

Mr SERCOMBE—Because of the smallness of the communities in comparison with some of the larger cities in the state, do you ever feel there might be a problem with everybody knowing everybody and decisions being based on personal views rather than on a scientific basis?

Ms Roberts—Yes, we do. Inevitably, there is conflict of interest. In each of the grant rounds that I am aware of there has been somebody sitting on the regional crime prevention council who is also part of a grant bid because they work in local human services. They declare their conflict of interest and leave the meeting during the discussion of that item. But they are very small towns—some of only 2,000 to 4,000 people—and people do know each other. While there may be issues around that, on the other hand people know which services are functional and which ones are going through a bit of a dysfunctional time—where their board might be in a bit of disarray or whatever. So I think that local knowledge has worked in our favour.

People live in small towns and they are quite used to having professional differences with each other although they might be neighbours and even quite good friends. I have been at regional crime prevention council meetings where members have taken issue with points and things that other members support but they seem to do it in a pretty jovial sort of way. They are not backward about coming forward if they think something is in someone’s self-interest rather than in the interest of the committee. The people who sit on regional crime prevention councils all do that on top of their regular jobs and they do not get any payment. They are there because they are genuinely interested.

Ms PANOPOULOS—I will follow on from that. You mentioned earlier that one of the main objectives of these regional councils is to have local solutions to local problems. What happens when a local problem is not really perceived to be a local problem? For example, I have a particular interest—especially since we have had such discussion about it in the national media

of late—with regard to child sex abuse. I am interested to know what the unit's attitude is, and what some of the attitudes coming out of the regional councils are, to, for want of a better phrase, culturally enshrined paedophilia. How is that dealt with at all? Have you come across any initiatives from the regional crime prevention councils to deal with that?

Ms Roberts—You may be aware that we are having an inquiry into customary law at the moment in the Northern Territory. One of the many issues around customary law is the promised bride system, which might be what you are referring to. That is really complex and it is different from community to community. Obviously, we have child protection legislation here, as in other places. The issue for us is more about whether or not something comes to our attention.

Ms PANOPOULOS—In my eyes—I am a simple country girl from Victoria—it is quite simple: sex with a child is paedophilia; it is against the law. I want to know whether there is anything proactive happening. From what you say, the regional crime prevention councils do not do anything proactive to try and find out where the law is being breached with regard to Indigenous children.

Ms Roberts—The regional crime prevention councils have not. I cannot think of one specifically that has taken that up as an issue.

Ms PANOPOULOS—Which is extraordinary; absolutely extraordinary.

Ms Roberts—Yes and no. Their role is not to investigate crime; their role is to look at crime prevention.

Ms PANOPOULOS—Have they ever raised it as an issue? Have any of them raised it?

Ms Roberts—The Indigenous Crime Prevention Council, which is well established—the Kurduju Committee—has. Two of the chairs of the Kurduju Committee are also sitting on the customary law inquiry. That has been discussed in some detail there. On the investigation role, we have mandatory reporting for suspected child abuse and neglect, which includes sexual abuse of children. Unlike, say Victoria, everybody here is mandated to report—everybody. You do not have to be a doctor or a teacher; anybody who suspects abuse is mandated to report.

Ms PANOPOULOS—Is there different treatment of reported cases of a child who is white or a child who is Indigenous?

Ms Roberts—There are different ways of investigating that. We have a joint investigation between Family and Community Services, the child protection people who have that statutory role, and police. The thing is that a lot of things do not get reported from remote communities. If the community is aware of it, the issue might be dealt with under customary law on that community. If it is not dealt with under customary law in that community, then it may well come to the attention of FACS or the police—and often does. Then they have a protocol for the way that they run that investigation, which includes an understanding of family and who is the appropriate person to go to in a family. People might hold knowledge but they might not be entitled to speak that knowledge, so that requires a level of understanding of whom to go and speak to in terms of investigating.

Ms PANOPOULOS—Okay; I will go back. The compilation of statistics and trends and the clarity of them is quite good, but my concern is this hidden problem and that there does not appear to be a proactive approach to protect Indigenous children, particularly Indigenous girls, from sex abuse. People can use fancy titles and talk about access and who has information et cetera, but the simple reality appears to be that there is different treatment. If you are a white child, a white girl, you can have the full protection of the law and there are investigations, there is a proactive approach; but, if you are an Indigenous child, you are not accorded the same protection by the law. I find that extraordinary.

Ms Roberts—We have one law and you are afforded the same protection under the law. The difference lies in whether or not things come to the attention of the police here.

Ms PANOPOULOS—Exactly; ‘things come to the attention’.

Mr CADMAN—You did say it was dealt with under customary law.

Ms Roberts—If it is dealt with under customary law, they might not report that to the police.

Ms PANOPOULOS—But knowing this is a problem, knowing this is an issue, surely it would warrant some resources for investigation. We have \$100,000 going to the regional crime prevention councils, \$400,000 to the grant scheme, which is great and I am sure some of those programs are useful—and obviously the government throwing money like confetti around the place shows the community that the government cares about crime prevention. But when it comes to this issue I just want to know what, if anything, has been done in a proactive sense to investigate it. Nothing that I have heard so far indicates that there a proactive approach. Do you just leave it until someone says, ‘There’s a problem. Can you please look into it?’

Mr CADMAN—We need to focus on questions.

Ms PANOPOULOS—Is anything proactive being done?

Ms Roberts—Since 1995 we have had in place a whole-of-government sexual assaults strategy, and there are Indigenous child protection workers. We have what we call community welfare workers, who are Indigenous people who live on a community and are trained and then paid on a retainer basis by Family and Children’s Services. They are the local people on the ground who have that local knowledge about what is happening, and they often bring to the attention of FACS or the police sexual assaults that they are aware of. Obviously if a sexual assault is reported we become aware of it, but the other way we become aware of it is through notification of notifiable STIs. For example, syphilis, gonorrhoea and those types of things are all notifiable in the Northern Territory. If a notification comes up through the clinic, then immediately it is investigated and passed on to police and to FACS.

Mr CADMAN—Have you finished your presentation?

Ms Roberts—No.

Mr CADMAN—Could we just go back and finish the presentation, please.

ACTING CHAIR (Mr Murphy)—I was going to suggest that.

Ms Roberts—What I was talking about at the time was the regional crime prevention councils and what our role is in terms of supporting the councils. We provide them with some administrative funding, in the form of \$5,000 each year. Usually the crime prevention councils will have a particular program that is being funded under the grants program. For example, in Alice Springs we have funded a child and youth safety strategy. They have got a full-time worker, working on developing that. The strategy will be finished by June this year. There are also other examples of things that we fund in those areas. We provide two field officers, who work full time to support the regional crime prevention councils. We have just, under the recent budget, had an allocation—

Mr CADMAN—It would be useful if you could provide us with a list of the types of programs. Could you do that?

Ms Roberts—Yes, I will.

Mr CADMAN—That would be good. Thanks.

Ms Roberts—We have been allocated an additional field officer in Alice Springs, who will work from there to support the Alice Springs and the Tennant Creek crime prevention councils. We have here some of the examples I was going to talk about of things that have been funded under those crime prevention grants.

The first is the Paradale Community Diversion Scheme. You have been out to Wadeye, so you might have heard about that in more detail yesterday. The Paradale scheme is situated on an outstation, out from Port Keats and out from Peppimenarti. It takes up to 12 youths at any one time who have been diverted. So they move out of the larger community to that homeland and then they work with elders. There is a group of elders out there, particularly men, who work with young people. It is a restorative approach, and so the things they have young people involved in are, say, building stock fences or doing maintenance and repairs to housing in the community, maybe gardening jobs and that kind of thing. They take up to 12 youths at a time, although they do not always have 12 there. On a regular basis, when they have got a reasonable number of young people there, they also take them on cultural camps. The aim of that is restoring the kids' sense of knowledge of and respect for what their traditional law and culture is.

Mr CADMAN—So you actually fund the diversion programs, do you?

Ms Roberts—Police fund juvenile diversion—

Mr CADMAN—You are taking it under your wing as if you do.

Ms Roberts—We have funded an additional component of a diversion project, which is the Paradale project. It is really small; it is an outstation. You would have seen Wadeye, but it does not have the community development in that.

Mr CADMAN—I understand, but we need to understand where the lines of responsibility lie. That is all.

Ms Roberts—Sure. We are talking about \$12,000, say, for that project. The next one we have funded is the Western Desert Workshop. That project is taking place at the moment in Mount Liebig and Kintore. The project is specifically to address petrol sniffing and issues around antisocial behaviour, particularly assaults by young people who are petrol sniffing. The project is funding an Indigenous musician and musical producer to work with young people in those two communities. They employed a project officer to do some analysis with them around when petrol sniffing is on the rise and when it is mostly a problem in those two communities, and they have identified that the time of year—I noticed you were interested in seasonal happenings—when there is the biggest petrol sniffing problem in those two communities relates very much to when school holiday time. We are coming up for our long dry season break in about two weeks time, so the kids will have four weeks leave from school. This time last year, they had a really big petrol sniffing problem in that area.

They have done that background work. They have got a reference group of elders who are working with the musician and the project facilitator. Over the few weeks of the school holidays, in those two communities they are running music workshops with young people, hoping to explore through music their feelings, their response to the situation that they find themselves in and their reasoning for why they are involved in petrol sniffing. They are going to produce some CDs, one for each community, mostly with rap music—because that is what the kids there are into—about the petrol sniffing.

Running concurrently with that is some work that the rest of the community is doing, particularly the older people in the community. They have started painting some canvases telling the story of how the petrol sniffing affects that community—the ripple effect and the implications of the crime and the antisocial behaviour that is committed under the influence of the petrol sniffing, and the heartbreak that is caused by seeing what is happening to their kids—and showing what the implications are for the community.

Once the young people have recorded their material and told their side of the story, the rest of the community will have a joint workshop with the young people where they will have a formal exchange of what they have produced. They will formally exchange the music for the paintings. It is anticipated that the paintings will become the cover design for the CDs and that that will facilitate a restorative process and some understanding amongst the community and the kids who are involved in petrol sniffing about the impact it has on their community.

One of our other initiatives is the Aboriginal men's reference group. From the information Stephen has provided you and the quick look you have had at our incarceration figures, you will see that upwards of 70 per cent of our prison population is Indigenous men. That is a gross overrepresentation. So our office has started meeting informally with influential Aboriginal men in the community in the Northern Territory who are as concerned as us about that overrepresentation. More formally we are working on the Aboriginal justice agreement for the Northern Territory, and I guess this runs concurrently to that. We have established as a reference group the men whom we were having those informal conversations with, getting feedback and ideas from them and sharing concerns. Our policy and community liaison team now has them as a technical reference group to the office. Our first formal meeting with them is to be held in the next few weeks over lunch. Their role is very much to reality check what we are doing and what they see happening in the community and to give us feedback like, 'Why don't you try this' or, 'If you try this we would have to modify it in this way so that it would work culturally with

Indigenous men.' We have found that having this Indigenous men's reference group for the office has increased our depth of understanding about what is going on from that point of view, why they think Indigenous men are overrepresented in the prisons and what they think can be done about it. So we are finding that extremely useful.

I will talk you through the other crime prevention initiatives. For example, Youth Beat in Darwin and Palmerston has been funded \$320,000 this year. Youth Beat is a youth night parole. There was grave concern about the numbers of young people, particularly in the urban areas, who are out on the streets at night.

CHAIR—That is enough description. Just keep moving through them, if you wouldn't mind.

Ms Roberts—Sure. If there is something you want to know more detail about, just pull me up. I might talk then about the S8 Drug Monitoring because it came up earlier. You recall asking particularly about prescription drug offences and heroin. We have about 300 to 400 known opiate users, mostly receiving MS Contin, almost exclusively in the Darwin, Darwin rural and Palmerston areas. We do not actually have a heroin or an MS Contin problem per se outside of this Darwin area.

The NT government undertook a review of illicit drug use in the Northern Territory. That report was finalised and released in September of last year. A number of initiatives have come out of that, one of which you are specifically interested in, which is what we are doing in terms of the MS Contin use, which is our version of the heroin problem, if you like, up here. We have developed clinical guidelines for doctors who are registered as S8 prescribers—and there is only a very small number of those doctors now in the Northern Territory. So the doctor shopping issue, which has been a problem here in the past, is now resolved because if you are not a registered S8 prescriber there is no point in people doctor shopping.

We have appointed a poisons inspector to manage the new regulatory system, particularly around the prescription of MS Contin. We have employed two new doctors, one who is a drug and alcohol specific doctor and the other a doctor who is also a pharmacologist. That doctor is working part time on this. The other doctor is full time. Their role is to provide expert advice and support to those registered MS Contin prescribers and also to provide support to that alcohol and drug rehabilitation unit.

Mr CADMAN—That is a good description. I think I had better hold you there; we need to ask some questions.

ACTING CHAIR—What are the criteria for obtaining a grant under the \$400,000 crime prevention scheme?

Ms Roberts—I have brought a folder with me that has all that information in it so that you can take it away with you. Just quickly, it has to specifically address crime prevention in the applicant's local area. So you have to link the activity that you want funding for to either an early intervention activity or the type of crime or antisocial behaviour that you are addressing. You need to be auspiced if you are a community group that is not incorporated. Basically, they are the criteria—we try to make it as accessible as possible.

Mr CADMAN—With that list you are going to give us, have you got a list of the organisations?

Ms Roberts—I have the press release that includes what was funded under the last grant round.

ACTING CHAIR—Can you briefly tell me a little bit about the activities of the two field officers who support crime prevention activities in the Territory?

Ms Roberts—Very briefly, they have done a lot of work in setting the councils up—as you know, we have been operating for less than a year and a half. They have met with groups that are working on relevant issues, such as retailers associations or Neighbourhood Watch groups, for example, and they have then approached them about taking on a regional crime prevention role in partnership with other stakeholders. I suppose they have then worked with the local people to identify who the other stakeholders might be. Often, it might be people like those who hold hoteliers licences in that town or who are involved in the chamber of commerce or the local city council and then the local schools and sporting organisations. They have been bringing people together a lot and they have then been establishing the crime prevention councils.

The other role that they play is actually working with community groups to develop their grant applications. The decisions about who gets funded are made completely outside of the office. Our role is to administer the grants, but the decisions about what gets funded are made by those two top layers of the structure that I showed you—the crime prevention committee makes all the recommendations and assessments about what gets funded and the recommendation is made to the ministerial standing committee. That means that we know we are not going to have any role at all in deciding what gets funded and so we can put a lot of energy into making sure that groups have got their applications well thought through.

Mr MURPHY—That is very comprehensive; thank you.

Dr WASHER—The biggest quantity of money you allotted—as shown in the last slide you showed us—was \$670,000 for school attendance measures. To me, that is the most important thing. We were out at Wadeye, and for the number of children they have their attendance rate is very poor. To add to that, the anxiety is that, when you have kids that cannot read, count or measure and cannot write something down, you have then got yourself a major problem in the future because these people are totally unemployable—they are totally disabled and handicapped and so they have no future opportunities. What success are you getting and what are you doing in that program?

Ms Roberts—The program is called the Student Enrolment, Attendance and Retention Strategy. It has been initiated under the current government. We have employed two school attendance officers. One is based in Palmerston and one is based in Alice Springs. We have just recruited a third school attendance officer, who will be working in the northern suburbs area of Darwin. I suppose people envisage someone like a truancy officer whose role is to nab kids on the street and take them back to school. That is not actually the approach of this strategy.

Over the past few months, they have been determining who should be enrolled in the school and is not, and who is enrolled in the school but attends irregularly and then working out what

the issues are around retaining kids, particularly in that important transition from primary school to high school, which is where we lose a lot of our Indigenous kids, even in the urban areas. They have then been working with the Aboriginal liaison officers in the schools on going to that family, sitting down with them and asking, 'What are the obstacles to your child being able to attend school? Why don't they go? Is it because they're not interested? Is it because their home life is not conducive? What is going on for that family and how can we resolve those things?' They have not been walking around the streets and grabbing kids on the street and sending them to school when they might not have been at school for six weeks or six months.

It is only a very new program, but I was at one of their meetings last week and they were saying that, in Palmerston, of the kids who should be enrolled and are not, they have 23 per cent back attending school. They have only been operating for less than two terms, so they are doing quite well. One of the things they are finding is that, once kids have been irregular attendees, if you try and send them back to school they cannot reintegrate into the school environment. They are so far behind in terms of their learning that it is quite horrific for the kids sitting in the classroom. As you say, their literacy and numeracy is not up to scratch. They have a reintegration stream within the high schools which is, if you like, a stream within the school. Sanderson High School has been very involved in doing this. When children are first coming back into school, there is a catch-up class where a full assessment is done on the child's numeracy and literacy. A full assessment is also done to see whether there is anything like epilepsy or dyslexia that might be affecting the child, and then they are moved back into the mainstream school classes over a period of time. That is how that is working. Over time there will be eight school attendance officers.

Dr WASHER—That is terrific. I think that is the most important thing of all.

CHAIR—Following up on what Dr Washer has had to say, we heard some evidence in Geraldton in Western Australia that, where there were problems with truancy and the congregating of Indigenous youth whom they would take back to their homes, one of the problems was that they were very violent homes. One of the reasons that the kids were not in their homes was to get away from the violence. Do you have similar evidence here and do you have policies to deal with it?

Ms Roberts—We have a very similar situation to that here. I talked briefly earlier about a problem we have concerning kids on the streets at night. Often there is a good reason why those kids are out on the street at night—it is safer and calmer and saner than it might be at home. Obviously I do not have figures on that, but I can speak anecdotally. I have been out on some of the youth night patrols myself so I have certainly seen in action that situation where home life is just not conducive to kids being able to function in school. Particularly with the Indigenous kids, they have been looking at things like saying, 'You've got a large extended family. There is somebody in your family who can care for you. Who can you identify in your family network who has a lifestyle where you may be able to live with them, particularly during the week, so that it would allow you to get to school?' That is then negotiated with the consent of the extended family.

CHAIR—How are you going to deal with that in a situation like we heard about in Wadeye—Port Keats—where the average number of people living in a house is in excess of 20? How do

you then deal with making it conducive for a child not only to go to school but to do things like homework?

Ms Roberts—Some of the schools have introduced school feeding programs. One of the things with kids who live in really chaotic households is that they are hungry and a great incentive to come to school is that there is a feeding program at the school. The other thing is that they have a homework club that usually operates two or three afternoons a week for an hour. There is not a big expectation that children will do homework at home, but that they will stay at school. Actually, a lot of kids choose to do homework club because it gets homework out of the way rather than having to take things home. As you say, even if the kid is trying to do homework at home, often it is really difficult. They just do not have an environment where they can do that. There are some good examples of things in place—for instance, Ngukurr, which is a community down in the gulf country near Borroloola. Ngukurr has a great community library and arts centre. The woman who runs the arts centre has set up the library so that the kids can come and do their homework and use that little community library in the afternoon. It is not formal and it is not funded by anyone; she just encourages it.

CHAIR—Just go to that question of hunger. That was a question that came up yesterday in evidence quite a lot, that many of the kids would break and enter to get food if they knew food was there—that they were literally hungry—and that one of the things that adversely affected the community as a whole, as a result of crime committed, was that there was a situation in the school where they would provide meals for young people but vandals trashed it. That meant they could not leave food there any more, which meant that the very community itself was missing out. The crime was penalising them themselves. There was a great feel that people who create property crime which disadvantages the rest of the community should be made to make restitution in some way. Have you looked at policies along those lines?

Ms Roberts—Not in my current role in the Office of Crime Prevention, but, as Stephen mentioned, my background is in public health. I worked with the Department of Health and Community Services here for eight years prior to working in crime prevention, and in that capacity we did quite a lot of investigation. We have a program here called the Growth Assessment and Action Program, which is about measuring and assessing the growth of children in communities and then taking action to pursue that. In our Indigenous communities here we have failure to thrive and wastage rates in children that are akin to the rates in Bangladesh, for example. Our rates of repeat hospitalisation, particularly for kids under the age of five, which are related to malnutrition and diarrhoea—those two things are generally linked in our Indigenous communities—are extraordinarily high. So that Growth Assessment and Action Program has really done a lot of work around trying to secure food supply in remote Indigenous communities.

CHAIR—The other question that has come up in other areas is hearing, for which I used to have responsibility. Quite frankly, Australian Hearing Services do not seem to reach the Aboriginal communities effectively. Hearing does seem to be a problem among Indigenous children—lots of middle ear infections and so on, which eventually impair their ability to hear and, therefore, to learn. Is there some way that those programs can be enhanced to reach those children, so that when they do get to school they can actually hear?

Ms Roberts—We have got a huge otitis media problem in the Northern Territory in Indigenous communities. We have got two programs running here: one is the Aboriginal Hearing

Program, which is run through the health department and also has resourcing from the Commonwealth through OATSI, and the other is run through the Menzies School of Health Research. That is an action research program, particularly around hygiene and related hearing issues. The component of that that I know most about is actually through child-care centres and creches, because that is one of the programs that I worked on—and that my daughter was a research subject in. So obviously I know about that one. But it really is a huge problem. There has been a lot of specific work done in the Tiwi Islands with three of the Tiwi Island communities, where—

CHAIR—We are going to Bathurst Island tomorrow.

Ms Roberts—When you go to Bathurst, you might want to ask them about their otitis media study. A lot of their results have not been released yet, but the preliminary data is all available. What they have looked at is the number of ear infections in the first six weeks of life—the proportion of children who have had ear infections within that first six weeks is extraordinarily high, much higher than you would find anywhere else, even in the Territory, probably. There is a lot of cross-infection. They have just started to generate that Tiwi Island project with the Menzies School of Health Research, and it has just started to generate some information about what the perforation rates are by the time kids get to school. You are looking at about eight out of 10 kids having at least one if not two perforated eardrums by the time they start school at the age of five. So they have huge problems in hearing.

Mr SECKER—What sorts of benchmarks are there, and how have you set those benchmarks to properly evaluate whether your strategy is working—whether your unit is not just on a big spending spree that makes everyone feel good?

Ms Roberts—We really pride ourselves on not being an office of photo opportunities, and partly the way that we do is through having probably the best statistics unit that you will find in the country. As you would see from the information that Stephen has provided to you, we can do pretty good monitoring of what is happening because of the statistics support that we have got within the unit.

I suppose the other thing is that things are different in Northern Australia—not just in the Northern Territory but across Northern Australia. Often, the evidence base for what works comes from New Zealand, Canada, the United States or the United Kingdom. That is where we draw a lot of information from. The United Kingdom and the United States have done a lot more work than Australia in terms of evaluating crime prevention initiatives. So, obviously, we look at their evidence base. But we also work closely with the Australian Institute of Criminology. For example, Peter Homel was working with us up here less than two weeks ago. As you know, his background is very much in the evaluation side of things. So, even though we are isolated, we try to keep current and make sure that we have that kind of expertise feeding into the office.

Mr SECKER—I am not sure that you have answered my question about the benchmarks. What sorts of benchmarks do you have and how have you set them?

Ms Roberts—It depends on the area. Take, for example, the school attendance and retention project. We are benchmarking off trends over the last five to 10 years. We compare the ABS estimated resident population data with what the school enrolment is within particular catchment

zones, and then we benchmark against what the attendance has been over the last few years. You are probably aware of the Collins report—the inquiry into Indigenous education. It has provided us with a lot of baseline data about what participation in schools is and thus what we should reasonably expect it to be.

Mr SECKER—Tell me what a reasonable expectation is. Some people, if they were in the community we were in yesterday, might say that 50 per cent would be great because at the moment it is about 10 or 20 per cent. Are you setting targets to say that you want it to be equal with the non-Indigenous population?

Ms Roberts—We are very focused on reducing that disparity. You will find that across the board in the Territory. Take, for example, the difference in life expectancy. Our emphasis is really on reducing the disparity. You will see that again coming through in the Indigenous Economic Development Strategy for the Northern Territory.

Mr SECKER—I am not sure how that actually relates to crime.

Ms Roberts—Obviously, each project has its own evaluation framework, and you would benchmark it depending on what the project was. If you give me an example, I can tell you what we have done with that particular project.

Mr SECKER—What about marijuana smoking in Indigenous communities?

Ms Roberts—What would be the question—how much we intend to reduce that by?

Mr SECKER—Yes.

Ms Roberts—We have not set targets like that.

Mr SECKER—That seemed to be a serious problem in the community we went to yesterday.

Ms Roberts—Yes. I am not trying to dodge it, but that is more a law enforcement issue at the moment. Whereas what the Office of Crime Prevention is really focused on is trying to build the resilience of kids—do the intervention early in their lifespan and also early in the trajectory towards offending.

Mr SECKER—So your crime prevention is not about trying to stop marijuana from coming into the Wadeye community; it is about trying to teach the kids that it is not a good thing to use?

Ms Roberts—Crime prevention is definitely about that.

Mr SECKER—About what, sorry?

Ms Roberts—It is definitely about taking that long-term approach to addressing the risk and protective factors with kids and also with people who are already offending—say, working on rehabilitation programs within the prison and then on release from prison. One of the examples I put up there was the prisoner reintegration project. Whereas the day-to-day law enforcement of what I guess you might call crime reduction is really the bailiwick of police.

Mr SECKER—So, when you talk about crime prevention, it is not about trying to stop the crimes from occurring at all?

Ms Roberts—It is not about trying to stop individual crimes occurring on an individual basis. We definitely have a population focus.

CHAIR—What you are trying to do is prevent young people from turning into criminals.

Ms Roberts—That is a big part of what we are trying to do. We do some local initiatives, which might be, for example, improving lighting and design in a local shopping centre, park or other place where young people—

CHAIR—To stop graffiti, assaults and so on.

Ms Roberts—congregate after hours—that type of thing. That is done very much at a local level. But our long-term focus is very much on early intervention and prevention.

CHAIR—I think that, on that note, we will have to thank you very much for being with us and for the evidence you have given us today.

Ms Roberts—You are welcome.

[11.09 a.m.]

WAITE, Superintendent Graham Richard, Juvenile Pre-Court Diversion Scheme, Northern Territory Police Force

CHAIR—I welcome Superintendent Waite, who is going to talk to the committee about the Northern Territory juvenile diversion programs. Thank you for taking part in the public hearing today, Superintendent. Would you like to make an opening statement?

Supt Waite—I guess everyone here is aware that the Juvenile Pre-Court Diversion Scheme stemmed out of mandatory sentencing in the first instance and out of an agreement between the Commonwealth and the Northern Territory at the time, which was made back in April 2000. As a result of that, \$20 million in funding over four years was forthcoming from the Commonwealth. That is \$5 million a year, of which about \$3.8 million goes into the diversion scheme and about \$1.2 million to the Aboriginal Interpreter Service. That is just in round figures. The scheme started on 1 September 2000 after considerable discussion with the Commonwealth on the terms of the agreement. Under the terms of the agreement, we are required to offer diversion to all juveniles who commit a minor property offence under the value of \$100. The rest of the offences rely on the discretion of police as to whether they offer diversion for those offences.

The scheme comprises a system to divert children from the formal justice system. At the moment that comprises verbal warnings, written warnings, family conferences, victim-offender conferences and programs. There are also community youth development units that have started up. Some of you would have seen or spoken about that in Wadey yesterday. Generally, a verbal warning is given for a trivial offence where there is no need to take it further. For example, it could be just throwing rocks on a roof, which may technically be an offence but the child could just be given a verbal warning and sent on their way. That is recorded so that the child is not continually getting those lesser forms. I should point out at this time that, when we first started, somewhere around 40 per cent of children were getting verbal warnings. We found over a couple of years that they were proving to be ineffective, and that we were seeing the same kids again for verbal warnings. That is now reduced to about 3 per cent receiving verbal warnings. The written warnings are more about involving families in the early stages for these minor offences. For example, it might involve a first time shop stealing, in which case the parents would be contacted and the child taken home. A notice is given to the parents—just a written warning—which encourages further parental responsibility and establishes that some unruly behaviour has been occurring.

That is generally how we deal informally with kids where there are fairly minor offences. We then start to move into family conferences, which we are more concerned about. In fact, we would like to see probably the majority of our offences dealt with by family conferences or victim-offender conferences. In a family conference, the family attends and it is facilitated by police. An assessment is carried out beforehand about the core issues surrounding that child. As a result of the family conference, it may sometimes be that the child will enter conditions such as they will stop hanging around with certain other children or will undertake a self-imposed curfew—those sorts of things. In some cases it might involve a program—or in some cases one or two programs—that the child will attend out of the conference. The last one is the victim-

offender conference, which involves the victim attending. About 10 per cent of our cases involve victim-offender conferences. We would like to see a lot more of those; we would like to see that percentage much higher. Generally, we find the victim-offender conferences give the victim an opportunity to express their feelings, get things off their chest and understand why they have been targeted. More importantly, it gets the juvenile to understand that when they broke into a house, for example, they did not just break into a stone structure where no-one lived; they broke into someone's life and there are consequences for those people into the future.

CHAIR—Do they care?

Supt Waite—In some cases, no. The overriding influence is that many of the children we deal with may well be sorry at the time of a conference, and may even be reduced to tears and, as I said, genuinely upset and genuinely thinking that they will not commit offences again, but they return to an overpowering environment. That environment could involve drugs or alcohol, or sexual or physical violence, but even more prevalent is a lack of support, affection and all those things that many of us would take for granted. All those things—such as supervision and control—are lacking in their lives. We often find that many of them are just overpowered by that environment. Despite their best intentions they cannot climb out of it. We can put children onto a program which might be after school for, say, six hours a week or something of that nature but, once again, the remainder of their hours are spent in that environment.

That is the negative side. The positive side is that we have some fantastic successes with our programs and conferences. But I have to admit that in many of these cases some of the children are almost irretrievable, often because it is too late in the process. In other words, they are around 14, 15 or 16 and all the mechanisms have been put in place in their lives by then, and they are extremely hard to overcome. You could put a caseworker with them for 12 months, in some cases, or with their family, and you may not have a great impact.

This brings me to the programs. We have a very flexible scheme and that has been to our advantage because we have been able to change direction. We started off with victim-offender conferences similar to those in other states and soon found, as I have spoken about, that many of these children returned to these environments and we were not having an impact. We then established that we needed to introduce programs, have thorough assessments with these children to look at the core issues that were affecting them and develop programs. Currently, we have about 149 programs registered across the Territory in 42 communities. Many of these programs are successful, and many are not so successful for a whole range of reasons. It may be that we refer children on an ad hoc basis or it may be that they are not well supported or do not have staff that are well skilled. So a whole range of issues affect them, and I am sure that in a moment you will have questions about Indigenous communities and the sorts of issues that affect the success of programs there.

Those programs could involve counselling or getting them involved in sport or education programs. Sometimes it is work for the victim. We find that that is very effective, where it is appropriate, of course—for example, a child might break into a school. We would love to see in those circumstances that a victim-offender conference is held and the child, if it were their school, attends after school for a few weeks and does something in return for the school. In some cases it has involved shopkeepers—the child may have broken into a store. We have spoken to the shopkeeper, who has attended the conference, and then they have said, 'We will offer this

child employment,' and the child will work for that person for a period of time. There was one case I can think of in a remote community where two children were put into a store. One of the children reoffended within days but the other one was still working for them and not reoffending after a few months. There are many examples I can give you, but there are also many examples of failures, for a number of reasons.

To complement this whole process, we have trained about 84 per cent of our police force—all operational members—in the principles of diversion. We have trained 233 police officers in victim-offender conference facilitation. In our first 2½ years, we conducted over 1,000 of these family and victim-offender conferences. We have placed about 400 children in formal or informal programs. There are generally about three types of programs: a personal program which generally involves just family and personal consequences such as, as I said before, the curfew and those sorts of things; the registered programs, which are provided by a service provider; and informal programs, and often they are our most successful. In other words, if we cannot find a registered program, we start thinking about a range of things that might be done with that child. It may be that they have to help out other people in their community by doing community service work or they may have to attend a sporting program—one that is not registered but which we have arranged with the coach—those sorts of things.

To complement all this, the first thing we discovered with having two juvenile diversion units in the Northern Territory, of which there are about 11 police officers serving and five other staff—project officers, program officers and so forth—was that it pretty much overwhelmed us to start with, because some of these children can take over 100 hours of personal interaction in their case management. In the major centres of Darwin, Katherine and Alice Springs we contracted case management services—in Darwin it was the YWCA, in Katherine it was the YMCA and in Alice Springs it was Relationships Australia—to assist us with the case management of these juveniles and the mentoring of them. When a child in one of those major centres comes to a conference, there would be a joint assessment carried out, with police and the organisation, of the child and their family. They then attend the conference with options, so we have a conference where we know a number of options are available in terms of programs. The conference is conducted and the child may be referred to a program or a number of programs. The job of those organisations then is to go away with that child and case manage them through the process and report back with police once a week while we talk about whether the program is effective or whether the child is starting to reoffend again or not.

In some cases we have some of these children who will continue to reoffend although they are on a program, so we have to be dealing with two situations, if you like—one in which we are trying to keep the child in the program for those offences for which they are there. Depending on the seriousness of the other offences that they are continuing to commit, we then try to pull the two together. In some cases we have another assessment—we bring the child in and we treat them for the other offences—but in some cases, of course, the child is saying: 'Thank you very much. There are no consequences here.' In some cases about five per cent of our children are electing to go to court, quite simply because they would see that as having fewer consequences than attending a program, a family conference or those sorts of things.

CHAIR—We have also heard—and we heard this yesterday—that some kids quite like to go to jail. They get a warm bed, they get food three times a day and when they come back they say,

‘Jailbird, strong.’ The evidence was that they got strength out of going to jail and they would prefer that to any of these programs.

Supt Waite—That is very true. In one case I know of in Wadeye, where you have been to, a child walked out of the court and smashed the windscreen of a car outside—

CHAIR—So he could go back in.

Supt Waite—because he was quite offended that he did not get to go to Don Dale. It is probably less prevalent now. The impact in places like Groote Eylandt, where that was very prevalent, is far less prevalent now. There is still a smatter of that in Wadeye, but I think it is less prevalent. We are gradually making inroads into it, but it is hard to tell at this early stage—we are 2½ years young, I like to say—because it is very cyclic. At the time it is very easy to start up again, but there is no doubt at all that some children see that as a badge, I guess, and they are actually greeted on return to the community as heroes to some extent. But, yes, you are right: the message that is out there is that you get good meals, you get looked after, you get a clean bed and you get to build your muscles in a gymnasium. But I would not try to paint a negative picture right across the board. There are some that do it but, generally, the two communities would be Wadeye and Groote Eylandt, in my experience, where you see more of this.

CHAIR—There was one other phrase that was given that was quite meaningful. They said that there was somebody there 24 hours a day to pay attention to you and to look after you. I thought that was quite telling.

Supt Waite—It certainly is. I do not want to be too negative about some of the communities, but some of them are quite dysfunctional. I heard it mentioned this morning that when you have 20 children in a house, you have health problems, kids not going to school and just the dysfunctional nature of kids walking the streets of a night-time—there are no activities during the day, no school or what we would take for granted—they would see their sport and recreation as stealing a car or breaking into a shop. They are not necessarily thinking criminally about these things—in fact, their sense of right and wrong is a different perception to ours. It is one of adventure, I guess. They are saying, ‘Life is so boring.’ I guess that is the way we look at it with our community development units and programs. It does not matter whether you are talking about petrol sniffing or—

CHAIR—With respect, in very affluent parts of metropolitan Sydney you will hear young men in particular talk about boredom. I think we have to be careful that we do not make boredom a cop-out that is somehow peculiar to particular communities. It is something that is used as an excuse right across the way. I was impressed with a lot of the work that the people in Wadeye are doing.

Supt Waite—I hope they gave us positive comment.

CHAIR—I found that there was a very good relationship between police and the elders. I found that, particularly, the women’s centre was looking at a whole range of issues which are very impressive. Sure, they have problems, but the housing problem has to be problem No. 1. The expectation is that with their birth rate—and that is another problem—the average number

of occupants per house will rise to 23. They will only get 10 new houses a year, when clearly they need many more.

There are other people who are dealing with the problems, but the problems are huge. You say that there are 400 kids on the juvenile diversion programs. My colleague Mr Cadman pointed out earlier today the stats published by the Northern Territory government show that the number of Indigenous prisoners has risen continually since 2001: from 431 to 540. That is quite a dramatic increase at a time when these programs have been introduced and were meant to bring the rate down. We heard evidence that maybe 40 per cent of those cases would be for assault and are therefore not applicable to the programs of precourt intervention. Would you like to comment on that?

Supt Waite—Are you saying that assault is not applicable for juveniles for precourt—

CHAIR—I am saying that 40 percent of the Indigenous people who are in jail at the moment could be there for assault type offences. I do not know whether they are adults or juveniles, but I do know that the biggest section of offenders right across the country are males between the ages of 17 and 25. As I understand it, your precourt programs are only available for property related offences. I do not know whether this figure of 540 relates to adults or whether it relates also to 16-year-olds and 17-year-olds. I do not know whether 18 years is the cut-off.

Supt Waite—I think I should clear something up. We generally have three types of offences that we view under juvenile precourt diversion. Those are: minor property offences, which must be offered diversion; what we call 'more serious offences', which are discretionary; and excluded offences, which cannot be offered diversion. Excluded offences are generally very serious offences such as rape, murder, armed robbery and serious assaults. So in some cases assaults are referred to the courts. But there are many cases that fall into that gap. I think about 80 per cent of cases where juveniles are concerned are the 'more serious' cases—in other words, they are not minor and they are not excluded; they are all discretionary—and about 60 per cent of those discretionary offences are offered diversion.

Mr SECKER—In relation to diversion, is there a criminal offence recorded against that person?

Supt Waite—No.

Mr SECKER—Is some sort of restitution to the victims forced upon the perpetrators of the crime?

Supt Waite—In some cases a restitution might be working for the victim, but I guess we have the same issues that courts have, because we are dealing with many people who do not have the ability to repay. In some cases, where they have the ability to repay, we enter into agreements. But when a child of parents who do not work steals a \$12,000 motor car and causes \$5,000 worth of damage, for example, there may not be that ability.

Mr SECKER—But if they pay \$20 for the next 10 years, they will realise that they are paying that and that it is their punishment. There are ways of doing it. One of the bits of evidence we heard yesterday was that the police were concerned—

Mr CADMAN—And we heard that from the council.

Mr SECKER—that it was just all too easy for the perpetrators to get away with going to jail—three meals a day and you come back a hero—and not having to pay anything. Even if they were charged \$20 a week that would be something they would feel. If they have done \$5,000 worth of damage, that is five years worth—and that is something they will get from it. I think there is a very strong feeling that there should be more emphasis—fairly—on the victims getting their money back in some way or another and on the perpetrators having some financial pain. Even if it is a lot smaller than for someone who is earning \$50,000 a year, there should be some sort of pain for them.

Supt Waite—My personal view is that I would have no disagreement with that. I think we would all like to see that done, but the reality is that 90 or 95 per cent of these children do not have the capacity to pay \$20 a week. Then that would be hanging over their heads for a period of time. Where do we switch off the diversion? Generally, we enter into an agreement to say that they will stay out of trouble for six months, but many of these kids do not. We would end up with the diversion being washed out by the number of kids who reoffend. Sometimes we have to take steps with them. In other words, if on the first occasion we try a program and it does not work, we might try another one six months later. With many of these kids the changed behaviour is by gradual increment. As I was saying before, they return to environments where they are overpowered by the environment they are in. Our principle is one of changing behaviour, not of punishment, although I take on board what you are saying. Having been broken into and lost things, yes, I have those feelings as well.

CHAIR—I guess the feeling in the community where the crime was perpetrated was that it is the community that suffers the loss. One example was given of where money was set aside to improve the living conditions of a particular group of houses, but people from those houses trashed other people's houses, so the money had to be used to fix up those houses. They missed out, and they really suffered the loss themselves. There was almost some peculiar sort of justice in that.

Mr CADMAN—Poetic justice

Supt Waite—There is no doubt that consequences play a big part. A large proportion of children have no consequences in their lives from a very young age—maybe from five to six—then we are seeing them at 12, 13 or 14 with mechanisms put in place. It is not easy to turn them around. The alternative is to say that we can put in place programs where they must work and they must repay things and so forth. We will have a huge failure rate out of that, then we will end up having a cycle back through the court system and we will get away from what our aims are.

CHAIR—We heard evidence yesterday that mandatory sentencing had been successful to a degree in that, when it was realised that they would go in for three or six months or whatever it was, there was a lessening of their willingness to go in for a long period. Evidence was given that, because traditional law is mandatory, the concept of 'mandatory' was not necessarily a worry to the community. It may have been to other communities, but this is what we heard yesterday. The community service orders that had been in place at the time of the introduction of mandatory sentencing did not work, so they wanted something to happen. How many of the 400 kids that you now have on these programs are recommitting offences?

Supt Waite—I do not have the exact figures. It is something we have been working on for about six months. We are trying to work through our database and some of the difficulties we have with it. There is a review of the scheme. The Commonwealth Crime Prevention Branch has contracted consultants to perform an evaluation of the juvenile diversion scheme over the next few months. Hopefully, by the end of the year those results will be known. We will be working with them. I would say generally that around 25 per cent are reoffending. With diversion we are finding that about 40 per cent of the kids who go to court reoffend within two years.

CHAIR—What percentage?

Supt Waite—Forty per cent of the children who go to court reoffend within two years, and about 27 per cent of diversion generally are reoffending. We think we can bring that down even further. By getting more children out of, say, the informal sorts of stuff and into more formal programs and conferences we can bring that figure down. When we first started too many kids got the more informal warnings. We have learnt some valuable lessons there, and it has impacted upon our figures overall. It is interesting that, for example, with unlawful entries, which are quite serious offences by community standards, we are probably twice as successful in preventing reoffending than the courts—that is not a slight on the courts here—because we have the advantage of having far more options with children in terms of programs and so forth than the courts do.

CHAIR—Do you have statistics that show whether the programs are more effective for children who are, say, 12 to 14 than for people who are 16 and 17? Is 17 or 18 the cut-off?

Supt Waite—Including 17.

Mr SECKER—Seventeen and above is adult, is it?

Supt Waite—No.

Mr SECKER—Seventeen and below is juvenile?

Supt Waite—Seventeen and below, yes.

CHAIR—Do you have any evidence as to whether your programs are more successful for, as I said, that younger group of offenders than the older, perhaps more hardened, group?

Supt Waite—No, we do not have statistical evidence there, but I would stress quite strongly that, in my experience, the earlier the better. Obviously, we cannot intervene really early because at the moment five-year-olds up to 10-year-olds who are involved in antisocial criminal behaviour are excused from criminal responsibility. So it is from the age of 10 that we move in. However, we are looking at that and looking at ways in which we can reach children at a younger age. But the evidence from not just the Territory but around the world is that obviously early intervention has the greatest success. Once again, the older they are the more mechanisms that are in place that are harder to change. We see it ourselves in referring kids to programs: if they are 10 or 11, then, yes, we know we have a far better chance of being successful.

CHAIR—I will raise with you this last question that came up yesterday and then I will defer to one of my colleagues. It was put that the federal money is largely there to coordinate the use of existing programs, rather than the federal money paying for the creation of new programs, and that this is difficult in remote communities because where will you find a person who will be the coordinator and stay. I asked the question: would it be better if the coordinator were a uniformed police officer or indeed an assistant to the police force? Then they would have a posting and you would get some continuity in having access to programs. We heard that Wadeye had, I think, three programs but they were kind of informal. One of them involved somebody taking kids and doing environmental work. Their vehicle, which was essential to that work, was trashed by another group of kids, so the program does not exist anymore. So what do you do? Is there merit in my suggestion that the person who is responsible for coordinating programs in remote areas or building them up be uniformed?

Supt Waite—It is the single biggest issue we face. You looked at the community's development unit in Wagga. Going back to your question about the money, about \$750,000 of Commonwealth funding has gone into that program over three years. We will soon have seven of those units operating which will service 14 remote communities, so we will have them in Wadeye—the Tiwi Islands is now operating—Galiwinku, Groote Eylandt, Borroloola, Papunya, Ikuntji and Tennant Creek. All those places will have those community youth development units. This is quite considerable funding—on average somewhere around \$400,000 to \$500,000 to each one over a couple of years.

Going back to your question, the single biggest issue we face with these is attracting the right sorts of people because these programs are terribly complex and they burn people out. I have to say a program anywhere is only as good as the person running it. That is the greatest issue we face, because you bring in a person and you have to make it attractive for them to live in a remote community. First of all, they have to have the skills, qualifications and those sorts of things to perform, and then very soon they find out it is overwhelming—

CHAIR—And they do not stay.

Supt Waite—And they do not stay. Wadeye was the first one that we identified to put a community development unit in, because we saw their issues as being the most onerous or appalling in the Territory in terms of crime and general issues in the community.

CHAIR—But give them some credit: the people themselves are really trying.

Supt Waite—That is right. The complexity of it all is that there are so many other influences on trying to work with children. It is not just about saying, 'We'll have a program here.' We have touched on it this morning: the child may return to a house where there are too many people in the house and they may not be engaged in school. In fact, they may not even be wanted at the school because of their behavioural problems.

CHAIR—And then they have added marijuana to it, so for the ones that are going to the program, which was for post-primary schooling, there is a huge drop-out rate because of ganga.

Supt Waite—Yes. As I said, it is just the complexity of it all. There are a lot of social, overarching issues that need to be dealt with. That is why, when we started community youth

development, the coordinator's role was to take account of those other areas, such as health and education, sport and recreation, and to start looking at those from a more holistic point of view. But once again it is a huge job for, say, one coordinator and two caseworkers, and it does require whole-of-community commitment to it because you have—

CHAIR—Are these people going to be mobile? Are they moving on; are they only dropping in every now and again? How is that going to work?

Supt Waite—Which people?

CHAIR—Those in this new program that you are talking about.

Supt Waite—No, they are actually based in the community. In Wadeye, the coordinator lives there and there would be, say, two caseworkers. Their job is, in some cases, to receive referrals from police, but in the majority of cases they themselves identify which children and which families need the most assistance and then work with those families in a plan to solve some of the issues.

Mr MURPHY—We have very little time left, and I am only going to ask you one question. Do you believe that the Northern Territory police are coping with managing the juvenile diversion program?

Supt Waite—Yes.

Mr CADMAN—This is your chance to ask for more money.

Supt Waite—There would be those that would be philosophically opposed, I guess, to seeing police acting in that role. I know in New Zealand there is immense respect in the courts and the community for police and the role they are doing there. I think there is so much more that we can do here. I have to be a little bit careful here, because this is a policy matter as well in terms of whether police retain this role in the future; in some other jurisdictions, it might be juvenile justice authorities and those sorts of things. From my own personal experiences, in my view police are probably the only ones that can effectively get some accountability into the process. They are in all of the communities. They have a greater understanding. They are there, if you like, on a semipermanent basis. We are dealing with the children in the justice system in any case. So there is that melding of it.

I guess one of the issues is: once you give children over to another authority, what happens to them? What I have seen in some states is that they are off with the fairies: 'Every child is a success story.' We are not about saying, 'There's got to be punishment,' but about saying, 'Hey, there've got to be some consequences.' It is not what I would call zero tolerance; it is tempered with talking about behavioural change and doing everything you can to assist them to change that behaviour. But if there comes a point where the child is not changing their behaviour then of course you have to refer them to court. There cannot be a situation in which we have no consequences.

Mr CADMAN—First of all, we have this review, which you are probably aware of, but the stats are at least 12 months, and probably two years, out of date. Can you update the stats in here?

Supt Waite—I certainly can. I do not know that I could just talk to you now about the stats if you pulled them out there.

Mr CADMAN—No, but I wondered if you could provide us with information that brings us right up to date. The most recent, I think, is from the end of the 2001 financial year. You ought to have at least another set.

Supt Waite—We have those readily available.

Mr CADMAN—Thank you. In a community where children tend to leave school at the end of primary school, written warnings seem a pretty weird way of trying to solve a problem.

Supt Waite—We would not expect that, in the majority of remote communities in those circumstances, police officers would offer a written warning. I personally would think it was valueless.

Mr CADMAN—I would love to spend a lot of time going through some of this material with you, but I would like to congratulate you on what seems to be an outstanding result with the formal caution or warning with the family conferences where you are getting everybody involved. That seemed to be producing exceptional results. On registered programs, we have got no indication of what registered programs are. Have you got a list?

Supt Waite—I expected that question so I have a list which I can give you. I can talk to you about them now and I can also give you a list.

Mr CADMAN—I would like a bit of thumbnail sketch. How is the time, Chair—do we just want a list?

CHAIR—Yes.

Supt Waite—The list is quite descriptive anyway about what they are about.

Mr CADMAN—Thank you, that would be good. Connected with that, it seems that a marriage guidance group plus a women's organisation and a men's organisation are a pretty unusual group to choose to deal with juveniles. The contracting groups that you have chosen for the three main centres do not altogether seem appropriate to me.

Supt Waite—I think the YWCA and the YMCA have certainly changed in recent years from people's perceptions about what they do. In other words, the Young Women's Christian Association now is probably as equally involved with young men as they are with women.

Mr CADMAN—You are dealing with boys in a society where the treatment of girls and boys is quite different.

Supt Waite—The YWCA here has case managers, if you like, and two of them are males and one is a female. So it really comes down to their personal contact with that person and the ability of that person.

Mr CADMAN—It is just that from what I know of those organisations they are not really geared for this sort of work.

Supt Waite—I will respectfully disagree there, because if you look at the Y and their work in the community of Darwin they have done quite extensive work here with homeless youth and a whole range of programs that they have operating. This was a competitive process and they had the best program to offer by far, say, in Darwin, in terms of the things that were required with case management and mentoring. They have a ‘big brother’ program, big brother little brother, little sister big sister—that sort of program. So both male and female are equally dealt with.

Mr CADMAN—How are you going to solve the program of delivering programs in communities like Wadeye where you have two workers and really nothing formal to do—there is nothing in that community that is a community type project to get the kids involved with, necessarily.

Supt Waite—Under the recent COAG agreements, which they would have told you about, there is some interesting stuff happening in Wadeye in particular, so it is probably not a good choice to choose that one because we would hope that in the future there will be many more whole-of-community and whole-of-government developments.

Mr CADMAN—If you have any ideas about what sorts of programs might be appropriate for those remote communities it would be great to hear from you—not necessarily now, but if you could drop us a note that would help us when we consider the whole thing.

CHAIR—Thank you very much, Superintendent. Your evidence has been really illuminating because you are at the grassroots of implementing the program. I think the figures you have given about recidivism of the people on your program are really very encouraging. So thank you very much for giving evidence today.

[11.50 a.m.]

CUMMINGS, Ms Eileen, Indigenous Policy Officer, Social Policy Unit, Northern Territory Department of the Chief Minister

GRIFFITHS, Ms Pamela Elizabeth, Deputy Director, Social Policy Unit, Northern Territory Department of the Chief Minister; and Program Manager, Domestic and Aboriginal Family Violence Strategies

CHAIR—I welcome the witnesses. Do you have any comments on the capacity in which you appear?

Ms Cummings—I am the program manager of a new project in relation to the Aboriginal family violence strategy.

CHAIR—Thank you. Would either of you like to make an opening statement?

Ms Griffiths—We would like to make a very short opening statement and then, in the time that is left to us, perhaps have an ongoing dialogue on the issues that you are particularly interested in or concerned about. Eileen and I have been involved with Northern Territory strategies on domestic and family violence for nearly 10 years, and our professional and personal experience reaches a long way back. Eileen has worked and consulted in Indigenous communities and is a born Territorian. I was involved with Elsie, the first women's refuge in Australia, when it formed.

Our purpose here, as well as talking to you about the strategies, is to emphasise the importance of considering Aboriginal domestic and family violence in any consideration of crime or fear of crime. We emphasise that, where victims are experiencing family violence or children are observing it—even where they are not physically, emotionally or verbally abused—they are living in fear of violence, in a continual state of violence. We need to understand that victims often return to an offender for complex emotional, physical and financial reasons, and that those issues are even more complicated for Indigenous women, who also have cultural, clan and family obligations and understandings. I also would like to talk to you about the importance of preventive and interventionist approaches. We do not have answers for you. I would love to say that, in the 10 years we have been working on the issue, family violence has stopped or domestic violence has lowered. In fact, we measure some success by increased reporting, but we are continually horrified by the incidence of domestic and family violence.

Ms Cummings—One of the most significant things about this is starting to look at a focus that has come from the community and not from the government. We are starting to address the issue of family violence with the families and their communities, rather than looking in from the outside and working from the ground up. It has taken us a long time to get to that point, but I think that we are starting to look at issues that are relevant to the families as well as to the community.

Ms Griffiths—The Northern Territory has actually had family violence strategies since 1994. Some of the elements, I understand, are unique in Australia; many are shared and have been developed with other jurisdictions in a cooperative way. The Territory has the only jurisdiction-wide data collection project, which is assisting us to set benchmark data. We have police domestic violence units and networks of domestic violence liaison officers throughout the Territory. Again, the issues are more complicated in remote communities. We have what we call a ‘pro arrest and no drop policy’, which means that police can arrest offenders and escort them from the home. That also removes from the victim the obligation to continue with a court case. We are currently reviewing that because we have had mixed reactions: some victims say that it replaces an abusive partner with a disrespectful system that takes the power and decision making out of their hands; others are grateful for the protection that it provides. Are there particular issues that you would like to pursue?

CHAIR—The first issue is one I put to our first witness dealing with statistics—that is, we have statistics on assault but, within those figures, what percentage of that figure is what we call domestic violence or Aboriginal family violence? The answer was, ‘We think that should be dealt with somewhere else.’ So often we have heard evidence that you cannot do that. It has got to be part of mainstream criminal behaviour or you do not get past first base.

Ms Griffiths—I am sure we agree with you. For the first time in the Territory, we introduced police statistics to our data collection on domestic violence a couple of years ago. A bigger issue is that it is so underreported. We know that around 40 per cent of victims use crisis, emergency or support services. That means there are 60 per cent who don’t, who go to their mothers or their doctor or avail themselves of other ways of coping. Again, I am not specifically talking about Indigenous women, whom Eileen will talk about and have different issues about. We do have benchmark data. When you go to a hospital with a broken arm, what do they ask you? The hospitals up here are starting to look at screening processes, which are helping. Police go out to a violent incident and they do not always have time to look beyond the violence, but we have the domestic violence unit in Darwin and Alice Springs that go out and follows up within 24 hours and also scans the reports to see if domestic violence is likely to have occurred, although it is not reported as a violent incident. That does not answer you but they are some of the ways we try to pick it up.

CHAIR—It seems that all the evidence we have heard, whether it is in Victoria, Western Australia, New South Wales or wherever, is that those people who are dealing with domestic violence by any other name say it has got to be treated as a crime and those people who are in charge of enforcing the law have got to regard it that way. I think we are seeing some changes in attitudes, but there are still men who believe that it is okay to hit their wife or children, and getting the message across that it is not seems to be very hard. Ms Cummings, we see a statistic that says that Aboriginal women are 45 times more likely, according to the statistics, to be abused, and that is an enormously worrying figure.

Ms Cummings—Yes. The communities are really concerned about it too. Once upon a time they never reported anything but, with the police presence and some of the community police officers there as well, there are other mechanisms within the community that are helping them to report the incidents. Sometimes they only report the really violent ones, where that person is sent to hospital. Often sexual abuse is not reported at all, both for women—young women—and children. But, slowly, the communities are starting to acknowledge that it is a big problem. There

is a lot of dysfunction in our communities. It has taken us a long time to get them to start thinking about how to respond to these issues. Now they are looking at working through the families to try to deal with these issues. That is what our strong family, strong community, strong future project is all about: to try to strengthen those families so that they can deal with these other issues that are part and parcel of their families and the dysfunction within the community, and also to strengthen the community as a whole.

The women are starting to actually work alongside the men. The men have now started to take part in this process. Once upon a time it was only a women's issue. Proof that we have just had is that we ran a workshop in Darwin a couple of weeks ago and the majority of participants were men that came from the remote communities to attend this workshop to talk about family violence issues and to talk about some of the things that are happening in their communities. After working on this for 10 years and seeing that sort of response, I thought, 'We are starting to get somewhere. Even though it is in such small steps we are getting there.'

The men are starting to take part. Some of it is because they have done the Strong Men program through the health organisations, and some of it is because they want to stop the violence that is occurring in their communities. So, even though we have not seen a lot of changes, we are starting to see that the men are part of this whole process and that, if we can all work together, maybe there will be some changes in the future.

Ms Griffiths—When we first looked at the Strong Family project we went to the traditional community development model, like Wadeye, that took such a long time to develop and I think was very effective or is moving effectively. But, for us, we could not wait. We would suggest that on communities, because of history and settlement, a lot of families and clans are not collaborators and are often in conflict, for a range of historical, cultural and clan reasons. Therefore, to work with one or two families—more if possible—to start in communities to strengthen family structures and to work with their priorities might be as effective as the time taken to work on community development approaches which are so complicated and fraught.

Ms PANOPOULOS—I will try to be brief because I am sure other members of the committee, when they return, are equally interested in this issue. I was very interested when you said it had taken quite a long time to get recognition and get some initiatives going. What do you think was the key to the success in changing attitudes and getting some recognition at the local level?

Ms Cummings—I think it was just the continual interaction with government and the communities, and talking to them.

Ms PANOPOULOS—Just persistence?

Ms Cummings—Yes, persistence. I have been going out there for 10 years and so have other project officers. One of the things we are trying to do is bring all the diversionary programs and health programs together, rather than trying to work separately. That is one of the biggest things the government has been able to do—trying to interact, rather than working in isolation and saying, 'This is a health issue, this is a housing issue, this is a police issue.' We are trying now to work together. I think the communities have come to that. They are saying: 'You're separating us all the time. Let's try to work together.' A lot of the communities have become stronger on how

they want these programs in their communities, which they have not done in the past. There is also the interaction between men and women: instead of just leaving men to do all the business for the community, the women are part of that, and they are working alongside each other.

Ms PANOPOULOS—You also said that there has been a change in that there are greater initiatives coming from the community, from the grassroots up rather than from the top down. What are some of those ideas and initiatives?

Ms Cummings—They have talked about the violence, the sexual abuse, the abuse against the children; the neglect of the children and the children not going to school. All of those interact with the housing situation. Somebody talked about housing earlier. You have got 20, sometimes more, people in one household, so that interacts too. What they are trying to do is ensure that families have more outside support. There are support mechanisms in the community now which were not there before. For example, in Nguiu—I think you are going there tomorrow—they have got the mental health program, the alcohol program, the Strong Women program and the Strong Men program. I think things that have been initiated from the community have helped to strengthen the interaction between the communities and the programs which are in place today.

Ms PANOPOULOS—The report published by KPMG calculated the annual cost of domestic violence at \$8.86 million. Are you able to provide to the committee a breakdown of what that includes?

Ms Griffiths—Yes, I am. It covered both direct and indirect costs; it covered days off work or loss of income and broken furniture as well as bodily injury and harm.

Ms PANOPOULOS—Thank you.

Dr WASHER—Eileen, I have seen plenty of domestic violence sadly, being a medical doctor, but mainly in European type communities, because there were not a lot of Indigenous people back in Perth where I operate. Is the difference, in an Indigenous community, that you would have fairly strong family groups? If, say, a husband was to perpetrate violence against his wife, would there be any way of getting that person to apologise to that family group as such, and make some commitment that that was not going to happen again? I do not mean to a point where there is retribution or wars, but at least for them to make a commitment to part of that community and the relatives of that person by saying, 'I have made a commitment and I have a problem with alcohol,' or whatever the problem is. They could participate in a nice but constructive way and the guidance is to say, 'We won't tolerate that again.' It is just a suggestion. I guess that is being done.

Ms Cummings—Some of the communities are looking at family structures and trying to work that way. In the old days, any sort of dispute was resolved through that family network. That has broken down in many of the communities but they are trying to reinforce some of those mechanisms today to try to deal with those issues like violence, alcohol abuse and sexual abuse. They feel that if they cannot deal with it as a family it will never heal the wounds that are already there. So a lot of times men are starting to go to alcohol programs. Some of the communities have actually gone, as a family, to time-out centres. So they have initiated some of these things themselves to try to deal with that issue. They probably will not apologise outright

like you would and say, 'I'm sorry for doing what I did,' but they do other things to try to make the family feel as if they are one and not in separation.

Dr WASHER—Married men like me are always apologising, I can tell you, Eileen, but not for this.

Ms Cummings—But they apologise in different ways, I guess, than what the white structure would normally do.

Ms Griffiths—Or recognise.

CHAIR—We were in Wadeye yesterday. I think I have said how impressed I was with Theodora Narndu. She is really quite remarkable in her strength.

Ms Cummings—We have a lot of them in the communities.

CHAIR—Yes. She said she now has funding for a program over a three-year period, which should give it a reasonable time to become established. Will you be working with her to evaluate that program?

Ms Cummings—Not as such.

CHAIR—Or will that be purely independent?

Ms Cummings—We will include her in some of our gatherings. We are only working in six communities to begin with. We are trying to start small, because it is going to be intensive work with these families that are going to be participating in the project. Some of the communities, like Wadeye and other places, have often asked if I can go out and talk to them. I have spent a lot of time with Theodora; she often comes in and we talk about the program that she is going to be running. But, as a program, we probably will not go to Wadeye for another two years, I guess, because the programs we are working are at Nguuu and Milikapiti on the Tiwi Islands, and we hope to put Pirlangimpi on as well. So there are three communities in the Tiwi Islands. Then we are going to the Katherine East region and we are working with Barunga, Wugula, which is Beswick, and Ngukurr. Those are the areas I will be working with, and every year we are hoping to include two more communities. Gunbulinya, which is Oenpelli, and Pirlangimpi will come on board next year.

We are in the process of starting all of these programs. We have just got to the stage where the communities are talking about a family way to do it—not a whole-of-community approach but a family approach. That will take a lot of time working in those communities. We have had some small workshops so that people can come from each of the communities to attend them, and we talk about family violence and ways to deal with it within their communities. We are hoping that Theodora and her women will come along to some of those. Whenever there are requests they allow me to go out the communities and work with the different groups. But, at the moment, there is only me and my project officer, Robert Fuller, so we will be working quite intensively in those six communities and it is going to be a hard road to go.

Ms Griffiths—If I could just add to that, we are also having quarterly gatherings of all the families participating in this family planning exercise who are prioritising issues and working on their action plans with, for example, mentoring the option from an elder and other support. Part of the project creates employment in communities by upskilling and then paying people for the sort of support the families say they want. But we are also planning within 18 months to two years to have a big gathering of all the projects working on family violence throughout the Territory, be they Commonwealth or NT government funded, so we can start to tease out the elements that actually lead to success or that maximise the chances of success.

CHAIR—One of the things that came out loud and clear yesterday was the need for there to be job creation and that they have set their sights on the construction industry. They want to have the ability to build more houses. They are looking at new technologies for building new houses, which they feel will be better for family integration. They would need 283 houses now if they were to have an average of seven people to a three-bedroom house, which is the norm for most of Australia. The way it was expressed to me is that Aboriginal people are two per cent of the population and remote areas are two per cent of that and, really, they are right down the bottom of the backyard, but they would like to be considered more at the front yard and get some more attention. They also said that if there was building to be done the work will be put out to tender. They are arguing that they are an identifiable stand-alone economic region and, as such, they ought to be able to build their own economy and add to their skills base by not having it go out to tender to somebody else to come in and do it for them but by building up their own construction skills and building their economy by having the money coming in and staying in. They used another figure that fascinated me—they reckon that they would spend \$20 million of what comes in and it would go out to Darwin, but Darwin might buy \$1,000 worth of something from them, illustrating that they are an isolated economy as well as an isolated community. Has there been any work done on that, thinking along those ways, whereby they can have this ability to build their own economic zone?

Ms Griffiths—One of the reasons the Social Policy Unit was formed was to begin to look at those things, because we would largely agree with those comments. There may be times, such as when you are doing electrical work, that you need someone who is licensed. But there are clearly times, such as when you are building something or painting a fence, when you really do not need formally recognised skills or when they can be taught on the job, like we do for other people. I think there is also an issue when occasionally communities do not have the immediate capacity to manage themselves in the manner we require as part of capacity building approaches and that is an added impost we are putting on them at the moment, without a lot of time. Often what then happens is that contracts will go out to non-Indigenous people to support the work of councils and others. Those people often take their families, and their partners often end up in jobs that maybe Indigenous people could do or be trained to do. So certainly we are looking at those issues of capacity building and strengthening, but we are not there yet. Eileen might want to add something about that. That is why, for our project, we wrote employment in so that we were paying for what we get and training for what we need.

CHAIR—It seems to me that what we are looking at here is a big shift in what would be a public policy initiative. Public policy says that whenever we want work done that is paid for by government we want value for money. That is the criterion we use and we go through a selected or limited tender process. I have always been a big supporter of open tendering and getting the best value for money, but I have to say that maybe one of the things that has to be considered in

the question of what is value for money is whether or not you are actually building an economic unit within what you can identify as a stand-alone economic zone. That is a really big public policy shift. But it does seem to me that it is at least worth examining. With regard to your example of the electrician, why would we not put the money into training an electrician who remains in the community?

Ms Griffiths—I think that, speaking as individuals, we would support you on that. I am sure it is being looked at. I think the whole thing about employment creation and skill enhancement is really important. Historically, we have positively discriminated in a number of areas; why could that not be one area that we examine? I know that Eileen worked on the development of economic business micro plans with some communities, and there seem to be opportunities we are missing.

Dr WASHER—Certainly, I think that even state governments have some criteria as to the amount of local input into a lot of industry and development. For example, WA would want a certain amount of local input into a particular development in order to approve it. So they already skew it.

CHAIR—That might be one model we can look at.

Dr WASHER—It is a simple one. Instead of saying, ‘We’ll give it 20 per cent loading above,’ there are criteria. In relation to any development there would be a reasonable expectation that there would have to be local content.

Ms Griffiths—We are actually examining that now.

CHAIR—That is not what I am talking about. I am not saying, ‘You’ve got a contract but you’ve got to employ so much.’ That is kind of an offset program. I am thinking of a much bigger public policy shift that says that this is actually an identifiable, isolated economic region—not just socially isolated but also economically isolated—and, therefore, when we look at the provision of services, we do not follow the usual concept of tender; rather, we build in another concept of what is value for money with identifiable stand-alone economic regions. I think that is a new thought.

Ms Griffiths—It certainly would be worth investigating. I know that you are well aware of this but, just for the record, I will state that the Territory’s Indigenous population is 28.8 per cent and that 60 per cent of Australia’s Indigenous population in remote communities lives in the Territory. I know that these issues are common across the Top End, but those figures are not; they are special to the Territory.

CHAIR—They are.

Dr WASHER—Are there enough Aboriginal women serving with the police force to receive complaints from Aboriginal women who have been abused?

Ms Griffiths—There is always room for more. The police have really tried to recruit bearing diversity in mind—and, also, I guess, the need for common entry points. There are ACPOs.

Ms Cummings—ACPOs are Aboriginal community police officers. In the communities there are only three so far in the whole of the Territory, but in the police force I think there are only about two—Roseanna and somebody else. It is an area that a lot of our people did not really want to go into, but now they are starting to get more involved. When they first started the Aboriginal Community Police Officers program, it was mostly men because they were chosen by the community and not by the police force. But a change has come in the communities, where they have realised that both men and women can be part of this. You are not going to Milikapiti; I do not know whether Pamela will be at Nguiu when you go there, but she is one of the Aboriginal community police officers that have been out in that area for some time. Not many Aboriginal women are in the main police force in the Territory.

Ms Griffiths—Certainly, in terms of communities, the pressures on them are enormous and quite conflicting on occasions.

CHAIR—In terms of how they fit culturally?

Ms Cummings—Yes.

Ms Griffiths—And in terms of the obligations they have; yes.

CHAIR—I would like to thank you both very much for being with us this morning. You have a very big job ahead of you. I am sure that the rest of the committee will join me in wishing you well in your deliberations.

Ms Griffiths—We thank you for the opportunity and would also add—we know the Commonwealth is looking at customary law—that our view is that human rights should always override and protect individuals in respect of domestic or other violence.

CHAIR—This committee is very firmly of that view. Speaking personally, we have one set of laws in this country. Everyone has the right to be protected by those laws equally, no matter what their cultural background, or whatever. I believe that the day we give that up, we will be in deep trouble. So yes, that means that the abuse of individuals is not acceptable for cultural, religious or any other reason. Thank you very much for being with us.

Proceedings suspended from 12.21 p.m. to 1.40 p.m.

LANGFORD, Ms Sylvia Irene, Deputy Chief Executive, Northern Territory Department of Community Development, Sport and Cultural Affairs

VINCENT, Ms Ann, Acting Manager, Aboriginal Interpreter Service, Northern Territory Department of Community Development, Sport and Cultural Affairs

CHAIR—Welcome. We are delighted that you can take part in our public hearing today. Would you like to make an opening statement?

Ms Langford—Yes, I would. As an integral component of the 2000 agreement between the Northern Territory government and the Commonwealth to establish a program to assist Indigenous people in the criminal justice system, we entered into an agreement to jointly fund an Aboriginal Interpreter Service in the Northern Territory. Under the terms of that agreement, the Commonwealth and the Territory individually committed \$540,000 a year for a period of four years.

In the Northern Territory, as I am sure you are aware, some 27 per cent of the population is Indigenous, and 70 per cent of Indigenous people speak a language other than English at home. The Aboriginal Interpreter Service offers interpretation in 104 Indigenous languages and dialects throughout the Northern Territory's urban, rural and remote areas. Since the establishment of the service, there have been over 5,000 interpreter jobs logged.

The service offers the people of the Northern Territory 251 active registered interpreters. In line with a recommendation from a review of the service by the Commonwealth Attorney-General's Department, of those 251, 73 have obtained accreditation through the National Accreditation Authority for Translators and Interpreters. This, in turn, is providing meaningful training and employment opportunities for Indigenous people.

There are some issues associated with accreditation which I feel I should bring to your attention. Accreditation is at the paraprofessional level. There are currently no tests designed in Indigenous languages in this region that go to the professional level. There are also other requirements at the professional level, such as writing and quick note taking. At this stage, only a small handful of our interpreters would be able to go to that level should a test be designed, so there are some issues there. There are also issues relating to training and quality control which require ongoing attention. Some interpreter training is in place. One accredited interpreter, who is a qualified lawyer, is not only involved in training here in Darwin but also travelling and monitoring quality control across the Territory.

I would like to take the opportunity to make some key points. We believe the service plays an important role in ensuring that a lack of understanding of the English language does not mean a lack of access to essential services. Additionally, the service imparts conceptual and linguistic knowledge of the non-Indigenous culture to Indigenous interpreters. This transfer of knowledge includes aspects of the societal makeup of contemporary Australia, with particular emphasis on the judicial, criminal justice and health systems in the Territory.

Intercultural communication difficulties have repeatedly been identified as a major barrier in the effective delivery of services and, indeed, to Indigenous Australians obtaining access to health and legal services. I understand that at the end of May this year some 600 Indigenous people were incarcerated in the Territory's correctional facilities. This represents 29 per cent of the overall population in prisons throughout the Territory. As part of our training and employment framework, the service is in the process of working with Northern Territory Correctional Services to provide interpreter training to Indigenous prisoners to enhance their opportunities of employment post-incarceration. We think it is important to note that the service is not a cultural and linguistic panacea for Indigenous people within the criminal justice system. What it does provide, however, is a mechanism and an essential service for Indigenous Territorians to express their fundamental right to be heard, to be informed and to be understood.

The Commonwealth review that I referred to earlier noted that impact of AIS is less quantifiable than, say, precourt diversion schemes. The figures show an increase in the use of the service, but there is no data indicating instances in which the use of interpreters in precourt work or in the courts themselves has had an impact on a case outcome, and I have to say that no work at this stage has been done in that area. What we do hope to have achieved, however, is a greater understanding on the part of magistrates and court officials of cultural and language issues. There are now roster systems in place to ensure the availability of interpreters in the magistrates courts in Darwin and Alice Springs, for bail day in Katherine and in all bush courts in the Territory. You may be aware that interpreters have attended bush courts in Wadeye this week.

The need for a change in police culture and procedures to encourage greater use of interpreters has also been identified. The service has now been involved in week-long workshops with police in all the major centres—Darwin, Katherine, Tennant Creek and Alice Springs—and the service also participates in the induction of police cadets. So we are doing as much as can to raise awareness of the service in those areas.

The accord with the Commonwealth to jointly fund the service expires on 31 August next year, and any agreement to replace the current agreement will need to be negotiated and agreed to prior to 1 March 2004. As part of that arrangement, the two jurisdictions will conduct an evaluation of the agreement. Indeed, requests for tender to conduct the evaluation have been called for, and it is expected that the evaluation will be completed by the end of March next year. Through that evaluation there will be considerable consultation between the successful tenderers and an established advisory group. Representatives on that advisory group will come from the relevant Northern Territory government agencies, ATSIC, the Commonwealth Attorney-General's Department and the Aboriginal Justice Advisory Council. We also wish to ensure that extensive consultation will occur with Indigenous people—both individuals and organisations—throughout the Northern Territory.

There is an expectation, I think it is fair to say, from both Indigenous people and users of the service that it will continue in its current form. Certainly any decrease in the service offered would highlight an inequity between the services offered to Indigenous people and the services offered to ethnic groups within the Northern Territory.

The service plays a vital role in ensuring that a lack of understanding of the English language does not mean a lack of access to essential services for Indigenous people. That is particularly

pertinent, of course, here in the Northern Territory, where we have a much larger percentage of Indigenous people who speak English as a second language.

We are keen, of course, to see the Commonwealth funding continue. NT budget constraints mean that any move to pull back on the Commonwealth funding would place the continued viability of the scheme at risk. Ultimately, we would like to see a viable user-pays system underpinning the service, although obviously further consideration is required before the AIS can operate on a private sector model. Expansion of the service is a possibility worthy of exploration. At an NPY lands justice issues roundtable held in Alice Springs earlier this week, great interest was shown in the service by both WA and South Australia, and negotiations with those two jurisdictions will take place.

If there is one message that we would like to put forward, we would like to reinforce that the service does provide Indigenous people with access to basic services and provide governments at all levels with the assurance that the engagement with Indigenous clients is both effective and real.

CHAIR—Ms Vincent, would you like to make a statement?

Ms Vincent—We have actually shared our notes, and Sylvia has read them all out.

CHAIR—In that case, I might perhaps start the questioning, and then my colleagues may have questions. Could I begin by asking you about that statistic you just gave that 70 per cent of the 27 to 28 per cent of the population which is the Indigenous population speak a language other than English at home. Has that figure increased, decreased or remained static over the last 25 years?

Ms Vincent—It has increased, I think.

CHAIR—We heard evidence yesterday in Wadeye that the policy of teaching an Aboriginal language and English as the second language has in fact hindered people enormously. I think the example was given that it was like saying: ‘You might speak Chinese but, instead of teaching you English, we’ll teach you Vietnamese first. Then you can learn English.’ In other words, the Indigenous language that was chosen really had no relationship to the person who was the non-English speaking first-language person. Could you comment on that?

Ms Vincent—I think that is true, and especially coming from Wadeye that would have to be the case.

CHAIR—They felt they have gone backwards from that.

Ms Vincent—Especially the younger generation too out at Wadeye. I have noticed that their language is actually changing. For example, the language out at Port Keats is Murrin Patha, and the younger generation are actually changing the language. It is not even a Creole; they are making it up, to make it easier for themselves. So trying to recruit interpreters in that young language is going to be difficult.

CHAIR—How important do you think it is that those kids actually get to school and get access to English?

Ms Vincent—It is very difficult, and no doubt that is a Department of Education concern.

Ms Langford—I would have thought it was critical.

CHAIR—I think it is a whole-of-government concern. I think it is one we all have to share.

Ms Langford—I think, yes, for any positive change the answers lie initially within the education system.

CHAIR—The other point that was made there was that, culturally, Aboriginal people who are charged find it very strange that they might know they did the offence but a lawyer will tell them to plead not guilty because they will have trouble proving it. Culturally, they find that very difficult to comprehend. Would you like to comment on that?

Ms Langford—Are you saying that they were being encouraged to plead—

CHAIR—Not guilty. And saying, ‘Let them prove the case.’

Ms Langford—That is interesting, because I have heard anecdotal evidence to the contrary from East Arnhem, where offenders have been encouraged to plead guilty, because it will be a quicker process. So to plead guilty has become synonymous with ‘quickly’. I think there are language connotations there.

CHAIR—I think they were giving this evidence in the context of when mandatory sentencing first came in and every case was contested rigorously. I am drawing on my memory from yesterday’s evidence, but I think that was the case. But I have no doubt that the other applies as well.

Ms Langford—I have no evidence to prove either, I am afraid.

Mr MURPHY—I would like to know how well you think the system has been working since it was introduced.

Ms Langford—We have faced many challenges, some of which have been overcome, some of which will take longer. It is a brand new service, and we must not forget that. Ann can probably speak more authoritatively on the challenges than I can.

Ms Vincent—We have faced lots of challenges, especially with training. I am just trying to think of some of the major challenges.

Ms Langford—There is access to interpreters and encouraging Indigenous people to perform the role.

Ms Vincent—Especially on the legal side. They are happy to do health interpreting, because they have been sick at one point in time or another or been in hospital. But they have not all faced court, so they have a real problem in doing interpreting on the legal side.

Mr MURPHY—How important do you feel it is, Ann, to try and get your own people to learn English and understand English? Do you feel that it is important?

Ms Vincent—I feel it is important for them to learn English to live in today's society, but they need to still hold onto their language, for cultural reasons.

Mr MURPHY—How do you think you can get the message that, yes, it is important to hold onto your own language and your culture, which is so rich, but that for living in society—for example, outside where we were yesterday, at Wadeye—English could only benefit them? How do you think you can educate them?

Ms Vincent—That is a pretty difficult one. Probably just by educating them, with the Collins review going out, and really putting the message across to the remote communities.

Mr MURPHY—Are the parents of the young ones—

Ms Vincent—I think they could be made responsible.

Mr MURPHY—responsive, because I have heard it said that the parents tell their children that they did not benefit very much from white man's education and white man's English so why should the kids—

Ms Vincent—I cannot speak on behalf of people, the parents especially, saying that to the children, because I really do not know.

Mr MURPHY—That was said to us yesterday, and I just wondered whether you had any experience of that, and you have not. What were the problems before the service was introduced?

Ms Vincent—It was mainly with communication barriers. Intercultural communication difficulties have repeatedly been identified as a major barrier in the effective delivery of services and, indeed, in Indigenous Australians obtaining access to health and legal services. With hospitals as an example, we did not have an interpreter service prior to 10 April, and in those days family were used. Family members that could speak English would speak English on behalf of the family. That is how they were used in both health and legal.

Mr MURPHY—Yesterday down at Wadeye I photographed a big poster, a wonderful piece of artwork, that stressed the importance of a healthy diet, because our Indigenous population are at risk of getting a higher incidence of diabetes because of the Western diet, which we can tolerate and Aboriginal cannot tolerate. We saw a lot of evidence yesterday of Aboriginal people eating the wrong diet, and yet there are messages there for the families to read and educate the kids, particularly on the importance of eating, for example, fresh fruit and vegetables. What do you think can be done about that? Aboriginal health is probably our No. 1 crisis in this country.

Unfortunately, our diet, the Western diet, is making a very bad contribution to the health of Aboriginal people.

Ms Vincent—We have health workers out in the communities. I think health workers, maybe in conjunction with the interpreters, going out and educating our people in the communities about nutrition, with pictures—

Mr MURPHY—Just for my own education: Western kids like a lot of fast foods and what we call lolly water, the stuff that is bad for them; do you think Aboriginal people are also attracted to that?

Ms Vincent—Yes.

Mr MURPHY—So they are drinking and eating bad food, because they are as attracted to it as anyone; there is nothing peculiar about that?

Ms Vincent—No, there is nothing peculiar about that.

Mr MURPHY—I saw beautiful kids. I took a photo of one and they all came and wanted to have their photographs taken, and I am thinking that we could give them all the wonderful food we eat. It is sad to see them eating bags of chips and drinking two-litre bottles of coca-cola. I wish we could do something. If the interpreter service can do something to better educate them, I am sure that will help them. If their health improves, ultimately everything will improve.

Ms Vincent—That is why we are trying to encourage health workers to use interpreters to get the message across.

Mr MURPHY—About the importance of a good diet.

Ms Vincent—That is right.

Mr MURPHY—The bush tucker is more healthy, obviously, for Aboriginal people.

Ms Vincent—Bush tucker is used, no doubt, in the remote communities. But the shops have got all the fast food, and it is easily accessible by people.

CHAIR—What about the question of hygiene in health? It is said that the greatest change in mankind's health occurred when we washed our hands with soap. What about concepts of not just of hygiene per se but the consequences of what flows from certain hygienic behaviours and making the connection between a practice and an outcome? How difficult is that?

Ms Vincent—I am not an expert in the health field. I am administering the Aboriginal Interpreter Service. But it is very important to get the message across, especially about hygiene and the diseases we have in our communities. Once again, I reiterate that we try to use our interpreters as much as we can out on the communities, to assist in specialist health clinics as well as the police stations to convey these messages.

CHAIR—Do you also become involved in STD? Do you have programs to communicate on those questions?

Ms Vincent—We have specialist training for our Aboriginal interpreters. For example, they have to learn about brain surgery and renal problems, all the different specialised areas, before they can interpret what is going on, because there are a lot of words that we do not have in our languages—those to do with kidneys et cetera. Our interpreters learn about those specialised areas and they are then able to convey the message.

CHAIR—STD is a problem. Are you a big part of the program, or are you just an adjunct to the program?

Ms Vincent—I think we are only a small part of that program, in training our interpreters in those specialised fields.

CHAIR—When you say that 70 per cent of Indigenous people speak languages other than English at home, that does not necessarily mean that 70 per cent of people have no English, does it?

Ms Vincent—No.

CHAIR—What percentage of the 28 per cent of people in the Territory would have no English?

Ms Vincent—I have no record of the actual statistic on that, but with the 70 per cent we have a lot of Indigenous people where English is maybe their second, third or even fourth language. That is not to say that they cannot speak English but they have—

CHAIR—If they have four languages, that is terrific.

Ms Vincent—That is right. And some of our interpreters have a few languages before they speak English.

CHAIR—Wouldn't it be important to know what percentage had no English? Wouldn't they be the real target of your program?

Ms Vincent—Yes, that is right; it is a need.

CHAIR—But you do not know?

Ms Langford—No.

CHAIR—It might be an idea if you could find out and let us know.

Ms Langford—Indeed, we will take that on notice.

Ms PANOPOULOS—It is interesting to hear what you have said about use of English and the other questions asked. In our papers we have been given an article from the *NT News* and there is a statement in there by Hugh Bradley, who sees the job by Oasis as very important because of ‘a decreasing familiarity with English among many Aboriginal people’. I know you are not expert researchers in this, but in your opinion, both of you, why do you think this decreased familiarity with English has occurred?

Ms Langford—In my opinion, anecdotally again, it could be a breakdown in relating to education and school attendances. We would need to look at the why school rolls are falling in communities, and if English is not spoken in the home then it would seem that that may be—

Ms Vincent—That is where the decrease would lie.

Ms Langford—why Hugh Bradley has concluded that.

Ms PANOPOULOS—You cannot identify single acts or particular policies that led to that?

Ms Langford—No, it is not an area of my expertise.

Mr CADMAN—I cannot find any reference, and it must be in here somewhere, that indicates the range of services that interpreters are required to provide—how many in the health area, how many in the justice area, how many in the welfare area.

Ms Vincent—With our interpreting, it has only been in health or legal. We have had none in the welfare area.

Mr CADMAN—What is the break-up between health and legal?

Ms Vincent—Health is far greater than legal.

Mr CADMAN—Can you give me a proportion?

Ms Vincent—I would say 65 to 35.

Mr CADMAN—To what extent do you become involved in the support for very young mothers and children and babies?

Ms Vincent—On a legal or health aspect?

Mr CADMAN—Health.

Ms Vincent—We provide interpreters on a roster system at the hospital and the languages that are provided in the interpreting services help the young mothers that are there in hospital.

Mr CADMAN—Are there travelling services so you could go out with, say, clinic sisters or people like that?

Ms Vincent—With specialists if required—

Mr CADMAN—With specialists if required. So you would not—

Ms Vincent—They are not automatically—

Mr CADMAN—I guess it is an old-fashioned term, but I think of mothercraft—how you look after little babies and what the requirements are to produce a healthy infant.

Ms Vincent—It is not happening at all, unless requested by those services.

Ms Langford—We respond to requests.

Mr CADMAN—I understand that. I am just wondering if you are being asked for it.

Ms Vincent—No, not by the young mothers.

Mr CADMAN—Do those sorts of services exist for very young mothers?

Ms Vincent—They are available.

Mr CADMAN—They are available?

Ms Vincent—Yes, but they are not in use. For example, we have our interpreters based out in the communities. If young mothers require interpreting services, this does not happen unless we are actually getting a request from, say, the women's shelter or the health clinic.

Mr CADMAN—I do not know whether you can judge if it appears to be a hole. It does seem to be to me, but I am a real outsider—the wrong gender, not familiar with the communities. It would seem to me critical, if we have health problems with young children, that good health information for young mothers, or all mothers for that matter, particularly with their first baby, is pretty important.

Ms Langford—I think analysis would show that there are considerable gaps across where the use of—

Mr CADMAN—It is not crime related, I know, but it is a crime that we are not providing it in some ways.

Ms Vincent—We are also looking at education programs, to go out to the communities and train the health workers and the medical staff there that interpreters should be used to get the message out.

Ms Langford—There is of course a defined limit to the services that we can provide and to how proactive we can be through our funding. The total funding for the program is only \$1.5 million.

Mr CADMAN—Do you have a telephone interpreter service?

Ms Vincent—We use it, yes.

Mr CADMAN—Extensively?

Ms Vincent—Not extensively. It has mainly only been used if our patients are going to Adelaide; we have used the telephone service to link patients and medical staff in Adelaide with our interpreters here in Darwin.

Mr CADMAN—Some communities have videoconferencing facilities.

Ms Langford—They do.

Ms Vincent—But they are not being used, and that is why we have got to go out there and educate the communities.

Ms Langford—In the short time that the program has been in place, our focus has been on identifying interpreters and training them to a particular standard. As we said earlier, that has not been an easy task in itself. That has been the main focus. We have also focused on ensuring that the interpreters we have been able to attract are trained appropriately in the legal system, the health system et cetera. Obviously, as the program is, hopefully, funded in an ongoing way and it develops, we can attract additional resources to be more proactive in these areas.

Mr CADMAN—I will put a proposition to you: it might be easier to mainstream health services—that is, provide language speakers with nursing skills in the communities—than to provide legal advisers with language skills. Is that right?

Ms Vincent—That is right.

Mr CADMAN—Thank you.

CHAIR—Just to summarise, I note that the paper we have got on interpreting services states that, of the 608 Indigenous people who are in prison:

... this represents 78.76% of the overall population in prisons throughout the Territory. Indigenous juveniles represent 72.73% of the overall juvenile offenders in the criminal justice system.

How much would those figures—and perhaps this is outside your expertise—be due to the fact that these people just have not got enough education to cope in current society?

Ms Langford—I could give a gut reaction, because I am quite passionate about education, particularly Indigenous education. I think it certainly would play a big part in it, but again I have no—

CHAIR—No stats to back it up.

Ms Langford—No stats to support that position.

CHAIR—I suppose you would not have any stats either that said what percentage of those people did not have good English skills.

Ms Vincent—We have not got any stats here other than what we provided already.

CHAIR—It would be interesting to know, though.

Ms Langford—It would be very interesting, yes.

CHAIR—We do thank you for being with us. It was really quite interesting, and obviously the health part is the majority of your work.

Ms Langford—At the moment. Certainly we are working very closely with the Department of Justice to increase the awareness of the service and to ensure that the service can respond most effectively and efficiently to their needs.

CHAIR—We do thank you very much for coming today and wish you well with the work that you are doing.

[2.15 p.m.]

ALUM, Mr Wayne, Shift Supervisor, Mission Australia

PENLEY, Mr Peter John, Services Manager, Mission Australia

CHAIR—Thank you for taking part in our public hearing today. I ask both of you if you would like to make an opening statement.

Mr Alum—No.

Mr Penley—No.

CHAIR—Perhaps you might like to briefly tell us about the part that you play in the delivery of community service and the night patrol.

Mr Penley—If I could first apologise, our operations manager, Jane Lawton, was going to make it today; she is ill, so she could not be here. As a services manager, I oversee the community night patrol, the community day patrol, the sobering up shelters in Darwin and in Katherine, the Darwin youth beat, the Palmerston youth beat, and medical transport. The night patrol operates with two vehicles from Monday through Saturday nights—

Mr Alum—On Monday, it is just the one vehicle; from Tuesday to Saturday there are two vehicles. We cover the whole of Darwin—the Palmerston area as well. We mainly deal with intoxicated itinerants.

CHAIR—Where do you take them?

Mr Alum—To the sobering up shelter, to their homes, if they have a home, or, if they are too aggressive towards the clients, the night patrol or the shelter staff—

Mr CADMAN—They could not be too aggressive with you.

Mr Alum—No. Our last resort is to the Berrimah watch-house.

CHAIR—So you are operating how many nights a week?

Mr Alum—Six nights.

CHAIR—Six.

Mr Alum—Except for Monday, when there is just the one vehicle on the road.

CHAIR—How many people would you deal with a week?

Mr Alum—In a week, probably between 30 and 50 clients.

CHAIR—Would there be more on Friday and Saturday?

Mr Alum—It varies really. Our busiest days are usually Tuesdays and Thursdays.

CHAIR—Why is that?

Mr Alum—Tuesday with the markets. It is mainly, with our clients, Centrelink payments and that.

CHAIR—They pay on Thursday, do they?

Mr Alum—Tuesday and Thursday.

CHAIR—I see, they are the two paydays.

Mr Alum—They are the main days.

Mr Penley—It is very dependent too on if there is a major sporting carnival or a music festival of some sort in the area. That bumps the numbers up a bit more.

CHAIR—Events attract behaviour?

Mr Alum—Yes.

Mr Penley—I think events attract numbers of people; although the behaviour itself is not escalated, the number of people partaking in that behaviour is.

CHAIR—Isolated behaviour becomes group behaviour.

Mr Alum—Yes.

CHAIR—When you take them into the sobering up place, what do you do? Do you give them a bed that night, dry them out, give them a decent breakfast in the morning and say, ‘On your way’?

Mr Alum—We encourage them to detox. We refer them to groups like CAAPS or FORWAARD and more or less counsel them. If they require our services, we organise it for them. We transfer them. When we drop them off at the shelter, we provide them with a bed and we wash their clothes. They have a shower; they have a six-hour sleep—or they can sleep till the morning. We give them breakfast in the morning and then we will provide them, mainly the older people, with bus passes. The day patrol that is on duty transfers some of the clients either back to the hostels or to medical services. That is more or less what we do.

Mr CADMAN—What is your peak time?

Mr Alum—It varies. We start at four, but it usually gets busy about 8.30, sometimes about 9.30. Usually, before the bottle shop closes, it gets really busy for us.

CHAIR—That is the alcohol side of it. What about the drugs side of it? What are the drugs that are in use?

Mr Alum—I have not really come across clients that are dealing with drugs; we mainly deal with alcohol at the moment. We come across juveniles sniffing paint, glue or petrol, but there are no other severe drugs.

CHAIR—Marijuana?

Mr Alum—No, we do not come across it; it is mainly alcohol at the moment.

CHAIR—How come there is so much marijuana going into the communities from Darwin, but we are not seeing it in Darwin. That does not kind of add up to me.

Mr Penley—Whether it be marijuana or alcohol, most of our call-outs are to do with intoxicated people. The people may also be affected by marijuana but we would not know that. It is really the level of intoxication that has had them reported to the night patrol. The patrol has then gone out and made the visit, to follow up and see whether these people need transportation home or elsewhere, or even just to calm down the situation and get the people to move on. We do not see much going on apart from the intoxication really.

CHAIR—Are the people you see regular customers?

Mr Alum—Yes, regular customers that we pick up just about every day.

CHAIR—So they are hard core.

Mr Alum—Yes.

CHAIR—Do you have services to try and wean them off alcohol or whatever it is they are on.

Mr Alum—There are CAAPS and FORWAARD courses. They attend these courses, but after a day or so, the group they hang with then breaks away from the course they are doing.

Mr MURPHY—In your statement, you said you worked in the Berrima prison as the Indigenous employment service worker and that one of the issues you found relating to recidivism was the support or lack of support in regard to released prisoners. Would you like to tell us a little bit about that?

Mr Penley—I was not really sure whether I should put that in because it was from a personal perspective rather than a Mission perspective. I worked in the prison for about seven months. I still get phone calls from prisoners who have been released. I have no answers for it; this is just one of the things that I found. While the person was in prison, part of my role was to actually work closely with the person to try to get them to identify their own skills and what they wanted to do if they got out, and then go out and make some contacts employment wise. What was

happening with a number of people was that, when they were coming out, the rehabilitation almost stopped at the front gate of the prison. No matter what time they were let out, that is where it stopped. That is probably not such a drama for people who have only been in prison for a short term, but it was a drama for some of the people who had been in prison for a long term.

One chap who comes to mind had been in there for two stints of seven years. There was an expectation that he would walk out the front gate with his three T-shirts, his pair of shorts and \$140 in his pocket. He had lost contact with a large number of his family. He had to try to sort out what is now Centrelink. In the past, it would have been CES. There are now different ways of payment. There are no longer cash payments. It is now done through bank accounts. How does he set up a bank account and things like that? He actually came back to me. He was starting to get really frustrated, and he was living on the edge. He said that it was like the old cliché, 'I'm going out to commit something just to go back in there, because I know what it's like in there and I don't know what it's like out here.' There is nowhere to direct these people so they can get that life skill support, to bring them up to speed after 14 years of being actually outside society.

CHAIR—Or knowing where three meals a day are going to come from regularly?

Mr Penley—Yes, and just the frustrations of it. I am not knocking Centrelink, the job networks or anything like that, but it is a frustrating process if you do not know the process. People who have been in the work force find it frustrating themselves. To somebody who has not been there for seven, five or 14 years, it is almost as though the person is walking along the edge. That was really hard.

Another young chap came out. He had support from his mother. She realised that, if he came back home to live, all his friends would come around. He would get back into the same lifestyle, because she could not keep them apart. His girlfriend's father was a much stronger character. He took him in and basically kept his friends at the front gate. They were not allowed to see him for a period while he got his life back on the rails. He is now an apprentice mechanic and life is looking fantastic for him, but it was only because of the support that he was able to garner from close family.

I have another example of a young chap who actually went from the prison to Nhulunbuy, where he had a job. Because he was in Nhulunbuy where he did not know anybody, things were fine—well, things were fine from where we stood; I am not sure what was going on in his head. He had some problems when he tried to get his girlfriend to live with him. He actually came back for a stint to Darwin to try and get that sorted out. When he came back to Darwin, all his friends came back and he actually got lost from the system; to this day, we cannot find him.

Mr MURPHY—From the government's perspective, who do you think would be the best person to give support to people who have been in prison for significant periods of time when they leave the front door of the prison?

Mr Penley—It probably needs to sit with a large organisation—I am sure it is done elsewhere—that has the capacity to pick up the program, to employ and support the people, and possibly even to arrange medium-term accommodation while they get back on their feet. It would have to be at least a medium to large organisation that deals in that sort of thing. As I said,

I do not have any answers, but there was nowhere to turn. That was one of the reasons that I brought that up.

Mr MURPHY—I am glad you did; thank you.

Mr CADMAN—I have two quick questions. Crime and alcohol—is there a link?

Mr Penley—I would probably say there is a link to petty crime and alcohol. A lot of the things that we come across would be, I suppose, almost verging on vandalism and minor assault.

Mr Alum—Assault, yes.

Mr CADMAN—Is alcohol always involved or generally involved?

Mr Penley—Everything that we come across would be alcohol involved.

Mr Alum—Alcohol, yes.

Mr CADMAN—What about a compulsory treatment for somebody who is an alcoholic but may not admit it? What about something like an apprehended violence order against somebody who is a real menace around the house or to society? Maybe you or somebody like you could recommend that they go on a compulsory Naltrexone treatment to dry them out, to solve the problem completely, so they would have no desires or cravings. They would be free of alcohol.

CHAIR—Naltrexone is only for drugs.

Mr CADMAN—No way.

Dr WASHER—Naltrexone is approved by us as a use for alcohol but not for opium.

Mr CADMAN—It is a very effective treatment for alcohol.

Dr WASHER—It is approved by the federal government on a PBS listing for alcohol.

Mr CADMAN—You would kill any craving. You would kill the addictive factor, and they would have to go on a treatment program. Would that be useful to them?

Mr Penley—Do you want a personal opinion?

Mr CADMAN—It is the compulsory aspect that is the hard part. If the patient is a menace to themselves and those around them, then you could perhaps go to a judge and say, ‘This guy needs to be treated, and he ought to get it whether he wants it or not.’

Mr Penley—I do not know anything about Naltrexone, so my question regarding that is: at the end of the treatment—

Mr CADMAN—What happens? He goes out in the street with his mates?

Mr Penley—Yes. Although Naltrexone kills your craving or whatever, does it kill it forever, or when they go back out, and it could be mates, family or just living in the long grass, where—

Mr CADMAN—An implant is available that would keep them free for six months. They could drink themselves blind under normal conditions and it would not have any affect on them.

Mr Penley—It might stop the behaviour.

Mr CADMAN—It is a blocker.

Mr Penley—It might stop the behaviour, but I do not think it would stop the drinking. I think a lot of people out there drink because that is what is done in their social group.

Mr CADMAN—You have to move them out of that group. Nhulunbuy or whatever is the answer.

Mr Penley—It is a lot like with the CAAPS program, the FORWAARD program and the Bridge Program of the Salvation Army. This is a bit like what we regularly see going through the sobering up shelter and also from prison, where the opportunity for parole is linked to doing this six-week Bridge Program. They get parole if they do the program. They go out with the full intention of doing the Bridge Program just to get parole, not to do the Bridge Program to be rehabilitated—and because everything in Darwin is so close to alcohol and friends, you are not removed at all. It is available to you, and the minute you walk out the front gate your friends are there to meet you and the whole cycle starts all over again.

Mr Alum—That is right. Even with countrymen living in the long grass, there will be a group who go and buy alcohol for that day. It is only walking distance, and they are back into that cycle again. More or less all of the countrymen are related to each other, and the cycle just continues. In my opinion, you cannot beat it or deal with it. You have to more or less put up with it. It is hard to get somebody who is an alcoholic out. Since night patrol started, I know only two people whom we enrolled in detox courses and CAAPS who have not touched alcohol for three years. I know of only two people. They are living a healthy life. They are getting along. They do art painting. They sell their paintings. But, of the people we have dealt with, they are the only two I know of who have stuck to it. Everyone else we try to detox, counsel, support or guide is back in the streets doing the same thing after two days.

CHAIR—Do you have in your program long-term hostel type accommodation where they remain with you for, say, six months or something?

Mr Penley—We do not have anything like that. CAAPS and FORWAARD are different organisations that handle the detox and rehab programs. Apart from overnight stays in the shelter, Mission do not provide any accommodation. We do not have that, but there is a huge need for that support, at least the medium term, because somebody who has gone through the program and is then released to go back out into society often still does not have that support to stay.

CHAIR—I am aware of a program which the Salvation Army run in Sydney called Oasis. There is a place where street kids—or kids who can be on drugs, or a combination of things or

whatever—can have accommodation and live. They have built a schoolroom within the complex so they have classes, and, as an adjunct to it, they have a restaurant which has very cheap meals. They can go there and start to build a life which is a community life. It was interesting; I last went there very recently and took some school captains from different parts of Sydney. What was utterly amazing was that one young man who talked to us and who had lived on the streets after leaving home because of family violence—he had been getting beaten up and so on—had actually been to the same school as one of the young boys who was school captain. That message got home to him big time, and they really went out to become involved in the Red Shield Appeal and to feel that involvement with those people. To me, it is an exciting program because it is interacting. It is not saying, ‘You are the clients who need the help, and when we’ve given you the help, off you go,’ but, ‘Here is a whole lifestyle we’re offering you. There are people with whom you can interact. You can come down here and learn to be a disc jockey, you can learn to make videos or you can work on learning computer skills.’ That is all part of the whole complex. Is there nothing like that?

Mr Alum—No.

CHAIR—There was not before this program either. Does that sort of program interest you?

Mr Penley—I suppose the idea, the concept, is good. But with the clients that we are dealing with up here—again it is all personal opinion—I have always thought of having something like a working cattle station. Most of the people we deal with up here are Indigenous and, if we could have a working cattle station that included rehab, the possibility of the lifestyle—

Mr CADMAN—Adrian Ross, a didge player, is thinking of doing something up here in the Territory. That would be good out on a cattle station.

Mr Penley—We come across all sorts of issues. You have somebody out there, you start to get them to believe in themselves and get the skills to get back on line, but they do not want to stay there because it is not where their family are from. A lot of people would be looking to return home, and that might be one of the island communities or whatever. There is a program at the moment that has come in with the itinerant program, called ‘Return to Home’, where understanding that taking somebody who has been a bit of a troublemaker in Darwin back home does not necessarily make them not a troublemaker any more and does not keep them at home, so—

CHAIR—And it probably does not make home all that good either.

Mr Penley—That is right. But with the itinerants project they have gone out to the different communities and got elders from the communities to come in and speak to the people to find out what their issues about returning home are; if they are prepared to come home, the elders will talk to the community to get the support for them in the community to keep them there. I suppose it is like the night patrol and the day patrol. They are both working with Larrakia Nation to identify who these people are and give them the opportunity to put their hand up to say that they want to go back. They then bring their own elders into town to talk to them about how best to get back and how best to be able to stay there and not have the lure of—

Mr CADMAN—Where is Larrakia?

CHAIR—This is Larrakia here.

Mr CADMAN—The Darwin area?

Mr Alum—Yes.

CHAIR—Regarding the protocol for behaviour on Larrakia lands, when we went to Wadeye we heard that part of the problem before they developed their council concept was that another clan could not speak out or behave as a normal resident on somebody else's land. How does that apply in Darwin, or is it different because it is a city?

Mr Alum—The itinerants who are living in the long grass—this is what I see on the night patrol—more or less disrespect the land and the cultural values of the Larrakia. We had two different itinerant groups in the long grass. If you have a group from Maningrida and a group from Alice Springs and you get the group from Alice Springs to sit in a group with the Maningrida mob, there are different cultural values there. It always flares up. An argument or a fight will happen. Basically, the itinerants who are living there are more or less just disrespectful of the Larrakia, their cultural values and the land.

CHAIR—So the protocols and behaviour have just gone?

Mr Alum—Yes.

Mr Penley—There is something that Larrakia are starting to come back now with. They have produced those protocols. If a large group of people who come from a specific language area outside the Larrakia are causing some sort of disturbance or problem, the day patrol reports back through the Larrakia, who then have the host project. Larrakia hosts will go out with the day patrol, if need be, to that group of people and talk them through the Larrakia protocol to keep our land sacred. But that is relatively new—12 months maximum.

Mr Alum—About six months.

CHAIR—Is it working?

Mr Penley—It is probably early days.

Mr Alum—I believe it is working. At Stuart Park shopping centre the St Vincent de Paul have built Sullivan Park. It was a bad place. The shop owners were complaining about the itinerants in that area. When the Larrakia hosts set themselves up, that was their first base. You hardly see itinerants in that area anymore—just mainly for breakfast. You see them at the St Vincent de Paul's and at night.

CHAIR—It is improving their behaviour—they are still there but their behaviour has improved?

Mr Alum—You hardly see them there now, only in the mornings and at night. I believe that it is working.

CHAIR—What about the youth night patrol? That is new.

Mr Penley—Yes. We have had Palmerston Youth Beat going for nearly 12 months now but that is run only on Friday and Saturday nights. The Darwin Youth Beat, which is more the northern suburbs through Casuarina and Karama, operates effectively over a 24-hour period seven days a week. It does not cover 24 hours seven days a week but we have two patrols out there. It is completely different. It is not a youth patrol, it is really more about going out and engaging youth. It is an education and crisis referral outreach team who go out and talk to youth about different issues. It works closely with the police, with FACS and with the other youth organisations that offer crisis accommodation and things like that. As I was saying, it has run across quite a bit of chroming, paint-sniffing and things like that and reported it to the police. It has also done things like education—removed the bags and sat down with the kids who were doing it and talked them through some of the issues. It is very early stages for that one.

CHAIR—Thank you both very much for coming to talk to the committee today. We wish you well with your continuing work.

[2.45 p.m.]

MITCHELL, Senior Constable Edwin Scott, Senior Policy Advisor and Officer in Charge, Drug and Alcohol Policy Unit, Northern Territory Police Force

CHAIR—Welcome, and thank you for taking part in our public hearing today. Would you like to make an opening statement?

Snr Const. Mitchell—Yes, thank you. I believe you all have a copy of the submission that I have put together. I will read the executive summary, which encapsulates the bulk of the work that is in the document.

CHAIR—Thank you. Is it the wish of the committee that accept the submission and authorise it for publication? There being no objection, it is so ordered. Please proceed.

Snr Const. Mitchell—Essentially, it is clear that illicit drug use in the Northern Territory is a matter that should be of some concern. The Northern Territory has either the highest or very near the highest rate of licit and illicit substance use of all Australian jurisdictions.

CHAIR—Is that on a per capita basis?

Snr Const. Mitchell—Yes. Whilst it can be argued that the Northern Territory has a significantly lower mean age bracket and that in the main many of this age group are in the risk-taking bracket, the NT overall drug use pattern is still one for grave concern. The NT has considerably higher numbers of Indigenous people per head of population than other jurisdictions and within this sector, particularly remote and rural communities, there are emerging and concerning drug use patterns.

There have been three internal police strategic assessments, in 1996, 1998 and 1999, of illicit drug use in the Northern Territory, after which my unit was formed. We have taken over that role. All three reports essentially indicate that illicit drug use in the Northern Territory now permeates every stratum of society. The use of illicit drugs by individuals ranges from occasional cannabis use through to addictive use of drugs such as heroin. Previous internal assessments also indicate that there are a significant number of criminals who profit from the exploitation of users of illicit drugs. There are also many people in the Northern Territory community who are generally law-abiding citizens and whose only transgression against criminal law is the purchase of illegal substances for their own personal use, as opposed to economic gain. Apart from alcohol, cannabis is the most popular drug of choice. Current trends suggest that this is unlikely to change. Injecting drug users, whilst still using cannabis, have very different drugs of choice. In the past this has included pharmaceutical drugs such as MS Contin. The diversion of pharmaceutical drugs into the illicit drug market peaked in 1999. Since then it has been addressed cooperatively by government agencies, with good results. Drug trends such as pharmaceutical drug diversion into illicit drug use still require close monitoring and need additional research.

Other illicit substances, such as heroin and amphetamine, are still regarded by the vast majority of the community as being harmful and against the community's collective wellbeing. Links to crime have also been identified throughout this report. The links relate both to illicit drugs and licit drugs, and I include alcohol in those. This should be considered against information from national data which strongly suggests that most illicit drug users use alcohol in conjunction with their illicit drug use of choice. Whilst not in themselves illicit, the semi-illicit use of some substances, such as inhalants and particularly petrol sniffing, creates issues for law enforcement, in particular the emerging problems with inhalant abuse. These tend to demonstrate that serious offences such as murder are not limited to links with just illicit drug use, but also occur across inhalant and alcohol use.

The media almost invariably sensationalise and distort drug news related to youth. For example, a recent newspaper headline reported 'Survey finds 50% students use dope'. That was reported in the *Northern Territory News* of 19 March 2002. This article reported a figure of 50 per cent. When we actually examine it—leaving my report for a second—we find it dropped down to 29 per cent of secondary students having used cannabis at some stage in their lives, which is a significant difference to what is actually reported, as you would appreciate. Certainly, youth drug use is a significant area of concern and appropriate bodies need to examine the issues, but until specific NT data is available care needs to be taken in interpreting some data against the NT context. I will qualify that. It does not take much of a trend or a change in figures for our data to be wildly misrepresented or misinterpreted. In cases of murder, for example, you get two or three additional murders in a year and we get a 200 per cent jump.

In rural Indigenous communities, as distinct from urban Indigenous peoples, drug use is an increasing area of concern. In the past Indigenous communities have been relatively protected from most of the illicit drug issues. Much of the evidence about increases of use of illicit drugs, particularly cannabis, has been anecdotal and it has come from police officers stationed in those communities. To date the absence of hard data on this subset of the community has resulted in a paucity of formal research on the issue. However, the emergence of recent data, previously lacking, has confirmed the anecdotal evidence that cannabis is a growing problem that needs to be addressed in the immediate future. The NT Police have already commenced work to identify the best course of action via the National Drug Law Enforcement Research Fund.

There are two particular projects that are attempting to ascertain the level of cannabis use in rural and remote Australia. They are joint projects between the Northern Territory, West Australian and South Australian police, in an effort to get a better picture of what is emerging in our rural and remote Indigenous communities. It is focussed on those three states in particular simply because of our geographical location. I have just returned from two days work with attorneys-general, police commissioners and a group of senior executives looking at that tri-state region and at how its distance from Adelaide, in particular, and from Perth affects the administration of law and justice issues in that border region.

With regard to confirming the sort of information that I have just provided in relation to Indigenous people, I have just completed a series of regional and Territory-wide consultations in a joint NT police and Commonwealth Attorney-General's crime prevention unit project, which examined night patrols. That has clearly confirmed that the previous evidence about Indigenous drug use concerns has been reasonably accurate. The three principal drugs or substances of

concern that impact on Indigenous communities, as well as the regional centres, are alcohol, cannabis and petrol sniffing.

CHAIR—We heard evidence in Wadeye yesterday that they had at one stage a bad sniffing problem. They had stamped it out but now cannabis, or ganga, has come in and it is an enormous problem for them.

Snr Const. Mitchell—It is a huge problem. The work that I was doing with the night patrols was a consultation process in which we were pulling together a set of common protocols, or principles for operation, for night patrols so that there was a degree of uniformity for all of them and, more importantly, a degree of sustainability. One of the issues around night patrols is their unsustainability through one-off funding grants—along with a whole heap of other administrative and resourcing issues. But one of things that was clearly identified in that consultation—in which we spoke to representatives of over 78 different individual communities from as far north as the Tiwi Islands, as far south as Coober Pedy in South Australia and as far east as Townsville and Cairns—was that alcohol has been the principal source of concern for most Indigenous communities for many years. It has not been replaced; it is still the principal area of concern.

In fact, when we asked those representatives in both regional consultations and the final Territory-wide workshop to list their areas of concern in order of priority, they listed alcohol, ganga—or marijuana—and petrol sniffing. Then they moved into areas such as violence, domestic violence and those sorts of things. They listed substance abuse as their principal area of concern. That was closely followed by the associated violence in those communities—most of which, unfortunately, is linked to some form of substance use. They then discussed issues such as community problems and individual problems for themselves as night patrol people.

It is probably not unreasonable to suggest that one of the issues around cannabis use is that, in the main, it is not a replacement drug. It is not being used to replace alcohol or kava or anything else. It is another drug that they can use; it tops up other substance abuse. People who are drinking alcohol do not stop drinking and start using marijuana; they simply use both, much in the same way as kava was introduced by the Yirrkala and East Arnhem Land people to attempt to address the alcohol related violence. What we find is that they will drink both kava and alcohol. It is a huge problem that was discussed at length in Alice Springs in the last two days with senior people.

CHAIR—Who is bringing it in? Who is supplying it?

Snr Const. Mitchell—There was evidence presented in Alice Springs that a lot of the stuff that comes into Central Australia is coming from all three jurisdictions. It would appear that in South Australia it is coming up from Augusta, and they are prepared to travel as far as Blackstone in Western Australia. Similarly, it is coming in from Western Australia and across both the South Australian and Northern Territory borders.

The night patrol people would indicate that the people in their own community are as much of a problem as those who profit from it. I think that the night patrol people are probably one of our most reliable sources because they tend to be people who do not use substances and intend to do work in their communities. The experience of the NT police is that there are people who do it for

pure economic gain. We have had circumstances where people have come up from interstate with the specific aim of targeting Indigenous people, but it would mean that they would have to have had some kind of link to get into the particular Indigenous communities. You cannot just wander into Wadeye, Maningrida, Papunya or Yuendumu as a complete outsider. Those communities simply do not work that way.

CHAIR—When a drug dealer decides to target any community—it does not matter whether it is a bunch of kids in a suburb of Sydney—they work on the basis that, if they supply it free of charge to a group of, say, 100 people to start with, by the time they whittle it down they have a hard core of 12. That is the basis of their continuing to spread and sell their product. Those kids then become their agents on the ground because they are hooked.

Snr Const. Mitchell—Yes. Alan Clough from the NT Menzies School of Health Research has done probably the only definitive research into substance abuse as far as Indigenous rural and remote communities are concerned—he did that in East Arnhem Land. His evidence from one community in East Arnhem Land was that about 60 per cent of the male, 10- to 40-year-old cohort was using cannabis on a daily basis, which is considerably higher than the national average.

CHAIR—Yes, the whole country would be stoned.

Snr Const. Mitchell—The other thing that occurs is that their own people bring it in. When we say ‘their own people’, we mean people with family links and traditional cultural ties to those communities. There is a high rate of movement between Indigenous communities, particularly between those in the Top End, and it is the same in central Australia. As you would be aware, the Pitjantjatjara land basically covers from Alice Springs down to Coober Pedy and, west, to Blackstone and Kalgoorlie in WA. So you are talking about a massive area of Australia where they all have cultural links, and they travel between those communities regularly.

In relation to kava, for example, many of the principal offenders for running black-market kava into those communities are, in fact, the community leaders themselves. When you have traditional owners and elders—the leaders of their communities—involved in that trade, where do you go to? The other thing that occurs with Indigenous communities is that they simply do not ‘dob’—to use their expression or a common expression. They do not report and, if they do, it is only after the drug has all been consumed and the trouble starts. Take a place like Docker River, for example: the nearest police station is at Yulara or Ayers Rock. That is a 2½-hour drive away at absolute best. Once trouble starts, being on Docker River or the main inland highway means that they are across the border before we have a chance even to attend, let alone deal with an issue.

Ms PANOPOULOS—I do not doubt what you are saying at all, but is there readily available evidence with regard to the critical role that so-called community leaders have in supplying drugs?

Snr Const. Mitchell—In relation to kava, you could identify those we have prosecuted or have a particular interest in, or are known as traditional owners or are elders of their community. It would be a long and laborious task to do it, but there is certainly enough evidence to suggest

that, particularly in relation to kava, they are involved in one way or another, even if it is simply in facilitating it. There is a lot of money to be made in it.

Ms PANOPOULOS—In your extensive dealings with illicit and legal drugs, what sort of cooperation has there been with ATSIC? What initiatives do you know of coming out of ATSIC to directly target the supply of illicit drugs in particular?

Snr Const. Mitchell—None that I am aware of.

Ms PANOPOULOS—Extraordinary.

Snr Const. Mitchell—We have an NT consultative forum which includes the government and ATSIC. But there is very little in relation to on-the-ground initiatives that might be funded by or worked with ATSIC.

Dr WASHER—The users become pushers, which is what we see generally, and the network is fairly entrenched as you perceive it currently. So prohibition does not seem to be an easy way of managing or getting around this problem. Hypothetically, if it is that entrenched, it is at that level and the community attitude is such that people will not do someone in, the best hope is some form of education about and management and containment of these drugs in terms of responsible usage—or is that too defeatist?

Snr Const. Mitchell—I do not know whether or not it is defeatist. It is certainly one of the preventative measures that are carried out. I have been involved in a lot of work with that through our school based police program, which I formed in 1984, and the DARE program, for example, in Territory schools, both rural and urban based. But it is more than just addressing the drug problem. I heard the last part of the previous evidence where you asked questions about ways in which you could address it and the Naltrexone issue. It is pretty hard to disagree with the evidence that was presented to you, in that you can treat the drug problem but it is more than that. In relation to community members, particularly some elderly ladies who are traditional owners of the Docker River region in the bottom corner of our Territory, there was evidence given that in a recent survey of their community less than 10 per cent of the households had a washing machine or a fridge. So it is not difficult to understand that when they get alcohol it is not a matter of putting it in the fridge and having a cold can twice a day for a week; it is about drinking it all quickly right here and now. They do that for a couple of reasons. They have nowhere to store that sort of stuff at any rate.

But it is also about what occurs in those communities. In many cases if you talk to younger Indigenous people who are perhaps just getting involved in things like petrol sniffing, kava use or cannabis use, they will say, ‘Why not? It feels good.’ It blots out the sort of life that they lead. When I was in charge of the school based police, an incident occurred which brought it home to me very graphically. We have an officer based in Alice Springs who is solely responsible for visiting rural and remote communities. Senior Constable Mike Petrie is a highly respected member of our police force and, more particularly, highly respected in Central Australia with his links with Indigenous communities. He visits 21 communities on a regular basis. As part of my management of the scheme we were travelling into Yuendumu, one of those communities. It was two days before school started. A lot of the high school aged children from not just the Central Australian region but also the Top End come into boarding school. In Alice Springs the principal

boarding school is Yirrara College. There were two 15-year-old girls that Mike knew sitting underneath a tree about three kilometres from the community. We stopped and said, 'What are you doing out here?' He thought they were waiting for the bus, and he said, 'You know the bus does not come for another couple of days.' They answered, 'Yes, we know.' He said, 'Why are you sitting here,' and they said, 'Because it is better here than in there.' These kids have got used to having a safe place to sleep, and being safe from all sorts of things. They did not have to put up with the racket that goes on with alcohol abuse, the petrol sniffing, all that sort of stuff. They get three square meals a day. They are well cared for. They shower, they have clean linen, all those things. It was not difficult to understand that living underneath a tree with a two-litre bottle of water for a couple of days was preferable to living in the community.

It is really easy, I would suggest, for a lot of people to look for a quick fix to the drug issue, but it is actually about dealing with some of those underlying issues. It is about employment. It is about pride in the community. It is certainly the view of the night patrol people that that has undermined their cultural values, their cultural strength. Respect for culture and for country is undermined when the traditional owners and the elders are often part and parcel of the very problem and form role models that are negative rather than positive. That is an issue that night patrol people deal with. You had a perfect example here that there are not that many of those Indigenous people who stand up as good role models on the ground, and those who do stand up get tired really quickly when they do this night after night after night. I walked away at the end of the consultation period, I must confess, with total admiration for those 400-odd people that I spoke to. And that is what they say: it is about the role modelling—there are just not enough positive role models. But it is about addressing a whole range of issues, not just alcohol and other substance abuse problems.

CHAIR—The figures you have put in your paper are the 1998 figures. There is a little bit of good news on the horizon. I do not have the breakdown state by state but I can tell you that all the AIHW figures and ABS figures show that drug usage increased from 1991 to 1998 but dropped in every category from 1998 to 2001—

Snr Const. Mitchell—It has dropped slightly over the—

CHAIR—except ecstasy, and it is quite a dramatic drop. For instance, the national figure in 1998 for cannabis use was 17.9 per cent of the population 14 years old and above but in 2001 it had dropped to 12.9 per cent.

Snr Const. Mitchell—Which table is that from?

CHAIR—That is from my table, from the AIHW figures.

Snr Const. Mitchell—But you are quoting—

CHAIR—Yours is on page 14.

Snr Const. Mitchell—Yes, table 3, the summary of recent use.

CHAIR—Yes, and I am talking about usage in the last 12 months.

Snr Const. Mitchell—Over the page there are the 2001 figures. We included those. It is probably the same table.

CHAIR—Yes, you have put them in as well.

Snr Const. Mitchell—There has been a drop, as you say, but from the Northern Territory perspective of 24 per cent—

CHAIR—You are still way above the national average.

Snr Const. Mitchell—Yes. With a drop like that, you think, ‘Terrific,’ but when you look at the overall trend—

CHAIR—The overall trend is down.

Snr Const. Mitchell—But when we are still double the national average, it does not help us much.

CHAIR—Yes. So we have to ask ourselves: why is the Northern Territory double the national average?

Snr Const. Mitchell—There are a whole heap of theories, such as the fact that we have a young population and a lot of those people are in that younger age group. One of the reasons, particularly in relation to cannabis use and certainly alcohol usage, is that over a quarter of our population are Indigenous, and they contribute significantly to our figures. It must be acknowledged, by the way, that there are more teetotallers or nondrinkers in Indigenous communities than there are in the European community. Unfortunately those who do use alcohol, for example, use it at far greater, harmful and hazardous levels, which is an area of concern for our health and everybody else’s. Whether or not the addictive behaviour is brought about by the sort of environment they live in, it is not as though they stop using one drug to take another; they just add another drug on top. In East Arnhem Land, you have four principal drugs: kava, petrol, cannabis and alcohol.

Dr WASHER—So your opinion, from your experience, is that we need to address the community issues—that it is a community based problem. And the drugs are added into that.

Snr Const. Mitchell—It is chicken and egg stuff. In the consultations with the night patrol communities, I found very interesting the way in which they viewed the issues around substance abuse and violence. In five of the six workshops we did, substance abuse was identified as the cause of the violence. One of the regions, the Barkly region, which is the Tennant Creek region, actually identified the dysfunction of the community as the cause of the substance abuse and the violence, and I tend to lean towards that view, even though it was one of five. It is the dysfunction in those communities that leads to those kinds of problems and issues.

It is probably interesting to note that in the Barkly region their night patrols are very strong and they work together. Maybe that is because of the view they have. I am certainly leaning towards the evidence that I got from that region. They appear to be more willing to tackle the issues. They are the first group that have come back to me at the completion of the project or

completion of one part of the project and said, 'Can you come down and help us take the next step? When can you do it?' They are not interested in December; they are interested in whether I can do it next week or the week after. That is probably indicative of the fact that they view the dysfunction as being one of the causes of the other problems. If they can deal with that dysfunction or deal with some of the problems, the dysfunction will diminish as well.

Dr WASHER—In so-called dry areas, where you expect the amount of alcohol to be at least reduced, is there a reduction in the amount of illicit drug use in parallel with that?

Snr Const. Mitchell—No, not really. Grog running is a significant problem for all the dry areas in Indigenous communities, but certainly from my experience I do not think there is any link between dry areas and illicit drug use. Maningrida has, I think, a fortnightly barge delivery of alcohol. The people with permits can drink. There have been various systems. The local police and local health people got together just recently and said, 'How can we cut down the violence that happens when people get a slab of beer?' Basically the beer never left the barge landing; it was gone within a couple of hours—hot. There are simple remedies like having the beer brought across in a refrigerated container from Darwin and delivered cold; rather than giving two cartons to them in one hit, saying, 'You can have a carton today, but you will have to wait until Saturday for the other carton'—that kind of stuff. Even though they are simply local measures, the reports coming out of there indicate that simple remedies can often be quite effective. At the same time, in relation to cannabis use, the previous OIC estimates that about \$70,000 a week is leaving that community. How can you explain that at Yirrkala, where they can purchase legal kava at \$28 a bag, they still pay \$200 a bag because they prefer the illicit stuff? To me there is no logic in it, but there must be, because that is what they do and that is what they tell us.

CHAIR—They want more than what is being provided legally, which is always the trouble with legalisation.

Snr Const. Mitchell—Yes, it is really bizarre. They said to me the black market stuff tastes better. It tastes like muddy, peppery water, if you have ever tried the stuff. That was their opinion.

CHAIR—Do you have any suggestions about programs or initiatives that are not being tried that ought to be tried?

Snr Const. Mitchell—If I did, I would probably be in private enterprise somewhere. We are probably in a scenario in the Northern Territory where the impact is and where the rates of use are so high that they would almost appear to be overwhelming in some circumstances. But we are also in a position where, being a smaller jurisdiction with smaller agencies, we have close links with health, education, justice and all those things. The tristate meeting in the last two days is a good example of coming together and working cooperatively. The more we can do that, the better chance we have. But, again, I think per head of population both this government and the previous government have spent rates of dollars of about five to one in positive stuff in addressing the problem. But, still, there are only X dollars in the bucket at the end of the day and you can do only so much.

CHAIR—You said that a lot of the marijuana or cannabis is coming up through South Australia. Does my memory serve me correctly when I say that South Australia weakened its drug laws with regard to marijuana; it introduced on-the-spot fines or something of that ilk?

Snr Const. Mitchell—They have had a number of changes: from two plants, up to 10 plants, down to two plants, up to five. It has been all over the place. My understanding is that it is back down to something similar to the law in the Northern Territory, which is two plants for personal use, or less than 50 grams of—

CHAIR—I have a recollection of hearing that marijuana was coming into New South Wales via South Australia and that there were New South Wales crime groups linking with South Australia because of their weaker laws. Maybe there are natural trade routes between South Australia and the Northern Territory. Maybe those weaker laws have made that the entry point, and naturally it flows up to the Northern Territory.

Snr Const. Mitchell—Our laws are pretty similar to the laws of South Australia. But it is about ‘criminals for profit’—for want of a better description—being able to work around the legislation. The perfect example was in South Australia. The chief fire officer reported on ABC radio a few years ago on the number of house fires that were directly related to hydroponic cannabis production inside houses—with the bypassing of switchboards and that sort of thing. Organised crime had set up, effectively, cannabis plantations—particularly when they were allowed to have 10 plants per person. They would just get 10 people to grow it hydroponically. I have seen one cannabis plant that was half the size of this room. So that makes a bit of a mockery of one plant being of a particular value, when you compare it to a seedling, which is one plant. It was massive; it had things on it that were this size. It is very easy to grow cannabis and it grows anywhere in Australia.

Mr MURPHY—How old would the tree be?

Snr Const. Mitchell—I am not sure how old it was. The people that were dealing with it did not want to talk to police, strangely enough!

CHAIR—So the single plant can be a massive point of distribution?

Snr Const. Mitchell—Hydroponic back bedroom stuff is commonplace. It is easy to do. You can purchase the stuff at any shop that deals with irrigation equipment, right across Australia.

CHAIR—But what I saying is that we have a bad outcome from what is essentially bad public policy introduced by somebody who thought, ‘Isn’t this a good idea.’

Snr Const. Mitchell—My personal view—and I state that this is a personal view—is that the rationale for the introduction of that law was about cutting down court time and the decriminalising of marijuana. It was probably the word ‘decriminalisation’ which created the biggest problem because I certainly noticed amongst youth, when I was working with school based police and the kids, that they thought that ‘decriminalised’ meant it was legal. So the understanding of the legislation was probably poorly managed in the first instance.

CHAIR—It makes those of us who believe in being tough on drugs and saying ‘no’ feel that we have to stick to the right track.

Ms PANOPOULOS—You spoke earlier about the importance of the underlying issues to do with substance abuse. A significant underlying factor appears to be the organised criminal distribution element—protected, I suppose, by the mask of a community elder or leader. Could you tell us, just briefly, what is being done to tackle this issue? Do you think enough is being done or is it too difficult a political issue?

Snr Const. Mitchell—Addressing organised crime is a difficult task in the first instance because the criminals often hide behind a veneer of respectability, and there are significant respectable businessmen investing for quick money. The principal groups that we are concerned about in the Northern Territory are the outlaw motorcycle gangs, and in particular the hell’s angels. They are the principal organised group and they have extensive links. From that sort of network there is a series of semi-organised crime groups cascading to a lower level. That is where you get stuff such as the kava traffic through the Tongan Wesleyan church. It is not organised crime in the sense of the hell’s angels motorcycle gang, but rather a series of links where family connections are used to facilitate the business.

CHAIR—So it is the mafia model?

Snr Const. Mitchell—That analogy is probably not too far off the mark.

Mr CADMAN—What is the law on possession of cannabis in the Territory? As a police officer, can you search anybody if you suspect they have cannabis on them?

Snr Const. Mitchell—If we have reasonable grounds, yes.

Mr CADMAN—Is there any personal use quantity that they are allowed to carry?

Snr Const. Mitchell—No. If you are caught with less than 50 grams of leaf material, 10 grams of seed or 10 grams of oil, it is an offence. You can get a \$200 on-the-spot fine, you can be summonsed to court or you may be diverted under the national drug strategy pre-court diversion scheme. So there are three options.

Mr CADMAN—That is different from South Australian law, isn’t it?

Snr Const. Mitchell—No, I do not think any amount is legal. It is just decriminalised in that it can be dealt with in a summary manner. But that is a choice that the arresting officer has. Without criticising the courts, in relation to small amounts of cannabis, most officers are going to issue an on-the-spot fine, because they know that there is a better chance of getting a \$200 fine than there is of any sort of what you would call meaningful action being administered by the court.

CHAIR—But what is \$200?

Snr Const. Mitchell—It is better than they get in court. The court is not going to issue a \$200 fine.

Mr CADMAN—Does that apply to any age group? There is no differentiation between—

Snr Const. Mitchell—No, there is a clear differentiation between juveniles and adults. As you would be aware, under the Juvenile Diversion Scheme we changed our legislation to take the age up to 18. You cannot issue an on-the-spot fine to a juvenile. As part of the pre-court illicit drug diversion scheme, we negotiated with the Commonwealth to ensure that juveniles were given the option of pre-court diversion for any illicit drug, provided it was less than a trafficable quantity. In relation to cannabis in particular, we retained a formal caution. A commissioned officer of the department could caution a juvenile in conjunction with their parent or legal guardian—and that meant a proper legal guardian, not somebody who just turned up and said that the kid was living with them—and work through or discuss the kid's drug use. We retained the right that, at any stage during the formal caution, the commissioned officer could stop the proceedings and have the kid put straight through a proper pre-court diversion process. That is undertaken as a minimum two-hour full drug assessment, which is standard Territory-wide, and then the appropriate treatment regime, which may be anything from an education series to counselling or a detoxification, depending on the drug. That is the process. We built that in to capture those kids, given that the pre-court diversion is about that first-time user or first-time contact with police and drug use. We see it as a better option to divert them into assessment and treatment rather than bringing them back and putting them before a court. Having said that, we do not target users. Targeting users is—

Mr CADMAN—That is what I was coming to. I wanted to know about that. You do not target them?

Snr Const. Mitchell—No. It is counterproductive. It does not achieve anything. It merely increases the harms.

CHAIR—Clearly it means that people think it is okay and it increases the usage.

Mr CADMAN—What about the broken window theory?

Snr Const. Mitchell—If we were to target users, I do not know whether we would get anything else done.

CHAIR—Users are also pushers.

Snr Const. Mitchell—Not all of them. It is a little bit like the old theory that heroin users are all addicted to the stuff. It has been known to be wrong for some time now. In fact, I know several people personally who use heroin on a recreational basis, or they admit to using it on recreational basis. It is not that—

CHAIR—Have you arrested them?

Snr Const. Mitchell—It is when they have been in custody that I have dealt with them. I am not saying that they are personal friends. It is about increasing the harm. In what you would call the lower category of illicit drugs, not every user deals—they do not need to, if they are using it on a semi-regular basis. They can afford to purchase it; it is not expensive. You can grow it in your backyard. If you do get caught for growing less than two plants and you get prosecuted in

court, I have not heard of a magistrate or judge in this country that has handed out a maximum penalty for a drug offence for a number of years.

We are between a rock and a hard place from a law enforcement perspective in that we agree to the national drug strategy and participate in it as we participate in the national illicit diversion, which is a Commonwealth initiative. We tried to indicate to the Commonwealth at the time that we did not think it would be effective in the Northern Territory purely because we do not target users. What do we do? Do we lock up all our users? Like it or not, we have tried prohibition for 200 years and it has not been particularly successful.

CHAIR—I am sorry, I disagree with that. There is this simplistic argument that says that we have said no to illicit drugs and it has not worked; therefore we should legalise it all. That is usually the line that gets pushed by people who want to have—

Snr Const. Mitchell—That is not the line that I am suggesting.

CHAIR—Well, other people have taken an extension of the line that you are using, and it is just not true. Since we have been tough on drugs and said that we will not have so-called recreational use of something which is illegal—we say it is illegal use, not recreational use—we have actually started to see a diminution in the actual usage. Since we have seized more of the illegal drugs, we have seen fewer people using them. The reality is that if you do something you get a result. If we say, ‘Oh, it’s all too hard and really they can use if they want to and really we’re not going to fuss about it,’ why are we surprised that more people use it?

Snr Const. Mitchell—I am not suggesting that. What I am saying is that from a police perspective—and the current government gave an election commitment of doubling the size of the drug squad—an operation to deal with a clandestine lab will occupy almost our entire drug unit for anything up to 10 or 12 days. We simply do not have the resources to target everyday users.

CHAIR—What are the 78.76 per cent of the Indigenous people in prison in prison for?

Snr Const. Mitchell—The DUCO data from a couple of years ago which was put together by the AIC and which measures prisoners’ responses to the question of why they are incarcerated indicates that the Northern Territory is almost the exact opposite to every other jurisdiction, in that 80 per cent are in there for alcohol related offences and about six per cent for illicit drugs. Alcohol is a far greater concern to this agency than illicit drugs. Across the whole of the Northern Territory, it consists of 70 per cent of all our work. If I exclude Darwin from that, 89 per cent of all police work outside the greater Darwin area is alcohol related.

CHAIR—And what we are hearing from you and from others is that cannabis is becoming an increasing problem and it will go on increasing because there is nothing to fetter it. You have dual usage. You have just told us that people who use alcohol also use cannabis. So your outcomes are likely to be worse.

Snr Const. Mitchell—I agree. I am not disagreeing with you.

CHAIR—I am just amazed.

Mr CADMAN—What evidence have you seen of an empirical link between cannabis use and mental illness?

Snr Const. Mitchell—I do not think that I am qualified to suggest that I have any expertise in that at all. There is certainly concern from my colleagues in health—and there has been some evidence to suggest it—that cannabis induced psychosis is on the increase, but I would not tender any expertise in that whatsoever.

CHAIR—There was an absolute myth, a lie, peddled for a long time that cannabis was not cumulative in the body—it is—and that psychosis did not arise from cannabis—it does. It was almost like a giant conspiracy. But suddenly people are starting to talk about it when a lot of people have known about it for a long time. That is why we are here in this inquiry—to sort some fact from fiction.

Snr Const. Mitchell—Law enforcement in this jurisdiction raised the fact 10 years ago that we thought it was of significant concern, and it still is. And it might sound trite, but with the tyranny of distance you cannot run an undercover operation in an Indigenous community. It just does not work. The Indigenous community and the clan structure of the Indigenous community in total in the Northern Territory preclude the normal kinds of operations that we would use to address some of that. We are back to using interdiction type methods of trying to intercept it at airports, gaining information and intelligence about who is trafficking and targeting those that are trafficking.

CHAIR—It is coming up from Adelaide, where the laws are lax; it has become a major supply point.

Snr Const. Mitchell—Or one of them; it grows very well here.

CHAIR—And your laws have mirrored their laws so you have got a major problem. Thank you very much. It has been very interesting. We were to have heard from Commissioner Hill from ATSIC. He has apologised, having been called away to speak with the minister. But he has given us a formal submission and I ask that one of the members move that the submission from Commissioner Hill of ATSIC Northern Zone be accepted as evidence into the inquiry into crime in the community and be authorised for publication. There being no objection, it is so ordered.

Proceedings suspended from 3.32 p.m. to 3.46 p.m.

LOWRY, Mrs Susan, Executive Officer, Victims of Crime NT

CHAIR—I now call Susan Lowry, Coordinator of the Victims of Crime Northern Territory support group, to the table. Thank you for taking part in our public hearings. Would you like to make an opening statement?

Mrs Lowry—Thank you, yes. If I may first apologise for my police pager going off whilst I was sitting in the audience. I do apologise—I carry it 24 hours a day. I would like to start by giving you an overview of our organisation. We are a not-for-profit community organisation that receives government funding. We have existed since 1995, when a group of concerned citizens felt that offenders had more rights than victims. From that early support group—a public meeting—our agency evolved into what it is today. We receive government funding of \$88,000 per annum including GST, which pays for my position as Executive Officer and keeps the office itself open. We rely completely on training professional volunteers from the community to do our client work and currently we have 24 volunteers here in Darwin.

The services we offer the community include information, support and understanding to victims of crime. We have a 24-hour phone support line, which I guess is similar to Life Line down south, but it is crime specific. We have court support for domestic violence victims on restraining order days, where our volunteers go and provide support. We also have a 24-hour call-out service by police, the first of its kind in Australia. We have an MOU with police, and they can call us out 24 hours a day to assist victims in crisis.

Naturally we also have our office hours, where we provide advocacy and support work and referrals to specialist agencies, as well as doing home security audits. We are the agency that distributes the Northern Territory government clean-up and securing fund to help victims of unlawful entry. One of our main roles is going to public forums and network meetings and being the public voice for victims in the Northern Territory.

CHAIR—Very good. Thank you. I might begin by asking you about this 24-hour call-out service. That sounds marvellous. So if you get a call from a battered wife and it is happening, you can get onto the police and tell them to go to whatever the address is?

Mrs Lowry—No, the opposite in fact. What happens is that the police provide us with a pager. When a crime is reported, when the police attend the scene they say to the victim of whatever crime it is, ‘Victims of Crime NT are a support agency. They can help you right here. They can come out right now and support you.’ So what we can do for a battered wife is get them emergency accommodation or contact family or friends for them to look after the children or whatever it might be that will assist them moments after the crime incident. We are often called to the hospital to speak to victims, say of assault, who have had physical injuries. We speak to unlawful entry victims who are very distressed because they have been woken up and someone has been inside their house. So our role is to sit with the victim for the next few hours whilst they come to terms with being a victim of crime and exactly what that means for them.

CHAIR—Do you think the other thing I described would be a good idea too?

Mrs Lowry—We certainly have people ring us on the 24-hour phone line. Naturally, we always encourage people to ring police in an emergency and explain that we are not the correct agency for the urgency of service to them and that they must contact 000. But we have certainly been on the phone to people who require assistance and we have been able to keep them talking to us and ring the police on another phone line.

CHAIR—You said you began because you thought, as many people do, that somehow criminals get more rights than victims. Was there a particular case that set you off?

Mrs Lowry—There was indeed. Two homicides occurred in the Territory in the early 1990s. Both families of those victims joined together and called a public meeting, which is how we started.

CHAIR—Are those people still active with you?

Mrs Lowry—They are. One member is still on our committee. We have a volunteer committee that manages us. So they still have involvement.

CHAIR—If I asked you to assess what success you have, what would you say is the most important part of your work?

Mrs Lowry—We see the most important part is to reach people at the time of their crisis, so to make sure that people are not alone at their darkest moment. In the Northern Territory a lot of people are part of a transient population. They do not have family up here, so there is no-one to turn to. That is where our role becomes so important; to give some of these people hope. I guess it gives them a bit of humanity and a bit of hope that the whole world is not bad at that particular time.

CHAIR—Do you think this has a permanent effect; that if you had not have been there it would have had a much—

Mrs Lowry—Definitely. Studies show that the sooner you can get support to a victim of crime the less chance there is of abnormal reactions to a crime. The faster we can get there to provide support, the more realistic will be a person's expectations from police and the court system. Just knowing what will happen in the next few weeks can go a long way for a person rather than their mind churning over and over again in the middle of the night not knowing what the answer to their question is, whereas we can answer some of those questions which are quite common the moment we arrive.

CHAIR—What would be your major work? Is there one category?

Mrs Lowry—Yes. Over the years it has changed for us. About two years ago our main crime group was assault, so physical assault. That did not include domestic violence.

CHAIR—Why not? That is physical assault.

Mrs Lowry—Yes, but we have domestic violence as a separate category in our statistics.

CHAIR—You do?

Mrs Lowry—We do, yes.

CHAIR—Which is the bigger group: physical assault or domestic assault, which is also physical assault?

Mrs Lowry—Physical assault is our largest group. Two years ago we put that down to the fact that there are domestic violence services in Darwin and we seem to pick up the leftover victims of assault who do not fit into the domestic violence category. So we were seeing coming through our door people who were very traumatised as a result of, say, fights between women in a nightclub or other sorts of physical assaults that were not domestic violence.

In the last 12 months our highest crime group has been unlawful entry victims. Again, we can put that down to our push within the organisation to target that particular group of victims. The reason behind our target was that, even though unlawful entry is sometimes considered a minor crime in the eyes of the law—it is a break-in; it is not a physical assault, a sexual assault or a murder—to the person whose home has been broken into, it is hardly minor.

CHAIR—A violation.

Mrs Lowry—We specifically started targeting them in January 2002. Over the last 18 months our target has paid off and they definitely are our largest clientele group at the moment.

CHAIR—What is the clear-up rate for unlawful entry with intent?

Mrs Lowry—My understanding now is that it is getting quite good. We have had a number of—I am not sure what the right word would be—programs to target youth crime, and they have been very beneficial. They have caught some regular criminals, and that has taken them off the streets. The feedback I am getting from our clientele, who now have to go to court to give evidence, and from the police is that the clean-up rate is improving.

CHAIR—Do the people who perpetrate those crimes reflect the prison population? In other words, we have already seen that Indigenous Australians are disproportionately, I think is the term we use, represented in gaol. Are they also the perpetrators of unlawful entry?

Mrs Lowry—I do not have that information. I do not know that. I do know that would certainly be true for our victims of assault. We have a number of people who have been physically assaulted by Indigenous people in public for refusing to give a cigarette or money or whatever it may have been.

Mr MURPHY—How can relationships be improved between the criminal justice system and the victims?

Mrs Lowry—It is important for the criminal justice system to keep the victim in the picture the whole time. Often we hear from people who say that they did not know when their court case was. They could come to us months after the fact and they have completely missed it. They have had no part in it. They feel disempowered because they have not been able to be part of it.

Certainly victim impact statements have gone a long way to help victims feel heard within the court process. I think there still needs to be consideration for vulnerable witnesses, particularly victims of sexual assault, who have trouble giving evidence in a court. Even though they have the option to request closed circuit TVs or a screen between them and the offender, that is still not always permitted. We should be pushing that a lot more.

I would like to let you know the age group of the people we see. Our most common age groups are 25 to 35 and 35 to 45, which I guess depicts the Northern Territory's young population. Two-thirds of our clientele are female. Our most common ethnic background is Anglo-Australian, which you would expect, followed by Aboriginal. At the moment, 19 per cent of our clientele is Aboriginal, which is quite good. We are proud of that for an agency that is not Indigenous-specific. As we come to the end of the 12-month statistical period, the end of June, our records so far show that the clientele we have had contact with has increased by 2½ fold in the last 12 months.

CHAIR—How many people would you see? What is the total number?

Mrs Lowry—So far this year we have seen just over 600 people. There would be about 3,000 contracts for those clients. We can see some people 20-odd times, as we support them on the night of their crime and also through the court system.

CHAIR—Good.

Ms PANOPOULOS—You obviously rely quite heavily on volunteers. Do you mainly recruit those volunteers from the victims of crime?

Mrs Lowry—No. A lot of people think that. Yes, we do have some volunteers who have been victims, but it is certainly something that we assess quite strictly in our assessment process. We advertise publicly, and people who are interested can come to an information night. We then have a very strict interview process and police history check. In the interview process, we check whether the person, or anyone close to them, has been a victim at any stage of their life and whether there are any issues they need to address before coming on with us. So we do refuse entry to a few people. We, naturally, have to do that in the interests of our clients.

Dr WASHER—It sounds like you are doing a great job. Is there any difference in cultural terms between Anglo-Australians and Indigenous Australians, such as payback systems? In the Solomon Islands they have the wontok system—if you dob someone in, one of the relatives will probably sort you out. Is there that sort of phenomenon at all?

Mrs Lowry—It is certainly something that our clients have spoken about. Particularly when something has happened within a community, they are worried about payback. But I do not know a lot more than what they say. That is a fear of theirs, but in some cultures they accept that. It is not something that we have addressed. Being based mainly in Darwin, we work with suburban Indigenous people rather than community people.

CHAIR—Are you saying that there is less chance of payback?

Mrs Lowry—I am saying that we do not hear a lot about it. Even in communities, we probably would not hear about it. A lot of that stuff would be kept within families.

CHAIR—Thank you for your evidence today. Keep up the good work you are doing.

[4.03 p.m.]

BLACK, Alderman Cecil, President, Northern Territory Local Government Association

TAPSELL, Mr Tony Francis, Chief Executive Officer, Northern Territory Local Government Association

CHAIR—Welcome. Do you have any comments to make about the capacity in which you appear today?

Alderman Black—I appear as the President of the Northern Territory Local Government Association. I am a family lawyer by trade.

ACTING CHAIR (Mr Murphy)—Would you like to make an opening statement?

Alderman Black—Yes. We are a small organisation, in the sense that our resources are somewhat scant. When we were given the opportunity to make this submission we actually tendered a submission which the CEO had prepared for another purpose, for another inquiry. We would like, with the leave of the committee, to extend that. If that leave is given, I propose to make some statements about the municipal aspects of the local government submission and then Mr Tapsell will deal with the community government side.

Assuming that permission is given, broadly speaking we represent all of the bodies in the Northern Territory which are charged with the performance of local government. There are some 60 community government bodies, made up of a hybrid of organisations; there are some 28 associations which are constituted under the Associations Incorporation Act; there is a special-purpose town, Jabiru, which is constituted under the Jabiru Town Development Act; and there are some 30 other organisations which are traditional local government. In addition, there are the six municipal councils, being Darwin, Palmerston, Litchfield, Katherine, Tennant Creek and Alice Springs.

Regarding my background, I have been a resident of the Northern Territory for some 35 years. I have been on the Darwin City Council for some 25 or 26 years. I was lord mayor 20-odd years ago. I was national president of the Local Government Association some 20 years ago as well.

Darwin City Council in recent years has been most concerned about social welfare and social disorder. Whilst, from a funding point of view, it is clearly the responsibility of state government and while state government have the greater capacity to legislate in regard to this, we in local government are extremely concerned that we need to be considered as a participating partner in the process. What we have done to deal with that is to form a number of committees. As recently as last month, the Lord Mayor of Darwin, Mr Peter Adamson, was given membership of the organisation known as Crime Prevention NT. It is a partnership against crime. The Darwin City Council is now a participant in that, in the form of the lord mayor.

In addition, we have established a Community Safety and Security Advisory Committee, which consists of the lord mayor as the chairperson, representatives from the council in the form

of four aldermen, the Darwin police, three community representatives, some council staff and some business representatives. Fundamentally, the purpose of that committee is to develop and monitor a strategy for handling recommendations from resident action groups in relation to community safety.

In recent years, the growth of community groups has been substantial and these groups have grown out of the need to take care of particular interests. They are mainly suburban based: there is one in Parap, there is one on the esplanade, there is one in Wanguri and there is one in Nightcliff. These are community based groups that draw their constituency from local people who are concerned to play a part in the endeavours to come to terms with antisocial behaviour.

The first purpose of that particular group which has been established by the council as an advisory committee is to develop and monitor a strategy for handling recommendations. We are also identifying actions which council might take. That group considers priorities for addressing a range of outstanding issues, keeping the council informed of NT crime prevention strategies and so on. It is broadly based around the desire for community security by way of self-help.

There are a number of issues which have been of concern for the council for some time. It is interesting that in our most recent council elections, which were three years ago, many of the candidates nominated antisocial behaviour as a major problem. Currently what seems to be the problem is not only antisocial behaviour from groups—and, unfortunately, most of them are Indigenous—but also walkways. Whilst this is perhaps a minor issue in the scale of things from a national perspective, it is very important to local groups. We are wrestling with how to deal with the 330-odd walkways that we have, many of which were established after the cyclone. You will recall that Darwin was devastated by Cyclone Tracy and required large-scale rebuilding. I was on council at the time and we thought it was a pretty good idea to have these walkways, but we did not foresee that, more than 25 years down the road, these walkways would cause major problems.

CHAIR—Could you describe a walkway?

Alderman Black—They are just connections between streets. They go between blocks and are fenced, normally with standard chain wire mesh of one metre. They allow people to come and go.

CHAIR—So it is like a laneway?

Alderman Black—Yes, like a small laneway. You cannot drive a vehicle down them, but you can walk or ride bikes. They have become a source of antisocial behaviour by a number of young people. This is the cause of lots of break-ins and other problems. The Darwin council is concerned about how to deal with this. One view is that we should close those laneways, but I would suggest—and my colleagues on council would suggest—that that is a stop-gap measure. The broader issue is that we should be educating people and dealing with antisocial behaviour because immediately that you close a walkway you disadvantage somebody. The Darwin council was involved not long ago in an antidiscrimination issue where a walkway was locked off and a person who was disabled alleged that he could not gain access to the street beyond it. That was remedied with some action and his complaint was dealt with. Those are the sort of issues that arise concerning the closure of walkways.

Mr MURPHY—What varieties of antisocial behaviour occur in these walkways?

Alderman Black—Assaults, bodily harm, breaking and entering, noise, throwing stones on roofs—it is right across the board.

Mr MURPHY—Do you mean breaking and entering into shops?

Alderman Black—No, I mean breaking and entering into houses, because it is very easy to gain entrance to a yard from these walkways. If you have the opportunity to take a drive around Darwin, you will see that we have promoted the growth of trees. As much as you like them, sometimes trees which abut walkways cause a problem, because they create havens for people to hide in. So the walkways are a major problem.

The other problem we have is antisocial behaviour in parks. When I was lord mayor, many years ago, we assisted in the introduction of the three-kilometre limit. Under this limit you could not drink alcohol within a public place three kilometres from a licensed premises. That was designed to stop antisocial behaviour. Then, in our wisdom, we decided to create exemptions so that people could have a drink while having a picnic et cetera. The problem is that people drink outside of that. To deal with that we have created exemptions within the hours of usage.

Another antisocial behaviour in public parks and car parks is where people hoon around in cars, so we have had to close those parks off. All that does is shift the problem to another area. If you close this park, people will congregate in another. If you close that park, they will congregate somewhere else. These people are like water—they find a way out of it.

Mr MURPHY—What is the answer?

Alderman Black—We believe that the answer is education and working with local groups, neighbourhood groups, police and security groups designed to make people aware of the presence as well as educating them. Senior Constable Scotty Mitchell was talking about school based constables. They are significant people in the community because many of the people who perpetrate the crimes are schoolkids. That is the way we are trying to deal with it. We are also trying to work in partnership with the state government with a view to funding these areas. We were looking last evening at a proposition to create more lighting in parks, but that is very expensive. We had an estimate of \$400,000 to light one park: 50 lights at \$8,000 a light. The community cannot afford that.

Mr MURPHY—What about solar lighting?

Alderman Black—Solar lighting is certainly a way around it but we were told that the lights are expensive to install and maintain. I am assuming that the cheapest way out was \$8,000 a light.

CHAIR—It gives them another target, I suppose.

Alderman Black—Yes it does, Madam Chair.

Mr Tapsell—We have a problem with the solar lights because of the hot weather up here. I used to work at Jabiru council. We put in solar lights and we had nothing but trouble. One of the biggest problems was vandalism, but that aside the heat up here cooks the batteries. The batteries are in the poles and it gets too hot for them. They are obviously designed for down south.

CHAIR—A temperate climate.

Mr Tapsell—Yes.

Dr WASHER—One of the complaints we have had in Western Australia by local governments is that increasingly they are taking over the role of policing duties at a big cost to local government. So the city of Joondalup, for example, complains about overseeing that, as does Wanneroo—in fact, all the surrounding local cities complain about that. What they are saying is that they need to increase their security patrols to protect parks and to stop this antisocial behaviour. They have to intervene to reduce crime in their community but they feel the state government—or in this case the Territory government—is easing back on the amount of money they spend and local governments are having to raise revenue to increase theirs. Is that a common problem up here?

Alderman Black—I would think so, and that is part of the cost-shifting submissions too. It is certainly of concern in the Darwin council, but I will deflect that to Mr Tapsell because of his involvement with the communities as well.

Mr Tapsell—One of the biggest issues we have at the moment with the Northern Territory government is Aboriginal community police officers. Local government estimates that it is spending in the order of \$800,000 a year to support Aboriginal community police officers in remote areas. We are currently negotiating with the Northern Territory police force for a way around this. We have suggested that they make submissions to the Northern Territory government to try and recover these amounts and pay for them themselves.

The kinds of things that local governments are funding include motor vehicles, houses, travel costs and things like that. The Aboriginal community police officers are employees of the Northern Territory government. The scheme has been that if communities, so to speak, wish to have this service then they must contribute towards it. But it is very inequitable in that Darwin City Council does not contribute to the Aboriginal community police officers within Darwin; they are paid for entirely by the Northern Territory police force. But if you go out to Papunya or somewhere where there is no police station then the council has to meet the costs. So we are trying to address that and trying to get the Northern Territory government to avoid continually getting local government to contribute to the cost of that service.

Alderman Black—One of the difficulties too is that the communities want to have the ACPOs—

CHAIR—The ACPOs?

Alderman Black—ACPOs are Aboriginal community police.

CHAIR—I see.

Alderman Black—But once the ACPOs are there, it is very hard to remove them, and then they are being asked to effectively subsidise them. I might ask Mr Tapsell if he can address some of the issues of concern within community governments. That might be of assistance to the inquiry.

Mr Tapsell—In our submission on Indigenous affairs to the Northern Territory government we mentioned that physical security and peace were an issue. We mentioned the ACPO matter—the fact that councils also are heavily involved in community patrols, night patrols and other services like that aimed at correcting crime. We also said that if police resources are not going to be put in a lot of places then it does inevitably come back to the councils to try to do something about it. In the case of those Western Australian cities, obviously they are forking out money to try to do something about it. Councils as well are trying to do it, but some of them are saying that they need stronger by-law making powers to be able to do that and that perhaps that is an area of legislative reform that needs to be looked at—what local government can actually do. For example, some councils would like petrol sniffing to be against the law and have even attempted to make a by-law. They are quite willing to administer it themselves, provided they have the legislative backing to do it.

Dr WASHER—Sorry to interrupt. Do you mean to tell me that at the moment there is no law against being out on the street sniffing petrol?

Mr Tapsell—As far as I know, yes.

Dr WASHER—I am not saying there is; I am just surprised.

Mr Tapsell—And it is a big problem in lots of places.

Mr CADMAN—What if you were out on the street drinking whisky, say—a spirit? Would that be against the law?

Mr Tapsell—Yes, it would be, I think.

Alderman Black—Drinking alcohol in a public place is an offence.

Mr Tapsell—Yes.

Dr WASHER—Unless you have special permission to do it. Certainly in Western Australia it is against the law.

Alderman Black—It is against the law up here to drink in a public place. Of course underage drinking is always an offence. But if you consume alcohol in a public place, unless it is in an area that is exempt from the restrictions, you are committing an offence.

Mr CADMAN—You are ingesting a spirit, aren't you, by sniffing?

Mr Tapsell—Is gasoline a spirit? I do not know.

Mr CADMAN—What do you think, Mal?

Dr WASHER—I think it should be against the law. I do not know whether we can embrace it under the alcohol act. I think that petrol sniffing in a public place, where people can see it is an antisocial act, should be illegal and the police should have the right to arrest that person. At least that is an excuse for intervention—to do something with that person—

Mr Tapsell—That is right.

Dr WASHER—to stop them setting a bad example for everyone else and try to help them before they go too far down the track. I am really surprised about that. I think it is something we ought to look into.

Alderman Black—Would you like us to make some inquiries and let you know?

Dr WASHER—Yes. Madam Chair, do you mind?

CHAIR—No.

Alderman Black—We will do that, Madam Chair. Going back, Mr Cadman, when a person is found to be drinking in a public place, the police usually tip it out. They take the bottle and tip it out.

Mr CADMAN—Is that a good solution?

Alderman Black—Yes. In my early days as a young lawyer in Darwin we used to have the drunk parades. I remember that there was an Aboriginal man called Banana who had something like 1,000 convictions for drunkenness. What used to happen was that on the first occasion the magistrate would give a caution, then there would be a conviction without penalty, then there would be a conviction, then there would be a small fine of up to \$10, then there would be seven days in jail and then there would be 14 days in jail. The slate would then be clean, and you would come back again. It would take all morning to deal with the drunk parade, and that was one of the reasons it was abolished in those days.

Mr CADMAN—Because we cannot afford to spend the time, we let the Indigenous community think there is no penalty. It is that the way it goes?

Alderman Black—I do not support that view but that—

Mr CADMAN—Is that a description of what really happens—because we cannot afford the time, we teach them that it does not matter?

Alderman Black—It is probably not only Aboriginals; there are lots of white people who are in the same situation. Certainly, as I recall, some 30 years ago we stopped picking people up for excessive consumption of alcohol.

Mr Tapsell—We think interventions are required in a lot of these activities and we think also that possibly some of the powers that were, or are, held by the police should go to other bodies. I think we have to look at more community based interventions—perhaps even have Indigenous people involved in judicial processes. Some of those types of interventions were available years

ago. For example, in the Northern Territory we used to have Indigenous assistants to magistrates. They would assist with the actual penalties and things like that. We do not appear to have them any more.

But we definitely do need some kinds of intervention. There are interventions for youth in other parts of Australia which I think are quite good. I was reading about a youth service in Geelong that deals with young boys, particularly those in the 14 to 19 age group, who have been in trouble. The intervention that they use to try to correct their behaviours is threefold. They find them work, so they must work. It is not a matter of, 'Maybe I'll work.' It is a matter of, 'You will work—you will work at Woolworths or wherever we find you a job. You will only work a day or maybe a couple of days at the most. You will play sport and, in the bulk of your time during the week, you will gain literacy and numeracy.' So the bulk of the effort is going into literacy and numeracy. They are finding that, when people are literate and numerate, their confidence, self-esteem and everything else goes up and there is more potential for them to gain employment or whatever else.

It is interesting that those kinds of interventions seem to be working. In the case of one of the boys, his grandfather had never worked, his father had never worked and his family was generally poor—their families had never had a tertiary qualification—yet they got him into university through that kind of intervention. Literacy and numeracy is a huge problem in the Northern Territory, particularly amongst Indigenous kids. If you got Indigenous people to ring up that Commonwealth reading and writing hotline that comes on television, it would be swamped. If there is going to be empowerment of Aboriginal people—if we are going to make any kind of inroads into antisocial or dysfunctional communities—it must begin in that area. It is not just in schools either; we have to get it done in workplaces and everywhere else.

Dr WASHER—I want to make some comments. I think that is one of the most refreshing things I have heard. I went out to Wadeye yesterday and I heard all of the wonderful things that are happening. Suddenly there was a red flag flying: half of the kids do not attend school anymore. Let me tell you that what is going to happen tomorrow will be a very bad outcome, because, as I think I said earlier today, those kids are going to be severely handicapped. It does not matter if you are out in the bush or anywhere else, you cannot live in a modern world unless you can read and count a bit—otherwise you cannot trade and you cannot even buy things properly—and ideally write as well.

The other thing you said, which is the second refreshing and sensible thing I have heard so far, is that we seem to have a society now where, if I hurt you, a crime is committed. But, if we let you hurt yourself, that is fine. It seems very odd to me that, if you murder yourself in suicide, that is an acceptable thing. If I allow that to happen, that is acceptable. But if I murder you, that is a horrific crime. We seem to have this whole strange concept that you are free to do whatever you want to do to yourself when, sometimes, we should be intervening. What I hear about here is genocide almost on mass scale, because we cannot be bothered intervening.

Mr Tapsell—It is all too hard.

Dr WASHER—It is someone's freedom or right to do it. Frankly, that is bull dust. We should be intervening. Medical doctors would not accept that. It is not acceptable. We would intervene.

Mr Tapsell—Cecil mentioned education. I think also there has to be a whole host of education programs. A lot of Indigenous people struggle enormously to live in an urban environment. We have not taught people how to live successfully in an urban environment. We need longstanding community education programs, apart from literacy and numeracy education. We definitely need some things like personal finance, the importance of environmental health, Australian citizenship, the ill-effects of excessive alcohol consumption, gambling, drug misuse, respect for the rule of law and the importance that nutrition plays. All of those things are fundamental things in community education intervention and we need them.

I used to be the chairman of an alcohol committee at Jabiru. We did not know much about alcohol, but we got the Menzies School of Health Research in to help us draw up a strategy. The Menzies School of Health Research is a local medical institution. In that strategy they recommended preventative and treatment measures and all manner of things, including the employment of alcohol counsellors and the like. That committee is still going—it started in 1996. We ended up getting all of those resources from ATSIC and all over the place. But we were dealing with people who had already drunk too much, had done damage to themselves or other people or had committed crimes. One of the areas we concentrated on was talking to the licensees to try and get them to change their methods of operation. Their attitudes were—and, I would say, in a lot of places they probably still are—that it is up to the individual. If you come to my pub and I serve you a carton of beer over a five-hour period and you walk out drunk, that is not my problem—that is someone else's problem.

Mr CADMAN—You are off the premises.

Mr Tapsell—Yes. The biggest problem was takeaway alcohol, because that leads to uncontrolled consumption. We would know within half a day to a day when a big load had come in, because of the indicators. We would know because the kids would not go to school, people would not come to work, there would be damage done to houses and there would be violence et cetera. You could not get anything else done. You could not get people into jobs and you could not get kids to school et cetera. That is why we set up the committee. We knew that alcohol was the one area that we had to concentrate on and get something done about. We did get restrictions—the one recommendation we did get through was restrictions on the availability. So we got that done.

The one area that we never touched on was community education. You can have alcohol counsellors, referral services and community patrols, all of which are very expensive to run and operate, but if people really do not understand what alcohol is doing to them, especially excessive consumption, and if they receive no education about it, they are less likely to want to do anything about it. There is a national alcohol action plan that the Commonwealth has made—and I believe it is quite a good plan—but the one area that has not been implemented is the community education area, even though it is in the plan. There might be something in the pipeline that I do not know about. We need to focus on that and all those other areas of community education if we are going to get change.

Alderman Black—I would like to come back to effectiveness and make one more statement. One of the issues with municipal government is the problem of people being banished from their own communities and coming to Darwin, Katherine or Tenant Creek. They are just antisocial and they behave in that way. They are in no-man's-land: they are not wanted at home and they

are not wanted in communities. If you put in toilets they defecate all over the place. If you take out the toilets they still do it in shopfronts.

I would like to share this bit of information with you, and I hope it is not offensive. There is an accountant's firm in Daley Street, which is one of the main streets. The receptionist was absolutely amazed one day that an Indigenous person backed up to the door and defecated. That is what happened. My wife runs a ballroom dancing studio in Fanny Bay. Some time ago she used the fire hose to remove a couple who were copulating in the stairs. This was in the daylight. People defecate on the stairs.

There are no toilets in that particular area and the reason there are no toilets is that they just get broken. This is part of a problem. The only way you can deal with that is to give people a sense of pride in their community so that when they go out of their community they take the pride with them. This is where community education comes in. If we can educate people to take pride in what they are doing, to control the consumption of alcohol and to control their antisocial behaviours we would be much better off. We are walking slowly down that road, trying to do so. This is what this Indigenous submission is all about: giving people that education.

CHAIR—How do you educate an addict not to be addicted?

Alderman Black—It is like the old story. I do not profess to be an expert in this but I support the concept of Alcoholics Anonymous, where you have to recognise that you have the problem. You have to say, 'I am an alcoholic.' But the only way you can do that is to give people the sense of wanting to do it.

CHAIR—But don't they have to find that from within themselves? You cannot say to them, 'You must do this.' They have to decide that they are going to do it.

Alderman Black—This is a long process. You can create an environment so that they feel that life is worth living. The Northern Territory government has recently announced a policy called building stronger regions. The committee may be away of this. Fundamentally, it is designed to set up economic areas within the whole of the Northern Territory. It is designed to give people a sense of belonging and a sense of wanting to achieve something.

We could talk all day about the failures of people who were educated in Kormilda College and then went home to their communities, where there was nothing for them to do. It is the chicken and the egg. But our view in the Northern Territory Local Government Association is we should educate these people. That is going to be a long task, and it is probably a task that the Commonwealth has a role in, as well as the state. Thank you for allowing us to share some of our thoughts with you. We hope it has been beneficial.

CHAIR—I thank you both for coming today and for the information you have given us in your submission. It will certainly help us with our deliberations. Thank you very much. It has been proposed that the committee accept the following materials as exhibits: exhibit 1, *Northern Territory Quarterly Crime & Justice Statistics*, Issue 3: March Quarter 2003; exhibit 2, key findings, reported crime; exhibit 3, copy of PowerPoint presentation of March quarter 2003 statistics; exhibit 4, copy of PowerPoint presentation of crime prevention programs in the

Northern Territory; exhibit 5, background provided by Peter Penley from Mission Australia about its services provided in the Northern Territory. There being no objection, it is so ordered.

Resolved (on motion by **Mr Murphy**):

That this committee authorises publication of the proof transcript of the evidence given before it at public hearing this day.

Committee adjourned at 4.42 p.m.