64. S Mclean Cullen

Name: S Mclean Cullen

Proposal 2–1

Language and understanding

For a number of the Aboriginal and Torres Strait Islander people I have contact with, English is their second or third language. The terms and conditions of bail is not something they understand or have a grasp of. Even given that when issued with Bail conditions these people are in a high stress situation and will agree to anything even if they do not understand or comprehend the directions and instructions In these instances they have a quiet nature (mostly) and have an aversion to being in trouble. Historically the relationship between the White authority figures has been traumatic, shameful and degrading. We need to find a better way.

We might consider Cultural liaison officers from the appropriate culture and even interpreters and translators to communicate the message and meaning of the bail condition.

For Torres Straight Islanders we might consider using the uncommissioned Detention Centre re on Horn Island as a diversion Centre for the people locally awaiting their court appearance. This could be utilized as an alternative to Prison Custody.

Proposal 2–2

A number of issues underlie the lack of compliance to Bail conditions for Torres Strait Islanders .The lack and limited education, Language barriers to them understanding the legal system and processes. The distance and the cost of transport to court for appearances is high. As it can be up to $1000 for return flights, ferries and transfers from Outer Island to Thursday Island It is a further $800-1000 to travel from Horn Island to Cairns, this transport might include small plane flights services. Ferries, busses and even private dinghy watercraft covering some treacherous reefed waterways. Weather can determine the availability and have an impact of these modes of transport as well.

Working with the Local Justice Groups to provide a liaison officer to assist understanding of the processes and obligations of the bail conditions should reduce the breaches and Fail to Appear.

Some observers question the quality of legal representation and the cultural appropriateness of the representation.  In my 8 months attending the Thursday Island and Outer Islands Court circuit the major majority of cases there has not been a Not Guilty plea. The fear of the system and the benefits of the early plea dominate this court system. The submissive attitude of most of the defendants before the court is apparent to outside observers. For these people custody also means separation from Land, Family Social and Cultural Norms. They will take any alternative to prison if offered. In the past 8 months I have heard of a number of young males who have been unable to return home for the funeral of their father. The cost to return from Townsville Correctional Centre and Lotus Glen correctional Centre exceed $10 000. This cost is prohibitive to the Torres community families. This is due to the financial cost having to be accompanied by two Prison Guards. In most cases during the community visit the Prisoner is likely remain in restraints.(this is not a decision the escorting officer has any bearing on ). This has a huge element of shame and embarrassment attached. Further to this on release from a correctional centre the stigma of the failure to have fulfilled the cultural obligations to a father's or grandfather's passing has significant bearing on re-entering the community standing.

For the Torres Strait region could consideration be given to diversion centres?

In the time leading to the court more contact with an offender and an opportunity to prepare a reasonable defence. For the Outer Islands court the defendant has little contact with lawyers from ATSILS prior to their mention or hearing. It is significant travel involved and the preparation mostly occurs in the hour or minutes between arriving on a remote island and court commencing. There are also time restraints to maintain flights schedules and other court appointments.

Question 3–1

Question 3–2

Question 3–3

For the Torres Straits courts the input of local Justice Groups and the island TIPSO (Thursday Island Police Support Officer) provide valuable local knowledge into the background and local life of an individual/ and victims.  They offer insight into community life standing and personal behaviour. The TIPSO may have family and relatives within his community where he/she works.  The level of supervision, oversight, and perceived conflicts of interests and accountability for TIPSO may need reviewing.

Question 3–4

Utilizing agencies that can offer specialist insights to Drugs diversion, Mental Health and domestic violence, these could have more information to identify needs prior to sentence. Access to programs pre-sentence would be helpful too.

Question 3–5

Justice Groups may be the best to co-ordinate utilising local knowledge and contacts. This might need to be further delegated in respect of relational conflict in some instances.

Question 4–1

Fines, the economic restriction on island living people needs to be reviewed. I have met offenders with SPER fines in the $4000 and $6000. In comparison to a mainland working class this equates to a mortgage for these people. They do not have a hope of making full payment. Community Service hours has met with some success in the Torres Straits in meeting these obligations. Further to that end the community Service projects need equipment to be better enabled to provide meaningful engagement and returns to the communities.

Question 4–2

For offenders who require treatment or counselling programs we are finding short terms of imprisonment are not achieving these goals. It is identified there is a lack of programs in the Torres Straits and the remote island communities. This is due to the costs of transport and delivering the programs in the island community. There is no true rehabilitation being served either way. We need the ability to provide the diversion counselling either in custody or in community,. If we do not do something different to the current practice we would be insane to expect a different outcome and results.

A review of the viability to access and use video link up equipment  in place on many island should be investigated for delivering some face to face counselling and interventions on remote islands.

Question 4–3

This needs to be discussed with correctional services, Managers of Offender Development. These positions, oversight the provision of services and the allocation of programs to offenders . The structure currently in place to determine access to the programs and interventions as to how they can deliver more classes and how the assessment processes might be streamlined. It may be as simple as the Judge includes the program to be completed in the sentencing. From my experience Queensland Corrective services have transferred a prisoner/s to other centres throughout the state  to complete required courses, programs and classes. This has become increasingly problematic with the rising numbers and overcrowding.. It seems to have created a log jam effect

Question 4–4

The appeal of more localised alternatives is paramount to communities taking part in the rehabilitative process. There have been discussions in the past of using THE HOMESTEAD on Prince of Wales Island as diversion centre. Maybe this could be established as a low custody work camp. It may have some use as a deer farm to address the pest proportions of wild deer on the Island. Building, pens, paddock’s and fences, provide training in Stockman skills, animal keeping. the outcomes could provide a tourism  Game Hunting area. I am aware of  a similar  tourism farm established in New Zealand. In Most cases the hunter wants the head and Antlers mounter, further the meat could utilised through local butches as game.

Alternatively a hydroponic farm for fresh vegetable (tomatoes. lettuce capsicum could be developed. if it were transportable enough it could be introduced to each remote community.

Further a local rehabilitation centre for domestic violence, drugs and alcohol interventions for  offenders where an opportunity to live in for a period of time and address the underlying core issues through counselling, classes and interventions. This may be able to be set up as an alternative to prison. These might enable short terms to meet specific goals.

I have followed some information and videos of Bush Mob in the Northern Territory presents an interesting model that could be utilized to incorporate both a work camp and a rehabilitation centre with specific cultural programs.

There is a recognized need for youth and men’s groups in the Torres Straits. Limited funding and resources strangle efforts to establish these here.  Notwithstanding some meaningful engagement and programs for young women is also needed as diversion. A common response I have heard refers to the boredom. They bemoan the plight of nothing to do. Even recently the females from MyPathways lodged a complaint about the program they were offered in the work for the dole scheme. The ladies had been assembling in a room Facebooking.  One suggestion would be, a meals on wheels type program run under the Community Service or MyPathways banners. The process would offer some skills training in hygiene, food handling and food preparation. it could go further in terms of understanding stock control and ordering as well as  catering for community events This  would require settling up a commercial training kitchen and a delivery vehicle.

Proposal 4–1

Working in the Torres Straits region the use of Cultural mediation Justice Groups and Community Service based orders has seen a benefit to both the community and the offender. The Offender gains a sense of pride and accomplishment  and contribution to the community. The community gain the benefit of the endeavour. Further other members see the consequence of actions with in their community.

Question 4–5

Proposal 5–1

I have seen a higher level of responsivity to participating in a program at the front end of a sentence. In part the motivation is to gain a reduction in sentence or severity of punishment. However some intervention is far better than none.

Question 5–1

Proposal 5–2

This is an area of dire and dramatic needs and requires urgent attentions addressing family, children and parenting issues, drug abuse, personal image and self-worth. It is noted the majority of female offenders may have previously suffered trauma from one or more sources. This may include family or sexual violence along with separation from children and alcohol or drugs abuses. Female offenders are more vulnerable to financial and social hardship as well due to family responsibilities.  Addressing these needs is paramount to rebuilding the person and the family systems. We need programs developed and delivered to meet these needs in remote communities and in custodial setting. Further in setting these in place the prison system needs to review how the wait-list and allocate offenders to these programs. As previously stated short term sentencing excludes a number of these female offenders gaining access to programs whilst in custody.

Question 5–2

Proposal 5–3

Question 5–3

Proposal 5–4

Proposal 6–1

This  requires attention in the Torres Strait. For one there is an extremely limited postal service in these communities. The transient nature of the people is also limiting. I know of one offender arrested in Townsville. He left his car with his ex-partner and children. He moved away back to Thursday Island. Following that he moved to Brisbane and gained employment as a truck driver for a council. Some weeks later he was found to not have a licence. It had been cancelled due to a SPER fine against the vehicle registered in his name some month prior. He had received no mail notification. it became apparent the mail had gone to the address of the aggrieved, she had not passed it on. He faced the likelihood of being suspended and sent to custody.

I would submit the need for further consideration to converting the fines to Community Service hours and making this process simple and easy to access. There needs to be a more effective means of communicating these fines to people in remote locations. Some reside in locations that do not have mail service and or internet access.

Question 6–1

For non-violent offending and low community risk offending yes. Further use of Cultural mediations should be considered where a formal record of outcome is provided.

Question 6–2

Question 6–3

Question 6–4

Is than language Offensive to whom. With the modern language in most movies, television shows and videos the term is due for definition revision. It seems that certain roles in our community it ought to be expected we be exposed to more colorful language than you might hear in church. If it is in the overall reaction to being arrested it might be reactionary words to the shock or trauma of the arrest.

Question 6–5

Question 6–6

Yes. For a region where if you took the Government wages out of the equation the average income for these people would be shamefully low. It is noted the locals do not enjoy the same benefit of Rural Assistance Incentive scheme. Yet their costs of living are in most case the same as it would be for the fellow worker.  Work and development orders could offer local benefits to the local people. It will require some infrastructure funding to get some new projects and counselling providers in place. As discussed elsewhere driving instruction opportunities throughout the islands would provide some significant benefits

Proposal 6–2

yes

Question 6–7

Yes this just has the potential to create  further offending, let alone the hardship on attending work and or school and family obligations,. If there was no assessment to a person's ability to pay a fine in the first instance. Why they be further punished beyond their means.

Question 6–8

both a and b

Question 6–9

This is something to explore for the Torres Straits region to. The ring road on Thursday Island is 5 kilometres around. How many dizzying circuits do you have to do to record 100 hours? The issue is the license is only for that region. Already I have concerns that someone who learns on Thursday Island has a Queensland Licence and may have never seen a roundabout, a semi-trailer, traffic lights let alone two lanes of traffic or a hill requiring gear changes.

Maybe the permit is for the region / Island on which it was issued. There should also be a practical requirement to demonstrate ability to maintain control of a motor vehicle. This is an opportunity to create more local employment for driving instructors however the remote island offer unique obstacles in delivering and issuing the permits. Maybe this should be a part of Grade 11 or 12 for boarding schools. Again students from the Torres Straits attend schools and colleges all  the way to Cooktown, Cairns, Townsville, Cloncurry, Mt Isa, Rockhampton ,Yeppoon to  Brisbane, Toowoomba and other regions.

Question 6–10

While for most islanders if this was a part of year 11 schooling I believe we could capture most in terms of Driver license training. Further the program needs to go to the communities. Again the cost to come to Thursday Island return from an outer island is about $1000 return. Setting up community days on outer islands with pre planning would prevent a number of driving unlicensed offences. The program has to go to them either way it is significant costs. Maybe a floating classroom that visits the islands is worth considering. This classroom could be used for Driver education, ATODS, drugs and alcohol programs, other counselling and driver training along with other community programs. Officers from Probation and Parole offices may be able to utilise the access for further interactions and interventions with offenders. Having opportunities to deliver the MATE and POSITIVE FUTURES programs

Proposal 7–1

Yes consider a local worc camp as an alternative to prison. On Horn Island or Thursday Island there are a large number of wrecked and abondoned vehicles. Develop a dimantling yard. farming the wrecks for recycleable content, plasic wiring metals from relays and computers  arranging to ship containers full of plastic, selected gearbox, engine drive train parts and scrap metal to the mainlaind. It requires a wash bay for quarantine,  an area that prevents leaching of fuels and oils into the site soil and any waterways. Ideally a similar water plant as used by carlovers would reuse the water and reduce the impact on the environment.  It may provide opportunity for some skill in basic mechanics and some vehicles may be suitable to restore.

This could be further expanded to dispose of washing machines, refrigerators and other whit goods and household items

Question 8–1

It is evidentiary already that limiting access to alcohol creates either the black market sly grogging or an increase in home brew and the associated health risks.

To a large degree there is already a limit to the range available on Thursday Island purely to the transportation issues. It is also noted that on Thursday Island there are 7 hotels or licensed premises and these are all owned by a very small number of individuals. On the outer island not all island have a registered canteen. This however does not stop an individual or individuals from transporting alcohol to the island in their own dinghies.  I have noticed different Islands have different local rules to the control of alcohol.

Alcohol and Drugs intervention programs need to be introduced and delivered in the local boarding, high schools and TAFE. These programs need to be available on remote islands communities for adults as well.  It may be possible to utilise existing video conferencing equipment already in place on the islands. This might prove to be cost efficient. It may also assist in the diversion, nipping the problem in the bud. .

Question 8–2

Access to treatment programs is probelmatic in the Torres Straits. We need to further investigate how to deliver these programs on the outer island. A feasability study of using the video link equipment in place for this purpose should be conducted .

Question 9–1

Consideration should be given to developing a rehabilitation centre/s in the Torres Strait island region. To address abuse issues of family and sexual abuse, domestic violence victims of crimes, alcohol and drugs abuse. At the present time the only alternatives for the Torres Straights region is to relocate offenders to Cairns and or Townsville Offer time served in a rehabilitation centre as an alternative to prison. There is an un-commissioned Detention Centre on Horn Island. Maybe this facility may be used for a live in rehabilitation centre.

Proposal 10–1

yes

Question 10–1

Proposal 11–1

Where English is second, third or fourth language it is vital in dealing with learned trained legal professional that the local people have access to interpreters and translators. I have witnessed a number of court cases where the defendant has entered a plea of guilt. When asked by the Magistrate if they understood what guilty means the offender had no concept of guilty let alone an understanding. This connects to appropriate legal representation.

Question 11–1

Proposal 11–2

Question 11–2

More frequent travel to outer island communities. Arrive at island courts with a greater lead time to prepare a reasonable defence with the client. There should be a more personal approach in relation to an offender’s case before the court. A one approach fits all is continually adding to the identified numbers of Aboriginal and Torres Strait Islanders in custody.

A contact kiosk or booth where the remote people can access the ATSILS office and maintain privacy and confidentiality. Further this may be a further use for the video conferencing equipment that is in place on some of the islands.

Proposal 11–3

Yes and along with a cultural support person from their culture who can advise what the legal language means .

This means having cultural people from The Torres Strait to assist Torres Strait islanders through this time.

Question 12–1

Provide a better  response time to incidents . For some cases it has been 3 and 4 days after the first domestic violence incident for the Thursday Island police to arrive interview the Respondent. This is in remote situation that might require helicopter medivac for the victim. Let alone the risk to the victim post traumatic event.

Question 12–2

The Torres Straits have utilized a TIPSO officer who lives in the community. This provides a contact person to liaise with the Queensland Police Service. The TIPSO has limited police powers and is unarmed in the community. The response time for Thursday Island police to attend may take some days

The remote Islands  communities have a Torres Strait Island  Police Support Officer (TIPSO). They are community police  have limited police powers and reside on the Remote Island Communities. They have a uniform and police station and vehicle. They are the first point of contact.

Any further Police support and assistance  travel  from Thursday Island by Plane in an emergency or boat  to respond to incidents. They (TIPSO) are a liaison contact between communities and police . They are not sworn police officers nor are they armed and have no powers to detain.

The officers were previously employed by the Torres Strait Islander Regional Council as community police until a Cabinet Decision on May 27 approved their transition to employment within the Queensland Police Service (QPS).

TSIPSO’s are now employed by the QPS to support and assist in developing trust and understanding between members of the QPS and local communities, by engaging and liaising with local people in the Torres Strait.

The officers are required to successfully complete induction training and will work under the leadership of Torres Patrol Group Inspector Dave Lacey. They have been provided police uniforms and specially designed rank epaulettes displaying the colours of the Torres Strait flag.

Question 12–3

Not only for police but for probation and parole and the courts open and transparent to what is happening in the community to address community issues and concerns.

Question 12–4

Yes because of the remote location and potential high turnover of staff these systems need to be so implemented that anyone could come along and successively continue.

Question 12–5

yes

Question 12–6

I think our TIPSO program between the council and the police has commenced this. The program needs to continue. Also where the police and TIPSO have taken on the Community Service Projects for outer islands It is important theta the role have a minimum standard set for things like opening and reporting hours, It should also be canvassed and verified who supplies and who is responsible to maintain and how the equipment is stores securely. The equipment such as lawn mowers Brush cutter and PPE

Question 13–1

Other comments?

The language of the court. I recently witnessed the Magistrate shame a domestic violence perpetrator in court, words to the effect of "spineless, gutless, coward, weak as.... Not a man. Then in a hearing later in the day while the original perpetrator was seated in the court The Magistrate had another offender recall the conversation. “Can you tell me the words i used to describe that other fella before “I was horrified? Here was One offender using insulting words to describe another offender on the same remote island. I could see the potential for further violence between the two offender. It was for me an ignition moment. The look was a flash of anger, injury and insult. I took the time to explain it was not the offender saying what he thought but rather he had been made to say the words.

To explain the location of the Outer Islands in the Torres Strait. Thursday Island is the hub of government and commerce for the Straits. There are  17 inhabited Islands of which the court visits 12  They are  Hammond, Horn, Prince Of Wales ,Friday, Coconut, Stephen, Yam, Yorke, Murray, Darnley, Saibai, Boigu, Dauan, Warraber, Badu, Mabuiag and  Moa which has two communities St Pauls and Kubin. The largest population after Thursday Island 2500-3000 is at Badu Island and it is between 800 and 900 people. New Guinea is about 70 Kilometres from Thursday Island and 100 kilometres from the Tip of mainland Australia.

Education Employment and Housing are critical high needs for this region

Housing , There’s a shortage of accommodation and housing in the Torres Strait region. It is absurdly expensive to build a 4 bedroom home in the vicinity of  1 million dollars. (Late last year 3 bedroom duplexes were built, 19 of them cost 19 million dollars).  These four bedroom homes then provide shelter for (I visited on last week 7 adults and 9 children.) The second stage issue of the shortage of housing is the overcrowding.  Last week I received an flyer for a 4 bedroom home for rent in Clarke Street Thursday Island   $1100 per week.

EMPLOYMENT The largest employer would be MyPathways work for the dole scheme covering the entire Torres Strait Islands. It is noted there is more women in senior positions on Thursday Island and apart from a local fishing industry there is little employment in the islands. There is very little in the way of private companies employing in the Torres Straits. The other issue is the local people do not own the local companies.

EDUCATION. There are no high schools on the islands apart from Thursday Island. Children as young as 12 are sent to boarding schools either on Thursday Island or to anywhere from Cooktown, Cloncurry Townsville, Yeppoon, Rockhampton Brisbane and Toowoomba. I am sure there are others. I have heard of one family who sent their children to school in Melbourne. This early separation from family and introduction to institutional life may have some bearing on the

Topic at hand. The relationship between juvenile offending is directly related to these transitions to boarding school, big cities and peer pressures away from home, family and culture for many of them. It can be proven a lot at this stage of life are also introduced to alcohol and drugs in this early teen stage of development.

 This is the point at which the intervention for alcohol and drugs needs to commence. .Additionally some intervention programs to reduce recognize and stamp out domestic violence should be introduced into the boarding schools, high schools and Tafe The boarding schools on Thursday Island are a school of last resort for students kicked out of, suspended or expelled from mainland schools. As such this correlates as an institution of punishment for the student. This introduces a mindset of institutional punishment to the individual. It also reduces the perceived fear of incarceration. Additionally some thought patterns of older brothers, cousin and or uncles have all been through the jail system. This for some appears to have become a rite of passage.

There ought to be more focus on delivering these services locally.