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**CMC INDIGENOUS POLICING INQUIRY**

**SUMMARY OF PROCEEDINGS**

**PUBLIC FORUM**

**CAIRNS**

**16 OCTOBER 2007**

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## SUMMARY OF PROCEEDINGS

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**ABBREVIATIONS**

ATODS	Alcohol, Tobacco and Other Drugs Service
CDEP	Community Development Employment Program
CMC	Crime and Misconduct Commission
DOGIT	Deed of Grant in Trust
ICPCG's	Indigenous Community and Police Consultative Groups
MOU	Memorandum of Understanding
PLO	Police Liaison Officer
QATSIP	Queensland Aboriginal and Torres Strait Islander Police
RCIADIC	Royal Commission into Aboriginal Deaths in Custody

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### INTRODUCTION

Mr Robert Needham (CMC Chairperson) presided over a public forum at Cairns on 16 October 2007. The forum was part of the CMC's Indigenous Policing Inquiry and was conducted under sections 176 and 177 of the *Crime and Misconduct Act 2001*.

The forum began with Mr Dan Abednego (CMC Indigenous Liaison Officer) acknowledging the traditional owners for Cairns and Mr Needham welcoming everyone in attendance.

Mr Mark Pathé (the Inquiry's Project Manager) then:

- explained how the CMC had consulted with stakeholders and undertaken research so far
- outlined what the CMC's consultations and research tended to indicate.

Mr Needham invited various community, police and other agency representatives to comment or expand on the information Mr Pathé presented to the forum.

### PURPOSE OF THIS DOCUMENT

The forum was recorded by an electronic device under section 5 of the *Recording of Evidence Act 1962*.

The purpose of this document is to:

- list the community, police and other agency representatives who spoke during the forum
- list other agency representatives who attended the forum as observers
- very briefly summarise the information the CMC presented to the forum
- summarise the information the community, police and other agency representatives gave during the forum.

### SPEAKERS

The community, police and other agency representatives who spoke during the forum were:

- Mr Trevor Adcock (Far Northern Region, Queensland Police Service)
- Snr Sgt Lillian Bensted (Cultural Advisory Unit, Office of the Police Commissioner)
- Ms Elaine Berlin (Member, Barambah Local Justice Initiative Group and Director of Nursing, Cherbourg)
- Ms Lyn Booth (Coordinator, Woorabinda Community Justice Group)
- Sgt Andrew Clarkson (former Officer-in-charge, Aurukun Police Station)
- Mr Brian Connolly (former Coordinator, Yarrabah Community Justice Group)
- Snr Sgt Greg Cruise (Projects Officer, Officer of the Commissioner of Police and former Officer-in-charge, Thursday Island Police Station)
- Ms Vanessa Deakin (Coordinator, Pormpuraaw Community Justice Group)
- Mr Shane Duffy (Chief Executive Officer, Aboriginal and Torres Strait Islander Legal Service South Qld Pty Ltd)
- Mr Andy Henderson (Assistant Commissioner, Far Northern Region, Queensland Police Service)
- Ms Sandra Kennedy (Alcohol, Tobacco and Other Drugs Service, Mount Isa)
- Mr Gary Kleidon (former Chief Executive Officer, Aurukun Aboriginal Shire Council)
- Ms Heron Loban (Lawyer, Torres Strait Northern Peninsula Legal Services, Thursday Island)
- Mr Scott McDougall (Director, Caxton Legal Centre Inc)

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- Mr Stewart Marquardt (Coordinator, Wujal Wujal Community Justice Group)
- Ms Margaret Mau (Chairperson, Island Coordinating Council, Torres Strait)
- Fr Ned Mosby (Community Police Sgt, Yorke Island, Torres Strait)
- Ms Margaret Palmer (Research Fellow, Cape York Institute for Policy and Leadership)
- Insp Russell Rhodes (Far Northern Region, Queensland Police Service)
- Cr Laurence Weazel (Mayor, Woorabinda Aboriginal Shire Council)
- Mr Leon Yeatman (Chief Executive Officer, Yarrabah Aboriginal Shire Council)

### OBSERVERS

The agency representatives who attended the forum as observers were:

- Ms Natalie Barney (Acting Manager, Indigenous Sports Unit, Department of Local Government Sport and Recreation)
- Mr Lars Falcongren (Legal Practice Manager, Aboriginal and Torres Strait Islander Legal Service North Qld Pty Ltd)
- Mr Rod Goodbun (Assistant Director, Law and Justice Policy, Office for Aboriginal and Torres Strait Islander Partnerships, Department of Communities)
- Ms Pauline Peel (Government Coordinator, Indigenous Service Deliver, Department of Communities)

### POLICE RESOURCES, PRIORITIES AND PRACTICES

The CMC's consultations in Indigenous communities had indicated that:

- The police and people in the communities had demonstrated a considerable level of goodwill towards each other.
- Police are stationed in or near most communities except in the outer islands of the Torres Strait. However:
  - There were staff vacancies in some police stations, including officer-in-charge positions.
  - Stations do not operate 24 hours a day.
  - At most stations officers were generally working a fixed pattern of day shifts with afternoon shifts late in the week.
  - There was no administrative support in several stations.
  - Whenever police are not available, such as after hours or when out of the station, calls for police assistance were diverted to police regional communication centres.
  - Police did visit the outer islands of the Torres Strait but the visits were infrequent and relatively short.
- Police advised that due to work loads and staff vacancies they were mainly working reactively, focussed on responding to calls for assistance, typically for more serious offences. Police also advised that the proposed additional police positions would allow them to work more proactively.
- Enforcement of alcohol restrictions had significantly added to police work loads in communities in recent years.

**Mr Henderson** said that:

- He had been the Assistant Commissioner of the Far Northern Police Region since February 2007.
- He had visited most of the remote communities since then and had found:
  - Police were keen to do a good job under some pretty trying circumstances.

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- The Indigenous councils and their chief executive officers usually understood the issues confronting police in communities and generally supported the police.

### Challenges

**Mr Henderson** said he considered the biggest challenges facing police (at least in the Far North Queensland Police Region) were:

- identifying and retaining suitable officers [to serve in Indigenous communities]
- responding to emergencies
- policing alcohol management plans.

Some communities were so remote it could take up to 10 hours for police to respond to an emergency. Consequently as regional commander, Mr Henderson said he had to:

- undertake pre-planning
- rely on intelligence from communities and other government agencies
- ensure resources were allocated to enable timely police responses.

Mr Henderson said:

- Police were trying to develop a safe and secure environment for all people in Indigenous communities.
- The most important part of policing in Indigenous communities was to develop partnerships with the communities.
- Some policing (such as policing alcohol management plans) was necessarily reactive. However he would prefer to focus on proactive policing, that is developing partnerships with communities and other government agencies.

Mr Henderson made some observations about the challenges of policing alcohol management plans, and his observations are summarised later in this document under the heading Alcohol Management Plans.

According to **Insp Rhodes**, human resource deployment and residential accommodation were two major organisational challenges for the Police Service in the Far Northern Region. He said some funding had been approved for increasing staffing levels and improving residential accommodation at Aurukun, Bamaga, Kowanyama and Yarrabah. However he said residences typically cost \$500 000 and take six months to construct in Indigenous communities in the Far Northern Region.

Insp Rhodes said lifestyle was an important factor for police officers. For example a recent senior sergeant vacancy at Aurukun had only attracted five applications but a similar vacancy at Weipa (200 kilometres away) had attracted 17 applications.

Apart from a good standard of accommodation and lifestyle, Insp Rhodes said police officers in Indigenous communities wanted:

- to be well remunerated
- access to promotional or training opportunities.

Insp Rhodes said the only factor for appointing administrative staff to police stations in Indigenous communities was need and not the number of operational police attached to the stations. He said the Police Service conducted an open selection process to appoint administrative staff to police stations in Indigenous communities, but the Service preferred to appoint local people wherever possible.

**Snr Sgt Cruise** said that:

- Staffing levels could determine whether policing was reactive or proactive but even with a full compliment of officers it was not always possible to police some issues proactively.
- Proactive policing (such as drivers licence testing) did not always include enforcement but proactive policing certainly fostered better relationships with the community.

### COMMUNITY PERCEPTIONS OF POLICE

People in Indigenous communities had told the CMC that:

- They wanted to feel safe in their communities.
- They wanted police to be more responsive to their needs.
- They wanted the police to be part of their communities.
- Good relationships between the police and the communities were essential for effective policing in communities.

**Mr Yeatman** agreed with these sentiments and said that:

- The Yarrabah Aboriginal Shire Council was working to foster good relationships between the community and the police.
- The functions of the police, the councils and the community justice groups were fairly well defined, but there was some confusion in Yarrabah about the role of police in resolving disputes.
- People expected the police to be actively involved in resolving disputes because a lot of disputes were inter-generational and the police were often considered to be the only available independent arbiters.
- Police officers did not always understand the issues underlying inter-generational disputes. However police officers could help to resolve disputes effectively if they were:
  - good communicators
  - seen to be part of the community
  - respected and trusted by the community.

**Ms Deakin** said that:

- Language and culture were important factors in Pormpuraaw.
- The community justice group and other community members generally welcomed new police officers at Pormpuraaw, but many new officers were not used to being involved with an Indigenous community.
- Community specific cross cultural awareness programs were important.

**Mr Duffy** preferred to refer to *cultural competency* rather than cultural appropriateness, sensitivity, integrity or similar terms because he claimed performance indicators could be devised to measure competency. Moreover Mr Duffy supported a nationally accredited competency based program within the Police Service so that:

- Police officers would undertake a cultural competency program before being assigned to Indigenous communities.
- The officers would develop their cultural knowledge during their service in the communities.
- The officers' performance in pre-service and in-service cultural competency programs would be factored into the officers' overall performance reviews.

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**Ms Mau** thanked the CMC for visiting Thursday Island to consult with the Island Coordinating Council earlier this year. However she said that:

- She would like to see the CMC visit all the Torres Strait communities to appreciate the remoteness of those communities and the different sorts of issues confronting them, particularly policing the open border between Australia and Papua New Guinea.
- There were insufficient police officers to police domestic violent incidents. This was because (council employed) Community Police Officers could have cultural obligations to one or more of the parties involved in the incidents and Community Police Officers were not always able to respond to such incidents.

Ms Mau was concerned about the apparent abolition of Community Police Officers arising from the local government amalgamation currently being undertaken in the Torres Strait. She said about 60 Community Police jobs would be abolished.

Ms Mau predicted that:

- Authority in the island communities would diminish because of the abolition of Community Police Officers and the reduction of elected council members.
- Alcoholism and domestic violence and other criminal activities would increase.

### IDEAS FOR EFFECTIVE POLICING

The community consultations and research had indicated to the CMC that the main features of effective policing in Indigenous communities would include:

- mutual respect and trust between police and communities
- the personal characteristics of police officers in communities
- actively managing relationships
- preparation and ongoing support
- the extent to which police in communities were accessible and responsive to community policing needs.

### Personal Characteristics of Police

According to **Ms Deakin**, it was important for police officers in Indigenous communities not to be just in uniform or stay in their offices. They needed to be:

- approachable and helpful
- able to mix with and become part of the community
- open and willing to learn about the community, particularly where English is a second or third language
- trained about child safety issues, laws and responses
- willing to share information (for example about legislative changes or developments) with the community.

**Ms Mau** said that:

- The communities need to have a say in the appointment of police officers.
- Police officers, like councillors, had to be humble and remember they were in the community to serve the whole community, even people who might not want them there.

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**Mr Yeatman** referred to an Officer-in-charge who had promised to get involved in community activities when he was first appointed to Yarrabah, but had not engaged with the community at all and was transferred on promotion after three years. Mr Yeatman said it was important that police officers did not make false promises and did what they said they would do, particularly in community activities.

**Snr Sgt Cruise** agreed with Ms Deakin, Ms Mau and Mr Yeatman and said that:

- It was absolutely critical for police officers to gain the community's respect and trust.
- Police officers could not do that without getting involved with the community, but they needed some time for themselves and their families.

**Ms Deakin** said more than two police officers need to be stationed in communities so officers could have some time for themselves and their families (Pormpuraaw currently has a two officer police station).

**Insp Rhodes** said that:

- There were over 80 sworn positions for police officers in Indigenous communities on Cape York and in the Torres Strait.
- The Police Service was really focused on attracting and retaining suitable police officers in Indigenous communities.
- Continuity of service in communities was necessary for police to establish good relationships with communities. However sometimes there were only a few applicants for policing positions in communities and over 40 officers had been rotated through Aurukun (an eight member station) since a riot there in January 2007.
- The Police Service encouraged officers to get involved with the communities.
- The Officer-in-charge could influence other police officers as to the nature and extent of their involvement with the community.
- Selection panels for senior sergeants, sergeants, and senior constables in communities always included a community member.

**Cr Weazel** agreed that police officers need to be involved with communities but said that ultimately the officers were in communities to enforce the law consistently.

Cr Weazel also referred to a recent incident in Woorabinda when an Indigenous police officer (who was visiting on leave from elsewhere in Queensland) and three community members diffused a public disturbance by detaining the ring-leaders and taking them to the police station. Cr Weazel was disappointed the Woorabinda police (who could have been in some danger from the disturbance) had not acknowledged the actions of the off-duty Indigenous officer and the community members.

Cr Weazel called for the Police Service to station QATSIP or other Indigenous police officers in every community and to recognise the valuable contributions these officers could make to policing in Indigenous communities.

**Sgt Clarkson** agreed that police officers should be involved with communities and should enforce the law consistently. However he also said Indigenous communities are sophisticated and dynamic and the Officer-in-charge should:

- engage with the community at every level
- know what was going on in the community
- know who to speak to about policing issues in the community
- support the lawful policing actions of his or her subordinates
- explain the police response to the community.

### Actively Managing Relationships

The CMC's consultations supported Sgt Clarkson's views that it was important for police to know who to talk to in communities about policing issues and police responses. However the consultations also indicated the police could use these relationships to dispel any misconceptions or rumours about police responses or perceived inaction.

**Sgt Clarkson** advocated a two stage approach for hand-overs between Officers-in-charge.

Firstly he said the out-going officers should advise the Elders, the community justice group and the council (in that order) about a month before leaving the community that they were leaving the community and that they knew the in-coming officers (if that was the case). Sgt Clarkson said it was important for these discussions to happen and be seen to be happening out in the community.

Secondly he said the out-going officers should:

- brief the in-coming officers on the culture and dynamics of the community
- introduce the in-coming officers to the Elders and other community members, but out in the community
- introduce the in-coming officers to the members of the community justice group and the council, preferably at their offices
- encourage the in-coming officers to be seen out in the community and be seen to be engaging with the community.

Sgt Clarkson emphasised that policing in Indigenous communities had to happen out in the communities. He said, *You can't police inside four walls.*

Sgt Clarkson also spoke about the roles and responsibilities of Officers-in-charge towards subordinate officers. He said he had to accompany new junior officers on jobs in Aurukun for a month or so because of the myriad issues in the community.

Sgt Clarkson said Officers-in-charge should mentor their subordinates. He advocated that Officers-in-charge should:

- debrief their subordinates every day
- roster Community Police to work with State police.

Sgt Clarkson said that by rostering Community Police to work with State police:

- The Community Police were able to identify key figures in the community and translate conversations between the State police and the people.
- The Community Police got an insight into operational policing methods and could explain to people what the State police were doing.
- The Community Police could inform and educate the State police.

**Mr Duffy** agreed with Sgt Clarkson that Officers-in-charge could mentor their subordinates, but Mr Duffy claimed the mentoring role need not be confined to the Officers-in-charge. He said there could be Indigenous or non-Indigenous people in the community or with knowledge of the community who could mentor police, but there should be a formal mentoring program.

### Preparation and Ongoing Support

There are many aspects to preparing officers and supporting officers who police in Indigenous communities. One aspect that arose repeatedly during the CMC consultations was the need for police to have a good knowledge of the communities they were assigned to.

The CMC consultations had indicated significant support for community specific cultural appreciation programs or 'local inductions' for police.

There were informal arrangements for police to meet Elders and community justice group members in some communities. However there was little, if any, evidence of any community specific cultural appreciation programs for police having been implemented in any of the communities.

**Mr Henderson** said the Police Service had re-employed Mr Trevor Adcock in a civilian role to support police officers in Indigenous communities in the Far Northern region. (Mr Adcock is a retired commissioned officer of police who had considerable experience policing in Indigenous communities and was also an accredited mediator.)

**Ms Mau** told the forum she did not know [until the forum] that Snr Sgt Cruise had left Thursday Island and the Island Coordinating Council had still not met the new Officer-in-charge at Thursday Island. However she acknowledged that police officers generally introduced themselves when they came out to the outer island communities in the Torres Strait.

**Ms Booth** agreed cultural awareness programs should be community specific. She said the community justice group was presently working on an induction program for all new police and other government workers and contractors coming into Woorabinda.

Ms Booth said that:

- A new female Officer-in-charge was engaging with the Woorabinda community and building relationships.
- The new Officer-in-charge had already introduced other new police officers to the community justice group.
- The community justice group had visited the Woorabinda police station and had given impromptu cultural awareness information to about 15 to 20 new police officers.
- There was no cell watch program in Woorabinda, but the new Officer-in-charge was advising the community justice group of all arrests.
- Police tenure had been a real problem but most police were now being asked to stay in Woorabinda for two years.
- The relationship between the police and the community had improved in the short time since the new Officer-in-charge had been appointed to Woorabinda.

**Ms Kennedy** said that:

- Many police officers were leaving their families behind when they went to work in Indigenous communities. These officers not only lacked family support while they were in communities, but there was a danger that they and their families would become disconnected.
- There were limited opportunities for officers to take leave away from the communities once they took up duty there.
- Mentoring in some cases is undertaken not just by Officer-in-charge but by their spouses and other officers.
- Police officers going to Indigenous communities needed to be aware of the historical and social issues surrounding the communities as well as the cultural practices observed in communities.

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- There are limited educational opportunities in Indigenous communities. Generally schools only go to year 10 and there are little, if any, extra curricular activities for children in communities.

**Ms Booth and Ms Deakin** agreed there were limited educational opportunities in Indigenous communities. However they said this applied to Indigenous children also and Indigenous children often had to go to boarding schools to further their education.

**Ms Deakin** said the standard of education in schools in Indigenous communities was generally two years behind the standard in mainstream schools.

**Ms Booth** called for more Indigenous teachers in schools in Indigenous communities.

### Accessibility and Responsiveness

**Mr Yeatman** said the Yarrabah Aboriginal Shire Council had been repeatedly told that policing was the function of the Police Service and the Council was no longer involved in community policing. However he said the community expected the police to provide a 24 hour a day policing response.

**Snr Sgt Cruise and Sgt Clarkson** said police rosters should be based on intelligence to forecast and meet policing needs. However **Sgt Clarkson** also said:

- The best intelligence came from community members with whom the police had established trusting relationships.
- Police must act on intelligence from the community even if it meant revising the roster or the police suspected their attention was being diverted from some other possible unlawful activity in the community because:
  - The community would see the outcomes, particularly if the police confiscated a vehicle.
  - The community would be more inclined to trust the police if the police trusted (and acted on) the information from the community.
  - The police should support the community if the community was prepared to support the police.

**Mr Henderson** said the Police Service intended to introduce a state-wide call centre to deal with all telephone calls for policing services in Queensland. **Cr Weazel** said this would be problematic for Indigenous communities because Woorabinda people at least already terminated calls to the Woorabinda police which were diverted to the Rockhampton police communications centre.

**Mr Kleidon** said the reason many Indigenous and non-Indigenous people terminated telephone calls to regional police communications centres was because they could not talk to a human being initially, but were routinely confronted instead with recorded messages [before being able to talk to a human being].

**Ms Booth** said the Woorabinda Community Justice Group encouraged people to persevere with telephone calls diverted to Rockhampton because their complaints or information were at least recorded.

**Ms Mau** said that:

- Police accessibility and responsiveness was a real problem in the Torres Strait. For example the police had taken three to four months to respond to a stabbing on Dauan Island a couple of years ago and the parties had reconciled by the time the police arrived.
- Island communities understood police were under-resourced. However police were stationed in most mainland Indigenous communities and island communities believed they should have the same policing services as the mainland communities.

- She hoped a new police plane scheduled to enter service in the Torres Strait next year would improve police responsiveness. However there are two island communities without airstrips.

### BROADER STRATEGIES

#### Problem Solving Focus

The CMC's consultations and research indicated that a problem solving focus could include:

- continually monitoring the community and listening to the Community Police and the community justice group
- working with the community to deal with issues pre-emptively. (In other words, dealing with little issues before they became big issues.)

#### Working Together

The CMC's consultations and research indicated that:

- Police could not address the crime and underlying social problems in Indigenous communities alone.
- The State police, the Community Police, the council, the community justice group and other government agencies had to work together, even where other agencies might have little, if any, representation or resources in a community.
- Consultation was an important part of working together but many people and police felt there were too many formal meetings in communities.
- The relationships between some police and some councils could be problematic, but generally police were supportive of the community justice groups. However there were a lot of demands on community justice groups which were usually under resourced.

**Cr Weazel** spoke about an initiative, at Woorabinda earlier this year, which illustrated how a community and the police could work together to solve social problems in the community. He said that:

- Alcohol was related to some domestic violence and child safety incidents in Woorabinda.
- As landlord, the Council had declared that certain houses at Woorabinda were to be alcohol free.
- The houses were used to accommodate victims of domestic violence or families where the Child Safety Department had re-united children with their parents.
- A special condition in the tenancy agreements required the tenants to keep these houses alcohol free.
- The community justice group and the police were encouraged to notify the Council of any breaches of the alcohol free condition.
- Most tenants were complying with the alcohol free condition. However the Council had reprimanded some tenants and could ultimately evict tenants under the *Residential Tenancy Act 1994* for any flagrant or persistent breach of this special condition.

**Ms Booth** agreed that many issues in Indigenous communities required a collaborative and whole-of-government approach. She said the Negotiation Table process was one way in which the community, the police and other government agencies were trying take a collaborative and whole-of-government approach to issues in Woorabinda.

**Ms Berlin** said that:

- Most community justice group members were volunteers but employed elsewhere.
- One of the community justice group members at Cherbourg recently lost a week's wages because he had to forego a week's work to attend a justice group training course.

**Mr Yeatman** said community justice group members were not just performing civic duties, but were undertaking statutory responsibilities and should be adequately remunerated for their contributions to the justice groups. More importantly, Mr Yeatman said community justice group members were not empowered to undertake their statutory responsibilities.

**Mr Duffy** said the Department of Justice and Attorney-General was currently reviewing community justice groups. However there was a perception among Indigenous people that any government funding for community justice groups would be conditional on the justice groups supporting the alcohol management plans in their communities; or at least the funding being limited to the justice groups responsibilities under the alcohol management plans.

**Ms Booth** said she understood the Department of Justice and Attorney-General was presently negotiating with other government agencies for community justice group members employed by those agencies to be granted leave to attend to justice group duties and training.

**Mr Connolly** said that:

- He had received 116 mediation referrals from the police in Yarrabah last year, but the police did not speak to him once. They had just sent him written referrals.
- There was a danger that community justice groups were perceived to be just extensions of the Police Service.
- Community justice groups should exist to deliver justice for Indigenous people. Otherwise the groups' names should be changed to better describe the duties they were required to undertake.

### Dispute Resolution

**Ms Booth** said that:

- The Woorabinda Community Justice Group was prepared to mediate community disputes but people worried the mediators might take sides in the disputes.
- Community justice group members did not have any formal mediation training but *we do it our way and try to follow a procedure* to resolve community disputes.

**Mr Yeatman** said intervention strategies were needed to address community disputes but if disputes were not resolved they could become policing issues and remain problematic.

### QATSIP AND OTHER INDIGENOUS POLICING PROGRAMS

**Mr Henderson** said that:

- The Police Commissioner had briefed him [about the future of the QATSIP program].
- The Police Service intended to introduce a standard service delivery model (consisting of State police and QPS employed Police Liaison Officers) for Indigenous communities.
- QATSIP officers would remain:
  - on Badu Island until State police were appointed to the island
  - at Yarrabah until 2008.

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- Meanwhile QATSIP officers on Badu Island and at Yarrabah would be encouraged to become State police or Police Liaison Officers.

Mr Henderson said he realised many people did not want to see the QATSIP and Community Police programs discontinued but it was government policy to introduce the standard service delivery model.

**Mr Yeatman** said that the Yarrabah Aboriginal Shire Council had:

- discontinued its Community Police as part of a transition to local government
- considered Police Liaison Officers were more of a *jacky jacky type role*
- wanted Indigenous police to be seen as police officers and not just information gatherers
- considered the QATSIP program would:
  - give the community a more adequately resourced community type policing service
  - have a more consistent law and order approach
  - give Indigenous people an opportunity to become State police officers.

Overall Mr Yeatman said the Council was quite perplexed by the government's decision to discontinue the QATSIP program.

**Ms Booth** said the government had not consulted with the Woorabinda community (at least) and wanted to know why the government was discontinuing the QATSIP program.

Ms Booth said that, unlike QATSIP officers, there was not a great deal of respect for Police Liaison Officers in Indigenous communities and community people referred to Police Liaison Officers as *gammin police*.

**Mr Henderson** said that Police Liaison Officers had been very successful in places like Cairns, but their effect could be different in Indigenous communities and would undoubtedly vary from community to community.

**Mr Adcock** said he understood the reservations and concerns about Police Liaison Officers. However he said that:

- He had worked with Community Police and they had been very effective but things had changed (for example Magistrates Courts are now convened or convened more regularly in most communities).
- Community Police are not trained police officers and are not able to prepare cases to be dealt with in Magistrates Courts.
- State police must work with Community Police and not use them as *jacky jackys*.
- Policing and social issues cannot be separated in Indigenous communities and police must be involved in the social issues otherwise:

*They are not going to hear the beat of the drum. They are not going to hear things developing. They are not going to hear it warming up because the things that happened in Aurukun earlier this year started many many months before. They didn't just happen overnight ... Things had been brewing for a long time. A police officer coming in new off the street is never going to understand those things unless he gets out there and touches base with that social structure of that community ... and that's where the PLO's come in.*

- Police Liaison Officers really need to come from the particular communities so they know and understand the family structures, the clan groups and the protocols.
- Community Police could become Police Liaison Officers in their communities because 99% of community policing was liaison and once their powers of arrest were withdrawn they would essentially be Police Liaison Officers.

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**Mr Marquardt** said that:

- Community Police had only operated in Wujal Wujal for about 12 months and the community would, like most changes, take some time to adjust to the service delivery model.
- The background of Community Police was diverse and even included ex prisoners in Aurukun.

**Mr Henderson** said that people with criminal convictions were not able to be Police Liaison Officers and identifying suitable people from communities to become Police Liaison Officers would be an issue.

**Sgt Clarkson** said that:

- A lot of Indigenous prisoners on parole have no driver's licence or job skills when they are released from prison and returned to the communities.
- Depending on the views of the community corrections officer and any victims (and their families), he appointed parolees as Community Police Officers in Aurukun so:
  - They had an income, even though it was only two days CDEP per week.
  - They could be reintegrated into and become valuable members of the community.
  - They could make some form of reparation to the community (for their offending behaviour).
  - They had to attend the police station Mondays, Wednesdays and Fridays and he could breath test them.
  - He could monitor their activities more readily.
  - Their usually extensive knowledge of the community was a valuable asset to the Police Service.

**Cr Weazel** said that:

- The QATSIP program was essential for policing in Indigenous communities in culturally appropriate and effective ways.
- The Police Service had never really supported the QATSIP program because the Service operated the program only as a pilot program for seven years.
- The discontinuance of the QATSIP program was occurring despite Professor Cunneen recommending that the pilot program be rolled out.
- The Woorabinda Aboriginal Shire Council would like to see QATSIP officers reinstated because, unlike Police Liaison Officers, QATSIP officers could enforce council bylaws.
- The reinstatement of QATSIP officers was particularly topical in Woorabinda because the Woorabinda Aboriginal Shire Council had applied to the Department of Local Government Sport and Recreation for approval to include a curfew in its bylaws to address juvenile offending [and would like QATSIP officers to enforce the bylaws].
- The idea of the curfew was not just to get juveniles off the street at night time. It was intended to be a strategy to refer juveniles to existing [or future] after hours activities and programs in a more coordinated way.

**Mr Yeatman** said that:

- Indigenous councils did not have any rates base and were dependant on CDEP or other government funding for Community Police.
- Community Police would be discontinued if the CDEP or other government funding was phased out.

**Ms Mau** agreed with Mr Yeatman and emphasised that the CDEP and other government funding was not sufficient for Indigenous councils to pay award rates to Community Police Officers.

**Fr Mosby** said that:

- Torres Strait Islanders were culturally different from mainland Aboriginal people.
- Police Liaison Officers might be able to work with State police on the mainland but they were useless in the Torres Strait.
- Torres Strait Islanders were emphatic that they should be policed by their own people, preferably as special constables.
- Special constables would give young people a career path to become State police.
- Some Torres Strait Islanders would like to undertake the Justice Entry program and become State police officers.
- Torres Strait Islanders (who became State police) wanted to return and serve in their communities but the Police Service could direct them to serve anywhere in Queensland.
- The Police Service would not have to provide residential accommodation for Torres Strait Islanders returning to their communities as State police because these officers would already have their own homes.
- There were 60 to 80 Community Police Officers in 14 Torres Strait island communities.
- Some officers had served as Community Police for 20 years or more.
- Community Police could continue to serve their communities in the Torres Strait but the officers must be given adequate resources, proper training and more powers to do their jobs.

**Ms Mau** agreed with Fr Mosby's assertion about some Torres Strait Islanders aspiring to serve as State police in their own communities. However she also said that:

- The Island Coordinating Council would like to see the Police Service assume responsibility for Community Police from Island Councils.
- Amongst other things, there would be an influx of Papua New Guineans travelling though the Torres Strait to enter the mainland if the Community Police were discontinued.

**Mr Henderson** agreed that Torres Strait Islanders had unique issues. He said he could not guarantee anything, however he couldn't see why Torres Strait Islander State police couldn't be stationed in their communities if they wished (and particularly if Community Police were going to be discontinued).

The Department of Justice and Attorney-General had engaged **Ms Loban** in 2006 to analyse justice services in the Torres Strait and Northern Peninsula region. Ms Loban had submitted a report to the Law and Justice Chief Executive Officers' Committee in December 2006.

Ms Loban, who agreed with Fr Mosby and Ms Mau's views about policing in Island communities, told the forum:

- She had consulted with most of the communities and police in the region.
- She had found that any new policing model for the Torres Strait and Northern Peninsula region would have to be:
  - culturally appropriate
  - economically viable
  - operated by local people locally but in partnership with the Police Service
  - capable of building the communities' capacity to resolve local conflicts and issues locally
  - part of a whole-of-government response to policing, justice and social issues in each community.

Ms Loban also said her analysis had found that:

- Health workers were at risk in some Torres Strait communities because, in the absence of the State police, they were providing a first response to domestic violence incidents by sheltering victims in health care facilities.
- Basing a police plane on Horn Island would improve some policing services to some of the communities. However it could not deliver an adequate first response from State police to immediate policing issues (like domestic violence incidents).
- It was unrealistic to expect the Police Service to build 14 to 15 police stations [and associated residential accommodation] in Island communities to replace Community Police with State police.
- Most communities would prefer to be policed by QATSIP officers (or special constables) as those officers were more effective [than Community Police or Police Liaison Officers] because QATSIP officers:
  - had more powers
  - were better trained
  - were attached to the Police Service [administratively and operationally].
- Community justice groups (some of which were informal) had important roles.
- There should be community justice groups in all (and not just some) Island communities but members must be adequately remunerated.

**Mr McDougall** agreed with the recurrent theme of policing in Indigenous communities being relationship based and community orientated. However he considered that, whatever model of community policing the CMC might ultimately recommend for Indigenous communities, it would have to be formalised and adequately resourced.

Mr McDougall observed that the only reason the government or the Police Service had given for discontinuing the QATSIP program was purportedly to offer the same level of policing to Indigenous communities as mainstream communities enjoyed. However he considered this explanation was fundamentally flawed because Indigenous communities were distinctly different from mainstream communities [and from each other].

McDougall considered that governments had systematically failed to provide adequate resources for policing in Indigenous communities. He said he would be interested to know whether the Cape York Institute for Policy and Leadership had any ideas about how a community orientated model for policing Indigenous communities could fit strategically within a whole-of-government model for creating stronger and healthier communities.

### WHOLE-OF-GOVERNMENT APPROACH

**Mr Duffy** agreed that policing in Indigenous communities required a whole-of-government approach. However he argued that the Police Service and other government agencies had to ensure they (and their officers) were embracing and not resisting change if a whole-of-government approach was to be effective.

### INDIGENOUS COMMUNITY AND POLICE CONSULTATIVE GROUPS

**Mr Duffy** agreed that relationships were fundamentally important to policing in Indigenous communities. However in an apparent reference to section 2.3 of the Police Service Administration Act 1990, he asserted that police officers were statutorily obliged to work with Indigenous communities.

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Mr Duffy also claimed that Indigenous Community and Police Consultative Groups (ICPCG's) were excellent forums for Indigenous people to discuss policing issues with police. However he acknowledged the ICPCG's might need to be modified from place to place to suit local needs. For example, an ICPCG at the Sunshine Coast had been renamed to the Sunshine Coast Indigenous Network because:

- It consisted of Indigenous and non-Indigenous members.
- Some members were concerned it would be seen primarily as a mechanism for reporting Indigenous people to police.

**Snr Sgt Cruise** said an ICPCG had met once on Thursday Island. However he did not believe an ICPCG met local needs because most people who would have been involved with the group already met each other at six or seven formal meetings a week and could become 'meeting fatigued'.

Similarly **Sgt Clarkson** thought an ICPCG was unlikely to be suitable in Aurukun because there were already adequate formal and informal opportunities for the community and the police to consult with each other.

**Mr Duffy** acknowledged that many of the issues ICPCG's dealt with were social and not policing issues. He claimed that ICPCG's had a strategic policy role. He said his organisation used ICPCG's as a key platform to identify and formulate submissions for law and order reforms. For example an ICPCG discussion about a juvenile alcohol issue at Cunnamulla had resulted in a formal proposal to amend the *Liquor Act 1992*. However Mr Duffy said it was important for ICPCG meetings to be formalised and for policing and other issues to be dealt with separately at ICPCG meetings so that outcomes were based on choice rather than being left up to chance (if ICPCG's operated informally).

**Ms Booth** said that:

- She believed ICPCG's were good because, unlike other forums, they allowed anyone in the community to have a say about policing issues.
- An ICPCG was being established in Woorabinda.

## WHAT ARE POLICE DOING?

### Professional Support for Police Officers and their Families

**Ms Kennedy** said that:

- Police officers, their spouses and their families in Indigenous communities were all exposed to social issues that they were unlikely to encounter elsewhere.
- Cultural awareness training did not prepare police officers for the social issues they were likely to encounter in Indigenous communities.
- Police officers were given little, if any, preparation for the social issues they were likely to encounter but their spouses and families were not given any preparation whatsoever.

Ms Kennedy said she believed the Police Service should be responsible for:

- preparing police officers, their spouses and their families for the social issues they were likely to encounter in Indigenous communities
- providing professional support to police officers [and their spouses and their families] for the emotional effects of the deaths, injuries and other traumatic incidents they inevitably encountered in Indigenous communities.

**Mr Henderson** said a Police Service human services officer was available to counsel police officers about traumatic incidents in Indigenous communities in the Far Northern Region. However **Ms Kennedy** asserted that the professional support should include options other than counselling from a Police Service human services officer for at least two reasons. Firstly said there was a belief in *police culture* that police officers should be able to deal with traumatic incidents (such as child rape) because *they* (the officers) *were coppers*. Secondly she said there was little, if any, follow up even where human services officers counselled police officers in remote communities.

Ms Kennedy said unresolved traumatic stress not only had an impact on police officers, but also on Indigenous communities because it reduced the officers' capacity to maintain good relationships with the communities.

### WHAT COULD COMMUNITIES DO?

#### Local Protocol Agreements

**Mr Marquardt** said the Wujal Wujal Community Justice Group was presently negotiating a memorandum of understanding (MOU) with the police stationed in Wujal Wujal. The MOU would:

- set out the Indigenous protocols the community expected to be observed in Wujal Wujal
- be posted on the Police Service's intranet
- give police going to Wujal Wujal some insight into the community.

#### Welcoming Police Officers and their Families

**Ms Booth** said the Office of Aboriginal and Torres Strait Islander Partnerships had information about most Indigenous communities on the Department of Communities website. She suggested the Police Service intranet include links to that information.

Ms Booth said some police officers' spouses became involved in Indigenous communities because they taught at the schools or were otherwise employed in the communities. However Ms Booth acknowledged that communities could be more mindful of welcoming police officers' spouses and families into the communities.

**Ms Kennedy** said:

- She still went to Indigenous communities in the North West Queensland region [in connection with her current work at ATODS].
- She found Indigenous communities were open and welcoming but she had always become involved in the communities.
- During a riot at Doomadgee in the mid-1990's (when her husband was the Officer-in-charge and she had worked as a community corrections officer), a number of parolees had protected her, her children and the police residence from any harm.

**Insp Rhodes** acknowledged the Police Service did not formally prepare the officers' spouses and families for life in Indigenous Communities.

### Night Patrols

**Mr Kleidon** said that:

- The Aurukun Aboriginal Shire Council had attempted to establish a night patrol and had purchased a vehicle but the patrol had not eventuated.
- The community justice group had supported the patrol but essentially the patrol would have been operated by volunteers and the Council was concerned about:
  - What to do with juveniles (that is, should they be taken home or taken to some diversionary centre).
  - Who was going to be responsible for the patrol's duty of care for the people it intercepted.
- Start up funding was usually available for projects like night patrols (for example to purchase a vehicle) but recurrent operational funding was a problem.
- Projects like night patrols needed a whole-of-government approach (otherwise for example diversionary centres might not even exist in a community).

### LOCAL COMMUNITY SAFETY PLANS

The Legal Aid Queensland submission to the Inquiry had called for the implementation of local community safety plans, as originally recommended by RCIADIC (recommendation 215). Essentially Legal Aid Queensland advocated that:

- Community justice groups and the police in Indigenous communities should be statutorily obliged to work together to develop local community safety plans covering:
  - policing methods in the community
  - any problems perceived by the community
  - any problems perceived by the police.
- Annual reports be compiled about the plans' outcomes.

The literature reviewed by the CMC had suggested that a local community safety plan had been implemented in Aurukun at some time.

**Mr Kleidon** said he could not recall anything about a local community safety plan at Aurukun. However he said:

- A report had been prepared some years ago into a possible local justice agreement at Aurukun.
- The local justice agreement had never been implemented but a copy of the report should be available at the Cape York Institute for Policy and Leadership.

**Snr Sgt Cruise** said he thought the police should have an informal local community safety plan, even if a plan had not been formalised. However he said the police can't always do what the community wants.

**Ms Berlin** said there was no local community safety plan in Cherbourg, but she thought they were feasible because health and other government services in Cherbourg already worked under action plans which the community devised and reviewed periodically.

**Mr Connolly** called for QATSIP or other Indigenous police officers to be involved in local community safety plans if such plans were introduced.

**Mr Yeatman** supported the notion of local community safety plans, but said they must be adequately resourced and not drawn up simply for some *warm fuzzy feeling* or as a publicity stunt. He also

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observed that strategic plans were already in place in Yarrabah and suggested local community safety plans could be incorporated into strategic plans.

**Mr Marquardt** supported the notion of local community safety plans being developed collaboratively at local levels so long as it didn't just duplicate already existing efforts and resources. He also considered that local community safety plans would have to be achievable and actually meet community expectations.

**Mr McDougall** warned that:

- Indigenous councils were already over-burdened.
- The police should be responsible for administering the local community safety plans, but the community should have ownership of the plans.

**Mr Henderson** (who had participated in Negotiation Tables at Cherbourg while he was stationed in the North Coast Police Region) said that:

- The police and other government agencies were involved in a number of action plans at Cherbourg.
- The agencies were accountable to the community and the community was always very positive with their comments, even where the agencies might have under-performed.

**Snr Sgt Bensted** said:

- The Police Service's Cultural Advisory Unit had already developed an over-arching policy (known as the Policing Direction) about how policing was to be conducted in Indigenous communities.
- The Policing Direction could be a good starting point to negotiate local community safety plans.

**Mr Duffy** observed that ICPCG's could also be good forums to discuss local safety plans because ICPCG's could deal with social and not just policing issues.

### ADDRESSING COMMUNITY CONCERNS

The CMC consultations had disclosed that people living in Indigenous communities were variously disturbed by or concerned about:

- noisy parties
- alcohol management
- truancy
- juvenile offending
- petrol sniffing or other substance abuse.

The CMC had received a submission from the Cape York Institute for Policy and Leadership. Amongst other things, this submission had suggested that Indigenous communities could introduce local laws to address these sorts of issues.

### Local Laws

**Ms Palmer** (who had helped to prepare the Cape York Institute for Policy and Leadership's submission to the CMC) said that:

- Western (or state) laws were not entirely effective in Indigenous communities because:
  - They were generally regarded by Indigenous people as having been imposed [by the state].
  - There were gaps and the state laws did not address (or adequately address) the various community issues [which might not exist or exist to the same extent in mainstream communities].
  - The state laws were sometimes cumbersome to administer.
- Local laws were more likely to be effective in an Indigenous community if:
  - They were tailored to the needs of the community.
  - They were adopted by the community.
- The Department of Local Government was presently developing model local laws for Indigenous councils and the model laws would cover some of the issues disclosed during the CMC's community consultations.
- Local laws might be inconsistent with the *Racial Discrimination Act 1975*, but that was unlikely if the local laws were adopted by Indigenous councils rather than being introduced by the state.
- Local laws might also be inconsistent with state laws, but the *Local Government Act 1993* could be amended to ensure local laws are valid even if inconsistent with state laws.
- Local laws in a community could, for example:
  - Stipulate responsibilities for care givers.
  - Allow the council to declare houses alcohol free.
  - Prohibit gambling.
  - Provide for curfews, night patrols and safe houses to address petrol sniffing and juvenile safety issues (like the bylaws currently being proposed for Woorabinda).
  - Protect unborn children from foetal alcohol syndrome by prohibiting the sale or supply of alcohol to pregnant Indigenous women.
  - Allow and encourage teachers to refer apparently unwell children to the medical or health centre.
  - Banish troubles-makers (such as rioters and sly-groggers) from the community.
- Police resources would need to be committed to enforcing local laws otherwise the local laws are likely to be ineffective [despite being tailored to the needs of the community and being adopted by the community].
- JP Magistrates Courts would need to be established in all the communities to deal with local law breaches in a more timely way than existing courts presently operate in the communities.

**Mr Marquardt** agreed that the Department of Local Government was presently developing model local laws which could eventually be customised in each Indigenous community. However he observed that Indigenous communities were currently operating in a vacuum because:

- Statutory options such as banishment (which accorded with traditional justice options) had been withdrawn under the Indigenous councils' transition from community councils to shire councils.
- The department's model local laws were not expected to be available until at least March 2008.

Moreover Mr Marquardt considered that:

- Community Police (as well as State police) should be empowered to enforce local laws.
- Community members should receive proper training to conduct JP Magistrates Courts.

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**Mr Henderson** said he did not want to sound bureaucratic and could see some benefits from local laws. For example they could set some standards which might otherwise not exist in a community. However he was concerned the enforcement of local laws would always be:

- problematic for operational police
- administratively burdensome for the Police Service.

**Ms Booth** observed that most Indigenous communities already had bylaws. She could not see the point of communities having bylaws or local laws if they could not be enforced effectively.

**Sgt Clarkson** said there had been no bylaws in Aurukun, but as the Clerk of the Court he used to make minor charges under the *Summary Offences Act 2005* (such as arose from fighting at the tavern) returnable before the JP Magistrates Courts.

**Mr Yeatman** observed that:

- Indigenous councils do not presently have any power to issue infringement notices for alleged breaches of any existing bylaws.
- The Yarrabah Aboriginal Shire Council was encouraging other government agencies (such as the Main Roads Department) to act collaboratively with the Council where those agencies had to enforce laws in the community.

**Ms Berlin** said effective awareness campaigns had preceded enforcement action in Cherbourg over truancy and wearing seat belts in motor vehicles. For example:

- School attendance rose to 93% and only dropped to 77% recently because of funerals and associated grieving practices.
- Parents were attending the health centre to obtain certificates to explain school absences on genuine medical grounds.

**Cr Weazel** said he was concerned some government agencies were referring some activities to Indigenous officers in communities supposedly on the basis that it was more culturally appropriate for Indigenous officers to undertake those activities. He called for policies and procedures to clarify the statutory roles and responsibilities of Indigenous and non-Indigenous officers (for example in relation to noise abatement). Otherwise he said Indigenous officers ended up having to do work the non-Indigenous officers were being paid to do and were not doing.

Cr Weazel also supported the call for enforcing local laws effectively so that people began to understand the consequences of their actions if they breached the local laws.

### Noisy Parties

**Mr Yeatman** said the Yarrabah Aboriginal Shire Council understood local laws could not be inconsistent with state laws. Consequently the Council (as the landlord for most of the residences in the community) had collaborated with the police in implementing a policy about parties. According to the policy, residents who intended to have a party must first notify the police about:

- The security arrangements for the party.
- The party's likely affects on neighbours.
- The timeframe for the party.

Mr Yeatman said there are still noisy parties in Yarrabah. However, the Council could [as a last resort] exercise its powers under the *Residential Tenancy Act 1994* to evict a tenant who breached the tenancy agreement by conducting a noisy party contrary to the party plan.

**Fr Mosby** said the Yorke Island Council was also trying to use its landlord powers to deal with complaints about noisy parties. However the Council recognised native title and replaced an evicted tenant with another tenant from the same native title holder family.

**Ms Booth** said that:

- Noisy parties can be quite disruptive. For example there were eight or nine renal patients living in the vicinity of a noisy party in Woorabinda. These patients all went to Rockhampton three times a week (on a rotational basis) for dialysis treatment.
- Some tenants are not home when noisy parties occur.
- The noisy parties can be conducted by other family members or visitors to the house in the tenant's absence.

**Ms Kennedy** observed that alcohol was associated with many noisy parties in Indigenous communities and said that:

- Alcohol was a coping mechanism.
- People in communities drank alcohol because of social issues such as high unemployment and over-crowded housing.
- The police in the North West region communities she visited on behalf of ATODS were prepared to refer people to ATODS rather than charging those people with some liquor [or other summary] offence.
- A diversionary response, such as a referral to ATODS, could be another initiative for dealing with noisy parties.

**Mr Henderson** acknowledged that eviction powers could be a useful option for dealing with noisy parties in Indigenous communities. However he was concerned this option could lead to other problems if the evicted tenant had no where else to go.

### Alcohol Management Plans

**Ms Booth** said that:

- A lot of offending in Woorabinda was fuelled by alcohol or drugs.
- Enforcing the alcohol management plan in Woorabinda was problematic because the Bauhinia Highway was only three kilometres away. Therefore grog runners could legitimately shuttle the carriage limit into the community until there were considerable quantities of alcohol in Woorabinda.

**Mr Yeatman** claimed the alcohol management plans seemed to be a knee jerk reaction to an issue that hadn't been thought through. He said that:

- There are still issues in Yarrabah about harm and injury.
- The Yarrabah Aboriginal Shire Council was trying to work out how to respond to these issues.

**Mr Henderson** said there could always be unintended consequences from policing alcohol management plans. Police therefore needed to think things through and consult with the communities and other government agencies.

### Truancy and Juvenile Offending

**Ms Booth** said juvenile crime, truancy and domestic violence were issues in Woorabinda. She referred to the successful intervention of an off-duty Indigenous police officer in a recent incident in Woorabinda (as previously mentioned by Cr Weazel). She called for more Indigenous police and administration officers in Indigenous communities.

Ms Booth said that juvenile problems were parenting and generally not policing issues, but they could become policing issues if juveniles engaged in anti-social or criminal behaviour. However she said the Woorabinda police were now undertaking crime prevention strategies with juveniles by getting involved with juvenile sport and recreation activities and operating blue light discos.

Ms Booth said some parents at Woorabinda felt that child safety legislation was now inhibiting or undermining their parenting roles. She said some parents felt disempowered *when it came to dealing with children*.

Ms Booth said Woorabinda could do with some positive parenting programs and some more crime prevention programs.

### POTENTIAL FOR A TRIAL PROJECT

The CMC acknowledged that some people were cynical about trialing projects, particularly because of the inordinately long trial period of the QATSIP program and the program's likely outcome. However the CMC invited the speakers to comment on whether any of the CMC's eventual recommendations to the government could be trialed in one or more communities before being adapted to other communities.

**Ms Palmer** referred to the Cape York Institute for Policy and Leadership's submission to the CMC. She said the institute would like to see a zero tolerance approach trailed in *some of our welfare reform communities*.

### CLOSING REMARKS

In closing the forum, Mr Needham thanked all the speakers for their frankness, goodwill and openness.

Mr Needham observed that Indigenous communities in Queensland were diverse and the Inquiry was dealing with complex issues.

Finally Mr Needham indicated the CMC's eventual recommendations to the government would be considered, practical and constructive.

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