



SPARK AND CANNON

TRANSCRIPT OF PROCEEDINGS

Telephone:

Adelaide	(08) 8110 8999
Brisbane	(07) 3211 5599
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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

BRISBANE

..DATE 4/02/2013

DAY 40

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 COMMENCED AT 9.46 AM

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COMMISSIONER: Yes. Good morning, Mr Haddrick.

MR HADDRICK: Mr Commissioner, Haddrick of counsel assisting. I continue to appear. Mr Hanger of Queens Counsel has a little bit of housekeeping to attend to before I begin.

COMMISSIONER: Okay. Good morning, Mr Hanger.

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MR HANGER: Just one matter that I should inform you of at the earliest possible opportunity, and that is that Ms Matchett will be represented by somebody else apart from Mr Selfridge and myself.

COMMISSIONER: Ms Matchett, yes.

MR HANGER: Yes.

COMMISSIONER: She's not appearing this week, is she?

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MR HANGER: No.

COMMISSIONER: Righto.

MR HANGER: I think the present plan is that she should appear on Thursday week.

COMMISSIONER: She's the former DG?

MR HANGER: Yes.

COMMISSIONER: Right. So she's being, what, funded by the Crown but separately represented?

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MR HANGER: I believe she will be funded by the Crown. There are some hoops to go through first.

COMMISSIONER: Okay.

MR HANGER: But I think that Mr Coen might be appearing for her.

COMMISSIONER: Okay. All right. Well - - -

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MR HANGER: Or seeking - - -

COMMISSIONER: - - - no doubt they'll contact us. Thanks, Mr Hanger.

MR HADDRICK: Thank you, Mr Commissioner.
Mr Commissioner, today is day one of a series of five days

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that this commission will hear extensive and detailed evidence about the operation and challenges associated with Queensland's out of home care options. As this commission has heard previously, out of home care is a care option available to the chief executive of child safety services; that is, the director-general of the Department of Communities, Disability Services and Child Safety in housing and providing care and protection to children who are subject to a variety of orders by the Children's Court of Queensland.

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Out of home care means care - or using the old language, custody - of a child where the court has found that the child's parents are unwilling or unable to provide care and protection for that child. In providing out of home care the chief executive, acting through her many delegates, and consistent with the case plan approved by the Children's Court, can place a child in the care of a number of different people.

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Ideally, and quite frankly, the cheapest option is to place the child with kinship care; that is in the care of a grandparent or an uncle or an aunt. It goes without saying that the theory being that the best people to look after that child, if not the child's parents, is the near relatives who know the child and who can easily absorb that child into their home environment. Housing a child in kinship care usually makes it easier to facilitate the transition back to the child's proper parents as and when the reason for the child needing to be placed in care has dissipated.

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In contrast to this and consistent with section 82 of the Child Protection Act, if it is not practical or achievable to place a child in kinship care then the chief executive must make other arrangements for the care and protection of that child. The options available to the chief executive are foster care; that is care of the child in a stranger's home, and residential and transitional care. It is these last two categories of care that the next five hearing days will be devoted to.

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Residential care and transitional care provide the greatest logistical challenges for child safety services. Residential and transitional care are also the ways that the child safety services deal with children who are categorised as complex or extreme needs. Subject to your approval counsel assisting will call about 16 witnesses from Monday to Thursday this week and again on Tuesday of next week. It is the aim of these five sitting days for the commission, and through the commission's public hearings, that the public at large will obtain a very human understanding of what is meant by residential care and transitional care.

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Counsel assisting will deliberately set out to attempt to place on display a warts and all view of what are residential and transitional care. We will deliberately be showcasing examples of those care and housing options which are working well as well as examples of those residential and care facilities which are, or should be quite frankly, of significant public concern. We will be doing this by hearing from witnesses who are associated with six different homes or care options.

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We will be tendering statements from each of these witnesses which will be going on the commission's web site as soon as possible subject to any non-publication order, and we will be hearing about the day-to-day operations and challenges associated with each house. What we will be attempting to illustrate is a Sylvania Waters-type understanding of what happens in the house. It is hoped that the commission would hear about what happens from sun-up to sundown. Different aspects of running of the houses will be drawn to the commission's attention that may not occur to someone unless you have either visited or lived in one of these homes.

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There are a number of probative objectives that the commission has in respect of the next five sitting days. The first objective is to give the public a greater understanding of how residential and transitional care works; the second objective is to identify ways to improve the delivery of residential and transitional care, especially in terms of any therapeutic services attached to those care options; the third objective is to identify any waste in funding that exists in the provision of these care options; the fourth objective is to consider whether there are any transitional arrangements in place and the adherence or otherwise to those arrangements; the fifth and final objective is to consider the question of whether or not there needs to be or there is any scope for what other witnesses have described as secure care or a containment model.

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To date there has been some evidence presented to the commission that suggests that the residential care option is both an expensive and inefficiently run system of care. There has also been evidence that the residential care system does not adequately respond to the challenges associated with children who have behavioural management issues. In particular evidence has been received that suggests that the current out of home residential care facilities often rely too heavily upon other community services, like the Queensland Police Service, to respond to challenges associated with the children who live in those facilities.

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Some witnesses have already given evidence and have advocated for an introduction of what is broadly described as secure care or a containment model whereby restrictive

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practices are employed to manage children with significant of extreme behavioural management issues. The commission will receive evidence from witnesses as to whether there is a need to expand the out of home residential care options to include a secure care option.

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The commission will also receive evidence as to who that secure care should be provided in terms of its size, structure and nature of the facilities; the restrictive practices that could be employed by secure care operators; mental health and therapeutic services that should be provided at the secure facilities or wrapped around those facilities; and importantly, the judicial and administrative oversight that should attach to the provision of secure care.

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I'll now turn to residential and secure care in a more global sense. As a result of various summonses to provide information and other evidence the commission has already ascertained the sheer size of the residential and transitional care system, of a gigantic cost to the Queensland taxpayer. On 30 June 2012 there were 402 children in residential care in Queensland and 290 children in transitional residential placements.

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The commission has heard that in terms of needs children are classified into four categories; moderate, high, complex, and extreme needs. Moderate make up the bulk of the children, being 57 per cent of the children in 2001; high needs children make up 26 per cent of the children at that time; complex needs constitute 13 per cent; and extreme made up 4 per cent of that cohort. Behaviours consistent with complex or extreme needs include children or young people who: engage in unpredictable acts of physical aggression or antisocial behaviour; destroy property; self-injure or attempt suicide; run away with prolonged absences; abuse alcohol or drugs or other mind-altering substances; have developmental delays or disabilities that impact upon daily living and self-care; or need medical or physical care.

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It's not too much to say, Mr Commissioner, that by "complex and extreme needs", what we are really talking about in many cases, but not all cases, are delinquent children. In the 2011-2012 financial year there were 612 children in residential care in Queensland, by far the most of any state or territory in Australia. New South Wales had only 496 children in residential care in the same period and Victoria had 392. Mr Commissioner, when it comes to children in out of home care Queensland has really become the Oliver Twist state.

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Another very important statistic that has come to the attention of the commission is the growth in residential care in Queensland over the last five years. In 2007 to 08

there were 345 children in residential care. As I just mentioned, in 2011-2012 - that is five years later - that figure was 619. The number of children in residential care has almost doubled in five years. Importantly it must be kept in mind the cost of all this to Queensland taxpayers. Whereas the Queensland taxpayer pays approximately \$6908 per year on average for the placement of a child in foster and kinship care, not including payments to foster carers; on average Queensland taxpayers pay \$337,285 to a staggering \$407,606 per child per annum for therapeutic and individual residential care.

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The unit cost per child for care in residential and transitional places is outrageous and must be a concern to this commission and every Queensland taxpayer. In a time of austerity taxpayers have a right to expect that the state government can provide a roof over a child's head and all the care and protection required for less than \$400,000. These average costs per child in residential care are nothing short of scandalous. It should not cost more than a grand a day to look after a child. Indeed, today the commission will hear evidence of one child whose care and protection is costing Queensland taxpayers over \$600,000 per year.

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Now, I need to turn to some mechanical issues to ensure that we have on the public record and provide the other parties with an opportunity to take issue with the way that certain matters will be dealt with. As I said, there will be about 16 witnesses in the next five sitting days. Three of those witnesses will be child witnesses. It is counsel assisting's submission that to receive the oral of those children live streaming of those witnesses should be turned off and a non-publication order should be made in respect of any information which tends to identify the child or any person associated with that or another child.

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Additionally, it is proposed that much the same way as section 121 of the Family Law Act works in family proceedings persons shall be allowed to remain in the gallery here but, as a result of the non-publication order, there will be an obligation upon those in the room to preserve the effect of the non-publication order and not publish or utter the name or identifying features of any child outside this room.

It is counsel assisting's submission that there is a very strong public interest in the ability of the commission to quote evidence received from the children so long as it does not identify the child. It is also counsel assisting's submission that there is a strong public interest in the media being able to quote from evidence of any child witness again so long as the child is not identified.

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It is also proposed that in order to hear about residential and transitional care the witnesses have been arranged in an order that they are bundled together, whether associated with one house or home or placement location. That will allow the commission to go through the week hearing about houses A to F. This will allow the commission to focus sharply upon the features of individual houses. It is also counsel assisting's submission that the addresses of each house or home or facility should not be published.

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Officers of the commission have this morning provided to each of the parties with leave the addresses of each of the

houses being showcased, but it is asked that the houses be only referred to by the letter that the officers of the commission have assigned them and their suburbs they are located in. Where possible the specific addresses will not be mentioned and I ask for a blanket no-publication order as to the specific addresses should they inadvertently be mentioned in the course of testimony.

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I should mention that as counsel assisting I took the liberty of explaining these proposals to the crown on Friday of last week. The crown being the representative, the chief executive has therefore had notice that we intend to adduce evidence from three children. Whilst pursuant to the Commissions of Inquiry Act you, commissioner, are at liberty to summons the children to appear and that power supersedes the obligations under the Child Protection Act on the chief executive, nonetheless it was thought appropriate to give the chief executive an opportunity to object to the calling of the children, given the chief executive has the care and protection of those children pursuant to the Child Protection Act. That has been done.

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At this stage, and subject to your thoughts and the submissions of the parties, I ask you, commissioner, to make the following orders: the first one is that live streaming be deactivated for any child witness who gives evidence. The second one is that there be a non-publication order in respect of the names and identifying information of any child referred to in the course of the hearings. The third one is that there be non-publication order in respect to the addresses of any residence or facility described and identified by the commission as homes A to F inclusive, save for the suburb or general locality of the facility and, finally, that in publishing any statement of a witness, any aspect of a witness's statement that tends to identify a child or the address of a residential or transitional care facility shall not be published. I ask you, Mr Commissioner, to make those orders.

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COMMISSIONER: Have you got a draft there? Does anyone want to make a submission on the orders that are proposed? All right. I direct that during the evidence of any child witness the live streaming be deactivated, their names and any identifying information referred to in the course of the hearings not be published, the addresses of any residence or facility described and identified during the course of hearings as homes A to F inclusive not be published, save for the suburb or its general locality and any aspect of a witness's statement that tends to identify any child or the address of a residential or other care facility shall not be published to that extent. Is that what you want, Mr Haddrick?

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MR HADDRICK: Thank you, Mr Commissioner. Finally, before I call the commission's first witness I take this opportunity to make some brief opening remarks about the nature of the evidence that we will receive. Most of the witnesses the commission will hear from this week are people who are involved in the day-to-day operation of residential facilities or transitional places. They are the workers in this field. They are not the top-level public servants. They are those who are actually charged with looking after children on a daily and, indeed, hourly basis.

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We're going to hear what I think is called in social theory "a view from the bottom". The witnesses will paint a picture of a residential care system that, whilst it has its success stories, is extremely expensive, growing at an almost uncontrollable rate and creates a group of children who are smart enough to play the system and who are very challenging for the system. An awfully large amount of waste will be identified.

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It is expected that some of the witnesses will provide a solid basis for the establishment of a secure care option within Queensland's child protection system. Sadly, it is also expected that some of the witnesses will show that residential care is creating in some but by no means all children who have a propensity to play the system and become masters of the homes that they are provided with. I will now call the first witness, Mr Commissioner. I call Officer Philip Hurst.

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HURST, PHILIP ABRAHAM sworn:

ASSOCIATE: For recording purposes please state your full name and your occupation?---Philip Abraham Hurst, H-u-r-s-t. I'm a detective senior sergeant of the Queensland Police.

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Please be seated.

COMMISSIONER: Good morning, detective senior sergeant, welcome?---Good morning, Mr Commissioner.

MR HADDRICK: Thank you very much, officer, for coming along today. Have you got a copy - sorry, can I get you to have a look at this document, please? Can you have a look at that document, please? Do you recognise that document? ---Yes, that's a three-page statement that I prepared in relation to a summons that was served on the commissioner of the police.

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Can I get you to have a look at this one? Just bear with me for a second, please, Mr Commissioner. We're just acquiring a second statement that was provided this morning.

Actually, could you just have a look at this document, please, officer? Have you got it there?---If it assists, I have a copy of that statement with my material.

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Do you have the original signed one there?---Yes, I do.

Could you have a look at that document, please? Do you recognise that document?---Yes, I have the original eight-page statement that I provided and that was in response for a summons for myself and for my appearance here this morning.

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Okay; and you have signed that document at the end?---Yes, I have.

Are the contents of that document true and correct?---Yes.

And the opinions expressed in that document - they're your opinions?---They are.

I tender that document, Mr Commissioner. Just the second document, please.

COMMISSIONER: The statement of Detective Senior Sergeant Hurst will be exhibit 149.

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ADMITTED AND MARKED: "EXHIBIT 149"

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MR HADDRICK: Thank you. Now, what I'm proposing to do, officer, is to take you through aspects of your statement and ask you a variety of other questions, but first of all, just for the purposes of the evidence before the commission, you've been a police officer for approximately 22 years?---That's correct.

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For 10 years you've been associated or connected with the child protection investigation unit on the - north of Brisbane?---I've been with the child protection unit for about 17 years, about 14 on the Sunshine Coast.

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Where were you prior to that?---At Bundaberg. I did a number of years up there with the former Juvenile Aid Bureau.

So would it be correct to say that the bulk of your policing experience is either with the old Juvenile Aid Bureau or now described child protection investigation unit?---That's correct.

What role do you have in the CPIU on the Sunshine Coast? ---I'm the officer in charge of the child protection unit there.

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If you're the officer in charge, how many people do you have who report to you?---I've got 27 sworn officers. In addition to that I have three school based police officers. I also have at the moment two administration officers.

What do the bulk of those 27 sworn officers do?---They do a mixture of child abuse investigations or juvenile justice investigations. We also have some requirements for ANCOR monitoring and reporting.

In addition to that do you have a fourth function, and that's functions that you may have under the Child Protection Act?---That's correct.

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So it would be correct to say that it's a mixed bag of functions?---Yes, that's correct.

Some of the functions are in relation to investigation of offences committed on children?---Yes, committed on children or by children.

Or by children. So children are the subject of the investigation in some respect?---That's correct.

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In your statement if I could just - have you got another copy of it there in front of you?---No.

I'll give you another copy to have in front of you? ---Thank you.

If I could just take you to page 2 of your statement, please, paragraph 10. You identify there that there are four current residential facilities in the Sunshine Coast district. By that you mean police district, don't you?
---That's correct.

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And two semi independent living accommodation residences. Can you describe what you mean by current residential facilities?---They're the ones that I'm aware of. There may be others that I'm not aware of, but the ones that I'm aware of are the four residential care facilities where they have staff working where people are housed. Generally there may be hostel style accommodation or where they have workers caring for one or up to two, three, four kids. There's also what are called semi independent living and they're the two others where agencies would rent a premises or obtain a premises and then allow the children to stay there.

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So what's the delineating feature between what you describe as residential care facilities and also semi independent living accommodation residences? What would be the difference between the two? It's in relation to when the staff are there. The residential care facilities generally have staff that are at the premises the majority of the time, okay. The semi supported residence, they may have people that come for certain contact hours but for the rest of the time they are living independently where they have less on-hand supervision by the people who are providing that service.

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When you say they have staff living there or attending to it all the time, effectively, how many staff are there, to your knowledge?---To my knowledge, generally one at a time. It may be different during office hours where they have admin stuff to do, but generally after hours.

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MR: (indistinct) two?---To my knowledge, there's generally one.

MR HADDRICK: Okay.

MR: (indistinct) there's two.

MR HADDRICK: Okay, well, we'll be taking evidence later on from other witnesses who will give their versions of what's occurring. In terms of the training of those staff can you describe for us there sort of ages, gender, training, sort of background, to your knowledge?---Quite a large demographics of where the actual work has come from. Some appear to be uni style aged people, others are quite more mature, with more life experience, so to speak. So there is a great variety of the workers that I have seen at these premises.

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So it really depends on the particular residence as to the qualifications?---Yes, and there's a great variety of the number of premises that have been operating and the staff at this premises.

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Now, you go down in paragraph 12 to refer in the final line on page 2, "Others run hostel style accommodation for several clients." Can you explain what you mean by that? ---We've had one longstanding premises on the Sunshine Coast at Maroochydore that does operate hostel style where the clients get a room, so to speak, for themselves and they get to put their own belongings in there and they get to reside there, and generally it's offered from the teenage years up to 18 years, I believe.

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When you say "hostile" - sorry, not "hostile", "hostel"? ---Yes.

Are we talking about a small commercial hostel or are we talking about some sort of particular stand alone facility? ---It's a stand alone facility but it's got shared common rooms and kitchen facilities and those sort of things but with independent bedrooms. They operate without payment but what I would describe hostel style accommodation.

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What, if anything, is the difference between the staffing in those particular facilities as opposed to the residential facilities?---I don't know if there is a difference. I'm not sure whether qualifications are different or the training.

To your knowledge, from your observations, what have you identified as the reasons why there is a different type of accommodation option to a residential facility?---Well, this one seems to be a custom built facility. The others appear to be houses that are just taken on lease for a period of time and accommodation provided in a residential area in a house. This appears to be a custom built residence for housing young people.

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So there's no material substance in the housing objective, it's simply the service that has been sourced or the location that has been sourced that delineates between these types of accommodation options?---That's correct.

If I can take you over to page 3 of your statement, you have identified that the needs - and I quote, "The needs for child protection clients or those with health issues can be vastly different from the needs of youth justice clients and the individual nature of young people is an important consideration." It appears to me from that statement that you're effectively making reference to behavioural management issues that can be present amongst some children who are in care. Is that correct?---It's just that children are individual. There's a vast number

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of reasons why they come to need support, a variety of reasons. Some may be for the more delinquent type behaviour, some because there is a real need for - they weren't getting protection at home or they have been subject to offences against them. So there's a great variety of reasons why children do need assistance from time to time and I think it's difficult to label all the children in the one basket.

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Okay, but do you accept the proposition that some present with behavioural management issues that present greater challenges to certainly the QPS?---Some of the children I've seen have presented with extreme challenges in relation to monitoring their behaviour or managing their behaviour.

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What do you mean by "extreme challenges"?---In relation to young people not being able to self-regulate their own behaviour, criminal offending. There's been risk to offences against the workers there. I've seen some extreme assaults on workers.

Well, let's take each one of those through bit by bit and if I can get you to identify, if you recall examples of where you have observed this sort of conduct occurring. I'm not asking you to give me particularity. Please don't identify an address or the name of a child, but you just mentioned assaults on workers at these facilities. Can you tell us what you mean by that?---We've had situations where workers have locked themselves in offices for fear of being assaulted. We've had incidents where one child in particular, he used to urinate in glasses and throw that over the workers. He put a sharp nail through a stick and threatened a worker with that, attempted to put a fridge over on top of a worker, and these are what I say are extreme safety issues in relation to managing this young person.

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Are we talking about one particular child there or multiple children?---That was one child. Another one I know had a fire fascination, setting fire to premises while workers are in the house, obviously extreme risk there to personal safety. The same child driving a motor vehicle into the side of the residential house, again, extreme safety issues. These are things that, as I said, are very difficult to manage.

In terms of those seven or so examples that you've just identified for us there, can you explain what role the QPS has in responding to those particular challenges, if at all?---Yes. In relation to some of those matters it was really inconsistent in relation to when the police were called and when they weren't called.

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HURST, P.A. XN

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For some of those matters we were called in relation to immediate safety issues; other times we weren't notified at all about these things happening.

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Okay. Let's just take a couple of examples. When the young person in your words drove a car into the side of the house - - -?---Yes.

- - - was the QPS involved at all?---Yes, they were.

And how did the QPS respond?---They came around for the - the general crews went round for the immediate - I suppose - assessment in relation to the risk or what was happening and the child protection investigation units followed up in relation to the investigation.

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When you say "drive a car into the side of the house", we all watched the nightly news, are we talking about a scratch to the car here or are we talking about a total write-off? What's the damage are we talking about?---It took out one of the front support of the house and the roof actually sunk a bit as a result. It didn't destroy any walls completely. The front of the car was significantly damaged.

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What sort of - you're not - illustrate what sort of damage to the house. It goes without saying, doesn't it, that requires considerable - it's more than just a fixer upper? ---There was a structural damage to the house, the support beams holding the roof.

Okay. Now, you've identified a case of a child which had a strong interest in fire?---Yes.

Can you explain a bit more about that particular child's interest and activities?---There was behaviour of fire lighting in and around the house that wasn't reported to the police.

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Why wasn't it reported to the police?---I think this was before any major damage was done, but there was propensity for fire lighting. And then it got to the stage there were a number of charges laid for arson of the premises when the kitchen of the house was destroyed; there was another one where a fire was started on the stove and there was an attempted arson charge for that one.

Okay. Now, after the police are involved and the complaint has been received and charges have been laid against the subject child, what happens to the subject child then? Do they remain in the house?---Sometimes they do, sometimes they don't. It really depends on the individual organisation and how they handle the accommodation side of things.

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Are you aware in that situation of the child remaining in the house or being lived on?---When one house was destroyed by fire they obtained another accommodation house, moved into that one.

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I suppose that goes without saying, doesn't it, yes?---Yes, because the damage was too far, but then they stayed in that residence for some time.

Okay. And those - quite frankly - threats to safety - - -? ---Yes.

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- - - are simply challenges that the staff in residential care facilities have to face as part of the general nature of the work, isn't it?---There have been a number of those that we receive information in relation to threats and for the safety of workers. That's a common thing.

You identify situation earlier where a worker locked themselves in their room or in some way - - -?---I know of a couple of instances where that's happened.

Can you tell us about - just say one of those examples - of roughly when that might have occurred and what was the response or how was that dealt with?---I know one for an organisation that's no longer operating where they had a secure office for the staff member to work from that they could secure that. The worker locked themselves in that room which resulted in the young person actually causing damage to the door trying to gain access to that room to access the worker. Charges were laid as a result of that one.

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How old was the child?---That child from memory was about 14 or 15 years of age.

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And how old was the worker to your knowledge?---The worker would have been in his late 20s or mid-30s.

Are we talking about a he or a she?---It was a he.

He. Small or large person?---I'd say about my size.

Okay?---Average build.

Okay. In your statement on page 3 you go through to identify, in paragraphs 15 to 18 inclusive, particular facilities there and you've got catalogued for us callouts that are required that the QPS does in respect of those particular facilities over a six-month period from 1 July last year until 31 December last year?---That's correct.

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Can I just take you to - let's have a look at paragraph 18. There were 32 incidents in total, 32 callouts associated with that house in a six-month period?---That's correct.

Are you familiar with some of the events that are described in a very general sense in paragraph 18 there?---Some of them I am, yes. 1

What do you mean by "five times absconders"?---That was a young person who was placed there on bail and they actually left the residents completely.

Okay. On bail as in that been charged with an offence? ---Charged with criminal offences and was on a residential condition and curfew conditions, which is some of the curfew jobs that were called to, but that one premises at Landsborough, the majority of those calls were in relation to one individual client. 10

What do you mean by "nine times missing person"?---I'm not too sure exactly what the missing person reports were for there but it may be also associated with this person leaving the premises.

Okay. "Two times wilful damage and one times assault", can you tell us about that? What does that mean?---I have no direct knowledge in relation to these complaints, but it would be complaints about damages to the premises or assault of either the clients of the workers there. 20

When you identify individual numbers in these paragraphs are you identifying whether the child is the subject of the complaint or that child is the victim of the conduct? ---They were just calls for services to the premises.

So it could be either/or, it could be the child is alleged to have committed wilful damage or the child complainant in respect of wilful damage?---It could be either, yes.

Okay. You mentioned once there "one times assist Queensland ambulance service", do you have any recollection of what that refers to?---Sorry, what paragraph was that? 30

18, sir?---Still at 18. No, I don't know in relation to that one there.

Can I get you to delineate between what is the difference between absconders and bailed/curfew. You seem to break up into two categories there?---I didn't break them up, they're the data that comes from our QCAT system, with our communications or radio room. 40

Yes?---When they're taking jobs they have a number of codes which they get to assign and that's the operator that takes the call where they sign those codes. I don't have any input in relation to what codes go onto a particular job.

So that is a statistical collection system?---Yes.

And they could be very similar types of events, and absconder could be a breaching of a bail and a bail/curfew could also be a breaching of bail?---And the absconder could be missing person. There's going to be a crossover into the individual operators, how they classify each job code.

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Okay. How did you as head of the - or your fellow officers in the CPIU respond to each one of these jobs that are logged? What physically happens?---Generally when a job is logged it gets given to the uniform police first in relation to first response officers; the members for the child protection investigation unit, we do more follow-up investigations or ongoing investigations in relation to those matters. So an initial report will be dealt with by the uniformed crew, so that's generally to general duties officers in a car attend at premises and they make all initial investigations that are required.

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So the very first attendance upon the premises is to uniformed officers making a preliminary inquiry? ---Generally that's what most commonly happens.

Okay. And if a complaint is received by a complainant, how is the matter then progressed?---A report will be placed on and it comes through to my section for further investigation follow-up if required.

20

Your officers, are they uniformed or not uniformed? ---Plain clothes.

How many of them would then go out to the facility to continue the inquiry?---It depends on the nature of the investigation, but it may entail taking witness statements, getting clients in for interviews, following up with visits to the home; it varies on the specific incident that is under investigation.

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So there could be multiple visits to the facility to pursue any one report?---A missing person report could take days for general duties and plainclothes officers following up a number of inquiries about where the person might be.

We've heard evidence prior to Christmas from your counterpart officer, Peter Waugh on the southern side of Brisbane, the Logan district I think it's described as, or was described as?---Yes.

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That where missing persons reports have been logged, on occasions they may not actually be what the wider community describe as missing persons. In effect his evidence was a report of a missing person is received, the rough location of the subject child is known, and the police service are used to effectively go a pick up that child and return that

child to the home that they should be in. Are you familiar with that particular type of scenario occurring?---Very similar. Very similar does occur on the Sunshine Coast. 1

Can you tell us about one or two occurrences where that occurred?---I'm aware that there is some policy there where if kids are no longer at the premises for more than 24 hours, they are to be reported as missing. The one at Landsborough - it was common knowledge that his client went to visit his girlfriend in Ipswich and he would go and stay with his girlfriend at Ipswich for a couple of days. When he felt the need, he would come back and stay at the accommodation provided by that facility. 10

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When you say "he felt the need, he would come back", what does "come back" mean?---He would come back to - he'd return to Landsborough and take up accommodation at the residential service.

1

How would he get back there?---He would make his own way.

What about in terms of the example I just illustrated in terms of police officers being used to effectively transport, if I could put it that way, children to and from premises? Does that ever occur?---It does occur. In relation to specifically when kids are reported missing, in relation to our follow-up, wherever they're located generally police have the job of returning them to the premises.

10

Could you tell us roughly how often you observed that occurring in your district?---It is frequent. I don't have any statistics on the amount of time that we do the transport, but most missing persons are resolved by either they return themselves or they're located by police and then returned to the premises. I don't have any specific data on the breakdown of that but it is not unusual for us to be transporting missing children back to places.

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So you can tell us anecdotally that it does occur with some degree of regularity?---Yes.

Okay. Can I just turn you over to page 4 of your statement, please? In paragraph 22 there you add up the total number of calls for assistance or service that you have identified in the preceding paragraphs for the six or so residential facilities and you say there are 74 calls for service. Just so I understand the nature of your evidence correctly, does that mean that on those 74 calls for service there was at least one trip out to respond to each of those calls for service?---Yes, that's correct.

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To the six different residences?---Yes. That data came from the Q care which is the job-card system within our communications where they assign a job to a crew to go out and attend to.

Now, just going back one step, you identified in respect of paragraph 18 the Landsborough residence and you identified that it could all relate to one particular child or to a great degree it related to one particular child?---A lot of those relate to one client but not all of them.

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Okay. Can I get you to perhaps to give us a greater understanding of what I'm to understand from your evidence that the clients can be in a sense broken into groups, ones requiring your assistance and ones not requiring your assistance? Do you see that individual children who present with behavioural management issues are a

significant burden upon the QPS?---There is a number of clients that do create a large volume of work for police, but then again there may be residents at these facilities that police don't have contact with and don't have - respond to calls for service. I would not be aware of exactly who was staying at these premises and how many at any particular stage to actually say it's the majority of the kids or it's only one or two. So I don't have data on the numbers.

1

No, but do you accept the proposition that you can effectively divide - without wanting to put this crudely, divide the children into at least on one axis children who don't require much QPS assistance and children who do require a lot of QPS assistance, if I could put it that way?---Yes, it would be a continuum between the two. There would be children that fit anywhere along that continuum from ones that don't have any calls for service to ones that have extremely calls for service.

10

Just stepping back to paragraph 16 of your statement - and you identify a premises there at [REDACTED] ---Yes.

Can you walk us through some of the calls for service there? Is this associated with multiple children or a few children or one child?---Multiple children at that residence.

20

Is this residence very familiar to you?---I haven't been to that one myself but I have a lot of information in relation to some of the clients that are there.

What do you know about the clients? By that I understand you mean children?---Yes.

What do you know about the children at that particular residence?---Well, that residence - - -

30

Without identifying them obviously?---That residence has been operating for a number of years now. It is probably the second-most consistent residence we've had for a while. There have been a lot of Youth Justice clients go through that premises.

By Youth Justice clients you mean children who are subject to criminal charges?---That's correct, and subject to Youth Justice orders or conditional bail programs or conditional release orders under the Youth Justice Act.

40

Does that you have got children in the one residence who are subject to Youth Justice orders - - -?---Yes.

- - - and also children who are not subject to Youth Justice orders who are simply subject to child protection orders?---That's correct. They can be in the same premises.

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So under the one roof you have children who are there for some degree of criminality?---Yes. 1

And then you have got some children who are there for no degree of criminality, simply because they are subject to child protection orders?---That's correct, but even some of the ones that are under child protection orders do display criminal behaviours that do eventually attract calls for service from us.

So you're saying that those two cohorts sort of blend together?---They do. 10

So I'm to understand that you don't particularly place much delineation between, if I could sort of very crudely say, the good kids and the bad kids, very crudely, of course? ---I think they're all our kids.

Yes?---They're ones that we all have to assist with the management of and so whether they're under one particular or not really doesn't make much difference to what we have to do to work with them.

Now, I was about to get you to step through some of those offences in paragraph 16. Do any of the reportings there jog your memory on things that have occurred at that particular residence?---Attempted suicide - I know there was a client there that was threatening self-harm and those sort of things and that probably comes into the Queensland Ambulance Service assistance. 20

How old was that child?---I do not know exactly but I think it's late - when I say late teens, teenage years.

Okay. Are there any other recordings there that jog your memory in respect of events at that residence?---I think the mental health ones were along the same client as the attempted suicide. There were some calls for service there about clients fighting with each other and requiring assistance. 30

What role does the QPS have when children disagree with each other to the extent that they commit violence upon each other?---There have been times when police have been called to come and speak to the kids to try and settle them down or assist in relation to managing that behaviour.

How do you settle them down?---Generally that again would be uniform police going and it would be up to the individual police and their interpersonal skills and their communication skills to attempt to engage the kids. At times with no prior knowledge of who they are or an understanding of the issues that you would face, the police have to try and do their best assist. 40

If there is an allegation of criminal conduct by a child - say, for instance, a carer is a victim of a particularly nasty assault - what happens? Do the carers always report these incidents?---No, they don't. There has been instances where workers have been assaulted and no complaints have been made.

1

Why would that be the case?---It seems to be that it's left to the individual worker to make a decision themselves about whether they wish to pursue charges or not and the police require a complaint from the person who the offence has been committed against to provide a statement and be prepared to go to court.

10

Just before you go on, can I take you to page 5 of your statement, paragraph 27, please? I will just read it out for you and then get you to comment upon a couple of sentences that you say there. You say:

I'm aware of circumstances where particular serious assaults have been perpetrated against workers by clients who have not made a complaint to police. I have been made aware that workers have felt influenced on their decision to make a complaint by a number of external factors.

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And then you go on to identify three external factors?
---Mm'hm.

The second external factor you identify is:

If a child does enter custody, the worker may not be offered any further work hours as it is my understanding that some of the youth workers were employed on a casual hourly basis.

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Can you tell us what you mean by that?---The workers are being employed on a casual basis. If the client that they're getting employed to assist caring for goes to gaol, there is no longer a requirement for them to provide those casual hours for work.

So by making a complaint that could also end their job?
---Correct.

How often do you find that to be a feature or something you observe?---For one organisation that's no longer operating, on my understanding, I have spoken to a couple of workers who indicated that there was, I suppose, information about hours being cut and no longer being provided work if the person went to gaol, which obviously leads to the interpretation that perhaps they may be influenced then about whether to make a complaint or not.

40

Do they, being the workers, indicate to you at the time that you're trying to elicit a complaint that reluctance? Is that when they indicate their reluctance to make the complaint or do you find out through another way?
---Obviously some of the youth workers have taken me into their confidence and I respect that, but they've indicated to me that there are other pressures on them in relation to whether they make a complaint or not and there are reasons why complaints weren't always made.

1

Do they indicate who those pressures come from? Are they pressures that they themselves have observed or pressures that have been communicated to them?---I think it may have been a bit of both on that. I don't know if it was intentional. I hope it wouldn't be intentional, but I think that that's the message that was getting sent to some workers from the outset. I'm not going to say that it was intentional by any organisation but I think that was the end result.

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The third dot point you go one step further and you say, "The employee organisation indicated the worker would be unable to continue employment with the client if a complaint was made to police." That tends, from my reading, to suggest that that worker clearly knew that their job comes to an end if they make the complaint?
---Well, I'm sorry if I indicated that. What I'm trying to say there is that that worker would no longer be able to work with that client at that particular place. There would be other parts of the organisation they may be able to fulfil, but that particular role with that client - and to me it was indicated that it was in relation to the ongoing relationship between the worker and the child. They've made a complaint and given statements to police and charges are laid and the next day they have to go back into exactly the same household with that child.

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So in relation to that third dot point you're not suggesting that the worker is terminated - - -?---No.

- - - or no further hours given, you're suggesting that their role in respect of the subject child of that complaint perhaps would come to an end?---Yes, that's correct.

In the case that they wish to continue the role with that child for whatever reason, they believe it's out of character behaviour, or whatever the child is subject to the interest of the police, if they made the complaint that would end their ability to continue what they might see as their good work with that child?---That's what has been suggested to me, yes.

40

When you say suggested to you, suggested to you by individual workers who are then - - -?---Workers.

Who would otherwise complain of being assaulted?---That's correct.

1

If we just go back one page in your statement, please, to page 4 - well, just before I move to this point, you've made - said a couple of times that the evidence of - sorry, that there is one house that's been there for quite some number of years, about 10 years, I think you might have said?---It would be over 10 years, yes.

But you've said that there are other homes that have sort of come and gone?---That's correct.

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Can you tell us why, to your knowledge, homes - well, we know why they come, but why do they go?---I think the funding is discontinued.

Are there any management or operational reasons why individual homes cease to exist?---From the police point of view - and I'm not exactly sure about how the organisations obtain funding or how they put themselves in a position to say that they're suitable for funding and why the funding doesn't get continued sometimes. I'm not party to any of that, but we've had some organisations that I didn't know operated, all of a sudden they start operating a facility and then they seem to end, because we stop getting calls for service.

20

So you're not told when a home opens up, are you, formally told?---No.

So the first you become aware that there's a residential or transitional care facility in your patch is when calls start coming through for assistance?---And generally it's conversations we have with our general duties officers, who say, "Do you know about this house?" and we say, "What house? Who runs that one? Haven't heard of them yet." That's quite common.

30

I think it goes without saying but I need you to answer it, would it be helpful if somebody told you when homes are opened up in your neck of the woods?---I think it would be helpful, because I think a lot of statistics show that it's a lot of the time inevitable that police will be called. If we had early advice about where these premises were - and I'd go one step further to say who the clients are of those premises, would be of great assistance to us.

40

When you say who the clients are, more than just their names and ages. You want to know reasons why they're in the house, wouldn't you?---Their names and ages would be a good start, but any further information would be of assistance.

Wouldn't you already know that if they were youth justice clients, if I can put it that way?---Generally not. There's movement between areas of youth justice clients or where, I suppose, a care agreement has broken down somewhere else. Just last week we had the situation where a placement broke down for a young person who was, I consider, at quite high risk of reoffending, was placed back into my area, the police weren't notified and we only found out about it through one of the other clients at that residence. 1

Okay?---This is a person I consider at high risk of offending and high risk of violent offending. 10

The details of youth justice clients are held by youth justice, which is administered by the Department of Justice and Attorney-General, isn't it?---That's correct.

So you don't have, to your knowledge, access to their databases?---No. We have a good working relationship and often information is shared to assist each of us, but there is changeover of staff at times and when people aren't there - we need to work on continuing and maintaining those relationships to make sure we do work well together. 20

It's your job as the leader of the CPIU in your neck of the woods to facilitate those relationships to effectively make the system go smooth, isn't it?---That's correct.

To a certain degree?---That's correct.

Now, that's how homes and children come to your attention. How do you find out if the home disappears?---The same thing, we generally don't get any more calls for service and there's discussions around the office, "Is that house still going?" "No, I think that one's stopped." At times I've searched on the Internet to see if they are still funded or if they've still got a website, but otherwise it's just word of mouth through police in general. 30

It goes without saying it would be useful for you guys to be told when a home no longer exists?---That's correct.

I just want to ask you about paragraph 25. You say in paragraph 25 on page 4 of your statement, "Repeat calls for service and the misuse of police resources is a common problem that is experienced from residential care facilities. There have been examples where police have been called for," and then you identify five different categories of call-outs. I just want to step through each of them to make sure we understand correctly what you mean by each of these categories?---Yes. 40

At (a) you say, "As a behaviour management strategy for clients who are misbehaving but not breaking the law." Can you tell us what you mean by that?---We've had calls where

there's arguing between clients at the house. There's no assaults or anything but they're misbehaving and generally being a nuisance to the workers, where police have been called to try and assist to settle them down or to get them to cooperate.

1

When you say police have been called, called by whom?
---From the workers at the premises.

What about the neighbours?---We've had calls from neighbours as well.

10

Okay. I'll be returning to that topic in a sec once we go through this list?---Yes.

When you say settle them down, is that a euphemism for anything? What does that mean?---Help in - assist to manage their behaviour and get them to desist from the concerning acts towards the worker, so to speak.

But if these children are displaying significant breaches of discipline on occasions, they're not going to listen to you guys, are they?---Sometimes it's not even significant, in my opinion, but there's a lot of times they don't listen to police.

20

What do you mean by sometimes it's not even significant?
---Arguing amongst themselves, not turning the TV off and yelling at the youth workers.

Let me get this absolutely clear. On occasions your officers are called out to residential facilities to mediate or assist with verbal arguments amongst residents?
---Yes.

Over such meaningful things as turning the - meaningless things as turning the television off?---That's correct.

30

What other sorts of occurrences are they called out for?
---There is the situation in relation to - we've spoken about the curfews and those sort of things where kids don't return on time

MR: Hey, commissioner?

MR HADDRICK: Okay, we'll now move down to item (b)?
---Yes.

40

"To obtain missing persons reports of clients who have failed to return on time or have deliberately decided to be absent from the facility"?---Yes.

I think we covered this in some degree. Can you just make sure I understand correctly? "Obtain missing persons reports for clients," does that mean you need to go there to get the report?---Yes.

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Why can't that be done over the phone?---Sometimes the initial reports are taken over the phone, but generally we need to go out to make, I suppose, a more detailed interview with the informant to obtain information about last seen wearing and generally the phone operators through our communications centre, again, they're always on a time sort of restraint as well, so we send the police out to obtain as much detailed information and not just a limited phone call.

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You've included that in your list of misuse of police resources. Why wouldn't it be a useful use of police resources to follow up missing persons reports? 1

---Following up missing persons reports is important, but I at times question in relation to when the reports are being made of whether this is just risk aversion by some of the centres where clients have said, "I'm going out. I'm going out to socialise with my friends and I won't be back tonight." There's no further risks associated with this client; this is a client who readily does have time away from the shelter. Because he's chosen to have time away from the shelter overnight it then becomes a missing persons report; and that this person has repeatedly returned to take up accommodation again at the residential facility service. There's no other risk indication to this child whatsoever. 10

So in your opinion that's really a waste of your and your officers' time to pursue those matters on many occasions? ---As I say, I'm not going to say all of them, but some of them definitely appear to be just a pure reporting sort of process from the organisation as risk aversion.

Do you ever feel like your officers are conscripted into the daily management of these homes?---I wouldn't say daily management, but it does happen as time. We have had some considerable issues with the amount of calls we've had at some of the premises but for us on the Sunshine Coast we really take a proactive step to get on the front foot and manage it so that it doesn't become an issue. And I hope that we are managing it to the degree where the impact on the police's ability to work elsewhere where they're needed is reduced. And that's what we strive for on the Sunshine Coast. 20

Okay. Now, item C in paragraph 25 you say, "To find alternative placement for clients due to unacceptable behaviour." What do you mean "alternative placement"? ---I know of two occasions where we've had calls saying, "the client is acting out. They can't stay. We don't want him any more. You need to find somewhere for him." 30

How do you respond then?---I know cars have been sent there, the uniform cruiser been sent there and then they ring us at the CPIU and say, "Well, you've got an obligation now to make some arrangements to find an alternative accommodation." 40

So the baton has been passed to you at the drop of a hat? ---Yes, and we try and reinforce - to pass the baton back to them to say, "You can engage child safety or youth justice or whatever service that's overview in that client to look at those issues." 40

Do you have that facility to, where you need to find alternative placements at the drop of a hat, to move a client from accommodation X accommodation Y at the drop of a hat?--We don't have the decision-making ability about any placements of those kids whatsoever. We don't provide services for accommodation. We rely on the accommodation services out there. We can transport clients when it is required to on behalf of child safety, which does happen often - and youth justice - but we need to say-so of those other organisations.

1

So you facilitate the urgent decisions made by child safety services when something goes wrong?--That's correct.

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Okay. But you have no decision-making as to whether a child remains in that particular premises or not?--That's correct. It seems they ring us and then we ring someone else. I think if we can cut the middle man out sometimes and have the agencies actually engaged with where they need to, it would be better.

Is that the transitional care comes into use? So for instance a client in-house X needs to be moved out of house X and then transitional care is used to place that client in there until - it's almost a form of bridging accommodation?--Those decisions are generally made not by the police, they're made by these other agencies. At times we do assist with that but my policy is we try and resist as much as possible and make sure that the organisations responsible for those clients take up that responsibility.

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Okay. Now, 25(d) you say, "The clients to break house rules or internal policy for the specific organisation." What do you mean by misuse of police resources in that respect?--There's arguments about the child wants to watch a certain DVD or video and they weren't allowed to they act out and so the police got called.

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So for such trivial things as selection of channels?--Yes. I suppose it's the inability to manage the breaking of those house rules was the issue, for my understanding. They have the funding to provide those accommodation services, if they have a dispute about the house rules, about who watches a video and when, they need to do whatever they can to try and manage that themselves and not just call the police.

As head of your unit in the police do you have any idea what it costs to make a call-out to one particular residence?--Sorry, I don't have any idea for that.

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It's certainly not cheap, is it?--No, and again, the argument that I put across to the organisations is there's a whole lot of training of law and policies and everything that goes into police and at times we have no better

behaviour management or communication skills then you're actually workers who know the client better, have spent more time with that client, and are in a better position to respond than calling a uniformed officer who's never met this person before; who's the best person to respond to that? My argument is a lot of the times it is not the police. And the cost of all that extra training and that that goes to the police, that they may be better suited doing other things.

1

COMMISSIONER: Does anyone ever say to you: well look, we're bound by our service agreement contact the police? ---I have heard that in relation to missing persons and those sort of things: its policy, we have to report those things.

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Yes?---But not for managing behaviours and disputes like that, I haven't heard its policy.

Right?---I have heard - - -

It's just a private policy of a particular person?---It might just be a procedure, how they do things.

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MR HADDRICK: Just returning to a question I asked about the use of police resources, can I take you to paragraph 28 on page 5. You say in the final sentence there in reference to clear criminal behaviour:

This potentially raises concerns about the message being sent to the client when criminal behaviour occurs at the police attend and do nothing about the clear criminal conduct.

By that you're referring to where you've been called out or your officers have been called out when a complaint has been laid, yet there has been an obvious occurrence of criminal conduct. What do you mean by "the message being sent"?---In relation to clients who may have some sort of mental health issues or cognitive dysfunctions or other issues that are impacting on their ability to interact with others and they do something that is clearly an assault or damage to property and they see a uniform show up and then the uniform just leave and nothing has changed, I can't see how that is in any way going to assist in the management of that young person's behaviour.

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How regularly does that occur?---I know with one particular high-needs client that did have some issues in relation to their ability to interact, that was happening regularly.

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So you're saying is almost instructive to that client that this is the consequence of - or lack of consequence as a result of their conduct?---There's a lack of consequence here. We actually became friends and he used to know some

of the police by name, "Hi, how you going again?" I don't know if that's what the message that we want to be sending sometimes in relation to: police show up, have a bit of a chat to you, walk away; they seem friendly nice guys, nothing ever happens in relation to my behaviour.

1

Can I take you over to page 7, please, paragraph 34. The third sentence in that paragraph starting on the fourth line:

Ongoing alcohol and drug use by a larger network group of young persons has resulted and it is at times used as a base for criminal offending.

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When you say "it is used as a base" you're referring to the residential facility?---Yes.

Can you tell us what you mean by that?---These are - more commonly it's the semi-independent ones that we have this problem with where a unit is rented - I know on the Sunshine Coast they seem to be rented in close walking proximity to the Sunshine Plaza, which is a shopping centre that is frequented by a lot of young people.

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There's nothing wrong with that, is there?---There is, except the network of other, I suppose, disengaged youth then find out they have a place to hang out without any parental supervision and they have no one watching and so they do, they hang out there, and we find that's what is sought by a lot of these young people, is that they want to hang out with their mates in a place where they can do and say what they want without any supervision or consequence of their behaviour, and that is provided to them in these residences.

Okay. Describe for us what happens at these particular semi-independent living places?---I've had cause to attend to one of these premises where a large amount of stolen property had been concealed there; a lot of alcohol has been consumed; there were drug implements through it; and actually the state and quality of their house was deplorable. This was an accommodation that was actually arranged and provided by a government-funded organisation. I wouldn't think that that sort of living arrangement would be fit for clients they were a particular high needs.

30

How many people would be living in this particular location at any one time?---There were two in that one at one stage but one left due to a breakdown in the relationship between the two, and then at times it was up to 10 people who were supposed to be there that were staying there on an ad hoc basis.

40

So the house was set up for one client?---One or two clients, yes. 1

But in reality for a period of time for one client?---Yeah, it was a unit.

A unit?---Yeah.

But it's sort of a social interaction that occurs at this home with criminal conduct occurring at the same time? ---Yes, and this has happened on two or three residences that I know of where - and they're not permanent ones. These are ones that are set up. They run for a certain lease time period and then they - the people move on and they're no longer run. 10

Are we going backwards at all in terms - if there are two clients live in the one unit and one client brings these problems to the unit and the other one doesn't necessarily have a history of these problems, are we going backwards by effectively associating the second child with the first child?---My understanding is that's why the placement broke down. The other child wanted to get away from some of the stuff that was happened so that's why that broke down and that first child moved out and basically it allowed the second child to continue with the behaviours they wanted to. 20

How do the police respond to the criminal conduct there? Surely you have to take some action?---There were calls for service from uniform police. It actually came to where the detectives were attending looking for suspects. It eventuated that - - -

Find any?---Sorry? 30

Find any?---Yes, we ended up taking search warrants for stolen property and located a large amount of stolen alcohol - actually, sorry, we located the bottles, not the alcohol from that premises.

How long ago was that?---That would be about a year and half, two years for that one.

To your mind, as someone who's engaged in this area regularly and sees these things - we obviously don't - how are we to stop the instigation of effectively their criminal lifestyle when we're trying to give these young people a degree of autonomous living?---In relation to - the facilities that are getting provided to some of these children is a privilege, okay. They're getting set up with a place to stay. They're getting assistance and it's a privilege to have that. I don't think it's reinforced to a lot of people what a privilege they are getting sometimes and the consequences of misbehaviour about having that 40

privilege withdrawn and I don't know if the controls are always there in relation to the monitoring and following up of what is exactly happening at these premises and the power of the agencies to do anything if things do start going wrong.

1

Can I also just follow up with a couple of sort of loose ends? In terms of residential facilities, do you have any involvement with the natural parents who might be interested in having something to do with the children who are living in the residential facilities? Do you come across them in any way?---We have at times but not a whole lot. There are times where we have had stakeholder meetings in relation to particular high-needs clients where parents have come and I've spoken to parents about issues, but that wouldn't be the norm because a lot of these kids are out of the home for one reason or another and the parents aren't actively involved in their life.

10

They're subject to the protection order for a reason?
---Yes, that's correct.

Because they haven't got parents willing and able to provide the care and protection, one assumes?---That's correct.

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Going to paragraph 36 of your statement on page 7, can I just take you to the second and third-last sentence there. You say:

Anecdotal evidence and experience has led to the opinion that for disengaged youth or Youth Justice clients services with stricter policies for behaviour and compliance produce better long-term outcomes for clients. More therapeutic models are often important for mental health clients or those with trauma issues.

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In ordinarily human speak, what do you mean by that?

MR.....: I know I'm not supposed to interrupt, but you know the therapeutic stuff - it's shit.

MR HADDRICK: We will give you a chance very shortly. We'll give you a chance very shortly, mate.

MR.....: There should be discipline; shouldn't be belted.

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MR HADDRICK: I'll give you a chance very shortly.

Fire away, please, officer?---Okay. Again I always advocate every young person should be treated as an individual. There's no one brush that we can tar everyone with, but there are certain clients where there's not trauma in the past. There are not any mental health

issues. They verge on the delinquent side. Allowing them greater freedom and greater opportunity to do their want doesn't seem to produce long-term productive outcomes for them. Now, I'll take in mind that there's therapeutic models and everything that go that young people need and if someone wants to hit a wall, I'd rather them hit a wall than hit someone in the face, okay. There are people that are going to have to be treated differently, but by way of example I've seen one of the accommodation providers where the living room of the house was taken over by this young person. He had a couch and a TV. The floor was littered with cigarette butts and rubbish and he was allowed just to live in this living room basically for the majority of the time and the worker had a separate part of the house. There seemed to be no influence on this young person to try and reintegrate them with society and what are acceptable forms of behaviour, standards of behaviour. That's where I think tighter controls in relation to, "This is what is expected. You do not talk to people like this. You do not behave in this way." The ones that seem to be, I suppose, less - more accepting of those sorts of behaviour issues don't seem to produce outcomes for the young people in relation to teaching them what they need to reintegrate with society.

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Okay. You were present when I gave my opening address to the commission this morning, weren't you?---Yes.

And you heard me identify that one of the probative or policy objectives the commission needs to have a look at is whether there needs to be expansion in the options available for the management of children who present with significant behavioural issues and I described two expressions, secure care or, what Officer Waters used, a containment model?---Yes.

30

You understand what I mean by those two expressions, do you?---Yes, I do.

Am I to understand from your evidence that you support the expansion of residential options to include something along those lines?---I think an expansion of the options would be of benefit. Again there needs to be a number of different options because kids vary so much that not one is going to suit everyone and we know that some kids are in some residential care facilities. It's just not working. So a greater option in relation to how we're able to handle and manage young people would be of benefit because, as I've said, not everything works for one particular child. We need to look at other options of what will work and I do know that that containment style has been explored.

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Has been what, sorry?---Sorry, has been raised in this forum.

Do you accept that in some situations what could normally be described as restrictive practices need to be employed to respond to the behavioural management issues? By restrictive practices I mean prohibitions on, say, leaving premises?---Yes. I think there's a great deal of value in that; like, if I can compare to what we're offering in the facilities as to what we'd expect for parents, okay, we expect parents to raise kids with boundaries, that if they don't obey the rules, there's consequences to their behaviour and that parents take those steps to raise those children. I think the same responsibility goes onto the state and to the residential care facilities - that we offer the same things.

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Let me just check that I have covered everything. In the same paragraph in 36 you use the expression "important for mental health clients or those with trauma issues". By that I understand you differentiate young people who have mental health issues with young people who behave - present poor behaviour or discipline issues. Is that the case? ---There is a big crossover with a lot of our clients. Again I'm just trying to highlight that there are individuals; that there are some that come from a trauma background with mental health issues that still very much so may need a more containment model, but there are some that well and truly need a more therapeutic response to their needs and I accept that there's going to be a lot of variance in relation to how we manage particular kids.

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So if we just go back to a couple of examples you gave beforehand, you gave us an example of a young person who drove a car into a house and significantly structurally damaged the house. From your knowledge of that particular case, how old was that child, by the way?---He would've been - I'm just guessing - 13, 14. He was an early teen.

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Okay. Do you know how long that child was located in that house for?---For a couple of years that we were working with him. So there was one premises which caught on fire. There was a second premises, and for that particular child who's now moved to a more therapeutic care model with greater needs - and we actually formed again one of these stakeholder meetings to try and meet the needs of this young person. It was when there was a real strong chance of this person being held in custody that we managed to secure a movement to a facility that provided better options.

40

I'm no expert in these matters obviously and I don't understand you to be a medical expert, but would you put this young person's issues down to perhaps mental health problems as opposed to discipline problems?---I think there was well and truly both. There was undiagnosed mental health issues and I don't think they even had a proper diagnosis for this person to say what the issue was, but it

was significant enough to be impacting on his behaviour and displaying significant criminal behaviours, if you ask me, and dangerous behaviours which still need to be addressed. 1

You also identified before in your evidence that on occasions the staff are victims of assaults. Can you give us some sort of idea of what sort of assaults we're talking about? Are we talking about punches? Are we talking about something more substantial than that? What sort of assaults are we referring to here?---I know of one worker who had a glass of urine thrown on them as they came round a corner and I understand that that wasn't the first time that had happened to workers. So that was a repeat behaviour and I spoke to that worker and he expressed to me the impact that that had on him was significant; also in relation to fridges being pushed over on people; lumps of wood with nails on them; like, these - they're high risk. If the assaults don't result in significant injuries, it doesn't matter. They're significantly risky enough that they could have and that's the behaviour that we needed to try and manage. 10

Are you aware of the ambulance being needed to be called in respect of any of these assaults?---No, I don't know if the injuries were so significant a lot of the time, generally minor injuries, but the risk of greater injury was always there and the potential was there. 20

No further questions at this stage, Mr Commissioner.

COMMISSIONER: Mr Hanger?

MR HADDRICK: Just before Mr Hanger gets up, what I propose after any cross-examination of this witness is we might have a 10-minute break for operational reason, please, Mr Commissioner. 30

COMMISSIONER: Of course.

MR HANGER: Just one thing, detective sergeant. My instructions are that Child Safety makes all the decisions on placements and I think they would agree with you that if there's a breakdown in the placement, you don't go to the police. They should be going to Child Safety, shouldn't they?---That's what I try to reinforce. These are the people who make the decisions.

Yes?---That's who need to instruct us. 40

You can't make any decision in that respect?---No, we don't provide any accommodation. We're screaming out to try and place kids ourselves sometimes and we again go back to Child Safety.

4/2/13

HURST, P.A. XN
HURST, P.A. XXN

No, I think there's no issue from the department in respect of that. The NGO's should be contacting Child Safety. Thank you. 1

COMMISSIONER: Thank you. Yes, Stewart?

MS STEWART: I have no questions, commissioner.

COMMISSIONER: Mr Capper?

MR CAPPER: We have no questions, thank you. 10

MR HADDRICK: Might this witness be excused, then a short adjournment, please, Mr Commissioner.

COMMISSIONER: Yes, certainly.

Detective senior sergeant, thanks very much for coming and providing your helpful evidence. It's appreciated. You're formally excused from your summons?---Thank you, Mr Commissioner.

WITNESS WITHDREW 20

THE COMMISSION ADJOURNED AT 11.09 AM UNTIL 11.24 AM

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██████████ called:

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COMMISSIONER: Yes, Mr Haddrick?

MR HADDRICK: Mr Commissioner, just for the purpose of the transcript, live-streaming is deactivated at this present point in time. Of course, we're being recorded. In the witness box we have ██████████ ██████████ is a person under the age of 18 years of age. ██████████ I met just a few moments ago outside and I also took the opportunity of introducing ██████████ to some of the other people in the room here, including yourself, commissioner?---The commissioner has a secret room.

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He does, out there.

COMMISSIONER: Not any more.

MR HADDRICK: Yes, okay. Do you want to put a copy of the Bible down for a second, ██████████ and we'll ask some questions? There's just one formal bit. I need you to have a look at this document here. Do you recognise that document that's just been given to you?---Yes.

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Is that your statement that you've helped - that you made up along with the help of Jason from the commission?---Yes.

To your knowledge are the contents of that document correct?---I signed it.

COMMISSIONER: Yes, and you signed it because what's in it is true?---Yes.

MR HADDRICK: Okay. I tender that document, Mr Commissioner.

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COMMISSIONER: Can I have a look at that, please, ██████████? ---Yes, mate. Sorry, it's got a little bit of swearing in it.

Has it?---Yes.

Okay, I can cope with that?---Probably not my language.

MR HADDRICK: That document should not be published at this stage, Mr Commissioner.

COMMISSIONER: All right. I'll give it a - it will be exhibit - ██████████, your statement is going to be called exhibit 150 and I'm going to direct it not be published until further order?---Thank you for that.

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ADMITTED AND MARKED: "EXHIBIT 150"

MR HADDRICK: Thank you, Mr Commissioner.

4/2/13

██████████ XN

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Okay, [REDACTED] as I explained to you, my name is Ryan. I'm one of the lawyers?---Yes. 1

The reason why we've got you here today is to find out all about how your home operates. The government is having a good look at the way residential homes operate. We've got lots of them right across Queensland and we want to find out from real people about how those homes operate and what goes on on a daily basis. You would appreciate that we've heard from a police officer. You heard him before here? ---Yes. 10

We've going to hear from other witnesses about how your home and other homes operate, but we need to hear from real people who live in the homes who can tell us their real experiences of the homes. So first of all can you tell us how old you are, [REDACTED]?---17.

When do you - - -?---That's loud.

It is indeed. When did you turn - just leave the microphone alone?---I'm actually 16, but [REDACTED] [REDACTED] 20

Now, where do you live?-- [REDACTED]

Whereabouts in [REDACTED], do you know?---Yes.

What's the place called?-- [REDACTED]

Do you know the address of that place?---Yes.

What's the address?---(address supplied). 30

How long have you lived there for?---Two and a half years.

Where did you live prior to that?---My mum's.

Do you know why you live at that house?---Yes.

Why?---No comment.

Okay. How many people live in that house?---One, but there can be up to four.

What do you mean, one includes you or one does not include you?---No, there's another kid there. 40

So there's two of you all-up?---Yes.

Who is that other kid?---I'm not allowed to tell you his name for confidentiality.

You can in this situation?---Can I? (Name supplied).

4/2/13 [REDACTED] XN

How old is he?---I don't feel comfortable talking about names. 1

Certainly, okay. Well, we don't - - -?---But he's 15.

How do you get along with him?---Good sometimes.

When it's not good why is it not good?---It's like fucking hell.

Why?---I could stay here all day and tell you. 10

Yes, that's what we're here for?---What do I say?

Well, whatever you think is the truthful answer. What do you think - why do you not get along with the other person who lives there sometimes?

COMMISSIONER: You can just tell me what sort of things he does or what sort of things happen?---Well, (indistinct) just say if he's craving cigarettes and my cigarettes are in my room he'll kick down my door, put a hole in my door, put his hand through my door, unlock my door, go in my bedroom, take my smokes and just start smoking them and being cunning. Like, two weeks - a month ago he kicked down my door and I was like, "You have my smokes." He's like, "Yeah, and I'm not giving them back," just starts smoking in front of me. 20

MR HADDRICK: How do you react to that?---I don't - I don't do nothing.

So he gets away with it?---And then I call CPIU, [REDACTED] CPIU. There's - I don't know his - somebody, yeah, and I said, "(name supplied) has just broken into my room and taken my cigarettes." They said, "I can't do - (indistinct) can charge him for breaking the door," but I can't do anything about charging him for stealing my smokes. It's like, that's fucking bullshit, and they're like, "You're under 18 to smoke." 30

So you obviously smoke, don't you, as you just said?---Yes, and now I keep my smokes all on me, so whatever I buy I have to keep on me.

How long have you been smoking for?---Three years.

That's allowed in the house, is it? Are you allowed to smoke in your house?---No, we're not. We're allowed to smoke outside. Like, we're allowed to smoke - not in the house but on the property still, but not in the house. 40

So if you go outdoors you're allowed to smoke?---Yeah.

Do you think that's a good rule?---Yes.

4/2/13

[REDACTED] XN

Why?---So there's - no-one drops it or makes a fire inside. 1

Okay. Now, who asked - you've talked about the other person who lives in your house with you?---Yeah.

Who else looks after you there? Who is your carer?

---[REDACTED].

Tell us about who they are?---I don't know all their names - I do, but there's always mostly two a shift, so their shifts are eight hours.

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Yes?---So there's a 7.30 shift in the morning and that goes till 4.30 in the afternoon and there's two workers on all through the day till 4.30 in the afternoon.

Yes?---And then two workers come on and then one sleeps over and one goes home at 11.00.

Obviously you know, as you said, who some of these workers are. Can you tell us who they are?---[REDACTED]. Who else? [REDACTED]. There's heaps.

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Yes?---(indistinct) I don't know - - -

That's okay. Now, some of them are here today, as you know?---Yeah.

They're sitting here and we're going to hear from some of them afterwards, and their evidence. Without wanting you to pick favourites, but do you get along with anyone more than any others? Are there any ones that you're more close to than other carers?---Yes.

Who?---[REDACTED]

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Who, sorry?-- [REDACTED].

Why do you get along with [REDACTED] more so than the other carers? What's so special about [REDACTED]?---Usually for me, I'm just - it takes me about three to four months to trust carers, but I saw [REDACTED] - me and [REDACTED] - I trusted [REDACTED] straightaway.

Okay?---When [REDACTED] - or I get upset at [REDACTED], we get upset and then we apologise, like, an hour or two hours later and we're mates again. Like, he doesn't think he's a worker; he thinks he - like, he loves - he says he loves me, because I treat him like grandparents, or a granddad.

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What do you and [REDACTED] get up to? What sort of things do you do to fill in your days?---We go fishing. 1

Just you and [REDACTED]?---Yes, and driving, just mostly driving, driving to (indistinct) street, have a look at the girls, just doing driving because there's nothing really to do.

Okay. When you say there's nothing to do, what would you like to do?---Like what?

Is there any particular things you'd like to do with your days, or your activities, or - - -?---Yes. 10

What sort of things?---I'd like to do - once a week go out to the rifle range in (indistinct) go and shoot a couple of rifles.

Okay?---But that's not allowed because I'm under child safety and they think that's dangerous.

Have you asked people to do that?---Yes. They laughed in my face. 20

Who's "they"?---Child safety.

Okay?---They said, "Are you joking?" I was like, "No, I'm not." They just, like, looked at me.

Okay. Other than going to the rifle range are there any other activities that - - -?---[REDACTED]

What's that?---It's an Australian bush camp. His name's [REDACTED] He's German but he's earned his spurs in the bush so everyone respects him. He's a real good fella. He does horsemanship. He's real good with horsemanship. I'd go out there if child development - child safety pays for it. It's expensive, yes, I know it's expensive, but still, if I'd like that I should be going to do it. 30

That's one of the activities that makes your life fun, is it?---No, because I want to be a stockman when I get old, so I don't want to do this as - so at the end of the day [REDACTED] is trying to get me ready to go on a property.

So they're helping you take the steps ready so you can be a stockman and (indistinct)?---Yes, [REDACTED] yes. 40

Is anyone else helping you with that?---No, because sometimes - there's this guy in management and his name's [REDACTED]. He should just leave. He always says - when he was the team leader of the house he said, "Yes, we have six months worth of funding," and I went up to [REDACTED] for two months and he was, like, "Oh, the funding is not there." So he can chop and change whenever he feels like it.

4/2/13

[REDACTED] XN

Okay. The - - -?---And their excuse is the funding, but I know what it is; it's [REDACTED] is just fucking an arsehole and doesn't get along with [REDACTED] because - yes.

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Now, let's talk about your house. Can you describe the house? How many bedrooms has it got?---It's got four upstairs.

Yes?---Yes, four upstairs, one downstairs for the staff, and it's in [REDACTED].

Yes?---It's a seven-minute walk from the beach and I think that's kind of bullshit.

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Why is it bullshit?---Why would a resi care be where people pay thousands of dollars for rent a week or buy a house worth a couple of million dollars?

But wouldn't it be a good idea to put a resi care home somewhere near a beach so that the residents can use the beach? If you like the beach why shouldn't you be able to use the beach?---But - that's understandable, but they can get transport to the beach. Just say somewhere on the Sunshine Coast where it's - or outside Croy. That's where it should be.

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Okay. You just said "transport to the beach". What sort of transport has the house got? Have you got - is there cars?---Yes, we've got two cars.

What sort of cars?---Four-door Corolla and a four-door (indistinct) hatchback - hatchback (indistinct).

Okay. Who drives those cars?---The carers.

You're almost 17. Has there been any - - -?---I went for my licence probably when I was 16.

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How did that go?---Good. I got four questions wrong, so you're only allowed three. I got the P question wrong so I haven't' gotten around to it. I've been too busy.

But you're going to go back and try and get your provisional licence again at some stage?---Yes.

You want to do that?---Yes.

Okay. Now, I was asking questions about the home. You said there are four bedrooms on the top floor - - -? ---Yes.

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- - - and one on the bottom floor. What other rooms are there in the house? Is there a living room?---Yes, living room, kitchen.

Okay?---And then downstairs there's a Crimsafe door - like, a screen Crimsafe door, and then behind the Crimsafe door is a big door, like a door (indistinct). 1

Like a front door to a house?---Yes.

Okay?---That's to the office and then inside the office there's another, like, office where the computer is, where the petty cash is, but all the medication goes on there.

You say there's medication there. Who gives the medication if medication is required? Who provides medication?---The carers, the youth workers. 10

Now, is there a kitchen in the house?---Downstairs, yes, and upstairs, yes.

Who gets to use the kitchen?---We do.

Do you, yourself?---Yes. Upstairs is our kitchen; downstairs is the staff's kitchen.

And what do you use the kitchen for upstairs?---To cook. What else would I use it for? 20

Well, what sort of things do you cook at home?---Food.

Okay. What type of food? I'm just trying to make sure that they're giving you quality food or food that you like.

COMMISSIONER: Are you happy with the food you get?---Yes, the food is good.

MR HADDRICK: What sort of food do you have?---Good food.

You know - - -?---Steak, sausages. 30

Obviously I like steak. What do you like?---I like rack of ribs.

How often - - -?---They used to buy ribs, but it's too expensive. Those ones, like, \$20 for a rack, that's fine.

How often do they give you that?---They've stopped now because it's too much. That's - just buys meat, vegetables and stuff like that.

Okay. What do you get to drink? Soft drinks, or what do you get?---No, no soft drink. 40

No soft drink? Who does the cooking?---We do.

Do the carers help you with the cooking at all?---If we want their help, yes, we say, "Can you help us?" and they do it.

And they do do it? How often do you ask the carers for help with the cooking?---I don't know. 1

Once a week or all the time?---Not all the time.

Okay. What other forms of entertainment or what other things are provided there for you to do? Do you have, for instance, an X-Box or any of that sort of stuff?---Yes, we've got an X-Box in the living room and in each bedroom we've got a Plasma hooked up to free TV, whatever you call it, and in the lounge room we've got Austar. 10

So you've got pay TV in the lounge room?---Yes, and then we've got normal TV in our bedrooms.

Okay?---And the plasmas are on the wall, bolted to the wall, just so if we try and go and hock them down at the hock shop, we can't, because they're bolted to the wall.

Does that ever occur, that they go missing, the plasmas? They've always been there?---Not - I was - I think a year and a half they got put in.

Okay?---Sorry. 20

Now, you said you had an X-Box there. How long's that been there for?---Six months.

Do you use it or does the other guy use it?---I've got my own PlayStation.

Okay. And you use that, what, in your room, do you?---Yes, that's why.

Now, how much - when did you give up schooling? How far did you go in schooling?---Last year, start of the year. 30

Which school did you go to?---[REDACTED]

Okay?-- [REDACTED]

Now, why did you give up school?---I didn't give up.

What happened?---I got expelled (indistinct).

Do you know why?---Yes, because I threw this little kid across the room. 40

Okay?---(indistinct) was 14 (indistinct) because he was picking on this retard fella.

Okay?---He's in a wheelchair, can't speak, he'd drool all the time, so I fucked him up. He's a mate of mine in the wheelchair, so I fucked him up.

4/2/13 [REDACTED] XN

Do you want to go to school at all?---Not now. There's too many grommets. 1

Okay?---Grommets are little kids, like, little fucking grade 8-year-olds.

Okay?---Year 8s, I mean.

Do you want to do any other form of education, TAFE or something like that?---No.

Just training in preparation to be a stockman?---Yes. See, with me, I can't really learn in a classroom; I have to go out and learn, doing it, not in a classroom, because I just get bored and then I play up, be silly. 10

COMMISSIONER: What do you do in the meantime between training to be a stockman and not going to school? How do you fill in your day?---Most of the time I'm bored shitless. I'm bored and then I play with the carers, like, stir them up. That's what there really is to do at the time.

MR HADDRICK: So what do you do to stir them up?---Like, when the copper - I forgot his name (indistinct) - when he was saying it was actually a girl who was in the office, locked in there, I got a (indistinct) it through. I was like - I wasn't going to hurt her; I was just stirring her up. 20

Okay. Do you have any sort of young carers, as in young carers - - -

COMMISSIONER: Define "young."

MR HADDRICK: They're sort of under the age of 30?---I don't know their ages. 30

Okay. Are they all sort of older people?---Middle age.

Do you ever find out why carers come or go? Do they tell you why you won't see carer - by whatever their name is - again?---I know [REDACTED] (indistinct) that's what we call my house. 40

Yes?---It's like coming - like, just say you going to work but every day you go to work and it's - it's not hard work. It's mentally, physical, so they just leave it because of that.

1

Okay?---They just get really stressed and - - -

Who stresses them out?---Us.

So you're aware that you stress the workers out?---We don't care. There's no real discipline. We get charged - big deal. The court really - they just give us a slap on the wrist, so I reckon they could bring back belting.

10

So how did - - -?---No, to a reason I mean.

Okay?---You can't belt a kid up so he's bleeding at the face or anything but just to give them a good whack.

But you think there should be, like, corporal punishment, smacking?---Yeah, that's what I reckon because all this fuckin' therapeutic shit - go out the room. No-one cares about it. It's not worth it.

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So what do they do to discipline you? Say, for instance, you're playing up. You're doing something wrong?---They say, "You're not getting transported for a week in the car" and we go, "We don't give a fuck. We can go and catch a bus anywhere."

So you're given a card to go and pay for the bus, are you? ---Eh?

How do you go and catch the bus? Do you pay for the bus? ---Yeah, I get money off Centrelink.

30

How much do you get from Centrelink?---A bit.

A couple of hundred bucks?---I'm getting at the moment because I'm paying - I'm being nice. I'm paying them back for all the property damage I did, so \$80 a week coming out of my pay. I usually get 220 so it's 180 bucks.

When you say "all the property damage", what sort of damage have you done?---What's the deal?

Just tell us - describe holes - - -?---I was bored one night so I picked up a rock and threw it at a window.

40

Okay; and the window smashed obviously?---Yeah.

Any other damage?---Holes - what else. I had to pay for - I was being a retard, then I was - you know little balls from - what do you call them - cushions, things that you sit on.

4/2/13

██████████ XN

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Bean bags?---Bean bag - you know those balls what are in bean bags. 1

Yes?---We had two of them and I thought it was funny. I was, like, "Look, it's snowing," and poured all of it all over the front yard and backyard and I didn't really think it would be a problem but I got in trouble. I had to pay - like, we had to go out and get a machine from - I don't know, somewhere down there, an industrial vacuum cleaner. I had to vacuum all of it up.

So you did the vacuuming, did you?---Yeah, on the grass. 10

Who paid for the thing?---I had to.

Out of your money?---Yeah, so I had to clean it up. I had to do it myself.

When other damage happens to the property - - -?---No, but it wasn't because of the property. It was because the balls were going in swimming pools.

Okay?---And rich people think, "Oh, shit, it might stuff up our filters or" - so the whole neighbourhood went on a panic. 20

Let's talk about that, the neighbourhood. Do you know the neighbours to the house, who lives next door?---Yeah.

What type of people are they, old, young people, a couple? ---They're Christians.

Okay?---They go to bloody church. The missus does. I know she goes every Sunday.

And do you get along with the neighbours at all? Do you talk to them?---No, they don't really like me. 30

Why don't they like you? What's not to like?---I think it was one night - mate, because they get woken up; like, they probably go to bed at 8.30 at night and then when they hear sirens, us swearing, us kicking things, us saying - hurting the carers, they would get concerned for the carers and, like, they would get worried.

So you think it's the neighbours have called the police? ---Yeah, most of the time it is the neighbours because the staff can't. Just say there's one staff on. 40

Yes?---And me and the other client are out there - like, I hate [REDACTED] There's a worker named [REDACTED] I hated her. She exaggerates everything; I mean everything. So one night I got shaving cream; put it in my hair. I was, like, "Hey, [REDACTED]," and then she put it all in her hair, like, everywhere.

4/2/13

[REDACTED] XN

How did she react?---She went downstairs and then another night there was another client there but he's gone now. Me and him wrapped her up in a sheet and then she was - yeah, and then another night - it wasn't me. I was watching it all happen. Another client - he was throwing bins, chairs - what else? I think he threw pots and shit at her when she was down at the - because we've got, like, little stairs going down out the back.

1

Yes?---And it was night and she couldn't see kind of thing and she got hit in the head by bins and stuff. That was quite funny. That was hilarious to watch.

10

Okay. Now, you mentioned there were a couple of people who are no longer there, previous clients, and you told us that there's you and another chap who lived there. So were there four of you living there at any one stage?---Yes.

How long has there only been two of you living there?
---Probably a year and a bit.

And do you know why there are only two of you living there?
---Yeah.

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Why?---Because of me.

What have you done that has meant that there can't be two other people living there?---Because I think Child - because all the incident reports and critical incidents reports will come from me. They think - Child Safety has told [REDACTED], [REDACTED] doesn't work well with, like, changes so we don't want another client till he moves out," such as me and the other client and I'm a lot of work.

Yes, I can see?---Like two missus - no, five missus.

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What do you mean?---Wives.

Sorry, five missus, what?---No.

COMMISSIONER: He needs two wives to look after.

MR HADDRICK: Okay. Now, you've obviously got one other chap living there. Why can he stay there but other people have to go?---No, there was a guy (name supplied). He wanted to move out because he was just a fuckin' prick so

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no-one like him at the end. So he moved out to [REDACTED] whatever you call it, and then before (name supplied) was there I was there by myself for a period of four to five months.

So the house was running for about four to five months and you were the only client living in the house?---Yeah, and

4/2/13

[REDACTED] XN

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that was probably the best time for the carers because every day I was settled I was fine. 1

How many carers were there when there was just you?---Just one and I was fine - or two. It was good.

So one or two at all times?---Yeah.

Okay?---And then there was another - there was - when I first got to the house, there was four.

Yes?---There was (name supplied), me mate and (name supplied). 10

Now, how often do you get to leave the house? How often do you go away to do whatever you want to do?---I can leave whenever I want.

How often do you leave, every day, every week?---Whenever I feel like leaving.

Do you ever spend nights away from the home?---Yes.

Where would you stay when you went away?---Mate's place - 20
[REDACTED].

Now, tell us about your friendship circles. Do you have many friends that don't live at the house?---Yes.

How many, do you think?---Not that many.

A handful or a couple?---Well, there is people I know who I hang out but I wouldn't class them as my mates.

Why do you hang out with them?---Because I just think it's funny and shit what they do. 30

Okay?---They do crazy shit.

How often do you get to see them?---I saw them last week when I was at the plaza just walking around.

Do you have an opportunity to be involved in any other activities outside the house other than this Jamberoo, I think you said?---Yeah.

Do you have any other sort of activities, any sports - any sports you like doing?---No, not really. 40

I don't blame you. Now, what time of the day do you get up?---10.00; 12.00; 1.00; 2.00; 4.00; 5.00.

So you get up at the time that you just want to get up in the day?---Kind of.

Do the carers ever encourage you to get out of bed at sort of, like, a regular hour?---Yeah, but we just tell them to fuck off.

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Okay; and what do they do then?---They just fuck off. They go downstairs.

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What time do you go to bed at night?-----Sometimes I stay awake 72 hours. 1

Okay. Why would that be the case?---Because I didn't take my medication or some shit like that.

Now, you told us that there was a period of time when you were the only person living in the house. Why did another person come and join you?---I don't know.

Did you get along with that other person straightaway?---I was actually at my uncle's place in [REDACTED] for Christmas and he come through Christmas. 10

Do you get to see your uncle very often?---No, I don't hang out with him any more. He's an arse.

So why did you go to his place at Christmas if he's an arse?---Because I didn't see him for a while and then I went there and I've come to the conclusion is a fuckwit. He talks to his mum like shit.

Now, his mum would be, what, your - - -?---Grandmother. 20

- - - grandmother. Do you get to see your grandmother very often?---Not really. She doesn't really know who I am any more. She's got dementia, I think slowly - more than likely getting dementia now.

Do you know how old she is?---No.

Would you like to see her more?---Yes and no. It's like you do and you don't.

Did you get to see much of her in the past? When was the last time you got to spend some good time with your grandmother?---Last year. I don't remember it. 30

Okay, and do you have any other family around?---Yes, I've got my stepmum. They came up recently with my [REDACTED]

Yes. How often do you get to see them?---When she comes up there. And I've got my mum. I see mum once a week, my [REDACTED] my stepdad, [REDACTED]

And they come to the house, do they, or do you go to them? ---No, they come to [REDACTED], they pick me up, then we'll go out for a cuppa or some chat. 40

Okay. Do they take you to lunch or something?---Yes, they take me to lunch. They're good.

What, to a restaurant or a shopping centre?---Yes, restaurant, surf club.

4/2/13 [REDACTED] XN

Okay. Do you enjoy those trips?---Yes, it's good. 1

Do you get along with your [REDACTED]?---Yes, kind of. My [REDACTED] is pretty hard work.

Okay?---We fight a bit.

And where are you - are you the oldest, the youngest, in the middle?---[REDACTED].

Okay?-- [REDACTED] 10
[REDACTED]

COMMISSIONER: Was your [REDACTED] in care before you?---No.

She's never been in care?---No.

What about your [REDACTED]---No.

How come you're in care if they're not?---Because I drove my mum insane.

Right. So - - -?---She was going insane so I left. Well, I didn't leave; I got taken away. 20

She took you to the department and said, "You take him"? ---No, I didn't get taken to the department. Fucking coppers picked me up. I was at mum's and mum called the coppers because I was raging. I overheard mum talking to child safety so I went off. I picked up a pitchfork, fucking started going through the windows with it. Uniformed police come and fucking - I know I got Tasered shot. I didn't give a fuck.

Right. So where did they take you after they picked you up?---Then I was - they thought I'd, like, fucking something wrong with me so - like, so they took me off to [REDACTED] Hospital. I was in there for three days and then (indistinct). 30

MR HADDRICK: And you've only been at this one house, have you?---Yes.

COMMISSIONER: How long have you been there?---Two and a half years and on the 25th of the 3rd I get my own place, finally. 40

MR HADDRICK: Okay. Where's that?---[REDACTED]

Tell us about that place?---I haven't been there. It's a unit. They rented off somebody private and then I rent it off them.

Okay.

4/2/13 [REDACTED] XN

COMMISSIONER: So you're - - -?---But at a small price. 1

So you were 14 when you went into care?---Yes.

And had you lived at home all your life before then?---Not with my mum because I didn't get along with my mum much because I - - -

It doesn't matter. So who did you live with?---My dad.

Your dad. And then how come you were with your mum when you were 14 got taken into care instead of your dad?---I was with my dad for - I don't know, for ages, and then when I was, I think - yes, when I was 10 he passed away. 10

Right. And what happened to you between when you were 10 and 14?---(indistinct) my mum's.

Right. So you were living at your mum's from when you were 10 to 14?---Yes, so I moved - I was probably 11 when I moved, eh, to my mum's.

Righto. And then come 14 she couldn't handle you any more? ---Yes. 20

And the police pick you up and what, did they take you to child safety?---No, they took me to mental health.

Mental health?---Yes.

But are you under the guardianship of the chief executive now?---Who's that?

Is your guardian the child welfare?---No, half-half.

Half-half with you?---My mum. 30

Yes?---Child safety looks after me.

Yes?---My mum has the last say whatever they do.

Right. But - - -?---But they answer - like, child safety actually can override it.

Yes. They're your guardian, are they?---Yes.

Because of what happened when you were 14?---Yes. 40

Before you were 14, you know, when you were living at your mum's, did you have any support programs through disabilities or mental health?---Yes, I was with what's his name (indistinct) mental health in [REDACTED], KIMS, they're good.

So you used to go there and they used to support you through things?---No, I don't really like talking to people so I just take what they think and then I just don't.

1

Right, okay. So what are your plans? What do you want to do next year whenever you are old enough to be on your own? Where do you see yourself this time next year?---On a property out West.

And who's going to get you there?---Myself with [REDACTED] [REDACTED] is taking me out. [REDACTED] said, "You have to do it." He's not going to put in a good word if I'm not doing - - -

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The right thing?---Yes, the right thing.

Is someone planning your future for you within the department?---No.

Is someone being responsible for getting you what you want? ---Not really.

Right. What about your licence? Is there anyone helping you get that?---Yes, no. No, because I didn't ask for any help.

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What about budgeting? What about renting a house? Do you know how to do that?---Yes.

How would you do that?---Just give them the money.

Who?-- [REDACTED]

Eh?--- [REDACTED].

Yes, but - would you rent from them, would you?---Yes. They will rent from the rental person and then they would subsidise how much money I get, so just say 25 per cent, I have to pay \$57 a week, and that goes to them.

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All right?---And then I have to pay for my electricity, rent, food.

Do you go anywhere to get taught how to budget and how to pay bills and fill out forms?---They teach us.

Who teaches you?---Carers.

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So do you go to Medibank yourself and putting your claim and get the money back?---No. Because I think I don't - I'm not with them, I don't know.

All right. Okay.

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[REDACTED] XN

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MR HADDRICK: Just a few more questions, [REDACTED]. Who washes your clothes for you? How's your room get clean and your clothes get washed?---I wash them. No I don't, I let them do it.

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Okay, so the carers do all your washing for you?---Yes. I think they get paid for it, so why don't they do it?

Should you do any of that sort of stuff yourself?---Yes, probably. Yes, I should, but - - -

You do know that other 17-year-olds - - -?---I should. I know I should, but I know if I don't, they'll do it, so they have to say, [REDACTED], if you don't do this we won't do this." But at the end of the day if my room is a pigsty with food, with flies with maggots and shit, they have to clean it. At the end of the day they have to clean it.

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COMMISSIONER: So just tell me - - -?---They do because they've got duty of care.

Yes, and you know that?---I know that. I could - they have to bow down to me, like, when I do that.

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4/2/13

[REDACTED] XN

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Yes. They're the - - -?---Like, I can make my room fucked. I don't have to do nothing; sit on the lounge and I watch them clean up my room. How cool's that? 1

So they blink first?---Yeah, they blink first.

Well, so you were saying, you know, they've got to be able to say, "██████████, if you don't do this we won't do that." That sounds good in theory but - - -?---At the end of the day they still have to do it.

Yes, and it depends on how your - what sort of mood you're in as to whether or not you'll respond positively to them saying, "You do that and we'll do this"?---But I don't care what they say. 10

Yes?---At the end of the day I know they have to do it.

Because there's no consequence for you, is there?---No. They can't - they can't do nothing. It would be different if they say, "Okay, you clean your room," and I say, "No, you do it," or so - why can't I just leave it like that?

You know before when you said one of the solutions you would introduce even to yourself would be the strap? ---Yeah, I reckon. 20

You reckon that would be - you reckon that would work with you?---And just say - when I was at my mum's I was independent. I did all of my own washing, cleaning and shit. Then when I went into care, resi care, I come in - what's the word? I depended upon them to do everything.

You're dependent on them?---Yeah, so - - -

Why not be?---Pardon? 30

You may as well be?---Yeah, you may as well be. Do you know what I mean? Yeah.

Yes. So how would someone - like, you accept that there are some things you should do - - -?---And there's - - -

Yes, and there's some things you want to do. How would we get you, how would the system get you, to do what you should do even if you don't want to do it?---You can't belt because that means you'd have to change the police laws and everything so - - - 40

Can't belt?--- - - - you can't (indistinct) out of the picture.

Can't belt, yes?---What else?

Can't leave maggots in your room?---Yeah, so nothing.

4/2/13

██████████ XN

Nothing?---The system can't be changed. It can't. Legally 1
it can't, because how the legal system and the government
system is, it cannot be changed.

Let me try this on you. You know at some point you're
going to age out of the system. You're going to 18?---
Yeah.

Whether you move into another and what sort of system will
remain to be seen, but at the moment you're in this system,
right?---Yeah, but I already know the things what to do 10
because I've been through that.

Right, but one of - - -?---So I think just let them do it.

All right, but at some point they're not going to be there
to do it for you?---Yeah, and then I'll do it.

Yes, but will you know how to do it - - -?---Yeah, I know
how to - - -

- - - because you've never done it before?---I know how to
wash my clothes. Like I told you, at my mum's. 20

All right, but there are some things you haven't done
before when you were 10 or 14 that you will have to do when
you're 18 or 20 or 25 or 50?---What would that be?

There's a list?---What's that?

Well, you know, going to the doctor, getting the Medicare
slip, going and getting your refund?---That's easy. Just
catch a bus.

Yes, all right?---Go and ask. Go and ask for help. 30

So you don't need to be taught, you already know?---Yeah.
I know how to cook my own dinner.

Fair enough, fair enough, and you don't see anything in the
foreseeable future that you really need to learn now. You
think that when that crops up you'll be able to deal with
it as it comes?---Yeah.

All right, fair enough?---And until - - -

What about being prime minister of the country?---Mate, if
I would I would change all the laws. 40

Yes, I gather you might. All right, what about - - -?
---See, we need Julia Gillard to fuck off. Seriously, we
need her to just piss off. Then we need somebody like -
like you, who's pretty hard.

You need a tough person, do you?---Yeah, who will (indistinct) Mister - with the bald head - I wouldn't want to start with him in a fight.

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Yes, fair enough?---I reckon he knows - he knows - - -

But I don't think that's part of the job description of prime ministers?---Yeah, but you can change the law, and I reckon you should be able to belt people. Whoever brung in the law, "You can't lay a hand on a child - - -"

All right, let's test that with you. Okay, let's say they changed the law and said, "You can belt [REDACTED] if he misbehaves again." How are you going to respond to that - you know, in theory - I mean, in reality?---They'd have to be quick, because if they hit me I'll hit them back.

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It would only happen once?---It would only happen once.

Yes, well, figured?---Yeah, but just say if they got a worker who I'm intimidated by and threatened by, then I would just sit there and be fucking scared. If he belted me I'd be like, "Shit, he might do this. He's going to belt me."

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Yes?---Yeah, like my stepdad. I wouldn't fucking do nothing. Like, he would smack the shit out of me.

Well, the system is trying to protect you from those people. That's what it's there for, to look after you? ---The system is shit. It has to come to a mum, and most normal parents know when to stop hitting your kids.

Yes?---Just say if - like, I never used to swear at my mum's. If I swore, I got a backhand. That's normal.

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Yes, but look what happened with your relationship between you and your mum at 14?---No, but that wasn't because of that; that was because we had a love-hate relationship.

Right?---So one minute - - -

Could I just ask you something though? Let's go back to the pitchfork when you were 14 and the love-hate relationship?---Yeah. I was shitting myself. I was shitting myself. I had something click in my head. When two people in blue, or men in blue or women in blue, come to me and one lady had a Taser out, the other one had his Glock out - and I was, like, "Fuck."

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That will do it?---It was, like, "Okay, I have no chance." I wouldn't be even - I'd probably have to go for the person that has the gun.

4/2/13

[REDACTED] XN

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Yes?---No, not the gun, actually; I'd have to go for the person with the gun so he doesn't shoot me when I get the girl, or something like that.

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Right, well, luckily all that was avoided by some clear thinking on your part?---No, because I know was fucked either way so I just put it down and surrendered.

But what I wanted to ask you was this, did anybody sort of try to mend fences between you and your mum? You know, you were 14, you'd been living with her for five years, you had this dummy spit, the police come and pick you up and then ever since then you've been in resi care. Has anyone sort of said, "Well, let's get you out of resi care, back to mum," or back to someone else?---Mum said she'll never have me back.

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All right. Well, what about - have you got family anywhere else?---I've got me stepmum, who I don't really like.

Is there anyone you do like in your family?---Probably not.

What about your sister? How old is she now?---She's 18. She's all right but she's a control freak.

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And you're not?---I want to be a control - yeah, that's why me and her don't get along. That's why me and mum don't get along, because I want to be the control freak.

All right?---I want to be - like, put down these rules. If it doesn't work, get angry about it, and like, everybody - young people become control freaks when they move into resi care.

Do they?---They do.

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MR HADDRICK: Well, just on that statement, you say young people become control freaks when they move into resi care. Can you tell us about the other person who lives there? Are they a control freak, the other persons living there with you at the moment?---Yeah, he - if he knows what he wants, he wants it, and if the carers don't give it to him he'll get it himself. So just say if he needs money or something, I don't know, but sometimes - a long time ago he went and broke into a couple of cars, stole the cars, and he only does that to get a rush, an adrenalin rush, and I reckon most people who steal cars is because they want to have a rush. So why don't you put then on a bull? They'll probably get twice as big a rush than that. Hop on a bull and then they'll ride bulls, they will go and steal a bull.

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Okay?---That's better than a car what can kill somebody or kill themselves.

Does the other person live at the house - do they rely upon the carers just as much as you do?---Yeah - maybe not.

4/2/13

██████████ XN

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Do the carers do his washing as well?---Yeah.

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And clean his room as well?---Yeah.

What happens if he leaves the place like an absolute shithole, as you said before?---They clean it up.

Okay, and does he know, to your knowledge, that if he doesn't do anything someone else cleans up the problem? ---Yeah, he's very smart, (name supplied). Yeah, he's very smart.

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Do you ever - you told us before that you sometimes don't get along with him. Are there any things that the two of you do together where you do get along? Do you go fishing together or something like that?---Just have - like, I know (name supplied). He's a good mate and I (indistinct) about my mate, because I know even if I'm in big shit he'll always back me up, and that's why I like (name supplied). He can be an asshole at times, but he's only an asshole because sometimes the things what I do annoy him, but he is good. I like him a lot.

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4/2/13

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Okay. How often do the police come around to the house?
---I don't know; maybe - - -

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Once a week; once a month?---I haven't seen coppers for about a month, two months. I haven't seen them this year (indistinct) I haven't seen them this year.

Okay. Last year how often would you have seen them last year, roughly?---They were probably at - when I had my bad days I think they were out every day when I had my bad week, every day until the last day they took me up to mental health.

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Now - - -?---But I think it's funny because the coppers think, "Oh yeah, we're going to punish him. We are going to put a" - what is it? It's a thing where you have to stay in there for 24 hours.

An order to keep you in the hospital?---Yes, you know the order, mate?

EEO?---EEO, yes, that's it, EEO. And they don't understand - I know everybody in mental health, the workers and everything, and in the legislation with the EEO you're not allowed outside the building or you're not allowed to leave.

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Yes?---Security guards don't even - they let me go outside and have a smoke because they know I'm not going to run away because I respect them, they respect me, so I think it's funny, and there's this - what's his name - - -

When the police last year came around to your place regularly?---Yes, they thought it would - it's a punishment for me to go up there.

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Okay?---But it's actually not; it's quite fun. You get to see nannas go through the door that start biting the security guards and - it was good fun up there.

Now, how many coppers would come out to the house? One, two - - -?---For me? For me, probably three cop cars, or maybe two. It depends on the situation.

Now, you know these coppers, do you, you got to know them over time?---Some. Some don't like me. Mate, I don't like them.

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Do you blame them?---Sometimes they're just arseholes. Like, there's on at [REDACTED] - what's his name - I don't like him. I think he might be a poofter.

Okay?---He dresses like a poofter, but. I saw him out the street the other day.

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[REDACTED] XN

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COMMISSIONER: Mr Haddrick, we might move on to another topic now.

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MR HADDRICK: Yes. This was my last topic. I might end the questions there. That's the end of my questions, [REDACTED] ---Yes.

And I'll hand you back to the Commissioner.

COMMISSIONER: Thanks, [REDACTED]. Any questions, anyone?

MS STEWART: Hi [REDACTED], my name's Lisa Stewart. I'm from the Aboriginal and Torres Strait Islander Legal Service. I just wanted to ask you, do you know what a case plan is? ---Yes.

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Yes. Do you participate in your case plan?---Sometimes.

How regularly do you think you would participate?
---Whenever I feel like it. Isn't it every three months?
Is that it?

They're supposed to be reviewed every six months. I think you might have either a case plan or a transition plan?---I have, yes - I've drawn a transition from care plan up.

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And if I heard your evidence earlier before you said you were moving out on 25 February?---Yes.

Is that into semi-supported accommodation or - - -?
---That's independent living. So for six weeks there's going to be two carers, [REDACTED] and [REDACTED] coming over for six weeks every day; after that, on my own.

I heard your evidence before that you gave to the Commissioner about you know what to do to look after yourself but at the moment there's just no incentive to do that because there's people there to do that for you?
---Yes. Why should I bust my guts cleaning my room when they do it?

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I just wanted to ask you about, like, your goals for a job. I've read your statement and I clearly get that you're interested in the land and want to be a stockman?---Yes. Like, there was a course up at Longreach and I wrote this nice letter to Longreach because you have to write an application for your - with [REDACTED] I wrote it; [REDACTED] helped me, and we set it up and it come back down and they said, "We would like to take you but we have to accept the grade 11s before we accept you." Like, because it's - you do schooling up there as well and I was, like, okay, and they're like, "You should put the same application in next year and we will get you" and child safety is like, "Why did you put that thing in? It will never happen." Like,

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4/2/13

[REDACTED] XXN

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they won't (indistinct) child safety is supposed to help you do education and shit, why wouldn't they pay 11 grand? And you stay on campus, you get food and shit for a year, and then when you finish that you get a job. They give you a job. That's their goal. At the end of the year you get a job - full-time job on a property.

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So why do you think they've said to you that won't happen? ---Because there was another kid named [REDACTED] he fucked up on opportunity. He went up there and he lasted three months. He stole shit, he was smoking cannabis up there, and they told him to leave, "We don't want you any more," so child safety said they'll never send anybody up there any more because he fucked it up. And I was like, "But I'm a different person than [REDACTED]" and they're like, "Sorry, we can't spend 11 grand for somebody to go up there for six months and not get a refund or any money back."

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So what other things have been put in place, them, for you to work towards - - -?---They're paying for [REDACTED] s place.

Okay?---Still I reckon I should have more time out there.

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Yes. So what do you think the bar is to having more time out there?---It costs \$379 or something like that a day. I know it sounds pretty expensive, but at the time I reckon it would have been cheaper to send me up to Longreach than taking [REDACTED] because they spend more than 11 grand a year on [REDACTED] more like 40, 50 grand a year. Why don't you take your chance?

In your statement from paragraphs 52 to 54 you're disappointed in the level of engagement that some of the staff?---Yes.

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What are you seeking from them? What would you like them to do?---There's [REDACTED], like, he comes in and he says - I do something or - just do a little thing like not - I don't clean the dishes and they say, "Okay, I'm disengaging for the whole night." And then they're down there on the iPhones and (indistinct) pay for it, just sitting on their arses.

Okay?---\$25 an hour to sit on their arses doing nothing because they can say, "Yes, we disengaged." And then I say, "Fuck them, why are they getting free money." So I go and fucking stir them up and then the cops are called.

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But what would you like to see them do with you? What type of engagement or interaction would you like to see?---Just, like, hang out, no issue. Don't classify it as a job, classify it as hanging out with mates or - because I'm really good to get along with but when you fuck me over I will fuck you over twice as bad, and everybody knows that.

4/2/13

[REDACTED] XXN

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I've nothing further, Commissioner. 1

COMMISSIONER: Thank you. Mr Capper?

MR CAPPER: Nothing, thank you.

MR HADDRICK: No re-examination by me. Can [REDACTED] be thanked and excused?

COMMISSIONER: He can. [REDACTED], thanks very much for coming. I appreciate you being so open and candid?---Yes, that's all right, mate. 10

It gave me some helpful insight into you and how the system relates to you. Thank you?---Can I go now?

You can, mate. Thanks very much.

WITNESS WITHDREW

MR HADDRICK: I propose that now would be a good time to adjourn if possible, Mr Commissioner.

COMMISSIONER: For lunch? All right. We'll adjourn for lunch. We'll be back at 2 o'clock. 20

THE COMMISSION ADJOURNED AT 12.22 PM UNTIL 2 PM

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THE COMMISSION RESUMED AT 2.03 PM

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COMMISSIONER: Thank you, Mr Haddrick.

MR HADDRICK: Thank you, commissioner. I'm just going to reverse the order of the next - - -

COMMISSIONER: Sorry, Mr Haddrick.

MR HADDRICK: I'm just proposing to reverse the order of the witnesses that was proposed in the outline. I'm going to call Danielle Burke-Kennedy as the next witness because the evidence logically flows in that order.

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COMMISSIONER: Right.

MR HADDRICK: I call Danielle Burke-Kennedy.



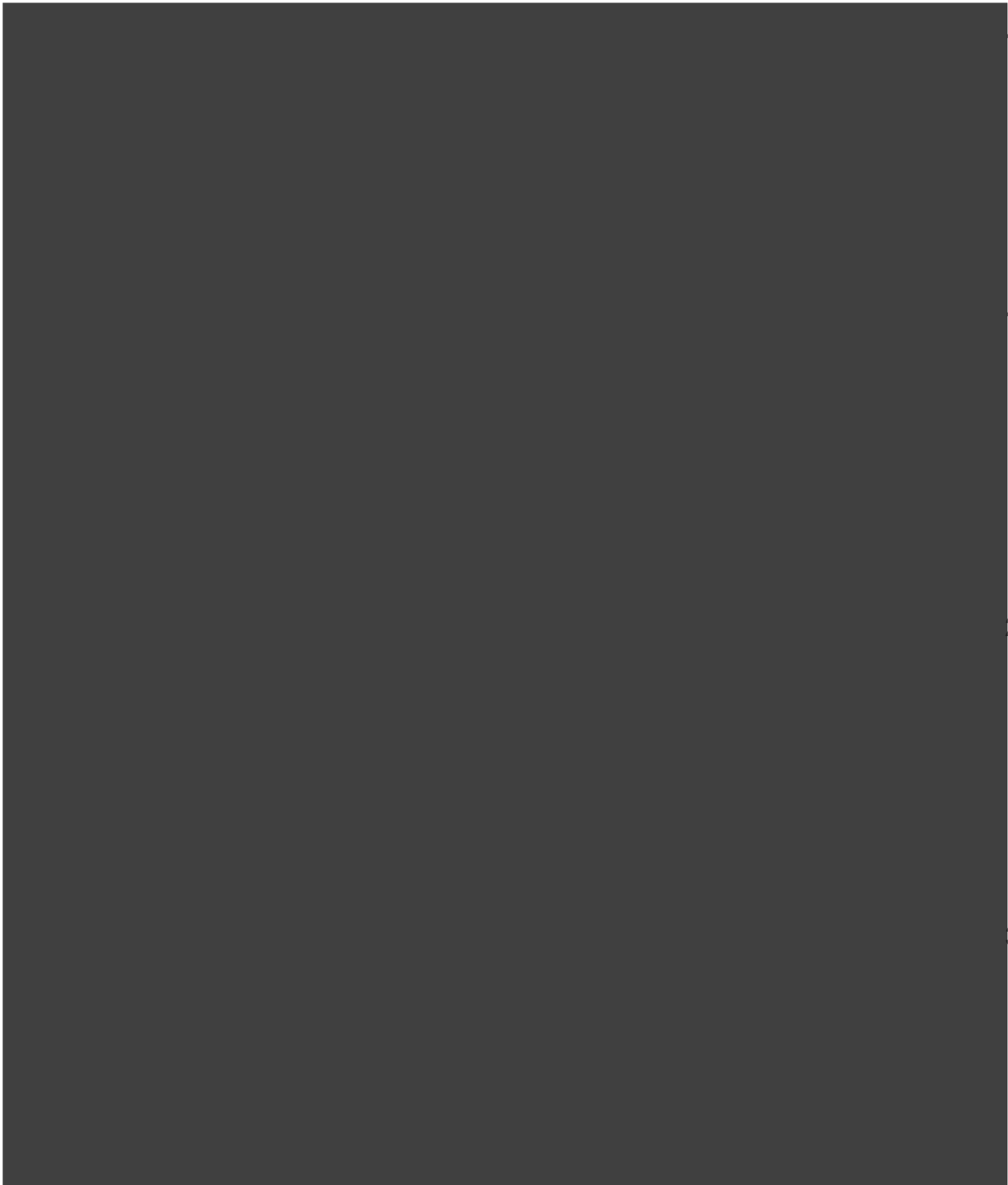
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Danielle Burke-Kennedy's evidence is under a not-for-publication order.



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At 10 o'clock.

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MR HADDRICK: 9 o'clock, Mr Commissioner.

COMMISSIONER: No, it won't be 9 o'clock either. It will be 9.30, in fact.

MR HADDRICK: 9.30 tomorrow morning.

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BURKE-KENNEDY, D. XN

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COMMISSIONER: Despite your best intentions and endeavours, Mr Haddrick. 1

MR HADDRICK: I do try.

COMMISSIONER: Yes, you are trying, but we can't start - - -

MR HADDRICK: I knew that was coming.

COMMISSIONER: Can exhibits 149 and 151 be published? 10

MR HADDRICK: Might I just see - - -

COMMISSIONER: I'll leave it to you and if they can't be I'll make orders tomorrow - well, have a - we'll do it now.

MR HADDRICK: Can I just identify - 149 can be published.

COMMISSIONER: I direct the publication of exhibit 149.

MR HADDRICK: And 151 can be published with one redaction to paragraph 140. 20

COMMISSIONER: Can you show Mr Blumke what has to be redacted.

MR HADDRICK: Ben's real name is advertently mentioned.

COMMISSIONER: All right, well, subject to the redaction of Ben's real name in paragraph - which one?

MR HADDRICK: 140, one four zero.

COMMISSIONER: 140, in exhibit one hundred and? 30

MR HADDRICK: 51.

COMMISSIONER: 51, I order the publication of exhibit 151. Is that us done today?

MR HADDRICK: That's it, Mr Commissioner.

COMMISSIONER: All right, excellent. I'll adjourn until 9.30 am tomorrow morning.

THE COMMISSION ADJOURNED AT 4.31 PM UNTIL TUESDAY, 5 FEBRUARY 2013 40