



Speech by

Jann Stuckey

MEMBER FOR CURRUMBIN

Hansard Tuesday, 13 May 2008

**ABORIGINAL AND TORRES STRAIT ISLANDER LAND AMENDMENT
BILL; ABORIGINAL AND TORRES STRAIT ISLANDER COMMUNITIES
(JUSTICE, LAND AND OTHER MATTERS) AND OTHER ACTS
AMENDMENT BILL**

Mrs STUCKEY (Currumbin—Lib) (3.40 pm): I rise to contribute to debate on the Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) and Other Acts Amendment Bill 2008 which amends the Liquor Act, the Police Powers and Responsibilities Act and the Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Act. As members have previously heard from the honourable members for Burnett and Darling Downs, the shadow minister for Aboriginal and Torres Strait Islander partnerships and the shadow minister for natural resources and water respectively, the coalition will be supporting this bill, albeit with some reservations. I note the detailed concerns of my colleagues and also those of the opposition who object to the arrogant manner in which this government has forced these two pieces of legislation into a cognate debate. Why were they not put forward initially as an omnibus bill?

The proposed governmental objectives of this legislation are threefold, and I wish to confine my comments pretty much to the Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) and Other Acts Amendment Bill in relation to the alcohol management plans. The three parts to that piece of legislation now being debated cognately are: strengthening the alcohol management plans, or AMPs, currently in place in 19 discrete Indigenous communities; extending the establishment of community justice groups into other discrete communities; and abolishing the Aboriginal Welfare Fund to establish a foundation for young Aboriginal Queenslanders. Additionally, the legislation aims to strengthen current alcohol management plans through a variety of measures, some of which include subjecting all parts of the 19 discrete Indigenous communities to the alcohol restrictions and bans, ensuring the police have necessary powers to enforce these restrictions, prohibiting drinking in public places in these communities, banning home-brew where there is a zero carriage limit in place, and restricting the ownership of general liquor licences to exclude local councils from 1 July 2008.

AMPs were initially introduced as part of the Queensland government's response to the Cape York Justice Study conducted by Justice Tony Fitzgerald in 2001 into Indigenous communities on the cape. The Fitzgerald report identified the need for strategies to be put in place in order to reduce breaches of the law, to reduce alcohol and substance abuse and to protect the most vulnerable members of the Cape York Indigenous communities from violence and domestic abuse, particularly women and children. This government's turn-a-blind-eye attitude has allowed a culture of sexual and substance abuse to fester and breed to endemic proportions in many Indigenous communities in far-north Queensland and central Queensland. The government's approach to just sweeping these people's troubles under the carpet has resulted in chronically unacceptable behaviours in these communities which, disturbingly, have become social norms that we here in this House today are attempting to rectify.

Results of the alcohol management reviews undertaken by this government to gauge the success of its alcohol management plans revealed that they have been a failure in a great number of respects. I might add that I take no joy in reminding the government of these failures. However, as it stands, it has presided over a rapidly deteriorating state of affairs which is now critical. In Queensland we have a flawed government that appears to thrive under a culture of secrecy and smoke and mirrors.

I ask the minister in her reply to tell us why the opposition had to go through the process of FOI in order to obtain the alcohol management review for Woorabinda done in May 2006. Whose responsibility is it to analyse the findings in these documents? Documents from all of the remote communities had to be obtained under FOI by members of the opposition. Where is the critical analysis that should be coming as a result of these reviews? Studies and articles I have read on this subject paint an ever-bleak picture of a miserable and despairing population. Whilst I concede the fact that this legislation takes a step in the right direction and will ultimately be supported, as I have said, by the coalition, it is not the broad treatment that this predicament requires.

One of the most damning of the reports which the opposition obtained under FOI was the alcohol management review for Woorabinda done in May 2006. Perhaps this is the reason that it had to be pried from the hands of the government through the FOI process. The key observations of this report include: according to statistical and anecdotal evidence, the alcohol management efforts in Woorabinda have done little to reduce the amount of alcohol related crime and violence in the community; a robust sly-grog trade is prevalent in the community, flowing in from nearby licensed premises; and generally people believe that, although there seems to be some reduction, domestic violence in their community is still a large problem and that the majority of domestic violence incidents probably are not reported. In addition, the majority of people consulted in Woorabinda believe that the restrictions have not made any difference in their community overall.

Local police say that more assaults are being reported than before the restrictions started and, although they are no longer as serious, follow-through after the initial charge does not always occur. Further, the station is not equipped with the facilities to afford privacy to victims. For example, there is no discreet entry where victims can enter or leave the station in order to avoid conflict with their offender. I understand that the minister for police has increased police numbers recently. Government agencies based in Rockhampton report a trend to younger domestic violence offenders, and it is the younger offenders under the age of 25 who inflict the most serious injuries. Further, the review reports that the agencies report there is a trend towards younger child abuse offenders, some of whom are reportedly as young as 17 years of age. Health professionals in Woorabinda believe that the level of violence in the community remains largely unchanged but is now less predictable.

Domestic violence is more secretive now, more hidden. The director of nursing at the multipurpose health facility estimates that approximately one in five households in Woorabinda presents an environment where there is a significant risk of child abuse or neglect. Significantly among these notifications were a small but critical number for suspected sexual abuse of children under six years of age. Whilst the report gives statistics on assaults reported, it does not give any account of sexual assaults, nor does it give any measure of rape, nor does it give any information on indecent dealings with a child. I ask the minister why not, and I question the motives behind not including this data. Omission of such critical data is unforgivable given the ongoing reports over past years of the collapse of social norms, placing children at high risk. The government through this review owes Queenslanders a thorough explanation.

In the second year after the restrictions started, the total number of reported assaults was 18 times higher than the Queensland expected number based on the rate of Queensland as a whole. Reported serious assaults were 20 times higher and other assaults, including those on police officers, common assaults and non-aggravated assaults, were 15 times higher than the number expected. To further embarrass the efficacy of this AMP, we found that in this same period there was little change in the number of reported alcohol related offences against a person, where these offences amounted to 67.5 per cent of all reported offences against a person. Astonishingly, there were 92 times the reported liquor, excluding drunkenness, offences of the previous year. In the second year, this had only decreased to 73 times the number in the baseline year. However, offences of disorderly conduct, public nuisance, obscene language, offensive or indecent behaviour and other good order offences decreased by just over 20 per cent and a further 9.4 per cent in the second year. Unfortunately, those figures were still 11 times the expected number.

Tragically, the review team heard allegations that children as young as nine are sexually active. It was further alleged that girls younger than 16 years of age are soliciting men for sex in exchange for money, alcohol or marijuana. In August 2005, the report stated that men and women marched the streets of Woorabinda to demonstrate their concern about child abuse and child welfare in their community, demonstrating unequivocally that the people of Woorabinda desperately want change in their community. This change is not, however, being progressed as swiftly as it could be.

There appears to have been a mass exodus of people from Woorabinda where the community, pursuant to the May 2006 review, was said to exist at around 1,200 people—presumably, prior to going dry. However, as of June 2006, the estimated resident population was a mere 928. One could argue that going dry has driven the problem out of Woorabinda and into the surrounding urban landscape. Perhaps now these people are homeless or living in squalor or in any of the shanty shacks set up around towns, with the ban simply shifting part of the problem rather than actually addressing it. I alluded to that happening when we were debating the Family Responsibilities Commission Bill in March this year.

Unfortunately, the fate that has befallen Woorabinda is not one that is dissimilar to many remote and soon to be dry Indigenous communities. I do not, in any way, intend to demean Woorabinda for there I noticed an inherent sense of pride and spirit, where kids are going to primary school and wearing uniforms. They wear closed-in shoes and do some homework. They now get up and climb on the roof during class only to fetch a ball, whereas they used to scamper about uncontrolled. It is to be hoped that the provisions in this bill will go even further to protecting these young and vulnerable children.

Superficially, this bill is about reducing the harms caused by alcohol abuse and addiction. But of greater importance is its relevance to child protection. The review team informed that it is necessary that a government team to be located in the community and that that team should, at the very least, include a psychologist, a counsellor, a health worker and a sport and recreation officer. I have said all along that locally based services, including counselling and rehabilitation services, have been missing. In a recent reply to a question on notice it was revealed that less than 10 per cent of children who are sexually abused receive any counselling.

A sad toll of alcohol abuse, and one that is in desperate need of support within all of these communities—and I would say in greater Australia—is foetal alcohol spectrum disorder which refers to a range of physical, mental, behavioural and learning disabilities that occur as a result of alcohol consumption during pregnancy. Alcohol in certain quantities acts as a poison that causes brain damage and birth defects in children which last for life and are not curable. Diagnosis of FASD is often difficult as there is no objective laboratory based diagnostic test. In a survey conducted by the Alcohol Related Brain Injury Australian Services it was identified that only four per cent of health officials felt very prepared to deal with foetal alcohol syndrome and 95 per cent of those health officials had never diagnosed it.

In response to question on notice No. 213, the Minister for Health admitted that there were no statistics on the prevalence of FASD in Queensland. However, an article in the *Courier-Mail* revealed that more than one in three pregnant women drink alcohol even though most admitted to being aware of the harmful effects drinking alcohol has on the foetus. These issues need to be addressed, and the long called for community health teams in Woorabinda and other remote places may provide some solution.

A variety of members have called for a dry-out and rehabilitation centre to be introduced into the community. That would prove most beneficial in encouraging and assisting those who would like to stop drinking. Further, counselling services are a must in the community and is an issue raised time and time again by community members. The review team was told that there was at that point, and presumably still is, only one counsellor in the community and that more locally based counsellors are needed to provide assistance to those who want help.

A further community initiative suggested by the review team, as well as by the broader community, is for a cooling-off place where people may go in the heat of domestic violence or even prior to things getting out of hand. It is these supports for victims of domestic and family violence that the bill should be initiating.

Issues with this bill from a policy perspective include respected legal opinion derailing the intent and manner of this legislation. I reiterate, this is respected legal opinion. These issues include the bill containing an inconsistency with the Racial Discrimination Act 1975. At first glance, alcohol restriction on exclusively Indigenous communities is racially discriminatory. Furthermore, amendments to the Police Powers and Responsibilities Act 2000 that will enable the search of premises without a warrant will deprive Indigenous people of fundamental rights that are ordinarily enjoyed by Australian citizens. Further, communities are disillusioned with AMPs and find it difficult to believe that there will be a broad consensus in favour of increased supply restrictions and an inflation of police powers that would come at the price of their liberty. Just what Indigenous consultation took place in the formulation of these policies?

The Meeting Challenges, Making Choices evaluation report also referred to the belief of key informants that AMPs were implemented too hastily and in the absence of adequate planning. It stated that in order for this legislation to have the best chance of practical implementation, a significant amount of planning should be conducted in partnership with the MCMC communities in order to consolidate awareness of and support for this legislation. It is extremely important that there is support for this legislation if it is to work in these communities.

However, there is a growing body of research that suggests that the most successful programs implemented in Indigenous communities are those that are developed in close partnership with the community. This argument resonated in the *Little children are sacred* report into child abuse in the Northern Territory. Undoubtedly, certain provisions will bring about an increase in the number of people brought before the criminal justice system. Offences such as drinking in public places, home entry without

warrant and contravening restrictions to houses would be at odds with the findings of the Royal Commission into Aboriginal Deaths in Custody and the Queensland Aboriginal and Torres Strait Islander Justice Agreement that aims to halve the rate of Indigenous incarceration by 2011.

Whilst this bill is sincere in its attempts to address the corrosive effects of alcohol abuse in Indigenous communities, its attempts are directed almost exclusively at communities in remote areas. The urban Indigenous population has been overlooked entirely. The inequity of concentrating efforts on remote communities was illustrated in the latest social justice report of the Aboriginal and Torres Strait Islander Social Justice Commissioner. The commissioner states—

Alcohol abuse is not just a problem for Indigenous people living in remote parts of Australia. The incidence of alcohol abuse within the national Indigenous population does not significantly vary across remote and non-remote areas. Moreover, only one in four Indigenous Australians live in remote communities. This means that the great majority of Indigenous Australians live in regional areas and are therefore not subject to discrete community restrictions. This underlines the need for varied approaches to alcohol management rather than focusing solely on problems of, and solutions for, discrete Indigenous communities.

Whilst the notion and pretence of enhancing access to educational opportunities for young Indigenous Queenslanders is commendable, the proposal to use the Aboriginal Welfare Fund for this purpose is unlikely to ever receive broad support from these communities whilst many of the legacies of the protectionist era remain unsolved.

In her second reading speech the minister spoke of a package that includes encouragement for communities to go as dry as possible, service enhancements for alcohol rehabilitation and treatment as well as diversionary services and programs. In an article titled 'Rehab left high and dry' in the *Courier-Mail* just last week, we read that as of May, with only eight weeks before these penalties are introduced, not a single rehabilitation centre has been established to assist residents in any AMP communities. The mayor of Aurukun, Neville Pootchemunka, acknowledged that a rehabilitation and detoxification centre is welcome on the cape, but that it should have been done 50 years ago.

As is recognised by both sides of this House, a whole-of-government approach is necessary. Perhaps the minister could have a little chat with the minister for local government about the Auditor-General's report to parliament No. 2 for 2008, which reinforces the failure of the government to address the parlous state of affairs in Aboriginal communities. In summarising the litany of defects in council management, page 20 of the report states—

The high level of debt owed by some current and immediate past councillors, their spouses or partners and immediate family members is still an issue.

The report states further—

Ineffective controls over certain aspects of enterprise and commercial activities still existed.

The report states further—

Non-grant related debts owed to councils totalled \$110.7m for the 16 councils whose audits have been finalised. Of these debts, 47.5 per cent have been assessed by these councils as being doubtful of recovery.

These comments and others equally telling reveal a level of dysfunction in local government administration that parallels the level of problems that the Indigenous experience in education and in sexual and violent assault, particularly against children. It would appear that parents who wish to live without the fear of assault, to have the provision of basic services that other members of the community enjoy, to have government support funding are effectively and prudently left without hope by the neglect of this government.

I further take this opportunity to remind the minister that in our Westminster system the role of the opposition is to constructively criticise and critically analyse the role of the government with the expectation that exposures of failures will bring about improvement in government. It is a pity that a minister would choose to abuse me for using this privilege. I am very keen to see the plight of Indigenous and non-Indigenous people who live under severely disadvantageous circumstances improved by sound legislation and good service delivery. What we are witnessing is a collection of shattered lives living in dysfunctional communities, struggling with life on a daily basis. Many have no dreams for the future. Rather, they are living nightmares, and it is up to us to change that. I commend the bill to the House.