



**Submissions of  
Aboriginal & Torres Strait Islander Legal Services (Qld South) Ltd  
to Senate Standing Committee on Community Affairs  
regarding Security and Veterans' Entitlements Legislation Amendment  
(Schooling Requirements) 2008 Bill**

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**Background of our organisation - our capacity to comment**

Aboriginal and Torres Strait Islander Legal Service (QLD) Ltd (“ATSILS”) provides legal services to Aborigines and Torres Strait Islanders in Queensland. Previously, ATSILS delivered this service in only southern Queensland but since 1 July 2008 does so throughout the State. ATSILS primary role is to provide criminal, civil and family law representation and advice to Aborigines and Torres Strait Islanders.

We are also funded by the Commonwealth to perform a State-wide role in the key areas of: Law and Social Justice Reform; Community Legal Education and Monitoring Indigenous Australian Deaths in Custody.

We ask the Committee to consider us a stakeholder in the process of reform. Our address is 5<sup>th</sup> level, 183 North Quay, Brisbane 4000. ph 07 3025 3888.

**Overview**

Our concern is that the **Security and Veterans' Entitlements Legislation Amendment (Schooling Requirements) 2008 Bill** (“the Bill”), by linking the payment of welfare benefits to enrolment and attendance at school, will not achieve the aim of Education of children, particularly our children and those in remote areas. Nor will cutting the welfare benefits ensure that food will get to the children. We are opposed to the Bill.

In these Submissions we put forward SOLUTIONS, which effectively address the concerns of Education, Health and the Justice System. These Solutions are: practical, evidence-based, cost-effective, non-invasive and will be embraced by children and parents and ultimately, appeal to the voting Australian public.

We are well aware of the correlation between youth disengaging from the Education system and their entry into the Criminal Justice System. What would assist in the Education of Aboriginal and Torres Strait Islander children would often also apply to most other children who are in rural and remote areas.

### **Reasons for, and Solutions to these children not engaging in Education**

We offer these illustrations of the reasons for disengagement. Their parents:

- don't put food on the table
- don't encourage the child in their studies
- can't provide transport for them to get to school
- are dysfunctional so that the child internalises their problems.

We put forward these ways to counter these disadvantages:

#### **Food:**

The issue of food is important on many levels:

- There is the health aspect. The high incidence of malnutrition amongst Aboriginal and Torres Strait Islander young people is notorious and rivals the incidence in developing countries. Feeding the child is vital.
- From a long-term health perspective, introducing the child to nutritional food at an early age is education on 'healthy eating'.
- There is the incentive aspect. In other words, if the child gets a meal at school they will be encouraged to go to, and stay at school.
- There is the learning aspect. Children who do not eat properly do not learn. That is part of the reason for our children not learning.

Though it has been thought for this issue to be addressed by quarantining parents' Centrelink payments, this does not solve the practical aspect of getting the food to the child. The opportunity to do this is when the child is at school.

The idea of providing meals at schools has worked successfully in other areas. It is a generic problem in remote and rural areas for the people there, irrespective of their ethnic background. We realise that such a plan would require a 'cross- government' approach with the Education Departments in the States. It maybe that also their Health Departments would contribute as malnutrition/ healthy eating is also one aspect that is addressed.

#### **Transport:**

Many of our people live in areas which are not well serviced by public transport. Many do not have their own motor vehicle or have a driver's licence. There is also the issue of safety for the children in getting to and from school.

It is pointless to lament that our children do not attend school when they have the practical difficulty of travelling to school. The only practical way to address

this matter is to provide them with transport. The transport has to be more caring than just picking up the children at a designated stop. The transport may need to route past the doors of the homes of the children. It would be at no huge cost for a 'mini' bus to do the rounds of homes to schools twice a day.

These are suggestions for what works! The Murri School, on Brisbane's south-side, does this and its success in educating children who go on to become productive members of society, demonstrates the effectiveness of this solution!

**Surrogate parents – aide at schools:**

It seems that up to about grade 3 our children are at a similar level to other children. However, divergence in levels then becomes apparent. While there are many opportunities for our young people when they are at the senior secondary school level and university entry level, so many do not go beyond achieving basic literacy, albeit they finish secondary schooling. It is at primary school level the issue must be addressed.

Under this heading we have in mind a person who might be categorised as a 'teacher's aide' but whose function is more on an emotional than on an academic level. For convenience, we describe the person as an "aide". We know that at primary school level, such a person has brought about excellent results in regard to attendance and performance of our children.

In some respects the 'aide' would act as a surrogate parent. Sometimes the child needs this resource because the people who put the child at risk are family members. The child will need this resource if parents are dysfunctional due to drug or alcohol misuse or inherent mental or emotional causes.

Other Departments may need to link with Education Departments and Non Government Organisations ("NGO") to recruit aides in selected primary schools, particularly those schools where our children form a significant proportion of the school population. We believe that there is an untapped pool of people who would want to work as an aide.

The preferable criteria for this person should not be academic but cultural, their life experiences and people skills. Programs, which provide the services that we envisage an aide will provide, would need to be funded throughout the school year. It is counterproductive for the children's outcomes for an aide to be employed for only part of the year. Funding for aides should be earmarked so that school principals are not tempted to expend funds on other 'facilities'.

We see this as an effective way to stop our youth disengaging from the Education system is for the children to have transport to school, two meals at school and have the support of a person (who we have labelled) an aide.

### **Use Sport to encourage schooling**

A high proportion of our people are outstanding sportspeople. Those people are heroes to our youth. Very often, the way to engage our youth is through sport. An example of how this is achieved is the AFL "Kickstart" program in the Far North. The team leader is an Aboriginal man who is committed to his work.

Kickstart aims to select school students who have the potential to be AFL (indeed AFL in North Queensland) players. The program has also the purpose of helping those selected to remain at school and avoid the Criminal Justice System. This underlying purpose is achieved because:

- Those selected really want to play AFL or indeed any sport. Given this motivation, they accept to enter the program on the condition that they attend school and 'stay out of trouble'. This compliance is monitored and results in school attendance.
- The personal charisma of the program providers is significant and demonstrates our comments on mentoring and role models.
- Program officers regularly visit the communities of, and have continuity of contact with participants - they build personal rapport at training camps.
- Training camps held in school vacations keep participants occupied.
- Camps are an opportunity to remove a youth from an 'at risk' domestic situation and to develop contacts with different types of people.
- The program deals with large numbers of participants and is cost effective.
- The program delivers education on healthy lifestyle.
- The Kickstart program is adaptable and could be a model for programs.

Not every young person has the sporting skills at a level for selection by a sporting organisation. However, the Mentor can engage any of our young people to connect with a sporting activity at the level appropriate for the individual. Involvement in sporting activities at any level helps youth develop their self-respect and goes to reorientating them to adopting lawful behaviour.

### **Draw on the experience that has been learned from the Murri Court initiative**

The initiatives of the Murri Court build on:

- Being culturally appropriate
- Providing intervention education
- Having an effective support system with referrals to suitable agencies
- Informing on cultural aspects

Of great importance, is the need for the Elders to be from the area or tribal group of the offender. A perception, that Aborigines will be 'easy' on offenders is not correct. We have observed that the significant factor in terms of recidivism is the connection of the Murri Court Elder with the offender's "country". This Elder cannot be ignored by the offender nor can the offender 'shrug off' this Elder's comments.

The value of the Murri Court needs to be explained in recidivist rates to demonstrate the economic savings it provides to Government as well as its social benefits. We are confident about our comments on the reduction in recidivist rates of those who have been in the Brisbane area Murri Courts.

It is only our clients who have the real likelihood of receiving a sentence of imprisonment who are selected to go to the Murri Court. This real likelihood is usually due to the fact that the offender is a persistent recidivist. Of our clients who have appeared in the Brisbane area Murri Court, not more than 12% have reoffended. Don't say, "12% recidivism", and leave it at that, instead say, that of a population of persistent recidivists, of whom most were likely to reoffend, only 12% did. This is 88% success rate!

Thus if using Elders has been so effective in dealing with recidivists, then similarly they would be effective if employed in suitable positions in the Education system, to encourage school attendance.

**Mentoring by an appropriate "Indigenous" person**

Some of our parents need to learn how to be parents. Sadly, where there is no other model to use, a parent may simply adopt the practice of the dysfunctional circumstances in which they were raised. An Aboriginal (and/or) Torres Strait Islander Officer is best placed to give advice to the client youth's parents and engage the parents in appropriate behaviour. Thus, it is difficult to encourage school attendance or support a child if there are other family members with a drug or alcohol problem.

Assisting a family often covers a wide range of matters. Usually the family needs assistance to manage finances, in seeking employment and organising accommodation. The whole-of-family approach is needed. One community groups has had success in helping youth rehabilitate by gathering in the whole family. This has led to linking other families to provide mutual support, even simple activities help normalising the lives of these families.

Education Departments might build on the success of the initiative of some agencies and actively recruit Aboriginal and Torres Strait Islander employees as the further special value of these people is that:

- They overcome the communication barriers that exist between our young people and authority figures.
- Can anticipate the particular needs of our youth.
- Can engender a respect for their authority because they do their job in a culturally appropriate way and "tap into" our community human resources.
- Effective bridge the divide between "mainstream" and our youth.

### **Involvement of our people – mentoring - to get children to school**

A common theme to all the comments that we have made is that it will not be quarantining welfare payments by itself that will influence parents to have their children attend school. Sometimes the parents are not capable of doing this and it is the support that we have outlined that is crucial to bring about change. We use the expression “mentoring” to explain the sort of emotional support that is needed. In other “speak” the expression might be translated as a management plan or counselling. As we understand Dr. Larissa Behrendt in her paper to your Committee, where she details the outcomes of similar experiments overseas, our practical experience in this regard is in line with overseas findings.

### **Involvement of our people in, and informing on our culture, through Education**

As you have read in our comments on Elders in the Murri Court and the other examples of Mentoring, we see a “mentoring” system as fundamental to the success of any program which aims to address the needs of our young people. Our children need to feel “an ownership” of their education and this comes about when their Elders are involved in the process.

There needs to be more Education on culture to enlarge this sense of “ownership”. There have been efforts to do this in Queensland, for example, the Education curriculum development unit policy of “*Embedding Aboriginal & Torres Strait Islander Perspectives in Schools*”. However, this initiative has stalled from going into schools due to the need for the Principal of each school to agree to teach the subject. There are courses on our culture in some schools in the final years of secondary schools and at some Universities in their Education degree. That education comes too late for the bulk of our children and too late for the general population. There is an enormous amount of teaching materials available for all levels of schooling, starting at grade 1 and continuing through secondary school. Again, this is an untapped means of encouraging our children’s attendance and informing the general population on the original people of this land. One need only see across the Tasman (or a sporting match on our soil) at how such education on their indigenous culture has unified (not fragmented) New Zealand society.

### **Alcohol misuse**

Alcohol Misuse is the single most destructive influence in our communities. It is also a significant factor in mainstream society as the stories of battered wives, hospital records and matters that come into the Criminal Justice System show. In March 2008 we responded to the call by the Queensland Treasurer for submissions on reform of the Liquor Act. We put forward ways to address this issue. We drew on the 2007 evidence-based research of the National Drug Research Institute, Curtin University of Technology ([www.ndri.curtin.edu.au](http://www.ndri.curtin.edu.au)) (“NDRI”) *Restriction on the Sale and Supply of Alcohol: Evidence and Outcomes*.

Again, we suggest that if alcohol misuse and gaming are root causes of family dysfunction, then those issues should be addressed in an effective way. Quarantining welfare payments will not address these core issues. Here are suggestions on how to address these core issues:

**Trading Hours – Objectionable Practices**

These studies show that alcohol misuse decreases when extended trading hours were reduced. We endorse restricting trading hours and trading days. While total prohibition can grow its own problems, restricting trading hours seems not to encourage sly grog. While 'usual' trading hours are 10am to midnight, we suggest that they be further restricted. We cannot see the rationale for opening at 10am. Trading might be regulated to not start before noon and closing should be earlier than midnight / the 5am of some venues.

But, we must note that inherent in the situation of alcohol misuse for our people are these matters:

- Cheap liquor as typified by low-grade cask wine
- Irresponsible licensees
- Oversupply of bulk liquor
- Sly grogging.

We suggest that a similar rationale for many aspects of gaming would apply to the issue of alcohol as detailed in the NDRI Report.

**Economic rationale of adopting our suggestions and not pass the Bill**

It is economically sensible to spend money on Education "Upstream" than on expenses associated with the Criminal Justice System, "Downstream". If the average cost of incarceration per annum for a detainee in Queensland varies between \$60,000 and \$75,000, then spending a fraction of that sum on Education is a long term saving.

Thus, in Victoria where there is 1million more people than Queensland in the general population, Victoria has some 2000 less in its prison population. You can easily extrapolate the potential budgetary savings of reducing the prison population in terms of billions of dollars, without also factoring in the savings gained in the other parts of the Criminal Justice System. As well as our comments, do ask what does Victoria offer as best practice when the Commonwealth is in meetings with the States?

Yours faithfully,

**Shane Duffy**  
**Chief Executive Officer**  
**Aboriginal & Torres Strait Islander Legal Services (QLD) Ltd**