



## SPARK AND CANNON

### TRANSCRIPT OF PROCEEDINGS

Telephone:

Adelaide	(08) 8110 8999
Brisbane	(07) 3211 5599
Canberra	(02) 6230 0888
Darwin	(08) 8911 0498
Hobart	(03) 6220 3000
Melbourne	(03) 9248 5678
Perth	(08) 6210 9999
Sydney	(02) 9217 0999

---

THE HONOURABLE TIMOTHY FRANCIS CARMODY SC, Commissioner

MS K McMILLAN SC, Counsel Assisting  
MR M COPLEY SC, Counsel Assisting

IN THE MATTER OF THE COMMISSIONS INQUIRY ACT 1950

COMMISSIONS OF INQUIRY ORDER (No. 1) 2012

QUEENSLAND CHILD PROTECTION COMMISSION OF INQUIRY

AURUKUN

..DATE 10/10/2012

Continued from 4/10/2012

..DAY 23

**WARNING:** The publication of information or details likely to lead to the identification of persons in some proceedings is a criminal offence. This is so particularly in relation to the identification of children who are involved in criminal proceedings or proceedings for their protection under the *Child Protection Act 1999*, and complaints in criminal sexual offences, but is not limited to those categories. You may wish to seek legal advice before giving others access to the details of any person named in these proceedings.

THE COMMISSION RESUMED AT 9.11 AM

1

COMMISSIONER: Good morning, everyone.

MS McMILLAN: Yes, good morning, Mr Commissioner. I appear as counsel assisting this morning.

COMMISSIONER: Thanks, Ms McMillan. I had better take appearances from everyone else too.

MR SELFRIDGE: Yes, certainly. Good morning, commissioner. My name is Selfridge, initial J, appearing on behalf of the State of Queensland.

10

COMMISSIONER: Thanks, Mr Selfridge. Ms Byles?

MS BYLES: Yes, thank you, commissioner. My name is Byles, Byles, initials S.J, solicitor with the Aboriginal and Torres Strait Islander Legal Service.

COMMISSIONER: Thank you. Mr Capper?

MR CAPPER: Thank you. Capper, C. for the Commission of Children, Young People and Child Guardian. Thank you.

20

COMMISSIONER: Thanks, Mr Capper. Yes, Ms McMillan?

MS McMILLAN: Mr Commissioner, yesterday, as you know, the commission travelled to Aurukun to hear about child protection service delivery in this remote indigenous community. The community conducted meetings with us through the local mayor, the local council of family responsibility commission and the families, housing and indigenous affairs community services and we thank them for their time and their candour.

30

These meetings allowed us to discuss child protection issues from a federal, state and local level. We were struck at the very close working relationship between all tiers of government. The most successful programs have been community based. Discussions and consultation took place around building community capacity for sustainability of delivery services in Aurukun to support and provide child protection. However, as you will hear from the witnesses today, they are remarkable individuals who have made singular contributions in their areas of occupation. Firstly we will hear from Brendan Michael McMahon who is the senior sergeant officer in charge here at Aurukun. His statement is fulsome and details both his areas of responsibility, problematic issues within Aurukun and some of his opinions helpfully provided as to where in his view change should occur.

40

The second witness you will hear from is Bruce Marshall who is the service development and integration officer employed

10/10/12

McMILLAN, MS

50

by community services. Importantly, he appears to be the only state government employee apart from health, education and police who actually lives in the community. He appears to be, both from his statement and what we have gleaned otherwise to be the linchpin for coordination of services such as the Department of Child Safety and other government departments who fly in and out often each fortnight. It seems, inexplicably, his job will finish in just two months' time.

1

The third witness is Patrick Mallett. He is the acting campus principal of the Aboriginal Australian Academy, Aurukun Campus. Again, he comments importantly on the very much increased school attendance and the benefits of that, but again, some of the difficulties that he has encountered within the community.

10

The next witness, and last, will be Karl Briscoe. He is employed by the Cape York Hospital and Health Services district office and he's acting in the position of director of primary health care. The actual person who is employed within the community. Josh Stafford is unfortunately on leave, but I propose, without objection, to tender his statement during the morning. They are almost identical, Mr Briscoe's and his, but they appear to be - there are some slight differences.

20

There is a common theme that emanates from all of those statements and that might be encapsulated that the Cape York partnership, which as you know, is an initiative between the communities of Aurukun, Coen, Hope Vale and Mossman Gorge, has established a family responsibilities commission, reinforced the socially responsible standards of behaviour and primary responsibility of the community for itself and, importantly, families. All witnesses agree that the alcohol management plan should remain in place, although Sergeant. McMahon will comment and comments in his statement, there needs to be an effective exit strategy in relation to that.

30

Whilst, of course, that plan prohibits the consumption of alcohol, it seems, unfortunately, that alcohol at times is still rife within the community and these witnesses each point to the deleterious effects of alcohol upon members of the community and, of course, particularly of interest to this commission is the impact on children. They all comment - most of them comment on the issues of gambling and whilst in and of itself it may not be illegal, the problematic issues that arise with children being left unsupervised, naturally the diversion of funds from the family that should otherwise support them.

40

To encapsulate; this appears in Mr Stafford's statement, 8.1.7, "The introduction of welfare reform, the cessation of the sale of alcohol at the tavern and the introduction of the CYAA," which is the school, the academy, "the

10/10/12

McMILLAN, MS

50

concurrent occurrences of these three have in my own observations decreased the incidences of domestic violence, increased school attendances and allowed for money to be redirected to the sale of food and other essentials related to the health and wellbeing of children." So, Mr Commissioner, I call Sergeant McMahon.

1

COMMISSIONER: Thank you. So just for the record, what we're looking at today are the child protection issues in an indigenous community that has been - or was established at the turn of the century, in which about 1200 people live.

10

MS McMILLAN: Yes, that's so, and it appears that the alcohol was prohibited until the early, mid 1970's, when the Queensland government resumed - or assumed control for this community and there was the introduction, it seems, of alcohol and that appears to have been if not instrumental, played a very large part in a lot of the social problems that currently face this community.

COMMISSIONER: And now we've done the full circle and prohibited it again.

20

MS McMILLAN: We have, but as we know from other evidence, it's currently under review.

**McMAHON, BRENDON MICHAEL** sworn:

COMMISSIONER: Thank you, senior sergeant. Welcome, we appreciate your time.

MS McMILLAN: Thank you. Senior sergeant, you've prepared a statement, haven't you, in relation to this commission? ---That's correct.

30

All right, and it was affirmed on 27 September?---That's correct.

Would you have a look, please, at - senior sergeant, is that a copy of your statement?---It is.

Yes, I tender that, Mr Commissioner.

40

50

COMMISSIONER: That will be exhibit 76 and it will be published online. 1

ADMITTED AND MARKED: "EXHIBIT 76"

MS MCMILLAN: Yes, thank you.

Have you got a copy of it with you?---Yes, I do.

All right. Okay, thank you. Senior sergeant, if I could just ask you obviously some questions in relation to your statement. Could I ask you, please, to go to paragraph 15 of your statement, page 3? You are describing there the role of the community police. Could you just expand in terms of what powers you understand they have under the relevant sections in the Liquor Act and the Police Powers and Responsibilities Act?---Okay, under the Liquor Act they have very similar powers to the state police, on the one proviso, and that is that if the officer in charge of the station has made them an authorised officer to approve and basically to do - so to do that the officer in charge, which is me, would have to be confident that they would understand their powers and also understand how to put them in place, and the powers are the powers to stop vehicles that they believe are bringing alcohol into the community illegally. That is to also seize the alcohol, so generally pretty much the same powers as the state police have to enforce the AMP, but they do have to be trained and they do have to have - and I have to be confident that they - the interception of the car, the talking to - or talking to suspects and everything else would need to be done. So generally they don't use their powers at the moment. 10  
20  
30  
40

10/10/12

McMAHON, B.M. XN

COMMISSIONER: Can they seize the car that carries the alcohol?---They could. They can do pretty much exactly what we could do so they can, but they haven't and they - the community police really aren't at that level yet so there'd be a long way for - quite a bit of training to take place before that could happen and also I'd need to take into account what position that may put them in, in relation to clan alliances and what effect it would have on their families. So it's a lot bigger than just a simple matter of saying, "There's the powers - - -"

1

MS McMILLAN: Yes, and I take it that you may delegate some powers as you would deem it appropriate or the training level reaches a sufficient level to do that?---I think the way that reads - I think once they're approved to be authorised I think they could - - -

10

You give them the - - -?---The get all the powers.

All the powers?---All the powers relevant to the Liquor Act, yes.

And in relation to that, how many of the community police currently here have you authorised with those powers?---None.

20

None?---No.

All right. So to encapsulate, you're obviously evaluating all those issues you've enumerated, the training capability and also the position or the duality that it may place them within the community?---Yes, and by saying "no" - and that's at the moment - my long-term view would be that they could do all the - everything that's in - got the power to do. All it would take would be training, supervision and the implementation of it all. So it could be done but it's a long-term project, not a short-term project.

30

COMMISSIONER: Who would do the training, sorry.

MS McMILLAN: I was just going to ask the same question.

COMMISSIONER: Okay.

MS McMILLAN: Yes?---The training at this stage - because the community police are employed by the council, the police department - Queensland Police doesn't have any responsibility of training anyone. We do. The service does offer quite a bit but there's no obligation to do that. So at this stage what we rely on for training is pretty much what we can arrange through the service just as extras or the council coming up with funding to fund a lot of training. So at this stage it's the council's responsibility. However, we're pretty much - well, the police do most of it.

40

COMMISSIONER: So council in practical sense delegates it to you. They don't have any training programs?---Well, look, I deal with - I have spoken to the council in length over the training for the community police and it's not that they delegate it. It's that they don't have the funds to supply the type of training that is needed. So they are very keen - from what I understand very keen to have the community police all trained up to the level that they could be trained at. It's just the funding is not there.

1

MS McMILLAN: Is there any capacity, do you think, for them to receive some training if there was some sort of memorandum of understanding with the Queensland police force for them to receive some formal training?---Look, there's certainly - there would be certainly be capacity for that. At the moment the service will send officers up here to train them in what we call basically just the initial induction course for community police. That's a training package that has been invented over the years and it's - it's not a formal qualification but it allows - rather than someone being put on as a community police officer and not knowing anything, at least they have some idea how it works, then on - on a day-to-day basis then if they're working with us and they do spend quite a bit of time working with the state police, they get taught things on a day-to-day basis. The service does that because they're a very valuable tool to us or very valuable because they are very similar to what a police liaison officer will do. They offer us a lot of cultural knowledge and are very - have interaction between the community and the police, but they - unlike a PLO who has no powers at all, it certainly can assist police when he's with the police officer, just like any member of the public could, but the community police do have extra powers. The main powers they have are under the Liquor Act if they're approved. They also have their bylaws. The bylaws in Aurukun aren't in place, but the bylaws extend quite a lengthy bit of power, including pretty much charging for any simple summary offence. So community police can pretty much enforce all the day-to-day activities you might through disturbances through to - they could even look at some of the traffic offences. They certainly have no powers under the Traffic Act to stop vehicles but if they're bylaws are in place, they have the power to issue a notice to appear for a summary notice.

10

20

30

So the bylaws are not currently in force or haven't been enacted, to your knowledge?---Well, the bylaws aren't in place in Aurukun simply because - the way I understand it - and it's not an easy thing to understand how the bylaws work. Generally in most communities they're in place and because they're a council, they've got a generic set of bylaws. In Aurukun through some reason they haven't been enacted yet. They were in the years gone past but I'm not sure why now.

40

10/10/12

McMAHON, B.M. XN

50

So if they were enacted, clearly that would relieve your police officers of some of their day-to-day duties if that were to come to pass?---I don't think it would relieve us of our duties, but what it would do - - -

1

Some of the burden I meant. It wouldn't affect your duties?---Yes, some of the burden could be relieved because the community police could attend some of the jobs and some of the callouts - calls we get and probably deal with them effectively. The community police could come to the point where they could issue a notice to appear and even have people attend court.

10

Some of the administrative - - -?---They could.

Yes?---They could do that.

Okay. Now, can I just ask - at paragraph 18 you say the relationship between the community and the police is very good, but there still remains some reluctance by community members to provide police with information. Now, has that improved at all with the community police in place? ---Definitely; yes, definitely. Community police - certainly that's our link, probably first call or port, to any information in the community.

20

How do they manage perhaps some of those conflicts in terms of, you know, clan loyalties and issues within the community with passing on information?---They do find it difficult, but part of what's discussed when they first start work is that if you put on a blue uniform, you become in the middle of everything. You don't take sides and they learn very quickly that if they do that, that's the way the community sees them and that's pretty much the way the community sees the state police, is we don't take a side. We look at the best outcome and that's what we work on. As long as the community police don't turn up at any of the clan incidents or when their family is involved they say, "Look, I'm community police. I can't do this any more," pretty much we don't have any issues, but it is - when they first start off it's very tough because their family does call on them through loyalty to the clan rather than to their job.

30

How long have the majority of them been in employment? ---There are some long term, and when I say "some", it would be two or three that have been with us for a long time, some on and off for years. The vast majority - because the community police project really only kicked off in Aurukun in full strength about - not even 12 months ago. We have actually positions there for 12. When I say "we", it's the council that we've been working in partnership with. So, yes, we have - at this stage I think we have eight on the books, but there are positions - you know, there are four vacancies. There's people lined up to do

40

10/10/12

McMAHON, B.M. XN

50



that job, but you have to weigh up everything before they're put on so sometimes selection can take a little while.

1

Now, you then go on to discuss the AMP, as you call it, the alcohol management plan, at paragraph 19 and following. Is it the case that the arrival in the community of sly grog - does it peak and flow to some extent - peak and ebb, I should say. Are there spikes of times or - - -?---There's certainly spikes. Spikes would occur when there's extra money in the community; it also would occur when there's some sort of festival or festivity going on. It could be after a house opening, or sometimes after a funeral; where an ebb might be prior to a funeral for that - when someone dies. And there's - you know, the week or two before someone would have a funeral, that can be quite quiet. It can be good. And in fact I'd use that quite often when I go to a disturbance and say - you know, reminder that we have - you know, everyone should be having respect at this time because it's a sorry period. So there is quiet times as well.

10

20

30

40

10/10/12

McMAHON, B.M. XN

50

In terms of what's effective in preventing the grog coming into the community, I understand the roadblocks that you mount at times are quite effective, particularly the 24-hour ones?---Yes. The most effective way to stop alcohol coming into the community is to seal the community off. 1

Yes?---Cordon it off. But we can't do that.

No?---So at time we have a bit of a problem. Sometimes we'll rearrange the staffing model so that we'll have 24-hour roadblock. It's a short term - not only in terms of manpower, it's short-term in terms of solving the problem, because the main people that will run grog will work around that. And there's a number of ways: they may decide to bring it by boat, so then we've got to look at how do we stop a vessel coming in; it may be that they'll look at alternative tracks, which depending on the time of the year they can and can't do. So 24-hour roadblocks work, but in the short term. 10

Short term. I see. All right.

COMMISSIONER: I suppose there is another way to stop the sly grogging, and that's for people in the community to stop buying it?---That's right, Commissioner. The best way - and in my feeling, the only way - is when the community wants to change, it will change. That's about it. 20

MS McMILLAN: Because - - -

COMMISSIONER: In the meantime, sorry, you run around trying to enforce the unenforceable?---Well, yes. We give everyone breathing space to put something else in place to keep it going.

MS McMILLAN: Because things like the 24-hour roadblock is not sustainable, are they? Staffing-wise you couldn't - - - ?---Staffing models are not sustainable, but also the people will work around that. 30

Yes.

COMMISSIONER: And it creates tension - needless tension between the enforcers and the people who aren't complying? ---It does create tension on the road where the roadblock is. It can be extremely tense at times out there.

They've got an investment in the cargo, not only in how much it cost them, but in what they want to do with it? ---Yes, I think there is an investment there, that's for sure. 40

MS McMILLAN: In terms of then just turning to the impacts of alcohol, paragraphs 22 and 23, is it your view that there's a better understanding within the community of the impacts of alcohol? And for instance leading to neglect of

children by the parents and guardians, insufficient funds to feed their children, et cetera?---Look, we definitely are far better understanding of what alcohol does. I don't want to paint a picture of negativity in terms of the community at the moment because it is vastly better than in past years.

1

You've been here on and off over 16 years, haven't you?  
---That's correct.

So I take it that you've seen quite a period of change from what you describe?---I have. I've seen when the canteen was opened, no restrictions, right through to where it is now, and this place is vastly better. They still have the same issues, but in smaller proportions. So we still have - we have alcohol abuse, we have violence, we have child neglect, we have it all - everything that's there - but it's a lot less. And certainly a big reason for it being a lot less is the AP, but there are many other reasons as well, and not the least of is the fact that there's been a lot of other agencies and input - police, education, health - into the community.

10

And I take it you see that that has been beneficial?---For this community it's definitely been very, very beneficial.

20

And the FRC, as it's often called - paragraph 43 and following - you detail that. I take it from the tenor of your affidavit that you're supportive of that initiative? ---Certainly. The FRC has done a fantastic job, far more than what would be seen just as their job. Certainly the idea was to have money not siphoned away in grog or illegal alcohol, was to allow their fund to be used for child care. That's what it was there for, but the realism of it is it's done a lot more than that. The commissioners themselves - the FRC commissioners - are local people and they've gone - - -

30

They're Elders, aren't they?---They're Elders, yes. So they've gone from being people that were - certainly you would contact to assist in matters, to still having that same influence as Elders, but their ability to perform the job, whether it be the FRC or whether it be working for the council or whether it be mediation, has just gone through the roof.

So they - a number of them are councillors aren't they, as well?---Only as per the last election, yes.

40

Right. And do you see that as beneficial then that they obviously have that overlap of roles?---Look, no, I don't see it as beneficial that they've got overlap of roles; not because of the roles overlap, but because you can't do both jobs.

It's just too - - -?---It's too much. That councillor role

10/10/12

McMAHON, B.M. XN

50

is a full-on job and that FRC job is full-on. So I do think, though, their FRC role has been their apprenticeship to move up. So now they're at a level, they're councillors, and they'll make some - they'll really make some good moves and implement some great things. I can see that happening over the next few years, yes.

1

So do you see that as they move up as councillors, then there's a chance for perhaps some other Elders to come on board as commissioners?---Yes, that's the way I think it would work, would be the FRC would have other commissioners that would move up. They would need to - they'd have a mentor period where they'd - and I would expect it would take them a while to get up to the same level. And then once again they'll move on.

10

I understand that there is funding for this - the FRC - until next year. Would it be your view that it should be extended beyond that?---Look, I'd like to see the FRC going - continue on. The FRC does need to evolve or change, because what happens is - it doesn't need to change much, but it needs to just continually adapt and some of the - so yes, in short I'll - certainly I don't want to see it finish, no, not at all. But they need to continue with - sometimes people will use money - when hey don't have any money and they just use what's called the term basic card, they'll let someone else use the basic card, get money off them, and then that cash can be used for other items. So there are little adaptations that need to be - you've got to adjust for. It doesn't happen a lot, but it does happen. So the FRC does need a bit of - does need to have allowed - so they can actually adapt and change a little bit themselves. You don't want to make them too strict.

20

Right. Can you just explain, the community justice group, I take it that's a different group?---It is a different group, yes.

30

And are some of the same Elders who are both commissioners sit on that community justice group, or are they a distinct - - -?---No. In the past certainly the FRC commissioners were on the justice group in past years, over the years that have gone by. At the moment, no, I don't believe any of them are part of the justice group. The justice group, though, when I say that, it's pretty dysfunctional at the moment.

Yes?---Certainly in years gone past it's had its good and bad periods and I would say that at this stage it's not going real well.

40

10102012 03/ADH(AURUKUN) (Carmody CMR)

COMMISSIONER: Why is that?---Look, I think that they need to be mentored. At the moment they really don't know their role. Certainly they're not - there is a coordinator. The coordinator isn't the justice group. The justice group are the Elders that are in the community. It would be very rare to see them form into a group.

1

10

20

30

40

10/10/12

McMAHON, B.M. XN

23-13

50

So who employs the coordinator?---I'm not sure. I think it's JAG. 1

MS McMILLAN: JAG, okay. So what should its role be? Should it be for community mediation, say, disputes between clans? What do you understand its role is meant to be? ---Well, the justice group certainly has - one power is they were delegated to be advisory for the AMP so that's part of what the (indistinct) was for them. That was a big increase when they got that bit of power under the legislation to be consulted on how the alcohol management plan would work, but how I feel and how I would use them always has been as mediation. So if you have a clan fight and there's - you know, there are five clans in Aurukun but two major areas. You have coastal people and inland clans. Quite often if they decide to go to war against each other, it can be - it will encompass the whole town so the justice group should interfere - you know, inter-mediate into that and allow us have a conference here at the courthouse or down with the justice group, get the elders from each clan together and come to a mediation where the fighting stops. So that's the biggest advantage for me to us. 10

Right. So basically they're not terribly effective at this stage, at the current time?---Yes, they're totally ineffective at - - - 20

Right, thank you; and then you've suggested that they need to be mentored so that - you've said that you've seen the commission - the Families Responsibilities Commission as being mentored in this way. Who has done the mentoring for them?---Well, that's David Glasgow. He's the leader of the FRC and manages it basically but - so, you know, the way I see it it's his mentoring, what he's done. To me it's pretty clear. 30

Now, can I just ask - you talk about an improvement for child protection would be - paragraph 51 - to have a permanent DOCS officer who resides within the community. Now, as I understand correctly, the assessment team has been twice between January and July of this year but the regular CSOs come fortnightly for about two to three days. Is that correct?---Yes, that's pretty much right. I see that DOCS - there seem to be two teams, one out of Weipa and one out of Cairns. That's the way I refer to them. 30

Yes?---Yes, they have relationships with them. They turn up and they do their business, but what I would like to see - if we had them permanently based in Aurukun, not only would we be able to speak to them a lot more but the community would get to know them a lot more and I think the community would probably interact with them because they would feel more confident that if I tell DOCS something, I'm not going to have my child taken off me. That confidence would build up. 40

10/10/12

McMAHON, B.M. XN

1

Now, can I just ask - are any of the DOCS personnel who arrive here - are they indigenous at all?---Yes; yes; yes.

Okay; and what's your understanding? Do you find that the community members relate generally well to them?---They certainly do. I think sometimes if you are indigenous or non-indigenous but you don't come from this community, sometimes, strangely enough, that can be - - -

It would be harder?---No, it can actually be an advantage because you're not seen as taking part or taking a side with anyone. So you certainly need the local knowledge and you need people from the local community to be with you, but sometimes the decisions that have to be made are more - need to be made by someone what's an outsider but consult with someone that's here and that - actually just from my experience and seeing it sometimes that can reduce what - the conflict.

10

Do you think there's a role in, say, some of - at least one of the FRC commissioners having that role or do you think that that places them in a very difficult position?---I think the FRC - at the level they're at now they would certainly be able to do that role. I think it would put - yes, it would put them in a very difficult position though; yes.

20

Because of the duality of - - -?---Yes, because they all have family and some of the - some of the family that are very close do have child safety issues so it's not their fault.

And the commissioners are local indigenous people, aren't they?---Definitely. The commissioners are local but they're also elders and they're very, very respected. In fact I suppose the best way to indicate how well they are respected - when they were FRC commissioners, they penalised people basically for not treating their children well and yet - it sort of surprised me a bit - and yet the majority of the votes in the council election was for FRC commissioners. So even the people that had been punished by FRC could still see they were doing the right thing and the community does. If everyone - you know, you do things that are not the best for people or appear to be not the best, but if they think you're trying to do the right thing and they can see there is an end goal, at the end of the day they will back you and that's what's happened with the FRC. They've had a very tough time and they've made some very hard decisions and they got voted in as the council.

30

40

COMMISSIONER: So they have got moral authority within the community?---Yes, they definitely do.

What's the voting turnout like with local council elections?---Look, in past years it wasn't - I don't think

10/10/12

McMAHON, B.M. XN

50

it's been that flash over the years, but certainly in the last two years we've had two elections - I think we might have had three elections just in the last two years and I was amazed at the turnout. Everyone in the town seems to turn out.

1

I have heard that it's 80 per cent?---Yes, it's sort of - past years sometimes it wasn't very good but certainly the last couple of years, the last three elections, everyone - - -

And they don't seem to vote - they seem to vote across clan lines?---Yes; yes, look, I think voting is probably all determined in a clan environment well before the electoral box comes out.

10

What's the significance of clans here? There are five of them?---Yes.

The majority are with people?---Yes; yes, pretty much. That's their land.

Are they around the same size or is there one dominant clan or groups of clans?---Well, there's stronger - there are small clans but they tend to be stronger in terms of their presence more than their numbers quite often; like, for example, the Pootchemunka clan - it's not a clan, sorry, Pootchemunka family is very strong and it's one of the families I've seen change. They were known as years gone past as probably the most violent and troublesome. However, while the mayor - the old mayor that passed away recently. While he was around the last five or six years, they had become a very strong family that - you can see, if you were to drive past through their part of the town, they'll have the cleanest - they'll have very looked-after gardens and houses and I think it's - so it's really not the size of the people. It's how they form together and there has been disputes. Sometimes this is brought up within clans about how some parts of the town look tidy or not tidy and they'll actually talk amongst themselves and it's caused fights. I didn't really want to say too much about it because I don't want to cause a clan fight myself.

20

30

MS McMILLAN: No, I understand.

COMMISSIONER: Clan - in the Northern Territory, for example, skin is very important. Here, would you say that the significance of skin and blood has been eroded over time because of inter-clan marriages or liaisons?---There is a lot of inter-clan marriages but I think everyone - one thing - and it amazes me every day how people who live locally keep track of who's owned to who, but they just have it memorised.

40



An example would be the late mayor's wife actually came from the other part of town, but while she was with him, she was classed as a Pootchemunka, but now I notice since he's passed away her links have moved back to the original clan. I think there is a set guidelines. I don't have a - I don't think - I certainly don't have the knowledge of exactly how that works. I certainly have my version of it, but it's a very complicated way and they keep it in their mind. It's not written down. So you've just go to - all I do is ask lots of questions and that's all I can do. I still don't know. I still would have a long way to go before I can determine it properly.

1  
10

Would you say the community is a violent one?---Yes, you would have to say it's a violent one, but violence is a - - -

It's comparative?--- - - - comparison thing. So having lived in the community you're used to the violence. And the violence is - if I was dealing with people under the same circumstances in a large city, whether it be Cairns or whether it be Brisbane, things would be the same - the same trouble would be viewed as far more serious, and it would be more violent. An example would be if someone is standing out in the main road here with a machete, they've got the potential to injure you just like anyone else. If I was in the city I certainly wouldn't approach anyone with a machete there in the way that we approach - I approach someone here. I know the person. I may know why they're angry. I may know - and they may mean no harm to anyone but themselves or a particular person. And by using your communication and talking to them you could have someone just hand the weapon straight over to you. Where if I was to resort in a way that I might have to do in a large city, and that is I might have to resort to some of the equipment we carry. That could escalate a fight. That could escalate an attack on me. So when I say it's a violent community, it is a violent community, there's people injured and people hurt here all the time, but it's a violence that is manageable.

20  
30

The violence, does it have a trend? Like for example is it alcohol-fuelled within families; or alcohol-fuelled between clans; or is it just between clans, whether alcohol is involved or not; is it underlying tensions, historical grievances? Can you identify any stand-out cause?

---Certainly it becomes far more violent and can become almost terrifying if alcohol is around, because then all the way you manage people changes because they're not thinking correctly. But it is difficult here for many reasons; one is that a lot of it is historical. People have grievances against family members that can be in the short term, just that they've had a fight with them, or an argument a year or two ago; but it can be that someone's mother was killed by someone's father 15 years ago, and that won't ever be forgotten. It will pop up every now and

40

again. The other thing is sorcery and the word "sorcery" is like black magic. That is the belief in town, is that that's very, very powerful here, and strong. So if someone dies or if something unusual happens that can be - everyone in town will think that's caused through sorcery. That's a traditional belief. It's not a fact that there's sorcery - - -

1

Sorcery by an enemy?---Beg your pardon?

Sorcery by an enemy?---Sorcery by - it can be an enemy or it can be just another family member they've had a fight with or something like that. But it's not that it's practised here. I very rarely would see anything you would say is black magic or sorcery, but the belief that it's here is very, very strong. So if we have - you know, we've had a suicide recently and a couple of big clan fights lately over the fact that - over the belief that that person committed suicide because someone had put sorcery on him, and that sorcery is another clan, because they had a - didn't like him from a couple of years ago. So it's very complicated and it's very hard to draw this information out, but you do need to - as police we have to be aware that their belief - other people's belief in sorcery is true to them, so although it's well aware that certainly we don't believe in sorcery or any black magic, but you need to be aware they do, and that's the way we sometimes have to deal with the matter. So sorcery can cause quite big clan fights.

10

20

What about the families? Are there families who have longstanding feuds that erupt periodically?---They do. They do. And some of the bigger feuds can erupt over if a person returns from prison. Some of the returnees that have spent 10 years or so or more in gaol - sometimes longer - or return and they will have been in there for a murder, and when they return, although the clans will forgive and say, "That's all right, he's done his time," it doesn't take long before it all starts erupting again. There was one - there has been some - there was one fella who turned up after 19 years in gaol and it was a very difficult time. He went in when he was 21, I think, and when he returned back it made it very difficult for a while because everyone was frightened of him. One clan was very frightened of him and the other clan was using him as their strong protection. So there's many, many reasons that these things occur.

30

40

Something triggers violence normally. We're walking around the streets, it's all pretty quiet. So what would you identify from your experience as being the main triggers? ---I think the main triggers, I suppose, on a day-to-day basis will be if alcohol comes in the community you'll have - it won't be quiet like it is out in the street at the moment simply because people will drink the alcohol as quick as they time and then - and that's not just because

10/10/12

McMAHON, B.M. XN

50

the AMP, they've always drank the alcohol as quick as they can - and then spill out onto the street and start yelling and they call people's names out, they call what's called swearing; swearing is you call a dead person's name, that's swearing someone. That will cause clan fighting. So if there's alcohol in the community, trouble immediately and - the other thing is there's substance abuse, which are drugs.

1

The main drug?---Pretty much the only drug here is marijuana. I'm not sure why that is, it just appears that's the only drug here.

10

Are the users within a certain group or age group, or is it - - - ?---Surprisingly enough, no; every age group. It's not like maybe in mainstream where you might have a lot of younger people. It appears here quite elderly people seem to use it. But it's a - the substance abuse tends to have the same effect as what alcohol has for child safety, child abuse, general education problems, not going to work. But it doesn't have the same problem with violence; tends to work the opposite. If there's no marijuana in town you will get a lot of disturbances as a result of - sort of a family, like, domestics, little family fights and arguments. People will say they're going to commit suicide because they tend to be very agitated. If there is drugs around you tend to notice that type of problem is not as much, but the effects of it; that is the kids aren't being looked after, no-one's getting fed properly; those effects are still quite strong. So both are not a good thing, but they do affect ways.

20

So you've got community-level violence. What about violence within the family? Is that prominent or not?---It certainly is a problem. The violence in the family, it appears to be the people that - kids that don't have - kids that do it are kids that don't go to school. They also have some sort of psychological problem. They will have an outburst, so it can be a very easy trigger. They can be triggered by just that they got woken up, we call it, "They woke me up from sleep." That starts a fight every day if you get woken up from sleep, it's like something you don't do. That then goes into the adults.

30

40

50

So minor things can erupt. There is no ability to manage anger, so if there's - if you don't - you ask for a cigarette and someone doesn't give you a cigarette then that could - then that could - there's no - you try and hang yourself, because there's no - you would think, "Well, because I wasn't given a cigarette really that's not equivalent that I should commit suicide."

1

So it's a disproportionate response, from your point of view?---Yes, totally disproportionate.

An over-reaction to stimulus?---Over-reaction.

10

All right, and we're a child protection inquiry, so I'm looking at the impact of violence within community or families on the children and how a child protection agency, whatever it is, and whatever stage it's at in the process, manages that in a community like that as compared - like this, where violence is embedded at different levels. We know from the literature how it affects children being subjected to violence or witnessing it between their parents or other family members on an ongoing, almost institutional basis, but what can a child - this is my question to you, if you can answer it. What can a state run child protection agency do to help a child who has been - a child of 12 who has been exposed to violence within family and community from birth? How can the agency protect that child from the adverse impacts on their development of that violence or is it simply a social fact that the system has to learn to adapt to in Aurukun as opposed to Bundaberg?---That's a - - -

20

It's a long question?---Yes.

It's a complicated question, but do you have any insight? ---Look, the only way - if it was a simple answer it would be fixed by now, but in some ways it is simple, and that is that if a 12-year-old has been affected - and they all will be affected if they live in Aurukun, then the only way to get that kid back on track is (1) to get him to school, to get him educated, (2) to deal with his psychological issues, and that can't be done here in Aurukun so it would need - he needs to go out, and the best spot for him is a boarding school, but he needs probably a lot more attention at the boarding school, and that's where you're looking at the cost. Certainly he will get educated at school, but he'll need all the extra assistance, as almost to be one on one, for a number of years until it gets to the point where he realises that there is no future right now in Aurukun for him. There is no - there's no employment, there's no career for the vast majority of young people here so they need to leave. Now, if employment in the community changed or if there was - an example would be that there's a mine that possibly could start and employment was given and the training was given to the youth, there may be a future, but at this stage if you keep a 12-year-old child here - and 12

30

40

10/10/12

McMAHON, B.M. XN

50

is probably a good cut-off point, the good age to look at, because prior to that I would suggest the school here does a magnificent job.

1

This is the new academy?---Yes. They do a fantastic job.

That's why I picked 12, because it's one of those critical points, those turning points?---Yes.

But this child I'm thinking of has been exposed to violence throughout his life. What the system, if it intervenes at all, has to first do is to remove from that child the influence of violence as a solution to anything, so is that what you mean when you say they need a lot of therapeutic - take them out of the community, put them in a boarding school or somewhere and then work on the effects of the violence so that when - you don't have an inter-generational perpetuation of using violence whenever you're upset. You want to remove that, don't you?---Yes.

10

Okay, and you've got to do that outside community?---Yes.

All right, so we've done that. The child left at 12, came back from boarding school, maybe came back from time to time, in the meantime, got an education. He has had his therapy, he's passive and he doesn't drink alcohol and it's not available here, all ready to go, but he comes back to community because of the pull of community. Even though it's a violent one he still wants to come back to family, and there's no job here for him to come back to but he comes back anyway. What are his chances?---He's behind the eight ball there. Without employment there is no future.

20

Okay, how do you get employment here? Who is responsible for that?---Well, the employment that is available is - at the moment it's the working basically for the council and sometimes when there's other contractor work. So realistically the council can only supply so many jobs. There are projects that come in from time to time but they're short-term projects. There doesn't appear to be any long-term project at all, I mean, remembering that over the years there has been a butcher, a baker, and I won't say a candlestick maker, but there was a sawmill, there was market gardens. All these things have been put in place and they failed because of the alcohol. Now, the AMP was brought in and all those projects could have been reintroduced and they would have worked and then by keeping the AMP until everyone has employment and manages their own community they would have continued. But that's one of my, I suppose, personal beliefs, is that a lot of those projects weren't implemented quick enough in the time that we had a breathing space for AMP. Now AMP has become just a prohibition of alcohol and, yes, it does keep violence down, but where is it going?

30

40

That opportunity missed?---I think the initial opportunity

10/10/12

McMAHON, B.M. XN

50

was missed, yes.

1

So if you look its primary served purpose, the social purpose, rather than simply act as a prohibitory force, it was the window in order to establish stable sustainable employment and create industry and markets within the community that was missed?---That was perfectly put. I wish I had them words to describe it, yes.

Ms McMillan, over to you again.

MS McMILLAN: Yes, thank you.

10

How would you see the further management of the AMP? As you say, it was clearly an interim measure, it was breathing space. You've talked obviously about the opportunity lost. How would you see it going into the future given that you've identified alcohol as just such an important factor in issues such as violence?---Well, I think the AMP should stay in place and I think that a lot of projects that were put in place should be followed on and we probably should look at long term. Probably the biggest one will be the mining project, if it goes in place here, because the way I understand that, there's probably 1000 - well, they're saying at the briefings that I've been to on it, that 1000 people will be employed at the project. 150, or 15 per cent, they have allocated will come out of Aurukun. Now, if 150 full-time workers come out of Aurukun and they were from each family, each small family, as a breadwinner, I feel crime would stop overnight, but to get someone - the excuses I hear is that you can't get people to work, and you can get people to work.

20

30

40

10/10/12

McMAHON, B.M. XN

50

You do need to train people and you do need to put the effort into it. I think that's our biggest long-term gain to cease the problem, but to do that you need a breathing space and that's the AMP. So it still needs to continue but at the end - as years go by - and I'm talking months for our AMP but certainly years need to be looked at. It's what's the exit strategy from it in that, is there going to be - will this town be treated just like any other country town and will it have a pub? I think that should be the aim long term. There would be employment here. There would be just treated like any other country pub with a mine nearby which supplies employment or other activity, but in the short term - and we're talking years as short term - AMP is going to have to stay in place.

1

10

10 years, 15 years, in your view?---Look, I think if we set some targets of five years and then aimed at 10 years, 10 years gone.

Okay. Now, can I just ask you - you've spent a bit of time in your statement about youth crime. Are we talking the upper teens, mid-teens, early teens? What do you identify as youth crime?---Youth crime - anyone under, say, 18, yes.

20

All right; and I take it that you've identified boredom is a key factor in these sorts of crimes such as unlawful use of a motor vehicle, break and enter, those sorts of issues? ---Definitely boredom is the reason. There's also - in Aurukun there's a bit of a right of passage and a right of passage is you steal a car. Instead of a right of passage being a traditional, say, initiation ceremony which they have had in years past to become a man, what's - - -

Culturally?---Culturally. What's taken effect instead is that you steal a car and do some time in a gaol.

30

I was going to ask that next. Is that the next part of the right of passage, to do time?---It was. Certainly that was the belief, yes. It's changed slightly but not greatly, no.

I understand there's been a suggestion made to us that a boot camp might be a good idea for youths - now, some would be younger than 18 - and learn skills such as fencing, mustering, but taken out of the community but also have to do something that's not necessarily particularly pleasant or easy. We understand that Cleveland is seen as a fairly easy option for youths to go to?---It is, yes.

40

What do you say to some sort of suggestion like that? ---Look, I think a boot camp is a great idea, remembering though on a boot camp we need to teach the skills - you've probably got two ways to do the boot camp. The first part is teaching them discipline and get some self-respect back for that child and that's certainly what a short-term boot camp is, but when we start teaching skills, you need to

10/10/12

McMAHON, B.M. XN

50

have a look at what's the employment here. Is spending years teaching them how to ride a horse - is that going to benefit them in the long term? 1

But fencing probably would. For instance, there are cattle stations around here, aren't there?---There is. There is cattle stations. I don't think any of them are big enough to employ a lot of people, but there has been a cattle station in Aurukun and it was very successful in years gone past. Another cattle station - there is a cattle station that's under way at the moment, but that would be very successful and it would supply employment. So I think that would work very well, but it's not going to - it won't supply for everyone here in town, but certainly as a boot camp and for a certain amount of employment fantastic idea. 10

I mean, the idea of sending children to boarding school - that can obviously not be for every child within Aurukun so you've got to look at different alternatives. The academy goes up to year 10, doesn't it?---Yes.

Yes.

COMMISSIONER: It's a bit like Back to the Future, isn't it, putting them on horses and sending them around the paddock? Don't you need to have a look at trades and what they're good at and what they will keep doing if they are given the chance?---Yes, look, a couple of examples: first, I think there are quite a lot of elders in town that are very experienced ringers and cattle mustering and the beauty with them is just that their guidance as an elder in a boot-type camp would be great and the mechanism or the vehicle for it is just that you're doing a boot camp on a ranch or on a farm, cattle farm, but in the long term when I get a juvenile in the first time, the first thing I say to him after - well, after we've finished processing him is, "What do you want to do for the rest of your life?" and surprisingly right in this room here where I've had conferences with them they don't say, "Oh, I don't know." They come straight out with a comment and they will say, "I want to be a mechanic" or "I want to be a plumber" or "I want to work on the mine driving the truck. They have actually a - - - 20 30

Dream?--- - - - feel of where they want to go to, but they've got to link that you've got to go to school to be able to do that and then you have to work through a trade. There's no family or no parental guidance to teach them that. 40

So they have got a dream but no plan?---Correct, yes.

MS McMILLAN: In paragraph 47 you talk about there's a generation of people from young adults to middle age that don't have the skills to care so they don't have that - apart from basic skills you seem to be talking about there

10/10/12

McMAHON, B.M. XN



that idea of mentoring and understanding things like going to school, doing a trade, being able to obtain employment?  
---Yes, that's exactly right. 1

It's a missing link, if you like, in terms of those issues?  
---Yes, there is a missing - yes, the guidance from the parents is just not there. You've got the older people, the grandparents, and you've got the really young people who are going to school and the in between seems to be like a lost generation. They're the ones that are producing the offspring but not the guidance and I think that is the difficulty. 10

COMMISSIONER: At the moment the state seems to be stepping in there and picking up the pieces, but doesn't the goal have to be that if you have got parents not performing their functions properly for one reason or other, temporarily or indefinitely, the only way for any sustainable solution is from within the local community itself?---Yes, that's exactly right. If the community doesn't want to have the change and they don't want to do it, it won't ever work.

Doesn't the community have the values and the systems it wants for itself?---That's exactly right, yes. 20

So if the local community in Aurukun chooses its own standards, values and aspirations, what role does the government or the state have in overriding that to say, "No; no, they're not good enough. You've got to have different ones, higher ones," that they can't reach?---Yes.

That we probably couldn't reach either?---Yes, well, that's a good point, but having - that's exactly right, they do. We shouldn't set things that are too high for them and the state - but we still have an obligation. I think the state certainly has the obligation to look at that. The generation that's lost you can only do so much for. We don't need to spend too much on the lost generation. It's just the fact that's the way it is, but you certainly - - - 30

That's another generation?---Yes, that's right. So you can save the younger ones and that step - - -

From the older ones?---From the older ones and that's what we can do.

But they just happen to be their parents half the time?  
---They happen to be their parents but these aren't the parents that - sometimes we might think, "Do I want to take kids away from their parents?" There's a big difference between - and there isn't - in Aurukun there wasn't a lost generation. The community here was a different community than what we call the "lost generation". So what we see here is the people aren't - the children aren't being taken away for reason of, "Well, we'll remove you from your 40

10/10/12

McMAHON, B.M. XN

family." The family, the parents, are not providing them with the basics of life to survive. They're also not supplying them with the extras which is the guidance to become a person that's got a future. So that's where I think the state, just like anywhere else, does have an obligation to step and say, "Look, we've got to manage for - - -" 1

The question is: does the state do it directly or does the state do it indirectly through the local community leadership?---I think it will only work if it's done through the community leadership, yes. 10

MS McMILLAN: Are really, from what one understands, the commissioners, for instance, these elders, doing a lot of that mentoring and stepping in on some of these, indeed, even basic necessities that perhaps this middle generation, if you like, are not doing, that is, getting kids to school and feeding them, et cetera?---Yes, I agree. I didn't sort of pick that up, but that's exactly right.

Yes, all right, thank you?---That's exactly right.

I have nothing further with this witness, Mr Commissioner. 20

COMMISSIONER: Thank you. Mr Selfridge?

MR SELFRIDGE: Yes, I have only one question I wish to put to you and it's this: you have already identified as far as paragraph 43 of your statement that school attendance has improved greatly in the past two years. In terms of youth crime as such callouts to the school, callouts to the academy as such, has there been any significant change there? I mean, to Queensland Police Service callouts to the academy in that same time frame?---Yes, look, I suppose in terms of callouts for a job - and when I say "a job", like, there is a police matter where there's criminal activity occurred, do we go there? I think that's a lot less. In terms of how often we go there I think we go there more. 30

To the actual academy itself?---To the school; yes, to the academy.

Yes?---But that's not because of a job. It's because we participate a lot more in - we have a lot more contact with the teachers and the principal so we're on basis where if we can provide any assistance, we will provide it. We also allocate - if the community police are - we have enough numbers, they will be allocated to go there for the day and it's sort of almost like an "adopt a cop". They'll go to the principal and basically come under his sort of guidance for the day. It may be that if there's a class that might have been a bit unruly, he might sit in the class, just his presence. He's part of the community. He's family. He knows everyone there. He's probably got his own kids in 40

10/10/12

McMAHON, B.M. XN

the class. It just keeps everything a bit more tidy. The other thing he does - if a kid - if you get one or two kids that are trying to talk other kids to run away from school, the community police will be just walking around the yard and they won't do it. So in terms of if you're saying police called out as a job, right, there's an assault or something like that, no, I would say we don't go near there anywhere as much, but in terms of our attendance there we do spend probably more time there.

1

So all of the statements that are currently before the commission for hearing today - the general ethos of them is that there are good relationships between yourself, the school, Health, et cetera, and department and that because of the nature of those positive relationships, they've all been able to work and coordinate better outcomes as far as the youth is concerned?---Yes, exactly.

10

The assistance you provide to the school - is that something that you've got some sort of agreement in relation to or by work - coordination with Patrick Mallett, or how does that come in?---Yes, look, it was there prior to Patrick. Prior to Patrick the principal before him - I've forgotten his name, but pretty much when I first got here he started it then and Patrick's taken over from him. Look, it's the way every agency has to work here. If you don't have a very close relationship with everyone, it won't work, whether it be Department of Communities, whether it be the Health - I meet with the doctor or the nurse if I can. We have all their private numbers; you know, if I see an issue come up, I'll just ring them and that's part of - I suppose it's the difficulty of community life here. You're never away from what you're doing. So if you're here, you get contacted at any hours, but if you don't, things will unravel pretty quickly.

20

30

Okay, thank you. I have got nothing further.

COMMISSIONER: Thanks, Mr Selfridge. Yes, Ms Byles?

MS BYLES: Yes, thank you.

Thank you, senior sergeant. I just want to ask, firstly, just a question about paragraph 15, just going back to this issue as to bylaws. I know that you've said in your evidence this morning that obviously the current bylaws with respect to Aurukun have not been enacted. I suppose I want to flesh out the idea as to whether you think there might be some benefit to there being bylaws specifically around the area of child protection and having community police officers obviously appropriately trained and appropriately equipped community police officers to deal with some of those child protection issues by way of the council bylaws as opposed to state legislation?---Look, yes, certainly there would be benefit in it. I think a lot

40

10/10/12

McMAHON, B.M. XN  
McMAHON, B.M. XXN

50

of the bylaws - and they do have - some of the bylaws do talk about having your kids attend school and that it's a penalty if you don't. They have a set penalty for it. These are the generic bylaws, but I think the advantage of the bylaws being in place is that everyone knows they're in place and it gives the community police a little bit more prestige, a bit more - they probably won't use them because we would use the state laws. The police would act on it, but it gives them a little bit more prestige and so that allows the community police - we use them for a very similar fashion at the moment. The school may supply us with a list of who didn't attend up at school for the day so the community police will go around - they will know all the kids. Some of them will be their, you know, nephews and nieces so they'll go around to the house and say to the parents, "They aren't at school." So most of the time that works fairly well because everyone knows that you should be at school and they'll get there, but the fact is, having the bylaws, when you turn up, they know they're not just asking. They're sort of saying, "Well, if you don't, there's going to be a repercussion here."

1  
10

So it assists in building that moral authority, I suppose, that we were talking about earlier?---For sure.

20

I suppose then as an extrapolation of that, you know, could you perhaps foresee some benefit, for example, of a community police officer being able to go to a home, for example, and to be able to say, "Look, this family isn't working right, you know. You need to get some assistance," and perhaps, you know, be able to sort of organise and coordinate, I suppose, some of that early intervention assistance so that we don't get to the point hopefully where, you know, more intrusive intervention is required by a state body?---Yes, that would work great. All we'd need to do is make sure we've got the right community police and have them trained so that they don't get involved in a personal way, but, yes, that would be an ideal one.

30

So that in conjunction with the bylaws to create that moral authority and to be able to say, "Well, look, you know, this is the reason why we're involved; you know, there's community standards," and to be able to provide that assistance?---That's correct.

Thank you. Moving forward and again sort of still on that issue and sort of talking about the FRC and that program, again we've sort of talked around this a little bit but I suppose I want to get a bit specific about linking, I suppose, the FRC approach to things and the child protection system. Would you see benefit in there being an FRC-type approach? I don't necessarily - I'm not speaking about a carbon copy or anything like that, but I suppose I'm talking about an approach where indigenous people or Aboriginal and Torres Strait Islander people are empowered to essentially manage their own affairs, you know, by way

40

10/10/12

McMAHON, B.M. XXN

50

of an institution or organisation that they govern themselves?

1

COMMISSIONER: Is that with mentoring?

MS BYLES: Yes.

Yes, with mentoring similar to the FRC experience that you've mentioned, senior sergeant, but keeping it local, I suppose, and having - would you see a benefit to that kind of approach in the child protection arena particularly with respect to early intervention?---Definitely, that would be a great approach; just remembering that there's no-one I would class in the community that's grown up here as being able to fill the role as mentor. The mentor needs to come from somewhere else who actually has the ability to be a good mentor.

10

So similar to the FRC?---Similar to the FRC.

20

30

40

50

COMMISSIONER: So he's got to have respect of the community and the capability to actually mentor and bring - and build capacity within the local community so that over time, whether it's two years or five years, it's got its own self-fulfilling capacity building and the mentor can opt out?---Yes. Yes, that's exactly right. That would be ideal.

1

MS BYLES: So building that local capacity to be able to manage these affairs essentially within the community as opposed to requiring that external involvement?---Yes. That would be a great aim, to aim for that one, yes. I suppose - and would you agree that that kind of approach would also assist in dealing with the issues that you raise at paragraph 47, you know, this idea of the lost generation and having that potential of impact inter-generationally? ---Yes, well, it would certainly help with that one.

10

Now I want to move, please, to paragraph number 52 in which you talk about the safe house. Now, what are the benefits that you see to the safe house being in community?---The biggest benefit for the safe house is that the children at the younger age - because we're not talking about - as the commissioner said before, 12 years and above, but the younger ones, they can remain in the community. The parents that certainly aren't doing the job as a parent properly, they can still visit. So they can still have that link in contact, but they're in a safe place where they're going to school and they're getting fed and they're getting a sleep at night, and all that's occurring. So that's the beauty of a safe house. So there's no issue in those younger years up to 12. They're here, they're learning the cultural aspects, they're keeping in touch with their family. So, yes, that's a great thing to have in the house here.

20

30

Have you - because obviously the safe house placements are very limited. Are you aware of cases where children under 12, just using that as the benchmark, have had to be removed from community because there isn't a place in the safe house?---Yes, look, there are children that are removed, and on occasions the safe house mightn't have been the best spot for them anyway, but certainly the safe house has got, I think, six or eight positions. It's not very many.

In your experience as a police officer do you see, perhaps, differences in behaviours between children that have had that opportunity to remain in the safe house and in community as opposed to those that have been removed to say Cairns or somewhere outside of community?---Yes. We just don't get any trouble from the safe house kids. Yes, that's - you know, there's no issue there.

40

Is that as opposed to the other children?---Certainly.

10/10/12

McMAHON, B.M. XXN

50

There's some kids that you can just see that straight out supervision is the problem with them. So they're not having any parental guidance and no-one is - they're not getting fed properly, they're not being looked after, and that's why they get removed.

1

What about the children, though, that have been removed and come back to community perhaps after they have been reunified or perhaps for a short stay say for school holidays or something similar?---The kids that are at boarding schools, whether they be younger ones or older ones, when they come back I find them - certainly they're on holidays when they come back, so like every kid, they're out late at night and they're having a good time, but they're not the ones that cause the trouble. The ones that cause the trouble are the kids that are already here and appear to be trying to show off to the other kids. It can be really busy here during the holiday period, where you get - they will be out all night. You will see then lining the road in their gangs, because they get to meet up with each other, but they don't cause us a lot of trouble. The trouble is caused with the kids that are already here. So, look, I think - and the other issue, though, is that there are some kids that come back and have been removed. They aren't at boarding school so they aren't really in that settled mode anyway, they're in a bad place. They only need to come back for one day and that day they come back will be like a month.

10

20

That's very different to your experience with the safe house children?---Safe house children we just don't have any issues with, yes.

Okay, and I suppose this is probably a fairly obvious question, but would you be in support of continuation of funding of the safe house or perhaps even increasing the funding of the safe house?---Well, I've mentioned in my statement I'd like to see the safe house increase, not only in size but another house built, because there is a little issue with - sometimes kids come back for funerals, weddings; we don't have too many weddings, but when we do it's a fairly big occasion, house openings, and house openings are when someone has died in that house and (indistinct) in there and it's reopened. So they're big events and it's really important, certainly to elders, to have the young people come back and see that, because that's where there's a bit of dancing, there's cultural things that are talked about. It's a good time to come back, but if there's no - you can't put them really with the other kids. You need another place where it's temporary accommodation, they come in and they might only stay for one or two nights, because the alternative to that is that they get put back with the family and very quickly they suffer the effects again. It can be that they're up all night, they're not getting fed properly, everyone else wants a piece of them because they haven't seen them. So

30

40

they really just - the life is not stable and it can cause us some issues. So another safe house with short-term accommodation - - -

1

I suppose the other obvious alternative is the child might miss out altogether?---Yes, well, and that's not a good thing, no.

COMMISSIONER: What about having some facility within the safe house for parents to come and go and visit - have contact with the children without removing them from the safe house, where the parent, or a parent, or a family member can come and stay for a little while as a sort of gradual reintroduction?---Yes, that would work well; yes. I think the only consideration on that - and child safety would determine that without any issues at all, I don't think, is just that - - -

10

Security?--- - - - it wouldn't be suited for everyone.

No?---There are some people you would never let back in that house with them.

Sure?---But, look, child safety are all over that. They know who they can and can't - - -

20

There is a current debate, actually, in the media about the extent to which it's appropriate in the 21st century to - or there's a tension between the traditions and cultures around sorry business and the extent to which children who are at boarding schools, for example, should be involved in that and whether or not it's too disruptive to them and that somehow sorry business has to be rejigged a bit so that respect is shown but maybe by, you know, the older part of the family and not everybody?---That's correct, and I think the way we would probably determine that is quite often I see that children come back to the community that realistically don't have a close connection to the - and if I asked around, I'd say - because certainly if people are in custody I'll be asked should this person come back, and the first thing I do is I'll go to the family that's had the death and say, "Look, these people want to come back. How close are" - and they'll tell me, "No, that one doesn't need, yes, that one does." So I think we really need to look at who should be coming back and who shouldn't, because a lot of people use it as just a way to get back here.

30

So it should be more selective, you think - and this is from a white pair of eyes, I'm mindful of that, and it's from someone in your position rather than any cultural expert?---Yes.

40

No, I understand that, and there will be differing views about that, but it's interestingly a current debate. The other thing I wanted to ask you before I call on the next

10/10/12

McMAHON, B.M. XXN

50



examiner was Cleveland. Is its intervention in this community a good or bad thing overall?---Well, I think Cleveland is just another - just, you know, a detention centre for youth, so I don't think it's any - it's just that's what it is. In terms of is it a better lifestyle, certainly you can watch television and you can get fed properly and you can be taught lots of skills there, but you're still away from family and you're still, you know, locked up, in a version of it. So it's like - I mean, I could get fed and be able to read books and watch TV and have a great time, but if I was locked up it wouldn't suit me.

1

10

20

30

40

50

So Cleveland is still a detention centre and if - the youth would still, I think, prefer to be free, but when they go there it's not a bad thing for them. 1

But the trick is to reintegrate when you've finished there and in such a way that you don't keep going back there? ---Yes, well, that's right. Reintegrate or get them into a boarding school. Because when they come back they have a great time for a week because it's seeing family again and they get to do the things that they couldn't do down there, but within a week they're not getting fed and there watching the fights and everything else, so. 10

There seems to me to be a conflict between two goals here: one is to strengthen the community so that it can have self-determination, self-government and the capacity to enforce its own values and have the moral authority to stand up for itself and be fully functioning, at least as much as any other comparable community, on the one hand; on the other hand it's - the very people who should be doing that are the ones you want to send to boarding school and keep out of community unless there is a job for them to come back here. So in order for there to be jobs to come back to, it is the next generation that needs to be building up that capacity for those that come after them, otherwise what will happen is not the lost generation you're talking about, not parents but those at school now, if they don't come back to this community in this community will suffer and nobody will ever be in a position to create jobs for anybody else in here. And ultimately it will die, won't it?---Yes, I agree and I think if it was easy, actually we would have fixed it. 20

If it was easy I wouldn't be asking you questions. Thank you. Yes, Ms Byles. 30

MS BYLES: Yes, thank you, Mr Commissioner.

Thank you, Senior Sergeant, I just have one further question. This may seem to come out of left field a little, but in talking about the clan conflict and those kinds of issues, do you think that it would be a positive step for the community if perhaps the living arrangements within the community were rearranged so that clan groups were living in particular quarters of the town, so they were together as opposed to sort of being spread out throughout the town?---No, I probably would tend to think it's better to go the opposite, and that is treat it like every community and you mix everyone up. I think that would be far better. In fact, it's started to - I get far less trouble on where the two round circuits there, Clyden Drive and - I've forgotten the other one. That's far less trouble. The houses are newer and the clans are just mixed up there. Don't get a lot of trouble. At the moment we have - in the other parts is a designated area, and that - when we get a clan fight they march from either side and 40

10/10/12

McMAHON, B.M. XXN

meet in the middle and it's the battleground. So I tend to think with houses that have not got large numbers of people in, so set numbers in the house, so not too many, and fix them up. Give them a bit of privacy too, the fences and things like that are really - you walk out your front door, everyone talks to you instead of walking past. So it would be good to have - for everyone, for the community to have a bit of privacy. And you notice that, there's far less callouts to that side of town.

1

Thank you, Senior Sergeant. Just excuse me for one minute. Thank you very much, that concludes my questions.

10

MS McMILLAN: Just one matter in re-examination. Senior Sergeant, I just wanted to clarify, in earlier evidence I asked you about the role for people like the family responsibility commissioners and whether they could take on more of a role with the child protection issues. I understood you to say that that would create difficulties for them because of their role within the community, effectively being seen to, if you like, police to some extent issues relating to child protection. Was that your evidence?---Look, could they do the job? They certainly could do the job and they do it well, but - - -

20

Yes. Would it create - - -?---Would make it tough for them, yes. But that doesn't mean they couldn't do it, but certainly there will be some issues to deal with there.

And is it your view that it would be (indistinct) still would have a liaison person who may be indigenous but not from the local clans who is seen to be apart from that - - -?---Yes, that would - - -

- - - who would integrate in the fact that they live here and get to know the community. Is that, if you like, your best fit model?---Certainly, that would be a good best fit model, guess.

30

Right. But you still see the place, obviously, for the FRC commissioners doing a lot of the work that you've already described, which is, if you like, perhaps nuts and bolts issues about getting kids to school and other basic issues? ---Yes, that's exactly right.

Right. Thank you, Mr Commissioner. Might this witness be excused?

40

COMMISSIONER: No.

MS McMILLAN: No? Mr Capper is here.

COMMISSIONER: Yes, Mr Capper.

MR CAPPER: Thank you, your Honour.

I actually only have one real issue that I want to touch with you, most of the matters have already been dealt with. The last issue I want to talk to you about is you indicated that in relation to the Department of Child Safety staff, you say they fly-in fly-out, and certainly the evidence you've been giving us relates to this integrated model, and you certainly indicated that part of being in community is that if you're not here you can often lose track of it. You've said that your experience is that having that local knowledge can sometimes diffuse things, gives you a different perspective. Is that why you suggest that it would be beneficial to have a locally-based DOCS officer? ---Yes. Look, I suppose the main reason for a local-based DOCS officer is that we have - anything that is fly-in fly-out here is not perceived by the community as of any use because they have got to see fly-in flow-out forever and things just failed. That's brought on the mentality of, "If I'm going to have a market garden" - or whatever, that's just an example, I'm not necessarily picking on a market gardener or anything - and they see people that come in to teach that comes to town and then when the people go, it's over; it is finished; not going to be used any more. And the same goes with the DOCS, is that it is really only important while they're here. But if they're here all the time it will become an important thing all the time. So I suppose - I don't know, did I answer that?

Certainly. And certainly following on from that you were certainly asked about if we were to build this model where we looked at local governance and you said, "Yes, it could work, provided that the mentoring and those things were in place." Would you see that being an essential part of that mentoring and the building of capacity in community?---Yes, definitely.

And in relation to the DOCS office, you've indicated that there are two teams, one from Weipa and one from Cairns that fly-in fly-out, always the same officers or different officers?---No, they're different officers. So the ones from Weipa are based there and the one from Cairns are based there.

No, but what I mean is are the Weipa people always the same Weipa people and the Cairns people always the same, or are they different child safety officers?---Pretty much. Pretty much the same. I suppose people take leave and they have transfers and whatever, but generally the same people.

No problem. Thank you very much.

MS McMILLAN: Might this witness finally be excused?

COMMISSIONER: Sorry, I've got a lot of questions.

What do you say about the significance of Mr Marshall's role as the service development and integration officer in

10/10/12

McMAHON, B.M. XXN

this particular community?---Bruce here has only been doing it recently, but the role itself has had a couple of people go through it. It is a great role because what it allows me to do from the police perspective is that instead of dealing with each agency myself, going through, you've got someone that you're feeding up to and then they're feeding it back. So if I see that there's a problem with the fire truck that popped up today - the fire truck - it's here at the station. We certainly aren't people that respond to a fire, but we do. I drive the truck. I start to pump. I put the fire out. But we don't have any training in it.

1  
10

20

30

40

50

Now, I wouldn't have to deal with the council and say, "Look, I've got your trucks here because this is where you leave it. It's safe," but here you've got training with it so I have to follow all these things up, but when you've got someone which is Bruce Marshall's role, I refer that to them and this is why it's worked well. We had another - John Harvey was the one prior to that and he managed that quite well as well and Bruce is doing a fine job too, but what I'm saying is that the role itself - he then follows that up and he makes sure that that part of the community's issue there is fixed rather than the police or Health or Education which are the three mainstays here. We have to fix the problem. So that's why his role is very important and I would not like to see that government-manager-type role go because it really does get everything tied into one target.

1  
10

And it coordinates the service delivery from all the components of whatever might be the system and it takes the burden off you?---It certainly takes the burden off us, otherwise the police or one of the agencies - and generally it's the police - are running everything and it's not the way a community should run. It can work but it's just - you become - well, I don't know. I suppose you're the dad running the community and that's not the way it should work. It will never work like that so it needs a separate whole group and we're just part of it.

20

I suppose especially so if you're going to have a fly-in, fly-out set of arrangements?---Yes, definitely; look, it works great with - that role, the government-manager role, actually coordinates that. You don't have - and quite often we'll have people turn up in the community that are almost doing the same job or running the same project or benefit and they'll all turn up on the same day and then for the next week there's nothing.

30

So one week you have got an overlap. The next week you have got - - -?---Yes, and the coordinator stops that; yes, it's great.

Okay, excellent. Thank you very much. You may now be excused, senior sergeant.

WITNESS WITHDREW

40

50

10102012 11/CES(AURUKUN) (Carmody CMR)

MS McMILLAN: I wasn't going to ask. I will call in fact Mr Marshall now, thank you. 1

COMMISSIONER: Yes.

**MARSHALL, ALISTAIR BRUCE** affirmed:

ASSOCIATE: For recording purposes, please state your full name, your occupation and your address?---Full name is Alistair Bruce Marshall. I live at 205 (indistinct) Drive in Aurukun; occupation service development, integration officer for Department of Communities. 10

COMMISSIONER: Thanks, Mr Marshall; welcome. Thank you for coming. Ms McMillan?

MS McMILLAN: Yes, thank you.

Mr Marshall, your full name is?---Alistair Bruce Marshall.

Right. I'm just checking there?---If I could have a copy of that, it would be good.

Yes, that's fine. 20

COMMISSIONER: So we should add "Alistair" in front of "Bruce" in your statement, I think.

MS McMILLAN: We should; we should?---Yes, that's my full name; yes.

COMMISSIONER: It's not your favourite one?---No, I don't use it; no.

MS McMILLAN: Just excuse me, Mr Commissioner. 30

COMMISSIONER: I have got one here if you like.

MS McMILLAN: Look, I will tender that.

COMMISSIONER: Haven't you got the original one? It was in a white envelope?---Yes.

MS McMILLAN: Is that a copy of your statement that you're about to be shown?---Yes.

Are the contents of that true and correct?---It is true and correct, yes. 40

All right, thank you. I tender that statement.

COMMISSIONER: Exhibit 77.

ADMITTED AND MARKED: "EXHIBIT 77"

MS McMILLAN: Thank you.

10/10/12

MARSHALL, A.B. XN

Mr Marshall, your position is you're service development and integration officer in community services funding and support, previously the community capacity and service quality Department of Communities, Child Safety and Disability Services?---That is correct, yes.

1

It's quite a mouthful?---It is.

I imagine you don't use that every day?---No; no.

All right. Mr Marshall, we have just heard a little bit about your job description. Could I encapsulate perhaps this way: that you say at the bottom of page 1, "The position is temporary. It's funded through the alcohol management reform initiative and it's funded only till 31 December 2012"?---That is correct, yes.

10

Right. Now, would it be correct in reading what your position entails that you really coordinate and implement programs that support the consequences of alcohol abuse, on one hand - - -?---Absolutely.

- - - (2) education about alcohol and its impacts and (3) diversionary processes and strategies?---Yes.

20

Would that be a fair way - - -?---Yes, that would be a fair comment.

That would encapsulate it?---Yes.

All right, but, in addition, from paragraphs 9 and 10 it seems from the evidence we've just heard from Senior Sergeant McMahan and what you describe there you've in fact taken on a much greater coordinating role than what your job description, if you like, entails?---That's right. My original job description which is basically the service development and integration officer used to work in conjunction with the government coordination officer. Since the government coordination officer role hasn't been filled any more I've actually taken over a large portion of that role as well, added it onto what I was doing.

30

So you're really doing one and three-quarter jobs, if you like?---Yes.

Right?---Yes.

And I take it with that that you've been living in the community in the last two years?---Yes, two and half years and I was coming in and out of the community for years before that.

40

Right; and I understand from your employment history that you've spent a considerable part of your working life in remote and indigenous communities in various occupations?---Absolutely, yes.

10/10/12

MARSHALL, A.B. XN

50



So I take it, would it be fair to say, that you feel a fairly close connection with this community?---I really enjoy the community, yes.

1

And would you like to stay on if your position was extended?---Absolutely, yes.

I gather you know a lot of the townspeople by name?---Just about.

Right; and I take it that, if you want to describe it, you're Mr Fix-it. We've just heard about the fire truck. You go ahead and organise that?---Yes.

10

What, do you then go to the council and say, "Look, this needs fixing because of this"?---In some cases I'll go to the council or go to whatever organisation is involved and say, "Hey, this needs to be done. Do you need a hand to do it? Can I help to do it? We need to get it done quickly," and that's what I'll work from.

Right. Now, just in terms of Child Safety, you organise the logistics, don't you, of them coming in and out of the community?---Not generally. They've got it down pretty - you know, like, the people that come in from Weipa - they'll ring me and tell me they're coming.

20

This is the fortnightly visits, isn't it?---Yes, fortnightly, because they will ring and say, "Look, you know, are there any problems in the community?" or whatever and, you know, if there is, I will tell them what the issues are. They may then change their plans, you know, if there's sorry business or whatever, but generally they come in. When they get here, we have a bit of a discussion on what's happening and then - - -

30

I'm grateful; that's where I was leading?---Yes.

Is your role also to an extent an informal briefing of them; you know, like, "This is happening around at the moment"?---Yes.

So I take it that you might ring them more than just leading up to their visit. You might ring them if you think there's a particular issue arising that they should know about?---Definitely; it's just like any groups that are coming into the community. I'm normally the first port of call that people will make before they come into the community and then they'll ask me what's going on and I'll tell them whatever I know. I may suggest that they talk to the mayor or the CEO of the council, but, yes, when they get here, I'm normally the first port of call.

40

Right; and in terms then also, do you perform any role - for instance, if you find out just through your day-to-day activities that - we know, for instance, children not going

to school come to the notice obviously of the school, but there might be issues that are arising with, say, a particular family that may not reach the threshold of the department becoming involved but you become aware of them?  
---Yes.

1

Would you do anything about those issues?---It would depend really what the issue is.

Let's say, you know, you're starting to be concerned that the children aren't being properly supervised, that there's gambling going on?---Yes.

10

It may not have reached a stage where it's thought the department should intervene?---Yes, I will make comment to the respective people that would be involved in that; yes.

So who would that be?---Well, in some cases it might be the senior sergeant. It might be Child Safety. It could be Act For Kids.

Right?---Depending on what it is; it could be anyone in the community.

20

30

40

50

All right. Would it also include say the Family Responsibilities Commissions?---Yes. I spend a lot of time with the Family Responsibility Commission, yes.

1

Do they come to you at times?---They have, yes. They do at times, and I go to them at times.

Right, and what sort of things would they want to contact you about?---They may hear stuff that's going on that I might not have heard, so we'll have - they'll give us a ring and say, "Have you heard this is happening?" you know, "We've had a problem with this. Can you see if you can do something through the Department of Communities?" or whatever. Some stuff I do - I'll deal with at a local level, you know, some things I might have to go up to my manager and say, "Look," you know, "can we do this from this area?"

10

So I understand, for instance, one of the recent things you organised was the significant increase in security for the women's shelter. Correct?---That's right, yes.

I take it that was down to you getting all of those practical sorts of issues resolved?---Yes. I worked with the coordinator, organised the funding application for them, gave them a hand to fill the funding application out. They got quite a large sum of money from the federal government and then I organised the quotes to be put out, tendered and, yes.

20

So is it fair to say although you're employed by the state government you really liaise with all three tiers of government, don't you?---Absolutely.

On a daily basis?---If not daily, every second day, yes.

30

Right?---Yes, a couple of times a week.

So it would seem that a lot of the very day-to-day functions that the senior sergeant has indicated, if you're not continuing in your role, that role is not continued, that sort of stuff just wouldn't happen?---Wouldn't happen, no.

Because there's no-one else to fill the - - -?---Well, it's not even just - it's not just my contract that's finishing, it's actually the position is finishing. So, yes, it's just not going to be there anymore.

40

All right. Thank you. I have nothing further.

COMMISSIONER: Mr Selfridge, how does it work? I hear a lot of evidence about something that's de-funded, or the government has de-funded that. When we talk about government in that context do we mean the department, a regional manager within the department, the

10/10/12

MARSHALL, A.B. XN

50

director-general or the chief executive or the minister or the premier? Who do we mean? 1

MR SELFRIDGE: Can I take instructions in relation to that and come back to you, Mr Commissioner?

COMMISSIONER: Sure. I don't need a name, just - - -

MR SELFRIDGE: No, I understand. I've got - - -

COMMISSIONER: But who makes the decision and reaches the priorities about what money that's available is allocated to what position. 10

MR SELFRIDGE: Sure.

COMMISSIONER: How do they work out, "Okay, that's expendable, that's not."

MR SELFRIDGE: Yes, I understand.

COMMISSIONER: Yes, thank you.

MR SELFRIDGE: I'll take some instructions on that. 20

I've only one thing for you, Mr Marshall, and it's this. Notwithstanding your roles and your responsibilities identified in your role as the service development and intervention officer there are other hands on practical components to what you do, isn't there, to your intervention?---Yes.

You list some of those at paragraph 12, some of things like arranging disco nights, family movie nights (indistinct)? ---Yes. 30

Do you see that as an important part of your role as well? ---Absolutely. As far as I'm concerned, my role I believe encompasses the community as a whole, and whether it's helping PCYC with a disco night, whether it's organising training capacity building for an NGO or - I also - I've set up the VMR, the Volunteer Marine Rescue, here now just to help capacity build more areas in the community, and anything at all like that I believe is part of my role.

How is it received within the community? Things like that, how are they received - I mean, attendance-wise, et cetera? ---It seems to be really good. Everything I've done, I don't think there's been any failing in attendance at all. The VMR, we've got 15 local people in marine training now and I've never had one not turn up. 40

You're talking 15 local indigenous people?---Yes.

They attend on a regular basis?---Yes. Look, they're also part of the ranger group and when they're here in town -

10/10/12

MARSHALL, A.B. XXN

like, the last three weeks they've been in town and we've had five training sessions and four sessions out in the boat, and, yes, look, all of them turn up for their regular crews. They're divided into crews and we do the training under a crew basis.

1

I take it these other things such as the disco nights at the PCYC, you do that in conjunction with the QPS?---Yes. Anything like that we try and get as many organisations in the community to work together on this sort of thing. Discos, barbecues, family days, all that sort of stuff, everyone puts something into it.

10

What's the age range for the disco night?---What was - can you repeat that?

What's the age range?---Look, quite often the disco night will be split up into two or three different sessions. There will be an early session for the really young kids and then there will be - you know, sort of the older kids will have a session for a few hours, and then if there's enough quite often we'll go a bit later for some of the older kids.

20

Okay, thanks very much. No further questions.

COMMISSIONER: Thanks, Mr Selfridge. Yes, Ms Byles?

MS BYLES: Yes, thank you, Mr Commissioner.

Mr Marshall, my name is Samantha Byles. I'm a solicitor with the Aboriginal and Torres Strait Islander Legal Service?---Yes.

I'd just like to ask you some questions based on your statement?---Yes.

30

What impact do you think there will be on the service delivery of assistance to people dealing with child safety issues when you go?---It's a hard one to say. I mean, at the moment I work in a sort of an assistant capacity with child safety directly. I work - I liaise very heavily with at the kids' safe house. At the moment I haven't actually been doing any real heavy work with them and I think in the long term it would be detrimental not to have the role here. In the short term it probably won't make a lot of difference, but definitely in the long term.

40

Why do you say that? Do you say that because you think people will just, you know, try their best to muddle along without you?---I think the capacity building of the safe house has increased dramatically over the last 12 months. It went through some hard times, but the ACT for kids have got a good, strong training program happening now and a very good trainer and a new coordinator and the capacity of

10/10/12

MARSHALL, A.B. XXN

50

the actual operations has increased really dramatically and it's doing really well. 1

But are you saying that that's not quite at the stage yet where those services could do without somebody like yourself being able to organise things on a longer term? ---In the longer term I think my role provides assistance to all the different organisations at different points in time, doing a multitude of different things. So in the short term my role not being there is not going to hinder them in any great way, but in the long term it could - you know, changes that I might have been able to make might not happen. 10

So you could focus on maybe some initiatives that were struggling that didn't maybe have those excellent training programs?---Yes.

And less so on the initiatives that did have the training programs?---That's right, yes.

Okay, thank you?---Yes, I'm working on one at the moment. We're trying to get accommodation for the - extra accommodation, because they're desperately short of accommodation for staff. 20

Just to be clear, so are you talking about the safe house there?---Yes.

Yes?---Yes, and that's just one of the things - if my role stops that will probably stop.

If we could just perhaps flesh that out a little bit just as an example. So what happens there? How did you become involved in relation to that?---I'm involved with a lot of the housing in the community, particularly government housing, state community housing. There's been some empty accommodation units that haven't been used for a while and I just saw an opportunity that we might be able to move them over to the safe house. 30

So did you approach the safe house or did the safe house approach you and say, "Look, we've got some issues," or were you just sort of having a chat, or how did it actually practically work?---The safe house has always come to me, you know, "Can you help us with accommodation?" It's been an ongoing problem which I haven't been able to do anything about until recently. Now I'm working on these couple of dongas that may be available and we're just pushing along. It's going to be a bit of a slow process and at the end it might not happen, but I'm hoping it will happen. But, yes, if I go away - like, when I leave that is not going to happen. It will just stop. 40

Why would it just stop?---Because of probably the level and area that we're dealing with. It's across three or four

different departments and the council as well and a couple of big projects that are all - that were all vying for those units and then they all pulled out and I've moved in and now one of them wants to get back into the game again. So it's a lot of negotiation, a lot of time, and I think it's a good possibility that if I'm not here doing that it could just fall over.

1

10

20

30

40

10/10/12

MARSHALL, A.B. XXN

23-47

50

And I suppose you're also, like you said, in the unique position where you can move across a number of tiers of government - - -?---Yes, that's right.

1

- - - in a way that a lot of other organisations couldn't? ---Definitely, yes.

Please excuse me for a moment. If for example - let's take the safe house example - if you were not there to assist to address those issues, do you think that that would have an impact on staff retention?---Could very well do.

10

And general well-being?---And general well-being for sure, because the combination that's used at the moment is very sort of in-house, lot of stress for the staff. They actually can't get away from the house. They don't get away from their job, it becomes a 24 hour day job. We need to get accommodation for them when they're actually outside the bounds of the house. It will definitely be detrimental to staff, yes.

Okay. And just my final question -and you have your statement before you, don't you?---Yes.

20

Yes. If you could turn to paragraph 8, which is on page 2, the third bullet point there, you say you assist boards and management committees, committees in developing governance capacity. Could you perhaps flesh this out a little bit more and describe how you deliver that assistance and what results you seen?---I use the certificate IV in governance as the training used.

And that's a TAFE certificate?---I actually deliver it but non-accredited.

Okay?---I'm delivering actually in the community on a non-accredited basis.

30

Is that because you're not qualified to provide that accreditation?---I'm qualified to provide the accreditation but I'm not qualified because I'm not an RTO.

Okay, yes?---I myself have the qualifications but I'm not doing it through an RTO.

Yes?---And in a lot of cases in communities I've found with training that non-accredited training actually works better than the rigid form of the accredited training. There's not the paperwork, there's more - we do it more discussion-based and just work on roles and responsibilities of board members, the finances that are involved with a board member, and just being in those roles. And yes, where I've done that it worked quite well.

40

And can you provide any specific examples as to how it's worked well?---I've done it with - I've worked with some of



the justice group in this community. They're the only ones of actually had a lot of dealings with in this community. In other communities I've worked with all sorts of boards. In Aurukun, just the justice group.

1

Okay, thank you very much. That completes the questions.

COMMISSIONER: Thanks, Mr Capper, no questions.

I noticed that you were in the gallery I noticed that you were in the gallery while the Senior Sergeant was giving his evidence. Did you hear anything that he said that you disagree with or would like to explain all qualified?--No. The Senior Sergeant was pretty well spot on with everything he said. I think the biggest issue that I've got in the community is breaking the cycle of violence. Like, every - last night, today, it's just an ongoing thing that happens all the time. You see when there's a fight on the whole town just stops and everyone just goes to watch, and you see the little kids right through the adults watching, so they all become involved in the violence. And while that's happening we're not going to break the cycle of violence and the way they deal with the violence.

10

What is the break-up?--If I knew I'd try and make a change. I don't know a way of breaking it.

20

One view might be that making violence unattractive would be - - ?---Yes, putting consequences on it for people that are involved in it, but the community is so entrenched in it that I just don't know - I've tried, I've chucked lots of ideas up around the countryside but I don't know that there's any actual - I think it's a long-term, a long, long-term thing started with education.

Of children?---Yes.

30

So the aim is to accept it as a social fact in relation to those that you cannot change and try to focus your resources and efforts on cementing the attitude and response of those you can affect?---Absolutely. I think a lot of people that I speak to, we sort of all have, in discussions, the same sort of thoughts, is that there is a generation that were not going to be able to help and the young generation, the kids that are going to school now, the kids that are starting school now are the ones that we can really work with and really help, and I think there needs to be a lot more resources put into that area.

40

So draw a line in the sand under the previous generation? ---Yes, you get the point and put a line in the sand and say, "Righto, yes."

"From there on, we can do something." Now, what is it that we can do from thereon?---Education. There needs to be different levels of education. I don't mean class levels,

there needs to be cultural education; they need to make sure that they don't lose touch with their culture as well is getting their normal schooling. The academy is working on that. They're not doing too bad a job at the moment. I think there needs to be responsible Elders involved in the education. Most of the responsible Elders have had a good education in the mission system and are reasonably well educated. I think they need to be involved. The new system that the academy is using, the direct instruction system, appears to be working well. The FRC, in conjunction - - -

1

What's the direct instruction system?---It's a style of education that they've got from America - from the States - and it's based on repetition. They work on - when I was at school, when I was learning - - -

10

Rote learning?---Mm?

Rote learning?---Rote learning, yes.

Back to the future again?---Back in the future, yes. And it's working well. And I think with a good education system, with a lot more resources and a lot more support for the children and the school, not just the education support but support to help them achieve goals, whether it is mentoring support, whether it's extra tuition support, whether it's support to make sure that when they get to school they get a really good feed, because a lot of them come to school with - they're hungry when they get to school.

20

And hunger is sometimes a reason not to go to school?---And it is a big reason not to go to school. That happens not just in kids going to school, it happens in adults not going to work.

30

All right. So the Marshall plan, if you like, is to do it within the local community?---Absolutely.

Right?---Yes.

Does it involve then building capacity within the local community first before you can start your program? ---There's got to be a degree of capacity-building in the community, but I think before it can really work there's got to be a percentage of the community members that wanted to work and want to happen. Until - - -

40

This is the previous generation that we rely on here?---No, the much older generation.

All right, the one before that?---It could be a couple of generations back. The generation that grew up in the - got a lot of their education under the mission system.

10/10/12

MARSHALL, A.B. XXN

50

Like the 40s and 50s?---Yes, that era; the commissioners - - -

1

The Elders?---Yes, the Elders.

The councillors?---Yes.

Right?---And they're the - - -

You skip a generation, the grandparents help the grandchildren or the great-grandchildren?---That's right. If they really want to make it happen and they're prepared to put the effort into making it happen and then capacity-build the community to work with the - within the education system, but just to make sure that the children are supported.

10

And that means providing them with the universal - meeting the universal needs like health as well as their education? ---Health, education, food, nurturing; the whole thing.

I've heard a lot of evidence, obviously, about universal service provision, how important health and education is to overall welfare?---Yes.

20

But it seems to me, at least in the remote communities, that equally, if not more, what is needed is housing and employment, even before health?---Employment - - -

Well, certainly before education, anyway?---Employment is the stabilising factor. If everyone's got a job and everyone is going to work - or a large percentage of the community is - they're not going to be out worrying about mucking around in the streets at night because they - - -

30

Too tired to fight?---Mm?

40

50

Too tired to fight?---Too tired to fight, and if the employment was there, that brings the stabilisation in the community. Once you get stabilisation, a lot of these other projects will fall into place because a lot of the projects that are around - there's nothing wrong with them so much as that there's no stabilisation on the community to make them effective.

1

What do you say about the availability of work here?  
---Well, it's very poor. History of government funding on projects is they'll set a project up. It will run for two years. It might employ 10 people. At the end of the two years they don't fund it again and that 10 people are all of a sudden out of employment. So they've got a rollercoaster ride of working, Centrelink, CDEP work and it just goes on.

10

CDEP - what's that?---Community Development Employment Projects. It's a federal government funded block of money for projects to help employ people in the community. It's only for people that are on Centrelink, Newstart, and they get paid for, I think, 14 - 16 hours a week and they do work on community projects for development.

20

Who organises that for them?---Whoever has got the contract for the CDEP. This time it's CEA Australia that have the tender for it. It's going up for retender at the moment. So they're doing it in Aurukun at the moment.

Do they actually do it?---Yes, they do a good job. They've been involved in a lot of projects and I've put some projects up and they've grabbed them and gone along with them really well.

So is CDEP regarded as a wage for the purposes of assessing unemployment rates?---No; no, it's not. The biggest problem with CDEP is that people over the years - it's been running for a long time. People that are on CDEP class it as a career where it's actually not. It's actually they're just fulfilling a commitment which is their Centrelink payment.

30

It's supposed to be a kick off - - -?---Yes, it's a kick off.

- - - into full-time permanent employment and it's not serving that function because why, there's nothing to go into?---Well, in Aurukun there's not a lot to go into, sure, and they use - we use a lot of IEP funding which is put up by DEWAR.

40

What's IEP?---Indigenous employment programs and they fund - they fund a mentor. They fund wage subsidies.

What's DEWAR, sorry?---DEEWR, Department of Education, Employment and Workplace Relations.

10/10/12

MARSHALL, A.B. XXN

50

Federal?---Federal, yes, and they'll have - you apply for a project. They'll fund it, but the project might only go for eight months and they'll supply wage subsidies and mentoring and training for the people that are employed and the aim is - like, they're in the construction industry, a lot of them, in Aurukun - that they would do their time and then they would be picked up and kept in the workforce but it doesn't happen. They do their period of time, whatever the time frame of the IEP is - and that varies, but once they finish that, there's no wage subsidies. The contractors don't want them so all of a sudden you've got another block of people that have done a lot of training. They've been working well, but because it's all finished, that's it. It's the end.

1  
10

What, they're good subsidised workers but not good workers without a subsidy?---That's basically what it comes down to, yes; yes.

Okay. So what's the problem with the IPA? Why aren't they - it seems obvious, what you are saying, so why are they so short term?---It's the way the federal government funding works; the way the state government funding works. It's all short-term stuff, very short term.

20

Budget to budget?---Yes.

All right. That might be just another political reality. One last thing I wanted to ask you was if violence is actually a community value, what business has the state got in - what role, sorry, has the state got in changing that value for the next generation and other than education, is there anything else it can or should do, do you think, to achieve that?---I think there's got to be a lot more resources put into education; a lot more resources put into giving people sustainable employment. Whether it's through veggie gardens or whatever, there needs to be some basis of employment there to create stability. Now, the violence - if there's stability, if people are happy, the violence itself, I believe, will die out.

30

What triggers the violence at the moment?---Anger - no anger management; mental health issues. Aurukun's got very high mental health issues. A lot of resources - - -

What's the cause of that?---From what I can gather talking to people, a lot of it could be from alcohol when people are pregnant or conceiving; foetal alcohol syndrome; lots of ganja, you know, marijuana, alcohol.

40

Psychosis from the marijuana use?---Yes.

How prevalent is marijuana use here?---Very.

From youngest to oldest?---From young to old, yes. The youngest I've come across probably 14, 13 - 13 or 14.

How available is it?---It seems to be pretty readily available. I don't know how it gets in but - yes, because there's always a lot of it around. No-one seems to ever be out of it, those that smoke it.

1

So you would say that violence as a community value has to be removed. You do that by education, but if I'm a 12-year-old and I've been exposed to community and family violence all my life, how do you help me not use violence as a management tool or as an emotional response?---No, there's going to have to be a lot of 12-year-olds or younger - it probably needs to start a lot younger than 12.

10

But the problem with that is it's not a point-in-time event?---No; no.

There are 12-year-olds who are already there now?---Yes.

I guess where you draw the line is really what I'm asking? ---I don't know that I can actually put a definitive answer on that one. It's just an issue that - - -

And it's hard for anybody to say that the line should be drawn and it's even harder to say where - - -?---That's exactly right, yes.

20

- - - without a level of criticism one way or the other? ---Yes, that's correct.

Fair enough; I won't put you in that position?---Yes.

Okay. Anything arising out of that?

MS McMILLAN: Nothing, except I should just add in your qualifications you have a coxswain certificate, don't you? ---Yes.

30

So I take it that assisted you in getting the marine - - -? ---Absolutely, yes.

What was the title again, the marine - - -?---Volunteer marine rescue.

Yes, that up and going?---Yes, that's that big boat that's just out in the yard out there.

All right, thank you. I have nothing further. Might this witness be excused?

40

COMMISSIONER: Yes.

Mr Marshall, thank you very much for your evidence; much appreciated. You're excused.

WITNESS WITHDREW

10/10/12

MARSHALL, A.B. XXN  
MARSHALL, A.B. REXN

50

10102012 14/CES(AURUKUN) (Carmody CMR)

COMMISSIONER: It's half past 11. I'm happy to continue. I just put it up for a majority view. **1**

MS McMILLAN: Okay. We might need a short break. We're just waiting for Mr Mallett to come.

COMMISSIONER: That solves that problem. Just let me know when Mr Mallett is here.

MS McMILLAN: Yes, sir.

THE COMMISSION ADJOURNED AT 11.29 AM UNTIL 11.50 AM **10**

**20**

**30**

**40**

10/10/12

McMILLAN, MS

23-55

**50**

THE COMMISSION RESUMED AT 11.50 AM

1

**MALLETT, PATRICK DESMOND** sworn:

THE ASSOCIATE: For recording purposes please state your full name, your occupation and your business address?  
---Patrick Desmond Mallett, acting head of campus, Aurukun campus, Cape York Aboriginal Australia (indistinct) Aurukun

COMMISSIONER: Thanks for coming, Mr Mallett. Welcome.  
Thanks, Ms McMillan.

10

MS McMILLAN: Mr Mallett, you prepared a statement for the purposes of this inquiry, have you not? And it was affirmed on 30 August this year?---That's correct.

All right. Just have a look at this document, would you. Is that a copy of your statement?---That is correct.

All right. Are the contents true and correct?---That is correct.

Yes, thank you. I tender that.

20

COMMISSIONER: That will be exhibit 78. It will be published.

ADMITTED AND MARKED: "EXHIBIT 78"

MS McMILLAN: Mr Mallett, do you have a copy of your statement with you?---I do.

Yes, good. Okay, thanks. If I could just ask you some questions about it. I should just ask in terms of your qualifications you obviously have a graduate diploma of education, but you also hold a bachelor of law, as I see?  
---That's correct - - -

30

And you practise - - -?--- - - - amongst other qualifications as well.

Yes, all right. And you've been in practice as a solicitor, as I understand?---That's correct.

All right, thank you. In terms of the academy, can you just tell us a little - how long has the academy, to your knowledge, been operational?---Since the beginning of the 2010 school year.

40

So it's very new, obviously?---Yes.

And what years does it encompass?---We are basically what could be referred to as a P to 10 school. We do have pre-preps as well. So basically the full gamut from

10/10/12  
11.50

MALLETT, P.D. XN

50



pre-prep to year 10.

1

Right, okay. And how many do you have in year 10?---I've actually got figures, if I may refer to - - -

Yes please?--- - - - documents.

COMMISSIONER: All figures would be good.

MS McMILLAN: In fact, yes, I was going to say all figures would be helpful, thank you, for different ages and grades? ---In terms of our secondary numbers, of the 76 compulsory school-age children - that's years 8 to 10 in Aurukun - 19 are currently enrolled and attending boarding schools throughout the state; 57 are currently in community; 13 are currently enrolled at our campus; the remaining 42 are not enrolled. Of the 13 enrolled at our campus, eight are in year 8; 3 are year 9; and two are year 10.

10

So just so I understand it, how many are in the community of school-aged children, did you say?---These are secondary children, I should say.

Secondary, yes?---57.

20

And there are how many enrolled in your school? ---Approximately 194.

Yes, and how many in those years 8 to 10 are actually enrolled in the school?---13.

13. And 19 are in boarding school, did you say?---19 are currently enrolled in boarding school.

Right, so there's still quite a number that just aren't enrolled, it seems?---That's correct.

30

And they live within the community?---That's correct.

But they're not enrolled at school?---That's correct.

Because there is clearly no other school operational? ---Yes.

Right, okay. Now, in terms of primary school students - we'll just leave the pre-preps and preps for the moment? ---Yes.

40

Years 1 to 7, how many do you have? Again, do you have be eligible numbers and how many are actually enrolled?---For the years 1 to 7 it would be - I might give the caveat it would be approximately around 180.

Okay. Are they all actually enrolled at school, those children?---Yes.

10/10/12

MALLETT, P.D. XN

50

Right. Pre-preps and preps, how many do you - again, to your knowledge are in the community and how many are enrolled?---For the purposes of accuracy is it possible to take that question under advisement?

1

Yes, of course, thank you. I understand you have these figures in a table, is that correct - in front of you, is that - - -?---No, I just have various annotations are made last night.

All right, thank you. Just if I can move through to the contents of your statement. As I understand, the numbers of children attending school have increased fairly dramatically since its opening in 2010. Is that correct? ---Yes.

10

And I take it you naturally must be very pleased at that outcome?---Extremely.

All right. And no doubt it hasn't happened without a fair degree of hard work?---We believe so.

Yes, all right. And is it correct to say that you give credit for that - not only is your own endeavours and those of your teachers, and indeed I think she's referred to as your line manager as well, the - Cindy - - -? ---Cindy Hales - - -

20

Cindy Hales, your executive principal. Sorry, I'm using the wrong terminology; using another department. But I take it you also give some credit to the family responsibilities commissioners as well?---Very, very much so. I have observed the work of the commission overall, in particular the local commissioners. I believe that the academy has formed an extremely effective partnership and working relationship. I should also acknowledge that you refer to them - we have three case workers who are part of our wider team and - - -

30

Aren't they employed by Education Queensland?---No. In the context of our academy structure they are employed by our partners, Cape York Partnerships, so they're not Education Queensland personnel, although we obviously work very closely together at they're based on site school.

Okay. Just going back to the school attendance, I see for semester 1 in 2010 it was 62.1 per cent, but by semester 1 2011 it had risen to 73.5 per cent?---Yes.

40

Do you have any figures on what the attendance rate is for semester 1 this year?---Again, for the purposes of accuracy if I could take that on advisement.

Yes?---This year in particular the attendance numbers have varied due to a variety of factors. Yes, so for the purposes of accuracy - - -

10/10/12

MALLETT, P.D. XN

50

All right. Just while we are on that, what did you say are the variety of factors that you can identify for the variability in attendance?--I know that up until the tragic passing of our mayor attendance had been progressing very well and it was certainly not uncommon for attendance to be around the 70s in terms of percentages. One of the many direct impacts the passing of the mayor was a drop in attendance, also community unrest has contributed to that, and also other passing is have contributed to that.

1

So in terms of children not attending, you say at the time of the passing of the mayor, how long, for instance, would they not attend, or would be sporadic, that they might come for one day a week? How does it manifest itself?--It manifests in a number of ways, but for such a dramatic passing it could be anywhere between, say, five and 10 days where a child is away, depending of course on the proximity of the family relationship to the person who has passed as well.

10

COMMISSIONER: Is this for purposes of showing respect or sorry business?--A combination of both, Commissioner, yes.

MS McMILLAN: All right.

20

COMMISSIONER: So a death of anybody connected with you or venerated by the community interferes with or destabilises the coherence of the community systems and structures, like education?--From my experience, yes, Commissioner. Yes, from my experience a passing in the community has a far greater significance and effect than a passing elsewhere.

30

40

50

In other cultures, and so it has a destabilising effect in terms of the provision of community services like health and education or the extent to which people avail themselves of existing services?---We very much pride ourselves on what we refer to as a "no excuses" approach, in that as tragic as events may well be in the wider community, that - my terminology, not others - it's very much business as usual, that we do not entertain misbehaviour or other acting outs because of a community passing or other issues, so that we don't feel the impact per se now at the school.

1

I suppose you've got that added legal obligation to ensure that children attend school until they're 15, because it's a legal obligation on their parents to make sure they do under your act, isn't it?---Exactly, yes.

10

So strictly speaking, you would be complicit with the parents if you recognised what the laws don't recognise as a valid excuse for non-attendance?---No, we - and I can be quite emphatic on that, that say hypothetically there were to be a passing and the following day attendance would drop down, automatically straight after parade, and in fact before parade, I would have a detailed conversation with the case manager for attendance. We would look at various strategies, we would look at in particular which family is not attending. He would inform me of what he would be doing that day. He would be giving me feedback as to when the children would be coming back to school. It would be not uncommon for me to meet people in the community, whether it be running into people at the store or walking in the community or whatever, and there would be that constant repetition, subject to cultural norms, of the children coming to school.

20

So what tolerance is built into the academy for non-attendance? At what point is some action taken?---If a child doesn't attend for three days without a medical excuse or other documented material from a service provider Education Queensland will automatically generate a notification to the Families Responsibility Commission and there will be what's referred to as a conference and that family will be conferenced about the child's attendance.

30

Who generates - who does the reporting?---Education Queensland will generate the initial attendance notice on three days of non-compliance.

40

So you report to the Education Department and they report to the Family Responsibilities Commission?---That's correct.

How come you wouldn't do it direct here?---Again, if I could take that question under advisement, commissioner.

Okay. It just seems to be - - -

10/10/12

MALLETT, P.D. XN

50

MS McMILLAN: Might it be because of the repository of knowledge, that it needs to go to a central repository for overall attendance and then generated, or perhaps if you could - - -?---That was my overall feeling. 1

COMMISSIONER: But you could still do direct reporting and then report the report.

MS McMILLAN: Yes?---Yes.

You could do, obviously, a duplicate. Send one to head office and one straight off to the FRC, couldn't you? 10  
---Again, if I could take that question under advisement.

Very well.

COMMISSIONER: But would that seem a sensible thing to be able to do if you could?---It would, commissioner, yes.

MS McMILLAN: Can I just ask you to - in terms of the improvement, as you say, there has been some variables this year to date. You obviously identify the Families Responsibility Commission. What other factors do you say have been of assistance in your endeavours to have the school attendance rise to the sort of figures it certainly was last year?---Again, I can't highly enough give credit to our case managers, the systemic approach that is taken, the nature of the individuals concerned, our partnership with Cape York Partnerships, which is extremely productive, the line managers that are involved, in particular Ms Claudine Wiesner who is a line manager, very proactive, very much on the ball, understands the community, the nature of our academy structure and the philosophy that we have brought to it and also the curriculum that we are - and I place this as a - on the very highest tier - the curriculum that we work under now, which is referred to as direct instruction, which has engaged the children. I've noticed a quantum change in the attitude of children and parents to their schooling since I've been here in 2010. 20 30

All right, I'll just come back to that in a moment. Have the community police assisted at all as well in ensuring compliance with school attendance, to your knowledge? ---Very much so, and I feel on a number of levels the need to make the point that having worked in communities and related activities for a very long time I have never encountered a police service that has been as proactive and as tuned into the community as I have found in Aurukun, and in particular the innovation for community police I believe on a number of levels has been a remarkable development and a very productive development. We have had ongoing community police at the school and also in the wider community and I have observed it to be very productive and very significant. 40

So from what you seem to be saying is the leadership of the

current senior sergeant here and the integration of the police generally within the community and also that initiative about the community police is extremely important?---I believe Senior Sergeant McMahon is the most impressive administrator of a police service that I'm yet to encounter, and likewise, the police officers throughout the service here in Aurukun are always on the lookout for ways to make their service delivery even more effective. Likewise, the Queensland Health personnel, who are outstanding. I have often commented, and as late as Sunday, to my executive principal, how extraordinarily lucky we are in Aurukun to have other service providers of the calibre of what they are.

1

10

So some fairly remarkable individuals, from what you describe, in terms of the positions they fill. In terms of your direct instruction curriculum can you explain a little bit about that, please?---Yes. Direct instruction is a method of curriculum that is very different to what could be called mainstream curriculum in Queensland. It is based on functioning level. For example, a child comes in our front door to enrol. That very first day, the very first morning, we would test that child to ascertain their level of functioning in numeracy and literacy.

20

Can I just stop you there? Is this the verification that you talk about in your statement?---Verification is in terms of special needs.

I see?---Yes.

Right, go on. Yes, please?---Yes, so an ascertainment would be made that once that child has been tested, that their literacy or numeracy level is at a certain level of functioning, then that child, irrespective of their age, is placed in a grouping commensurate with that functioning. The curriculum and the delivery that is made to that child is not only with a view but directed towards progressing that child to another level up to another group and it continues that way.

30

So is it not so much age related, it's their capabilities that they're within that group?---Exactly.

So a little bit perhaps like the Montessori idea, is it, in some ways, if you understand, in terms of that capability or strengths. It's not necessarily wedded, if you like, to the age, the chronological age, of the child?---Exactly.

40

Right?---A good example would be that in mainstream education year 3 is year 3 no matter what. We don't have that same rigidity.

And have you found, I understand - is this an American initiative, the direct instruction, or where does the curriculum develop from?---It was developed in the United States and we work very closely with what's referred to as NIFDI which is the National Institute for Direct Instruction in United States which is based in Eugene, Oregon and we have a very close and productive working relationship with them.

1

Can I just ask - to your knowledge, does this same system apply in the other three partners in the Cape York partnership project?---In our other schools?

10

Yes, in your other schools?---Yes, it does.

Right?---Within the same curriculum.

So has it been targeted particularly for indigenous children?---No, in the sense that our - it hasn't been implemented per se for indigenous children.

Well, perhaps I put it inelegantly. What I meant was clearly this curriculum isn't utilised necessarily through other schools, as one understands it, in Education Queensland. Correct?---Yes.

20

So is it used only, to your knowledge, in children with large indigenous populations?---At the present time in Queensland.

And it's clearly, I imagine, been thought that it had particular advantages to children of indigenous background to introduce it for these schools?---Yes, it's also my belief, having worked under it for approximately the last two and a half to three years, that it's equally applicable to across the state in terms of whatever demographic.

30

Okay. Now, can I then ask you what - on page 2 of your statement you talk about verification. These are for children with special needs, are they?---That's correct.

How many children, to your knowledge, in this school in total numbers are children with special needs?---At the present time we have 39 children with disabilities at the school. 30 of those children are currently what we refer to as verified. 29 of those verifications are for hearing impairment. One child is for a physical impairment. We have eight children awaiting verification for hearing impairment and one child awaiting verification for physical impairment.

40

Who does the - SWD - who is that or what's that?---Our SWD is our students with disabilities coordinator.

Right; and when you say "verify", is it verified effectively with head office?---Yes, and also via our

10/10/12

MALLETT, P.D. XN

50

guidance officers where the verification - say, for example, a hearing impairment will come from a paediatrician or along those lines. 1

Right. Is this perhaps in layman's terms the fact that why it's important to obviously verify and at what level that disability is, is it allows particular initiatives to be funded for that child and put in place?---Not per se. It allows a documented and professional approach to be applied that - say, for example, a child has a hearing impairment. The appropriate service providers are - there can be, for want of a better word, a paper trail begun. It can be followed through. It's been ascertained that that child has a hearing impairment. It's thereby incumbent on us to ensure that paediatricians and so on are chased up and that child's needs are met. 10

I see; all right. So they don't fall through the gaps effectively?---Exactly.

Now, can I just ask you - given the structure within your school, how does it - because it's often been said that schools are often the first sort of point of contact other than perhaps Health for issues showing us that there's difficulties in the child's life; for instance, they're coming to school hungry - - -?---Yes. 20

- - - or they're not coming to school, as you've already canvassed?---Yes.

But not coming school or there are other issues that become apparent might be indicative to you of neglect or abuse? ---Yes.

Just tell us practically how that's dealt with within the school, how it's overseen and what becomes of those concerns?---Actually, initially more globally all of our staff, including non-teaching staff, whether they be cleaners, ground staff, whatever, and, of course, including teacher and teacher aides have all undergone child protection training, an actual formalised process. 30

What sort of training is that?---It's basically an in-service by Education Queensland which is online. It's a short course and all of the legislative and also other requirements are addressed in that. As well I have addressed specifically on a number of occasions in staff meetings in terms of professional development the requirements for staff in terms of reporting and in terms of the overall structure of child protection in Queensland. 40

So what do you instruct them in terms of, "These are the sorts of things that you would look for or if you see things that you're concerned about, this is the process that we follow"?---That's correct, and given the paramount importance of child protection, particularly in a community



such as Aurukun, the slightest suggestion in any way, shape or form, whether it be neglect or abuse, is reported to me immediately. 1

And what do you do?---Depending on the nature of it - I can give two examples; say, there's a child that is in a situation where there is, say, a physical marking which would not be consistent with a child's wellbeing. I will immediately - the requirement is 24 hours, but virtually drop everything and do what's referred to departmentally as an SP4 which is a child notification which then goes through various other stakeholders such as Queensland Police Service, Child Safety and so on and certainly departmental which begins the process where an investigation will occur. 10

Now, just in terms of we know that there's no-one from the Department of Child Safety on the ground here permanently. They visit fortnightly, don't they, for two to three days? ---Yes, that's correct.

Obviously you have police on the ground and Health on the ground?---Yes. 20

So practically speaking, how does that work; say, you've got an injury to a child which you're of the view is likely to be non-accidental. You've sent out your forms to various stakeholders. What's the next part of the chain? ---I've found that notification to be very productive if one of the - say, if it was an injury to a child that even was explained - say, for example, a child had a broken arm. There was a legitimate basis to it and no suspicion arising whatsoever. The system that we've put in place is that - say, for example, the school nurse will also do a referral to the clinic just to ensure that the clinic continue, which they do beyond that, chasing up the family, monitoring that situation. 30

All right, but in terms of investigation of the issue, as you say, the suspected non-accidental mark, what happens? I mean, how reactive is the department in your experience to that?---Very.

What happens?---I will ordinarily within less than one hour of putting in a notification receive a phone call from, say, Child Safety in Weipa. They will go through with me in more detail the notification that I put in so that they're fully conversant with what's occurred 40

And have you found, I understand - is this an American initiative, the direct instruction, or where does the curriculum develop from?---It was developed in the United States and we work very closely with what's referred to as NIFDI which is the National Institute for Direct Instruction in United States which is based in Eugene, Oregon and we have a very close and productive working relationship with them.

1

Can I just ask - to your knowledge, does this same system apply in the other three partners in the Cape York partnership project?---In our other schools?

10

Yes, in your other schools?---Yes, it does.

Right?---Within the same curriculum.

So has it been targeted particularly for indigenous children?---No, in the sense that our - it hasn't been implemented per se for indigenous children.

Well, perhaps I put it inelegantly. What I meant was clearly this curriculum isn't utilised necessarily through other schools, as one understands it, in Education Queensland. Correct?---Yes.

20

So is it used only, to your knowledge, in children with large indigenous populations?---At the present time in Queensland.

And it's clearly, I imagine, been thought that it had particular advantages to children of indigenous background to introduce it for these schools?---Yes, it's also my belief, having worked under it for approximately the last two and a half to three years, that it's equally applicable to across the state in terms of whatever demographic.

30

Okay. Now, can I then ask you what - on page 2 of your statement you talk about verification. These are for children with special needs, are they?---That's correct.

How many children, to your knowledge, in this school in total numbers are children with special needs?---At the present time we have 39 children with disabilities at the school. 30 of those children are currently what we refer to as verified. 29 of those verifications are for hearing impairment. One child is for a physical impairment. We have eight children awaiting verification for hearing impairment and one child awaiting verification for physical impairment.

40

Who does the - SWD - who is that or what's that?---Our SWD is our students with disabilities coordinator.

Right; and when you say "verify", is it verified effectively with head office?---Yes, and also via our

10/10/12

MALLETT, P.D. XN

50

guidance officers where the verification - say, for example, a hearing impairment will come from a paediatrician or along those lines. 1

Right. Is this perhaps in layman's terms the fact that why it's important to obviously verify and at what level that disability is, is it allows particular initiatives to be funded for that child and put in place?---Not per se. It allows a documented and professional approach to be applied that - say, for example, a child has a hearing impairment. The appropriate service providers are - there can be, for want of a better word, a paper trail begun. It can be followed through. It's been ascertained that that child has a hearing impairment. It's thereby incumbent on us to ensure that paediatricians and so on are chased up and that child's needs are met. 10

I see; all right. So they don't fall through the gaps effectively?---Exactly.

Now, can I just ask you - given the structure within your school, how does it - because it's often been said that schools are often the first sort of point of contact other than perhaps Health for issues showing us that there's difficulties in the child's life; for instance, they're coming to school hungry - - -?---Yes. 20

- - - or they're not coming to school, as you've already canvassed?---Yes.

But not coming school or there are other issues that become apparent might be indicative to you of neglect or abuse? ---Yes.

Just tell us practically how that's dealt with within the school, how it's overseen and what becomes of those concerns?---Actually, initially more globally all of our staff, including non-teaching staff, whether they be cleaners, ground staff, whatever, and, of course, including teacher and teacher aides have all undergone child protection training, an actual formalised process. 30

What sort of training is that?---It's basically an in-service by Education Queensland which is online. It's a short course and all of the legislative and also other requirements are addressed in that. As well I have addressed specifically on a number of occasions in staff meetings in terms of professional development the requirements for staff in terms of reporting and in terms of the overall structure of child protection in Queensland. 40

So what do you instruct them in terms of, "These are the sorts of things that you would look for or if you see things that you're concerned about, this is the process that we follow"?---That's correct, and given the paramount importance of child protection, particularly in a community

such as Aurukun, the slightest suggestion in any way, shape or form, whether it be neglect or abuse, is reported to me immediately. 1

And what do you do?---Depending on the nature of it - I can give two examples; say, there's a child that is in a situation where there is, say, a physical marking which would not be consistent with a child's wellbeing. I will immediately - the requirement is 24 hours, but virtually drop everything and do what's referred to departmentally as an SP4 which is a child notification which then goes through various other stakeholders such as Queensland Police Service, Child Safety and so on and certainly departmental which begins the process where an investigation will occur. 10

Now, just in terms of we know that there's no-one from the Department of Child Safety on the ground here permanently. They visit fortnightly, don't they, for two to three days? ---Yes, that's correct.

Obviously you have police on the ground and Health on the ground?---Yes. 20

So practically speaking, how does that work; say, you've got an injury to a child which you're of the view is likely to be non-accidental. You've sent out your forms to various stakeholders. What's the next part of the chain? ---I've found that notification to be very productive if one of the - say, if it was an injury to a child that even was explained - say, for example, a child had a broken arm. There was a legitimate basis to it and no suspicion arising whatsoever. The system that we've put in place is that - say, for example, the school nurse will also do a referral to the clinic just to ensure that the clinic continue, which they do beyond that, chasing up the family, monitoring that situation. 30

All right, but in terms of investigation of the issue, as you say, the suspected non-accidental mark, what happens? I mean, how reactive is the department in your experience to that?---Very.

What happens?---I will ordinarily within less than one hour of putting in a notification receive a phone call from, say, Child Safety in Weipa. They will go through with me in more detail the notification that I put in so that they're fully conversant with what's occurred. Then depending on the nature of it, they will attend at school even if they need to come earlier and begin their process will continue their process. 40

So would at the earliest be the next day, I would imagine? 1  
---Yes.

Right. If you have a concern of such a nature that your view is the child shouldn't go home that day, that it is such an immediate concern, what do you do? You obviously file the same form?---Yes.

What happens? What, practically-speaking, happens here?  
---As well the police, as part of the process, are also notified.

10

Yes?---We have an extremely productive working relationship with the police and I would discuss it with the police.

And what, are arrangements made, for instance, like the safe house or a kin - someone in the family - - -?---Yes, the police then take it all - in relation to that.

So they actually do, if you like, the triage, the actual - - -?---Yes, yes.

- - - those issues?---Yes.

20

- - - which perhaps - it's been suggested in the evidence of Senior Sergeant McMahon that it would be preferable to have someone actually in the community who was the child safety person. Do you think that could be improved if there was someone who was living and working in the community?---I am of the view that whatever services can be provided to this community, the better, and a full-time child protection officer would be preferable, yes.

Now, can I just then ask - I'll come back to that - where you had some issues that have arisen about a child, they don't reach a notification level or what you may well perceived as being, so there's not an injury that you feel would be subject to a notification, but you've got some residual concerns that things may not be right at home; you know, there might be issues that are tending towards suggesting there's neglect. How do you deal with that?  
---If it was an issue that was tending towards neglect I would do a notification. I work on the basis that any suspicion or - I work on the basis of any suspicion, I will do a notification.

30

And what about in terms of do you ever go at have a chat to be - for instance, the Elders who are the FRC commissioners, sort of say, "Look, I'm a bit worried about X at the moment. I've just got this feeling that things may not be right at home," or do you file for notification and maybe have a chat with them down the track; or how do you practically work with that situation?---For reasons of confidentiality and also the cultural norms, I wouldn't - - -

40

Okay?---I don't discuss it outside my legal requirements.

1

Right, okay. In terms of otherwise, in terms of the FRC and their roles in terms of assisting with compliance - school attendance compliance - you found that their role has been quite effective?---Extremely.

These conferences, have you sat in on them?---Yes, I do, and every two weeks we have a meeting with the commissioners - with Commissioner Glasgow and the local commissioners. We will go through the Education Queensland notifications that have come along regarding attendance, so we will - a good example was at a meeting yesterday where a notification had occurred; we have an intimate knowledge of the family and it was excusable, and we were able to say we were of the view for that matter not to be pursued. There are other matters where we will say, "Yes, look, we're going nowhere with that child's attendance. We are of the view that there should be a conference." The commission will then bring that guardian and we'll do a conference with them. I've been present at those. Per se I don't attend those conferences, but I have been present at those conferences in the past. My major involvement is as I've indicated, every second Tuesday at that post-conference conference. And my practice, I will more often than not bring along with me our positive behaviour coordinator from the school who is able to provide even more intimate coalface knowledge of the behaviour of that child; why they may not be attending or when they are attending, what their behaviour is; and as well we manage our case workers, who always attend at that conference.

10

20

So we know that this initiative of this commission is only funded until, I understand, late next year. Is that your understanding?---Yes.

30

Would it be your view that it should be continued?---I am passionately of the belief because I see it daily, the extraordinary work that the commission does and I believe it would be a tragedy if in the present format the commission didn't continue to operate and that I believe to be very, very highly effective.

Senior Sergeant McMahon said he noted the mentoring that the commissioners had received from Commissioner Glasgow? ---Yes.

What's your view of that? Would you agree or disagree with that?---I have now for approaching three years worked very closely and observed Commissioner Glasgow. On many occasions I've seen Commissioner Glasgow's dedication to mentoring the local commissioners, providing opportunities for ownership of a very high level, such as when Commissioner Glasgow has been away the commissioners themselves conferencing with individuals. And I found that to be very productive. And Commissioner Glasgow, under his

40

10/10/12

MALLETT, P.D. XN

50

coordination, has allow additional support; for example, the commissioners to come to our school, whether it be addressing parade for a variety of issues, it may be teasing going on in the school, classroom visits; yes, I've found it very powerful.

1

So clearly they have a fair degree of moral standing in the community, these commissioners themselves?---They do. The commissioners that we have, it's my terminology but I refer every day in terms of role models where children are - they are outstanding role models for indigenous leadership in any community.

10

We've heard some evidence this morning that there are some outstanding Elders and the hopes for the children - many of whom are obviously your students - but there exists in the middle, if you like, a bit of a lost generation; that there's perhaps not a lot that can be done in terms of improving aspects of the behaviour, parenting, those sorts of skills. What you think about that?---I know that our partners - Cape York Partnerships - have invested enormous thought and money into addressing that and they have - say for example parenting programs and so on, there is a tragedy which is often referred to in Aurukun as the lost generation, where there is, due to the historic legacy of Aurukun, adults who are disengaged from functioning in an appropriate way at times.

20

Okay. In terms then of your children, undoubtedly particularly those in high school, you must have given a deal of thought about what sort of employment opportunities exist for them. What's your view about the current situation in terms of opportunities for them on finishing - at this stage grade 10 - but where to from there for them? ---One of the great developments that I've seen over the last three years, when we first began, when discussing futures with children it would be almost universal that at child say, "I'd like to work at Rio or Comalco in Weipa," or no further thought as to which career path that like to go down. Whereas now - and I do this virtually daily, when you're talking to children, you will talk to them about what their career aspirations are, now it's across the board. "I'd like to be a nurse," "I'd like to be a police officer," "I'd like to be a teacher," "I'd like to work at Rio," "I'd like to become a truck driver," or whatever it is. In the mindset of the children and indeed in the wider community in terms of the career aspirations of children it's expanded greatly and I believe that that will happen, you know, that children that are saying that they would like to do this, that or the other are now leaning towards that.

30

40

We've also heard some evidence that the opportunities, though - that there are a number of government projects that start up, employ people for a while and then the funding ceases or that project ceases. Is that your experience as well here?---I couldn't comment on that. I'm simply not appraised sufficiently to give accurate evidence on that.

1

What do you say to perhaps a suggestion of there being further and greater community management; that is, within the community, of child protection issues? So that I've asked you some questions about having a child safety officer living here 24-seven, if you like. Is there in your view potential for, if you like, elders such as those who are the commissioners at the moment to fulfil that sort of role; that is, taking up intakes or notifications and dealing with them as best as one can within the community, and perhaps in extreme cases obviously a child may be needing to be placed out of the community or assessment from outside; that is, say from Cairns?---My view is, and which is part of our wider academy view, everything is about effectiveness. Everything is about providing the best possible service, and it's my personal belief that - and I stress, my personal belief. I'm not in this regard speaking on behalf of the academy, but it's my personal belief that whatever is most effective is what is most appropriate. I believe that would be a very effective response for a number of reasons, but also I am a great believer in community ownership of issues and community solutions to issues and I believe it would lead to that.

10

20

Do you think it would be difficult for people who are say elders who are fulfilling the commissioner role -not necessarily asking whether they could fill - wear both hats, for instance, but do you think that that would create difficulties for them if they were effectively in that front line, if you like, service delivery of child protection issues?---Certainly, in that it is such a difficult area of life per se, but a close second to that is school attendance and the moral and community leadership that the local FRC commissioners have taken in terms of confronting school attendance, at great emotional cost to themselves, over the past three years, hasn't in any shape or form deterred them from doing their job.

30

We hear a number of them were very successful in the recent council elections?---Yes, and I believe that that reflects the community acceptance for the job they do and the courage and the morality that they bring to that - and the commitment that they bring to their positions.

40

All right, thank you. I have nothing further, Mr Commissioner.

COMMISSIONER: Thank you. Yes, Mr Selfridge?

10/10/12

MALLETT, P.D. XN

50



MR SELFRIDGE: Yes, thank you.

1

Mr Mallett, what's the total number of students currently enrolled in the academy?---Again, I take it on advisement, but approximately 194.

Approximately 194. Through myself or Mr Rowland you would be able to - would you be able to provide a breakdown of the numbers and ages of these students to the commissioner?---Yes, I would.

Yes, okay. As part of your statement that you've provided to the commission you also provided two other documents. There's two newsletters, the first being term 1, 2012 and the second being term 2 for 2012, March and May respectively, yes?---Yes.

10

Do you have those, Mr Commissioner? Do you have those readily at hand, the newsletters that were provided along with the statements?

COMMISSIONER: Yes, I have. Did you want it?

MR SELFRIDGE: I just want to make reference to them, that's all.

20

COMMISSIONER: No, sorry. Yes, I've got them, thanks.

MR SELFRIDGE: You've got them? Have you got them?

COMMISSIONER: Yes, I have.

MR SELFRIDGE: Thanks. At page 3 of each of those newsletters you give a breakdown of attendance in percentage terms, don't you, Mr Mallett?---Yes. I haven't actually got - - -

30

Have you got - - -?--- - - - those newsletters with me at the moment.

At page 3 of each of them, the left-hand column, you give a breakdown of attendance rates?---Yes.

You discussed those briefly when Ms McMillan asked you some questions earlier about how they fluctuate from time to time depending on what's happening in the community at any given time. That was my understanding?---That's correct.

40

Now, also as part of those newsletters there's the school philosophy that's printed and in essence it's self-explanatory or self-evident. No exceptions, no excuses, is the school philosophy?---No excuses.

Yes. How is that welcomed or received by the students? Are they accepting of it?---Very much. Perhaps it's evidence laced with self-interest and self-serving, but I

10/10/12

MALLETT, P.D. XXN

50

fundamentally believe that the attitude of the children across the spectrum has become very engaged. The children accept overwhelmingly the reality of coming to school, accepting norms in the classrooms, accepting standards of behaviour in the wider school and that they comply with it.

1

Those expectations, whether they be school wide or whether it be within the classroom, are explained in each newsletter that you provide to the students as well as - - -?---In particular I acknowledge my executive principal, who takes great care and great commitment in ensuring that communication occurs with the community and one, and I stress only one, of the methods of that is the newsletter which will go out very regularly and that we will make very attempt to ensure that it's circulated as widely as possible in the community.

10

Well, those newsletters that are circulating within the community as one means of communication as such, I asked you how the philosophy was adopted or received by the students. What about the actual parents themselves? Are they accepting of the school philosophy and of those terms about no exceptions, no excuses, attendance wise?---Very much so. Whenever a new program or a new approach is taken change always brings with it a certain amount of controversy or a certain amount of difficulty. It would be - and I'm conservative in saying this - at least two years since a parent or a single child has raised with me an issue about the curriculum or about our approach. I take the view that for something as fundamental as what we're doing, that it's incumbent on me to not only live in the community but be in the community as much as I can, and I say that for the example that I would have been out of community only three or four times this year for short periods and that every weekend I'm in the community. So I'm dealing with the community, whether it be at the store or whatever and I simply do not get the feedback of any angst whatsoever about the no excuses philosophy or children having to attend. In fact it's quite the reverse, that I will - on virtually any given day if I'm walking to the clinic, if I'm walking to the store, if I'm walking to the post office, in a totally appropriate and professional way a guardian will approach me, will indicate why their child wasn't at school, how they're dropping off a medical certificate at the school and when that child will be returning and thanking me for that understanding. I have never - I cannot recall an occasion over the past two years where I've been confronted or berated about our approach per se.

20

30

40

So you're saying that the community at large respect those - under attendance as part of those newsletters you also detail when it's okay for a child to stay at home and give some circumstances about funerals, bereavements or if the child is sick and what the expectations are in relation to those. Are those adhered to in general terms?---In general terms, yes. This year in terms of community issues there has been over my time here greater unrest and instability so therefore that's reflected in attendance, but in the normal day-to-day functioning of the community, yes, it is adhered to completely.

1

10

Okay. The last thing I'd like to ask you is: do you have any particular staffing issues in terms of numbers at the school at present? Do you have difficulty engaging staff? Do you have difficulty employing staff at the school?---A good example is under the wider leadership - and again I acknowledge my executive principal for this - where it would have been unheard of three to four years ago that what is referred to as "pre-service teachers", in the old days "training teachers", would have come to Aurukun. Now we have that. We have virtually 100 per cent of the pre-service teachers that come to Aurukun wish to stay. This year a number of our staff who are eligible for transfer who could realistically transfer back to their home environments, whether that be Brisbane or the Sunshine Coast - and I would speculate that that was their intention when they first arrived - have declined the opportunity to transfer and are staying on board.

20

In terms of funding, who funds the academy?---If I could take that question under advisement for the purposes of accuracy.

Okay, but you have quite a unique system in terms of your teaching as such, in terms of the staffing as such, because you have an overlap of staff members, do you?---If I may ask, an overlap in which sense?

30

As in timewise?---We do. We have what we refer to as "clients" which could more globally be referred to as the academic delivery that we provide.

Yes?---We also have another equally important charter which is referred to as club and culture which covers a variety of areas, key learning areas. Our class structure is that from 9 o'clock until 3 o'clock with one culture segment during the day which is ordinarily half an hour and then from 3 o'clock till 4.30 we have what's referred to as club and culture. The class teachers will obviously be ready for work at 9 o'clock to commence class. 100 per cent of them will be there at least conservatively an hour earlier, if not two hours earlier. They in theory work till 3 o'clock. Again it's not uncommon at all for me to leave work at 6 o'clock and staff like last night were still working then. The club and culture component

40

10/10/12

MALLETT, P.D. XXN

50

hypothetically starts at 10.30 and goes till 4.30, but again I know our head of club and culture who is, in theory, supposed to start work at 10.30 will more often than not be making a cup coffee in our tearoom at 7.30 in the morning getting ready for it. So there is an overlap but at the same time we tend to blend together in a lot of ways.

1

Thank you. No further questions.

COMMISSIONER: Thank you, Mr Selfridge. Yes, Ms Byles?

10

MS BYLES: Yes, thank you.

Mr Mallett, my name is Samantha Byles. I'm a solicitor with the Aboriginal and Torres Strait Islander Legal Service?---Yes.

I would just like to ask you some questions in relation to your statement, please?---Yes.

Starting off at paragraph 7 of your statement - and I just want to ask you some questions about bullet point number - the second bullet point which is at the top of page 2 on my copy?---Yes.

20

It begins with "Line manager of behaviour management". Do you have that one before you?---Yes, I do.

Yes. Now, I just want to ask what you mean by "behaviour management"?---In terms of behaviour management we have given great thought and great planning that we have reduced to documentary form what we consider to be appropriate behaviour within the school environment. That may mean a zero tolerance for swearing at teachers, violence against other children, for children teasing each other, children truanting, the accepted norms for how a child should function in a classroom and what our expectations are of a teacher and the child in that classroom.

30

Okay?---So I refer to behaviour management in that context.

Perhaps I'm using the wrong phraseology, but is that essentially like a code of conduct for how the schoolroom should run?---And the wider school environment and what the identified consequences are if those norms are broken.

So, say, you had a child that was breaking those norms who, for example, started swearing at a teacher and wouldn't follow directions? What would happen there? How would that behaviour be managed?---It depends on the incident itself. I'm a great believer that there should be a lot of ownership by the teacher themselves for behaviour in the classroom, for their authority and their credibility with that child. If it reached the stage of, say, a child refusing to work or relatively minor misbehaviour in the

40

10/10/12

MALLETT, P.D. XXN

50

classroom, certainly the classroom teacher deals with that. 1  
A situation, say, of swearing against a teacher  
automatically our head of behaviour would be telephoned.  
Depending on what's occurring, but we work on the basis a  
maximum of five minutes he would be at the classroom. He  
would, again depending on the situation, deal with that  
child. He would more often than not consult with me on  
that again depending upon the behaviour.

So what do you mean by "deal with a child"? Is that 10  
sitting down and talking with the child to try to ascertain  
why they're behaving in that way or, you know, maybe  
receiving a report from the teacher and then maybe taking  
some other action based on that report?---Yes, what's  
paramount to us is that there's a minimum of down time. We  
do not want a situation where a child is staring at a wall  
for half a day.

Do you mean that by way of some form of punishment or 20  
something like that?---Yes; yes; yes. We try to have a  
turnover of about 10 to 15 minutes in that context where  
the child will be spoken to, then a consequence will be put  
in play. That may mean giving up their lunchtime or  
whatever, but it's incumbent that we get that child back 20  
into the classroom.

As soon as possible?---Yes. I should say as well that the  
- it's almost incomprehensible the change in behaviour over  
the past three years.

30

40

50

In 2009 there were over 180 police visits to the school, for at times quite extreme levels of violence and other issues. Now a good example is our head of behaviour is away at the present time so I'm the first point of call. Over the past two days I've dealt with one behavioural issue, which was a child that wasn't working as effectively in class as we would expect, who had been kept in at lunchtime to do his work yesterday; had basically sat there, had refused to comply. There was certainly no element of walking away or swearing or any other physical manifestation of that. This morning at approximately 10.13 I received an email from the teacher concerned outlining what had occurred. I immediately went to the classroom, took the child down to my office, discussed with the child what had occurred; discussed the zero tolerance aspect; came to an agreement with the child that that work would be made up at lunchtime; that if there was future non-compliance, what the consequences would be; and had the child return to class in nine minutes. That's the general nature of how we go about it.

1  
10

Okay. Now I'd like to talk about - just extend that discussion a little bit and maybe focus it more on children who have been subject to the child protection regime, which is obviously particularly relevant to our meeting today?  
---Yes.

20

In your experience have you seen that children who have either been removed from parents or have had some form of child safety involvement or intervention in their lives; have you seen them display particular behavioural problems?---In fact, quite the reverse, almost strangely enough. The children that we have - and again for the purposes of accuracy I - and obviously I can't mention any children's names or identify in any way shape or form, but looking at my list of the children in care - and I can say this with accuracy because I invest a lot of thought in our behaviour management - over the past nine months in total the behavioural matters I've dealt with those children were one of the males at - and I recall it - at 2.04 in the afternoon, four minutes after had commenced at 2 o'clock, wasn't in class. I discussed with him why he wasn't in class, took him to class, and he made that time up. So the behaviour of the children in care or on orders hasn't manifested at all in outbreaks of misbehaviour.

30

And those are obviously children who have been able to remain in community despite child safety involvement, obviously because they're still enrolled at your school?  
---I wouldn't use the terminology "despite child safety involvement", but who are - whether it be at the safe house or on an order and then placed with, say, a guardian, yes.

40

Are able to remain in community and be subject to child safety?---Yes, sorry - - -

Perhaps if can use that phraseology?--- - - - go with that, 1  
yes.

Do you have experience with children who have been removed from the home and have not been able to remain in community but have been placed with carers perhaps in Cairns or somewhere out of community and have come back into community to be placed with their parents or perhaps another relative? Have you experience with children who have gone through that experience?---Yes.

And have you noticed those children exhibiting difficult behaviours?---Yes, where - I'm thinking of two children in particular. And there were behavioural difficulties which over a period of time I believe we comprehensively addressed. One of the children in particular acted out in - and this is a considerable amount of time ago - acted out in quite extreme ways, including using a broken louver as a weapon with myself, but I was able to - this morning on coming back from a visit to the council - to see the child's mother, and the child's behaviour has been impeccable and the child has fully engaged with school now and there are no behavioural issues whatsoever. So in a summarised form, yes, I've observed difficulties with 20  
reintegration, but a good story at the end.

And do you have a specific program or a specific way of assisting these particular children?---In a wider context, yes, in the sense that we have adopted what may on the surface appear to be controversial, but I see the effectiveness of it every day, of no excuses; that if we were to every time a child had sworn or walked out of a classroom or had been involved in a fight, sat down or - and I do not mean this in a condescending way - but a talkfest and an analysis of it, I believe that in the context of the school we would get nowhere. Whereas we 30  
just simply - we have no tolerance for that behaviour. And the children have taken that very much on board. There is no angst from the children against the system. And indeed the parents - - -

So you're saying that your particular approach is essentially almost like a one size fits all, in that everybody is subject to that no excuses regime?---Everyone is subject to it. That doesn't mean that we won't bring to it a very large degree of compassion and understanding and discussion with other service-providers and doing everything we can, but a child just simply doesn't - a 40  
child - there are no grounds where it's acceptable or condonable where a child physically or verbally will act out in school. It's simply unacceptable.

But if you - and you just mentioned there that if you do have a situation, though, that warrants it, you will look at involving external services to assist in relation to the behaviour management of the child?---We take great stock on

reaching out to families, involving the families in it, but I believe we have a very effective and systemic approach to it that is well serviced by our head of behaviour, our wider - we have, for example, an extremely prominent American - a woman who has a PhD in the area who is over from the United States at the present time - who is specifically working with - she's not in Aurukun at the present time - but that's indicative of the approach we take, that no stone is left unturned.

1

To deal with perhaps the root causes of whatever is causing the misbehaviour?---Yes, and that what is absolutely paramount to the vision of the academy is that curriculum be delivered and that the learning outcomes for children be improved, and that within the confines of the legislative and departmental requirements that we have, that that be achieved.

10

20

30

40

50



Thank you. I just have one further question and it's in relation to paragraph 8 of your statement and bullet point number 5, which is actually the last bullet point on page number 3?---Yes.

1

There you talk about a monthly interagency meeting with various organisations. Would you please outline some of the positives from that meeting?---I find it an extremely productive entity, in that across the board all of our partners and other stakeholders have busy lives in Aurukun and that - and I believe the other entities involved would agree with me, that we need another meeting or three or four hours out of our day like we do a hole in the head. Having said that, I believe that we all look forward to those meetings, in that it provides an entity or an avenue where the phone is not going off, we're not being interrupted, where people such as the outstanding director of nursing at the clinic, Josh Stafford, Senior Sergeant McMahon, the council, all of the service providers, where we can sit down around a table, go through in a systemic way what we're dealing with at the present time, what is coming up, developments we can - it provides a very effective communicative device, but also it will - a good example, when we've had, which is extremely rare now, outbreaks of truancy, where I will outline that. "Yes, look, we've had a bit of an outbreak of truancy," and this has occurred on numerous occasions where that will then set in train, for example, where Mr Stafford will phone me the following morning and say, "Look, I've just noticed" - and I use this term, a pseudonym, "Fred Smith walking down the street. Shouldn't he be at school?" "Yes." That sort of approach, or, which has occurred, where there will be a knock at my door and Senior Sergeant McMahon will be there with three of our children. So it provides a very effective way that we can network, communicate and improve all our services.

10

20

30

Do you have any suggestions as to how that coordination approach could in fact be strengthened?---I don't, actually, no. I believe it works very - well, I believe it works very effectively. I again get back to the mantra that I state in a very self-interested way, but additional services are always welcome. A full-time person on the ground is always a wonderful innovation.

What do you mean by that?---That we had an outstanding - and the Department of Communities work very well and Bruce Marshall is a person I've got great respect for and I believe he's very effective. Previous to Bruce we had - my understanding is there was a full-time coordinator who was here for a long term by the name of John Harvey. I found him to be outstanding in terms of coordination on the ground, understanding the community and having a handle on everything.

40

So you think that a way of, you know, improving that

10/10/12

MALLETT, P.D. XXN

50

integration and strengthening that sort of coordinated approach would be to maintain somebody in a position as Mr Marshall's is in the community to assist with respect to that?---Categorically.

1

Thank you. If you would excuse me for one moment. No further questions. Thank you very much?---Thank you.

COMMISSIONER: Thanks, Ms Byles. Yes, Mr Capper?

MR CAPPER: Thank you. Mr Mallett, I only have really one area to discuss with you and that's in relation to your statement. At page 2 in the third dot point down you say you're working with others to develop educational support plans for children who are in out of home care and are identified as meeting the eligibility criteria. In relation to that, how often do you interact with child safety in relation to the educational support plan?---In terms of child safety, rarely, in the sense that we do educational support plans even when it's not required. Not only do we do it when it's mandatory but we do additional ones.

10

Yes?---How that works is that we will work with out guidance officer and those other service providers, but particularly our guidance officers, in constructing the educational support plan. The initial ownership of that in terms of responsibility is without students with disability coordinator or, if it's a wider behavioural issue, with our positive behaviour coordinator. That is the approach per se that we take. We don't go to child safety, for example, for that per se.

20

Okay, so the educational support plans, despite being part of the case plan for the child that's in out of home care is really being driven by the school or by yourselves as opposed to another department. Would that be fair to say? ---It's totally driven by us.

30

In relation to that, particularly, you know, do you think that the process and the review processes that are undertaken are effective? I mean, obviously they're being done by the school, but are they effective? Can you get out of them what you want and what are the limitations in achieving what you want from - - -?---I do believe that we can - we do get out of them what we want, and I say this on oath. We are extremely fortunate with the calibre of staff that we have. Let's say, for example, our students with disabilities teacher will monitor it daily, will be - even though she has virtually a full-time teaching load, will be discussing, "How did it go today with that child in terms of their hearing? Did what I suggest before work?" It's very comprehensive. Likewise with our positive behaviour coordinator.

40

Is there more we can do to increase that? I mean, I'm just

10/10/12

MALLETT, P.D. XXN

50

conscious - obviously there's been media and there's been obviously the NAPLAN results released and those things about the benefits to children and the results that are being achieved. Is there more we can do and what can we do? Like, if you had the wish list, if you had the bucket, saying, "What do I actually need here to deliver better outcomes for children, particularly those in care," what would you be looking for?---Can I say firstly one of the many advantages and blessings of living in Aurukun is that I don't get the opportunity to read a newspaper daily and so I make it a policy to not read too much of the media.

1

Of course?---But secondly, given the absolute paramount importance of child protection and child safety, especially in the context of the tragic and undeserved legacy of Aurukun, I believe the system is working as effectively as is possible to work.

10

In relation to - you're obviously driving it from the education side of it. What is the department's role and how often do they review the educational support plans with you?---Well, I'm an Education Queensland employee.

Yes?---Our guidance officers are Education Queensland employees and our wider student services are all, of course, Education Queensland. We work extremely closely. For example, we have a fortnightly meeting which we've initiated where at 7 o'clock on a Wednesday morning the head of behaviour, students with disabilities officer and myself will sit down, we'll teleconference with our guidance officers, we will go through everything with the children, any issues that are arising. It's normally a fairly comprehensive teleconference that will go for at least an hour, an hour and a half.

20

But that's all EQ staff?---That's all - - -

30

Where does the department come into it, if at all?---Look, sorry - - -

Do they - - -?---I'd taken it when you said the department you meant the education - - -

No, sorry, the Department of Child Safety. Where do they come in? How often are they involved in these discussions? How often do they follow up, if at all, in relation to the educational support plans, what's being done, how they're being achieved, how they're being delivered. Is there any follow-up or any engagement?---Yes. Say, for example, fortnightly when they're there, they will come in, we'll discuss it, there's telephone contact. I believe we've got - they're very committed and we've had a very productive working relationship with them.

40

Thank you very much. Those are my questions.

10/10/12

MALLETT, P.D. XXN

COMMISSIONER: Thank you. Yes, Ms McMillan? 1

MS McMILLAN: Just one thing which I should have perhaps asked Mr Mallett. In Mr Briscoe's statement, and he's given a statement which is largely identical to Josh Stafford's because Mr Stafford, I understand, is on leave, he makes this comment at 10.1 in subparagraph (7). One of the aspects that he has particularly pointed to that challenges in ensuring children and young people are protected from harm is the lack of sexual education and awareness. He states, "There has been a lack of formal sexual education within the school system as well as a lack of any formalised personal safety program aimed at children within the school." Is that the case or has that been addressed at all, to your knowledge?---For purposes of accuracy if I could take that question on advisement. 10

Okay, sure. Thank you. I have nothing further with this witness, Mr Commissioner.

COMMISSIONER: Thanks very much for coming, Mr Mallett. We appreciate your time and the evidence that you have given and we're grateful for you attending the hearing? ---Thank you again, commissioner. 20

WITNESS WITHDREW

COMMISSIONER: Thank you.

MS McMILLAN: Commissioner, were you proposing to take a lunch break then? We just have Mr Briscoe to complete. We're in your hands, obviously.

COMMISSIONER: Didn't we have lunch yesterday?

MS McMILLAN: We did have lunch yesterday. 30

COMMISSIONER: When is he here?

MR .....: He's just across the road.

COMMISSIONER: I'm going to the safe house. Is that right? So by default then we will have lunch. 2 o'clock.

THE COMMISSION ADJOURNED AT 1.12 PM UNTIL 2.00 PM 40

THE COMMISSION RESUMED AT 2.22 PM

1

COMMISSIONER: Sorry, ladies and gentlemen, for keeping you waiting.

**BRISCOE, KARL JOHN** affirmed:

ASSOCIATE: For recording purposes, please state your full name, your occupation and your business address?

---Karl John Briscoe, occupation is acting director of primary health here and my address is - my business address is in Cairns. I can supply that later.

10

COMMISSIONER: Thanks very much.

MS McMILLAN: Thank you.

Mr Briscoe, have you prepared a statement in relation to these proceedings which you affirmed on 8 October this year?

---That's correct.

Would you just look at this document? Is that a copy of your statement?---That's a copy.

20

True and correct?---True and correct.

Yes, thank you. I tender that.

COMMISSIONER: That will be exhibit 79.

ADMITTED AND MARKED: "EXHIBIT 79"

MS McMILLAN: Thank you.

30

Mr Briscoe, do you have a copy of your statement with you? ---Yes, I do.

Yes, good, okay. Now, your current position - you're acting as the director of primary health care, Cape York Hospital and Health Services, Cairns office. Now, does that encompass obviously this community but, I understand, would it include Weipa, Hope Vale, Mossman Gorge, for instance?---Actually Mossman Gorge comes under Cairns and Hinterland Health Service district, but it encompasses Woorjil, Hope Vale, Cooktown, Laura, Kowanyama, Pomperow, Aurukun, Lockhart and Napranum, Mapoon and Weipa.

40

Right, so fair spread communities?---Fair spread, yes.

All right; and you say you've been appointed to this position since July 2012 but you've worked in various roles in Health, including Cape York Hospital and Health Services since January 2008. Now, can I just ask you - you've read the statement of Mr Stafford, haven't you?---Yes.

10/10/12

BRISCOE, K.J. XN

50

We understand he actually lives in this community and works here?---Mm'hm. 1

I take it, given your statement is largely identical to his, that you would endorse what's in his statement?  
---Definitely.

All right. Now, can I ask you some specifics in relation to your statement and obviously doing the best you can given you're not on the ground here, so to speak? If I can take you to 9.1 of your statement, you talk about part of the director of nursing role they have regular contact with the Department of Child Safety?---Mm'hm. 10

Now, you say that the relationship is excellent, but if I take you also to 10.1.6 on the next page, you talk about the Department of Child Safety is still seen as the remover of children and is used as a punitive threat. Now, given you would obviously know that there is no-one who lives in this community who is employed by the department, we understand they fly in and fly out two to three days a fortnight. Is that your understanding?---Yes, that's my understanding. 20

From Weipa and, as I understand, if need be, the assessment team comes up from Cairns. I think they've been twice in the last six months?---Yes.

January to July - is that your understanding approximately?  
---That's my understanding.

So what do you say - and I understand you've read some of the other statements tendered for the inquiry in this location, one of them being Senior Sergeant McMahon, and you saw that one of his suggestions was that in his view there should be child safety officer who lives in the community and is here effectively 24-7?---Yes. 30

You were telling me you thought that was a good idea?  
---Yes, I thought that was a good idea because in order to respond in a timely manner and to look at ways of - rather than removing, you know, kids from the community looking at ways of extended families to be able to take on, you know, the role of carer for those kids.

Although we understand that - we heard evidence from the headmaster of the school here that if he makes notification, obviously there's phone contact fairly promptly, it seems, with Weipa. In terms though of what you understand from the Health perspective, what actually occurs because clearly they can't get in till the next day and if the child is in immediate need of either removal from the family or just simply to be kept safe for while, what's the situation as you understand it here?---The situation, as I understand, is the child's either cared for, you know, either by Health staff or the Police Service 40

10/10/12

BRISCOE, K.J. XN

or there may be Act For Kids looking at keeping them safe until an assessment is able to be done by the department. 1

But do you understand the Act For Kids - the children need to be under an actual order before they're eligible to go there?---Yes, and I think that's one of the issues of not having a dedicated officer in the community.

At the very least, I imagine, you would suggest there should be some sort of emergency accommodation just even in the meantime whilst - if officers aren't here, child safety officers, they can be kept safe?---Whether that be an extension of the Act For Kids in an area, yes, but I think that that needs to be investigated and, yes, I'd agree with a child safety officer being placed in the community. 10

Now, can I ask you in terms of paragraph 10 some of the challenges you've indicated? Now, you say that whilst it's officially a dry community, the reality is that alcohol consumption continues on a regular basis. Would you say that alcohol for the moment is one of the - if not the primary cause of a lot of the health issues that you understand present to Health here in Aurukun?---Yes, alcohol is a contributing factor. 20

To pretty much all of the presentation, would you say? ---The majority of presentations. However, the - yes, the majority of presentations alcohol seems to be a factor. However, why that has occurred - you know, there would be mental health issues that would impact probably on the alcohol issues.

All right. I see that in the page before there's obviously been, one would see, a concerted effort on behalf of Health to address maternal and early child welfare. Correct? ---Yes, definitely. 30

Yes, and I take it as part of that, of course, issues would be looked at such as consumption of alcohol. That would obviously be one of the issues undoubtedly addressed? ---Yes.

And things like good nutrition?---Yes. I suppose one of the teams that I manage is the nurse intensivists and a part of their role is to come out and do assessments on mother, expectant mothers, looking at good nutrition and also looking at alcohol consumption and looking at brief interventions to try to eliminate and alleviate the consumption of alcohol while pregnant. 40

So you've got the intensivist midwife. They come here weekly?---Mm'hm.

And then they're assisted, are they, by a health worker? ---Yes, they are.

10102012 23/CES(AURUKUN) (Carmody CMR)

Right; and how many health workers are there?---So there's a health worker that's actually attached to one of our partner organisations, Apunipima Cape York Health Service. They work in conjunction with them to provide services here, but also we also employ health workers within our district.

1

And there are health workers here full-time?---Yes, there are.

Yes, as you say, the clinic here is staffed 24-7, isn't it? ---Yes, it is. In terms of health work we actually have an Aboriginal and Torres Strait Islander health worker and that has a specific career structure surrounding that and we have different levels within that, so from a trainee right to a manager health worker services.

10

20

30

40

10/10/12

BRISCOE, K.J. XN

50



However, in Aurukun we have a senior health worker, a senior Aboriginal and Torres Strait Islander health worker, which oversees the day-to-day operations of the advanced health workers and generalist health workers in the community.

1

What is your retention rate like with those workers?---It's actually not - the retention rates aren't too bad, but the actual employment of them and issues around housing and accommodation are one of the major barriers to staffing. The health worker sector is not the only, isolated health sector or health area that is impacted by housing.

10

All right?---I suppose that could be said for other - - -

Service providers?---Such as education and - - -

Yes. Now, in terms of - just going back to the maternal and child welfare, are you able to indicate how much of an issue foetal alcohol syndrome is, firstly, within this community?---Yes. I actually don't have any evidence to present on that, however I do understand that studies have been done around that.

20

Within health or - - -?---Well, within our health partners, and I believe Apunipima Cape York Health Service Council had undertaken a study of it a few years ago.

Health is a partner - was it a partner in that study or not?---Yes, I believe it was.

So we could perhaps obtain a copy of that?---Yes.

Right, okay. In terms of mental health aspects, I understand that it's a fairly prevalent issue within this community. I'm talking about adults, at least at this stage?---Yes.

30

Is that again in your view and from your knowledge interrelated with drug and/or alcohol abuse?---Yes. There is an interrelationship there. I think past policies and practices of removal of kids and dispossession of land have impacted on the drug and alcohol abuse.

So you're saying, really, are you, sorry, as a coping mechanism, if you like, dealing with the removal of children or the dispossession?---Yes.

40

You say that it's been utilised as effectively a coping or avoidance strategy?---Yes, that's correct.

Yes, okay. In terms then of other issues in relation to mental health what do you say in terms of - is there much evidence, to your knowledge, of, for instance, drug induced psychotic behaviours certainly within this community?---Not to my knowledge, yes.

10/10/12

BRISCOE, K.J. XN

50

What about the delivery of mental health services, because clearly that is a service that in essence involves a number of strands to it, doesn't it?---Yes. 1

I'm talking by that, obviously, some therapeutic intervention, perhaps psychotherapy, perhaps drug medication. There could be a whole range of measures needed to assist someone in terms of managing a mental health condition. What is offered in reality here by health?---Okay, I do know that there's an outreach program for mental health. 10

Yes?---That actually doesn't sit under my banner so it's very hard for me to comment on that.

Right, okay?---But I do know that communities do get serviced by mental health professionals and, yes, follow-up from tertiary institutions and things like that do happen.

In relation to other health issues, are you able to identify any other particular health issues that you're aware of that impact on both adults and children in this community that I haven't asked you about?---Yes, I suppose in terms of hearing. You know, hearing health for young kids that leads on to educational development. 20

Yes, I asked you about that. I understand that Mr Mallett's evidence was that in terms of screening children for disabilities that hearing seemed to be quite a prevalent issue?---Yes.

Are you able to comment at all about that?---Yes. I know that there have been studies done on otitis media and that's - - -

Otitis media is obviously hearing issues?---Yes. 30

Yes?---They've been more prevalent in Aboriginal and Torres Strait Islander children and leading on from that, you know, on to learning difficulties around not being able to hear and retain the, yes, information.

Right, okay. Yes, I have nothing further, thank you, Mr Commissioner.

COMMISSIONER: Mr Selfridge?

MR SELFRIDGE: Yes, I have only one thing for your, Mr Briscoe. In terms of health employees is there formal training as such that employees receive in relation to child protection and/or indigenous issues?---Yes. We've actually just implemented this year as part of our district orientation program a child safety training component within that. So that ensures that all employees within Cape York Hospital and Health Service have the same level 40

10/10/12

BRISCOE, K.J. XN  
BRISCOE, K.J. XXN

of training and they're given - and they know what to do in terms of - and what course of action needs to be undertaken - - - 1

In terms of mandatory reporting, et cetera?---Yes.

How long is the training for and is it applicable to all health service employees?---The district orientation is mandatory for all health service employees and, yes, it's - - -

How long is the training for?---The training actually goes over three days but it's actually a component of that training. The session could last anywhere from one to two hours. 10

So there's a district orientation program applicable to all public health - sorry, to all health and hospital employees but a component of that is child protection training? ---Yes, or child - - -

I'm sorry?---Child safety training.

Child safety training?---Yes. 20

When you say child safety training, is it specific to obligations, duties and responsibilities in relation to identification of child protection issues and the reporting of the same? Is that what - - -?---And where to go to actually report those, given say there's mandatory reporting for doctors and nurses.

Sure?---Whereas a health worker may come across - an Aboriginal and Torres Strait Islander health worker may come across a case, they could go either to a doctor or a nurse or to one of our social workers for advice on the next best course - for the next course of action or refer it on to them. 30

To be addressed at that level?---Yes.

Okay, I understand. Okay, thank you very much. I have nothing further.

COMMISSIONER: Thank you. Ms Byles?

MS BYLES: Yes, thank you, Mr Commissioner. 40

Good afternoon, Mr Briscoe. My name is Samantha Byles. I'm a solicitor with the Aboriginal and Torres Strait Islander Legal Service and I'm just going to ask you some questions on your statement. Before I get there, though, I just want to go back to something that you were talking about a little bit earlier about the mental health issues that you've seen that you said were in some cases derived from the trauma associated with dispossession and also the

removal of children. You mentioned just briefly that these communities were serviced by various mental health professionals. You may not be able to provide any further information, but if you could provide any further information as to how Queensland Health is helping people to address those particular concerns that would be of help?

1

10

20

30

40

10/10/12

BRISCOE, K.J. XXN

23-92

50

---Yes, okay. As far as I'm aware the referral and the follow-up from in-patients who have been discharged from the tertiary centre.

1

Perhaps you need to explain what a tertiary centre - so you're talking about an involuntary system?---No.

No, okay. Like a mental health facility such as (indistinct) which is based in Cairns, and they're actually followed up from that and the treatment is laid out in the discharge summary. However, given the scope of the dispossession and the amount of time and money and effort that it would take to address that, I actually don't - my personal opinion, I don't think it actually is being addressed.

10

Okay. And what do you think could be done to make sure that those issues were more properly addressed?---I think it needs to actually come from the community and the community need to develop the solution as to how they would like to address it. Whether that be through men's groups or support groups or specialised services coming in, but the community actually need to own whatever solution that needs to be in place.

20

So would you be supportive of an arrangement where local community people were skilled and perhaps mentored in a way to be able to deal with these issues directly themselves and build up that capacity within the community?  
---Definitely. And it all comes back to - like, really aligns to community development, community taking ownership and autonomy, yes.

Thank you very much. Now moving on to your statement, and in particular paragraph 8.1 subparagraph (9). Here you talk about the child and family counsellor based at the school here. I was just wondering if perhaps you could elaborate a little bit there on exactly what kind of counselling that service would offer?---Okay - - -

30

To the extent that you can?---As far as I'm aware the position based in the school is - I suppose my understanding is referrals from the FRC are received on to that to actually follow up children within the school.

So the school identifies an issue with a child and that gets referred to the FRC. Is that your understanding? That the FRC to maybe look at putting in some additional assistance to help that child deal with those behaviours?  
---Yes, as far as I understand.

40

Okay. And are you aware of exactly what types of behaviours are being particularly targeted by that regime?  
---No, not particularly.

Okay, so just any sort of disruptive behaviours in the

classroom?---I mean, like the Cape York Aboriginal Health Academy, they actually deliver the service. 1

Okay. So you don't - you're not - - -?---It's a bit out of my scope.

Fair enough. Excuse me for one minute. Just going back a little bit, Mr Briscoe, and I'm referring here to paragraph 8.1 subparagraph (10) of your statement, and going back to the discussion that we had about the community taking ownership of the issues and your evidence that you would be supportive of local people being appropriately equipped to deal with those issues. You speak about that in this paragraph, about the clinic, and in particular at the last sentence of that paragraph where you say, "The clinic maintains an excellent reputation within community." Perhaps are you able to sort of maybe elaborate a bit on exactly how that relationship has been built up and exactly how that respect has been earned and what's done to foster that respect?---All right. I suppose it's just going back to our district orientation. A component of that also is the cultural practice program which we have implemented in Cape York Hospital and health service. 10 20

How is that implemented?---That actually gives them a tool kit to - when they come out to a community - so say you've got an agency nurse that has come out to a community and they don't know the cultural protocols within the community, but it gives them a tool kit such as approaching the senior health worker there or a health worker who understand the local cultural protocols. So in terms of death and dying, what happens in that community, because there's different protocols for each community. That shows a level of respect for the local community culture. 30

How are those protocols developed?---It's actually developed by the community.

Yes, so does the - somebody - yes?---All right. So say a nurse comes out and says, "Look, you know, I want to know what's the process or what's the procedure for when someone passes away, say, in the clinic." So they might say, "Yep, you notify the family." The family might want the clinic smoked in order to get rid of the bad spirits and things like that. And that has occurred on occasion. That's quite a regular occurrence. That's an example of a local process. 40

So who - and again, I suppose I am being quite specific, but who would that nurse ask? Is there a particular Elder in the community, or - - - ?---No.

- - - the mayor or someone?---As I said, the cultural practice program provides them with a tool kit.

Yes?---So each community is different - - -

1

Yes?--- - - - in terms of who you go and seek cultural information, but the tool kit is - the first port of call would be the Aboriginal and Torres Strait Islander health worker within that community.

Yes?---Whether it be the senior health worker or whether it be the trainee, advanced help; they will, I suppose, help guide the staff member who they should be talking to, whether it be someone at the council, a council liaison officer; whether it be the local justice group, but they will be able to guide them and give them the information from their - yes, it's very hard to say, "This is the pathway."

10

Yes, That's right?---Whereas each community is different.

That's correct. And that is obviously why Queensland Health invests so much in the careers of the indigenous health workers, as you mentioned before?---Mm'hm.

Moving on, then, to paragraph 10.1 subparagraph (2), in this paragraph there's a discussion about housing?---Mm.

20

You say in this paragraph, "Houses can sometimes accommodate multiple family groups." How often is that occurring?---It's very hard for me to answer that because it's basically the opinion of the director of nursing - - -

Okay?--- - - - who's not here to answer that. And the occurrence of that, yes, I'm sorry, I don't have an answer for you.

That's fair enough. I also wanted to ask a question about the capital works issue that was also raised in that paragraph. I will ask it, but of course only answer to the extent of your knowledge?---Mm'hm.

30

40

Would you expect that those capital works - if they were not delayed and if they were delivered promptly, that would assist to address the issue raised in this paragraph with respect to housing?---Yes, definitely; yes, that would overcome, yes, the housing shortage. However, there's still the issue around staff accommodation, you know, for services to be able to serve people.

1

Which I suppose is another issue again, isn't it?---It is.

You would agree that that would impact on staff retention? ---Yes, definitely.

10

If you can't offer appropriate housing?---Yes. The other thing is too, like, there are a lot of visiting services and accommodation is quite small, you know.

And I put it to you that a way to overcome that would be to be able to skill up and employ local people who hopefully already have some accommodation?---Yes; yes, and that's one of the challenges, yes, because - I mean, we actually don't offer the training so they actually have to go out of their community either to Cairns, Brisbane or Townsville to do the training.

20

You mean by that to attend a university course in order to - - ?---Or a TAFE course.

Yes?---Yes, and I know in the past we've tried to offer it, you know, or supported the TAFE and non-government departments to try to offer the training within the community. For whatever reason it just didn't seem viable.

But that would be something that - you know, if that viability issue could be explored, that would be something that Queensland Health would be prepared to support?---I'm sure they would, yes.

30

Excuse me for one moment. Now I would like to take you to paragraph 10.2 subparagraph (3) and again it's sort of on similar issues and it's sort of focusing on what we really discussed, but would you be in support of the position where Aboriginal people within their community are essential to improvement of service delivery in relation to a lot of these areas, approximately trained and qualified, of course?---Yes, I suppose if I could use the example of - there are international studies out there that have demonstrated that Aboriginal - indigenous people servicing indigenous people actually have better health outcomes. That's internationally recognised in studies and in terms of health outcomes, yes, employing local indigenous people would be definitely gaining better health outcome for the community.

40

The last area I want to explore with you, thank you, is in subparagraph (8) of that same main paragraph section where

10/10/12

BRISCOE, K.J. XXN

50



you talk about exploring the possibility of creating a safe place. I suppose I just want - the language there is something I sort of want to talk about a little bit because I note you haven't said "a safe house" which is obviously present in the community so I was just wondering what was meant by that "safe place". Now, again you may not feel comfortable answering that question if this is something more appropriate for Mr Stafford and if that is the case, please indicate so, but to the extent that you could answer I would like you to do so - sorry, it's paragraph 10.2 subparagraph (8) on page 4, just at the end of page 4?  
---Okay. I suppose in terms of if you had a departmental officer, Department of Communities officer or a Child Safety officer, based in the community, this would definitely be an option of having a safe place in order for families to feel safe and out of harm's way.

1

10

So you're particularly focused there, I suppose, on the emergency responses?---Yes, definitely.

Yes, that we discussed earlier?---Yes.

Excuse me for one moment. No further questions. Thank you very much.

20

COMMISSIONER: Thank you. Mr Capper?

MR CAPPER: Thank you.

Frank Capper from the Commission for Children and Young People. I just have a couple of questions in relation to child health passports in relation to children in care?  
---Sorry?

Child health passports. It's part of the Department of Child Safety's case plan?---Mm'hm.

30

Are you aware of them?---No.

You don't have any involvement in that area so you couldn't really tell me how they work on the ground in Aurukun?  
---No. We actually have child protection liaison officers and that's part of their role.

No problem; and in relation to the issue - Ms McMillan asked you briefly about the hearing issues in relation to children in the area. Now, certainly the information that we had this morning was there were 39 children identified as having a disability and perhaps some more as well that were awaiting verification?---Mm'hm.

40

Now, that's out of about 140 students in the school or thereabouts. We're using ballpark figures?---Yes.

It seems to me to be quite a significant matter and you certainly there has been some research done around that,

10/10/12

BRISCOE, K.J. XXN

50

but what I guess I'm looking for is: what's the research being done - we can't really identify a cause at this stage for it occurring. What's being done to address it in terms of maybe not preventatively at least but to ensure children's educational needs and those sort of issues and ongoing health issues could be met?---Yes. I suppose we have child health checks that take place and regular ear health screening of kids.

1

Yes, but once they're screened and we identify it as an issue, what then happens to the children?---There's a follow-up on that. They're either referred to, like, an ophthalmologist or a specialist in order to look at what kind of care needs to be put in place, you know, whether they need surgery or whether they need drops or what have you.

10

Based on the experience - and I don't know if you'll be able to answer this and perhaps Mr Stafford may need to address this, but in relation to the delivery of those services here or in the communities that you referred to that you're responsible for, are there many children who have surgery? Do you have any idea as to how many get surgery or is there any - I mean, when they present at a clinic, do they have hearing aids or are there any other sort of steps taken that we can identify to actually say that this actually being addressed?---Yes, I actually don't know the actual figures and things like that, but I know that audiologists actually service the cape and various companies do that and in terms of kids requiring hearing aids, you know, that's assessed and they're provided.

20

As part of the Queensland Health system or separately?---As far as I know, as part of the Queensland Health system, but I do know that in some communities a lot of the hearing aids are kept at the school so the kids can actually, you know, hear when they're in class and things like that, yes.

30

I guess my concern with that is in terms of - obviously as a health issue it's going to have significant concerns or issues for their ongoing education, their ability to engage and to receive education?---Yes.

It appears to be everybody is saying that's one of the biggest issues to try and overcome, the issues in indigenous communities, or generally in society education is a big issue. If we can identify, is there anything that Queensland Health is doing as a systemic approach to deal with that particular issue?---Yes, we have Deadly Ears. Deadly Ears, they're based out of Brisbane and they come up and service - - -

40

Okay, what do they do?---So basically they - so kids that are picked up in the screening actually are referred to them and on their visits they follow up. They actually have a mobile surgical unit and whether they, you know, do surgery in the community if it's warranted, you know, they - yes, they've got - - -

1

They service this area and the community that you're responsible for - or the communities you're responsible for?---Yes, they service, yes, communities within the cape.

Now, in terms of your work and Queensland Health's work do you work in collaboration with education, ie the academy, and with child safety in relation to child safety orders, or when the orders are granted, and the plans and all those things? Do you have any knowledge of that?---That would be at the - - -

10

The child protection - - -?---Yes, at the dongas. That would be at Joshua Stafford's - - -

All right, and what's the level of engagement as far as you're aware, or if you don't know please just say so, between the Aboriginal and Torres Strait Islander - you indicated that the Aboriginal and Torres Strait Islander health workers, they're invaluable for you because it gives you that - and the first point of contact for Queensland Health staff coming to the community. Do you know if the Department of Child Safety workers engage with you on that or do they have own version of that?---As far as I know they have their own version of that.

20

Okay?---I suppose even their workers would look at the local protocol - - -

But they don't rely on yourself for that sort of cultural advice relating to - like, you say it's the first point of call for Queensland Health, but particularly in remote communities such as this they don't approach your team for that?---They could on occasions, yes, but I don't know specifically if they do.

30

Okay?---Basically they're here.

I have nothing further, thank you.

COMMISSIONER: Ms McMillan?

40

MS McMILLAN: Yes, thank you. I just wanted to clarify something. You were asked some questions before about mental health issues and you were talking about the relevance of issues such as dispossession and loss of children. Is what perhaps you were intending to convey that someone might be released say from an in-patient facility and they have their treatment plan, but what

10/10/12

BRISCOE, K.J. XXN  
BRISCOE, K.J. REXN

50

you're talking about, those issues, are well back historically. They're not proximate to their admission to an in-patient facility?---Yes. But they're there in the background resonating?---That's right.

1

Yes?---The treatment of those issues doesn't necessarily get treated. It's the actual, you know, psychosis, or whatever the diagnosis.

Yes. It's treating the symptomatology but some of the underlying causes and issues associated are well back historically?---Yes.

10

Is that why you're saying there needs to be community engagement and recognition of those?---Yes, and how to overcome that. You know, say getting a group of men together, they actually know how they should deal - whether it's going out on a men's camp or what have you.

Yes?---They know of the solution to actually, yes, address that.

Yes, all right. Thank you. Mr Commissioner, I've got nothing further, thank you.

20

COMMISSIONER: Thank you. Mr Briscoe, thank you for coming. We appreciate your evidence. You're excused.

WITNESS WITHDREW

MS MCMILLAN: That is the evidence for today. I just want to tender - and when I get the clean copy of Mr Stafford's statement that goes in without objection.

COMMISSIONER: All right. That will be exhibit 80.

30

ADMITTED AND MARKED: "EXHIBIT 80"

MS MCMILLAN: Thank you.

COMMISSIONER: A nice round number to finish off in Aurukun. All right. Thanks to everyone for your help. We will adjourn to Mount Isa, Monday, the 15th.

THE COMMISSION ADJOURNED AT 3.06 PM  
UNTIL MONDAY, 15 OCTOBER 2012

40