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**HOUSE OF
REPRESENTATIVES**

STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL
AFFAIRS

(Subcommittee)

Reference: Crime in the community

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HOUSE OF REPRESENTATIVES
STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS

Tuesday, 28 October 2003

Members: Mrs Bronwyn Bishop (*Chair*), Mr Murphy (*Deputy Chair*), Ms Julie Bishop, Mr Cadman, Mr Kerr, Mr McClelland, Ms Panopoulos, Mr Sciacca, Mr Secker and Dr Washer

Members in attendance: Mrs Bronwyn Bishop, Mr Kerr, Mr Secker, Mr Sciacca 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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Subcommittee met at 9.10 a.m.**MOYNIHAN, Mr Lawrie, Manager, Logan Youth Legal Service**

CHAIR—I declare open this public hearing of the House of Representatives Standing Committee on Legal and Constitutional Affairs inquiry into crime in the community: victims, offenders and fear of crime. Yesterday, the committee heard some serious allegations about the actions of executive and high-ranking public officials in what has become known as the ‘Heiner affair’. Having taken evidence from Kevin Lindeberg, Bruce Grundy and Alastair MacAdam, a common theme seems to be that one law applies to the ordinary person and another to the government and its institutions. Today we will hear from some victims of crime—Mr and Mrs Conroy, who share this view, although their experience is in a very different context. We do have a focus today on juvenile crime but, as I said, particularly on victims. We will also be hearing from Anne Warner and Debbie Kilroy from Sisters Inside—Anne Warner having been the minister who set up one of the inquiries into the Heiner affair.

Welcome, Mr Moynihan. Do you have any comments to make on the capacity in which you appear?

Mr Moynihan—The Logan Youth Legal Service is a program within Youth and Family Service (Logan City) Inc., which is a community based welfare organisation.

CHAIR—You have made a submission to us. Would you like to make an opening statement?

Mr Moynihan—I would. Thank you for the opportunity to talk to you. There are a couple of points I would like to make with regard to young offenders, and they are about the perception, by and large, of young offenders. I have been employed with the service for over 10 years, and I have done a fair bit of reading and research on as well as practical working with young offenders. Most of the young people who appear in the justice system appear for relatively minor offences. Most of them do not go on to further offending. In fact, I suggest that about 90 to 95 per cent of young people who come to the attention of the police do not go on to further offending past a second court appearance. That is quite a large percentage. I also suggest that that is true regardless of which country people come from and regardless of which century we are talking about. It is quite common for young people going through adolescence to interact with the laws or rules of the time, and today we call that offending. They soon grow out of that. We need to keep that in mind when we are looking at young offenders—especially when we are looking at the statistics and the numbers of young offenders and are trying to come up with effective programs. The reality is that lots of young people will try those boundaries, as do adults, and lots of them will go on to learn more appropriate behaviours in terms of becoming good citizens.

That leads to the second point, which is that I think most adults as well as most young people offend and young people probably tend to get caught more often than adults, and that is reflected in the statistics that you see. So I think you need to keep this in mind as well. Definitely lots of young people that we see appearing before the Children’s Court in Beenleigh are there and are found guilty primarily on their own statements to police. We find that lots of young people end up at the police station and give statements in the belief that they are not voluntary—that they are forced to do it. There are lots of young people that are taken to the police station by their own

parents and told to tell the police officers everything they know. There are not too many adults that have their parents taking them to the police station and saying, 'Own up to everything.'

Young people also get caught at a greater rate for a number of reasons. One reason is that they do not plan their offending as well as adults do. Lots of the offending is spontaneous and lots of it is in groups. Young people do not take great care in committing the offences. Young people do not think about the consequences while they are committing the offence, in general. Then, when they enter the justice process, they admit their guilt to police far more often than adults admit their guilt, and when they engage in the court process young people operate on a very short time frame. So in representing young people we can say to them: we believe you can take a process of pleading not guilty. This will mean so many court appearances. This will mean so many months. Or you can plead guilty now and the court case will be over. You might get this sentence and you can walk out the door.

Lots of young people, as you will be aware, have a very short time frame and will quite often say, 'No, I'll just plead guilty so I can get out of here whatever it takes.' We find that young people tell us that that is the reason they gave a police interview: 'I just wanted to get out of there and the police said if I gave an interview I could go home, so I gave the interview.' So, in looking at statistics, I just urge you to be aware of those two things—in particular, that young people do get caught far more often.

In fact, I will tell you what a police officer once said to us. We were in court and our solicitor was waiting for proceedings to commence. The police prosecutor turned to our solicitor and said, 'I notice that young people treat you guys with a lot of respect, and I really admire that. They treat you nicely, they talk to you appropriately and you have a very good relationship with them.' Our solicitor said, 'Thanks, that's nice of you to notice.' Then the police officer said: 'If only young people would treat us with that same amount of respect, we would not charge them half as often.' I think that is quite an insight into the fact that lots of young people end up being charged not necessarily because of the offence they committed but because of their lack of skills to negotiate the system. I would suggest that there are a lot more young people that do not appear in court and that probably have committed the offences. I would also suggest that there are lots and lots more adults that commit offences and do not appear in court because they negotiate the system and are far more intelligent. Often when I talk to groups of adults—

Mr KERR—It is not just in being more intelligent.

Mr SECKER—They are more skilled.

Mr KERR—You do not suddenly become more intelligent as you grow older!

Mr Moynihan—No, that is right. In fact, I have had that argument before. When I say 'young people'—

Mr SECKER—Speak for yourself, Duncan!

Mr Moynihan—When I have suggested that young people, as they get older—

Dr WASHER—Maybe there are advantages to ageing!

Mr Moynihan—When I have suggested at workshops with adults that young people grow out of offending, people do tend to say, ‘That just means they don’t get caught,’ which I think is quite a silly thing to say because they are suggesting that young people get dumber as they get older. Maybe that is true—I am not too sure. That is all I had by way of opening comments, thank you.

CHAIR—Thank you very much. I think the issues you touched on—with regard to what we can do to reduce the number of young people who may begin a life of crime and then do not go on or are stopped from getting that start in crime—are things we are all very interested in. I note in your submission that you talk about common predisposition factors such as ‘young male’, ‘unemployed’, ‘low socioeconomic status’, ‘low self-esteem’ and ‘boredom’. I suspect you could add to that a history of unemployment in the family generally?

Mr Moynihan—Yes.

CHAIR—Given that as a predisposition, what tactics and strategies have you developed in the work you are doing to try and deter kids from going down that pathway to crime which for some of them is going to lead to prison?

Mr Moynihan—I think one of the biggest things is for young people to be included in society. As I started off by saying, young people are offending primarily as a way of testing boundaries—as a social process they are going through—and most young people will just grow out of that.

CHAIR—When you say ‘young people’, you really mean young men aged 17 to 25.

Mr Moynihan—Yes. Generally speaking, those young people who grow out of it have good families or good social networks. Those families and those networks include the young person in society and give that young person value. That is how they work through the processes of social boundaries. Unfortunately, the young people who tend to continue their offending are lacking in a lot of those social structures, social support networks and so forth. To prevent young people from further offending, we really do need to focus clearly on their networks and social structures. We need to put in structures that include those young people in society. If we treat those young people in a manner that further isolates them and takes them away from good social structures, then we are actually increasing the chances of crimes and the chances of more victims in the future.

CHAIR—But what are you actually doing to bring that about? What networks are you concentrating on? How do you give that backing to young people you come into contact with?

Mr Moynihan—Largely, to put it simply, it would be treating them with respect and dignity. That is the first thing, and that, in itself, is including them in our society. I am saying to them: ‘You are a human being that I respect, and I will treat you with that respect and assist you in gaining the things you want.’ Largely, what they want is to be included. They want to be part of our society. That is a very broad process. To get down to specifics, I do not believe there is one program you can put in place that will do it. I think we need to look at a whole lot of factors. Early intervention is key, and when I say early I am talking about young parents. When young

parents have been given appropriate training on parenting and bringing up kids, then the research indicates that those kids are less likely to be involved in crime.

CHAIR—When you say ‘early intervention’, what is the nature of the intervention?

Mr Moynihan—The intervention is for early parents. It is about teaching them survival skills for themselves and teaching them parenting skills for their children as well. So there are two aspects to it. If you look after the parents, then the kids will automatically follow on.

CHAIR—So you are engaged in doing precisely that?

Mr Moynihan—No. Personally, I work for the legal service, and so we are working at that end of young people who are offending. But, in my mind, when I am talking to young people and their parents I am trying to build in the parents some skills so that they can negotiate with their teenagers. I talk to them about how to better talk to their teenagers, although I do not say it in those words.

CHAIR—Being in the legal service, do you interact with other groups that are delivering that sort of service to early parents?

Mr Moynihan—Yes. At Youth and Family Service, which is the larger organisation, we have parenting skills training classes. We have parent-adolescent mediation, and we have domestic violence working groups for both men and women, perpetrators and victims. We work closely with other organisations in the local community, so we do work on that broad spectrum.

Mr SCIACCA—Thank you for a very well researched submission. It is the sort of thing, really, that some of us are more interested in than others. We are all interested in this, but I am more interested in this facet of our inquiry than in other parts of the inquiry, such as yesterday. You say in your submission:

A small proportion of abused and neglected children accounts for a significant proportion of all youth violence.

There is obviously a connection between the way people are brought up at home in the family—you were talking about parenting—and the way they act later on. Obviously in your district you are finding that. I take it there is a fair bit of unemployment in some of the areas that you cover?

Mr Moynihan—That is correct.

Mr SCIACCA—I was very interested in the connection that young people who are abused, neglected or not brought up properly are the ones who are more likely to offend. Do you find, for instance, that that is happening in the area that you cover?

Mr Moynihan—Yes, that is correct.

Mr SCIACCA—You also talked—and I think this was the important part—about detention and imprisonment often reinforcing antisocial behaviour. In your submission you say:

Wherever possible ... the most effective sentences are those served in and supervised by the community.

Obviously you think that putting offenders in jail and in detention is not the way to go. Can you explain what you mean by that, tease that out a little, because that is very important?

Mr Moynihan—On the first point, when we say a small proportion of abused people grow up to commit violence, we are not suggesting at all that there is a small proportion of young people out there who are being abused. We actually think it is quite large. But we want to allude to the fact that a proportion of those are the ones who are more likely to go on to further offending.

Quite often, when young people get into detention it is a fair way down the track in that they have been in trouble at school, they have been addressed by the school, they have been in trouble with the police, they have been addressed by the police, and they have ended up in court maybe once or maybe twice, and then they find themselves in detention. By the time they get to detention they have been through quite a considerable process. I believe that if you treat young people like criminals they will behave like criminals; if you abuse young people they will learn to abuse.

I believe from personal experience and from research on adults that is coming out of America at the moment—and I would say it is the same for young people—offenders who believe that they were treated fairly and justly throughout the process are less likely to re-offend in the future. That was almost irrelevant to the sentence or whether they were found guilty or innocent; it was just that if they felt they had been treated fairly and justly throughout the process they were less likely to re-offend. I would say that that would be 10 times truer for young people.

When you look at detention centres you need to consider the process they have gone through to get there in the previous five or six years, if not longer. If they were not treated fairly and justly throughout that process, when they get to the detention centre it is almost game over. What happens in the detention centre is now crucial. If in the detention centre they are no longer treated fairly and justly, that will just confirm for those young people that this is the path they are going to continue to go down. The only way they are going to get out of the detention centre and into a life which is fairly decent is for someone somewhere to show them a fair and just process.

Mr SCIACCA—What did you mean by ‘diversion community conferencing’? What does that entail?

Mr Moynihan—In Queensland, and indeed in many other states, we have community conferencing. It is a chance for the young offender to meet with the victim. It is a fairly informal process. There are one or two conference leaders who sit around with the arresting police officer, the young person, their parents and the young person’s support—they may chose to have a separate support person—along with the victims and their support. It is an opportunity for the victims to talk about the impact of the crime on them and it is an opportunity for the young offender to talk about what was going on in their life at the time.

It is a very good process in a number of ways. There is feedback from that from young people, victims and police through surveys, and it has a very high success rate in terms of all parties feeling very satisfied with the process. For the victims, it is a chance for them to discuss what it means for them—and quite often victims had never had that opportunity in the traditional system. They get to say what it means to them. The young person gets to hear this. Quite often young people do not think about the victims of the crime—it is just not in their mind. They also

do not think about the consequences for themselves. The young person gets to hear about what it means for the victim.

The victim also gets a sense of relief a lot of the time because they get to hear why the young person did it and they find out that it is quite often not a personal thing. The young person gets to talk about maybe the violence or the abuse that has gone on in their life or maybe something that has happened at school and so forth. Quite often what happens is that lots of victims tend to feel sorry for the young offenders. They then come to an agreement about what they will do to try to solve the problem and then they sign that agreement. In Queensland it could happen outside the court process if it is referred by the police or it could be referred by a court.

Mr SCIACCA—In your experience, is it young people who, in particular, come from broken families or who do not have a stable family life—perhaps with no father or no mother—who are the ones who are more likely to feel neglected and feel that they have got to turn to some sort of companionship? I am not trying to make any judgment call here, but do you see a link between a stable family life at home and young people who tend to offend and rebel?

Mr Moynihan—I think it is fair to say that young people who have a stable life are less likely to be involved in crime. I am not going to make the link to say that single parents are unstable in family life or anything like that.

Mr SCIACCA—I am not suggesting that, but there is more of a propensity in a sole-parent situation for the kids to go out sometimes and—

Mr Moynihan—I think it is lot more difficult for sole parents to manage their affairs.

Mr SCIACCA—Very much so.

Mr Moynihan—I feel sorry for them. I think they need a lot more assistance. I was saying earlier that if you deal with young parents at that stage and teach the parents to cope with their life, the kids will be better off.

Mr SCIACCA—So what you are saying relates, effectively, to these early parenting programs. You are saying that, if you address the cause at the beginning, before these kids grow up, helping them there, that is a good preventative way of doing it?

Mr Moynihan—Without a doubt.

Dr WASHER—Thank you for a very good delivery. I thought it was excellent. Like Con, I enjoyed your presentation. Obviously, from what you suggest here, we can identify problems in the school and the family at a very early age, and we can identify young people who have a high probability of committing crime. To what level in Queensland, for example, would there be intervention following the identification of problems in school? What would happen there? Say you had a very troublesome kid in school who was obviously creating mischief, not attending school—truanting et cetera—what would happen?

Mr Moynihan—Do you want to know what would happen to address the problem and prevent—

Dr WASHER—Yes. If we have a red flag flying and there is obviously a high probability that a kid is going to run into trouble, what happens? What steps are taken?

Mr Moynihan—Before I say what I think should happen, I should say that what I think should not happen is that the young person is expelled. The young person should not necessarily be expelled. There is a high rate of expulsion in this state at this point, as there is around the country, I think. As I said earlier, the young person needs to be included. So, if a young person has been identified, there is a danger in taking that young person out of the school environment and putting them into a special program called the crime prevention program—we get into stigma and so forth. I think maintaining the young person in their current support structure is the way to go: finding out where the kids that support them in the school are—where their friends are—and not necessarily taking them out of that environment but including them in society as much as possible and treating them with respect. So we need, obviously, workers there who have the time and the skills to be able to do that. I think teachers are very overworked at this point and it should not fall on teachers to fulfil this role, especially when they have another 26 or 27 kids in the class to look after. I think schools need to engage other workers—who may be employed within the school or within the community—who can come in to work with that young person.

Research says that just counselling a young person alone is not enough to necessarily prevent further crime. It may be at an early stage or in terms of minor crime, but largely we are looking at a lot more work needing to be involved with that young person. So you would start off by having a counsellor or someone come in to identify the young person, to look at what is going on in that young person's life, in terms of their other family life and their sporting life and their personal relationships with other friends at school—boyfriends, girlfriends—and in terms of the school. You would then try to improve those relationships wherever possible. So it may work out that there is something going on at home that needs to be addressed.

Dr WASHER—So most schools would have some form of counsellor, chaplain or somebody there to identify and address these problems and then talk with the family and address them—would that be the case?

Mr Moynihan—Most schools do have a counsellor or someone to do that, but quite often the counsellors are spread between a couple of schools or they just do not have the time to get around to all the young people there. Currently in this state we have a system where we have workers employed in our service that do work with schools as school support—so the school can get our worker to come in and meet a kid. The advantage of that is that the young person then perceives that worker as not being from the school and not being from the hierarchy; they perceive them as being someone from outside the environment. Our workers are then free to be completely independent when working and when negotiating between the young person and the school in terms of what trouble they are getting into and what the consequences should be. So the young person then has someone on their side, someone who is going to treat them with respect and honesty. That person on the outside also then probably has a better ability than a school does to link that young person with other services outside the school—to try to create a holistic approach so it is not just dealt with internally within the school, which then says, 'We can't do this, we will expel the kid.'

Dr WASHER—And that person would also get involved in the family—they would talk to the family and address the issues there and look at what could be done to help?

Mr Moynihan—Obviously if that was an issue that is what they would try to do. There are obviously some issues where the families do not want to receive this help or to talk to anyone externally. I guess you cannot be forced to do that. We do the best we can.

Dr WASHER—I understand that. The other thing is that 65 per cent is pretty good, I guess, but the fact that 35 per cent recommit crimes is really sad. What happens when we identify that 35 per cent? Obviously, they commit a crime for the second time. What active intervention is taken there, because now they become high risk?

Mr Moynihan—I think the courts would acknowledge that young people go through a period where they end up committing offences. There may be a six-month period where young people might commit one, two, three or more offences. The courts and the system generally recognise that that is a phase that the young person is going through and that, quite often, with very little intervention, that person will just naturally stop. I guess when we look at percentages of people reoffending, you need to pay attention to the time span that that is over. If a young person is offending a couple of different times over a year, that is probably a better indicator of someone who is in need.

Mr SECKER—Thank you for a very well researched submission. I just want to pick up something that my colleague Mal Washer brought up. You are saying that 65 per cent will not appear in any court anywhere again, but I thought I heard you say—and this may have been in your personal experience—that 95 per cent of juvenile offenders will not reoffend.

Mr Moynihan—Yes, I was talking about 95 per cent of young people who come into contact with the police. In that I have also included cautions. The first option police have is to caution any young person, and they do not go through court.

Mr SECKER—Whilst we would all like 100 per cent, isn't 95 per cent a pretty good record? Isn't that a sign that the system is working pretty well?

Mr Moynihan—I think it is an excellent record. I would not necessarily say the system is responsible for that. As I said before, it does not matter which country or which century it is, I think that is going to be the statistic because most young people grow out of it. Given that 95 per cent of young people are not going to continue regardless of which century or which process you implement, my concern is how much money we are spending on taking a lot of those young people through the court process when, in fact, they would have stopped if we had not intervened too much. I am not saying that we do not need to intervene—we definitely do need to intervene—but it is about managing that system far more effectively.

Mr SECKER—I think what you were saying earlier was that, when they have actually ended up in court, it is not just a one-off thing in most cases—it would be that they have offended at school and been suspended or they have been picked up two or three times for different things. It is almost like the final process, isn't it, after several offences, quite often of a minor nature? They have actually been through quite a few things before they get there?

Mr Moynihan—As much as I still believe that adults offend on a regular basis, yes.

Mr SECKER—The other thing I was interested in was your suggestion about a code of ethics for the media. I am sure there are a lot of politicians who would like that too. Do you have any examples of where they have been inaccurately reporting crime statistics?

Mr Moynihan—I could refer to a document that was produced by the Queensland government on crime prevention. This is the Queensland Crime Prevention Strategy statistical profile. In here they give examples from the media. I will read one that is about using wrong statistics or selected statistics that misrepresent the real situation. In the *Sunday Mail* of 20 February 1999, an article headed ‘Child bandits: the new face of crime: 10-year-olds with guns’ and ‘Gun kids rule in crime spree’ cited 99 offences involving firearms by 10- to 16-year-olds over the year in a context of a total of 387,450 offences reported by police in that same year. That means less than one-twentieth of one per cent of Queensland hand gun offences were committed by 10- to 16-year-olds, let alone the number that actually involved 10-year-olds. But the headline was ‘10-year-olds with guns’.

Mr SECKER—Yes, it could be 10- to 16-year-olds, but you know what headlines are like. That is interesting. Some of us would say that journalists might put a different spin on it than we would like, but is that inaccurate? I suppose it is not totally accurate. It is a different spin, isn’t it?

Mr Moynihan—It is a different spin, and I think the danger is that it is going to build up a fear of crime in the community. At section 3.9 of this committee’s initial report, it says that there are a few recognised facts about crime, including that most crime is committed by young people. That statement alone, given what I am saying, appears to be deceiving. I think it is more accurate to say that most people who get caught committing crime are young people, and I think that is a whole new ball game. While I am not doubting that young people do commit crime, I am suggesting, as I have already said, that adults also commit crime. In fact, there are certain groups in our community that are charged at a greater rate than young people. At this point in time, Queensland magistrates fall under that banner as, I think, did Queensland politicians a year ago. If you look at it from a percentage point of view, I think the way we talk about young offenders—

Mr SECKER—They would be state politicians, wouldn’t they?

Mr Moynihan—I think we need to be careful about the way we talk about crime. If we are not totally accurate, as in this committee’s report, it can easily become a headline in newspapers that young people commit more crime. That does not help the situation; I think it makes it worse. By building up fear in the community, the community will demand harsher penalties and more young people will end up in jail, which, as I have already said, is going to create more victims in the future as well as costing a lot of money.

CHAIR—However, I do not think we are going to get into the business of censoring of the press. It is fine to criticise it and point it out, but I think their right to publish as they see the story has to continue. Duncan Kerr wants to ask some questions, and then I might ask you about the stats you have provided with regard to offenders and, in particular, about your ideas on restorative justice and therapeutic justice.

Mr KERR—There are a couple of issues arising from your submission that I find very interesting. Firstly, there is the fact that most of the people who suffer as a result of youth crime are young people. I think you say that more than two-thirds of the victims are under the age of 20—two out of three victims of crime are young people. As well as dealing with restorative justice and bringing people back into society or retaining them as part of it, we also have to think about how we can protect the victims of those people, because bullying can be equally damaging. Focusing on the person who has caused the hurt, and making sure they are not excluded and do not become tougher and more damaged by the process is one side of it; but presumably the other side is that somebody was hurt by that conduct—they had their property stolen, they had their head punched in, or something of this kind—and we have to have systems in place in schools and in any institutions, if we are reincorporating people and doing all of this, to make sure the victims are not frightened and intimidated and living a life that is damaged as a consequence of that. Do you have any thoughts about how to manage that process?

I agree, intellectually, with everything you have said, and I have advocated much along those lines. I think the hard issue is if you have, say, somebody who has been an offender in a school setting who has been responsible for some violence—and some other people have been frightened—and who has been engaged in a whole range of conduct that we would regard as antisocial. Trying to make certain that they are not pushed further down the path of exclusion, resentment, anger and all those sorts of things is important; but, equally, every mum and dad who sends their kid to that school wants to be sure that their child is not going to be bullied, hurt or damaged as a result of that kid remaining at the school. How do we manage those kinds of interactions?

Mr Moynihan—I think that side of the equation is just as important as dealing with the young offender. As we said earlier, many young offenders come from that very situation and quite often they are the result of that situation not having been addressed. The victims definitely need to be treated in a way that does not make things worse and that does not evolve into further offending. I think it is pretty much the same for offenders.

Victims need to be treated fairly, justly and with respect. Quite often I feel that victims have not been treated that way in the past. Generally, within the court process, there have not been a lot of avenues for victims to engage in that process or to be part of it. It is only of late where victim's impact statements have been allowed into court and where the juvenile justice conferencing process that we now have in place enables victims to be part of that process. That process treats victims with respect. It lets them have a fair hearing. It lets them have their say. It lets them take part in some of that process, so they feel they have some control over what is going on. It also means that they are being listened to, which is one of the most important things to them.

There may also be other things that we should put in place in terms of counselling for more serious offences and so forth. We need to include offenders in society as much as we need to include victims, so not excluding them, not belittling them or discounting their experiences as a victim. They are important, and we need to be acknowledging those. We definitely need to have resources for young people, given that young people are the majority of victims in the circumstances. We need to have those resources as much for them to grow into proper citizens as to prevent them from moving into the offending arena. That, again, stops further offences down the track.

Mr KERR—The point I am raising is that, just as people are socialised into being outsiders and are criminalised and labelled that way, all the evidence suggests that the greatest statistical pointer to being a victim is that you have been one in the past. Revictimisation is very common, particularly among young offenders. You say this process is the same in all centuries and all times. Isn't it largely just pack animals asserting their power, growing up, testosterone and God knows what else? The problem is that at one end this can lead to people becoming outsiders outside the pack, living a life of crime and becoming serious social problems, but at the other end it can lead to some pretty damaged people unless you realise that one act of victimisation can mark a person out for further bullying, further mistreatment, further cruelty. It is not just a matter of getting the process right so that each side is treated through the process being valid but a matter of also saying, 'Look, now we know this person has been marked, bullied and bashed'—or something like that—'We have to put programs in place on a long-term basis to prevent them from being treated that way again.' It worries me a little. If we are going to do this in a comprehensive, holistic way, we have got to recognise that two groups can be very badly damaged: one being pushed out at one end a hardened criminal; and one at the other who bears the scars for the rest of their life, who is not a criminal but, essentially, everybody's punching bag.

Mr Moynihan—I have to agree. I think we run the risk of that. I do not think it is the case that people carry on in life until they become a victim once and then they are automatically likely to become one again. I suggest that some young people are more inclined than others to become a victim to start with, and that may well be to do with lack of self-esteem, a lack of skills or whatever. There are other areas of that young person's life—not just the fact that they became a victim—that we need to look at and address.

Mr KERR—The other point you raised is this business about how we, as a society, are frightened of young people—characterising crime waves and what have you. You say that the phenomena of young men, in particular, going through adolescence, testing themselves and their boundaries has been common in all times and all societies. Isn't it also a fact that it has been pretty common in most times and societies that people have done what the popular media does from time to time, and talk about it as if it were a crisis?

Mr Moynihan—And let it out.

Mr KERR—Yes. Bearing in mind what our chair has said, most of us would be reluctant to impose some sort of censorship on the media, as equally we would be to impose censorship on what we ourselves as politicians do. Nonetheless, recognising that we ought to have a bit of commonsense and self-restraint, how do you reckon this process should work? The media operate some kind of internal restraint through self-regulation, through the Press Council, for correcting materials that people object to. Have you thought through what kinds of discussions you could have with representatives of the media and how that could be done to get some kind of less hysterical representation of crime—a more balanced, more cool-headed and less societally damaging discussion—being pursued?

Mr Moynihan—There are clearly two sides to it. One is that the media do report on what they have been given to report on. I have to say that lots of those reports come from politicians who start by saying: 'Young crime is out of control and we are going to fix it. Vote us in.' That feed to the media is one of the major problems. Secondly, some media do go around searching and

trying to beef it up a bit. I am not too sure how ethical councils would work. I have not thought too much about it, but I think that is worth exploring. We need to find some process where the media can be called on to address some of those inaccuracies or beat-ups that I think are damaging our society. I agree; I do not think we need to go down the path of drawing the line and saying, 'You're not allowed to step over this line or else,' in restricting the media's ability to report on what they see.

Mr KERR—Some tentative steps were made in this direction, bringing in representatives of media at very high levels, in the mid-1990s. I am not certain where that got to. I certainly know that project was commenced, but obviously, from what you are saying, I do not think it went to a conclusion. The major editors and proprietors participated to see whether they could evolve a set of self-regulatory protocols to deal with the reporting of crime. Do you know if anybody is trying to develop that idea further?

Mr Moynihan—No, I have not heard of anything along those lines.

Mr KERR—But do you think that is a good idea?

Mr Moynihan—I think it would be good if we could have some protocols and processes to address that.

CHAIR—Personally, I am in favour of freedom of the press. I think I would have a few difficulties there. Duncan, have you finished?

Mr KERR—Yes.

CHAIR—As I said, I would like to go into the areas of restorative and therapeutic justice approaches and perhaps hear about some of the diversionary programs that you think are successful. I am looking at that in the context of what we have been talking about in this part of your evidence—that is, ordinary kids who have been pushing the envelope and getting way out of control, pushing it too hard and too fast, coming into the criminal justice system. In your experience, do you have gang activities? If so, what is the nature of the gang activity and what is the part played by drugs and children being involved—by adults obviously—as drug dealers?

Mr Moynihan—In relation to the first part of the question about restorative justice, the example we spoke about before—the youth justice programs that are currently running where the young defender meets the victim—is one of the best processes to include the young person and the victim in that whole process. That is restorative justice in one of the best forms that we have seen to date. The idea of restorative justice is, as it says, to restore the balance. It is to bring the victim back into the community and to bring the offender back in so that we have a balanced society.

One of the other methods that the police use is cautioning. Quite often that involves the young person sitting down with their parents and a police officer and the police officer says to the young person, 'You understand this is an offence. You understand if you do this again, you could go to court. Are you sorry that you've done it? Don't do it again.' That is all it takes. The police give the young person a certificate, the person leaves, and that is the end of it. The police stats alone say that lots of young people never reappear. I think 75 per cent was the figure I got off a

police officer about the number of young people who are given a caution and do not reappear. Generally speaking, it is restorative if the police officer treats the young person with respect in that process.

CHAIR—They also get a fright, don't they?

Mr Moynihan—They get a fright, but I'm not too sure whether that is restorative.

CHAIR—They see what might lay down the track.

Mr Moynihan—I am not too sure whether that is restorative, and I believe the research indicates that frightening young people does not necessarily prevent them from engaging in more crime.

CHAIR—I think there is a difference between frightening young people and a young person having a fright.

Mr Moynihan—Yes.

CHAIR—There is a big distinction.

Mr Moynihan—That is true. I do not mind if a young person has a fright; as long as they are treated with respect and dignity in that process then that is fine. Programs like the day in jail program, which are designed to scare young people, I do not believe are effective or work very well at all. They work in the short term—young people will finish that program, come out and never ever go in there again. But, as we know, young people have a short time frame and next week when they are at a party that is not in their mind, and they might end up having a few drinks and going out with their mates.

The restorative programs need to include members of the young person's community. One of the problems in the court system is that we have a magistrate, a police prosecutor and a solicitor and the person has never seen any of them before in their life. They do not feel that they are included in their community. The restorative process has to happen in the community. They need to have their school, their friends and their family say, 'That's okay. You've made a mistake. We understand what's going on. There are a few other problems that have caused you to get over to that point, but let's try to solve this together.' That is restorative justice and it must involve the community.

In terms of gangs, I do not believe there is a gang problem in Queensland. Young people sometimes self-identify as being part of a gang, but I think that is more bravado than anything. Young people like to idolise their activities as being part of a wider gang. The reality is that while they may be in a gang one day, two days later they may be in a different gang and they may be in a different gang again the next week. The university did some research through our service with some young people and they were asked whether they were a member of a gang and what the gang did. A lot of the respondents said, 'Our gang goes to the movies. We go to parties.' Young people's perceptions about being part of a gang are very different to what I think our perceptions might be. Indeed, the research said of all the young people that identified as being part of a gang, they were actually less likely to commit crimes than other people. What I would

suggest is going on there is that young people are identifying as being part of a social network and that is what prevents crime.

CHAIR—You do not have the sort of gang warfare we have in Sydney, for instance.

Mr Moynihan—No, I do not believe that is so.

CHAIR—You are spared that.

Mr Moynihan—In terms of young people in their 20s there may be certain organised groups, but I do not believe they have the same gang mentality.

CHAIR—There is some evidence of Russian gangs being identified on the Gold Coast, but they are serious adult criminals as distinct from kids.

Mr Moynihan—Yes.

CHAIR—What about the drug aspect?

Mr Moynihan—Given the stats, as I have said, 95 per cent do not go on to further offending. There are a lot of alcohol and drugs involved but mainly it is alcohol.

CHAIR—Alcohol is legal; I am talking about illegal drugs.

Mr Moynihan—Okay. Marijuana use is quite high and quite often lots of young people offend while under the influence of marijuana. I do not think there is a very high percentage of young people offending because they want to get more marijuana. It is far more likely that they will offend after they have taken some marijuana. Because they are doing that in an environment with other young people, there is a lot of peer pressure and group dynamics going on and that is when they end up engaging in that activity.

In terms of the harder drugs, it is very small. The number of young people who commit crimes who are involved in that very heavy drug scene is quite small. Maybe that is because the work I do is in Logan City, and there is probably not a lot of cash flowing around for them to afford the harder drugs. It may be different in Sydney or in some other parts of the country. We deal with some young people who engage in the harder drugs and who steal because of the harder drugs and who have family, parents and other adults who engage them in that process or support them in that process—whether it is getting the young people to do the crimes because the adults do not want to do them or whether it is just the young people getting sucked into this culture where a lot of adults and a few young people mingle. Percentage wise, it is not a huge problem. Having said that, those young people who are engaged at that level do commit most of the crime.

CHAIR—We have certainly heard other evidence about adults getting children to commit the crime because they are dealt with more leniently by the system.

Mr Moynihan—We definitely see that, even from young people themselves. They will admit to offences they have not done to protect their friends and mates.

Mr KERR—That is not uncommon, is it?

Mr Moynihan—It is not uncommon at all. It is very common for guys to protect their girlfriends by pleading guilty to offences; they also protect other mates whom they look up to. Sadly, as solicitors—and I should state that I am not a solicitor; I am welfare trained and manage the service where we employ two solicitors—we see lots of times when we believe young people plead guilty to offences when the evidence does not back that up.

CHAIR—How do you measure your success?

Mr Moynihan—One of the statistics we collected earlier in the year was that, in terms of court processes—I will take two separate processes—our service has a success rate of 20 per cent. By ‘success’, I mean cases where young people have had their matters reduced or they have been found not guilty or the cases have been withdrawn with no evidence offered and so forth. So that is 20 per cent, and that is quite high. One in five people who walk through our doors have one of those outcomes. That is very high. We are a specialist youth legal service. There is one other specialist youth community legal centre in Brisbane—the Youth Advocacy Centre—and legal aid has a youth branch. The three of us are focused in central Brisbane. I guess I am concerned about young people all over the state when our figures are saying that 20 per cent of our cases have a better outcome than when they went in. I know young people will plead guilty to stuff because they want to get out of court earlier. I am suggesting that a lot of young people around the state are ending up with a criminal history that will impact on the rest of their life, and had they had access to a solicitor that anyone here would have access to they would not have a criminal record.

CHAIR—It is a pretty staggering statistic right across the country. The conviction rate for any individual who goes before a court is that around 70 per cent of people who are convicted plead guilty. I think the statistics are that if you plead not guilty you almost have a fifty-fifty chance of getting off.

Mr Moynihan—Young people are very hesitant to plead not guilty.

Mr SECKER—Wouldn’t you plead guilty if you were guilty? What I am trying to say is that you would not plead guilty if you were not guilty.

Mr Moynihan—Young people do. Young people plead guilty if they are not guilty, for a range of reasons.

CHAIR—They do. They could be offered a deal: ‘If you plead guilty to this, we won’t charge you with that.’

Mr KERR—Mr Moynihan also pointed out that people plead guilty because they often want to get it over with or because they want to cover up for one of their friends. They do not want to do. There are a whole range of social pressures that affect kids who are not very sophisticated.

Mr Moynihan—Another one that is fairly easy to understand is that kids plead guilty to protect their parents. They do not want their parents to end up at the police station, so they will

say, 'Yes, that was my marijuana.' Our experience is that it is actually quite common for those events to happen.

CHAIR—You also said that 69 per cent of offences by young people are property offences. What percentage of those would involve mobile phones?

Mr Moynihan—I do not have any statistics on that, sorry. I have no idea about it.

CHAIR—It is quite an interesting issue. Mr Secker and I were both in London with Scotland Yard in July. It was also reiterated in the United States that the number of property offences that involve a mobile phone is huge.

Mr Moynihan—I did see some research that came from Sydney that indicated that the number of offences involving mobile phones was quite huge. Having said that, most of the offences involved young people as the victim—having their mobile phones taken off them—

Mr SECKER—Often by other young people.

Mr Moynihan—That is correct. It is probably because it is only in recent years that they have started to acquire mobile phones. We probably do not have the same research that Sydney has got.

CHAIR—It is more of a problem where we have systems like ours, where people can actually steal them and use them. In the United States they have a slightly different system in the way they can turn them off, so it is not quite as high. In London they said that nine per cent of all crime involves mobile phones; 50 per cent of muggings involve mobile phones; and, in 30 per cent of robberies, only the phone is taken—amazing.

Mr Moynihan—Could I come back to a previous question about what we consider success. I have given an example of what we consider success in terms of legal outcomes. In terms of welfare I consider it a success if I can treat the young people with respect and dignity and take them through a legal process in the best way possible. So, to me, the outcome at the end of the case is almost irrelevant in terms of whether we consider the young person a success in terms of their likelihood to re-offend. It is about that research I mentioned earlier: treat young people with respect through that process and they are less likely to offend.

I had an experience of a young guy we represented on over 140 break-and-enter charges. The police caught him in another state and dragged him back to Queensland. He went to a youth detention centre. I continued to visit the young person and continued to show him respect in spite of the fact that he had damaged two of our houses. Our houses are run by youth and family services; we also accommodate young people. He had done a considerable amount of damage to our service, but I continued to show this young person respect and continued to treat him as a human being. When he went to detention I continued to visit him. The end result was that, at the detention centre, there was a bit of a riot and this young person did not riot along with everyone else in his section. There was a door open and 11 of the 12 bolted out the door and started running around and trying to escape—never mind that there was a 20-foot solid wall they had to get over and on the other side of that was razor wire fence. But obviously that is what you have to do. My guy did not do that. He sat there and watched them all. My guy was fairly

experienced, fairly well down the track in terms of young offenders, and he has a reputation to uphold; and he did not contribute to the riot. He was in a lot of trouble from the other inmates, if you can understand that. When the workers questioned him about why he did not riot, he said, 'Because I couldn't face Lawrie again.' I am not saying that to blow my own whistle, but I think it very clearly points to the process that I have used with him to get him to this point where he will say no to his friends and say, 'No, I am not going to do this,' because he could not face me.

I think it is really interesting that he did not say, 'I did not join the riot because I did not want to get another three to six months jail'—which is a reality. Young people do not think about the consequences, even at this level—and he was 16. He was not interested in consequences. So the fact that he did not riot was not based on the fact that there were other outcomes. Sadly, he did not say, 'I did not riot because I did not want to offend my family'—which might be a reason that we would give.

CHAIR—You had almost become the family figure.

Mr Moynihan—Yes. And I think it is quite sad that it comes down to that, but that does focus on what I think is the key issue. So we can have successes from a legal point of view; but, to me, if those young people have the experience of someone treating them properly, with respect, they are far more inclined to treat me—and the processes that we all engage in—with respect. I believe that if police treat young people abusively, young people will learn to abuse police and abuse the process. If police treat people fairly and justly, the young people will respect that.

Dr WASHER—Lawrie, if you could flesh this out: Madam Chair brought up the use of drugs. I would have thought that alcohol would have been the most common drug utilised by young people in association with crime. If there are drugs involved, alcohol would still be the most common.

Mr Moynihan—I think alcohol is one of the biggest ones, yes.

Dr WASHER—Of course, under the age of 18 it is totally illegal in this state to drink, is it not?

Mr Moynihan—No. It would be illegal for a young person under 18 to purchase the alcohol or to carry it in public; but if someone has it at their home they can drink to their heart's content.

Dr WASHER—So the bulk of these people who are 15- and 16-year-olds would not be able to legally purchase it.

Mr Moynihan—That is correct.

CHAIR—On that subject, what about amphetamines—ecstasy?

Mr Moynihan—We do see a lot of the harder drugs available, and young people definitely have a go at trying different drugs at various times. At this end of the criminal sphere, there is a lot of testing and having a go at doing this.

Mr KERR—Lots of young people who never have a criminal record also have a go at trying these things, don't they?

Mr Moynihan—Yes.

Mr KERR—‘There but for the grace of God go I’ might be a retort that some might make.

Mr Moynihan—Exactly. The CJC—when it was the CJC—did a report on marijuana and said a third of the population used marijuana. We are not talking about young people here; we are talking about adults. It is quite common for young people to be trying alcohol, marijuana and anything else.

CHAIR—Are there any programs that are starting to tell kids what drugs like marijuana actually do to their brain for the future? A lot of work is being done now in the areas of depression, early onset dementia and schizophrenia, which are related to drug usage. Are there any of those programs that you are familiar with?

Mr Moynihan—There are programs out there. Our centre does have a youth health team and we definitely do what we can to educate young people about the consequences of that. I do not think there is enough in terms of when young people need further help once they have gone way down this track and they become addicted. There are not the services—definitely in Queensland—that can assist young people to rehabilitate and so forth.

CHAIR—To get off them.

Mr Moynihan—There are very few services available and they are always full, so that is a huge problem. Just before I go, I should articulate another problem which is quite prominent, and that is mental health issues for young people involved in crime. We have not addressed that at all. It is a big problem. One of the problems we find is that psychologists are hesitant to diagnose young people with psychological characteristics until they reach about 18. Under that age, psychologists are very hesitant to give any sort of diagnosis. Quite often we end up going to court with a big gap in terms of what the person's mental state is. There is a lot of evidence to say that there are serious problems in that area where young offenders are involved. That really needs to be addressed.

CHAIR—Thank you very much for being with us this morning and for your submission. This area of prevention, which is the sort of work you are doing, is very important to us, so we thank you very much for your submission and your evidence.

Mr Moynihan—Thank you very much.

[10.13 a.m.]

CONROY, Mr Baden Lindsay, (Private capacity)

CONROY, Mrs Shirley Ann, (Private capacity)

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

Mr Conroy—I am a stonemason and a victim of a miscarriage of justice through the court system and several other bodies.

Mrs Conroy—I am a wife and a mother. I have had to bear the consequences of a miscarriage of justice for the last five years. That has impacted on my family and on my young daughter, and it has been a real struggle to continue to bring my life together, to continue to rear my daughter and to do all the things that are expected of me, because of the consequences of what happened.

CHAIR—The submission you provided to the committee has been kept confidential to this date but we have now resolved that submission No. 147 from Mr and Mrs Conroy previously accepted on a confidential basis be authorised for publication. Would you like to make an opening statement?

Mr Conroy—I have some contracts here that support my statement that you cannot sign a contract in Queensland and be legal and safe. There were four. I only have three; the other one I have been unable to obtain. This is where all the rotting started, through our solicitor. We had a family solicitor, Richard John Hoare, from Loganholme. He did our wills and all of our private business. I gave him this as a rental when this chap wanted to buy my house. He was to rent it for six months and then his father died and he was going to buy it. All this was going on between our solicitor and Roger Vaughan—who is the man who destroyed us, with the help of Richard Hoare. They turned up with these contracts. Anybody with any insight at all would see that these are totally illegal. We never had a case to answer in the first place. Even the one he signed, my solicitors argued in court that I signed it. That is how they got all these fraudulent things through the court. Not one of them is legal.

CHAIR—So that we can follow this through logically, perhaps you might just tell us each step that happened as simply as possible.

Mr Conroy—Sorry.

CHAIR—I know sometimes it can be a bit overwhelming, so can we just go through it very simply from the beginning and take it step by step.

Mr Conroy—I came down here a few years ago to work as a stonemason because there was no work up north where we were living at Howard, near Hervey Bay. Rather than becoming unemployed, we said, ‘We’ll come down to work,’ which I did. I put an ad in the *Courier Mail*; I got a job in Thinoomba. We stayed in caravan parks. My name got around and I got plenty of

work, so I bought a little place at Woodridge not knowing what Woodridge was. Anyway, it was a nice little home. It was \$65,000 and I thought it was better than any caravan park with the alcohol and the unemployed and the drugs et cetera.

After 3½ years we decided we would sell it. We put an ad in the *Courier Mail*—‘For sale: \$65,000’. One Sunday, I went to price a job. Shirl answered a phone call; it was Roger Vaughan. He rang us from Melbourne wanting to rent and then buy the place. Shirley said: ‘No, it’s on full mortgage and we can’t afford to do that. It’s for sale or nothing.’ After dozens of phone calls, we came to an agreement that I would rent it to him at \$630 a month, which covered my rates and insurance and what I had to pay out to the bank. I had just engaged in a heap of work on the Gold Coast. I wanted to move out of Woodridge and down to the Gold Coast and buy an acreage property there because that was where the hub of stonemason work was.

I rang my solicitor, Richard Hoare, and I said: ‘This fellow wants a rental contract. He is to put in a bond of \$1,000 in case of damages.’ I gave Roger Vaughan Richard Hoare’s particulars. They got in touch with each other. I gave Richard Hoare all the particulars of Roger Vaughan’s wife, Pauline Odey; I gave him all the names and all the things that had to go on the lease. The idea of her being on the lease was if they damaged anything and ran away, she owned a house and it was a backstop for me.

Roger Vaughan landed here. He was supposed to pay us rent, but when he got here he had no money. He said he had a job with his brother in Woodridge. He said, ‘It’ll be a week or two before I get myself organised; I’ve got money coming from Melbourne.’ It was too late. He was there with the furniture van and he was moving in, so what could I do? My wife said, ‘I don’t want him in the house or his crap all over the fridge and their mattresses.’ She started crying, ‘Don’t let him in there,’ but I had signed the lease—or so I thought. What do you do?

CHAIR—You had premonitions?

Mr Conroy—She is a very clean woman, being a Pom. Anyway, in they went. Shirl went home for a few months to the stone house that I had built up north and I went to the caravan parks again—not that that lasted longer either. We were having trouble getting money out of him. I would chase him and hunt him down and, in the meantime, he was working for his brother doing sheds. We bought the property at Wongawallan and I needed a big shed on it. He was a salesman for his brother, so they organised a shed for me. Meanwhile, I kept saying to him that I needed to settle.

After a couple of months his father died and he said, ‘I’ve got an inheritance coming.’ I got back on to Richard Hoare and I said: ‘Keep on to this; I want this settled. I have just poked my neck out for \$150,000. I need to get this sold. I cannot have all these mortgages.’ As I have said, I was just starting up. I bought a machine, and that was on lease, so I was pretty tight.

CHAIR—Had he paid any rent at this stage?

Mr Conroy—He was to rent this house for six months. After he was in there for a couple of months his father died.

CHAIR—Had he paid you any rent?

Mr Conroy—Not at that stage, no, not for the first three months. He paid nothing. Every excuse was the banks transferring money, there was the so-and-so banks and all this. He was supposed to pay a \$1,000 bond for any damage. The next thing Richard Hoare rings me up and says, ‘He hasn’t got \$1,000; he only has \$500.’ So my wife and I had to go and initial it. This was the first mistake I made. A little while later he rings up and he says, ‘He’s not coming on the 20th, he’s coming on the 24th.’ So back we go to initial another part of this lease. That was the second mistake. When we had done that they started writing and altering and changing until they ended up with four contracts.

CHAIR—This is the contract to lease?

Mr Conroy—The lease.

CHAIR—Always the lease agreement?

Mr Conroy—Always the lease.

Mrs Conroy—We understood it to be so. It is actually a sale contract.

Mr Conroy—It has turned into a purchase—10 per cent they were after. This was set up before he ever came here. In one of his lunatic phone calls at 3 a.m. I said, ‘How did you get our solicitor to do that?’ and he said, ‘We bribed him.’ That’s fine. Anyway, rent was argued in court. It was never ever agreed to. I have it somewhere that his own solicitor puts it down to rent but, when they got to court, rent was never mentioned.

CHAIR—So you say that when the tenant wanted to change the terms of what you understood the lease to be and you went in to initial what you thought were the terms of the lease agreement, you were in fact signing what turned out to be a contract of sale.

Mr Conroy—Sale, yes.

CHAIR—And you never knew that?

Mr Conroy—No. As I have said, I nearly had my neck chopped off; I was poking it out a bit far but I needed the stuff to do the work. As it turned out, I went all right and I succeeded, but that is because I have had to do that all my life. I had no schooling. I had a drunken father who was never there. I had a brother and sister who had to be fed. I kept them on an extra 30 bob a day—I picked spuds and trapped rabbits. I pinched a jumbuck over the fence, hung skin on the fence and survived. Otherwise you starve. That is why my hands are like this. It is from chopping wood for 30 bob a day until you go to school and hide from the police and the truancy officers. We had no choice. Anyhow, I made a life for myself and I do everything the best I can. All that work along there is all my work. I worked for some years doing stonework here. I made a name for myself. Of course, this came along and they just took the lot away and I woke up in the morning and I had nothing and no rights.

CHAIR—So what happened then? Did they seek to enforce the contract?

Mr Conroy—Yes. Every time I went to Richard Hoare—you stand up to him; I am a pretty heavy-handed sort of a lad, even though I am 60—all he would say to me was: ‘It’s only bloody rent. It’s only Woodridge. You’re getting your rent. What if he stays there for 10 years? You’re getting your mortgage paid.’ I said, ‘That’s not the point; I have a mortgage.’

Mrs Conroy—We needed \$58,000 to pay it out because that is what we owed the bank.

Mr Conroy—It was \$58,000—roughly \$60,000—and I needed that because I bought a bush property with nothing on it and I put a shed and a caravan on it. I wanted to build another stone house down here, because the one I built up north turned out to be a waste of time because of the unemployed, the drugs and the el cheapo subdivisions they whacked in beside me. My stone house was worth virtually nothing, so I decided to build one down here, because this is where the work was and there was an opportunity for my daughter to get the education that I never had, and I needed the money to pay my bills. I bought a bobcat and I bought a ute because all I originally had was an old FC Falcon with a trailer. The petrol mixer I bought for \$100. I needed to settle this and I did not need him down there.

Anyway, along the line—unbeknownst to me there was still all this money coming off the top—with dozens of phone calls and threats to kill Richard Hoare, I got a notification from the insurance solicitors, Smiths. They had come home drunk and knocked the besser block fence down.

Mrs Conroy—No, the wife did.

Mr Conroy—The wife did—hit it three times, nearly killed a grandfather and his child. I rang him and said, ‘What’s going on?’ He said, ‘Oh, it’s not my problem; I’m only a tenant.’ So that is by law. After, I wanted to have a little word with this solicitor for the insurance company. I said, ‘They’ve admitted it. I didn’t do it. They’re renting the house; they’re responsible for it.’ But under the law it is still in my name so I am responsible. That was about \$1,700 for that little episode. But I did keep the insurance because I thought that, if they burned the place down, I would still have something. So I kept the insurance. With tenants in now, I thought, ‘Well, you’ve got to have insurance.’ Anyway, I claimed it through insurance. Then I found out that he hit the other fence and tore it down, and that man wants paying for it. Then I find out that one of the gates is hit, so—

CHAIR—Sorry; these are fences of adjoining properties?

Mr Conroy—Both sides. One day she hit them both and knocked them down—both sides. One was a besser block and one was a wire fence.

Mr SECKER—How can you be liable for that?

CHAIR—Because he is the owner of the property.

Mr Conroy—By law, because the property is in my name.

Mrs Conroy—The deed was in our name.

Mr SECKER—But you did not commit the offence.

Mr Conroy—I know.

Mrs Conroy—Absolutely. Then the insurance company sues the offender.

Mr Conroy—I have got the things with us here somewhere.

Mrs Conroy—You have to claim your insurance and then it goes straight to them.

Mr Conroy—So that prompted me. Then I was working away there one day and the phone rings. It is Richard Hoare and he says, ‘You know all the money comes off the top on this place at Woodridge, don’t you?’ He may as well have belted me round the head with a lump of three-by-two. So I flew in that ute from Oxley to his house in about 3½ minutes flat strap. I pulled up. He was just heading out the door. He has this little manila folder with about half a dozen sheets of paper in it that I had not read. He has a desk and an exit there, and the wife is sitting on the chair round here, and I have got him bailed up here. So he waves it around; he pulls out this contract.

Mrs Conroy—We do not have the original.

Mr Conroy—This is a copy of it, because they will not give me the original. He waves this around, so Shirley gets it and says, ‘Thank you very much,’ and puts it in her bag. He went to grab it, so I grabbed him by the wrist and said, ‘Behave.’ We took it out and read it. And I went down to see Roger Vaughan and said—that was in about; what month of the year was that? Was that October?

Mrs Conroy—No, that was in early November.

Mr Conroy—I said, ‘This has expired, on 20 February. It is all old. It is not what we drew up.’ I said, ‘It’s illegal and it’s expired.’ Then I said, ‘I won’t care.’ Vaughan kept the front door locked. He would not let anybody in the front door—you had to go round the back. He had a druggo at the front and I should have used my nous that day and gone in; I would have caught him with the drug machine in there.

CHAIR—What, he was using it as a drug house?

Mr Conroy—Yes.

CHAIR—Cooking amphetamines?

Mrs Conroy—Absolutely.

Mr Conroy—Shirley has brought you a video and it shows the drugs on the floor. It was brought up in court. I had a police officer there for an hour from Beenleigh. His name was Russell, wasn’t it, Shirley? We did know his name, but I cannot remember. He does not exist, this police officer. He said, ‘Yes, there has been a drug machine here.’ Roger Vaughan’s wife,

Pauline Cynthia Odey, was in drug rehab at \$2,500 a week to us taxpayers, down on the Gold Coast. He was making drugs to feed to her. She was a total write-off.

CHAIR—Let us get this straight. You are saying that your solicitor had a wife who was addicted to—

Mrs Conroy—No, the tenant.

Mr Conroy—No, this is the man who bought the house, Roger Vaughan.

CHAIR—So you are saying that the tenant had a wife who was addicted to methamphetamine and that he was actually running a methamphetamine cookhouse—

Mr Conroy—Yes.

CHAIR—on the premises?

Mr Conroy—Have a look at the video and you will see the resin on the floor of the house. It was still there after they cleaned it and photographed it. And you could not live in the house for four months. I spent a fortune on chemicals. It was just putrid. The cleaners were saying, ‘It’s common round Woodridge, with these drugs. Round here we get this all the time.’ I said to the court it was either faeces or resin from drugs. Of course that was ignored.

I did have a policeman around there for an hour. He said, ‘Yes, he’s had a machine here. It’s gone now. Where do you think it’d be gone?’ I said, ‘Your guess is as good as mine.’ When I got the intelligence to find this police officer, he did not exist. He came from Beenleigh in a police car, he was there for an hour, and he does not exist. I have since started to find out a few little things about why he could not be found and why they are protected. Woodridge is full of drugs. That includes a council officer, who is still serving there. I have been informed by an ex-police officer that he is a drug dealer. He was also a mate of this Roger Vaughan.

CHAIR—Let us go back one step further to the policeman whom you said you called to the house. What was the policeman’s name?

Mr Conroy—Graham.

Mrs Conroy—He had a badge. I cannot remember whether his name was ‘Graham somebody’ or ‘somebody Graham’. I know it was Graham. I think his surname was Graham.

CHAIR—How did you try and find him again?

Mr Conroy—Through the Beenleigh police. I rang up the inspector—

CHAIR—And asked for the person who had come to your property.

Mr Conroy—Yes. I went to the intelligence at Logan, and nobody could find him or trace him. There was no record of him ever being there.

CHAIR—There was no record of any policeman coming to your property.

Mr Conroy—No. He was there for an hour. I saw it as soon as I got in there. The tenant had locked the house and would not give the keys up. So I had to get a key bloke to come out and open it and, when he did, he came out spewing. That is how rotten it was. I called the cops. I said, ‘Listen, there’s been a drug lab in here.’ So up he came. He had a real good look through, didn’t he? He was there for about an hour. But when I needed him for court, he did not exist. I thought the intelligence might be able to do a bit of tracking, because we are coming to a little scenario with the Logan detectives. Nobody can find this man; he just did not exist. It must be only in our memory that he came there.

CHAIR—The other police are saying that he did not come to your house?

Mr Conroy—I could not trace him through any of the police. I knew Sergeant Patterson at Logan.

CHAIR—Did they give you a list of police who were there? Was there anybody called ‘Graham’ or ‘somebody Graham’?

Mr Conroy—No. I gave them that name, but it just did not exist. I have got no faith whatsoever in the Logan police. There is fraud here. We have a transcript here for you. They argued under oath that I signed these documents, and I had never seen them. The court was either too corrupt or too stupid to see that it was not my signature.

CHAIR—Did anybody do a handwriting test?

Mr Conroy—I took it to the Logan police. I went up there three times. I took all the relevant information and sections of stuff. I sat there with them, I explained to them, I showed them and I pointed out everything to them. Richard Hoare and Roger Vaughan said that they were mine. That is in the transcript. I have parts of the transcript here where they argue that they are my signatures. If anyone would like to have a look at the signatures on that contract, especially where Roger Vaughan signed it—you will see the ones up the side. They argued that those were my signatures. Blind Freddy could see that they are not. If this is the case, where is the contract that Roger Vaughan signed? Why are we being taken for rescinding a contract if he never signed one?

CHAIR—Let us just go a step further. You have cleaned out the house, and he has gone. How long was he in the house?

Mr Conroy—He was in there for 20 months. He was in there for two months at the end—illegally. He should have been gone before Christmas. They gave us nine days to settle.

CHAIR—When you say that he was in the house for two months illegally, you are saying that the lease that you had accepted had expired. So he was presumably holding on under a weekly tenancy?

Mr Conroy—That is right. Yes.

CHAIR—And you gave him a notice to quit, did you?

Mr Conroy—I sent him letters. They turned up to court with two. I sent him three. I gave him 30 days; I gave him 14 days; and I gave him seven days. They turned up with the letters for the seven days and the 14 days and said—it is in this thing here—it is illegal. Yet they gave us nine days to do a settlement. The solicitor was going away on the 19th—he was going on holidays for a couple of weeks—and that was the day they wanted settlement.

CHAIR—So he is saying to you that all the so-called rent money that was paid to you was in fact part of the payments pursuant to the lease for sale and came off the purchase price. Is that right?

Mr Conroy—That included all his rates, insurance—the lot. That covered all that.

CHAIR—But it was characterised to you that in fact it was not a lease agreement that you had signed but a contract for sale, and they then sought specific performance, I take it, of the contract for sale?

Mr Conroy—That is right.

CHAIR—So what has happened to Mr Hoare? Is he still practising law?

Mr Conroy—My word he is; he is getting better than ever. And Mr Vaughan is still running around operating a business unlicensed. It took six years to get him knocked off for two cases, and they fined him \$1,800. He is still running around ripping people off today. I had an 87-year-old woman crying on my shoulder. He ripped her off for \$950 and, until today, the Building Services Authority has done nothing. He goes around and says he wants a deposit of \$900 to \$1,150. He takes a wrong roller door, says, ‘Give us a deposit in cash. I’ve got to go back and change the roller door,’ and that is the last you see of him. His wife has lived with him for years collecting the pensions. He has bankrupted his wife. He ran up \$47,000 at B&D roller doors. He bought these businesses, put them in her name, ran up debt with everybody in Brisbane—including this \$47,000—and he bankrupted her. She signed it back to him and he carried on. He was the financial director and he carried on scot-free with the businesses and he is an ex-bankrupt.

CHAIR—Have you given all this information to the police?

Mrs Conroy—Many times.

CHAIR—And they will not act on it?

Mr Conroy—The police are absolutely hopeless. I have McGrady’s letter here somewhere. I am going after him today, because I waited four hours on Saturday night for the police. The gangs were attacking us and we could not get any help. I intend to see Mr McGrady to find out why this happened. If the police had done their job, they would have verified it. I spoke to the inspector at Logan. I said, ‘All you have to do is verify the signature and you’ll agree with me—end of story.’ Then when he was back, he said, ‘The judge didn’t say anything about it so we’re wasting our time.’ I spent tens of thousands of dollars on hopeless, useless solicitors. I even took

Jim Crowley QC, one of the bigger boys here. We were supposed to have Cedric Hampson but he could not do it so we had Jim Crowley. Jim Crowley went in with six points of law, and no garbage about scrubbing and running over pensioners. He said he was going with points of law, which he did, and the court totally ignored him. It proved we did not rescind the contract because we signed the release papers, that they had given up the house and rescinded the contract by moving out and stopping paying—but we rescinded the contract.

I will take you to a real good one now. This is something I would like the federal government to do. I spent thousands paying people—idiots—to chase this inheritance, this death of his father in November 1996. It was supposed to be in Sydney. The inheritance has never been found. When he was asked in court when he got his inheritance, he answered, 'I have a mental blank on that,' yet a few minutes later he turns up with all these false payments. When asked where he got this information, he said from memory and from scraps of notes he had made.

Richard Hoare argued about our signatures. He went through the scenario saying, 'That's Mrs Conroy's, that's mine, that's Ben Conroy's.' Two paragraphs later he says: 'It's nobody's in the office. It's not Roger Vaughan; it must be Ben Conroy's.'

CHAIR—Let us determine where it is at now. It went to court and you lost in court.

Mr Conroy—I went to Beenleigh Magistrate's Court, and Roger Vaughan got rewarded 110 per cent; we were totally in the wrong. There were no ifs or buts. So I appealed it. While I was waiting for the appeal, we got hit with—

Mr SCIACCA—Can I just ask for clarification? Why did you go to the Beenleigh Magistrate's Court?

Mr Conroy—He summonsed us for all his money back. I have the plaint here; I will give it to you.

Mr SCIACCA—You must have gone to the Supreme Court for the—

Mr Conroy—No. We had only been to the District Court.

Mr SCIACCA—You went to the District Court for the specific performance of the contract. Where did you have Mr Crowley, for instance?

Mrs Conroy—The Court of Appeal.

Mr SCIACCA—The Court of Appeal?

Mrs Conroy—The District Court.

Mr Conroy—Yes, the District Court, under Philip Nase.

Mr SCIACCA—It is just that the Magistrate's Court certainly does not have power here to have—

Mr Conroy—That is exactly right.

CHAIR—No, and I do not understand it.

Mr SCIACCA—I do not even think the District Court does, in truth, and I do not think it has equitable jurisdiction, unless it has been extended.

Mr Conroy—You are certainly right. I am not used to this. That is what you probably want to know. Getting back to the inheritance: his father died, it was coming through straight after Christmas and we should have been ready for when his lease ran out. To this day it has never been found. It cannot be found. I have had a couple of chaps here working and looking, and it cannot be found. Jim Crowley said: ‘Where is the ship, when did it sail, did it dock or did it sink? What became of his ship that was coming in?’ There is no proof. Now he has taken me. I am waiting on his inheritance. The inheritance was a mental blank. He did say later, ‘December.’ But that could have been 1919 or 1980.

CHAIR—But the house went over to him?

Mr Conroy—No.

Mrs Conroy—They went and bought another.

Mr SCIACCA—You still have the house.

Mr Conroy—I sold it for \$7,000 less than I paid for it.

Mr SCIACCA—But this fellow never got the house off you. He sued you pursuant to the terms of what he called his contract for moneys that he says you owe to him.

Mr Conroy—All his money—which he had no proof of, by the way—

Mr SCIACCA—And you lost the case. Then you appealed it. From the Magistrate’s Court you went to the District Court. He kept the house. It is just that he later sold it to someone else.

Mr Conroy—I rented for a while, but I just could not handle it.

Mr SCIACCA—I understand. It was not clear. I thought maybe you were forced to sell the land to him.

CHAIR—I thought he was forced to sell the house, too.

Mr Conroy—No. We paid \$65,000 and we sold at \$58,000 10 years later, didn’t we?

Mrs Conroy—Yes.

Mr SCIACCA—And you wish you had kept it.

Mr Conroy—Now, yes. I have made that mistake twice. We had to sell everything, because this man had sale and seizure warrants on our properties for nearly four years, and he would go in three months early and renew some so we could not sell anything. We were stuck with the mortgage, rates and insurance. They used bankruptcy stuff in the registrar's office to get our financial details. A woman had a \$250,000 Supreme Court order. They could not obtain our social security and tax, yet the registrar at Beenleigh put summonses out for Shirley and I, and they obtained all of which we have lists of—but Shirley will go into that one. So they broke the Privacy Act. I warned the registrar they were misused. I will be back to deal with him—he was totally responsible. I told him that his contract was a fraud. It was perjury. They used bankruptcy stuff, which only the federal courts can use. Here is another one which you might be interested in—one of their little games. There is extortion for you. That is the sort of thing. It cost me \$8,500 to get that letter.

Mr SCIACCA—So you went before the Magistrate's Court. You lost the case there. You then took it to the District Court—

Mr Conroy—We appealed to the District Court.

Mr SCIACCA—And you lost the appeal.

Mr Conroy—We had another appeal. I paid \$8,500, but when they got there they were not ready to fight. It cost me \$2,600 for an adjournment, because my crew was not ready. Then I got onto Frank Brewer, and he got me Jim Crowley. Then we had to pay for another—

Mr SCIACCA—That would not have been cheap either, would it?

Mr Conroy—No. I spent a lot of money. This will make you really laugh: Mr Vaughan had no win, no pay, and at the appeal his solicitor, John Curran, stood up and said: 'I want \$2,600. I have not been paid.' Whoever heard of a barrister going without being paid? It cost me \$2,600 on the spot; otherwise, they would not have got through. But, as it turned out, I could have let it go through. But I did ask them to take it to the High Court. I do not believe I can get any justice in this state. I would like to get it to Canberra.

I had a 100 per cent credit rating with companies and banks, but as soon as they did this they destroyed my credit rating. I could not buy any equipment. I have thrown away \$200,000 a year, because I could not buy the equipment to do the jobs; I have just had to give them away. As the legal Ombudsman over here said: 'You and Mrs Conroy haven't broken any laws yet. How did they get this decision?' I said: 'Well, as Brian McMahon, his solicitor, told me on the steps of the court, "You won't beat me in here, Sonny. I have been here for 20 years. These blokes are mates of mine.' He was telling me not to have the appeal, because this time I put his mate in—his client. I bankrupted his wife and his house was sold up at Woodridge. They bought another house after they got out of mine. She sold the house in Melbourne. That was the money they used. They said it was the inheritance money, but it was not; it was her money. They only had it a short time and the banks and B&D sold them up and that is when they bankrupted her. Also, we paid \$1,090—which is illegal—on solicitors' fees for the transfers and all that. Unless he had 30 per cent, he did not have a law to do it under; he had just 10. So we paid \$1,090 for legals, for transfers and things that never eventuated on his new house as well.

CHAIR—Did you report all of this to the Law Society?

Mr Conroy—I have had more blues with the Law Society. I have got all the letters here.

CHAIR—The long and the short of it is what?

Mr Conroy—The Law Society said there was negligence and misconduct but ‘professionally we won’t touch him’. Stephenson was the legal Ombudsman, so I hammered him. He could not help me. He apologised—I have got all of his letters here—and he went to the Law Society as a big wheel. So I saw him and said: ‘You’re in the right place now. You can do something.’ ‘Oh, no,’ he said, ‘We’re still of the same opinion. Richard Hoare’s done nothing wrong.’ I thought that when he got transferred there I would have half a chance—but no. I went to Matt Foley, when he was the legal Ombudsman, and to the Attorney-General. Matt had a big meeting like this. I only had a few minutes, so I gave him the scenario as to how this Roger Vaughan is into tax avoidance and owes hundreds of thousands. He is still running around free. His wife is getting the pension and living with him, getting the dole and living with him for years—it is all in the transcript—because he would not give any drug money.

Mr SCIACCA—Did you report that person?

Mr Conroy—I saw Kay Elson. Kay is our local member. I hammer her and drive her insane at our meetings. I gave all this—heaps of this—to Kay years ago through our meetings.

Mr SCIACCA—It looks you have been stitched up pretty well in accordance with the law.

Mr Conroy—Yes, pretty well stitched up.

Mrs Conroy—Absolutely.

Mr SCIACCA—Madam Chair, I just make the comment that I really do not know what we are going to be able to do about this. We wanted to listen to you, Mr Conroy, because we think anybody has got the right to come before us if they think there is a miscarriage of justice. But we do not have any powers over these states and it is a contractual thing and you have gone through the courts. Just from what you are telling me and without knowing the facts, and as a practising lawyer of 30-odd years standing—

CHAIR—In this jurisdiction.

Mr SCIACCA—yes—it seems to me that you certainly could have got better practical legal advice. I do not know Richard Hoare and I do not know McMahon, so it is not as if I am talking from particular experience.

Mr Conroy—McMahon is a good operator.

Mr SCIACCA—McMahon might skite and say how he can do this and do that, but McMahon is just a suburban solicitor. That is no big deal. He would not have any say over who the magistrate would be or whatever.

Mr Conroy—I think that—

Mr SCIACCA—He might have told you that, but I would doubt very much if that is the case. It seems that you have been to the court, you have had a pretty good barrister and counsel in Jim Crowley QC—he is older than me and he is very good—but it looks like the law has found against you. I think that, as for what you actually thought you were signing and what you were told you were signing and what in fact you did sign, the court obviously has found against you on the basis of the writing. In other words, the document in writing is what counts, unfortunately. I think you have just been screwed because you have been too trusting of everybody.

Mr Conroy—Yes, this is it. But, if you have a look at these other ones, they are all different. Number 2 is the original. This other one here is bodgied up—they have crossed out and whited out. You cannot do that with contracts.

CHAIR—You can.

Mr SCIACCA—But the court obviously has not believed you, Mr Conroy. That is the problem.

Mr Conroy—That is what I am saying—the court is bent.

Mr SCIACCA—I am not saying that it was right that they did that. I am just simply making the point that they did not believe you on this.

Mrs Conroy—The thing is that the magistrate, in one of his decisions here, says that I have very little dealings with the plaintiff. But, because I am Ben's wife, I get punished and so does my child, because of what he has done. It goes against me.

Dr WASHER—I understand. Who was the magistrate?

Mrs Conroy—It was Mr Terry Anders.

Mr Conroy—By the way, he was stood down and sacked immediately. We wrote to Di Fingleton because of a 3 a.m. phone call, where I said, 'How did you get the court to do this, Vaughan?' He said, 'We bought the drunken magistrate.' So we wrote to Di Fingleton and they used the letter against us in every direction. Di Fingleton wrote back to us. Because we wrote to Di, they used that against us. We paid \$1,000 for a stay of execution of our financials until the appeal, which I am entitled to by law. O'Donnell, who I do not know from a bar of soap, said, 'We'll be doing it within the law or outside the law to avoid this,' and he okayed it for them to get our financials. We wrote to Di and said, 'Why should we give a lunatic, a conman and a drug addict our financials to be destroyed and misused?' The court is looking at it.

Mrs Conroy—Another thing is: you say that McMahon and the other chap are just suburban lawyers, but how is it—

Mr SCIACCA—I do not mean in any derisive way; I am just making the point.

Mrs Conroy—I am not taking any offence. However, can you explain to me how Roger Vaughan knew the decision in the appeal before it was handed down? You are a lawyer—perhaps you can answer this one for me. Before District Court Judge Philip Nase came out of his chambers at Beenleigh Magistrates Court, Mr Roger Vaughan came into the court dancing around and taunting us, saying, ‘Great victory, isn’t it!’ He should not have known the result of the appeal before that Philip Nase had shown himself.

Mr SCIACCA—I can only presume that, somewhere along the line, they would have found out from the judge’s associate or something.

Mr Conroy—Yes, but it is not right, because they were—

Mr SCIACCA—No, it is certainly not right. Everybody should know the decision at the time it is read out, not beforehand. You are dead right about that. But I am asked the question as to how it probably happened and I am just presuming that is what happened.

Mr Conroy—I know it is because of corruption.

Mrs Conroy—Coming back to the police, we went to them about the fact that the house had been used for something it should not have. There is all mould and stuff growing on the walls—I have that on video and all of that—and it is like something has been boiling there all the time. The policeman did say there had been something there but that it had been moved. But, coming back to the police, after Roger got this really good and wonderful decision from this wonderful magistrate, we had to pay the mortgage out on this house and we did not have the money. So they went on a systematic campaign to harass and stalk us. After he got this judgment, he used to ring us up in the middle of the night and torment us. He physically stalked me while my husband was working. We were out in the bush—we had sold the property at this time—and there was a plateau bit that went outward, and you could park down the bottom. He used to park his car down there quite often. Another time on my birthday he sent the police out to me with the council officer to say we were illegally on Wongawallan.

Mr Conroy—The illegal thing was an illegal caravan.

Mrs Conroy—Yes, because we could not afford to build a proper house there. We lived in a caravan in the shed. The police came out with a council officer who had a letter that could have come in the post, on my birthday—

Mr Conroy—The police car had the lights flashing, by the way.

Mrs Conroy—Yes, it was in 1999. The appeal was heard on 3 March 2000, so this was before that time. They did everything they could to break us and make our lives a misery. I understand what you said about the magistrate and the court and all that. However, he should not have been allowed to carry on the way he did. I reported this to the police numerous times. I even went into the headquarters here. I have all the little cards I was given to say that I did report it to them, and nobody ever did anything about it. Their response was just: she is an overreacting woman; she is probably paranoid—all this type of thing. They did this before the appeal to try and break us. The point is that we could not give them this judgment money because we did not have it.

Mr Conroy—And they even poisoned our dog.

Mrs Conroy—Yes. They were threatening to sell us up. They had these warrants of sale and seizure, which obviously were allowed through the court.

Mr SCIACCA—Once you get a judgment you are entitled to that, yes.

Mrs Conroy—Absolutely. But they are supposed to act on them; they are not supposed to use them to just torment people like poking a stick at a dog or something.

Mr SCIACCA—Madam Chair, I think that probably the only thing we could take note of in terms of the ambit of this committee is the treatment they received during the course of the matter and their discussions with police and the police not taking much notice of them and that sort of thing. I think, apart from that, there is not a lot we can do. I feel very sympathetic to you.

CHAIR—So do I.

Mr Conroy—That helps! Everybody is sorry for us but that does not—

Mr SCIACCA—I know, mate. I understand that.

CHAIR—How much out of pocket over the house transaction were you?

Mr Conroy—By the Beenleigh court allowing him to put sale and seizures on all my three properties—

CHAIR—That resulted in your loss of credit rating?

Mr Conroy—The judgment destroyed my credit rating as I am self-employed—

CHAIR—They got a judgment for how much—\$13,900?

Mr Conroy—No, it was twenty-nine thousand something.

Mrs Conroy—It was nearly \$24,000 to start with, and since the appeal I think it is probably about \$60,000 now. It was still there.

Mr Conroy—There is nine per cent compounding interest on top of that.

Mrs Conroy—I will never pay it because I cannot. I do not have the money—I still do not have the money to this day. I cannot pay it. So it is just sitting there but, I mean, so what? You cannot take what somebody has not got.

CHAIR—Do you owe nothing now? You were talking about buying and selling properties while you still had this judgment debt.

Mr Conroy—No.

Mrs Conroy—No, they were all banked against each other.

Mr Conroy—Before that judgment I bought Wagga Wagga. I had Woodridge, which is this one—

CHAIR—Where are you now? Do you own any property now?

Mr Conroy—We are in a rental. We have been kicked out of a rental property and we have to move tomorrow.

Mr SCIACCA—Do you have any other properties or anything?

Mr Conroy—We have one with a big mortgage on it up north at Hervey Bay. I built it with my own hands. I dug it out of the ground and built it.

Mr SCIACCA—I understand.

Mrs Conroy—But nobody wants it.

Mr Conroy—But I cannot work up there because everybody has been up there for 100 years on the dole and pensions, and there are the bad-backers with their payouts and their pensions. There is no work there so I came down here and, as I said, lived in caravan parks. I have battled. I have lived away from my wife and child for 18 months and travelled when I could.

Mr SCIACCA—Have you given any consideration to getting protection from the bankruptcy court?

Mr Conroy—I am not bankrupt, and I will not be bankrupt.

Mr SCIACCA—I understand a lot of people do not like to do that, but I can tell you this: at least you would be free of these people.

Mr Conroy—No. If he bankrupts me, there will be World War III. You see, you in the government—

Mr SCIACCA—No, I am not saying that he should bankrupt you; I am saying that maybe you should be seeking protection—

Mr Conroy—He cannot bankrupt me because he owes too much money. He owes you fellows hundreds of thousands of dollars. He owes everybody in Brisbane. His mail came to my place for two years—

Mr SCIACCA—But you are missing my point.

Mrs Conroy—Yes, but he will clear out—

CHAIR—Listen to Con's point.

Mr SCIACCA—If you were walking in and seeing me as a lawyer—and I do a lot of this sort of stuff pro bono, as my colleagues do—with all these things hanging over your heads, I would make this point: you want to get back at this rooster because you say he has been doing the wrong thing by you. I accept what Mrs Conroy said in terms of the stalking and so forth. The best way of getting this fellow is to go to the bankruptcy court and petition for your own bankruptcy and then every cent that he says you supposedly owe him is finished and gone. He is then stuck with the problem, not you. You can get on with your life a bit better than what you are now. That is just a point: you will still be entitled to get a pension or to work and to have sufficient moneys to be able to look after yourself and your child. I have to tell you that sometimes, as much as people do not like going bankrupt, the reality is that it is the only answer and it is the way that you can also square up with this other fellow.

Mr Conroy—I understand that but I am more of a man than that. I would rather fight the man than bow down to him. I was brought up very hard by my mother. I have had a pretty hard life—I have had to battle all my life—and I will not let some conman who does this all his life, in every state of Australia, including ripping off you, the government, override me. I will beat this somehow. I knew that today would not help much. But there is one thing: the federal government is in charge of the Privacy Act. The Privacy Act in Canberra told me that I do not have any rights. My little girl's schooling has suffered. I had none; I want to give her a schooling. She is 12 years old and she is very smart at music. I cannot afford to do much for her, which really makes me wild. It makes me want to get the likes of Nase and a few of them at the courthouse, take them out the back paddock, give them a proper flogging and teach them the facts of life.

The law protects the scum. The bigger the scum, the more the help, protection and legal aid you get. But when you are a victim like us—a battling family—you have no rights, no help, nothing, unless you have it in a pocket. So they made sure that I had nothing. They made me keep all these mortgages, rates and insurance for years and years. I was so crook at one stage that they were going to amputate my feet at the Mater Hospital here. But I fought back. I could not even get sickness benefit.

Mr SCIACCA—I understand how badly you feel. When I say I understand, I think I understand. The problem that you are going to have is that fighting this for the rest of your life is only going to cause you, your wife and your family more grief. I put this as a sincere suggestion. The fact is someone has screwed you. Those sorts of people—if the way you put the story is true—end up getting their comeuppance at some stage anyway.

Mr Conroy—Not if they are protected.

Mr SCIACCA—Let me make the point to you that you have a wife and daughter. The end result is that if you at least give serious consideration to what I have told you, at the very least you will know that you free of this. You can be out of bankruptcy in, I think, three years nowadays—

CHAIR—Yes.

Mr SCIACCA—and you can get on with your life and continue to do what you want to do but you will not have process servers, warrants and all the rest of it after you all the time.

Mr Conroy—I throw them out the front gate; they don't worry me.

CHAIR—Mr Conroy, we have heard the evidence; it is a pretty disappointing story, because you have been let down. This inquiry can look at recommendations. You have talked about the federal Privacy Act. Tell me about the infringements of that act and where you think that something can be done.

Mrs Conroy—Ben was sick when I had to go and give my information after being in court. This was before the appeal—

CHAIR—This was because the court requires you to show substance that you can afford to pay the damages from the appeal.

Mrs Conroy—That's right. I did that. I had to give everything. After I went to that hearing—I know they want to see how you can pay something back—when I was checking my records for my family allowance, six weeks later, they had stopped some of the payment four days after I had gone to the court to hand in this stuff. So I rang up the social security office and I said to them, 'This seems to be down; can you tell me what's happened here?' They said, 'Your daughter is overseas'—that is, Rebecca. I said, 'No, she's not; she's at school.' They said, 'You went overseas.' I said: 'Yes, I did, but I came back. I went over for two weeks and I came home. I'm back. I have brought my daughter with me and she is at school.' They said, 'We got a phone call saying that she was still overseas.' So they cut that payment off on a phone call. I was quite upset that they had done it on a phone call because I was always under the impression that there is something like a social security law thing—

CHAIR—This is Centrelink you are talking about?

Mrs Conroy—Yes. You are supposed to get a bit of notice. They are supposed to write to you, ring you up or do something before they just cut something off or take the money away. They have to give a reason. They said someone had phoned up. Obviously, it was this stuff I had given at the enforcement hearing. Like you said, we were green. I took everything in as it was, and they had got the numbers and every bit of information off what I had given them.

Mr Conroy—They sent you a list of what you brought.

Mrs Conroy—They got my date of birth, they got everything they needed to know. They rang up the office and made out they were someone to do with me and they got it cut off. That is not a very good system.

CHAIR—Did Centrelink tell you that the person who called up had all your details?

Mrs Conroy—No. They said that they had had a phone call saying I had left my daughter overseas.

CHAIR—But those two things could have been totally unconnected.

Mr Conroy—Yes, but the only ones who knew we were going over to America were these clowns. They had the neighbours on either side of me. I bought a real good place and he had his mates on either side. They fooled me and they had all the evidence for court.

CHAIR—Clearly, somebody who wanted to make life difficult for you rang up. What you are saying is that there should be a better system and that they should not cut off the payments simply because they get an anonymous tip-off. That is what you are saying, is it not?

Mrs Conroy—Yes.

CHAIR—That is certainly something we can make a note of.

Mr Conroy—There is another vital point: the fact that she had been through the federal airport and she was at the state school did not count. When her mother got run over I sent them to England. Because she went over there for a fortnight and we never told them, they cut some of the money off. We did not know that we had to tell them that. This time we notified them. When we came back through the federal airport, they cut it off. We spoke to them and wrote to them, yet the phone call overrides the whole story—we had no notification. Then we got hammered with the tax.

CHAIR—This is only one instance, is it?

Mr Conroy—No.

Mrs Conroy—No. I went down to the Centrelink office and I told them about all this court stuff. They said, ‘They’ll probably always have it in for you’ and stuff like that.

Mr Conroy—That said that you will suffer all the time. For two years they hammered us. They wanted the deeds to my property which was illegal at the time. They said we were getting overpaid \$10 a week. When we checked up, we were under \$10 a week.

CHAIR—Who wanted the deeds to your property?

Mr Conroy—Social security. They sent me letters to be returned in two days.

CHAIR—Are you saying Centrelink asked for the deeds to your property?

Mr Conroy—Yes, before it was legal. I believe it is just recently legal, but this was two or three years ago. They wanted the deeds, and I told them to get in touch with the banks.

CHAIR—I am sorry, I have never heard of this.

Mr Conroy—I had never heard about it before either but, anyway, I believe it is illegal. Then they used two-year old figures to say we were getting paid \$10 a week too much for our daughter, and then we were rung up.

CHAIR—That is a different part of it. What I am concerned about is the phone call and the payment being stopped.

Mr Conroy—Kay Elson has all this information.

Mrs Conroy—On a telephone call.

Mr Conroy—Then we had social security giving us a hard time, and then we had the taxation the year the GST came in. They made us pay a lot of money at Christmas, and 2 February it all came back because we did not owe it. That was another little punch up through our friends. The thing I am asking the federal government about the Privacy Act is that the registrar has used more power than the Supreme Court. Now that cannot be right.

CHAIR—What is your specific request about the Privacy Act?

Mr Conroy—The registrar did not have the power to get our financials, but he did. If the Supreme Court has not got the power under the Privacy Act, I am damn sure a registrar has not got it.

CHAIR—The court has the authority, if you are going on an appeal, for you to show that you are able to pay the consequences that may be suffered by the successful plaintiff if you lose the appeal. I presume that applies in Queensland?

Mr SCIACCA—There is provision to get that security for costs.

CHAIR—Accordingly, they have asked for financial details?

Mr SCIACCA—This should have all been done through your lawyers, I suspect.

Mr Conroy—Our lawyer pulled the pin the day before we had to give them up. We had paid him upfront. He went to try and get a stay of execution and at half past two he rang me up and said, 'I've been paid. I'm finished.' So we have no lawyers. We are green. We have to front up with these financials. I am on a bloody machine for my chest, and she had to go on her own. We could not get a solicitor. I rang 30 solicitors and nobody would appear. I paid all my solicitors in advance. The Beenleigh court registrar never had the power to get my tax and social security information. The Supreme Court in Brisbane has not got the power, due to the Privacy Act.

Mr KERR—Just to clarify: I think the point that the chair was seeking was to identify the specifics that were given in breach of the Privacy Act, and that is your tax returns and social security information which was provided to the registrar of the Beenleigh court. Is that right?

Mr Conroy—That is correct.

Mr KERR—And without your consent.

Mr Conroy—That is right—

CHAIR—You did not supply them—

Mr Conroy—With the summons—

Mrs Conroy—I did, because—

CHAIR—That is different, you see. You supplied that information yourself.

Mrs Conroy—Because they threatened. The lawyer that I had at the time said that, if I did not give them this information, I could go to prison. I have got the papers that say that you can get imprisonment. It is actually on one of these things I have got here; it actually says that if I did not give them what they wanted they have the power to imprison me. Rebecca was not eight years old then; she was seven. They said they could send me to prison.

CHAIR—Have you got a document—

Mrs Conroy—I do have a copy of what they sent—

Mr SCIACCA—Is it in the context of contempt of court?

Mrs Conroy—They said if I did not give them the information—

Mr SCIACCA—I have never heard of that one.

CHAIR—I have never heard of that one either.

Mrs Conroy—Actually it does talk about—

Mr SCIACCA—That used to happen in England—

CHAIR—In Dickensian times.

Mr Conroy—The opposition solicitor sent out this four-page—or whatever it was—thing, with all the details we had to fill in. We could send that back or we could appear. So we decided to appear—

CHAIR—I think this is an examination order.

Mr SCIACCA—It is an oral examination, is it?

CHAIR—I think so.

Mr Conroy—It is supposed to be, but it is more serious than that.

CHAIR—It is. It is an exam order.

Mr Conroy—The legal officer told me it is bankruptcy stuff that is illegal—

Mr SCIACCA—It is an enforcement order.

Mrs Conroy—Yes, that is right.

Mr SCIACCA—It is an enforcement order and it is calling upon them to supply statements as to their financial position. It relates to enforcement orders in terms of getting the judgment moneys. Under those circumstances, it is an order of the court—

CHAIR—That is right. Contempt—

Mr SCIACCA—Yes, exactly.

CHAIR—It is what I would call an exam order.

Mr Conroy—So they can legally do that to us and then they can use it to get into our taxes and social.

Mr SCIACCA—Once somebody gets a judgment in the court, the plaintiff is then entitled to enforce that judgment. There is every sort of rigmarole that they can do. They can bring you before the court under what they call ‘oral examination’ to check to see what assets you have got, et cetera; they can get enforcement orders of the court; they can get warrants of execution on any property that you might own—all that sort of thing. Obviously you have gone through all of this.

Mr Conroy—I thought that warrants could be only on the one in the contention, not the other ones.

CHAIR—No, all your property.

Mr SCIACCA—The judgment is against you personally and your wife and anything that you may own, whether it be furniture, money in banks or land anywhere.

Mr Conroy—Where is the responsibility of this Vaughan and Hoare? Where is their share of all the stuff they have done? Why are Shirley, Rebecca and I totally destroyed, wiped out, and we are 200 per cent in the wrong—

Mr SCIACCA—This has not been properly explained to you, I can see that. The fact is that there has not been anybody who has sat down with you and told you what the legal steps are. They will probably say that they did and that you did not listen. That is what they will say.

Mr Conroy—I was taken for a ride. Our barrister came out the first half hour and said, ‘Anders, the magistrate, is sick of this. He said he wants you to pay them \$12,000 plus their expenses and go home.’ And we had not even spoken.

CHAIR—Was he making an offer of settlement?

Mr Conroy—Yes, but nothing had been heard.

CHAIR—But when an offer to settle is made it is made before the proceeding occurs. They say, ‘We will settle for this amount if it is paid now, and that is an end to it.’ Then normally the court may need to approve or not approve that.

Mr Conroy—It was the same as a judgment whichever way it went. I do not feel I have had any justice. There has been no natural justice here, and no response has been given to these crooks. A man and a woman have been going around, living by their wits, ripping people off and then going to a court and the court has given them 100 per cent rewards. The court did not have the power to let them live free for two years. St Vincent de Paul will not let you live free. They will charge you five bob or whatever. But these people have ripped off an innocent family.

We have not broken any laws. We have done the right thing. We had a bent solicitor. I have worked hard, I have paid my taxes, I have paid my dues, I do everything right, I do not break any laws, I do not drink, none of us smoke—and this is what we got in return for being good citizens and decent people. I worked seven days a week to build a life for these people—and my time is pretty limited—and what happened? Along came a corrupt little court and a con man who said, ‘This fellow’s got three properties; we’ll take him.’ They could access what we had, get all our bank and financial details and just sit back and say, ‘Right, I get nine per cent compounding interest.’ What interest did I get while he was in that house for two years? I was paying big interest. The money he was paying me—about \$1,000 a year—was coming off my mortgage.

Mr KERR—Can I make a suggestion? It seems to me that, whatever the rights and wrongs of each particular step, you have never had the good fortune of somebody trying to explain to you the overall way in which this might work its way out through the court. I can only urge you to reflect on the point that Mr Sciacca has raised with you because, whilst it is a tragedy, life sometimes throws at us things which are impossible for us to get out of once they have happened. A person in a car accident who is physically injured through no fault of their own can suffer as a result of that, and they have to get on the best they can.

It seems to me, with a limited understanding of the law of Queensland but with a lot of experience in these things, you might have reached the point where nothing anyone can do can dig you out from where you are at at the moment. You have gone through the court of appeal processes. In other words, you have had the car accident and you have suffered loss—not through any fault of your own. I am not certain that any of us see a light at the end of the tunnel, which is to say, ‘Look, this can be fixed to your advantage.’ If that is the case, somewhere along the line you have to get on with the rest of your life. We will have to bear in mind all the points you have made to make recommendations to try and help people in future.

Mr SCIACCA—You understand that we are trying to be helpful.

Mr Conroy—But you are people in power. I am only the little nigger boy out there making the tax money collected for Johnny boy. But the point is that here is a perfect example of innocent people being destroyed. Either the legislation is bent, the court is bent or both are bent. That is what I told Beattie, and Beattie said, ‘We’ve got thousands like you; there’s nothing we can do.’

CHAIR—The problem is that the court chose to believe the plaintiff.

Mr Conroy—He ignored the law.

Mrs Conroy—He is a con man.

Mr Conroy—He ignored the law.

CHAIR—But the court chose to say that this was an agreement and they chose to uphold the contract. That is what happened, isn't it, and it has all flowed from that? But I am very concerned about two things. One is the allegations you have made—the evidence of the house being a drug house, how you informed the police and how nothing was done about that. That is something that will have to be followed up. The other is what you have told us about Centrelink—that a phone call is put through and cut off. We will certainly follow that point up, because that is not the way it should be done.

Mr Conroy—There is also the tax.

CHAIR—What is the tax?

Mr Conroy—Before the court case we were getting phone calls for \$30 for an hour on a mobile. I had a policeman as a witness—I was doing his front fence. I said to this idiot—Shields, wasn't it?

Mrs Conroy—Yes.

Mr Conroy—He was at Mount Gravatt. I said, 'Look, pal, we owe you \$30.' We got an accountant, which we have always had. Shirley does the books. I said, 'We owe you \$30. Send me some paperwork and we'll fix it.' He then ran straight from the house. When I rang the office, nobody existed: 'No, we wouldn't worry about this.' This is where it all starts.

CHAIR—I am sorry; I am not sure what you are talking about.

Mr Conroy—They are using the taxation to crucify us.

CHAIR—I am sorry. What is the \$30?

Mr Conroy—That was garbage, apparently, because we never owed it. He had someone in the tax office ring us for \$30. I said: 'It is in the paperwork. If we owe you \$30, we'll pay it.' But we never did owe it.

CHAIR—You had a phone call out of the blue?

Mrs Conroy—Once or twice Ben employed one of the relations of the people who had this judgment against us. He employed this fellow before they had the judgment against us. At that time we used to have to take the tax out of their wages, then send it off and do all that sort of thing. Evidently, somewhere along the line, there was a discrepancy in my figuring of \$30, not to the person but to the tax office—so they said. That is what it was over. All I said to them was—

CHAIR—But you do not get a phone call from the tax office, you get a—

Mrs Conroy—It was somebody messing about. Obviously it was someone having me on. They said to do that, and I just said, 'Oh well.'

Mr Conroy—But then the tax hit us for a year of the GST for thousands of dollars, and we paid it on 2 February the next year. We had not a cent for Christmas after all this garbage. It broke us. In February it all came back. We did not owe it then. They hit me up for \$255 and told me to sell my house to pay my debt. I wrote 10 pages to Western Australia, and it ended up in Townsville or somewhere. I did not know that either.

Mrs Conroy—This is because of Roger Vaughan and this system. After what he has done to us, why should we have to pay him when we know—although the magistrate chose to believe him in the court—he lied? Why should we support a system that we know is rotten and we know is telling lies?

CHAIR—It is not the magistrate. It went on appeal and the appellate court upheld his holding, did it not? What happened in the district court?

Mr Conroy—It rubber stamped what the magistrate said—mistakes and all. It was \$1,200 out, and they would not even fix that. They were charging us for the \$500 they took—which was taken between the cases illegally. I did not tell you the most important thing of the case: on those contracts you will see in clause 1 the word ‘further’ crossed out. So the only deposit that he was after—and that he was entitled to and the judge said so—was \$500, which they had taken and spent.

Mrs Conroy—And they will not even put that right.

Mr Conroy—They would not fix that. They allowed us \$600 for the first day for a wire fence that they had knocked over, and they were charging us nine per cent interest on all this. These listings are still in the judgment. I wrote to Matt Foley and Beattie.

Mr SCIACCA—It is hard for the politicians to get involved in the court. That is the problem.

Mr Conroy—The laws are wrong. There is something seriously wrong with the law to allow that to happen to us. People like us are the backbone of your country. The big fellow is not, because he is not paying much tax. He is too smart. He has got good accountants. But mugs like us are paying our big GSTs and taxes on this and taxes on that—everything we touch and buy in materials. We are paying to make the world go round. I used to spend \$60,000 in my quarry a year—just for a start. That can cause a fair bit of employment. I used to employ a couple of people. But then the government made it too hard, too expensive, for me to employ them. So I blame the government for that one. We make the world go round, yet a man that has never done a day’s work or an honest thing in his life can come along and cause this.

Mr SCIACCA—Unfortunately it is the system that we live under. For instance, people who are innocent are pronounced guilty on the odd occasion, and the other way around. I do not know that, in all the time that I have been a lawyer, I have ever found one litigant who has lost who does not believe they should have won the case. That is the problem for politicians. If we start to interfere with the judiciary and the court system, the next thing you know we will end up in jail as well. That is the problem we have got. Within the confines of our committee, the matters that the chairperson has talked about are the matters that we can take notice of. I feel frustrated for you as well.

CHAIR—I think we can also take note of the complexity of the law, how it interacts with people and where it unfairly impinges on people who find themselves in situations like those that you have found yourselves in. We will certainly be contemplating that.

Mr Conroy—It is not only that they keep him free and the nine per cent interest. He got five payments. He ended up with three payments. He had no proof of any of this. We had bank books, but he had no proof of it. They awarded him all this with no proof of debt. They awarded him this and there is no proof of inheritance. It is a mental blank. It is in the paperwork—read the transcripts. He had a mental blank. That was near enough, good enough. I thought you had to be able to prove a debt. Where is proof of this inheritance? If Roger Vaughan's old man died in November 1996, there should be a death. He and his brother, David Vaughan, went to court to stop his sister having control of it. Apparently, I have to wait while all of this is going on. But there is no proof of this. An inheritance has been through the court—a death—and nobody can find it. This is what they have used in court.

CHAIR—I do not quite understand what they used it for. Did they use it for saying that this is why there was a delay? I think we should stop for a break.

Mr Conroy—Yes, I am only taking up your time.

CHAIR—No, I think it was important that we did hear what you had to say. I think this question of the complexity of the law is something we do have to consider.

Mr SCIACCA—Chair, there is one point relating to the question of factual circumstances. I imagine that in New South Wales it is the same as it is here. When the magistrate makes a decision on the facts, those facts stand and his decision stands. Any appeal is only on the basis of law. What happens is that if the case has not, say, been presented properly and the facts have not been given to the magistrate, it is still very difficult for an appellate court to interfere with the question of facts as determined by the magistrate. I think that is one point that this committee could look at when we are talking about fear of crime and all the rest of it. We can give some consideration to looking at that particular part of the law. It is all founded on the evidence as presented to that one magistrate at that time, particularly where the people cannot afford a solicitor, do not have a proper barrister or whatever at the time, fight it themselves and do not know what the judicial process and the court system is all about. Mr Conroy, I think you have been a victim of circumstances and, in the end, you have lost a case. You have become one of the thousands of people every year who lose cases in this country.

Mr Conroy—It would be fair enough to lose if there were a reason to lose. But 110 per cent? That is not what the law is about.

Mr SCIACCA—I accept that. The system is not perfect. There is no doubt about that.

Mr Conroy—There is something seriously wrong. Chair, in those contracts, in clauses 3 and 4, you will see that, if for any reason whatsoever this does not proceed to settlement, the money remains ours. Mr Hoare put that in to protect us, but the contracts were unconscionable and unusable. But it is conscionable to keep Roger Vaughan and his wife trashing my place and the neighbours' place for two years—

Mr SCIACCA—I would never have allowed him to sign a contract like that. The problem is—

CHAIR—The problem is in trying to explain it to someone.

Mr SCIACCA—that you can go to 25 different lawyers or 25 different doctors and they will sometimes tell you a different thing.

Mr Conroy—I will tell you straight: I have no respect for any of them. He was recommended to me by church people—not that I am one, but the wife goes to church since the daughter died. I wait outside, because I do not believe in that either. I took this man on faith to do our wills and legal stuff. There he is: a disaster. And he cannot be touched. That to me is wrong. He should be made accountable for his actions. Have a look at the mess. Read those contracts and you will see. Then he lies. How blatant a lie is that signature? We have no comeback. As far as going bankrupt is concerned, no, I am too much of a man for that. I am nearly 60, but I still have a bit of go in me.

Mr SCIACCA—I am pleased by what you mean by being a man. Sometimes you can be a man by making sure that your family and you do not cop that sort of treatment any longer.

CHAIR—Mr Sciacca, that is not a matter for us; it is a matter for Mr Conroy to determine.

Mr SCIACCA—It is not; it is a matter for you.

Mr Conroy—Anyway, he destroyed his life. But what annoys me is what he has done to this little kid. They have done nothing to anybody and neither has she. They have been crucified, hammered. We have had the council on our backs. I have a container in which I keep my gear locked up to stop the drug addicts and bandits across the road thieving it. We just got a letter from the council the other day—and this is an unheard of law—that says I have to remove the container or get out.

Mrs Conroy—Why is a magistrate allowed to make a judgment for any amount of money he sees fit, yet include in that an amount that someone has taken and spent? Can you answer that for me, in law?

Mr SCIACCA—I cannot.

Mrs Conroy—Neither can anyone else. That is not fair.

Mr SCIACCA—I am not defending it. I feel for you.

Mrs Conroy—To take money, spend it and then leave it in there—that is disgusting.

Mr Conroy—The point is that I have tried. You are the last chance I have. I thank Kay Elson for referring it for me. She rang me last night and wished me well. She is a very busy lady, a hard worker, and she has helped in every way, but apparently neither the federal government nor the Labor government know what they have done to us or of any laws that have been broken. As the privacy mob have said, ‘You don’t have any rights.’ So that means that victims have no

rights. If I was a criminal I would get legal aid, this and that body protecting me, and I would get money from here and there. What have we got?

Mrs Conroy—Nothing, and I will commit suicide before I go bankrupt.

Mr Conroy—That is honesty in Queensland.

Mrs Conroy—I would hang myself.

CHAIR—Mr Sciacca has not given advice to you; it is just an opinion he has expressed.

Mr Conroy—These things have got to be stopped.

CHAIR—Those things are a matter for you and your strength.

Mr SCIACCA—I have given that advice to you on a sincere basis to try to get you to get rid of all the stuff that is around. I understand how strongly you feel, and it is your decision.

Mrs Conroy—I have done nothing wrong.

Mr SCIACCA—It was just something I said to you personally.

Mrs Conroy—I have done nothing wrong. You are a lawyer. You think a different way to what I do.

Mr Conroy—This is just another thing we have to wear—mysterious death. Beattie calls it the smart state; it is the bent state, if you are an honest person. You have to be a crook to survive in this state. There is no justice. The work—look at the state of my hands. I have nearly lost my feet twice. Next time I will not be so lucky. I still work. I do not collect the dole or any pensions. I had my own insurance. They would not even pay me. I had three \$1,800 insurances and they would not even pay me. You get nothing if you are honest and hardworking in this state. It is something we are not really proud of. We got a free trip to Alaska because that fellow felt sorry for us. We went there for a fishing holiday. We met barristers over there who could not believe how bad this country is and how the justice system works here.

Mrs Conroy—They think Australia is disgusting, and so do the people in England. They think it is a terrible place.

Mr Conroy—There is Roger Vaughan. His brother David took me to court for \$239—three days at the Magistrate's Court at Beenleigh. I tried to pay the \$239 seven times in seven months, provided he finished the shed that David Vaughan had sold me. It was only 20 per cent, and I was to go to court for three days. It cost me \$3,000, and they walked away.

CHAIR—Mr Conroy, you said you complained to the Law Society and you have corresponded with them.

Mr Conroy—Dozens of letters to the law society.

CHAIR—I think it would be fair if the committee wrote to the Law Society to find out what transpired.

Mr Conroy—It's Jack Nimmo's fight from now but, as he says and as Richard Hoare says, 'That's the way the Conroys want it.' We never saw three of these contracts until after court. We got copies from the court. We signed them. Richard Hoare said I went to his office and changed them. It is impossible. It is a little two-room office with three or four girls. He denied the contract that Shirley took out of his hand. That is all we took. He is covering for Roger Vaughan. So what do you do? This is your own solicitor covering for him, and he walked away scot-free.

CHAIR—You always thought it was a leasing agreement and what it turned out to be was a contract of sale.

Mr Conroy—I would not go into rent/buy because we had a full mortgage. I struck a good bank manager. I came down here. I did not have two bob. I struck a bank manager at the Commonwealth Bank. Mr Stafford looked after me and helped me. He trusted me. He even gave me a verbal \$2,000 overdraft. That kept me going. I paid the man, and to this day he is still a friend of mine after 14 years.

CHAIR—Mr Conroy, we will write to the Law Society and find out.

Mr Conroy—I spent three hours with Jack Nimmo and he said, 'Ben, I haven't got the power.' Beattie will not give him any power, so what can you do? I speak to Jack regularly, but he cannot help me. There is nothing he can do. The Law Society said that is how they want it. I have the letter here.

CHAIR—But we will write as well. We want to be satisfied too.

Mr Conroy—Hoare should have been struck off the list, because I put it down to him that we were interested in the first place. That is why—

CHAIR—Today you have told your story. It is now part of the public record.

Mr Conroy—I thank all you people. I get very wound up about this, because I have not done anything wrong. I would like to thank you for listening to me and putting up with me. We have told you the majority of it. We have everything to back it up. We have a transcript that we will leave with you. Most of the stuff is under oath so it cannot be disputed. The main things are the signatures and the word 'further' crossed out. As I was saying, it was unconscionable for us to use those two clauses—the only thing that is legal in all the contracts—yet it is conscionable to keep a drug addict and a con man and smashed everything up and give you nine per cent for two years. That is conscionable. I cannot see the justice or the—

CHAIR—With regard to the contracts, we could get copies of those. They are your original documents.

Mrs Conroy—Do we need these now?

Mr Conroy—No.

Mrs Conroy—We do not need them now.

Mr Conroy—I paid for those. I went and bought them.

Mr SCIACCA—We should not take your originals. You might need them at some stage; you never know.

CHAIR—You might need them at some stage. We will just get a copy of the three contracts which we need so we can write to the Law Society.

Mr Conroy—You can keep the contracts, the house ones. I brought them especially for you, and you can have that paperwork. I am totally stumped by it. We can also leave the transcript.

CHAIR—I do not think we need the transcript. We just need these three.

Mr Conroy—They are the most important things. I would like you to take note of 25. Vaughan argued that he signed a contract. So, if he did not sign a contract, how can they be my signatures?

CHAIR—Did anybody have a handwriting test?

Mr Conroy—No, that would have cost me \$800 or \$1,000, and apparently there are very few people in Australia who are trusted by the courts to do that.

CHAIR—Will somebody move that we accept these three contracts and the video as evidence?

Mr SCIACCA—I so move.

CHAIR—There being no objection, it is so ordered. I am sorry we cannot give you the satisfaction that you need in your circumstances, but you have put your story on the public record now and we will do those things that we said. We will write to the Law Society. We will see what has happened about the drug complaints. Thank you for coming in today.

Mr Conroy—We appreciate that. Thank you for putting up with us. It is a bit of a battle when you are uneducated and they take the world away from you.

Mr SCIACCA—You fight pretty well.

Mr Conroy—I am a bit old now. My feet are deteriorating, my hands are cracking up and they want two years before they can operate on them, and my wrists are starting to go now because of all the heavy lifting.

Mrs Conroy—I work with my husband.

Mr Conroy—She mixes all my concrete for me.

Mr SCIACCA—Your daughter would be proud of you. She knows you are a fighter.

Mr Conroy—They did not tell you about the after-effects of cigarettes, though, when you stop smoking. I can tell you about the ulcers, the uncomfortableness, the colds and the crankiness. Thank you for having us. I hope some of the things we said today will go somewhere some day. It might prevent some other poor fool from wearing what we wear.

Proceedings suspended from 11.38 a.m. to 11.50 a.m.

CHAIR—The hearing of the Legal and Constitutional Affairs Committee inquiry into crime in the community has now resumed. We have received, since yesterday, a letter from Mr Des O'Neill, who said that he was an executive member of the Queensland State Service Union from August 1988 until May 1994. In a four-page letter to the committee, he sets out some of the background relating to Mr Peter Coyne and his involvement with the JOYC, about which we took evidence yesterday. I think we should receive this as a submission, if somebody would so move. Do you have a copy of that?

Mr KERR—I have a copy, but I discovered yesterday that I cannot move that motion as I am not a member of the subcommittee. I have not read it yet. It might be convenient to leave it to Mr Sciacca in case there are some objections that people wish to make. Not having read it, I can see no reason to object to it, but I would like to read it first.

CHAIR—Perhaps you could read it, because I propose that we move a motion to receive it and authorise it for publication. It sets out the background of how a meeting was called by the union to explain how people became involved in the beginning, about which we had some questions yesterday.

Mr KERR—I suppose the only thing is that we have a piece of correspondence. Normally you allow an examination of the writer of that.

CHAIR—He is here.

Mr KERR—I appreciate that the writer indicated that he would like to give testimony. We have received it but we have had no chance to read it.

CHAIR—Perhaps read it now.

Mr KERR—All I am suggesting is that we defer this issue until a point when the correspondence could be digested. I see no in principle objection to the course you are proposing, Madam Chair, but I just prefer not to be taken by ambush on a matter that is obviously controversial.

CHAIR—Okay, by all means look at it and we will defer receiving it, but we will do that before we lose the quorum.

Mr KERR—That is fine.

CHAIR—Thank you.

[12.53 p.m.]

ALEXANDER, Ms Matilda, Volunteer Solicitor, Caxton Legal Centre

McDOUGALL, Mr Gregory Scott, Director, Caxton Legal Centre

SUTHERLAND, Ms Narelle, Social Worker, Caxton Legal Centre

CHAIR—Welcome. We have received a submission from you and we have accepted that and authorised its publication. Would you like to make an opening statement?

Mr McDougall—I start by thanking you for the opportunity to make an appearance today. Narelle Sutherland is going to present basically an overview, which goes to the paper that we originally submitted. Then I am going to pick up on a couple of other points and Matilda will as well.

Ms Sutherland—The terms of reference of your inquiry are very wide, obviously, in relation to crime in the community. Today we are primarily speaking to terms of reference (b), (g) and (h). We have indicated we are from Caxton Legal Centre. Amongst the three of us we have also had a variety of other involvements in supporting people in the criminal justice process. I have been a social worker for about the last 15 years. I have been involved in community legal centres, including a lot of work with prisoners. Scott has a background as a criminal defence lawyer in private practice and Matilda has done a lot of project work with women in prison. We will try and bring some of our reflections based on that wider experience.

Just to familiarise you with our work, the Caxton Legal Centre, where we have come from, is a community legal centre based in the inner city in Brisbane. We employ a very small team of solicitors and social workers and we are assisted by over 100 volunteer lawyers. We provide legal advice and simple assistance to the public in relation to any area of law, but a good proportion of our work is in relation to criminal law. We provide advice to people charged with state and Commonwealth offences and we also assist victims who might come to see us about a range of things, like getting protective orders, whether to go to the police or engage in some formal process about a reported crime, or about victims of crime compensation.

We see a particular part of crime. We primarily assist people in relation to state offences but we do provide advice in relation to some Commonwealth offences, particularly social security fraud matters, Commonwealth stealing offences and some customs offences. Mostly we see people at the earliest stages of a criminal justice process when they have first been charged or are first coming in to talk about reporting a crime, and mostly we see people in relation to lower order offences. Because of where we are placed, which is in the inner city, we see a lot of people in relation to public order type offences.

The centre is close to New Farm and the Valley, where there is a lot of very hotly contested public space, and a lot of the criminal offences that people come in about are things that arise out of their use of that public space—minor offences like swearing, vagrancy type offences and public exposure offences, which arise from the fact that there are no public toilets within five

miles of the centre. So we see people in relation to those things that happen on the footpath. We might talk a little bit about that today.

Mr KERR—There are no public facilities where?

Ms Sutherland—It is common in areas where you have got really hotly contested public space. There are no public facilities in about five kilometres.

CHAIR—I am unfamiliar with a hotly contested public space. Tell me what it looks like.

Ms Sutherland—It is squashed. A lot of people are trying to use it for different purposes. There are people using it to recreate in or to largely live in. Homeless people use it a lot. At the same time you have commercial activity right around the edge of it so it becomes a site of some controversy. Police are called in a lot to get involved—to intervene in people’s use of public space.

Mr KERR—What puzzles me is that you are saying that for this large area there is not a single public toilet. Is that what you are saying?

Ms Sutherland—I am sorry; that was a bit of an aside, but we see people are charged in relation to it frequently.

Mr KERR—I can understand that if there are not any public toilets. These things are irresistible urges.

Ms Sutherland—That is right. The Valley is full of nightclubs where people drink a lot and for five kilometres down to New Farm Park there is not a public toilet. Then people come in charged.

Mr KERR—All I am saying is that we can solve quite a lot of crime by putting a public toilet somewhere.

Ms Sutherland—I quite agree.

Mr KERR—I am sorry; it sounds frivolous but is it true that there is no public toilet in this whole area? That is the first thing: is it true?

Ms Sutherland—It is true.

Mr KERR—Is it a bit frivolous?

Ms Sutherland—It is true and council made an active decision to close the facilities that were there.

CHAIR—Because they were being used for shooting up and that sort of thing?

Ms Sutherland—They were being used mostly by homeless people to get drinks of water and get out of the rain. This is the site up near the cliffs.

Mr KERR—Presumably people who do have to go—

Ms Sutherland—Do so on the footpath.

Mr KERR—At some stage we all do, and we wander out quietly and unobtrusively to the toilets around the side, but if you cannot do that presumably people have to both urinate and defecate, which is a simple health risk apart from anything else—apart from making yourself vulnerable to being picked up for indecent exposure.

Ms Sutherland—Yes, that is right. It is not frivolous on the ground level because we see people about these issues all the time.

Mr KERR—I am sorry; it is difficult not to treat it frivolously but it is obviously serious. But go on; I interrupted you.

Ms Sutherland—As for who commits offences, which is one of your terms of reference, our observations about who are charged with criminal offences are consistent with widely available research. For the most part, people who we see charged with criminal offences are experiencing considerable economic disadvantage. They are Aboriginal and Torres Strait Islander people, and I am aware that the committee has received submissions from ATSIC and the Northern Territory government. Stakeholders like that have talked about a very high incidence of Aboriginal imprisonment. They are certainly people on Centrelink benefits and people who are in very insecure accommodation.

CHAIR—When we went up to the Northern Territory, we heard that imprisonment for young Aboriginal boys is almost a rite of passage. Does that happen in urban society here or is that peculiar to the Northern Territory?

Mr McDougall—Certainly from my experience, and I have worked with Aboriginal communities in South-East Queensland and Cape York, I know that definitely there is an element of initiation in dealing with the police and going to jail. I have heard of relations with police being described as a form of entertainment, both for the police and for urban Aboriginal youths. There was a practice at Inala during the 1980s of the police cadets driving through the streets of Inala looking for interactions with Aboriginal people, and probably vice-versa.

Mr KERR—‘Looking for interactions’—could we have English please? What did they want to do? Did they want to thump them or did they want to pat them on the back and give them five bucks as passage money out? I do not know what you mean by ‘interactions’.

Mr McDougall—Your typical interaction would be engaging in a verbal dispute and then chasing them. These are personal accounts from Aboriginal people that I have worked with.

CHAIR—And that was in the eighties?

Mr McDougall—Yes, they grew up in Inala in the 1980s.

CHAIR—Has that stopped now?

Mr McDougall—I personally do not know. I imagine that there would be tighter controls at the academy now, and things have certainly changed a lot. But later on I will be talking about the huge problem with Aboriginal overrepresentation in all parts of the criminal justice system. Whilst, as I have just said, there has definitely been some change in attitude, the bottom line is that there has actually been and continues to be an increase in the rate of incarceration of Aboriginal people in Australia. I probably should not go on with this now, but for 20-odd years governments have been told that there is a link between rates of imprisonment for Aboriginal people and public order offences and, in particular, the policing of public order offences, yet there is still no reform being done by state governments.

CHAIR—What do you mean by reform?

Mr McDougall—The vagrants going in under the offences act. It still has a number of offences which are archaic but which—

CHAIR—Like? These are peculiarly Queensland laws that we are talking about?

Mr McDougall—Yes. Some of them are of uniform application. There are frivolous and stupid things like going about at night with a blackened face and wearing felt slippers. That is still an offence in Queensland.

CHAIR—You're kidding!

Mr McDougall—That is just stupid.

Mr KERR—What have felt slippers got to do with it?

Mr McDougall—It is the same as being able to—

Ms Sutherland—You are creeping quietly.

CHAIR—You have a blackened face and are creeping quietly for the purposes of larceny.

Mr McDougall—It is still on the statute books, like fortune-telling and all those silly things are still there.

Mr KERR—These do not constitute a large component of your work, I assume.

Mr McDougall—No, they do not, thankfully, but things that do and that impact very heavily on Indigenous people are offensive language, disorderly behaviour and public drunkenness. There is a very good report that I commend you to read prepared by the NSW Aboriginal Justice Advisory Council on policing public order. It is available on their web site. It makes the point that there is a very clear link that can be drawn between offensive language and conduct charges and broad Aboriginal contact with the criminal justice system, and also the continued social and economic marginalisation of Aboriginal people. It makes a point about statistics on the rate of

recidivism for Aboriginal people—that is, once Aboriginal people have been arrested the chance of them being rearrested is 96 per cent, which is an extraordinary figure.

CHAIR—That is rearrested? Recidivism actually means going to jail.

Mr McDougall—Recidivism, as I understand it, means reoffending.

CHAIR—In the context that we use it, when we are talking about recidivistic factors we are talking about people who go back to jail.

Mr SECKER—Surely those criminal offences are there for Aboriginals and non-Aboriginals.

Mr McDougall—If you are living in the Richmond district of New South Wales you are 80 times more likely to be charged with an obscene language or insulting language offence than a non-Aboriginal person.

CHAIR—Interestingly enough, Don Weatherburn, who is the New South Wales statistician, has just released a report—which I have heard reported on but I actually have not got; we might get it—on an analysis of Aboriginal crime. I heard him interviewed so I am going from my recollection. I think it is important that we look at his report. He was saying that crime was committed. There is not a built-in bias that deliberately is put into figures. Crimes are actually committed. We really have to go behind and look at prevention, like we have been talking about with every other person.

We heard this morning from Mr Moynihan and he was very optimistic. He was talking about good things and good results that they are getting—about how youths grow out of criminal behaviour. They push the edge and then they will grow out of it. He used a figure of something like 96 per cent. We did not go into what those figures would look like if we were dealing with Aboriginal youths. It is a bit like domestic violence too. There are big problems in communities that have not been addressed and which need to be addressed to reduce that violence. But I am sorry; I interrupted you.

Ms Sutherland—That is okay. I was going on to talk about how, as a result of the criminal law advice work we do at Caxton, we have developed a focus on two areas of law reform policy that we think are particularly important. What you say is relevant to the first one. From where we sit, a lot of crime that we spend our resources on as a community is lower order crime and a lot of that occurs in public space. Part of the explanation surely for why we have so many Aboriginal people charged with obscene language or with indecent exposure type offences or drinking is that Aboriginal people, like other marginalised people, spend a lot of their time in public space because they do not have a private space to go to.

We can swear in a private space, if we are Eminem we can have our lyrics on the radio station inside the music store and if we are in our own house we can swear, but if we sit in the mall and do it then we are more likely to get picked up for that. Who sits in the mall? It is not people like me who are relatively advantaged; it is Aboriginal people, it is people with mental health difficulties and it is people with intellectual disabilities, and that is who we see are being charged with these offences. I do not know that they are necessarily more bad or more prone to swearing, although that may be the case; it is about where it happens and it is about what options they

have. I would say the same in relation to drinking and all of those minor offences that lead to people being incarcerated at such a rate.

In relation to our focus on reform of those lower order offences, we were talking before about some of the offences that remain on the statute book in Queensland. Scott talked about some of the more ridiculous ones that are still there in the Vagrants, Gaming and Other Offences Act. But we still have legislation that makes it an offence simply to be poor, quite clearly. The Vagrancy Act still includes provisions for it being an offence to be without lawful means of support or to consort with others without lawful means of support. It is unlawful to beg, which can be to ask for a cigarette or a coin, and, as we have heard, it is also unlawful to drink or swear in a public place.

Mr KERR—I thought vagrancy laws had been abolished throughout Australia.

Ms Sutherland—Not in Queensland.

Mr KERR—They were part of the black deaths in custody recommendations.

Ms Sutherland—That is absolutely right, yes; but they still remain on the books here.

Mr KERR—I am genuinely surprised to hear that.

Ms Sutherland—That is part of what we are trying to do something about, in our small way.

Mr KERR—Offences of public solicitation still exist in most places, but I thought the actual offence of vagrancy had been abolished.

Ms Sutherland—Not here. The other area of interest that we have is to try to promote a shift in sentencing practices. I would say that the way in which we use the criminal law sanctions is perhaps an area of government policy making that is least guided by any sort of rational analysis. If we were to look at what achieves effective outcomes, we would move away from using prison wherever possible and use a lot of more effective interventions. Certainly, in Queensland we have seen an ever-increasing reliance on imprisonment, and that has led to some pretty alarming increases in the number of people in prison and has meant that a lot more of the public purse gets spent on prisons.

CHAIR—You seem to have a very strange sentencing policy in this state, I have to say.

Ms Sutherland—Right. Probably rates of imprisonment are increasing around the country for state offences. We think that there is ample evidence that imprisonment achieves poorer results in terms of recidivism than diversionary, restorative and therapeutic responses—and that is largely what our submission went to.

CHAIR—While we have recidivism statistics for people who go to prison, I cannot seem to get statistics for alternative, non-custodial sentencing.

Ms Sutherland—We do have some; it is just whether I can pull them out or not. I certainly can send a bit of a summary of what we have relied on.

CHAIR—If you could send them in that would be most useful.

Ms Sutherland—Yes.

CHAIR—We have 22,000 people in jail, but we have 67,000 people who were convicted but are somewhere else.

Ms Sutherland—They were dealt with elsewhere, yes.

Ms Alexander—We have a study in our submission, a Canadian study, that says that restorative justice programs yielded significant reductions in recidivism compared to non-restorative justice.

Mr KERR—What is your reference for that study?

Ms Sutherland—It is on the back of the submission.

Mr KERR—The secretariat has that then.

Ms Alexander—Yes, it is the Latimer study in the submission.

Ms Sutherland—I am sorry if I keep referring to Queensland examples, but that is where our practice is.

CHAIR—That is all right. That is why we are here.

Ms Sutherland—Certainly this state has developed some positive use of alternative sentencing options. We just think that the lessons from the ones that they have used have unfortunately not been expanded sufficiently. In the Juvenile Justice Act, which Lawrie would have spoken to more this morning—it deals with young people, obviously—there are a number of diversionary measures, such as the ability to use cautioning, and restorative measures, like victim-offender mediation and community conferencing. As far as we are aware, on a ground level but also from the evaluation processes, the outcomes have been overwhelmingly successful in terms of recidivism and victim satisfaction.

The Queensland government has also trialled a number of restorative and therapeutic measures. For example, we have a drug court being trialled in Brisbane and a couple of other locations. There is a small pilot adult offender and victim mediation program and, again, as far as we know, the results have been overwhelmingly more favourable. Yet there has been a failure to extend those trials, so they are now available only patchily across the state and not widely available to adult offenders.

We would like to see further development of those sorts of therapeutic responses, like the drug court. Very specifically, we would like to see models like drug courts available in relation to alcohol, because from our experience alcohol is a central factor in a lot of the offences that we see, yet as far as I have been able to establish there is no attempt to link in a very systematic way a requirement to undergo treatment and rehabilitation for alcohol use into the sentencing process. So we are trialling it for illicit drug use but we are not doing anything like that for alcohol.

CHAIR—Does the alcohol thing apply right across the board, not just to Aboriginal people?

Ms Sutherland—Absolutely, yes—that is our experience.

CHAIR—Does that include domestic violence, as a trigger?

Ms Sutherland—Yes. The centre recognises that a shift to a criminal justice system that is driven more by a realistic appraisal of risk to the community and by the effectiveness of sentencing outcomes is no easy task for government. It requires government to maintain a fairly steadfast approach in response to those sorts of media fear frenzies that sometimes develop out of particular offences. It also requires a commitment across many terms of government. We think that, whilst there are clearly cost savings with these alternative approaches to sentences, they are not achieved immediately. It is about the longer term and less reliance on building prisons.

In relation to the Commonwealth's role, we would just like to respectfully offer a couple of suggestions from our perspective. One is that the Commonwealth could develop more emphasis on diversionary, restorative and therapeutic responses to its own offences—to Commonwealth offences. So, specifically, we would like to see some reform of the Commonwealth Crimes Act to make a wider range of sentencing options available and perhaps to incorporate the principle of imprisonment as last resort. That has been quite successful in juvenile justice legislation here.

CHAIR—What sorts of Commonwealth offences would you see this applying to?

Ms Sutherland—I might as well jump right into the controversial end. We see a lot of people, for instance, charged with social security fraud. I can understand that, on a policy level, government wants to make it very clear to people that social security is something we are fortunate to have as a benefit and we do not want people rorting the system. But the people we see charged with those sorts of offences are overwhelmingly very vulnerable people—women with mental health difficulties and women from different ethnic backgrounds who are in quite unstable relationships. A profile of the women I see is that they have been in very volatile relationships and have not declared the beginning of a cohabitation period in relation to family payments. Things have been up and down.

CHAIR—There is a difference—people who are underdeclaring or whatever find themselves with a bill, and that is not considered to be in the fraud category. It is considered as the reconciliation at the end of the period. But we found I think \$1 billion worth of deliberate fraud. I hate to tell you this, but the biggest or second biggest amount of crime carried out in Australia is fraud—it is more than drugs.

Ms Sutherland—We perhaps see a particular end of the population that is charged with fraud. Certainly, I have been involved in supporting women in those situations through the criminal process because they have been charged.

CHAIR—Would you like to give us a profile of one such person without identifying the person?

Ms Sutherland—Now?

CHAIR—No, not now—send it to us.

Ms Sutherland—Do you want me to write up a case study?

CHAIR—Yes, you could write up a case study of somebody who would fit that and who you think would benefit from being dealt with in a different way.

Mr McDougall—I could give you one now in a different context—

CHAIR—I think it would be useful to have it written up.

Mr McDougall—Okay.

Ms Sutherland—I agree; it helps. The picture of a whole person is sometimes quite useful, isn't it. I think there is a whole range of Commonwealth offences for which a principle of imprisonment as a last resort—

CHAIR—Give me some more, because I am struggling to think of any.

Ms Sutherland—Customs.

CHAIR—I am not impressed with Customs.

Mr McDougall—I have a client at the moment who was sentenced to pay over \$9,000 in fines for bringing a small amount of meat product back on a flight.

CHAIR—Sorry, but that is wicked. That could bring terrible ramifications for the rest of the country.

Mr McDougall—I understand the severity of the issue.

CHAIR—It is huge.

Mr McDougall—However, she is a pregnant woman who is unemployed and her husband is unemployed. She was nine months pregnant at the time of being sentenced and was given nine months to pay a \$9,000 fine, in default of which she would spend five months in prison. That is, in my view, a ridiculous sentence to impose on someone. There are alternatives for recognising the severity of the sentence without imposing a fine that cannot be met. No bank would give her a loan to even attempt to pay off that fine. I could not pay off a fine of that nature in such a short period of time. So there are examples where more flexibility needs to be built into the Crimes Act.

Mr KERR—Aren't there alternatives? If the fine is not paid, it goes back to court, doesn't it? It is not automatically 'go to jail'.

Mr McDougall—No. In default of paying the fine within nine months, it is a total of five months in prison.

Mr KERR—I see. So the sentence is completed. It is not as if the fine is imposed, she fails to pay and then she goes back to the court. It is automatic. Are you saying that she may as well have commenced her sentence straightaway?

Mr McDougall—She is about to have a baby, but yes.

Ms Sutherland—It is inevitable. I want to emphasise that, by saying that we think that there needs to be a move away from imprisonment in relation to certain offences, we are in no way saying that those offences are any less serious. We are in no way wanting to construct alternative approaches to sentencing that are a soft option with crime. Whilst there is a range of sentencing possibilities available under the Commonwealth Crimes Act—and as a social worker, rather than a lawyer, I had better not wander too far in here—they are still traditional options. As far as I am aware, there are no restorative options and no therapeutic options available under the Commonwealth Crimes Act. So there is no capacity, for instance, to haul people in for drug treatment, or something like that, in relation to Commonwealth drug charges.

CHAIR—Largely, at the Commonwealth end, with drug charges it is usually the seizure of and hauling in large importations. I do not think we are about to get into therapeutic restorative justice for drug dealers.

Mr KERR—There was a proposal at one stage which I advanced for linking fines to the offender's capacity. So, instead of having a scale which operates in relation to the severity of the offence, you have a scale which operates in respect of the capacity of the person to pay.

CHAIR—I do not think that I would be into that.

Mr KERR—Obviously, that would mean that the person with the greater means suffers the same effective penalty as the person with the smaller means. For example, Kerry Packer could bring a bunch of salami into Australia and sneer at a fine of \$9,000.

CHAIR—I do not think he eats salami actually!

Mr KERR—He may or may not, but I am just saying that the problem with the one size fits all financial penalty is that it manifestly has different impacts according to your original status and wealth. As you indicated, very few would think that five months imprisonment is appropriate. It is a serious offence, but it was a first offence.

CHAIR—Is that what it was—salami?

Mr McDougall—It was a meat type product. At the time I think she was six or seven months pregnant and had some illness. Her mother cooked her a special Indonesian pork dish, which she carried onto the flight. She did not finish it all and just popped in her bag—and there you go.

Mr KERR—Unless you made a particularly good, special plea, I accept that it would be a very rare and hard-hearted person who would think that you would get five months in jail for that. You might expect it to be treated seriously and you might expect a fine. I understand and accept the points that you are making, but, structurally, the response might be to urge a system of fines which are sliding in their application.

Ms Alexander—Also, a lot of these issues are connected with immigration issues. There is a lack of funding in Queensland; it is a bit of a back hole when it comes to providing immigration support. The south-west immigration legal centre has funding, but it does not have enough funding to go out to prisons and talk to the people inside them.

CHAIR—I do not think we are going to get into the immigration question. I think that policy is settled.

Ms Sutherland—We also want to encourage the Commonwealth government to give some thought about development of restorative and therapeutic sentencing options in relation to legislation that it controls directly, and to reinforce the positive role the Commonwealth can play in providing some leadership to the states about getting uniform sentencing around these sorts of issues. We know the Commonwealth has developed, for instance, the draft criminal code. It would be good to have a look at the way that public space offences are dealt with and to encourage a range of sentencing options across the country. The evidence is that these alternative approaches are more effective if we are on about the satisfaction that victims have with the process and if we are on about reducing recidivism.

CHAIR—One of the things Mr Sciacca and I heard when we were in Scotland Yard in London is that they are apparently embarking upon a process in the UK of publishing the sentences that are being given with regard to offences so that judges can see what their peers are doing. You do get wildly differing sentences handed out, which angers the community. This is something we really do have to look at; it has got quite some merit. It is not setting down a table that says, ‘This is what you do,’ but it is saying that this is the sort of sentence that is being applied by most people in the judicial system for this sort of offence. Aberrations really are frowned upon by the community: they make the community have a disregard for the law and they put the law in disrepute when they occur. We have had some very glaring examples of that in the last few months.

Mr McDougall—I want to talk about the response of Australian governments to the deaths in custody findings, and in particular Queensland’s response to it. In 1997, the national Aboriginal Justice Advisory Committee and ATSIC convened a national summit to address the issue. The ministers from all the states attended and every state and territory, except for the Northern Territory, agreed to develop Aboriginal justice plans to try and deal with the overwhelming overrepresentation of Indigenous people in prison. Queensland went so far as to develop this document, which is the Queensland Aboriginal and Torres Strait Islander Justice Agreement. It contains a very noble but unrealistic commitment, unfortunately. I should stress it is not a plan; it an agreement between a government signed by five key ministers and an Aboriginal group that was established to work on it. The government agrees to reduce by 50 per cent the rate of Indigenous incarceration by 2011.

CHAIR—How can it do that?

Mr McDougall—There are strategies that it can put in place to achieve it. Western Australia introduced laws recently that prescribe sentences of three months and under. So in Western Australia you can no longer sentence someone to a term of imprisonment for less than three months. They have recently extended that to six months, although that law has not yet been proclaimed.

CHAIR—I hate to sound cynical, but a lot of that has to do with the cost to the state of actually putting those people in jail and keeping them there.

Mr McDougall—If that is a by-product then so be it: it is a handy by-product to have. I understand that in Western Australia these laws have already reduced the rate in that state by 20 per cent, and Western Australia was the worst of all states, I should say.

CHAIR—Has it reduced the incidence of crime?

Mr McDougall—No.

CHAIR—That is what we are really talking about.

Mr McDougall—What we are particularly concerned about is the appalling number of Aboriginal people being imprisoned, and so if it reduced that by 20 per cent—reduced their contact with the criminal justice system—

CHAIR—But you would have to follow through and also reduce the crime rate, wouldn't you?

Mr McDougall—I would submit that less time in prison means that you have better prospects of avoiding a life dominated by crime. A lot of people will tell you that prisons are in fact universities of crime.

Mr KERR—The first time you go to jail is usually a transforming event, isn't it, particularly if you really are in jail for relatively minor offences. For one or two months you are in contact with people who may make that transition. If you have already done something for which you could get six months imprisonment, you have probably made that transition yourself.

Mr McDougall—Yes, but it can skew the direction or path that you would otherwise have taken.

Mr KERR—Yes, exactly.

Ms Alexander—People can lose significant family and social contacts and remake them inside jails, and return to their communities and have little means to support themselves, and little means of emotional support outside the jails as well, which adds to that problem.

Mr KERR—There still is formal accounting on an annual basis, isn't there, required of the standing committees of attorneys-general on the implementation of the Royal Commission on Aboriginal Deaths in Custody. I set up the accountability process, but maybe now in a sense it has not been given the priority that it once was.

Mr McDougall—I think you are exactly right: it is the political will that is missing. It seems that setting this up has almost been a perfunctory response, because there is an action plan that Queensland developed in 2000-01 and it has not been evaluated or amended since that time.

CHAIR—When was it entered into?

Mr McDougall—The agreement itself was entered in 2000 and the action plan was developed in 2001. To get some idea of the failing of the political will to produce any real outcomes you just need to look at the action plan strategies and the dollar commitments that are directed to each strategy. As with a lot of things it, unfortunately, does come down to the government's willingness to direct its revenue toward achieving a particular thing, and you get a real idea of how serious the government is when you look at the action plan. Page 4 of the action plan refers to diversionary strategies, and we heard today how important they are in keeping people out of jail. The total dollar commitment is—

CHAIR—I do not quite understand that point. You could very easily reduce the number of people in jail by saying it is no longer illegal to steal mobile phones. That would mean you would not have to worry about it anymore. But the theft of mobile phones is still going on, so I do not quite understand the way that strategy is done.

Mr KERR—That is true, Madam Chair, and you could increase the number of people in jail by saying it is an offence to shout at somebody.

CHAIR—That is right.

Mr KERR—We make social choices all the time as to what is criminal and what is not.

CHAIR—But that is exactly what I am saying: I do not understand what the strategy is.

Mr McDougall—We are not necessarily suggesting that there should be crimes that are de-sanctioned or decriminalised, although there certainly are some, but we are talking about—

CHAIR—No, decriminalised is—

Mr KERR—Why not?

Mr McDougall—That is right: there are some that certainly should be. But for other offences there should be alternatives to imprisonment. There is a whole raft of studies and submissions that go to—

CHAIR—That is what I said: we have 22,000 people in jail—this is Australia wide—and 67,000 people who have been convicted and are not in jail. So, we do not put most people in jail.

Mr McDougall—No, nor should they.

CHAIR—Correct, and in New South Wales alone the number of warnings versus the number of actions brought before the court has gone up dramatically. We do not know whether that is because there has been a deliberate manoeuvre to shift the figures about successful prosecutions or whether they do not want them to generate numbers that are adverse to them. There are a whole lot of things that go into that stat mix. But I am interested in looking at what the plan says.

Mr McDougall—If it is accepted that the purpose of the plan is to reduce it by 50 per cent, then the diversionary strategy is obviously a formally important part of the plan.

CHAIR—If that is what it is doing—finding diversionary strategies to deal with people who are still charged—then that is different.

Mr McDougall—It is diverting them from arrest and it is diverting the ones who are arrested from prison.

CHAIR—Not arresting people for criminal acts anymore, but just warning them, makes the stats look good but it does not make street crime very nice.

Mr McDougall—An issue in Queensland at the moment in the regional centres—Townsville, Cairns, Mount Isa—and to some extent in Brisbane is public drunkenness. It is an issue that primarily affects Aboriginal people in those areas.

CHAIR—If they are arrested what happens to them next?

Mr McDougall—At the moment, the police have the power to move them on. If it is a prescribed place, under the police powers act, they can just move them on. Unfortunately, they choose all too often to charge them with public drunkenness. Quite often—I think the stats say it is in about 20 per cent of cases—that results in other charges being laid, such as resisting and obstructing arrest, so they are brought into the criminal justice system. The government knows that and in fact it has programs being established in which, rather than charging them with offences, they will simply take them to a safe place.

CHAIR—But what happens to them after they are charged?

Mr McDougall—If they are charged, they are put in the watch-house.

CHAIR—In the court. For how long?

Mr McDougall—Generally, it is overnight. If they are given cash bail they generally do not need to attend court. If they are not given cash bail they do go to court. It depends on what they are charged with. If they are charged with other offences they will go to court.

Mr KERR—It is one of those knock-on things, isn't it? Like most of us when pissed, people do not necessarily respond to authority with the same respect that we would wish. They say, 'Get stuffed!' to the police. The real reason why they spend significant amounts of time in jail is not because they were drunk—

CHAIR—No.

Mr KERR—it is because they resented the authorities acting in the way they did. They often do regard it as racist, and it often is racist.

CHAIR—Are you telling me that, here in Queensland, somebody who is drunk and abusive to the police when told to do XYZ and is put in the local police station overnight, I gather, and is charged, presumably the following morning, or let out on bail, ends up in jail? Is that what happens in Queensland?

Mr McDougall—They can do.

CHAIR—No, not ‘can’ they, but do they?

Mr McDougall—I am not in a position to present you the statistics, but if they are fined and do not pay the fine, and are not deemed suitable for community service, they may well end up in jail.

CHAIR—I want to know how many of them actually end up in jail.

Mr McDougall—I would like to know that too.

Ms Sutherland—Maybe we can get some figures for you.

Mr McDougall—One of the issue that are dealt with in this report is the lack of information kept by the police.

CHAIR—I think it is terribly important.

Mr McDougall—It is. If I could quickly finish, a total of \$1 million is allocated for diversionary strategies for the whole state. Another recommendation was that they develop alternative sentencing options. There is no additional commitment of dollars from the government to address those options. For the safety and security of Aboriginal prisoners in custody, a total of \$165 million is committed. That is for the building of new jails at Capricornia, Maryborough and Woodford. So there are new jails being opened in a strategy that is designed to keep Aboriginal people out of jail.

CHAIR—But you are not telling me these jails are being built just for Aboriginal people?

Mr McDougall—No, but 20 per cent of the people in them will be Aboriginal.

CHAIR—That means 80 per cent are non-Aboriginal people.

Mr McDougall—That is right, but Aboriginal people comprise two to three per cent of the population—

CHAIR—In those areas?

Mr McDougall—In some areas more, in some areas less—but, whichever way you look at it, there is an appallingly high rate of Indigenous people in jail in Australia.

CHAIR—If you look at the profile of those people, are they mainly young men?

Mr McDougall—They are young men, they are older men.

CHAIR—No, what is the profile?

Ms Alexander—There are women as well. There are an increasing number of Aboriginal women who are being incarcerated.

CHAIR—Young ones, older ones, what?

Ms Alexander—I am not sure about the ages, but what I have read is that there is an overpolicing of Aboriginal women. There is also an underpolicing of the violence that they face at home. So it is a combination of under and overpolicing.

CHAIR—Yes, I think you have just put your finger on what is a very real issue. The violence against Aboriginal women is horrendous.

Ms Alexander—But it is part of the context of a society that has been quite violent towards Aboriginal people as a whole.

Mr KERR—Can I ask a couple of questions about resistance this year, because there were number of specific recommendations by the Royal Commission into Aboriginal Deaths in Custody. A number of them were not removed, for victimless crimes, and they made a number of changes. I would have thought that, prima facie, there would be political sympathy for those things; a number of ministers have worked in Aboriginal legal services and what have you. What explains the failure to carry out those recommendations, which in large measure have been implemented in most other states—which reflect, for example, the changes that have occurred in Western Australia? I am not saying that there was uniform implementation right across the country, but there was substantial implementation of many of the recommendations in many parts of the country. A couple of the key ones obviously have not been implemented in Queensland.

Mr McDougall—In political terms I would put it down to a lack of political will to take on the chambers of commerce in regional centres; that is the bottom line. In addressing the issue of public drunkenness in those areas they are simply going for the easy option of overpolicing and whacking people in jail rather than committing dollars to the longer term solutions of diverting people to rehabilitation facilities and providing the social infrastructure for a proper response to the problem. That would be my answer.

Mr KERR—You mentioned that police do have these ‘move on’ powers or arrest powers. In some parts of the country, there are basically Aboriginal run organisations, funded either by the territory or state governments or by ATSIC, which pick up and collect people who are significantly intoxicated. They obviously do not have any powers of law enforcement, but they have—what do they call them—night patrols?

Mr McDougall—Yes.

Mr KERR—Are they supported and funded in Queensland?

Mr McDougall—They are, but they are not supported enough. They need to be expanded. There are proposals, I understand, coming out of New South Wales to do things like have Aboriginal organisations contracted by government to run supervisory programs as an alternative to imprisonment. All these things are there. This has been talked about for so many

years—I am sure for you it is going back many years—yet it is about the political will and the dollars. That is what it comes down to. I know we do not have all day, but the one recommendation that I wanted to make to the committee if I could, just very quickly, is that the Commonwealth government reconvene a national summit to assess what has happened since 1997 in each of the states and to basically bring them to account.

CHAIR—A national summit on what?

Ms Sutherland—On the implementation of the recommendations of the Royal Commission into Aboriginal Deaths in Custody.

CHAIR—I have a problem in that I am going to lose the quorum very soon, in which case we will have to cease the hearing. You have hardly had much time, Ms Alexander; do you have something that you would like to say?

Ms Alexander—You were talking about the effectiveness in actually stopping crime. I want to point out that our submission talks about therapeutic justice. The aim of that is to end criminal behaviour as compared to traditional approaches where the aim is to punish past behaviour. Therapeutic and restorative justice looks at why crimes happen and how people can get support so that they do not continue to commit crimes. So you are looking at accommodation, drugs and all those issues that are surrounding crime rather than just at the incident.

CHAIR—Do you also look at two categories of offenders: those who are just hardened criminals and are going to go on being criminals and those who have infringed and are likely to turn out to be law-abiding citizens?

Ms Alexander—I do not think you can make that distinction.

CHAIR—Really?

Ms Alexander—It is not that there are significantly bad people out there; people have just been in different circumstances along the way.

CHAIR—I think we might have a disagreement there.

Ms Alexander—It is a big can of worms.

CHAIR—I think so.

Mr KERR—There may be significantly bad people who have never been convicted of anything. A number of Mafia bosses in the United States have never been convicted of anything and they kill, run drugs and do God knows what else. People with convictions as long as your arm may be significantly minor players who are more sinned against than sinners.

Ms Alexander—Either way, we have got to look at stopping the criminal behaviour as the primary focus and the best ways to do that rather than at punishing.

Dr WASHER—I guess the basis of it really is that for sometimes relatively minor crimes, as we would perceive them, people can wind up in short-term jail periods, usually because of defaulting on fine payments and so on. That, I would agree, seems a little odd. I understand that we have got to have some fall-back if people do not pay their fine, but there are circumstances where people cannot pay, as you have said. There is definite evidence already, as you would suggest, that short-term jail sentences are probably more counterproductive to getting that person rehabilitated to prevent them from recommitting crimes that are injustices to society as such than, say, getting them into alternative means of management. That is categorically what you are saying. I think there is plenty of evidence throughout the world that would also suggest that—including for indigenous people in other countries.

CHAIR—Thank you very much for coming and presenting to us. I think the work that is being done with regard to the concept of restorative and therapeutic justice is very important. The more people we can reach who have a chance of going back and fulfilling a good life the better—that is very important. So the work that is being done is important to us. If you would not mind doing that case study, I think that would be very helpful for us. Your suggestions with regard to looking at the federal criminal code, as to where we might want to make recommendations, are really quite useful.

Mr KERR—Could I just ask a couple of quick questions.

CHAIR—Very quickly, please.

Mr KERR—The Caxton Legal Centre is part of the community legal centre network. There used to be arrangements whereby the community legal centres could meet on a regular basis to look at structural and broad policy issues. To the best of my understanding the funding for that has not been made available over recent years. I am not certain that that is the case, but plainly some of these larger issues have a national or regional significance beyond the specific area that your centre is operating. I wondered whether the community legal centre sector is still trying to operate some kind of policy, information-gathering and advocacy role and whether there is anything that our report could do by way of helping you.

Mr McDougall—I am fairly new to the community legal centre sector—I have been the director of Caxton for only one year—but I do understand that the National Association of Community Legal Centres, NACLCC, does receive a certain amount of funding. However, they employ only two people, and their capacity to respond to government initiatives and to create their own initiatives is quite limited. Generally they focus on immediate issues confronting community legal centres—for example, the recent charities bill issue and those sorts of things. In Queensland there is also the Queensland Association of Independent Legal Services, and it has no funding provided. That is a great lament of mine, because there is so much policy work that needs to be done in Queensland, and community legal centres at the coalface really are in a position to intelligently inform policy development.

Mr KERR—I am giving you leading questions. Is there anything you would like us to do about it?

Mr McDougall—I should have said: NACLCL have recently submitted a budget. I should also say—and it is not too much out of self-interest—that the pay levels in the community legal sector are unbelievably appalling.

Mr KERR—If you cannot afford the fine, I understand, comrade.

Mr McDougall—Exactly. Quite seriously, they really are appalling for the work that they are expected to do. There is a budget that NACLCL recently put in, which I understood was arguing—

CHAIR—Where does your funding come from? You get \$215,000 from the Commonwealth government, don't you?

Mr McDougall—Yes, we get funding from the Commonwealth, the state, and also the state department of families. We also get self-generated income through producing the *Queensland Law Handbook*.

Ms Sutherland—And donations.

Mr McDougall—And donations; we try to make sure our funding base is as diverse as possible.

CHAIR—Thank you.

Mr McDougall—Just very quickly: that budget submission is currently before the government—

CHAIR—Which government?

Mr McDougall—The Commonwealth government.

CHAIR—Why not the state government? You are a state body.

Mr McDougall—No, this is the national association.

CHAIR—Oh, the national body. I am sorry.

Mr McDougall—I understand that it attempts to link the wages of CLC staff to something akin to the Attorney-General's Department.

CHAIR—Why would you do that? Why wouldn't you be looking at what people are paid in the private sector?

Mr KERR—They would love to do that.

CHAIR—No.

Mr KERR—They would. If you knew what—

Mr McDougall—Depending on the field, of course.

CHAIR—If you look across the board, you have got a lot of lawyers in private practice who do not get big salaries at all.

Mr KERR—But they certainly get more than the CLC people.

CHAIR—I would not be at all surprised if it were not so.

Mr McDougall—Can I tell you that a first-year lawyer at the top-tier firms in Sydney and Melbourne—

CHAIR—I am not talking about the top-tier firms. That is your best and brightest. I am talking about—

Mr KERR—You want the best and brightest here, don't you, Bronwyn? Or would you prefer your community legal service to get the dross?

CHAIR—I am trying to say that, out of our law schools, I think we produce a pretty good product.

Mr KERR—No, you're not.

CHAIR—And I am saying that you will always get the medallist, or the whatever, who is going to seek and go into a top-tier firm—of which there are very few.

Mr McDougall—In mid-tier firms, a third- to fourth-year lawyer would be paid more than the top position of any CLC.

CHAIR—That is okay.

Mr McDougall—A first-year top-tier firm lawyer, with no experience, gets paid the same amount, if not more, than I do as a—

Mr KERR—Community legal services are being funded—

CHAIR—Anyway, we are not going to get into this wrangle now.

Mr KERR—to provide a significant component of Commonwealth funded legal aid, and they are taking advantage of the fact that they are paying shit to employees.

CHAIR—I think we will keep the four-letter words out of the *Hansard*, thanks very much, Duncan.

Mr KERR—I liked it.

CHAIR—Did you? Well, you can go and enjoy it somewhere else.

Mr KERR—They pay people crap.

CHAIR—Oh, we have got another one. If we sit here long enough, we will get a few more.

Mr KERR—I can do that—

CHAIR—I think we will, at this point, thank you for coming. I look forward to getting that extra material from you.

Ms Sutherland—Thanks very much.

Mr McDougall—We appreciate the time, thank you.

CHAIR—We are going to lose the quorum fairly shortly. I indicated that we had received a letter from Mr Des O’Neill. Mr Kerr wanted time to look at it, which I think he has had. Mr O’Neill is here, and I propose to call him and then he can read it out himself, because I think you made the point that we usually do call people.

Mr KERR—I am not a member of the quorum, but I do make the point that Mr Sciacca is returning, so you do not need to reach a quorum.

CHAIR—It is 2.15 p.m. and we have a short time to speak to representatives from Sisters Inside. I invite Mr O’Neill to come forward.

[1.55 p.m.]

O'NEILL, Mr Desmond F., (Private capacity)

Mr O'Neill—I appear before this committee as a former executive committee member of the Queensland State Service Union. I served during the period when the QSSU, as it was then known, requested that the Heiner inquiry be established.

CHAIR—You were present yesterday during the hearings—

Mr O'Neill—Yes, I was.

CHAIR—and you spoke to me—

Mr O'Neill—Yes.

CHAIR—and you said that you thought that you had some information that would shed light on some of the questions that we were asking yesterday.

Mr O'Neill—There seemed to be a bit of confusion about how the inquiry was established and what it was supposed to be doing, and I hope this letter does shed some light.

CHAIR—I think the best way is if you speak and perhaps read it.

Mr O'Neill—I wrote the letter last night in quite a hurry. Could I just correct two—

CHAIR—Perhaps you would like to go through it and read it out to us.

Mr O'Neill—Fine, and I will update it. The letter reads:

I attended the public hearings of your committee yesterday. I believe I may be able to clarify some of the issues raised in the verbal evidence given by three witnesses who appeared before your Committee relative to the issue of the “shredding of the Heiner documents”.

MY BACKGROUND

I was an Executive member of the Queensland State Service Union (QSSU) from August 1988 until May 1994.

The QSSU amalgamated with the Queensland Professional Officers' Association (QPOA) in 1993 to become the State Public Services Federation.

I first met Mr Kevin Lindeberg in early in 1990 shortly prior to his appearance at the Cooke Inquiry.

QSSU EXECUTIVE MEETING LATE 1989—

I must admit, I cannot recall the exact month the meeting was held but I know it was in the latter half of 1989. The exact date could be got out of the union transcripts. The letter continues:

I cannot recall the exact time of this particular meeting, however the minutes of this particular meeting would be on record.

Executive meetings of the QSSU were held weekly on Thursdays commencing at 4.30pm.

I can recall one particular meeting in late 1989 as it was attended by the then Director of Industrial Services, Ms Janine Walker. This was an unusual occurrence as Executive meetings were usually only attended by the union General Secretary, a Stenographer to take the minutes and the Executive Members.

The union General Secretary explained that he had requested Ms Walker attend the meeting in order to acquaint the Executive of a very serious industrial matter which had arisen at the John Oxley Youth Detention Centre (JOYC).

Ms Walker told the union Executive that a number of members had made complaints about the JOYC centre manager, Mr Peter Coyne. Ms Walker advised the executive that she believed Coyne had unfairly withheld the pay increment of one employee (QSSU member) and that he had been placed on extended probation of employment.

She further explained that she had received a complaint that Coyne had attempted to break into an employee's home. It was further alleged that Coyne and the Assistant Manager Ms Anne Dutney were having a relationship during office hours.

Ms Walker advised that there were other "complaints of a very sensitive nature which she could not disclose to the Executive".

She stated that the Centre Manager Mr Coyne was—

and she used these words—

"out of his tree" and that she had requested that the Director General of the Department of Family Services, Mr Alan Pettigrew, conduct an inquiry into Coyne's style of management.

Ms Walker further stated that "I don't want a witch-hunt, I want it limited to Coyne's style of management".

Ms Walker requested that the Executive endorse her request of Mr Pettigrew. The Executive unanimously endorsed Ms Walker's request.

I cannot recall the union Executive receiving any further reports on the subsequent inquiry, which resulted.

I am not aware to this day what Janine Walker meant by the "complaints of a sensitive nature etc" but I would suspect that it may have been the handcuffing incident whereby Coyne ordered the overnight handcuffing, of two unruly children, to a grid outside, near the tennis courts, overnight. Ms Walker should be able to clarify this point.

At no time was the union Executive made aware of any instances of child abuse (whether physical or sexual) at the JOYC.

I have gathered my knowledge of the John Oxley Youth Detention Centre over a period of time, since this event at the executive meeting and also up to about 1996 and later. The letter continues:

The operation of the JOYC in 1989 had become dysfunctional. There were four unions who had members at the centre. They were the QSSU, QPOA, QTU (Queensland Teachers Union) and the AWU (Australian Worker's Union).

Thee QPOA membership generally consisted of the professional staff i.e. Manager Coyne, Psychologists etc. The QSSU's membership consisted of the youth worker employees. The QTU obviously covered the teachers and the AWU had some youth workers and other staff.

There was an overlap of award coverage in three of the unions i.e. QSSU, QPOA and AWU. There was some flotation of union membership between these three unions as staff at the centre joined (or renewed membership) of the union, which was perceived to be providing the best service to them at a particular time.

The situation as it existed in 1989 was generally an "us and them" attitude between the youth workers and the professional staff. Mr Coyne had his detractors and his supporters.

I have spoken over the years to Kevin Lindeberg, the QSSU Industrial Officer Kelvin Johnson and Peter Coyne about the operation of the JOYC. I am still at a loss to explain why there was such a push to shred the Heiner Inquiry documents.

I can assure you that from my knowledge that it did not come from the QSSU Executive and it obviously did not come from the QPOA, although some QPOA staff did comply with the Goss government wishes (post shredding) and become part of the cover-up.

I know the former Police Commissioner Mr Noel Neuman (not in his capacity as a serving policeman) has spoken to former Department of Family Services Minister, Ms Berys Nelson (National Party Government until 1989). I believe that Mrs Nelson had received her own complaints about the operation of the JOYC independent of the unions.

As a result the then Director General, Mr Alan Pettigrew (now deceased) ordered an inquiry under the provisions of the then Public Service Management and Employment Act (PSMC). Noel Heiner, a retired Children's Magistrate, was commissioned by Mr Pettigrew to conduct the inquiry. There may have been a technical problem with this appointment as Mr Heiner was not a serving public servant.

They say the whole thing was a cock-up, and there was a technical problem in that Heiner was not a member of the public service and, therefore, not officially qualified to conduct that inquiry. They could have easily fixed that. They could have easily appointed him to the public service. The letter continues:

Mrs Nelson has indicated that the Heiner inquiry was only intended to be a preliminary inquiry and that a more formal Commission of Inquiry (Royal Commission)—

it is normally known as a 'royal commission', but in Queensland it is called a 'commission of inquiry'—

would be established if necessary.

I have not spoken to Mr Coyne since about August 1996. Mr Coyne advised me that at first he welcomed Mr Heiner's inquiry. Heiner interviewed most of the staff. Coyne advised that some of his supporters approached him and advised him that he had better be careful as it was believed that some of the staff (and possibly Heiner) was out to get him.

I also believe that Coyne held information on staff at the centre including an admission by a Mr Fred Feitch (not sure of spelling)—

that spelling should be 'Feige' not 'Feitch'—

that he had been abusing the inmates (physical abuse).

That is covered in document 20, tabled at the Forde inquiry. The letter continues:

This I believe may have been tabled at the Forde Inquiry in 1988—

that should read '1998'—

together with the complete "document 13" which was partially given to the Senate in 1995.

I believe that Mr Feitch—

that is, 'Mr Feige'—

may have been at one time an AWU workplace representative or union delegate.

As Mr Grundy has disclosed, Mr Heiner was also given details of a pack rape of the 14-year-old girl as one of the former staff at the centre advised Mr Grundy that Heiner asked, "What do you know about the rape".

I have no doubt that the youth worker staff were keen to tell Mr Heiner of the pack rape, which had occurred at the Portals as only the professional staff were on this particular outing and it was seen as a stuff-up.

In 1996, I asked Mr Coyne about the allegations that he broke into an employee's home. Coyne advised that he went to a female employee's home address in order to get some leave forms signed (sick leave—extended) so the employee could receive her pay. He advised that he was just trying to do the right thing by his staff. He advised me that the employee was not at home. A neighbour apparently reported to the employee that Coyne had been to her home.

I queried Coyne about allegations of an "affair during working hours" between him and the Assistant Manager Ms Anne Dutney. Coyne denied the affair.

Coyne advised me that he had visited the centre one evening and found the staff in pyjamas, pillows and blankets ready to bed down for the night. He advised that he admonished the staff and stated that they were supposed to be on duty.

I believe that if there was any push by the unions at the JOYC to shred the Heiner documents that the most likely source was the AWU.

The QTU had only a few members, the QPOA was seeking access to the documents, the QSSU from my view I have no knowledge, however Ms Janine Walker may be able to clarify the situation. Mrs Walker may be present at the hearing on 28 October—

that is, today—

as she is the Treasurer of Sisters Inside. Mrs Warner the former Minister from December 1989 was the Minister for Family Services and is President of Sisters Inside.

I would also like to draw your attention to the fact that, the Department of Family Services held a Crown Solicitors' opinion, dated 30 June 1989. This opinion was requested by Coyne and followed up by the Department. This opinion is included in the Cooke Inquiry Reports and it clearly shows that Coyne and others had a right to see complaints, which had been made against him (under regulation 65 of the PSMC Act). The rules of natural justice also apply.

Also included in the Cooke Inquiry Report (AWU section) is an extract from a speech given by Mr Goss (as future Premier) to delegates at an AWU union conference that his door (as Premier) will always be open to union delegates of that union.

I trust the above will be helpful in clarifying some of the issues raised at today's—

that is, yesterday's—

hearing.

CHAIR—Thank you very much. Could you explain to me what is the Cooke inquiry?

Mr O'Neill—The Cooke inquiry was established by the former National Party government in about 1989, I believe, to look at misconduct within trade unions.

Mr KERR—1989?

Mr O'Neill—Yes, 1989. It was about misconduct within trade unions, established by the outgoing Ahearn National Party government. It also partially looked at the shredding of the Heiner documents. Kevin Lindeberg was subpoenaed to that inquiry.

CHAIR—In 1989 they had not been shredded yet.

Mr KERR—Yes, that is what I was puzzled about.

Mr O'Neill—That is right. It was established in 1989.

CHAIR—I see. How long did it run?

Mr O'Neill—It looked at a number of unions—

CHAIR—Yes, but you said that it looked at the Heiner shredding.

Mr O'Neill—Yes, the Heiner stuff, in 19—

CHAIR—1990.

Mr O'Neill—Yes, 1990.

CHAIR—So how long did the Cooke inquiry go for?

Mr KERR—Another inquiry that looked at the shredding! How many have we had?

Mr O'Neill—Only briefly. It was closed down before it got to public hearings, and it never got a chance to look at it properly.

CHAIR—When did it get closed down?

Mr O'Neill—Gee, you have got me there. Probably about 1991.

CHAIR—Who was Cooke?

Mr O'Neill—Marshall Cooke was the commissioner appointed to—

Mr KERR—Are you saying 'Crooke'?

Mr O'Neill—Cooke: C-o-o-k-e.

Mr KERR—There is a Marshall Crooke, who is a QC.

Mr O'Neill—That is right. That is him. Marshall Cooke.

Mr KERR—'Crooke' not 'Cooke'.

Mr O'Neill—No, I am sure it is Cooke—Marshall Cooke.

Mr KERR—That may be true, but it would be a remarkable coincidence to have two people out of Queensland silks with similar names.

Mr O'Neill—Cooke—the Cooke inquiry. Those transcripts would be available from the Department of Industrial Relations here in Brisbane.

CHAIR—Did it ever report?

Mr O'Neill—It did do a report. The report it made into the Heiner documents was that there was a whistleblower protection act extended to cover trade union officials and that CJC investigate all the Heiner—

CHAIR—It recommended that the CJC look at Heiner?

Mr O'Neill—Yes.

CHAIR—Thank you for volunteering that. That did explain how it began and how Mr Lindeberg became involved.

Mr O'Neill—Yes. The unions intended it to be a limited inquiry. Obviously the minister had different intentions, which was fine.

CHAIR—We are about to lose quorum, so the next questions will have to be short.

Mr KERR—Your inference is that somebody from the AWU is the moving influence for the—

Mr O'Neill—I think that that should be asked, but people do not want to know.

Mr KERR—You say, 'If there were any push by the unions'—the most likely source of the AWU. There is nothing that you know of actively that—

Mr O'Neill—Not particularly, but we know the AWU was very close to the Goss government. The QSSU—

Mr KERR—That is a given. Mr Goss came out of that background.

Mr O'Neill—That is right.

Mr KERR—There is no secrecy there. The point is that you are saying that, as far as you know, your unions did not make that push.

Mr O'Neill—The QSSU is very much on the outer with the Goss government. Obviously it did not come from the QPOA, and the teachers—

Mr KERR—What about the issue of defamation? The issue of defamation seems to have been raised by people who were concerned—

Mr O'Neill—I do not think Coyne had a hope in hell of getting a defamation case up, because of the qualified privilege—

Mr KERR—Why would he be protesting so much?

Mr O'Neill—Because he wanted to find out what they had against him.

CHAIR—What was said about him.

Mr O'Neill—Basically, he wanted to find out what they said about him. But it was not only Coyne. It was also the assistant manager, Ann Dutney. The solicitors representing Coyne—Rose Berry Jensen—also represented Anne Dutney.

CHAIR—We have lost quorum.

Mr KERR—I am not trying to be antagonistic.

Mr O'Neill—That is fine.

Mr KERR—There are questions I would like to ask you, but we cannot.

Mr O'Neill—You can ask them.

Mr KERR—We cannot, because we are not covered by privilege.

CHAIR—Thank you for that, Mr O'Neill.

Proceedings suspended from 1.13 p.m. to 2.20 p.m.

KILROY, Ms Debbie, OAM, Director, Sisters Inside

CHAIR—I call Ms Debbie Kilroy from Sisters Inside. We were also, I understand, to have had Ms Anne Warner appear, but she is not coming.

Ms Kilroy—No, not today.

CHAIR—Thank you for your submission. In Melbourne at our initial hearing we received evidence from some people who are working with women in prison, but I found your submission to be of really good depth. Some of the statistics are really quite startling when I see that 85 per cent of female prisoners are mothers with 2.5 children.

Ms Kilroy—Yes, and not just mothers: they are the primary caregivers.

CHAIR—To begin, I have a series of questions on those statistics. What happens to the children?

Ms Kilroy—A number of things could happen to the children. In some cases the grandmother will take care of those children during the period that the mother is incarcerated. They may be voluntarily put into the care of the Department of Families or they may already be on orders with the Department of Families, so they could already be in care.

CHAIR—So they could be fostered too?

Ms Kilroy—That is right.

CHAIR—Your submission also says of women in jail that 89 per cent have been victims of sexual assault.

Ms Kilroy—Yes. That is before coming into prison. I know the Department of Corrective Services have done some recent research that shows not such high figures, but they are fairly high. The research that was undertaken in 2000 shows that 89 per cent of women in prison have been sexually abused—usually multiple times—before they have hit the prison gates, then they experience further sexual assault through the process of state sanctioned strip-searching.

CHAIR—Yes. I want to come to that. The children who are fostered out—if we are to listen to the inquiry that is going on here at the moment—are also at risk in the fostering process.

Ms Kilroy—Yes, absolutely. What we find, usually anecdotally, is that children in the foster care system are moved anything from five to 10 times while the mother is in prison. That is as opposed to children with a father in prison, where usually the woman is outside—those children may not be moved at all. But if the children of women who are in prison are in foster care, they usually get moved anything between five and 10 times.

CHAIR—Have you done any work on tracking what happens to those children?

Ms Kilroy—We have a number of programs. There are two programs that work with the children, so we have a lot of evidence of what actually happens to them. One program is funded by the Department of Family Services in Queensland under future directions. The purpose of that funding was to reduce the workload of child protection workers. However, I think with our funding we have probably increased their workload, because we ensure that the mothers have contact with their children while they are in prison, then we support the mother when she is released, as well as those children, hopefully ensuring—if they have not got a care order up to 18—that the mother regains custody. So we do a lot of intensive work for up to 12 weeks when the mother is released and bring the family back together.

We also have two youth workers who work with young people between the ages of 12 and 18 and also support the 17- and 18-year-olds who are in prison. We also provide services to young women in the youth detention prison system here. We have done limited research into the impact, which is, as stated here, that young people are traumatised by the separation, they usually have not had any access to any types of services from the time mum was arrested and they were usually in the house, in the caravan, in the car or wherever it was that mum was taken away from and put into prison. So they have not been able to talk about that or deal with that trauma. That has a huge impact. They feel isolated. Sometimes they feel like they are to blame for their mother being in prison. They start truanting because of the stigma of having a mother in prison—and it goes on and on.

CHAIR—So, in reality, a lot of those 2.5 children could simply repeat the family process?

Ms Kilroy—Absolutely, and that is what we have been seeing. I basically grew up in a youth prison myself; I went there when I was 13 years of age and came through the system myself. What I see now is that a number of the women's children and even grandchildren are starting to come through the system, which is a sad indictment of the community.

CHAIR—Your submission says 63 per cent of women in prison have had prior adult imprisonment, so the recidivism factor is very high.

Ms Kilroy—That is right. It is very high.

CHAIR—Why?

Ms Kilroy—Because prisons do not focus on rehabilitation. They focus on industry now, here in this state. There are only 10 full-time study positions that women in the maximum security prison can access, and those women still have to pay for all the resources and HECS at the end of that if they are doing a university degree. There are core programs that Corrective Services have in their prison system. However, they are obviously not working. I can equate it even to our organisation. If we had a 60 per cent failure rate, we would be defunded because it is taxpayers' money. But no-one ever asks why we have a 60 per cent-plus recidivist rate in this state and across this country with respect to prisons. No-one is asking why they are failing, nor why we are wasting so much money on a system that does not work.

CHAIR—It is interesting. There is a study I became aware of in the United States of prisons right across the English-speaking world wherever the recidivist rate was 60 per cent. At 63 per cent, it is even higher for women. I note that their literacy rates are much lower.

Ms Kilroy—Yes, they are. Compared to the average population of women in the community, they are a lot lower. I was reading some research recently, done in this state: approximately 40 per cent had not finished year 10 and then you had about another 23 per cent who had left school between the ages of 12 and 14. It all hooks into their histories of abuse if we look at their life experiences. I know women who were raped at the age of two months, 12 months, two years, and the impact of that process on their life is ongoing. You can imagine yourself that, if you are getting raped at home at night and you have to front up to school the next day, you are not going to be able to deal with the schoolwork and you are not going to be able to deal with the teacher—and then a whole heap of problems escalate out of that. So we need to go back and address the abuse that is happening in our communities.

CHAIR—Debbie, you said you grew up in a prison. Would it be proper to ask you to tell me about that?

Ms Kilroy—I was first put in Wilson Youth Hospital, which was a youth prison—it was run by the department of health at that time—when I was 13. I went there for wagging school, for truanting.

CHAIR—You were put in jail for wagging school?

Ms Kilroy—Yes. I was put in there for a four-week assessment by the psychiatrist as to why I was not going to school—basically, I was ‘uncontrollable’; that was the language in those days, nearly 30 years ago. That is what my mother says. They have still never received the assessment they signed me up and put me into that prison for. As you are probably aware, there has been a full inquiry here. I did give evidence, written and verbal, about my experience in there, which was very similar to that of many other young people who experienced the abuse in those institutions.

From there—not long after I had returned—when I was released they would not let me go home to my family. They put me in a lower security prison and then I ended up back in the youth hospital. It just became a cycle, and the cycle got worse because my father died quite suddenly and I was told by the person managing the place at that time that I had actually killed my father. As a 14-year-old child, if you are told by an adult in authority, ‘You’re bad, you killed your father,’ you swallow that whole and then all your actions follow on from there.

CHAIR—What happened to you then?

Ms Kilroy—I was in and out of there until I was 17. I went to prison when I was 17. My grandmother bailed me out with 50 cent pieces. I also had my first child when I was 17. Then I got involved in the institution of domestic violence for many years. Eventually I went back to prison in 1989. At that time I was looking at a mandatory life sentence due to the state drug laws. I then got sentenced to six years in prison. When I was in prison in 1990, a friend was murdered next to me—it was as close to me as you two sitting there—and a spotlight hit the prison system. The community sector came in. They were outraged about why this had happened. The key to everything is they come to help us but at no time do they ever ask us what we need, and hence Sisters Inside was born.

When I was released from prison, I went back in to visit the lifers and long-termers and we started our own organisation. We have been going for over 10 years now. Women in prison are legally on our management committee through our by-laws in our constitution. They make up a steering committee and have to be part of every decision that Sisters Inside make at a management committee level. The women inside, along with the women outside in the community, actually drive the whole organisation. We are driven on women's needs, not on what we assume they need.

CHAIR—How would you describe the life that you have now established for yourself? Has this purpose given you the will to remain outside that system? Do you now feel that you are doing something positive in society?

Ms Kilroy—I would assume so, and I hope that the community thinks I am doing something positive. However, because of legislation here and because of my convictions and my sentence term, I can never be rehabilitated by legislation in this state.

CHAIR—What do you mean you can never be rehabilitated?

Ms Kilroy—There are two pieces of legislation that collide: the Associations Incorporations Act which refers you to the Criminal Law (Rehabilitation of Offenders) Act. The latter basically says if you have been sentenced to over 30 months—even if it is suspended; you do not even need to spend a day in prison—you can never be on a management committee of any incorporated body. Because the purpose of that rehabilitation of offenders act is about rehabilitation, and you do not have to disclose them all, basically what it says is that people like me who have been sentenced to more than 30 months can never be rehabilitated. I would assume that I am offering something positive to the community—as are a number of women who have been inside. I finished a bachelor of social work at the University of Queensland, I am a Gestalt therapist, I have finished my law degree, I was awarded an Order of Australia medal earlier this year and I have just been named the Telstra businesswoman of the year in government and community for this state. I would hope that I am, but the legislation says I am not.

CHAIR—It says that you cannot be rehabilitated?

Ms Kilroy—That is right.

CHAIR—Presumably you can never be on the board of your own organisation, Sisters Inside Inc., you can only be employed by it.

Ms Kilroy—That is right, yes.

CHAIR—Because you were sentenced to more than 30 months in prison.

Ms Kilroy—Yes.

CHAIR—And it can be a sentence for anything?

Ms Kilroy—That is right.

CHAIR—When did that legislation come into place?

Ms Kilroy—From memory, the rehabilitation offenders act is from 1986. The organisation that I was the president of, the state youth peak body that I had to stand down from, has sent letters—as has Sisters Inside—to the Attorney-General. There was also bipartisan support from the opposition to change the law, but it is a bit slow in coming.

Mr SCIACCA—Is there a chance that it will be changed? If the legislation was ratified in 1986, then it has been there for a fair while. It was brought in by Bjelke-Peterson.

Ms Kilroy—That is right. We hope that it will be changed. Rod Welford has said that he will look at it. We have an election looming, and law and order is usually the policy that gets the votes because we put fear into the community. Labor is no different with regard to doing that. I do not think it is something that is going to be changed straightaway.

Mr SCIACCA—But it did not stop you from getting an OAM and Telstra businesswoman of the year.

Ms Kilroy—That is right. All those bodies recognise the work that I am doing and that Sisters Inside is doing, but that piece of legislation obviously does not.

Mr SCIACCA—Madam Chair, that is something that we might consider in terms of recommendations.

CHAIR—I think so. I am just wondering, though, how a piece of Queensland legislation can prevent someone being on the board of a corporation incorporated under the federal legislation.

Mr SCIACCA—I suspect that it might be only government statutory authorities.

Ms Kilroy—Yes, it is.

CHAIR—I think so.

Ms Kilroy—And the Associations Incorporation Act refers to the rehabilitation of offenders act. That is how they meet.

CHAIR—But a corporation incorporated under the federal act, exercising federal power, would presumably cover the field. I hope that it would read this state legislation.

Ms Kilroy—We are incorporated under the state law.

CHAIR—Yes, I know. Again, your stats say that 85 per cent of people have attempted suicide or self-harm and that 80 per cent have reported that self-harm occurs whilst in prison. Put that together with the 70 per cent who report that they have used heroin in prison and that is a pretty horrendous triumvirate.

Ms Kilroy—Absolutely. Even though we have drug policies to stop drugs coming into prisons under the guise of mandatory strip- searching, drug dogs et cetera, those policies actually fail. Drugs still get into prisons.

CHAIR—How?

Ms Kilroy—I do not know how they get in. Mandatory strip-searching is undertaken. FOI records from the last three years from Corrective Services state that only two drugs that are listed as contraband have been found in three years.

CHAIR—Do you have those FOI stats?

Ms Kilroy—I do have the records back at work.

CHAIR—Would you be happy to let the committee have them?

Ms Kilroy—Yes.

CHAIR—Can we talk about the strip-searches. I note that in your submission you said:

The chief executive—

of Corrective Services, I presume—

is authorized to give directions, by instrument in writing, to a person in charge of a corrective services facility requiring the strip searching of prisoners as stated in the directions, including for example at the times stated in the directions and further, s26A(2) The person in charge **must** order prisoners to be strip searched as required under the direction.

Would you like to describe for me precisely what that means?

Ms Kilroy—That means that the Director-General of Corrective Services has drafted up procedures, policies or whatever from this legislation and given that to every general manager in each prison for them to follow.

CHAIR—Every prison?

Ms Kilroy—Yes. The old legislation was about reasonable suspicion. When the new prison was built, they started doing strip-searches after every visit, including after solicitors' visits. We raised a number of complaints, saying that that was breaching the law. Basically, when this new legislation was brought in, they wrote 'must', so mandatory was covered then. So they must strip-search after every family contact visit. They do not strip-search now after legal visits; they may pat-search. But they must strip-search after every family contact visit. We have noticed that a lot of women do not want to have a contact visit with their children or their family because it again raises their sexual abuse histories.

CHAIR—Would you describe for me what a strip-search entails and who does it?

Ms Kilroy—We have dignified strip-searching here in Queensland, which means that, after the visit, you remove the top half of your clothing. Basically, you then open your mouth, have your ears checked, flick your hair, raise your breasts, turn around and put your hands up in the air. Your bra will then be given back to you, and you take off the bottom half of your clothing. Once again, you turn around, lift your feet, wiggle your toes, put your hands against the wall, squat and cough. If you are menstruating, you remove your tampon or pad and give it to the prison officer. That is a dignified search here.

Mr SCIACCA—I take it that they are conducted by women only?

Ms Kilroy—Under the legislation, they have to be conducted by same-sex prison officers. However, we need to be aware that the prison system is fully monitored by cameras. Under the legislation, they can also take video recordings of a strip-search. Basically, that is to cover their butt; it is not necessarily to make sure that women are being respected.

Mr SCIACCA—Is there any evidence that there are male ‘screws’, as they call them, watching these things?

Ms Kilroy—Anecdotally, the women would say yes, but, obviously, on record, no. A crisis support unit has been built in the maximum security prison. It used to be attached to the men’s prison, and men and women were together. We raised a number of complaints about that, because the women were saying that they were being sexually abused by male officers and male prisoners that were with them. The CSU, in the legislation—I think it is under section 42—is where you go if you are suicidal or attempting self-harm. You go there for treatment. However, the treatment that is used is body belting, double handcuffing and being thrown in rubber rooms.

CHAIR—Excuse me—slow down. Explain that again. When does that occur?

Ms Kilroy—It occurs. That CSU closed down because we put a lot of pressure on. A new one has been built internally.

CHAIR—A CSU—that is a crisis support unit?

Ms Kilroy—Yes. It is under section 42 of the act—women need to be under those orders to be put into that unit.

CHAIR—And that is when they—

Ms Kilroy—It is a unit where, if a woman is self-harming or attempting suicide, she will be put into a crisis support unit, basically for her own protection and where she will receive treatment. I would disagree that any sort of medical treatment ever occurs. There are only prison officers there. Psychologists do go there once a week and check with the women, but we have raised a number of complaints. With the new one that is open now—as opposed to the old one, which was shut down—there are different sorts of issues, but they are very similar. We are seeing, not just here in this state or this country but in the Western world, a number of women coming into prison with mental illnesses because—

CHAIR—Because we have closed all of the institutions where these people used to be.

Ms Kilroy—That is right. So they are all getting caught up in the prison system. Because they do not have the skills and they do not even put the necessary resources into the prison system to be able to support these women, they put them in the crisis support unit. You have to be there on an order by law, but the issue that I have with it is that most of the women are not in there on an order, which is a breach of the act. The way they get around that is that they call it ‘S4’; they do not call it a crisis support unit. So they put the women on management plans where you cannot get the decision that has been made judicially reviewed. So those women can be left there—there was one woman who had spent three or four years in a crisis support unit under the old system. The way those women are treated is: if they act out or if prison officers cannot deal with them, they will be body belted, double handcuffed and thrown into what they call the rubber room for anything up to eight hours or more a day until they calm down.

CHAIR—What is a body belt?

Ms Kilroy—A body belt restricts your arm movement. Then they will double handcuff you.

CHAIR—So it is like the ones you see in *One Flew Over the Cuckoo’s Nest*?

Ms Kilroy—I cannot remember that one. But it is a restraining thing like a straitjacket. So we have a number of women with intellectual disabilities who do not have the mental capacity to raise a complaint because, once they are released from there—and we are not allowed into that section; we can get women out to see us but we cannot go into that unit—a prison officer will give them a smoke or a lolly and, if you talk to them about what has happened to their face if it is smashed up or something, they say, ‘I don’t know, but it is good in there because so and so just gave me a cigarette.’ So they do not have the capacity to raise complaints. Because they are in this unit called S4, not a crisis support unit, you cannot raise a judicial review in regard to the decisions being made. Those women will talk about being strip-searched seven or eight times a day. When they come in and out of that unit they are strip-searched again.

CHAIR—So what you are saying is that the strip-searching is really being used as an instrument for controlling them?

Ms Kilroy—Yes, absolutely.

CHAIR—And for breaking them?

Ms Kilroy—Absolutely. It is nothing more and nothing less. It does not discover drugs or uncover contraband. Their own records show that.

CHAIR—Does the same behaviour pertain to men in men’s prisons?

Ms Kilroy—In regard to—

CHAIR—Body searching and that sort of thing?

Ms Kilroy—It is mandatory now—it is in the act that it has to happen always. But I would argue that it has a further detrimental impact on women because of the high numbers that have been sexually abused before they even hit the prison gates.

CHAIR—So it brings it all back?

Ms Kilroy—Yes.

CHAIR—When you described the body search, you described what happens if somebody is menstruating. Does it include cavity searching?

Ms Kilroy—No. That is another section of the act. However, I would argue that, if you have to remove your tampon in a strip-search, it could be argued—and I have been having discussions with solicitors—that that verges on an internal search.

CHAIR—So under what circumstances is an internal search used?

Ms Kilroy—I do not think we have had an internal search for a while now. They are not used as regularly as they used to be years ago. There is also that assumption that, if you are a woman and you squat, everything is going to fall out.

CHAIR—So they make them squat?

Ms Kilroy—Yes.

CHAIR—Just to go back to that point, when they go into that unit, you say it occurs six or seven times a day.

Ms Kilroy—Yes, for any contact those women have externally from that unit. So if they walk across to the education unit and come back, they will be strip-searched again. If they walk out to see counsellors from Sisters Inside and go back, they will be strip-searched again. If they come out and see one of their own psychologists from the prison and go back into that unit, they will be strip-searched again. One woman spent three months in there on remand. She was very traumatised. She has a personality disorder. Approximately 30 per cent of women are in there on remand so we have a Supreme Court bail program where law students volunteer to support women doing self-bail, to get all the affidavits. They also assist in finding accommodation, which is one of the hardest things. They are in prison because they do not have an address to get Supreme Court bail. Those women organise that and then the women front the Supreme Court themselves and get them out. However, we brought a solicitor in for this woman because of the way she was being treated. She would not break. She was a strong woman and she kept going. She could remember everything verbatim and she would write and raise investigations and complaints. The first time she raised complaints with me I spoke to the director-general and to the minister. Two days later I went back and her face was grazed and smashed. She told me she had had her head slammed into the floor. We raised a complaint about that. They did an investigation and said that the prison officers used reasonable force and nothing arose from that.

CHAIR—What was the nature of her charge?

Ms Kilroy—She was on remand and she is still on remand. To cut a long story short, her child was in temporary voluntary foster care. Because she has this personality disorder, she locks doors when she goes into houses. Two staff were in there from another service and family services had rung and she had said, ‘I want my son; bring my son here.’ They rang the police and

turned it into a big siege. They said that the staff had been kidnapped, which they had not been. When she got out of prison, we were there seven days a week. At night, I had to bring doctors in because she was so traumatised by her prison experience. We were in the house and she would always lock the door. At no time were we frightened; it was just about her illness and the further trauma. The courts have not decided on that. We have engaged a good barrister, and hopefully there will be a good outcome. What happened was just hyped up and it was due to her mental illness. One of the problems is that the Mental Health Act is so narrow that these women are not caught under it and that is why they end up in prison when they have personality disorders.

CHAIR—Isn't there another problem there that if you plead not guilty due to insanity, temporary insanity or whatever, you do not get a determined prison sentence? You get a governor's pleasure type of arrangement.

Ms Kilroy—That is right. But going back to the CSU and strip-searching, she was body belted, double handcuffed and thrown into the rubber room. She had started to menstruate. What traumatised her the most was that they would not give her a tampon. Actually, she did have a tampon, but they made her remove it and said she could not have it. There was blood everywhere and it embarrassed her. She was ashamed. It was just the most horrific experience for her. It has been the hardest thing to get her through that. The suicide gown they put on you is such that basically you might as well have nothing on. The back is all open. You asked before whether male officers are there. The majority of officers in the CSU are male and it is under cameras. They would have been there when this was happening.

Mr SCIACCA—What would she have been imprisoned for originally? What was the offence?

Ms Kilroy—She was on remand. From memory, it was for deprivation of liberty.

Mr SCIACCA—So she was just there on remand?

Ms Kilroy—Yes.

Mr SCIACCA—She did not have any—

Ms Kilroy—No, she had not been sentenced—

CHAIR—Because of her disorder about locking doors and they said that was imprisonment against their will.

Mr SCIACCA—In your submission you say that women experience sexual assault by the state once in prison. Are you referring there to strip-searching?

Ms Kilroy—Yes.

Mr SCIACCA—You are not suggesting that apart from strip-searching there are any other sexual assaults?

Ms Kilroy—There were allegations of that when the prison first opened, but we have not heard of allegations more recently. When those allegations did arise, I did go to the director-general and to the minister. They said that they wanted statements from the women. The women were too terrified to give statements, so we basically had to deal with it in-house.

Mr SCIACCA—In your submission—and I think the chair has mentioned this before—you say as well that close to 90 per cent of women in prison are victims of sexual assault and this may be a contributing factor to offending. Is the figure that high? Are you saying that happens at some stage during their lives?

Ms Kilroy—Yes.

Mr SCIACCA—A lot of sexual assaults occur in the home, don't they?

Ms Kilroy—Yes. We have a sexual assault counselling service and we have been funded since 1994 for that, so this is the ninth year that we have had counsellors. The majority of it does happen in the home or in the extended family home, and usually by male perpetrators.

Mr SCIACCA—I would suspect that a lot of the people who are inside jails are there for very violent crimes.

Ms Kilroy—No, practice—

Mr SCIACCA—Give us some sort of an idea. For instance—and while you were there you would have done all this—how many of the prison population were in there for violent crimes and how many were in there just for whatever?

Ms Kilroy—Corrective Services did a state health survey with the University of Queensland. The most recent statistic is that 77 per cent of women serve a sentence of less than 12 months, so they are not there for serious violent crimes. It depends what you would call 'serious violent'. I could spit at a police officer and that is a serious assault these days.

CHAIR—Really?

Mr SCIACCA—No, I mean when somebody has been hurt—someone has been murdered or whatever.

Ms Kilroy—I did work this out the other day because I had to speak somewhere. I think the figure is that nine per cent were in there for murder. But we need to look at the factors as to why women murder, too—for a lot of them it is about horrific histories of domestic violence, for example. If you are saying that people commit violent crimes just for the hell of it, I would say, no, I have never come across anyone who has done that.

Mr SCIACCA—No, I am not suggesting that. I am just sort of making the point that I would imagine that a lot of them there are hardly lilywhite.

Ms Kilroy—You need to look at the circumstances of their lives. I do not know about lilywhite, and I do not necessarily know what that means. This is how we see the path of a

woman's life, usually: horrific sexual abuse; physical violence; poverty; failing at school because of that abuse; turning to illegal drugs to self-medicate because of the trauma and pain, because they do not have the funds to access a psychiatrist who will give them the script that costs money at the chemist—like a lot of other women in this society do; and then, once you use an illegal drug, you are going to collide with crime.

Mr SCIACCA—A lot of people are there for substance abuse?

Ms Kilroy—Over 85 per cent are in there for drug related crimes.

CHAIR—They are in jail for substance abuse—that is what they are convicted for.

Ms Kilroy—Yes, drug related crimes.

CHAIR—Does that relate to break and enter?

Ms Kilroy—Yes, getting money to pay for the drug use.

Mr SCIACCA—To a large degree that would happen in the male population of prisoners as well, I would suspect.

Ms Kilroy—Yes, but the reality is that the figure is not as high. The figure for women is a lot higher and the illicit drugs are used a lot more by women. The harder drugs are used by women.

Mr SCIACCA—I am being the devil's advocate a bit.

Ms Kilroy—I think that if drugs in this country were viewed as a health issue, not a criminal issue, we would reduce the prison population massively.

Mr SCIACCA—That would be the case throughout the whole country, wouldn't it?

Ms Kilroy—Yes, absolutely.

Mr SCIACCA—That is interesting. I think it is correct to say that we have the situation that a big percentage of prisoners throughout this country are in jail because of drug related crimes.

CHAIR—Yes, but the term 'drug related' is too broad. If people are in there as pushers of drugs, major suppliers of drugs, that is a totally different thing. I guess that very few people are in there for usage—they are not convicted for using the drug; they are there because they have either—

Ms Kilroy—For possession.

CHAIR—Are many there for possession?

Ms Kilroy—Yes, women are in there for possession.

CHAIR—Many?

Ms Kilroy—I would not know the statistics off the top of my head.

CHAIR—But it is mainly going to be break, enter and steal; it could be assault, bag snatching—

Mr SCIACCA—Poor people trying to feed their drug habit.

Ms Kilroy—That is right—even to survive, because they are living in poverty. The other thing we need to say is that 30 per cent of women in prison now in this state are Aboriginal, and that figure has increased significantly.

Mr SCIACCA—That is a big percentage, isn't it? Thirty per cent of all women in prison are of Aboriginal descent.

Ms Kilroy—Yes, and I think they also did a breakdown: 23 per cent or 24 per cent are Aboriginal and the other six per cent or seven per cent are Torres Strait Islanders.

CHAIR—What is the usefulness of this continued body-searching process? You have said that your FOI information has shown that only a very small percentage—two instances, did you say?—

Ms Kilroy—They have recorded two instances. Over the three years, contraband that has been listed has been things like tobacco, cigarettes, earrings and clothing. One was recorded as a scratch from the window to the wall. There was a pad with no blood, a 'foul odour'—I do not know how you find that. They were the things recorded. There were two drugs. Even a baby was recorded in those documents as being strip-searched. They are the types of things.

CHAIR—A baby?

Ms Kilroy—Yes, it would have been a baby that was living in the prison with its mother. We have raised a complaint, saying that the children are not in there for a crime and they are not covered by this legislation to be strip-searched. Staff were strip-searching the babies and the smaller children. We even had a two-year-old who had been in there and would come out of a visit and start taking their clothes off and squatting and coughing because they had learnt that behaviour, which is just horrifying.

Mr SCIACCA—What does your organisation think can be done to improve these sorts of occurrences? How do you think that conditions can be improved?

Ms Kilroy—I just want to state first and foremost that we are not a reform group. We are abolitionists. We do not believe in prisons. They actually fail. When we look at the recidivist rate, we know that they fail, and they fail drastically for women. On the broader issues, there needs to be a redistribution of income and power in the community first and foremost. We need to spend more resources on things like accommodation, health and education early on in life and then follow through. The great divide is getting bigger and bigger. We need to look at how much money gets poured into these systems. We know it is \$74,000 a year per person, which is a huge

amount of money. If that money were available in the community and the community had better resources to support their community members, I think that we could tackle these issues a lot better so mass numbers would not end up in the prison system. But that seems to be where the poor, the mentally ill and the Aboriginal people of this country are going—into the prison system.

CHAIR—I certainly agree with you that there have been more people going into jails for mental health reasons. Reports like the Richmond report in New South Wales said that when people who were mentally ill and were in what were known as institutions were just turned into the streets, there was nowhere to go. They would sleep under bridges and they had no supervision of medication. It was the most irresponsible thing that was done. That has been done right across the country and something has to be done to rectify that situation. But I do not think we should kid ourselves that there are no people that society does not benefit from having in jail. I am certainly not going to buy that line.

Ms Kilroy—Yes, but what I am saying is: prison does not work. Yes, there may be some people that need to be removed from the community, but can't we find some more humane ways to treat these people instead of such an inhumane way?

CHAIR—No, there are some people who need to be locked up and locked up for good, like the murderers of Anita Cobby. The details of some of those crimes are never made public because they are too horrific. There are people in our society who need to be removed from society, and that will always remain the case. What we are looking at here and what I am hearing from you is that there is a treatment regime which is aimed at dehumanising people—not to improve the society but for sheer control. So I would very much like those FOI documents, if we could have those.

Ms Kilroy—Yes.

CHAIR—You also said that you met in prison women who had been sexually abused from the age of two months. How common is that?

Ms Kilroy—Probably the average age, from our records, would be two years and upwards, so with the majority it is from a very young age.

CHAIR—And by whom, usually?

Ms Kilroy—I can gather all that data from our reports. We have to hand in quarterly reports because of our service agreement. It is usually the father, the stepfather—those types of people.

Mr SCIACCA—Within the family?

Ms Kilroy—Yes.

CHAIR—Or de facto relations?

Ms Kilroy—Later on in life, yes.

CHAIR—That is later on in life?

Ms Kilroy—De facto with the mother would be the stepfather, for example. But it is family related, yes.

CHAIR—What do we do about that? What do women who have suffered that say about that? How can society devise a system to protect them?

Ms Kilroy—It is so difficult. I have had this debate, more recently, around men who are imprisoned for sex crimes, for example. It is about the nature/nurture debate. I do not think anyone has come up with the right answer as to whether it is one or the other, or both, or how this happens. I suppose it feeds into the broader issue of how we treat people.

CHAIR—For a man to sexually abuse a two-year-old child or a baby is beyond my comprehension.

Ms Kilroy—It is not beyond their comprehension.

CHAIR—It is obviously not beyond their comprehension.

Mr SCIACCA—How do you legislate against grubs? There is no excuse for stuff like that.

Ms Kilroy—No.

Mr SCIACCA—It is happening out there all the time, and a lot of it has been hidden.

Ms Kilroy—It is. I think it is on a greater scale than even the research shows about the sexual abuse that happens in homes. I do not have a quick solution.

Mr SCIACCA—No-one has a quick solution.

Ms Kilroy—I do not think there is one solution. That is the difficult thing. Everyone looks for one solution, and there is no one solution.

Mr SCIACCA—You could shower them with money, good conditions—

CHAIR—That would not change them.

Mr SCIACCA—bigger pensions and everything else and they are still going to be grubs. Do you know what I mean? It is something that happens in society. It has been covered up for so long and people have never talked about it, but now they do and we can see the extent of it.

CHAIR—And here we see the outcome of it.

Ms Kilroy—Yes, that is right.

Mr SCIACCA—And there is the advent of more drug taking and all the rest of it.

CHAIR—I notice that Anne Warner, who did not come today, has become involved with you. How did she come to join your organisation? Was it because of her experience with government?

Ms Kilroy—Anne has been the president of Sisters Inside since 1997, I think. Back in 1996 or 1997 our sexual assault service was defunded, and Anne—I did not know who she was—was suggested as a consultant to support the process of trying to get that funding back, because it was crucial that there were sexual assault counsellors in the prison. She supported that process and the women were very happy with her work. We asked her to join the management committee, and she has been there ever since and has been fantastic.

Mr SCIACCA—She has a long history in women's rights issues and that sort of thing. I have known her for 20 or 30 years and she has always been like that.

Ms Kilroy—She is probably the most amazing woman I have met in my life in regard to supporting women, supporting me in my role, supporting the organisation and advancing these issues for women inside.

CHAIR—Have your programs been developed by you or has somebody else developed them and you administer them?

Ms Kilroy—We have a meeting in the prison every third Saturday, just like any management committee meeting. Through the women who are inside and on the steering committee we identify the needs. We first applied for the sexual assault counselling because the biggest issue that all the women were raising was about having some counsellors to heal their horrific abuse histories. That is why we have the counsellors. Everything has come from Sisters Inside. We have developed the programs from the ground up. We have received funding for these specific programs, and we administer them and evaluate them.

Mr SCIACCA—Are you funded by the state government?

Ms Kilroy—We get state and federal funding.

Mr SCIACCA—You said there was no more funding for the women's transition program. Did that funding come from the state?

Ms Kilroy—We initially had funding from FaCS, the federal government, for a 12-month pilot which was highly successful. We wrote another submission, under the Stronger Families and Communities Strategy, which we gave to Minister Vanstone two years ago. It sat on her desk, and it was only last week or the week before that we finally received a letter. It has taken two years to say that we were unsuccessful. It sat on her desk that whole time. I have constantly been ringing the minister's office and asking what is happening. Their line was that it was being considered. We never heard anything.

Mr SCIACCA—You said that that was very successful.

Ms Kilroy—It was highly successful and was put up as a model nationally. FaCS organised a post-release roundtable with the Australian Institute of Criminology. Two committee organisations were invited to that meeting—I was invited and VACRO from Victoria was

invited. It was supported at that meeting of bureaucrats and the Australian Institute of Criminology as the leading practice model. They recommended that it be funded, but we do not have any funding for it.

Mr SCIACCA—Was it much money?

Ms Kilroy—No. I think it was about \$100,000. It was nothing when you look at how much we spend on keeping women inside and how much was being spent—

Mr SCIACCA—You only have to keep one out for a year and you have saved over \$74,000.

Ms Kilroy—Exactly.

Mr SCIACCA—It would be worth while applying for it again. I am sure that it is the sort of thing that I and a few other members from here would support.

Ms Kilroy—It is definitely needed. Intensive post-release support is crucial for women to have support and to get together—

Mr SCIACCA—You are not going back.

Ms Kilroy—No, absolutely.

Mr SCIACCA—You say there is 60 per cent recidivism.

CHAIR—It is 63 per cent.

Ms Kilroy—We definitely do not want them going back.

Mr SCIACCA—It is an extraordinary figure.

Ms Kilroy—On the record for this state it is 59.23 per cent or something.

Mr SCIACCA—And 80 per cent of that is drug related.

CHAIR—I think it is too broad a term; you need a better breakdown of why people are there—whether it is violence or whatever.

Ms Kilroy—There are those breakdowns but we need to be aware when it is assault or violence. We need to be aware of what constitutes serious—

CHAIR—I am amazed that you told me that a serious assault is spitting at a policeman.

Ms Kilroy—It is in the Criminal Code.

CHAIR—It is in the Queensland code?

Ms Kilroy—Yes.

CHAIR—Just so that I understand entirely, with the list of all these women's prisons, strip-searching occurs in each institution?

Ms Kilroy—It occurs in the maximum security prisons—Brisbane women's, Wacol and the secure part of Townsville. That is where they must do it. In the other prisons it is done under section 27 which, off the top of my head, is about reasonable suspicion.

CHAIR—So in the maximum security prisons—and there are two of those, Brisbane and Townsville—every time—

Ms Kilroy—It is mandatory with a family contact visit, yes.

CHAIR—What about visitors who are not family?

Ms Kilroy—It is the same thing.

CHAIR—So it is everyone except your lawyer?

Ms Kilroy—Basically—except for us, yes. Except in the crisis support unit those women will be strip-searched, no matter who it is—solicitors, us or their own staff. I suppose they are alleging that their own staff are drug traffickers who are passing over contraband. The women from that unit are to be strip-searched over and again.

CHAIR—And reasonable suspicion in—

Ms Kilroy—I can't remember the exact wording in section 27 but it is not mandatory, as it is in the other section.

CHAIR—As to the people who go into maximum security, why would a woman be in maximum security?

Ms Kilroy—Every woman who goes to Brisbane women's, from probably from halfway south-east Queensland and down, and the other women going to Townsville—they are the two prisons. So for every woman who has been sentenced, basically, probably from halfway up Queensland and down, that is where they are processed—straight into maximum security.

CHAIR—How long do they stay there?

Ms Kilroy—It depends on their crime, when they are assessed, how long their sentence is et cetera. Sentence management and internal processes make those decisions.

CHAIR—Is it an internal decision?

Ms Kilroy—Yes. The criteria are in the legislation, but we need to be aware that there are hardly any beds for low security. Corrective Services, at a meeting I was at probably a couple of

months ago, stated that from March last year to March this year 487 women were released, 78 per cent of whom were released from maximum security. Even women who were at the end of their sentence were released from maximum security; they never were afforded the opportunity to go to low security. Aboriginal women rarely get moved to low security. Most of them do it in maximum security and are released from maximum security, which creates a whole heap of other issues because they have not been slowly reintegrated back into the community, which also impacts on recidivism.

CHAIR—Do you know whether this strip-searching regime occurs across Australia or is it peculiar to Queensland?

Ms Kilroy—No, there is strip-searching across Australia. However, we have the most draconian—

CHAIR—Yours is the most rigorous?

Ms Kilroy—That is right—vicious. Ministers here will say that it is because we have to be seen to be hard. To be seen to be hard would be doing something that is not further impacting on women's lives.

CHAIR—Di Fingleton would have gone to Brisbane?

Ms Kilroy—Yes.

CHAIR—She would have been subject to all that too?

Ms Kilroy—Yes; three strip-searches by the time she hit the prison reception area.

CHAIR—The same for Pauline Hanson?

Ms Kilroy—Yes, the same. Di is now out at a low security prison, so she does not have mandatory strip-searching after family visits on the weekend. But, just as Pauline or any other woman who was in maximum security, she will, yes.

CHAIR—Is it possible for us to go and see a prison, to see how it is and talk to some of the women in prison?

Ms Kilroy—I am sure. We would need to go through protocols and go through Corrective Services. The women on our steering committee would probably be more than happy to speak to you and talk about what happens for them.

CHAIR—Have you got any other questions, Con?

Mr SCIACCA—No, not really. I think the submission says it all.

CHAIR—Thank you for coming today, and thank you for your straightforward answers.

Ms Kilroy—One thing I did not raise—if I could do it now—is Centrelink.

CHAIR—Yes.

Ms Kilroy—When women are released from prison, if they are eligible—like if they do not have any money, and that is most of them anyway—they are eligible for only \$160 as a crisis payment. They are supposed to re-establish themselves in the community with that money. You cannot even rent somewhere, let alone have a bond, let alone buy food, let alone get transport. It is just not enough.

CHAIR—So it is a one-off re-establishment grant. Would they then be eligible for Newstart?

Ms Kilroy—Yes. But what actually happens is that then they can get the advance payment of two weeks. So they could get three weeks, but then you get nothing for another three weeks, because Centrelink payments are retrospective. You then have to wait another five weeks to get two weeks. So you lose a week in that and you have got nothing to move across. If you have got \$480, you still will not have enough for accommodation bond and rental—let alone food, transport, going to see your parole officer et cetera. That is a huge issue.

The other thing is that, in this state in the legislation, anyone under two years is not eligible for parole. They have to spend two-thirds of their sentence in prison, and then it is up to Corrective Services whether they release them for the last third. So we are actually seeing more women spending longer periods of time in prison, which has a further impact. Even so, there is no guarantee for women who are sentenced over two years—because in the legislation it states at section 139, I think, that Corrective Services does not have to take into account a judge's recommendations of a bottom. For instance, if someone got three years with a 12-month bottom, we are not seeing those women released at their bottom. I have just gone from federal to state legislation again.

CHAIR—Again, I thank you for giving evidence to the committee. The committee is most interested in what you have to say. We are looking at all aspects of crime across Australia, and you have certainly given us an insight into what is happening here in this state.

Mr SCIACCA—Might I add: you are a perfect example of someone who has rehabilitated pretty well.

CHAIR—Absolutely.

Mr SCIACCA—Congratulations on all those gongs you have got. That is great.

Ms Kilroy—Thank you.

CHAIR—But, at the end of the day, for the women you are meeting with as part of your committee, does the fact that they have seen you do that give them hope? Does it give them strength?

Ms Kilroy—Absolutely. The majority of women—I think there are eight at the moment—on our steering committee are lifers or long-termers, except for one of the Aboriginal women; the

other one is serving a long period of time. One of the lifers has already finished her university degree and the other has started her law degree. Like I said, you need to study law now—instead of doing it later, like I did. We have also started a scholarship fund for women inside, so they can apply to Sisters Inside to get \$1,000 a year over three years to support their further education. There are only 10 full-time positions inside the prison and they do not have the money to buy. So we have got three women at the moment and we are just readvertising. That is not through government funding; it is through donations or if I get paid for speaking engagements. The funds for Telstra I always donate back to the organisation, and that goes into that scholarship fund for women; because education is important and it gives us choices.

Mr SCIACCA—How many women, roughly, are in jail at the moment?

CHAIR—274. Am I right?

Ms Kilroy—Is that today's figures? I think there are about 230 at the maximum security unit. There would be 300 or so—probably 400 across the state.

CHAIR—Again, thank you very much. As Con was saying, you are an excellent example of rehabilitation and you are going out there to help other women do it too.

Ms Kilroy—It is important that all women support each other—and men. It is about walking our talk. If we are true to our values and we want to support other people in the community, they are one of the most disadvantaged communities, and those women inspire me. They are surviving a horrific regime, and I am more than happy to walk with them until, hopefully, they come out the other side and walk away from it.

CHAIR—Thank you very much. We received a submission from Mr Des O'Neill. There being no objection, that is authorised for publication.

Resolved (on motion by **Mr Sciacca**):

That this subcommittee authorises publication, including publication on the parliamentary database, of the proof transcript of the evidence given before it at public hearing this day.

Subcommittee adjourned at 3.16 p.m.