

Date: 10.10.2012QUEENSLAND CHILD PROTECTION
COMMISSION OF INQUIRYExhibit number: 76

STATEMENT OF BRENDON MICHAEL MCMAHON

I, Brendon Michael McMahon, of *Aurukun Police Station, 5 Kang Kang Road Aurukun QLD 4871* in the State of Queensland, *Senior Sergeant, Officer in Charge (OIC)*, solemnly and sincerely affirm and declare:

1. I am the Officer in Charge (OIC) of the Aurukun Police station and a Senior Sergeant in the Queensland Police Service (QPS).
2. I have been the Officer in Charge of Aurukun since July, 2010. I reside full time in the Aurukun Community. In addition to my current 2 years as the Officer in Charge of the Aurukun Police station I have, over the past 16 years, served shorter periods of relieving duties whilst at different levels of rank at the Aurukun Police station. These periods have varied from a few weeks to 3 months duration. I have been witness to the many changes that have occurred to the Aurukun Community over this 16 year period.
3. I have also performed duties as the OIC Pormpuraaw Police, OIC Cross Cultural Unit Far Northern Region, and General Duties at a number of Stations in the Cairns District. I also served 14 years in the Victoria Police and also overseas with the United Nations Peace Keeping force.
4. I hold a Diploma of Public Safety (Policing), Diploma of Public Safety (Police Liaison) Certificate IV in Workplace Training and Assessment.
5. I report to Inspector Rhys Newton, Cape Inspector, who is based in Cairns. Inspector Newton is the manager of the Cape Police stations and reports to District Officer, Superintendent Brian Connors.

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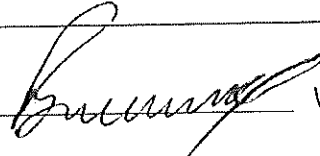

6. Aurukun Police are responsible for the day to day policing of the Aurukun Community which is located on the North West coast of Cape York Peninsula. The community has a population of approximately 1200 people. The Aurukun Station staff consist of a Senior Sergeant OIC; one Sergeant; four Senior Constables, four Constables and an Administration Officer.

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7. Police attached to the station perform a variety of shifts but generally 8am to 4pm and 4pm to 12 midnight for the period of Monday to Thursday and 6pm to 2am on Friday and over the weekend period. Officers are then "on call" after this time to respond to calls for service as required.
8. Depending on operational requirements shifts are performed outside these times. Duty can, on occasions, be conducted continuously over a 24 hour period. When Aurukun Police are not on duty there is always an "on call" crew. The on call crew is recalled to duty by the Cairns District Duty Officer who authorises attendance to any urgent requirements.
9. When officers are away from the station and on patrol the telephones are diverted to Cairns Communications Centre. Tasks are then detailed via either the police radio or satellite phone.
10. Staff attached to the Aurukun Police Station perform both proactive and reactive duties. The duties are typical of most Police stations but have the added duties of enforcing the Alcohol Management Plan (AMP) and court files and preparation for monthly court sittings of the Magistrates, Children's and Domestic Violence courts.
11. Aurukun Police Station is also an office for Queensland Transport. These office duties consist of issuing licences and registrations, conducting driver testing and inspecting vehicles.
12. Aurukun Community Police also utilise an area of the station. An excellent partnership has been established with the Aurukun Shire Council which has evolved into the current coordinated consultation process involving the supervision and employment of Community Shire Police (12 positions in Aurukun).
13. Community police are employed by their respective council as per section 12 (2) *Aboriginal and Torres Strait Islander Communities (Justice Land and other Matters) Act 1984*. Once employed, supervision is by State police stationed in the division the community is in, as defined in section 13 - (4).
14. The Council, being the employer, is responsible to determine the suitability, selection and subsequent appointment of community police. The selection is based on:
 - (a) acceptability of applicant by community (local family connections)

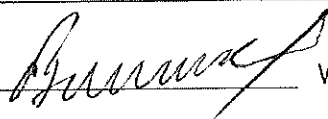
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(b) overall standing in community (including previous criminal history, personality).
It is also important to note that the Community police assist State police with advice on cultural issues.

15. Community police can enforce the local laws of the Council or Shire (bylaws). They also have power under relevant sections in the *Liquor Act* and *Police Powers and Responsibilities Act* when authorised by the Officer in Charge of the Aurukun Police Station.
16. QPS staff also liaise with government and non-government agencies who attend Aurukun. Aurukun Police Station maintains a watchhouse which is utilised when defendants are being processed or in cases where the serious nature of the offence requires offenders to be held in custody and objections to bail submitted. In these cases the offenders are transported to Cairns at the first available opportunity to appear at the Cairns Magistrates Court.
17. The responsibilities of the Senior Sergeant, Officer in Charge are detailed in the QPS Operational Procedures Manual 1.4.5. The OIC also manages liaison between the police and Aurukun community residents, all other government and non-government agencies.
18. The relationship between the Aurukun community and police is very good and police are seen as part of the community, although there still remains some reluctance by community members to provide police with information that may result in a member of the community being charged with matters that may cause the removal of the offender from the town.
19. Currently an AMP is in place, and all liquor and home brew kits are banned within the shire boundaries. Liquor transported into the community for sale is classified as 'sly grogging'.
20. Aurukun Police dedicate a large percentage of their operational police time to enforcement of the AMP and often intercept large quantities of liquor.
21. The ramifications of liquor coming into the community can be seen with increases in the number of Domestic Violence (DV) incidents, assaults, disturbances and other calls for service.

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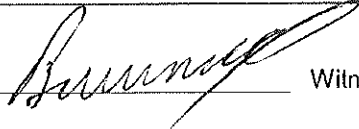

22. The effect of alcohol can be seen in many ways and much has been documented in professional papers in relation to this subject but in summary, neglect of children by the parents and guardians, insufficient funds to feed children and large sums of money going on illegal contraband.
23. Liquor use also creates an environment that manifests into unsupervised children roaming the streets of the community and juveniles being involved in offences such as break and enter, and unlawful use of motor vehicles (UUMV).
24. Gambling is very common in Aurukun with large gambling circles occurring at numerous houses in the community. These gambling circles attract many participants and there are large sums of money being bet. In many cases the carer's income is lost in gambling sessions and other family members have to supply food for the family and children. There has been some anecdotal evidence that children may participate in these circles, however confirmation of this is difficult to obtain.

Brief snapshot of youth related crime

25. Youth offenders demonstrate different types of offending in comparison to adult offenders. The most common offences for youth offending in Aurukun are unlawful entry of vehicles/premises and UUMV.
26. Sexual related crime involving youth is less than in past years. In my observations, during the years of attendance I have had at Aurukun, I would consider considerable improvement has been made with the safety of children. The main improvements have been through a concerted effort by the three core agencies that are always present in the community: Education, Health, and Police. All three agencies have applied proactive education of parents and children to report crime and provide a safer environment.
27. It is also of note that information from the ABS Census 2006 data indicates that over 50% of the Aurukun population is under 25 years. My personal observations would be consistent with this information.

Child Protection Issues

28. Aurukun agencies consisting of the Queensland Police Service, Queensland Health and Education department (Cape York Academy) have a very close relationship. The Director

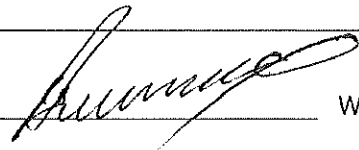
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of Nursing of the Aurukun Clinic, the Principal of the Aurukun school, and I all meet or have telephone contact and discuss a range of community matters a number of times a week. If any incident arises that warrants more urgent attention contact is almost immediate. The relationship is professional and confidential and works extremely well. This close relationship allows for concerns to be addressed quickly and enhances the formal reporting process.

29. Child protection investigations commence in a number of ways. In every case the process commences immediately with the evaluation 'is the child safe from immediate danger'.
30. Due to Aurukun's remote location the attendance of sections within the QPS such as the Child Protection and Investigation Unit (CPIU) and Criminal Investigation Branch (CIB) is not as readily available as in Cairns. The CPIU is located in Cairns which is 840 km by road in the dry season and only accessible by air in the wet season.
31. The nearest QPS CIB is attached to Weipa Police station, which is a two and a half hour drive north of Aurukun during the dry season and four hours drive during the wet season if the roads are open and passable.
32. Aurukun Police Officers, under the supervision of the OIC, commence most of the child related investigations. The Aurukun Clinic can also be the first responders that identify any evidence of child abuse including sexual, physical or emotional abuse. For example the OIC is notified by the Director of Nursing with concerns for a child who has presented at the clinic. Another example may be the information Aurukun School teachers or principal have concerning the welfare of a child at the school. Both these agencies will send a referral through to the Cairns CPIU and the Department of Child Safety (DOCS).
33. When an incident is brought to the attention of the Aurukun Police, an immediate evaluation is made 'is the child safe from immediate danger'. If the child is in any danger actions are taken to ensure the child is safe.
34. Advice and direction is then sought from detectives attached to the Weipa CIB where, after evaluation, local police may continue to deal with the incident or Weipa Police will travel to Aurukun and oversee or take charge of the investigation. Aurukun Police generally do not conduct formal interviews with victims of child abuse. In most investigations interviews with children are undertaken by suitably trained CPIU or CIB officers.

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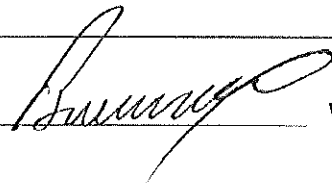


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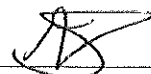


35. During investigations into DV matters if it is identified that children are involved or the person involved in the incident has children, a child emotional abuse occurrence is electronically forwarded to Cairns CPIU for further investigation.
36. DOCS staff regularly attend the community on a fly in fly out basis. In my observations, DOCS staff will sometimes remain in the community to complete a file and this may mean a stay of up to a few days. The staff utilise a house which is available for their use and only a few years old. The staff that attend are based in Weipa or Cairns and the relation between the Aurukun police and DOCS is a very productive one.
37. Notification that DOCS officers will be attending Aurukun from Cairns or Weipa and the period they will be in the community is faxed to the Aurukun station and telephone contact is also generally made.
38. On arrival of the DOCS staff a confidential face to face meeting with the OIC Aurukun takes place. This 'briefing' meeting is held to discuss cases and issues arising in the Aurukun Community that are being investigated and dealt with. This briefing also extends to other matters in the community of relevance such as safety and best practice, and what 'sorry business' may be in place.
39. Aurukun Police on occasions assist the DOCS staff when conducting visits within the community. The majority of the time DOCS staff undertake their duties without requiring police assistance.
40. At the completion of the visit DOCS staff will attend the station and debrief relevant information to the OIC Aurukun. On the occasions when police do assist DOCS it is generally to ensure the safety of the DOCS officers when dealing with certain family members. If necessary police will attend with DOCS officers if children are being removed from families.
41. Aurukun community currently has a 'Safe House' for children where DOCS are able to place children in a safe environment. The children's needs are funded by DOCS and in partnership with a local steering group a non profit organisation named 'Act For Kids' manages the Safe House. House parents (trusted people from within the community) care for the children. The objective is to make sure children are properly fed and clothed, and can attend school undisrupted.
42. The safe house has provision for 6 – 8 children and some are long term residents. The community is supportive of the house and anecdotal evidence suggests that most

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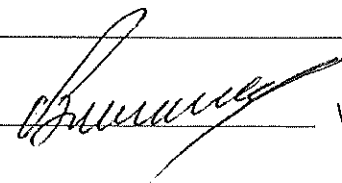


community members would like to see 'at risk' children remain at a safe house in Aurukun rather than be removed to another location.

Other matters

43. Over the past 2 years school attendance has risen and school attendance has improved greatly from past years. Youth crime in Aurukun for offences such as UUMV and break and enter far outnumber those committed by adult offenders and this is still a costly drain of finances on the council and local business and residents. Police resources are also utilised in this area in both a proactive and reactive way.
44. The *Family Responsibilities Commission Act 2008* (Qld) established the Family Responsibilities Commission (FYC) which commenced operating on 1 July 2008. The Commission is an initiative of the partnership between the four Cape York communities of Aurukun, Coen, Hope Vale and Mossman Gorge, the Queensland and Australian Governments and the Cape York Institute for Policy and Leadership. The purpose of the Commission is to reinforce socially responsible standards of behaviour and to assist community members to resume and maintain primary responsibility for the wellbeing of their community and the individuals and families within their community. The BasicsCard has been a means to encourage families to ensure children are cared for and regularly attend school. The BasicsCard is a PIN-protected card that allows people to access their income-managed money through existing EFTPOS facilities at approved stores and businesses. It allows people on income management with a greater choice and flexibility to purchase priority goods and services with a broad range of merchants. As previously outlined, school attendance has definitely increased and children are performing better than in previous periods, and this could be attributed to the FYC initiative.
45. Another agency that has assisted in the improvement of child safety and care is the Police Citizens Youth Club (PCYC). The PCYC provides services into Aurukun which include activities for young people during the week and at particular times on the weekends, and assist in coordinating sporting, recreational and out of school educational activities.
46. The AMP has been successful in allowing a 'breathing space' to enable proactive measures to be taken to improve child safety however as employment has not increased to an appropriate level a number of persons have taken the opportunity to make a profit (illegal) from 'sly grogging'.

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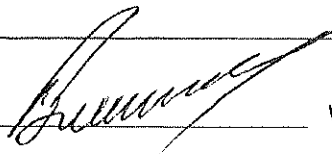


47. In my observations there is a generation of persons ranging from young adults to middle age that do not have the skills to care for their children and this has placed a very high care responsibility on grandparents or very young youth to become the carers.

Suggestions

48. Boredom and unemployment has enabled gambling (not necessary illegal) to become part of the norm in the community and this has contributed to less than suitable care for some children.
49. The AMP needs to evolve into a sustainable long term plan. The commitment to maintain the AMP should remain strong but a long term exit strategy also needs to be prepared and clearly explained to the community. My understanding is that the AMP was originally introduced to allow for 'breathing space' whilst building community capacity, such as creating employment, and increasing school attendance. This also provides opportunity for better outcomes for the younger generation. This is happening to a degree; however, the AMP initiative is compromised by incidents of 'sly grogging' which has turned into a profitable business for some individuals. This in turn puts greater demand on police resources to effectively police this issue. There needs to be more detailed information available to the community regarding a long term exit strategy, and to help the community understand what goals need to be achieved and what will occur after these goals are achieved.
50. Additional funding to the Council to allow for the purchase of additional equipment and a dedicated vehicle for community police employed by the council would be beneficial. A dedicated vehicle would increase the capacity for the community police to perform their duties at night and provide an enhanced response to community issues, including crime. During the day the community police are highly effective in encouraging children to attend school and a dedicated vehicle assists them in transporting children to school. Enhancing the capability of community police promotes a proven successful link between State Police and the community police allowing for an informal but highly effective intelligence link.
51. Another improvement to enhance child safety would be a permanent DOCS officer who resides in the community to monitor events on a daily basis. This would greatly enhance the trust the community needs to have in DOCS to feel confident in the actions taken by staff. A permanent staff member based in Aurukun would also enable a preventative

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approach to be consolidated by having child safety education programs managed 'on the ground'.

52. An additional 'safe house' for children on shorter term stays would allow children returning to a community for cultural reasons to remain in a safe location. On many occasions children return to the community for funerals, important family functions and visitations. During these times children can be placed with temporary carers where supervision is not at the level a safe house provides.
53. The Community Justice Group, which comprises a number of influential and respected elders from the community, could prove more effective with their involvement in child protection by:
- Being mentored in their role by a proven, skilled and experienced professional in community justice. I have observed the Family Responsibilities Commissioners being mentored in this way and seen their skills and outcomes improve immensely. This same mentor method could be applied to the Community Justice Group.
 - Also the employment of a professional mediator experienced in community mediations would allow for the Community Justice Group to be mentored in skills to resolve 'Clan' disputes.

*Devenney
of the Tribunal*

Declared before me at Aurukun this 27 thday of September 2012.

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KARLI SCHWARK
PUBLIC SERVANT