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NORTHERN TERRITORY OF AUSTRALIA

CORONERS COURT

A 51 of 2019

AN INQUEST INTO THE DEATH

OF KUMANJAYI WALKER

ON 9 NOVEMBER 2019

AT YUENDUMU POLICE STATION

JUDGE ARMITAGE, Coroner

TRANSCRIPT OF PROCEEDINGS

AT ALICE SPRINGS ON 9 MARCH 2023

(Continued from 08/03/2023)

Transcribed by:
EPIQ

THE CORONER: Dr Dwyer.

DR DWYER: Your Honour, the first witness this morning already in the witness box is Ms Gabrielle Brown of Territory Families Housing and Communities. Mr McCarthy appears for Ms Brown and will lead the evidence this morning.

THE CORONER: Great.

GABRIELLE BROWN, affirmed:

THE CORONER: Thank you.

Yes, Mr McCarthy.

MR MCCARTHY: May it please the court, my name is McCarthy and I seek leave to appear on behalf of Territory Families Housing and Communities.

THE CORONER: Thank you.

XN BY MR MCCARTHY:

MR MCCARTHY: Ms Brown, you prepared an affidavit in this matter dated 24 February 2023. Is that correct?---Yes.

Are the contents of that affidavit true and correct?---Yes, to the best of my knowledge.

I tender that affidavit, your Honour.

THE CORONER: Yes, I think it's already part of the brief.

DR DWYER: Yes, it is. That can be found at 8-18 – sorry, 8-1A of the brief.

MR MCCARTHY: Yes ma'am, can I take you to par 3 of your affidavit?---Thank you.

Here you expressed your and the Department's condolences to Kumanjayi's family and community. Is there anything you would like to add to that paragraph today? ---In preparation – yes, thank you. In preparation for this Coronial, I have read a great deal about Kumanjayi and his family spanning over 18/19 years. The loss and death of any family member is very difficult for any of us, but I think particularly for Kumanjayi's family is the amount of effort, regard and persistence that they demonstrated a commitment to Kumanjayi over many, many years in what will be evidenced today in quite challenging circumstances is admirable and I offer my sympathy for their loss.

Thank you. Can you please provide her Honour with a high level overview of your experience insofar as it relates to those child protection and youth justice?---Yes.

Your Honour, I'm a qualified social worker is my primary context of operation. I commenced my career in statutory child protection service delivery and have remained in this area for the length of my career with some forays into youth justice and domestic and family and sexual violence. I have operated as a frontline practitioner, team leader, manager in various roles, both here in Queensland and overseas, and have – inside the Northern Territory, I commenced service here in 2012 done in Alice Springs and have since moved to Darwin. I have operated as an executive director of the frontline operational region in greater Darwin, so I have an understanding of application, policy and procedures and strategic thinking. And now, after a small foray in the Department of Health in relation to COVID, I'm now in a corporate executive position running policy and procedure development, complaints, program management for out of home care, family support and domestic and family violence, amongst a number of other things.

Just to clarify and to provide some context, for a period of just before for COVID, I also spent about eight months or so as the general manager of youth justice; so covering both our community youth justice and our detention centres in 2018/19, I've lost track of the years with COVID. I apologise, it's outlined in my affidavit.

Thank you very much. Can we move through to par 32 of your affidavit?---Thank you.

In it, you set out the child protection and family support services that are delivered by the department, I want to touch on a few points - - -?---Sure.

- - - for the assistance of the court. In these paragraphs, you speak to the different levels of interventions that are available for the department. It started with family support and working up to statutory interventions. Can you provide an explanation to the court as to these level of intervention?---Yes, thank you. If I talk about in current practice, because there are some differences between the time back in 2014/15 and onwards to our current work, although we have always provided family support services. They could be provided by our own staff inside child protection offices or they are also funded, non-government and Aboriginal community-controlled services. Family support services can be provided to families where children are remaining and living at home, and it could be in what we call the prevention and early intervention stage, so there may be worries starting within a family and a family support service can go in and work with families to try and resolve those concerns before they become so bad they become attention to a child protection agency. The second part of family support can also be our strengthening family's case work which is actually a case-managed case work by a Territory Families Housing and Communities staff member. And they may bring in the funded Aboriginal community-controlled (inaudible) than family support services, but as a much more structured and measured type of family support. Child protection - - -

THE CORONER: Can I just ask you - - -?---Thank you.

Sorry, this is - - -?---No worries.

- - - just out of interest. Of course, when matters finally come to court, we only have the scenarios where something further has developed. We don't see how many families received this support and then exit the system. Are there any statistics on that?---I'm just processing the question, your Honour. There's two ways of answering that and one is, I would not have the data on the top of my head. I would need - - -

Sure?--- - - - to take that on notice and yeah, there's a couple of things. In terms of the prevention family support, because we outsource a great deal of that to the Aboriginal community control than non-government services which is consistent across Australia, the measure would need to be – because often we don't get any contact with those families at all, or it's very slight (inaudible) process. So in measuring and understanding how many of those families who have been picked up in early intervention and then not progressed with further over the length of the child's life is actually quite difficult data. In terms of - - -

THE CORONER: What about the Strengthen Families - - - ?---Yes, in – the second part is in terms of Strengthening Families, we are able to – obviously within our data sets, look at families that have been involved in Strengthening Families, and whether they are re-notified or returned to Child Protection Services. There are a couple clarifiers in that response, in that Strengthening Families is a type of case work where we know, if without good intervention, the probability of a child entering care is higher. So we know that things aren't going to be fixed straight away. So it's very often the case that concerns will still come through while a Strengthening Families case work is open, because we are trying forward – working in very complex situations. So in terms of your data set, there's the other part that we report on nationally, but also in our annual reports, which is the re-notification rate. Which is also an indicator of whether supports have assisted. So after a notification is closed off, or a type of case type is closed off, how quickly a child – the same child is re-notified to a Child Protection Agency, is also a kind of national data set that we all report on. And that is actually quite a critical data set, because that gives us an indication about whether the intervention and supports, have assisted the family. So there I've given you kind of multiple things. One is around a question – consideration for the court, whether you ask for data on notice.

MR MCCARTHY: Yes?---And the parameters of that - - -

THE CORONER: It was more of just a general – I just wondered how many families were able to receive assistance at that level, and then be able to proceed without further intervention of some sort.

MR MCCARTHY: I might be able to assist. So if you're looking for the number of cases that go to Strengthen Families that don't resolve in (inaudible), is that correct, your Honour?

THE CORONER: Or that don't result in further intervention by Territory Families.

MR MCCARTHY: We can – we can seek information on that for your Honour, and come back.

THE CORONER: Just in relation to the effectiveness of the interventions.

MR MCCARTHY: Thank you, your Honour.

THE CORONER: And as I say, I mean we get a somewhat skewed - - -

MR MCCARTHY: At the moment.

THE CORONER: - - - maybe it's skewed, maybe it's not. Maybe once you get to the stage of Strengthening Families, it's very complex, and most families then continue to be involved. I don't know, but - - -

MR MCCARTHY: We can certainly seek that (inaudible).

THE CORONER: Sure.

MR MCCARTHY: You also draw a distinction between child protection practitioners - - - ?---Yes.

- - - and Remote Family Support Workers?---Yes.

Can you explain the services that are delivered by each?---Yes, thank you. So Child Protection Practitioners carry the authorisations and delegations under the Care and Protection and Children. So they are able – and they are charged to take action underneath the Act as appropriate. Remote Family Support Workers have been part of our agency for – since about 2006 – 2007, and they provide effectively, family support, practical assistance, and similar, in the communities that they work within. So while our Child Protection Practitioners do that also, the remote are place based, Remote Family Support Workers are the walk alongside, the let's talk and find family, what's going on, the solution – problem solvers on the ground. And work very firmly in the family support framework, both in early intervention, and within our Strengthening Families.

From par 44, you set out the services that are delivered in the Youth Justice Space - - - ?---Thank you.

- - - and I'll ask you to turn to par 44. You note the various persons involved in service delivery here, including Youth Justice Officers, Case Managers, Program Coordinators. I think most people in this court would be broadly familiar with the roles of those staff. You also note that schools are run in each of the centres?---Yes.

How do the schools operate in the detention centres?---Very much like other schools. We try and normalise as many things as possible. So the Department of Education operates the Owen Springs School, for the Alice Springs Youth Detention Centre. And the Tivendale School, up in Darwin. And the young people attend

school as part of a daily program. In fact, their school year is actually an extended school year as well. The learning and education provided by the Department of Education, who will absolutely be able to speak more authoritatively on it, it mirrors the curriculum, but adapted to the young people who are attending. Often that we're looking at learning where learning may be up to for a young person, and then adapting how that learning is delivered. Particularly the Alice Springs (inaudible) School, education will often use tools for engagement. So you know, which is quite normal in education process. So a particular documentary, or – or a snippet of media that then sparks a conversation, discussion, about what the topic may be. As well as your normal reading, writing, arithmetic kind of stuff, but put in a very adolescent learning environment.

You note the presence of many clinics within the centres?---Yes.

And I understand that the medical clinics within the facilities are now delivered by Danila Dilba is that correct?---For Darwin? Yes. Danila Dilba is the provider, and has been now so just off a couple of years. And end of – mid to end of last year, Congress assumed responsibility for the primary health in Alice Springs Youth Detention Centre.

At par 50 of your statement, you discuss the SATS team?---Yes.

Can you explain to the court, what does that acronym stand for, SATS?---It's a specialised assessment and treatment service.

Very good?---SATS is much easier. So this team – I have to say we're – we're quite proud of this team. So the SATS team came together as part of the re-shape and reform of Territory Families at the time, which was following the Royal Commission into Young People in Detention and Child Protection in the Northern Territory. The SATS team comprises of two parts. One is a clinical part. And at the moment we have five psychologists in that, and the second part is a Case Coordination, or what will be commonly known as a Case Management Team, that works with young people in detention about what their plan is. Their behaviour support. What their through care, or exit – discharge planning is. The difference, which is significant for this – for the matters of this coronial, is that the SATS team brings to it, both the clinical experience of obviously our psychologists and speech therapists, or OTs, or physios, who may be employed at that team at the time, provide us a breadth of clinical understanding of young people's presentations, their behaviour – behaviour support plans. They work with our Youth Justice Officers. So to help Youth Justice Officers understand children's presentations, how they behave. Why they may be behaving. How we operate, and how we respond. It is a significant difference in the operation of the youth detention centre, and youth justice as a whole, to have this team. And for me, when I look at it, as a practitioner, in this space, rather than an executive, is around it being able to access to that knowledge for both our staff, and for the young people, because they also provide direct services to young people, as appropriate. It's a huge difference. It's a trauma informed lens. It's – it's many things. And it's – it's – for me, when I look at the matters of this coronial, this team makes a difference.

Thank you. Can I ask you to turn to par 51?---Thank you.

Here you discuss the Department's staff that are located in Yuendumu, or that provide services in Yuendumu?---Yes.

You note that in 2007, the Department established an in-community women's shelter, and employed a number of Remote Family Support Workers. Does the women's shelter continue to operate in Yuendumu?---Yes it does.

How many Remote Family Support Workers are currently based in Yuendumu?---We have two filled positions in Yuendumu.

And they're staff that live in Yuendumu - - - ?---Yes.

- - - that work in Yuendumu?---Yeah, place based staff.

You note that since 2019, there has been place based Child Protection Practitioners in Yuendumu. Is there currently a Child Protection Practitioner based in Yuendumu?---Yes, our team leader is actually based in Yuendumu. If it assists the court to understand our Child Protection Office in Alice Springs has set up it's – it's teams for – so that the same team of practitioners, team leaders and support workers, work with discrete community. So you have consistency. You're able to develop relationships. This is also a change from the time where Child Protection was working with Kumanjaji and his family. Back in that time, it was different teams, doing different parts of child protection work. So a team did an investigation assessment. A different team did Strengthening Families. The office has been completely reshaped. So the Tanami Team, which is a group of practitioners and a team leader and Remote Family Support, are responsible for Yuendumu, and a couple of other communities closely surrounded. And it's just that group of people who work with the community. That's been in play now for well over 12 months or more. And that has meant that we're able to develop better relationships, better knowledge. So how we manage our place based Child Protection Practitioners, is around, we obviously need to fill positions, and – and make sure there are no vacancies. So we have accommodation in Yuendumu, and if a staff member is able to live in Yuendumu, then they are place based in Yuendumu. That's why our team leader is there, because he is able to live and work in Yuendumu. We have had previously our child protection practitioners live and work in Yuendumu. And where our staff may not be able to live fulltime in Yuendumu, they are place based in Alice Springs and largely work on a week on, week off scenario. Which has actually changed the way we do business as well in terms of the team has been – and this is from a conversation I had with the Executive Director yesterday. The team has actually moved beyond just being a statutory child protection agency, which you kind of see that in the early process of Kumanjaji. I mean at the Christmas they ran a Christmas night market. They get involved in community events. They're seeking feedback from the women's group and taking – and getting ideas about what may be involved. So this place based team allocation is changing the way how we operate and how we think, more particularly, which is critical and using the community's

guidance around how we can assist. I think it would be fair to say that back in – which I'm sure we'll get to – through the 2014 and '15 to kind of shuffle of different workers with different knowledge, it was a disruptive factor to the case and that's one of the reasons we moved to a place based team based process.

Moving back to remote family support workers - - -

THE CORONER: Can I just ask, how many are on the Tanami team?---We have a team leader, two child protection practitioners, two remote family support workers and then we've got our safe house which is a separate force. But they move across, because family support is very – like quite a broad gamut moving between prevention and early intervention (inaudible).

MR MCCARTHY: In relation to remote family support workers, have there been any periods since 2007 when there were no remote family support workers based in Yuendumu?---There were certainly times where positions may have been short term unfilled or where there might have been leave arrangements that we didn't backfill. Yuendumu however, from the reports of our child protection line management down here has been a community with a very – with a fairly stable remote family support footprint.

At par 59 of your affidavit you note that WYDAC is funded for diversion voluntary engagement in Yuendumu?---Yeah.

Can you explain to the court what that involved?---Yes. So when we started to reshape youth justice after the enquiry and a machinery of government change moved youth justice from the Department of Corrections to Territory Families, we instigated a procurement process for youth diversion to be funded into Aboriginal community controlled aid organisations and particularly with a focus on remote. And WYDAC was one of those services that we funded for diversion. So diversion primarily is a referral pathway for the police. So for those early stages where a young person might be starting to demonstrate antisocial behaviour, early offending, the police are able to make an assessment of referral to diversion in the first instance. Diversion will then work with the young person and the family, sometimes parts of the community, around addressing that offending. And when I say addressing, you're kind of trying to look at what the drivers may be for the behaviour and then seeing if changes can happen. Sometimes it ranges from – I know this sounds really simple, but it is an example – sometimes it's, you know, about finding the right person to have the conversation with the young one and say what are you doing. And sometimes the other end is around coordinated family meetings or there's been examples in diversion in other areas where arrangements to be made where it's a, you know, the person who's impacted by the behaviour is sitting down with the young person. So the diversion services are given quite a broad breadth about how they may respond to the circumstances for the child at the time. The court may also refer to diversion should they wish in those early stages.

THE CORONER: Can I just ask – sorry I keep interrupting you.

MR MCCARTHY: Not at all, your Honour.

THE CORONER: But I'm interested in specifics. So do we know or do you know the numbers of children that have been referred to diversion in Yuendumu over the last year, 18 months, two years and what services have in fact been provided to those children?---I wouldn't be able to speak with authority but I'm happy to take it on notice.

MR MCCARTHY: Can I take you to par 67 of your affidavit? From par 67 and onwards your affidavit addresses the services that were delivered to Kumanjayi, is that correct?---Yes.

At par 70 of your affidavit you note that Kumanjayi was the subject of a number of notifications in 2001 to 2003. The concerns raised during the period are primarily around the care arrangements that were in place for Kumanjayi. This was the first of many times that Ms Oldfield and other members of the family stepped up and took responsibility for Kumanjayi. I understand that this is a very positive thing for a young person. Can you explain to the court why that is?---Yes. Like many families, Kumanjayi's family, both maternal and paternal, had discussions around the care arrangements for Kumanjayi and made arrangements within their family units about his care, of which Ms Oldfield, Ms Leanne Oldfield (?) became the primary carer. In reviewing, with the benefit of hindsight, in reviewing Kumanjayi's records in both youth justice and in child protection, an outstanding theme repeated over and over again is Kumanjayi reporting a connection and relationship with Ms Oldfield. He referred to her as mother and I can – in every sense. When asked about what he would like to do, where he would like to be, he always, always responded with members of the family, starting with Ms Oldfield and then moving out to other members who were obviously trying to support. When I look at – and if I can provide a very stark example is that when Kumanjayi was in detention, we have information that Kumanjayi would call Ms Leanne Oldfield multiple times, like up to ten times. Like there was as very clear relationship. And from Kumanjayi's perspective, a bond and attachment. He absolutely regarded as family and he didn't want to be anywhere else then with his family. And a repeated theme also around wanting to be in Yuendumu. Which makes sense in terms of, you know, what he understood, where his family were and where his significant relationships were.

Moving into the next contact that the Department had with Kumanjayi, we move forward to 2014 now. I'll take you to par 83?---Thank you.

So on 13 May I understand Kumanjayi was arrested for breach of bail, damage to property and unlawful entry and he was remanded in custody in the ASYDC at this stage. From 85 of your affidavit you speak to a number of assessments that were completed for Kumanjayi, the OMP(?) and the SKATE assessment. I understand you considered these documents in the course of your review. What are your observations in relation to these assessments?---These assessments are fairly standard assessments that look at the immediacy of need or risk that a young person may present on entry into a detention centre. They are certainly not unusual assessments in terms of the correctional context or moving into institutional context.

More particularly is around the outcomes of those assessments assist around what support the young person requires at that moment in terms of it. Are there any obvious things that need to be addressed, health, social emotional wellbeing that will – that will enable the young person to remain safely in detention. They – and if I can take the tenor of your question just a touch further. They are not assessments that identify necessarily the drivers or criminogenic features of why the young person was – or how the young person was charged and ended up in detention. They are not tools around the longitudinal assessments to develop care plans or case plans to address larger concerns outside the detention context. Certainly they give indications of what needs to, but they are not designed to be these tools. Later on in 2017 after Territory Families has taken over in establishing our Youth Outreach Engagement Team, we start using the YLMSCMI, the Youth Level Management Case Management – starting with I. Won't come to me. But anyway, that assessment is actually more longitudinal around what are the criminogenic things that we need to take notice of. But often because young people are so complex in using the YLMSCMI, it is also about trying to prioritise what you need to address in order. So these things are done in the entry in detention and they're repeated every time a young person comes into detention a short-term.

THE CORONER: Are these still done now?---We have versions of them now, yes.

Right?---Which is normal and very normal practice in detention, because they really do look at, is there any immediate medical needs, any self-harm risk of suicide, those kinds of things, which helped us also then place the young person in with the right support. And he alerts to the Aboriginal Medical Service who may be involved about immediate safety, observation, all those day to day – what I would consider day to day operations obviously in a highly complex environment.

MR MCCARTHY: At par 92 of your affidavit - - -

THE CORONER: Can I just go to 91.

MR MCCARTHY: Of course.

THE CORONER: Sorry?---No, of course, never.

He was in – this was his first time in detention?---Yes, it was, yeah.

He'd obviously come to the notice of the police many times before a period in detention?---I would assume so. The Corrections' records are fairly unclear, but from reading it is it appears that Kumanjayi hadn't been on a supervised type of order before, so – and knowing community policing, because I've lived in remote communities as part of my business, remote community police often will do a lot of place-based support charge, you know, almost a prevention worker there, so I would assume so.

And he's in detention for a period of approximately two months?---Yes.

And he's not engaged in any criminogenic programs. I don't think two months is a short period of detention for a young child, a 13-year-old. So if there was a child entering detention today at 13, are there programs, criminogenic programs and supports available?---We do operate criminogenic programs based on the individual needs of the child. There's a couple of things for consideration and I am acutely aware I am surrounded by lawyers, so there is sometimes – so criminogenic is, we're obviously looking at and addressing drivers for offending-related to the charges against him.

All right, so he hasn't been - - -?---That's right, remand.

- - - convicted or entered a plea of guilty presumably?---Yes.

So let's move away from criminogenic programs?---To general programs?

Yes?---Yeah, absolutely. So the youth detention centres absolutely do have programs, obviously school is the large component during the business week. And then we bring in sports, Elders, cooking programs, our Elder and residence for Territory Families, Dr Christine Fejo-King, a couple of weeks ago came in and did an Indigenous astronomy with our Darwin young ones. So, if one could put the programs in a detention centre in a context, we know that highly vulnerable and complex young people usually have poor peer relationship skills, poor social – poorly developed social skills, often identified emotion and being able to handle emotion is quite challenging for young people. So our programs are around how do we develop life skills for children and young people as they move through detention? While people might say, playing a game of basketball is just entertainment and filling the time, from my perspective, if you've got a basketball court with four kids on it and one ball, and they've got to negotiate how they can play, you know, work with each other to be able to have a good time, that's actually really good pro-social development. So yes, the criminogenic programs do run, however, our program and design inside the detention centre and how we bring providers in to assist all have a purpose of increasing the skills of young people.

MR MCCARTHY: And my understanding is that there is one on one engagement between the members of the SATS team and young persons' intervention - - -?
---Yep, so - - -

- - - that's just more up the scale of intervention?---Yeah, so all of our young people have behaviour problems that our clinical team is involved in and our case coordinators or the case managers for a detention centre are included in. If what is noticeable on Kumanjayi's youth justice is that – and this is not a self – please do not hear this as a self-congratulatory statement, I generally do not in this way at all, is around records and – of Kumanjayi and assessments and behaviour support plans and links to what we need to do for Kumanjayi as a whole increase in the youth justice file in the latter stage. And for me, that is the influence of the change in the way that we're running programs. It is the SATS team, without a doubt, is the case management process. So that's why I mentioned earlier that the intent of that team and the reshape of youth justice, which absolutely came about because of the Royal

Commission, is one of the significant differences in our practice and how we interacted with Kumanjaya and his family back in 2014/15 to the latter stages when Ayreo (?) who provided exceptional work, Mr Richard Krueger got involved.

Can I take you to par 93, Ms Brown?---Thank you.

Sorry, I take that back, par 92. Here you note that DC have received a notification in the context of his admission to the ASYDC and again, this related to a number of things to the care arrangements that were in place for Kumanjaya. From 93 onwards, you discussed the approach that was taken by service providers to address the issues raised in Kumanjaya's circumstances. Can you please walk the court through the approach that was taken?---Thank you, yes. So, I'm aware that I'm moving in between youth justice and child protection, so if anyone needs to clarify, please just interrupt me because I'm interchangeably talking about the intervention as a whole. So, in our child protection space, our investigation and assessment team carried this piece of work at the outset. And because of the complexity, the case manager at the time coordinated a meeting between the services which I reference to try and both gather information, but when I look at the investigation and assessment, they were concurrently, at the same time, gathering information for the investigation assessment and effectively doing some case management at the same time. Noting there have been other agencies, including WYDAC and Ms Chilvers who have spoken to this court, what the challenges were is that youth justice were looking at Through Care or discharge planning and we were looking at the health care arrangement. He was quite separated back in that time. Obviously, youth justice was with Corrections and while there was joint work occurring of which the case manager meeting is an example of, it was still quite a scenario of referring this issue to Corrections or that issue to child protection, and there was a separation. And we can see that through – so the information sharing, this is probably the most comprehensive case management meeting at the time, where education and health were involved. Later on in other case management meetings, those two significant agencies weren't so involved. What's of significance in this particular meeting is the acknowledgement around the behaviours that Kumanjaya were presenting and it's particularly in a reference to a comment by the Department of Education or at Yuendumu School is that his behaviours at school were challenging. They were requiring, effectively from their assessment, one on one support, and a suggestion that Kumanjaya may be best placed to be in a boarding school in a more urban environment with full access to services, because the school felt at that time they were unable to meet his needs. That's quite a significant marker in that meeting and from that point, I see that case management in that collectively looking at what was the best way to support Kumanjaya and his family, and also provide service support for what was beginning to be repeated youth justice offending in the antisocial kind of context. There were concerns being raised by – well reported concerns being raised by the impact of his behaviour on the community and there was some indication of self-reported early drug - or possible alcohol and drug use which kind of increased over time. So I think that case management meeting, particularly around saying, actually we're not really sure that we can meet the needs of this young person in the community with the resources that we have, that's when we start seeing that network - okay what are our options. We have Bush Mob which is a service for drug and

alcohol and also work on prosocial wellbeing are like a really good option. It's residential as well, so the young one gets a wraparound support. Boarding school could be an option and that's when the exploration of boarding school and identification of SevGen as an Aboriginal community controlled service comes into play. So that meeting really set for the shaping of what occurred and what arrangements were made over time and consistently returned back to as options for Kumanjaya. There is a number of contacts with family around what the plan may be, what they wished for, how they wished for Kumanjaya to be accessed to treatment and services. And the recordings are on file and I'm very aware family may be watching this and with absolute respect to them, is that they were largely agreed that Kumanjaya needed help and support and the kind of residential programs like BushMob and then boarding school were supported.

One of the things that was noted during these discussions was the need to get a health assessment?---Yes.

And the need to get perhaps a cognitive assessment?---Yes.

Have you been able to locate a copy of the cognitive assessment on the file during this period?---No, not during this period. The only cognitive assessment is that of the 2017 report of Ms Kate Crawley that was actioned through the youth justice context.

Would you describe this as a missed opportunity to understand the complex drivers of Kumanjaya's behaviours?---It is absolutely a missed opportunity. And if I can draw of what I mean by that is obviously the complexities of Kumanjaya's behaviour were a context and there's two different ways of looking at his behaviour. And I'm being quite direct in this part. Is around saying this could be a young man or a young boy who's doing bad behaviour and you know, should just stop doing bad behaviour is one way of looking at it at this time. The other way of looking at it is going education is saying his behaviours are normal presentation and day to day exceed their capacity. When I reviewed the file as a whole, moving into a 2017, I believe it was a presentence report – I'm pretty sure it is and I'm happy to be corrected – there's a reference to education in that space. And there is an indication that Kumanjaya attended McFarlane School up in Katherine for years 1 to 3. And there is reference in that presentence report – and I do not know where the source information came from – but it reports that McFarlane had indicated that the behaviours presenting by Kumanjaya at that stage – and this is a young one of 6, 7 years old – were highly difficult. He was a – and I'm using this term, it's as written – a special needs child. So for me, when I got to that and read that, it was just like there were opportunities – and I am acutely aware I'm speaking without having reviewed the education file in any way, so this is not at all a criticism to the Department, because they'll have their own story – is around a young person – a child, a young person, should not need to get to the level of a statutory child protection agency or an intervention of youth justice to get an assessment of needs, of behaviours that were presented, quite what I would consider quite early in life. So absolutely, in terms of that 2014 assessment, missed opportunity. It should have been done. There's no way around that.

THE CORONER: Are you able to identify why it was missed?---No, I can't. I went back through the file a couple of times to work through. There is reference that there was follow up by the child protection practitioner at the time with WYDAC around that, you know, if the assessment had been done. And I believe they may have had a worker at the time who may have been allocated that. But the narrative isn't clear enough for me to say with any surety.

MR MCCARTHY: But the practitioner's (inaudible) planning for what's going to happen with Kumanjaya when he's released. And I think your evidence is that the work that was undertaken by DCF, WYDAC, Health, Corrections and Police resulted in Kumanjaya attending a number of Aboriginal operated treatment diversion and education programs, the first of which was BushMob in July of that year, is that correct?---That would be right, yes. And that was through a community work order issued from the Bench from Youth Justice.

And do you recall how long Kumanjaya spent at BushMob?---It was a 16 week program. There was a couple of interruptions in that space because of various things. And – but Kumanjaya returned to the program and completed it, to the best of my knowledge.

And once he completed – once he departed the program with BushMob, he moved into the Mount Theo, is that correct?---Yes. The plan was – so Kumanjaya entered BushMob and then planning continued around what would happen next. Because obviously 16 weeks is 16 weeks. And from that we – the interagency network and family were still following the boarding school or SevGen as the identified program. And so there was a gap between the ending of BushMob and the capability to move into SevGen. It was an unavoidable circumstance. So the plan was that Kumanjaya would go to Mount Theo, which is a kind of program run by WYDAC outside of Yuendumu, entirely appropriate and be there with the support and visiting of family and then would transition to SevGen. There was a break, like most plans, it didn't quite go to order. And the circumstances there was a significant weather event which meant the young people had to come back off, you know, the camp and come back into Yuendumu. There was additional offences occurred in that time. But in by March Ms Oldfield had taken Kumanjaya across to SevGen.

And I think your evidence would be that the use of these programs represents good practice but that more should have been done to support Kumanjaya and Ms Oldfield in their journey?---Yes, I would agree with that. And to be very frank, I think there – and this is a reflection of practice at the time and certainly not of the people who conducted the practice – is around a couple of things when I look at – and I've spoken of the couple of things around the case and the pattern of responses. For me when I look at some of this work under the SevGen was actually done under a Strengthening Families casework, which was appropriate to the times. Quite a bit of coordination, touching base with services, making things were on track. When Kumanjaya moved into SevGen, that Strengthening Families case was closed. Now when I – and I acknowledge that I'm looking at having read the whole file and it's rare that we get the privilege to do that – is that there was a couple of indicators to me from a practitioner's perspective is that highly complex behaviours, family

reporting they were having challenges and the word “control” is written and I think that’s probably quite a challenging word. Because I mean, leaving the challenges that Kumanjayi had controlling adolescence is very difficult for all of us. But it’s more about the primary care and looking out for. There was – while the plan – and it was a suitable plan was that go through residential rehab into boarding school, we know all boarding school kids come back to community. Like with – that’s the nature of high school. And so for me there’s a couple of considerations around, we knew this was a highly complex matter, yes, for now, the plan worked and it was consistent with what the family wished for at the time. To me the critical question was what if this doesn’t work and we’ve got a situation of Kumanjayi coming back to Yuendumu, not because Kumanjayi didn’t deserve or belong in Yuendumu, it’s more about how do we then work with the family to do the best we can going forward, to hold that family control and family decision making for Kumanjayi. So if one way to conceptualise it and to explain it is that we were often – and I say we as in the child protection and a youth justice space at that time – we were operating on a more crisis basis. So we’d get involved in a situation where there was as crisis, where are we up to, something needed to be fixed or something needed to be put back in arrangements, back into BushMob, back into SevGen. And we’d go in and effectively do that work and then from a child protection perspective we would close the case and youth justice would continue. Once again what is clear from reviewing the file is around, as we move into the later stage of Kumanjayi’s adolescence, particularly with youth justice work taking the lead and the Youth Outreach Engagement Team, which established after we took over YJ, that’s when we get the more comprehensive longer term thinking more than just the immediate solution, we get a much for wholistic way of responding to Kumanjayi. From my perceptive that work should have started a great deal earlier.

The next period of engagement between the Department and Kumanjayi occurs in late 2015. Now it’s (inaudible) from our records that by late 2015 Kumanjayi has returned to Yuendumu from SevGen?---Yes.

And if the Strengthen Families case had have been kept open throughout that period or I suppose if there had have been some contact maintained, we would have known when Kumanjayi had come back to the community, is that correct?---We would have. There’s a couple of things in this as well. And this is to – to reflect on the thinking, likely at the time, is around we – as a statutory child protection agency, and this is where the Strengthening Families stood, we work under a – largely a least intrusive intervention. So with Kumanjayi in Queensland, you know, consistent with family, it’s likely that we thought actually, the least effect – the least intrusive intervention is to close of the Strengthening Families. In terms of what we knew is that anyone is able to report. And I suspect they may have been thinking, well if this more concerns, back in – when – if young one returns to Yuendumu, we would have been alerted throughout the usual network that operate within. So I suspect that strongly, the thinking.

Paras 124, 125 and 133, you describe notifications received in late 2015, in which the Department are informed by the Northern Territory Police, that they are concerned, among other things, with Kumanjayi’s care arrangements. And this

initiatives a string of work that leads the parties again to pursue a placement at SevGen?---Yeah.

Can you provide the court with an explanation of the work that is undertaken (inaudible)?---Yeah. This period was largely completed under investigation and assessment framework, rather than the Strengthening Families, although the work, pretty much mirrored what occurred in 2014. And with no individual criticism to workers, when I looked at this particularly here, the – the coordination and work by child protection side, was not as probably comprehensive as I saw in the 2014. And I don't really have a context of understanding of what that is, but I'm looking at it. So in terms of the – it was a re-apparent of similar concerns. Challenges in – challenges in engaging Kumanjayi from agencies and family. Family reporting, despite efforts, and despite interest, and everything that family wanted for Kumanjayi around being able to change behaviour, if that's one way of putting it, noting it was quite a large expectation. And that – we took – from the looks of the service network went okay, well getting to SevGen was actually a really positive thing. I don't know what happened in terms of the end of SevGen. It's not recorded on the file. But that was actually a positive process. How about we recreate that again. And there was positive reports of SevGen by Kumanjayi himself as well. And an agreement that that would be the way to go. It's also here that our Remote Family Support Workers were also asked to explore family options, and to do a bit of liaison to work out what the options were in terms of family of people necessarily taking responsibility for, but also for providing support. And we extended the work around from Yuendumu, Haasts Bluff and Papunya at that stage, to try and map the network. There is – probably another thing that I reflect on, with hindsight, is around – and this may be just about the language of how things were recorded, is around, you know, looking for a family member to take responsibility for, or a family member to control Kumanjayi. And that's about the behaviour of context. Not about coercive control or something similar like that. And I wonder – and I am looking back, and I wonder around this time, and particularly from 2014, but this time is around whether we needed, and we should have, started to look at the family as a family network providing care, support and outlook for young person, rather than, you know, which particular family member, name on the title, should be the one in charge. If that – and that's a very, you know, stripped down way of saying it. I think some of that may have been barriers to actually mobilising, and getting a plan between the family to help share the load. Because, without a doubt, Kumanjayi wanted to be in Yuendumu, repeatedly said and he would be – wanted to go back to Yuendumu, always. And wanted to be with family. And obviously knew that family were involved with what was going on. So yeah, that's – that's for me, when I look at it now, is around this focus on an individual person. And that's – it's a lot of pressure. Particularly in the behaviours that Kumanjayi may have been presenting at the time. And I think there's a missed opportunity in terms of – and I – when I say “missed opportunity”, please don't hear as though I'm diminishing the responsibility I'm taking, in any shape or form, but there's an opportunity inside the case management knowing the complexity, and knowing that we had many years of adolescence left, and how hard that is for all of us, with our own young ones, that – that coordinator case management, a longer term Strengthening Families case, to mobilise and work with the family as a group, rather than a focus on an individual to take responsibility,

I think, yeah. It may be just how the file's written, but it – for me, from a practitioner's perspective, is in – is a different way of looking at this time.

One of the reforms that you refer to in your statement is the (inaudible) practice framework?---Yes.

Does that represent a shift in thinking - - - ?---Yeah.

- - - can you explain a bit more (inaudible) practise framework?---It really – it really does. So Signs of Safety was part our reform in child protection. And it's primarily looking at family led decision making. And if we had utilised Signs of Safety back at this time, in this intervention, but also in – in 2014, I actually think that would have shifted some of our thinking into that broader family network. So Signs of Safety, really focusses on very practical solutions, and place family in situation of – developing their plans, for their own family. Certainly the Department is there, as long – along with support services, no one's kind of left alone, but it – instead of the – and I say this as a social worker, the historical practise being, you need to go and do a, b, c, and d, and that will kind of solve it. Family led decision making in Signs of Safety are saying to the family, kind of, this is the goal where we all want to get to. From your family's context, from your own – what do you need, what do you want to do, how would you like this done, and then obviously we bring in supports or solutions that that may assist. Signs of Safety framework actually enable us to think more broadly than a traditional model around mum, dad, and a – or a primary carer, in this space. And so I do think the advent of Signs of Safety has a – has absolutely assisted us to be more – more mindful of family led decision making. And to start out thinking, at that point, rather than half way through. And that's not to say that family were not consulted all the way through the work that we did. They were. You can see interviews. You can see conversations in Yuendumu, and in, you know, in Warlpiri Camp, but I think the Signs of Safety framework, help us to really put the family first, from the very beginning of a – of an investigation and assessment.

Is the fact that this engagement between the Department and Kumanjayi - - - ?
---Yes.

- - - the records of the Department don't show whether or not Kumanjayi went to SevGen or not, (inaudible)?---No they don't.

Does that speak to a failure to follow through in this particular instance?---It does. I was surprised that I couldn't find reference about whether Kumanjayi attended SevGen for the second time. So I think it is a recording, and yes it – there should have been close out, in this space, which is why I refer to it at the beginning of this conversation about 2015. It is not as comprehensive, and it may be a recording. There may have been things that were done, they're just not on record. But it is what it is. That's one of the reasons I refer to the 2015 as not as comprehensive in the records of others. But I was surprised that it wasn't recorded in both youth justice or child protection.

The next period of engagement was when the Department and Kumanjayi occurs in late 2016. Can I ask you to turn to par 144 - - - ?---Thank you, yes.

- - - (Inaudible). At 1.4 you note that in August 2016, Kumanjayi was arrested and was charged in relation to a number of domestic violence incidents. And he spends approximately three months at the ASYDC. You were unable to locate any evidence on the file that Kumanjayi was engaged in (inaudible) programs while at the ASYDC, is that correct?---Yes, and this is a bit of a conversation about record keeping. So no, I couldn't find anything particularly that was run inside the detention centre relating to those particular charges. But I note within the filing – it's referenced in both the child protection, and in the youth justice, as the involvement of the Tangentyere Children's Domestic Violence Program, which is based in Alice Springs. And – and a referral and engagement of that service, which is entirely appropriate in the context of the charges.

At par 153 and 154 - - -

THE CORONER: Can I just stop you, sorry?

MR MCCARTHY: If it please.

THE CORONER: In contrast to what was available in 2016, what is now available? ---How broad is that question, your Honour?

In relation to services and programs for children in the Northern Territory, specific to domestic violence?---Yeah, thank you for the question. There is not a great deal of difference between the time. Additional funding, and I am speaking now from a program manager of domestic and family violence. So in terms of the referral parameters of course into our specialist domestic and family violence services, they have children support workers both Outreach inside our refuges and particularly in the urban locations. The Tangentyere program obviously has the men's behaviour change, which has kind of a younger cohort as well, (inaudible). It is a gap inside the service system which has been commented upon over time in multiple forums, particularly because – and this is absolutely separate conversation to Kumanjayi – is around that we are seeing behaviours that may be presented by young people more in the domestic violence context than we have noted before. So it is an area of need. That sounds a lot of words, your Honour, there has been small improvements in that space. And the acknowledgement completely, particularly in the domestic violence framework, the Territory plan that we need to put more attention into that space. That has also been picked up on a national radar. As you may be aware, the national plan for addressing domestic and family violence has also been recently released and action plan one is in development on the national level. That also picks up that we're certainly not alone as a jurisdiction in terms of identifying early onset domestic violence behaviours.

Why is it that there's still a gap when this has been acknowledged now for a number of years?---Your Honour, I don't have the answer that will probably satisfy you, other than to say it is acknowledged. We do do funding for the children's therapists inside

our specialised domestic and family violence. The other strategy under the Northern Territory plan is also, as you may be aware, around trying to have an understanding – a trauma informed understanding of domestic violence. We also have a process at the moment that's underway around training up and raising awareness and education across the sectors that work with young people, children, women and men in domestic and family violence, which includes our risk assessment framework, our family safety framework. But often children who are impacted by domestic violence are being screened and supported by your kind of – I say this more mainstream therapeutic services or family support workers. So we are seeing service delivery to this group, but we're identifying that we actually need to put very specific domestic violence or anger or emotional resilience kind of work into that space. So it's not as children and young people are not getting any service at all, it's more amongst the existing funded services rather than a specific service like this Tangentyere service which was for both children who are being impacted by exposure to domestic violence and witnessing domestic violence and also young people who may be demonstrating the behaviours that reflect domestic violence.

MR MCCARTHY: I might just clarify a few points there if that's okay.

THE CORONER: Sure.

MR MCCARTHY: So the Tangentyere program is a program that's delivered for young persons to address - - -?---Children and young people, yep.

And it was in place during this particular period which was in 2016?---Yes.

And it remains in place now?---To the best of my knowledge, yes. Sorry, noting that Tangentyere is also one of our – in terms of Northern Territory and men's behaviour change – they are a – and this is speaking very broadly – men's behaviour change provider as well, alongside the Catholic Care and the Top End. So Tangentyere have built quite a breadth and depth of knowledge, skill and experience in domestic and family violence, as well as their women's group and their men's group, which is obviously well publicised and with a great deal of respect to that service.

And shortly after this period the SATS team was established?---Yes.

Is it your understanding that the SATS team, I think employ psychologists and the psychologists work with young people within the centre to address their offending behaviours?---Yeah. We – and prosocial skill development, because it's so critically important. Yeah. At the moment we have five psychologists in our SATS team who work across the detention centres. So their work with the – can range from, you know, developing in combination with case coordinators the behaviour support plan. I think I've referenced this earlier in evidence, I don't want to go over the same ground. But from time to time as appropriate the psychologist will work directly with young people as well, ether in a therapeutic arrangement, if it's appropriate, or in, you know, just your general kind of psychosocial development of young people's thinking around various incidents or otherwise.

So it's less about programs that are runs with groups of people and more about working with one with one young person (inaudible)?---Yeah. We certainly do do groups programs, but it is a much – and looking back on the Corrections kind of period – and once again not a criticism to that agency – is around – while we do do group stuff, we are finding the small group and the one on one individual work, like everyone has the one on one intention, it does work through. Keeping in mind we've got the broader social skill development and psychosocial development in the other programs that we run in the detention centre.

Thank you.

If I move off that point, do you want to ask questions, your Honour.

THE CORONER: No, it's fine. Thanks.

MR MCCARTHY: At par 153 and 154?---Thank you.

You note that on 18 November 2016 Kumanjayi was released to live in Papunya with his grandmother?---Yes.

Can you provide the court with an explanation as to how Kumanjayi came to live in Papunya?---Yes. So this work was led by the Probation and Parole, so this was kind of the time we were moving, certainly Territory Families had taken over. It was looking at a bail possibility, so bail support assessment was obviously ordered by the court and that was then actioned by Youth Justice. Things were getting more and more difficult in terms of Yuendumu was considered a – because primary offending and antisocial behaviour was demonstrated in Yuendumu, planning went into play around where were family who were outside Yuendumu to try and reduce what may be the triggers for offending, either being peer groups – and I'm speaking generally – peer groups or otherwise. So exploration of family and both – also with McDonalds Shire Council was around whether Papunya may be a possibility for bail arrangements. And so there was confirmation that Mac (?) what is generally called Mac Youth and also Mission Australia were able to provide support to a bail process in Yuendumu – sorry, I apologise, in Papunya. And also extended family had absolutely said that they wanted to assist and were happy to have Kumanjayi there. A couple of things in terms of this time is yes, the bail was issued and one of those conditions was that for Kumanjayi not to attend Yuendumu. And I completely understand why that bail condition was put into play, I do. And when you're looking at the entirety of it. But I also think it was a condition that probably was very likely to be breached considering Kumanjayi's desire to be in Yuendumu. And of course that did occur. No one's necessarily at fault around that and that's not the intent of the statement. But it's around that they're now at a stage of just trying to look at solutions that both kept Kumanjayi connected to the family who were very clearly wanting to be involved and trying to think up ideas that would assist Kumanjayi to reduce his offending at the time.

You would agree that it would have been very difficult for Kumanjayi's grandfather to support Kumanjayi in living in Papunya?---Yes.

What sort of things should have been done by the department, I suppose it's two departments at this stage, but by either department to support Kumanjayi's grandfather with his (inaudible)?---And certainly not abdicating responsibility in any way, I couldn't see on the file – and please correct me if I've got this wrong in terms of sequencing, there's a lot – is around – I don't believe that Child Protection was aware of the bail arrangements to Papunya. And that didn't come to light until Child Protection got re-notified in 2000, I think we're in '18 or '17 – until the following year when – or the following time where Kumanjayi was then back in Yuendumu. So – and reflecting that this was the Department of Corrections, in terms of – I think there's a difference – if I can use an example – and I'm not at all trying to diss Corrections – but a (inaudible) young person was placed in Yuendumu with his family who wanted him there and wanted to assist. We already knew Kumanjayi presented with highly complex behaviours, that had been patterned for quite some time. And we also knew that there was a strong desire by Kumanjayi to return to Yuendumu. And so what I do not see in this time is, well yes, absolutely there was Mac Youth and there was Mission Australia, there wasn't that kind of support that may have been provided by Department of Corrections at the time, to support that – that – that are bail – bail arrangements. And I note that the bail conditions at the time, didn't specifically state that Kumanjayi should be supervised. Now that's not an excuse, like in terms of – in terms of bail. It's still around, how do we provide the best support to help a young person maintain their bail conditions as a primary. What's different later on, down the track, is around – and this was a supervised – that when YORETs were starting to get involved from Alice Springs, when Kumanjayi was staying in Warlpiri Camp, you actually see that outreach by the YORETs and by other services in Alice Springs, to help try and maintain conditions that Kumanjayi was under, under the youth justice context. So that's quite a stark difference. I think, very best intentions of the family. Very strong desire to assist. But the complexity of the situation and the complexities of the presentations, which was now quite a pattern in behaviour, driven from a very young age, it was a – it was a large ask.

I'm not sure many people in the court would know the role of the YORET, are you able to speak to that very briefly?---Yeah very briefly, so the Youth Outreach Youth – Youth Outreach Engagement – Re-engagement Team, is a group of staff who operate effectively in the Community Youth Justice space. So with young people who are on supervised orders, issued by the court, or bail conditions, or in a – what we would consider a voluntary space, where a young person might say, actually things are – or a family, things aren't going well, can we have support from the YORETs, very much focused on trying to prevent the escalation of young people through the youth justice system. So we both have voluntary considerations, and also the now statutory components. The YORETs are split up into – and I'm talking very broadly, those who carry the powers and the delegations, because Youth Justice's still a statutory service delivery. The powers and delegations under the Youth Justice Act, to supervise, report, bail assessment reports, suitability, you know, those kind of things. Report back to the court on the progress of a young person as required. So those staff are quarantined off, and then obviously we have YORETs who are all about engagement and our YORETs can get involved in

everything from – and this is an example from Darwin, you know, when the school holidays are on, the midnight basketball. Our YORETs like kind of go to midnight basketball, it's kind of the intervention relationship building, as well as you know, other staff, who then attend court, and – or take direction from the court.

And at this stage, we start to see a discussion of other potential ways to accommodate, or provide a safe environment for Kumanjaji. And I think one of the things that are raised, is assisted bail accommodation, residential care options are talked about. Can you provide the court with a bit of an explanation as to why a decision was made to go to Papunya, as opposed to one of those other options?
---Yes, and let me just – if I – if I may, separate some of that out. So the bail support accommodation options you're talking about particularly the Salt Bush Bail Support, which came in as part of our reform of Youth Justice. And to be – I'm sorry, my memory just fails in terms of when the bail support – this is still 2016.

That's right (inaudible) - - - ?---So bail support wasn't established at that stage.

Okay?---So Salt Bush for the information of the court, is a bail support accommodation, where young people are able to stay as part of their bail conditions. And they are supported to meet their bail conditions, and return to court, as required. We have bail support in Alice Springs here, and also in Darwin. So there was a reference in terms of consideration of residential care. That relates to children in care. And I think – and I'm sure someone will come to this point, around the considerations of whether Kumanjaji should have come into care or not. In terms of the thinking at the time, it was very much a Youth Justice context. The residential care frame, at the time, was not as – I'm just trying to think of the right word, and not at all confusing the court. The residential care frame, at the time, while doing its best as can, was not in from a therapeutic framework, if that's why we're thinking. So if I look at what was then tried to be done about Bush Mob and other similar type of treatment services, I'm very sure that consideration of treatment based services, if – if Kumanjaji needed to be in Alice Springs, was probably higher on the list, because you're able to address some of the – the drivers of offending. And do development. We – and I – when I said very early in this – in offering my sympathies to the family for the passing of their family member, is around – this was still very consistent that Kumanjaji was saying, I want to be with family, and I want to be out in Yuendumu, or – you know, okay if – if I need to be in Papunya at least I'm with family. That was still very much a driver. I think – and I'm stepping out of the file, in terms of the benefit of hindsight, and having read it, is around in working with adolescence as a whole, and particularly in highly complex adolescence, there – sometimes you can see in the pattern of behaviour where young people want to be. And they will take themselves there. It's just the nature. And then you need to work with the environment with that – of that young person, to try and provide safety and context. From looking at it, I don't believe that a placement or a residential arrangement, not that there was one for Youth Justice at that time, in Alice Springs, would have been largely successful. I think a breach of bail, similar to what occurred in Papunya, would have occurred. He may – Kumanjaji may have been closer to services, if he would engage with them at the time. But there's a change in thinking around Alice Springs, when family members are living at Warlpiri Camp, and actually when he

was living with family at Warlpiri Camp, we actually saw some positive improvement, in terms of service engagement, follow up. So the – there's kind of this – it's – certainly not saying that it wasn't considered, but I think, when I look at it as a complete picture, sometimes we – we absolutely need to consider about where we can get the best outcome, and how is the best way to work with a young person and their family. Rather than saying, well it'll all be fixed, if it's just a residential care placement. I'm not convinced that that would have.

Thank you?---Sorry, have I addressed all three? There was a third one.

THE CORONER: It's unlikely for a child to have been taken into residential care when there were family who were saying they're willing and able. But the question goes to ability, not willingness, given the complexity - - - ?---Yeah.

- - - of the needs?---I agree. And then in terms of that, and I'm speaking more broadly, rather than specifically about Kumanjayi, is the consideration around family were involved in coming up, and involved in decision making. And this is where it comes into play, is that how do you best work with a young person. And you see this struggle in the case, all the way through, in multiple services. I spoke about I think – Ms Chilvers speaks about it frequently. And you can see her assessment of Kumanjayi when she was like the first one in terms of the file, that really started to put a trauma informed lens around Kumanjayi. And you can see that in how she operates, how she talks, and how information is added into the file. But how do you get success? And sometimes – and I'm not talking specifically to Kumanjayi, but a consideration is, sometimes taking children into care sets up an adversarial system. And it's very hard to engage. So how do you balance the arrangements to try and the same outcome into Bush Mob with family, address offending. This is still a; time in 2016, where we're still – we're going to start coming together as an agency. Because - - -

It's obviously – the siloing is a real issue and - - - ?---With what - - -

- - - and whatever you say now, it's still an issue, but it's potentially a reduced issue?---Yes.

You know, the kids in Cross-over?---Yes, I agree with you. Cross-over is an example. For the information of the court, cross-over is a team that operates where young people may be involved in Child Protection and Youth Justice, concurrently. So we have one case manager, one team leader and manager, who then works with that, and operates in both the Youth Justice context, and the Child Protection. And that was a recommendation of the Royal Commission as well.

I don't know why there are separate teams. I don't know why there isn't just one case manager for every child when it comes into contact with Territory Families? ---That's a very broad question, your Honour. So - - -

Don't – you don't have to answer that?---Well I'm prepared to.

I mean the siloing still occurs, and it's a big issue?---I accept the feedback, and I – I generally do. I understand from both the field context and from a – things have got better. And I understand that people take everything I say on face value, and that's okay. Is around things have got better in terms of – so down here in Alice Springs, we have Child Protection workers and the YOREOs literally sitting next to each other. In Darwin, we have something very similar. We are – obviously most people know that Housing is involved in our title, so we're also looking at how do we bring teams together that wholistically look at a family or a household rather than once again, child protection and then youth justice and if required, Housing. So we are in the way that we're structured or the way that our regions and our offices are structured, we're trying to join up stuff. We actually don't have – and I know this seems a very simple thing and almost trivial – but in terms of the culture of an agency, the way that we bring our workforce together and the way our workforce now is moving to think, we don't have a child protection office. We have a Territory Families, Housing and Communities office that may have staff from multiple program areas together. So there is absolutely a concerted effort, accepting the reasons and your feedback, your Honour, an absolutely concerted effort around joining up how we operate and how we think and how we share information as we are able to under the *Care and Protection Act*. So yes, I accept the feedback and I can only provide that we're trying to do something about it.

THE CORONER: Sure.

MR MCCARTHY: I've been asked to ask you to speak up slightly?---My apologies.

I understand (inaudible) having trouble hearing you?---Sorry.

But I can hear you fine?---The transcript has got to be there, absolutely.

So as is probably somewhat predictable in hindsight, Kumanjayi does return to Yuendumu and certainly by 14 February 2017 (inaudible) prior to that. And in the period that he was in Yuendumu and the period that followed, you describe Kumanjayi's continued involvement in antisocial behaviour?---Yes.

And property crime. And you note that he's ultimately referred to the ASYDC?---Yes.

So I think it's your evidence that in 2017 some of the more medium to long-term planning began with Kumanjayi, that I think you would say should have started much earlier?---Yes.

Can you speak to the court now about how this medium to long-term – about how this occurs, particularly by reference to the Crawly report and the work of Richard Krueger?---Yep. So this is where things start to change and noting that the YOREOs team are in play, Child Protection and YOREOs are working together and they were kind of just a straight away from each other. This is where we get a more rounded picture of services provided to Kumanjayi. And also thinking that move from the short term, what I would consider crisis driven responses and getting to the point of solution and then close. And this is now a much more forward planned process

around what it is. The really critical document here that once again, once it occurred you could see changes implemented in youth justice, is Ms Kate Crawley's assessment. So that report came about while Kumanjaya was in detention and she completed effectively an assessment that started to look at some of the drivers of the behaviour. Her – most critically, her report indicated that – and she's a forensic psych – that Kumanjaya had a mild to moderate intellectual impairment. Now that reshapes information. And when you asked me earlier about an assessment in 2014 and if it should have been done earlier, this is the reason, is around a mild to moderate intellectual impairment does impact the way that – how young people grow, how they learn, how they process emotion, how they understand consequence. And understanding consequences are a really critical part of moving adolescence from a child to an adult. It also affects the length of – and then I'm speaking generally – the length of concentration. Usually it requires adaptive ways of teaching, or different ways of teaching and because there's different ways of learning. So this piece of work by Ms Crawley really highlighted the need for coordinated case management, intensive coordinated case management, which from a perspective I would see that we kind of saw that back in 2014. But she put a clinical perspective around the reasons why that is. And she speaks to that, you know, you really need to start focusing on – and I'm speaking generally – but really – and colloquially – you really need to start focusing on things in a sequential order. And Mr Krueger takes that up as the YOREO and he was a team leader and manager. So to assist Mr Krueger was also a child protection practitioner previous to moving to Youth Justice, so really had that broader context in terms of case management. And so you see the file then reflecting and saying okay, so we've got a young person with mild to moderate intellectual impairment, has low ability to manage emotion, has limited – low ability to understand consequence in the moment. Yes, demonstrates remorse when discussed around behaviour. But in terms of ability to understand and commit to various obligations or commitments made for him, that's probably quite challenging in his context that Ms Crawley presented. So then we see very simplified plans in the detention centre context, the behaviour support plan done by the worker in detention at the time really narrows down and says, you know, if you see – and it's really simple in terms of if Kumanjaya is demonstrating anger or reacting to emotion, slow down your speaking, use one concept into the way that you interact, give time, step back. You know, all those kind of skills that support people who are trauma affected but also with an intellectual impairment, and were challenges and haven't gone through that progression learning that most adolescence do around understanding what consequences are, being to manage emotion, being able to recognise when you're getting angry and being able to put things in place to stop getting really elevated. Some of those things were missing for Kumanjaya. And Ms Crawley's report and the naming of that in a very succinct and clear reason of what may be driving some of the behaviours and why the challenges for the family were so great, is – that's a seminal moment in reading that report when I read the file for the first time it was – this is what it is and it actually reshapes. I want to just draw a link back what I mentioned earlier, to draw these two things together around missed opportunities, because we have to learn from this. Is around – it took until 2017 to get that assessment completed. And yet when we look back and noting that this is referenced in the 2017 presentence report, that education was reporting back when (inaudible) when Kumanjaya was very

young, at 6 and 17 that he was presenting behaviours that were difficult to manage and a special needs child. I really struggle with that and not at all a blaming statement on education. They too as an agency have made leaps and bounds in understanding trauma informed and student engagement and they are best to speak to that. But – so early a young child is at with special needs demonstrating behaviours that we see then again in Yuendumu School reporting in 2014 is around – and I'm not saying diagnosis is the be all and end all, I am truly am not. But there are enough information to say there was opportunities to try and quantify or understand drivers of why a child with special needs and what needed to happen next for him. And I would say that for any child in that space, rather than just Kumanjayi. And that for me is one of the – if I look at a systematic view of this matter, is around – there was likely very clear missed opportunities to try and change the trajectory for Kumanjayi, which would have provided a greater support to the family to understand why – what was going on, you know, why this was occurring and then how best to raise Kumanjayi and what service supports was needed. I also say this very clearly noting that the National Disability Insurance Scheme was not operating at that time, but it's still – that's beside the point, it's still absolutely a missed opportunity from a systems view of this matter.

I was going to talk about this a bit later on but now that you've raised it?---My apologies.

(inaudible).

THE CORONER: Before you do. Sorry, just in relation to missed opportunities. We did hear – and I can't remember who it is from now. Someone will be able to tell me – in relation to like the health sphere and the clinic side, that there is a very simple assessment that can be done at quite an early age?---Yes, there are.

What's that called?---Your Honour, now you're pushing me. It's part of the - - -

(inaudible)?---Early childhood screening process.

Yes?---And it links – and that is also an assessment that then assists the involvement of the Early Childhood Development Team. Noting also, there is a cultural consider – Aboriginal – multiple language consideration in this space as well. Most children who speak multiple languages, as certainly Kumanjayi did, and this is the same in the multi-cultural context, have slightly different developmental pathways. Because they're learning multiple languages at the same time. But that actually I do not see as a – that's an issue this – this space. But I do know the assessment - - -

And do you think that would have helped?---I – yes, I absolutely want to say yes. Yes I do, because from my perspective, a child who's already named by an education system as special needs, the developmental process, for a child to get that – and this is year one, year two, it's so early in childhood.

I think we heard that the Early Childhood Screening Assessment could be done before school age?---Yes. And at the moment, that also links into a certain part of the National Disability Insurance Scheme, which is the prevention part, which is zero to six. Like which is an amazing service, and such a great part of the NBIA. And for the information of the court, this – the zero to six prevention, and effectively is prevention and early intervention. So if developmental delays, or concern for a child are identified in this kind of age, services through the National Disability Insurance Scheme can go into the family to try and do every effort to boost development in that time. We know that early childhood development is a key indicator of either better trajectory or challenged trajectory for children. And there's – it's well researched. It's not particular to the Northern Territory context. It is an internationally accepted thing in terms of looking at assessments and development of children at a young age from zero to two and then two to three, etcetera, through to early child – and – and school. If you can get work done in that space, and support to families in that space, the trajectory of the family and the child improves. And that's incredibly well regarded and there's an Australian research program around child maltreatment treatment, that's also – is going to be looking at this space, but more generally, and but they're releasing a report around April on it. But – yes, your Honour, is the answer.

So there was that assessment, which I don't know on the evidence, whether we know whether that was done or not, in relation to the early childhood. There is of course the early childhood centre, that's probably the wrong name for it, at Yuendumu?---Yeah, the Child and Family Centre, yeah. And that's in a – a response to the Reform Management Office from the Royal Commission into the – or the Royal Commission and - - -

Yes - - - ?---(Inaudible) say the Royal Commission.

- - - is that a Territory Family centre, or does that sit somewhere outside of Territory Families?---It's been established by the Reform Management Office. So they are based inside Territory Families. Because they're responsible for implementing safe driving and connected. The child and family centres across the Territory are actually Aboriginal community controlled organisations who run those centres.

Right, they run the centres, but the centres are - - - ?---Are funded in the family support arena.

Funded by Territory Families?---Yes, that would be the easier way to put it.

Okay?---The reason why I appear hesitant, because it's quite a bureaucratic response. The Reform Management Office, is a Northern Territory Government office, who established and was responsible for implementing the cross-government framework.

And sits in Territory Families?---It sits in Territory Families as an agency.

All right?---Yes.

So when we visited the Child and Family Centre - - - ?---Yes.

- - - there was clear concern, right now, about the difficulties for families to attend the centre, because of Centrelink requirements?---Yeah. Right, I understand, yes.

All right. Ideally, given what is now known in relation to early intervention?---Yes.

Ideally, you would like all children, I think, in Yuendumu, to be accessing a – the Child and Family Centre, from birth through to school age?---For families and children that need it. But please keep in mind, that not every family needs family support.

I'm not talking about family support - - - ?---Or - - -

- - - I'm talking about child development?---And child health, yeah, so the normal checks that children go through (inaudible).

I'm not talking just about the checks, I'm just talking about child development?---Yes, yeah.

In a location like Yuendumu, which perhaps you know, housing is more difficult, access to resources for child development in families, is more difficult and more limited, I would have thought, given your knowledge of what's available in most houses in Yuendumu for childhood development that you would want to see all children accessing the Child and Family Centre?---Yes, and – if I can clarify, I – I guess my hesitation is around, parents make decisions, and best – best decisions for their children. So this – this – my response is in combination with saying, yes families to access the development centre for the best interest of their children around development, medical checks, immunisations, whatever that may be, families need to be part of that. So – and parents need to make those choices for their children as well. So in terms of that context - - -

So we seem to be putting barriers in place - - - ?---The service should be there. No, we – there shouldn't be barriers to someone accessing a service, should they wish, or need it. Absolutely not. We should be making things as easy as possible. And I understand this context – this questions in the context of Centrelink payments. But one of the reasons, and you're right, your Honour, in terms of why the childhood family centres were set up, is because they become hubs for the community. Multiple services visit there, and provide services to the community for families who wish to access them. So from that, there shouldn't be barriers to families accessing supports for their children. And I would say that – and I know that I'm speaking - - -

And obviously you don't want to exclude children, because their parents maybe can't manage Centrelink or you know - - - ?---The least amount of barriers as possible, absolutely.

How do we - - - ?---How do we make early childhood – which is a hard – hard time raising children, early childhood, it is, it's intense. So how do we help families get the help that they need, without needing to have the barriers, or come to a statutory child protection officers attention, to be able to get those services. Prevention and early intervention, your Honour, in any way we possibly can.

So it should be available to children - - - ?---Yes.

- - - per say, not dependent on you know, whether a parent ticks a box or doesn't tick a box?---No, it's a fact of universal services and prevention and early intervention, is that there should be as accessible – I'm running over my language, I apologise, as accessible as possible. Because we know that work early on, it has significant outcomes for families. And reduces the risk of contact with the child – statutory child protection service, and contact with the Youth Justice Service. We know that from international and national research.

DR DWYER: Your Honour, could I just let your Honour know, you are – I think you may have been thinking of the evidence of Dr Donna – or Donna Achee (?) and Dr Boffa - - -

THE WITNESS: Yes.

DR DWYER: - - - and that's on 14 October 2022, and just as your Honour recalled, they gave evidence about those – did give evidence of those - - -

THE WITNESS: That makes sense, absolutely.

DR DWYER: - - - assistance, and how easy it is now to do it.

THE WITNESS: Yeah, yes, and Congress is – yeah, absolutely.

THE CORONER: I'm happy to go on for a little longer.

MR MCCARTHY: Thank you.

Are you comfortable with - - - ?---Absolutely, yes.

So I suppose returning to the Crawley Report?---Yes.

We did touch on the MDI and the NDIS, is the Crawley Report the type of – the type of document that might assist the family in getting support from MDI or NDIS?---Yes, absolutely. So a couple of things around accessing the MDI and a plan under the MDIA, scheme, I apologise, not the agency. Is that to get a plan, you need to have a diagnosis. And this is where this comes into play. However, there's quite a broad understanding of what that diagnosis is. So at times, there may be focus on – and I know – I'm talking about something that's already been around Foetal Alcohol Disorder. So we need to have a diagnosis of PhaseD to be able to access the MDI. In relation, Ms Crawley's report is absolutely sufficient to commence an application

with the MDI. It says mild to moderate disability. These are the – this is the real-life impact on Kumanjayi's day to day, this is what you should be doing to be able to assist Kumanjayi and his family in the best way. So that – that absolutely could be a basis of an MDI application. Other types of reports and assessments that can be used for MDI applications are you know, school behavioural assessments, or adaptive – what we call adaptive learning assessments. And that have – that is, like if I learn how to do A here, if I go into another environment and try and do A again, do I know that I can do exactly the same thing. Am I able to adapt what I learn here into this context. Sometimes intellectual impairments actually have that hindrance. It's you learn it in a particular way and you need to relearn it again. So yes, it is, there's certainly further work could have been done at the time in terms of this. But absolutely as a baseline, yes.

So the difference between then and now, the NDIS is one example of a difference?
---Yes, that's right.

And that would open up additional funding for Kumanjayi?---Yeah, if that plan is approved by the NDA. So – and I'm talking quite generally and there was certainly significant information out there on the NDIA and the website and similar. A couple of things – and I'm mindful that there is a review into the NDIA, so keeping that in mind. A couple of things is there's an experience of services that may work in remote context who for young people and adults who do have a funded plan. So what I mean by that is if you are living in Yuendumu or you know, another remote community, it's very likely that services are not place based. So a service will go into the community, provide whatever they have under the NDIA plan or the person may go into Alice Springs or their local regional context, if it's Darwin or Katherine and a service will be provided there. So there are challenges in the NDIA in the scheme in terms of the services that may be available. I think then speaking more broadly and bringing in a kind of a more strategic and structural understanding of this is around – particularly in the Northern Territory – is around our Aboriginal population that we know that services provided by Aboriginal community controlled agents, organisations or Aboriginal medical services, like Congress, have a deeper cultural understanding of context and engagement and we know that Aboriginal workers working with Aboriginal children and Aboriginal families is a successful way to go. So yes, the NDIA is a difference, is the first response. And it has changed the support provided to people who are living with a disability. Some of the challenges in this context and for consideration is around what services are available to people who might have an approved plan living in a remote community. Where do those services come from and is there – are those services coming from Aboriginal community controlled services, you know, or similar to create the best outcome that we possibly can for the investment, to make a change.

Goes some of the way, it provides the funding?---Yeah, it goes some of the way.

It doesn't necessarily (inaudible) presumably if the funding is there perhaps the services will grow?---And to be very fair to the NDIA – and anyone can do this – when I was trying to work out what services are available in Yuendumu, I actually went to the NDIA site and there's a search engine you can type in and say I'm in

Yuendumu, what services can I access under the NDIA as part of my approved plan. Because to be a provider under the NDIA you've got to be registered with the NDIA. And I pulled up the search, anyone can do it and I think there was around about 30, 40, 43, 44 services who had said in their registration that they are willing to work inside a remote community and Yuendumu may have just been one of many. But once again – and I think this is drawing the learning from the changes made in the Central Australia region for Territory Families, is those place based services have, you know, a good ability to make change and the drive-in, drive-out sometimes is more challenging. And certainly, we've raised that to the Commonwealth.

THE CORONER: So if you've got an assessment that might – and the evidence a young person either involved in care and protection or in youth justice – what service is provided to take that assessment and get it through the NDIS loopholes?---Thank you for use of (inaudible). So as most - - -

Loopholes is probably not the right one?---Yeah. The referral and assessment process.

To get through the hoops?---So a couple of ways of answering this, your Honour. And first there's the – obviously under the *Youth Justice Act* s 67, so when a young person is inside court an order can be made for an assessment to be completed on various areas. And the use of s 67 by the Bench has increased. So I was talking to our Executive Director of Clinical and Professional Practice yesterday and she raised that - I think we had about 35 referrals of s 37 – I've lost - - -

67?---67, thank you very much. I'll slow my head down. In the year. So we've got assessments being completed to go through a change in terms and picking up both your question and your question – inside Territory Families as part of our reform in clinical and professional practice, noting how challenging it was to get assessments, back in this time assessments were largely done by referral to the Department of Health, to an Aboriginal medical service if they provided that service, or through the Department of Education. So that was kind of the history. There had been well recorded challenges in getting those assessments completed, probably because of volume and those agencies can answer for that more fully. Is that the department actually set up a panel contract which we call the MARS (?) contract. But it's effectively a group of private service providers who have entered a panel contract with us. So if we need an assessment on a young person in detention, under 67 or otherwise, we can go to this group of service providers and say we need this type of assessment, FASD, you know, adaptive learning, cognitive, whatever it may be and we have a funding arrangement with them for that to be done. That's quite a change. So that's accessed by Child Protection and Youth Justice as a one agency concept. There are sometimes challenges both because of workload, but also not all psychologists or professionals in the Allied Health want to work in the adolescence space or child space. So while there are certainly a broad breadth of providers available, that again narrows working in this particular group. So we go through times where assessments are done in quite a timely way and other times it's just the capacity of the service network, which includes obviously the private providers to be able to get the assessments done. Additional to that, I'm not sure if Ms Arche (?)

talked about it, but the department also funded separately to the panel contract, money specifically for assessments, which - - -

The next questions was once you have an assessment, whether you're in Care and Protection or in the Youth Justice side of things, what is done with that assessment if it seems that it might entitle a child to services under the NDIS?---So if we're working in child protection or youth justice, sometimes that assistance to the family to complete the application, have the assessments and provide the information is done by a family support service, if they're involved. It could be done by us as well. It is well acknowledged that a number of families really struggle with that application process. It's quite a number of questions. And so we kind of provide that now. So you see in case plans for children in Youth Justice and Child Protection now around, you know, application to be made for NDIA. And it's against either the case manager or maybe a support service that's involved or a YOREO or something like that. We absolutely acknowledge it's actually quite a challenging process, which I'm sure would be considered in the review of NDIA. So yeah, that work is supported. But keeping in mind – and I think your point may be, your Honour, is around by the time you get a Child Protection service or a Youth Justice service being the ones helping a family to get support, there is missed opportunities earlier in the game to get that and that a number of families struggle with applications for NDIA. And that's also in the adult space as well, not just children.

I know. I just wanted to reassure myself that if a report is obtained through the Youth Justice process or through the Care and Protection process, that appears to entitle a child to NDIS, that Youth Justice and Care and Protection just didn't stop there, that once it's available, they actually see that process through?---We've got a very small team, although they are experts and absolute respect to them, the knowledge they have around working with the NDIA and getting young people on plans is exceptional. So we have a very small team who work with case managers to help them negotiate the NDIA process. And we've had quite a concerted effort around getting children who are certainly in the care of the CEO with the appropriate plans. Even when you've got a plan, you've got to make sure the money is spent. So that's the next bit of work that you do once you have a plan. So we have a very small but expert group around – who knows the ins and outs, the nuances around getting applications done and then also getting money spent, so our case managers are able to draw on that expert knowledge because we know that NDA is not kind of – it's not abdicating responsibility – it's not our core business.

THE CORONER: No?---But it is our core business to assist families and young people and children to get on the plan so they get their speech therapy, they get their (inaudible) behaviour assessments.

MR MCCARTHY: If it assists, there is some discussion of this issue?---Thank you, yes.

That's in - par 296 to 304.

THE CORONER: Thank you, yes?---Thank you.

MR MCCARTHY: So going back to the Crawley report - - -?---Yes.

- - - and this a period where you say there are some changes in practice. I think there are a number of factors that come together here, but it does look on the files of the Department that Kumanjaya experienced an improvement during this period. He stops offending, that there's some stability in his life?---There is some stability, yes.

Moving forward to 2018?---Thank you, yes.

And I'm almost finished, your Honour. Perhaps maybe, once we get to the end of the direct involvement between Kumanjaya and the Department, it might be an appropriate time to take a break.

THE CORONER: Sure?---I apologise, I've been kind of looking at reforms at the same time as - - -

MR MCCARTHY: That's okay.

THE CORONER: The same as me?---Is it? I've got to draw it all together, your Honour.

MR MCCARTHY: The next engagement between the department and Kumanjaya occurred in May 2018?---Yes.

Kumanjaya was arrested and returned to the ASYDC in relation to a series of assaults?---Yes.

At par 212, you note that Kumanjaya remained engaged with (inaudible) program - - - ?---Yes.

- - - while in detention?---Yes.

So this would suggest would Kumanjaya would have access to some provision of support in detention from the outside RT?---Particular to those charges, yes.

Yes. And your own staff were involved in attempts to link Kumanjaya up with rehabilitation programs. What was the – so this where Richard Krueger comes into the fore, what were the aims of the ways that Richard Krueger were doing at the moment to try and link him up with programs outside of detention?---Mr Krueger, very appropriately, started to – and this is – in working with this level of complexity, you can't do everything all at once. So it's about stripping back and saying, what is the most critical that we work on now and then what do we move to next, and then what do we move to next, and also, noting that Kumanjaya is in very late stages of adolescence. So what Mr Krueger did is say, okay what are the supports that we need to do to get into play, you know, like the Tangentyere service around offending, but also Kumanjaya was self-reporting drug and alcohol, so how do we get a residential program to assist in addressing some of the offending behaviours, that

may have been a driver. So he starts to strip away and you notice in the work that he does is he's talking about, how do we get – assist the – and it's used very clearly, consequential thinking, because what was very clearly spelt out in Ms Crawley's report was that Kumanjaya may be impacted by consequential thinking; so in a moment, he's not thinking about, if I cross the road, the car may come. It's like, I'm going to cross the road. And so, Richard's work is saying, okay we need to strip this right back, and actually one of the core things that will help change trajectory, behaviour and of course, offending is around, if I can assist Kumanjaya to move to a place of being able to think about what next and impact. Now, that's quite a complex thought process. It takes a while to develop. It literally takes a childhood to develop that because it's changing the way the brain operates as well. And so Richard really puts into play support services, and Ms Chilvers also very articulately speaks about this as well in her assessment work. And I note that- and with respect, Ms Chilvers worked for a couple of organisations over this time, and each time, Kumanjaya came onto her radar. She also was very clear in saying, we actually need to really focus on same basics and to be able to go forward. And so this is where we start looking at DASA and CAAAPU who's alcohol and drug, and they also were looking at prosocial behaviours and consequential thinking. For me, that is actually a really appropriate way of dealing with the situation and there's references of course around the more practical stuff, around Centrelink payments and those kinds of things that Mr Krueger also delved into. So this is a change, although I note and I absolutely accept, late in Kumanjaya's adolescence.

He was – well an application was made for Kumanjaya to attend Bush Mob?---That's right.

At that stage, I understand he wasn't accepted into the program?---No.

And the documents expose why?---No, not directly, however, holistically over the reading of the file, it appears that some behaviours that were being presented by Kumanjaya at the time may have been barriers to services accepting it. So if – and very transparently, it seemed that service delivery and options were narrowing for Kumanjaya.

And he was not accepted into the Alice Springs youth accommodation and support services?---Yep.

Is that correct?---Yes.

He was accepted into Drug and Alcohol Solutions Australia or DASA?---Yes.

What services does DASA provide?---So, DASA is a residential and an outreach program. They are funded onto the Department of Health, there's – Department of Health does in terms of rehabilitation services for adolescents and adults. And they work on a, what is very much a holistic framework. So and as residential program operates around addressing the drug and alcohol use, the reasons why that may be occurring and focus on wellness, and spiritual wellness as well. So it's not complex when you do it, but it's more than just saying, this is an alcohol addiction or an issue,

let's just focus on the alcohol, and the difference, it actually looks at the whole person which is absolutely researched-endorsed and evidence-based way of working with people with addiction as a whole.

So on 3 October 2018, you state that Kumanjayi was able to attend to DASA?---Yes.

And then on 13 October, some 10 days later, Kumanjayi turned 18?---Yes, that's right.

And then, once Kumanjayi turns 18, I understand that there's some process where he would remain with the Department for a few weeks, but then (inaudible) ceases because he was into adult brackets?---That's right and speaking over the age of 18, so we see that Mr Krueger's work continued to 2018 into 2019. We have the – we are able to continue to work with young people or young adults at that stage. If the charges or offences occurred when they were under the age of 18 years, and that's certainly the context of Kumanjayi at the time, So Mr Krueger and his team continued to work with Kumanjayi through to – I believe it was for childhood offending.

I don't have very long to go.

When would you like to take the morning tea adjournment.

THE CORONER: How long have you got to go?

MR MCCARTHY: Fifteen minutes.

THE CORONER: No, we'll take the morning tea adjournment.

ADJOURNED

RESUMED

GABRIELLE BROWN, under former oath:

THE CORONER: Yes, Mr McCarthy.

XN BY MR MCCARTHY:

MR MCCARTHY: Ms Brown, from par 219 from your affidavit you start to discuss some of the key issues that you've identified in your review of this case?---Sure. But before I start, your Honour, I just wanted to add a correction to my evidence earlier in relation to the Child and Family Centre at Yuendumu. You asked me directly about whether Territory Families housing community is funded. It's actually under the Department of Education. Because Child and Family Centres across the Territory, some are in the – in our agency and some are run by the Department of Education. Aboriginal community-controlled services are still in play. And particularly around the Yuendumu one is the Families as First Teachers Program, which is Education's very successful program of infancy through to the beginning of school. To such a degree the success is actually New South Wales is picking up the Families as First Teachers Program within their jurisdiction as well. But I wanted to clarify my correction in terms of the department's responsibilities. And I do apologise.

THE CORONER: Thanks for correcting that.

Yes.

MR MCCARTHY: So from par 219 you talk about some of the key issues that you've identified (inaudible)?---Thank you.

I think there's four of them. I just want to take you to a couple this morning?---Yep.

The first is from 2019, there's a discussion of decision making with respect to the appropriate level of statutory intervention. Now I understand on your review of the case there was differing thoughts throughout about what should be done, what support should be provided, whether a statutory intervention was appropriate or not appropriate and there was some resistance in staff at the department to use the statutory intervention. Can you talk to why you think that was the case?---For clarity and just to check your questioning, when you talk about statutory are you talking about in the child protection context, because that separates it from the statutory work in Youth Justice which of course occur through the Youth Justice Courts.

Yes, I'm talking about the Child Protection (inaudible)?---Thank you. Yes and I reference that and discussed some of this earlier in evidence where it comes into around what is the best way to provide support to a family and to a young person. And once again, I absolutely qualify that more should have been done by Territory Families, Housing and Communities in this space. The review of the file is quite clear about that. So – and if the court would recall I talked through around that needing to balance up around what type of intervention or what level of intervention

will get the – will be best to work towards the outcomes. And if I could be so clear is around – when I looked at the file and was thinking through around what would I have done as say a team leader in Child Protection or a manger in Child Protection if this young person had been in care. And in all honesty, the referral to DASA, the residential rehab programs and those like the drivers for the behaviour, still would have been trajectory – those still would have been considerations in a case plan around it. I think what is – and I discussed very early in my evidence what is missing from the support to Kumanjayi's family and himself is that consistency. And that more than just crisis driven and solution, close out, wait for the next event, start it all over again. Particularly with the complexity and as amply demonstrated in Ms Crawley's report is the reason, effectively, why we needed a longer term view of the support that an ongoing case management would have incurred. It is not necessarily to have a child in care, to be able to provide that longer-term family support arrangements. I can see the struggle in working through how best to support Kumanjayi. In part because, and this is not at all a blaming statement, please, I not want to interpret like this at all, but the behaviour's being presented by Kumanjayi, which were driven by now – what we know now to be a mild to moderate intellectual impairment, and challenges and a trauma – trauma-based childhood, that more intensive support, and coordinated support, would have been the difference. And a support network and service network, both government, and non-government, who understood Kumanjayi's needs in that context of his – his capabilities, rather than, I guess in some ways, a resumption that he was a 15 year old young person with all the normal things that a 15 year old young person might have in a general other part of society who hasn't – who didn't experience the challenges that he had, and didn't have the intellectual impairment. So that – that for me, is a criticality is that complex young people are very difficult to work with, and that's a very general statement there. Multiple needs. You put in a trauma context on top of normal adolescent development, then you have a very complex system. And – and I've mentioned this, but for Kumanjayi, what may it different for Kumanjayi compared to other families who – who are working with highly complex, is that there were multiple family members who wanted to be involved. All of them expressed challenges around Kumanjayi's behaviour and not understanding – not necessarily understanding why it was occurring. And the sense of very understandable frustration at times. As most families are apt to do. You know, there's nothing unusual in Kumanjayi's family's response. They were constantly trying to – or every time I asked, they were thinking – trying to think of another idea, or another way to do it. They wholly supported the residential treatment programs, in terms of DASA and CAAAPU and Bush Mob. Because they saw, and I'm presuming, and I do not at all speak for the family, and they absolutely can over – can correct me, is around that scene that the residential context of treatment, from their perspective, is likely to saying, and how I would look at it, if – if it was a child in care, is around actually you've got a placed based service, that is addressing multiple things for a young person. Which is actually a really good therapeutic frame to work from. We also know that Bush Mop and the – and the Aboriginal and Drug Rehabilitation Services have been – and have been operating from a trauma informed model, and that's been improving over time. Noting that trauma informed practise is actually – it's not relatively new, it's been around about ten years. But you can see the understanding of young people's behaviour, or adult's behaviour through a trauma informed lens. Both either through incidents

within childhood or the history of a family. And I also talk very deliberately in terms of the history of Australia, and its impact upon our First Nations people. It's absolutely a trauma informed lens. Is that that this understanding of a person's behaviour, within a context of their history, is so critical to be able to make change in moving forward. Ten years ago – 15 years ago, and I've been in this in my entire career into the human services sector, we certainly were not talking or thinking this way, when I started out as a child protection practitioner. We knew that history impacted behaviour and drove behaviour, but really getting into historical trauma informed lens, we – we are – absolutely we're not there. Now we're at a stage where – and I say this with the respect and admiration to my Department of Education, they've written a student engagement strategy, that specifically references trauma informed practise. Now that's a huge move. Usually, and I say this, you know, is around trauma informed, or therapy, all those kinds of things, as kind of been – it's always been the helping services, you know, child protection is that kind of business. Now we're in seeing trauma informed language, understanding interventions, going right across the human services sector. It's – it's a radical change. And I use the word "radical" quite deliberately, because I've had the – the pleasure of working inside this business and seeing this change, that we talk about a trauma informed lens in residential care, alcohol and drug, education services, and child protection services, in family support. We see it in Safe and Supported, which is one of the most critical documents on a national scale for vulnerable children. It's just all the way through. And I'm sounding as though I'm really singing a narrative here, but in terms of will this make generational change, will we start – will we work differently, the – yes. That's the end of my narrative on trauma informed. But it's – I can't under-estimate the value of this change, across a service system.

(Inaudible) experience, that's very useful. Thank you. Part 235, you talk to challenges in providing given communities special support. Now I understand Yuendumu isn't a bad example of I suppose what you'd call that – the sort of early intervention, family support type services, because you have in community, child protection workers, in community RFS workers, have a family first teacher's centre in Yuendumu. You have a – as a funded diversion providing in – all that, but I think what you describe in this section, is the difficulty in finding services that deal with (inaudible) complex young persons. Can you talk to the court about how that difficulty presents - - - ?---Yeah.

- - - and how you overcome (inaudible) where you can?---Where we can. I – I agree. And this is in no criticism of the services working in Yuendumu, or many remote communities, and urban centres, is around working with highly complex adolescents, is actually – particularly those impacted by trauma and living with a disability, is quite a unique skill set. It still takes a service network, and case management to occur. So it does not say that none of these services should be working with Kumanjayi and his family. They absolutely should. But in terms of that understanding of drugs, or behaviour and health, and service providers understand why the young person may be behaving this way. Ms Chilvers you can see elements of Ms Chilvers attempting to do this through case management processes, and feeding into bail support plans, and pre-sentence reports. Ms Chilvers is – was providing intelligence and what I see

– what must have been an ongoing effort by Ms Chilvers, is around that gentle education, around the service network to say there's actually something more complex here. Just having a Youth Service engaging and playing a basketball match on a, you know, Saturday night, isn't going to be enough. That's no disservice to the basketball match. I'm all happy with that. Happy to play as well. But this level of complexity and interconnectedness, particularly where a family is wanting to be involved, and helping the family understand what's going on, which then reduces the frustration and understands a better planning going forward, it's – it's a complex area. Now in terms of is there anything different since 2000 and you know, 13 – 14 and – similar to now, is around not necessarily in terms of it. Other than training that the service system as a whole, is recognising that families we are working with that this kind of tertiary or pointy end, and there's not an eloquent way of putting it, as the pointy end, the most complex families is that our service system are becoming more educated and developed in – in working in this space. But, once again, it's challenging work. It's – it's perseverance in many ways. Because you're both dealing with an adolescent development, and hormones, and all those things that happen, and you know, rejection of authority, and all those very normal adolescent things, being demonstrated at a much higher level, because of trauma, histories, living with disabilities, and what may have been some compromised childhood.

And the NDIS and the MARS Panel, which you've spoken about at length, so I won't go into the full detail - - - ?---Yes, thank you.

- - - they – they assist in this space, but they're not a super bullet, because you still need to have the specialist service providers, who are willing to operate in a place like Yuendumu?---Yeah. Specialist service providers, although I'll be also saying that developing the expertise inside the existing service systems, whichever way that there is a possibility, it's just around – yeah, that persistence and needing to look at the whole of the young person in – in their family, and see that change needs to occur for a young person. And change also needs to occur within their family. I think some of the conversation around working with adolescents, and in part, in the Youth Justice context, is around, we can work one on one with a young person, and help them, you know, address whatever's going on in their head or their peer network – and we note peers are hugely influential – is around. But unless you actually help and work with the family to change the family environment, whatever that may be – and it could be small tweaks to the family, it could be large ones – then working just individually with a young person is unlikely to get traction over the long term. Because a young person is going back into a similar environment where challenges may be. So the complexity of family support in an adolescent space is quite different to the complexity of working in the family support of like a zero to five space. You know, helping families – and there's so many times I've spoken to, you know, adults, both inside my – when I've been working in service delivery but also in my own life where people are going I just don't understand why this child is behaving this way when they're 14. Well actually what's going on is you're now dealing with a young person who's trying to assert authority. It's a complex time. And adolescent work is a distinct skill.

THE CORONER: So what kind of person do you need working intensively with the family? What skills do you need? Where should they be based?---So skills and there are people much more learned than I, so I probably can start this conversation but I wouldn't consider myself the definitive voice – is around perseverance. So engaging young people and engaging families who are struggling – and I speak very generally, this is not specifically about Kumanjayi and his family – need proactive engagement. So going back out – today may not be the day to have the conversation, but tomorrow might be. So very proactive engagement. Not necessarily expecting – I think we touched on this in terms of the Child and Family Centre. Not putting barriers in place for engagement, i.e. must present to this office at this time. You know, sometimes families just struggle to get kids to school. So how do we reduce the barriers so that proactive engagement can go into play. How do you break down challenges that are occurring into the very simple and practical steps for families to have a sense of achievement? I think sometimes we – and from a social worker's perspective, sometimes we create plans that have so much stuff in them, they become quite overwhelming. And I guess that's where the signs of safety framework is actually really good in our agencies, because it really starts to narrow down. Actually let's just work on the small gains, because we know small gains move to large gains. The other part within working with adolescents is there is a kind of prevention space. We know that disengagement from education is a key driver for what then occurs next. So more likely to be involved in antisocial behaviour, more likely to have negative peer networks. And this is not an NT specific thing, it's quite well recorded in evidence across the world. So again is around where you've got early – in that pre-adolescent space, there's an opportunity for change and engagement right there. So if you've got a young person or a pre-adolescent who's starting to disengage from education, how do we get that back into play. That takes perseverance. What are the barriers. Is it emotional resilience, is it overwhelmed by academic, what is it. So instead of looking at the whole picture, let's narrow it down into simple steps so it doesn't become overwhelming. And positive change begets positive change. I also think we need to be very practical. And when I say we, we need workers to be reaching out and be – to persevere, is that working in high complexity adolescents, you're not going to get change straight away. You have two steps forward, three steps back, two steps forward, it's a constant thing. Sometimes it all falls together and you have a great day or a great week. Other times it's not so great and you've just got to keep working and working because of the broader goal.

So who is the person or people in Yuendumu on the ground today that can deliver that service to a family in need?---So WYDAC is a funded youth service both within the Commonwealth frame. But in terms of complexity – and this is not a criticism of WYDAC – is around in terms of high complexity adolescents, it would be about is there a particular worker inside their space who is able to deliver that work. Certainly Ms Chilvers and I would have started out at WYDAC but then the strength of her assessment work in – I believe the two other roles that she was in that – when I reviewed the file I picked up – certainly was a worker in that space.

So do you think WYDAC is funded to provide this service?---So we fund for youth diversion, so not under our existing framework. And my understanding – and I can't

speaking with authority – but are the other funding arrangements from the Commonwealth under a youth development and youth engagement.

Your understanding is that the service provider that should provide a person that has the skills and ability to provide this service to families in Yuendumu is WYDAC?
---I believe so. Now - - -

It's not Territory Families?---So I understand what you're saying now. Sorry, I was just trying to work through in my head. I apologise, I understand the question. So in terms of complexity where there – if it's a youth justice and there's an overlay of youth justice, absolutely we're there in terms of that because of our obligations in the youth justice pool, so our voluntary space of youth justice. Now there's – when we talk about case management service delivery, if we've got an open case, yes, we would be part of that. The other thing - - -

Well you say if we've got an open case. You've talked about these young people needing long-term intervention. So why would it be limited to if we've got an open case?---Okay. Can I clarify?

Yes?---Thank you, your Honour. So the role of – if I talk on the child protection side, the role is the case management stuff. And you've heard me through evidence talk about a longitudinal view around case management. Case management is all about drawing the right resources if we can, into to support and work with children and families. So – and you see this throughout Kumanjayi's case. But in complex adolescents child protection or youth justice would be a case coordinator or a case manager, still bringing in the services of WYDAC, still bringing in the services of the school and student engagement. So that's about – but are we the person who are doing the intervention specifically to it. Not necessarily we are – working with the families seeking views, developing care plans, reviewing those and then moving through. So yeah, I understand what you're saying.

So you think that if there is a child who has come to the attention through Youth Justice or Care and Protection, the Territory Families worker identifies the search which you think at the moment is likely WYDAC - - -?---Although (inaudible) the specialist.

- - - to provide this proactive persevering consistent engagement over time?
---Your Honour, I just want to rephrase the question because it sounds as though I'm abdicating all responsibility to WYDAC and I'm not. When I talk about a service system, so education, if the young person is engaged - - -

No, no. What I'm trying to find out is - - -?---Workplace coordinator.

- - - who that person is?---Yes. So case coordination - - -

Who is this person?---Case coordination would come into Territory Families.

Case coordination, yes. But who is the person that's going to provide the proactive perseverance, extended over time engagement?---Every service should be doing that who's involved with the family. If you say one – it's a similar type of – and I apologise if I'm confusing the court. And just if you can allow my thinking for a bit.

Sure?---So there's a case manager around making sure the services are involved or if it drops off, what's going on, come back into the fold. But if Education and we've got a disengagement from Education, Education should be doing the positive reinforcement perseverance to get the young person or child back into education. If Health Clinic are seeing a particular issue that isn't being addressed that could make a difference, perseverance in terms of getting that young person to the Health Clinic and following through. So my point is around there isn't necessarily one person or one service cannot solve the complexity of highly complex adolescents. It does take a network and it takes that whole network.

Who is the case coordinator then to coordinate that network?---So two responses to that. And I know this may be a frustrating response, but let me be transparent. Is around if Territory Families has an open case, we are the case managers and the lead of that working with our colleague partners. If we're not, then another agency may do it. You sometimes see this in Kumanjaji where WYDAC took the lead. Once again, it comes into play – and this is not abdicating responsibility or saying it's not ours, please do not hear it that way – is around complex adolescents are developed along the way and sometimes many services are involved before it gets to the point of child protection or youth justice. And so you see the non-government sector, Aboriginal community control sometimes taking the lead in those arrangements as well.

Who – how do you ensure that someone is taking the lead?---Well that's a critical question because we also see that and that was kind of the review in the case for Kumanjaji as well, is around – I know there were various services trying to do their best and the coordination of those really came into play by Territory Families, particularly in the youth justice sense in the later years that I was talking about with Mr Krueger.

MR MCCARTHY: I might be able to assist, your Honour, if that's okay?---Thank you.

So it might be useful to give a better example?---Yep.

I think if I can ask you to turn to par 347 of your affidavit?---Yes.

You were asked by the solicitor assisting to provide a comment in relation to what services are relevant to the department, the treatment for a young person who has been diagnosed with FASD?---Yeah. Very broad.

So this is a very (inaudible) telling you about a neurological disorder, consider my services will be engaged (inaudible), I suppose in the first instance, this young person would come on the radar either through the Department of Education,

Department of Territory Families and again an NDIS provider. Is that correct? That would be one thing by the Department of Education or the Department of Territory Families to get them onto (inaudible)?---Yeah, if we have – if we are aware and we have an open case, and I know that that sounds as though I'm gatekeeping, and I'm not trying to be adversarial in any way around that or gatekeep, but – and once again, I come back to, do you actually need to get to the point of a statutory child protection agency to get an application into NDI and I think we discussed that quite fully earlier, and the challenges of making applications. So if an assessment comes through an identification, certainly if the Department of Education is picking up learning developments and delays, they are the lead agency for education.

Yes. And once you're on this plan, I understand that there is a coordinator that it's appointed to your case and if you get onto them - - -?---Yep, there may be a coordinator appointed to the case based on the funding approval by the scheme.

And that coordinator would be engaged through a period time?---Yep.

Throughout the duration of time?---Once again, and I'm talking about a Commonwealth program, so it's called a coordinator of services, a COS. So, a COS may be involved to help coordinate the plan for the young – for the child or young person or adult and that could be, you know, the coordination of the physio, the OT in particularly complex disability matters, yes. And they would lead to the disability component.

And there would be referrals to services within you've developed and you've set out some examples for the support services that are available ay Yuendumu. At 347, you talk about remote family support services, child protection practitioners, teachers, teaching assistants, Aboriginal teaching assistants. There's a discussion of psychologists on occupation therapists and speech pathologists (inaudible)?---Yes, I would assume so, absolutely.

And there are other specialist staff that the young person might be looked after from interstate. I understand that occurs from time to time?---Yeah, I'm very highly specialised in circumstances unique to those children.

So in the case of something specifically like FASD, there is this process that's in place to have someone coordinate the linking of services on quite a longer time. Is that right?---Yeah.

And if the young person didn't have FASD, if they were – didn't have it and identified disorder, but were on the – were brought to the attention of Territory Families. My understanding is that there would probably be made by Territory Families an investigation into the (inaudible) it's understood that the family were - - -?---Had the support.

- - - coordinated these services. Is that right?---Agreed.

Does that help somewhat, your Honour, or am I taking this issue backwards.

THE CORONER: No, it just doesn't seem that there's really been a change. It's still completely dependent on all of these different services somehow reaching out and engaging with the family and hoping there's some coordination and no real oversight on whether or not the services are effectively delivering?---May I address some of that.

Sure?---And something that I've missed in my evidence, there's been discussion from Territory Families' institutional witness in other Coronials in relation to the MAXED (?), which is moving into the child wellbeing and safety framework following consultation with our Aboriginal community control partners. The child wellbeing and safety framework is – sorry, let me just get – I'm going to run out of voice soon.

We could keep you here very late?---So the child's wellbeing and safety meetings relatively rely on three things. One is a family component. One is a service component and then Aboriginal leadership component. It's very, very place based, and this process is being rolled out across the Territory. So the – coming to your point about how do we know things are being done, what that framework and series of meetings is trying to do is to pick up families in that very early prevention and early intervention space for more complex children and families, and the services are knitting together to say, all right, what are you doing, what are you doing? What's the task, what's the actions? There's one of these meetings occur in Yuendumu, it meets on a fortnightly basis. And I say, you know, if we were to look at the circumstances of Kumanjayi as at risk either in his very early childhood or in the – you know, 2014, there is no doubt that Kumanjayi and his family would have been included into the child wellbeing and safety framework. Effectively, it's a case management kind of process, but it is around making sure there is communication, there is process and there is sharing of information which we were able to do under Part 5A of the *Care and Protection Act*. And it is around making sure that the tasks and actions that a family or a young person requires, and also a family and young person consent to, are done. So there's very simple – I don't want to say it in a couple of minutes, but it's – you know, and just going from memory, there's the date of the meeting, the attendings of course and the action – and I'm making this up, just for an example, is that education to follow up family in relation to school attendance done by next fortnight, this is the name of the person responsible, textbook note, what were the actions of the last time, are we there, what's the update. Oh well, I went to the family, but they're having struggles with family support. Okay, RFQ, or remote family support worker, follow up family in relation to a), or b) or c). So there's that structure that is now moving into place. It is a place base, so each community kind of looks a little bit differently and those meetings are certainly not in all communities, but Yuendumu does have one operating. And in conversations with the Executive – Acting Executive Director for Central Australia who covers off both child protection and youth justice, Mr Cheddar (?), he speaks very positively of that meeting in Yuendumu.

THE CORONER: Yes.

MR MCCARTHY: I might take you to a few relevant reforms now?---Thank you.

If that suits?---Yeah.

At par 267, you talk about the merging of child protection and youth justice, you've already spoken about the change in philosophy to some extent, so I won't ask you to detail questions about that. But I understand the model of care, which is also mentioned in par 283 - - -?---Yeah.

- - - is somewhat of an extension of this change in philosophy?---Yeah, I agree, the model of care came about from the Royal Commission, yep.

Can you apprise the court with an explanation as to what the model of care is about and seeks to achieve?---So the model of care relates to the operation of our detention centres which of course then have overlaying connection to the community youth justice framework. I've exhibited - the model of care is publicly available. It was developed through a highly consultative process between government agencies, nongovernment agencies and Aboriginal community-controlled services to look at how we will care for, raise through a trauma-informed lens and operate our detention centres. It has been – it's always been a piece of work for Territory Families and it arises from the Royal Commission and reform of youth justice. And so what it does is actually start to put all of our operations in the detention centre through a trauma-informed lens. The stats team is part of the model of care, so there's always been this change process occurring, but this is the model of care kind of all put together. So the stats are a critical part of it. The different ways of doing case management, how we train our youth justice officers. We train our youth justice officers in their induction program and then ongoing in trauma-informed practice, in living with a disability, in cultural considerations and all of – we train our staff quite differently and it's all about how do we work with young people who, yes, are living in a detention context, but how we work in a relational way, rather than if I could put it so bluntly, a custodial way with young people. We know that relationships actually – between young people and youth justice officers are very positive and that to get change and help young people understand the context, to have positive behaviours, the reinforcement, we know that the relationship through a trauma-informed lens and a behaviour – positive behaviour support lens is the way to go. I really, without it all assuming the actions of the court, but the model of care is a seminal document and it is the kind of a way to exemplify with the detention centres and Community Youth Justice is going next after the reform thus far and may assist in considerations of recommendations. The other part of model care that is relevant to the facts of Kumanjayi's matter is around the model of care considers that the follow up and work with young people should not start and stop at the detention centre door, a blunt way of saying it. So it really considers the plans that are developed inside a detention centre for a young person are then followed through by the YORET team or child protection team, if relevant, into the community or linkages up with the support services in the community. It's moving away from we are only a detention centre – and this is quite some time ago that we were in this space – we are only a detention centre and that's the concern. The model of care says we're looking at the young person moving into the detention centre, through the detention centre back out to the community. How do we make sure that is as smooth as possible? There's

elements of the model care already in play. One is about the training of our staff, the other is the SATS team. Some of it is our behaviour support model in the centre cycle. The other one that's an example of it is – and I've just lost my through – around the Throughcare arrangements. So we're changing the way that we do exiting. So our detention centre staff will actually escort young people home to wherever that may be. Or we might escort to a certain place and our Territory Families staff will then pick up the young person and take them the final bit home. So it's that care right through the system and support rather than just seeing it as a discreet service. The model of care is where we are going next. It is very deliberately developed in collaboration with our partners, both of those who will be operating in our new detention centres when they are finalised and ready to go. But it also is a well evidenced model of care behind that as well. So we are effectively in a place in this document that brings us both inline and in some places ahead of other jurisdictions.

And just very briefly on the statement supported, later on in your statement you indicate that your view is that best practice in new services requires service delivery by Aboriginal controlled organisations?---Yep, Aboriginal groups.

I understand Safe and Supported has enabled the increase in services delivered by Aboriginal controlled organisations. Can you talk to that briefly?---Yeah. I asked for the action plan to be exhibited to the affidavit because it is a very significant thing and it helps parties for the court to understand where we're going next. So Safe and Supported is a national framework for protecting Australia's children. It's effectively a ten-year plan. It was released initially in 2021 and the first action plans for the framework were released on 31 January this year. There's an action plan for children in general, or vulnerable children in general in Australia and then there is a very specific action plan for Aboriginal and Torres Strait Islander children. All of the judications, including the Northern Territory have signed up to for approved the involvement in Safe and Supported and its subsequent action plans. I spoke earlier around the differences that I've seen in my career in relation to trauma informed practice and how it's now, you know, more universally accepted as the way to understand behaviour in needs and challenge. This is the first time that I've seen in such comprehensive manner the recognition – and I agree it's very late and to the frustration I'm sure of many Aboriginal services and people around the acknowledgment and understanding and subsequent actions that if you are providing services to Aboriginal children and families and communities, they are best placed to be led by Aboriginal organisations and Aboriginal people. And that makes – it makes complete sense. So the Safe and Supported framework and particularly the Aboriginal Children's Action Plan is very clear in governments moving and looking at funding arrangements with Aboriginal community controlled services providing services to children and families. Territory Families is – we're already on this trajectory around it. In fact, we started as part of our Youth Diversion Program when we started to fund Aboriginal community controlled services to provide diversion services. We've moved into this space in our Family Support Service program area. We have funded Aboriginal community controlled services across the Territory, including remote areas run by Aboriginal community controlled services. The Family and Children's Centre is another example of that where ACOs are running those

centres. So it's still a long way to go because it's not just Territory Families in this space in terms of providing Aboriginal community control. We can also see it in the Department of Health's moving their services into Aboriginal medical services as well, is the same kind of trajectory. Although Health have been on this journey longer than we have. So if – the reason I've deliberately included is not because I'm – actually I'm on a number of a couple of working groups nationally on it – but it is a significant change in funding frameworks, in understanding, in working with Aboriginal children. And so clearly articulated as where we are going. And from the Northern Territory's perspective, yes, we've got a journey. It's going to be challenging and it will have all sorts of things that we'll need to do. But in terms of mindfulness around recommendations or contextualising recommendations, Safe and Supported Action Plan and the framework as a whole, it's a national plan and we're all signed up to it.

I could be in the wrong place here but I think you provide the example of 14 providers?---In Family Support?

In Family Support?---And one of those is multicultural.

Can you speak to those?---Yes. So the Family Support Program across the Territory, urban and remote context, we funded 14 family support services and 13 of which are Aboriginal community controlled or are joined up with what we would consider mainstream family support services, as a joint consent partnership. The 14th service is a multicultural agency. So once again, when you look at Northern Territory Child Protection data, we are grossly overrepresented for – with Aboriginal children, absolutely grossly overrepresented. And so our family support service is all about trying to prevent children escalating in but also exiting the child protection system, which is why that funding frame is there. And just to be clear for those people – and I know that we're talking about Aboriginal children and families here, but there are the also family support services available for non-Aboriginal people in the Northern Territory. Please don't hear that this is the only focus. I wanted to bring attention to this because it does have, you know – people influence the way that the Territory and our colleague jurisdictions work.

You note at par 331 that there are 272 Aboriginal staff employed by the Department?---Yes.

Representing 20 percent of the Department's employees?---Yes.

From par 328 you talk about the Aboriginal workforce plan?---Yes.

Could you speak briefly to the Aboriginal workforce plan?---Yeah. This comes into play from Territory Families' perspective which is then obviously rolled through into our – the next machinery government change which brought Housing and Communities with us – is around if we are working for a population, that is I think in the last census – and anyone can correct me – it's about 36 percent of the Northern Territory population is Aboriginal. Then – and we have overrepresentation in our program areas. Then how do we increase Aboriginal voice, Aboriginal views into our

workforce. More than just, you know, we've got Aboriginal workers on the ground and we've got remote Aboriginal community support workers. It's now looking at all the layers of the agency and saying we need Aboriginal people working inside our agency at every level. And this workforce plan has now been in place a couple of years. And a simple example of it is our special measures program for recruitment. So special measures, people will be able to see it in the Office of the Public Employment Commissioner's site, but effectively all positions in Territory Families are advertised under special measures, which means Aboriginal applicants are assessed first. And to allay any concern around that – although it isn't concerning – is around that a person who's appointed under special measures must be able to be assessed by the panel as able to do the job. So the assessment process is still the same, it's just it tries to reduce a bias that can be in play to have Aboriginal people assessed first in a merit selection process. If there is no suitable Aboriginal applicant, then of course the rest of the applicants are brought in and that's special measures. And the data is available around that. And that's the very simple example of the commitment into that. The other part of what we did and the lead piece of work in this space was around the implementation of signs of safety where because it's focused on signs of safety as in family led decision making, our Aboriginal workforce actually led the implementation of Signs of Safety, and were champions for that. And choosing to do so. And so we have staff in senior Aboriginal – senior practice leader positions, who are Aboriginal. We have managers, team leaders, practise leaders. So just trying to develop – do training and education supports, whether that be formal training courses, courses through CDU or Charles Darwin University, or similar. How do we increase knowledge skills and capacity for the people who come from the – the cultural group that we most work with, to provide services back. And that's – that's the whole point. We need Aboriginal people to work inside our agency, to make those changes inside our agency.

Thank you, Ms Brown. They're all the questions that I have for you. Is there anything you'd like to add?---No, but I'm sure there's clarifiers that will come up.

They're my questions, your Honour.

THE CORONER: Thank you.

Other questions?

MR MULLINS: Thank you, your Honour.

XXN BY MR MULLINS:

MR MULLINS: Ms Brown, my name is Mullins. I appear on behalf of the Brown, Walker, Robinson and Lane families?---Thank you.

Can I say, on behalf of those families, that they acknowledge and appreciate your expression of condolence. And they appreciate your candid concession, that there were many failings in the provision of services to Kumanjayi over a lengthy period of

time. I just have a couple of aspects that I'd like to ask you questions about. And it's exemplified at paras 133 through 141 of your statement. We don't need to bring it up. But have you got that in front of you?---Just a moment, 133, 2015, thank you.

Yes, So this goes back, par 133 to a period when Kumanjayi was 15 years of age?
---Yes.

And we can see at par 133 there that on 5 October 2015, police conduct – contacted the DCF case worker directly, to advise that no one was caring for Kumanjayi, he was refusing to go to WYDAC, and that he was pacing and erratic, because he did not have access to marihuana. On the next day, DCF – sorry, on the next page?
---Yes.

Par 134, DCF travelled to Yuendumu, and spoke with Ms Oldfield, who was then caring for Kumanjayi, and she indicated that Kumanjayi was doing fine, and that he was attending school. She said that she was still looking into organising for him to return to SevGen in Brisbane, but needed to liaise with WYDAC, and so she had a plan, obviously, that she was working on, to try and ensure that Kumanjayi was moved to SevGen, for – that's the boarding school isn't it?---Yes, I would agree, yes.

And obviously the person who was conducting the investigations considered that was reasonable?---Yes.

And then during up a follow up meeting with Ms Oldfield, she acknowledged Kumanjayi would roam around at night, but said that she worked for Night Patrol, and when she located him, she would take him home. So the investigation revealed that she was doing the best she could, in the circumstances?---I would agree.

She was acting with his best interests in mind?---I agree.

He was a 15-year-old boy, and on reflection, she didn't know, at the time that he was – had an intellectual disability, that's right?---I agree, yes.

And that a 15-year-old boy is difficult to manage sometimes, without an intellectual disability. And so it would have been a challenging time for her?---Yes.

We then look at the next paragraph, par 135, you say that when DCF are investigating it – investigating a notification, and it is clear that although the child in question is engaging in risky or challenging behaviours, the parents or caregivers are doing all that would reasonably be expected of them in the circumstances. A statutory response is typically not appropriate. Now do I understand from your evidence in that respect, that what you understood was happening, this was just an investigation in respect to the statutory response?---So I think – and in that context of a statutory response is the conversation I had earlier in relation to entry into care and taking Kumanjayi into care. So that – and when I wrote that paragraph, statutory response means that intervention of what is traditionally called the removal of a child, yes.

But you then identify in the next paragraph, “However, given the repeated indications from other persons within community that no one was looking after Kumanjayi, this should have triggered a more thorough investigation into his care arrangements”?
---Yes.

“And at the very best, more should have been done to provide support to Ms Oldfield in caring for Kumanjayi”?---Yes, yes, and that’s where – and I agree. And that’s where my conversation earlier in evidence was around that – more longitudinal support. That family support, Strengthening Families case work, would have enabled that longer term view, greater support, monitoring and engagement. So yes, that’s – in terms of looking at – back at the case, and saying where we could have done, and should have done things differently, it is to your point.

And the point is, of course, is that Ms Oldfield at the time, was a resident of Yuendumu. And we heard evidence yesterday that the average income in Yuendumu was about \$250 a week now. So almost the entire community is in poverty, you would accept that?---Based on the Centrelink payments, yes.

And if that’s the case, then for her to provide support to Kumanjayi, she needs support herself, doesn’t she?---Yes, that’s normal for any – any family, or any parent.

And for a person like that who is on a very limited income - - - ?---Yeah.

- - - the provision of petrol, to assist in – in travel for treatment, is something that needs to be addressed, doesn’t it?---Yes, and so this is where the ongoing – and this is – I understand where you’re questioning is going, without visiting the outcome of your question, is around where the Strengthening Families case work, may have made a difference, to – for that support. And I acknowledge completely, and you can see that through the reading of the file, that – and I spoke earlier around, you know, focusing on an individual to take on all the responsibilities for Kumanjayi, as – and as complex as they were, and there’s times where referral and WYDACs involved, and talks specifically in financial space. Where discretionary funding may sit with a family support or youth diversion provider. But that doesn’t negate that – that case management or family support, and that longitudinal stuff. Those issues would have been dealt in that context, if that’s the intent of the question.

Yes, and so we look at par 138 – sorry, 137 - - - ?---Thank you.

- - - that on 13 October 2015, a warrant of apprehension as issued in relation to an alleged break and enter by Kumanjayi. And then on 28 October 2015, he was apprehended and admitted to the Alice Springs Youth Detention Centre?---Yes.

So he then seems to have stayed there for a couple of months, because then there was an arrangement, whereby he was to go – we can see in par 138, he was to go to SevGen program in Queensland that was a result. Now are you able to say, if that were to happen today, that Ms Oldfield would be supported financially, in that move to Queensland, so that she could continue to provide that support to him?---It may be the case, and this is going – I’m going to give a couple of examples of this, about

where funding may come from, because the simple thing is around – there's options of family support funding. So some services are funded with what we call discretionary funding. So if they're working with a particular family, with a particular need, they have funding within their usual budget, to be able to support that family directly. And that's – that's often the case, and is quite practical. For child protection, if the service delivery was us, and there isn't that option in terms of existing funding already within a service provider, we may consider it, in the context of what we're trying to achieve, both for the individual child, or adolescent, and the family. There are also things and I'm not speaking specifically about Kumanjaya, but in terms of transfer to boarding school, and those kind of things, ABSTUDY and AUSTUDY actually has components around support to facilitate that process. Department of Education have a specialist unit, who help negotiate the ABSTUDY and AUSTUDY kind of framework. So in terms of yes there are options, and absolutely considerations. And there's kind of a couple of places where that support may come from.

The inquest has heard some evidence about the – the punitive nature of some aspects of a Centrelink engagement?---Yes.

And so that if a person doesn't do what they're supposed to do, they don't apply for the right number of jobs within the relevant timeframe - - - ?---Yes.

- - - or whatever, they can – Centrelink benefits can be withheld?---Yes.

Which would in fact exacerbate that poverty. And if that individual is seeking to provide assistance to another individual, as Ms Oldfield was here to Kumanjaya - - -? ---Yes.

- - - that could be problematic, if those – that ordinary funding was taken away from them. How are you dealing – what's the interface between your organisation and for say, Centrelink, in that context?---So our relationship with Centrelink is actually – it's very place based. So in terms of - - -

Sorry you said?---Sorry I use language – very place based, so - - -

Place based?---Yeah, so relationships will exist between say our Alice Springs office, with the local Alice Springs office that in- that are based in their local area. Like I speak very similarly from experience in greater Darwin region, where the relationships of key contacts inside Centrelink, who help us. Centrelink also have something – and I can't remember their new name, and I apologise, I can provide it to the court, but they used to be called grandparent advisors. There's another snazzy name for them now. But effectively those workers specifically with inside Centrelink are those people that we go to, to help sort out Centrelink matters. Now the broader policy perspective that you bring in terms of the impact of not meeting Centrelink requirements is a matter for Centrelink, but I understand and accept that if, you know, if you're not getting your Centrelink payment, which is a low payment anyway and with the implications of remote living on top of that, then it absolutely creates a challenge within families or individuals, let alone families. So I accept that.

But the policy matter I can't specifically talk to. But in terms of how do we work with Centrelink, we have key people and Centrelink does have roles inside that we often work with. That can range from confirming care arrangements for a child. Sometimes that is just about assisting the family to confirm that the child is no longer with mum or dad or grandma or back with auntie, which is really normal. So we do that. We also help for young people who – and you see this in Mr Krueger's work – who are of an age to go onto the Youth Allowance. We use facilitation and we help that process go through. So yeah, there are relationships in terms of an operational day to day level to help problem solve engagement in and getting people the money that they are able to get through Centrelink or services, tax benefits, healthcare cards, Medicare cards, all those normal kind of day to day things.

Two things about funding, just to complete my questions. The first is does your organisation have the funding to step in if there's a gap in that type of situation where funding is being withheld by another government agency as a punitive measure? Does your organisation have the funding to step in there?---That would not normally be our business. We would actually look at it from – and if I can just be very careful in the way I respond, because your question is quite direct with parameters and I am going to be a bit more wider in my response. Is around – it wouldn't make sense for a jurisdictional government to then – and if I could take your question very simply first – it wouldn't make sense for a jurisdictional government to pay the difference of what Centrelink is not paying because of their policies and procedures. That matter is actually for Centrelink to resolve. But in terms of what children need and you know, do we – you know, is the school lunch program the way that the child goes for a period of time with the school lunch program or breakfast program, then certainly that's there. But I wouldn't want to be quoted in evidence to say that the Northern Territory Government will be making up the difference of a reduced Centrelink payment, because it's a little bit more complex than that.

Secondly, you've spoken about many new reforms and some new programs to put in place. Do you feel that your organisation is adequately funded to meet those moving forward?---As we move forward, particularly when we look at Safe and Supported and the emphasis on funding of Aboriginal community controlled services, I think we are an agency like many in the Northern Territory Government that will seek to increase or move around funds as it exists. And I know I'm sounding very much like a bureaucrat right now and that's okay, because I am. Is around that priorities do change, funding arrangements do change. An example of which is the budget cycle that every government goes through, including the Northern Territory Government. So new initiatives, new programs are submitted to the Cabinet and the budget Cabinet makes some decisions around those priorities. I think it's very well publicised the financial – and I'm not at all a financial kind of guru – the financial constraints of the Northern Territory Government which I think is so well publicised it wouldn't be unfamiliar for this court. The demand on services is high. Is there enough service provision across the board – and I'm talking much more generally than Territory Families, Housing and Communities – probably not. And for me when I go into how do we help generalisation change. And I speak specifically to the Northern Territory Government's ten-year strategy on generational change, around the investment in universal services which her Honour was talking about earlier in

reference to the Child and Family Centre in Yuendumu, which is a universal service and then prevention and early intervention. We're in this kind of space at the moment in Australia and also the Northern Territory where we're trying to boost universal primary and early intervention services while still funding and supporting highly complex families. So if we were looking at where does new funding need to go – and this is not diminishing the need of complex people, we're still working in that space – if we were investing anywhere, it would be in the prevention and early intervention space. And I say this quite deliberately in the example for Kumanjayi was that – and I've mentioned a couple of times – is the information that came out of Education very early. Opportunities to make change there, put in supports, put in prevention services, put funding into that space, it would benefit. I also need to be very clear and say that I'm not saying there's nothing radical in what I've just said. It's well evidenced as the way to go. And having read many times the Royal Commission Report, there was multiple pieces of evidence in the Royal Commission to exactly the same point.

Thank you, Ms Brown.

Thank you, your Honour

THE CORONER: Other questions?

Mr Derrig.

XXN BY MR DERRIG:

MR DERRIG: My name is Mr Derrig I appear from NAAJA?---Thank you.

If I just may go back to the issues when Kumanjayi (inaudible) and there was an issue (inaudible) par 80 of your affidavit you mentioned child protection practitioners need to (inaudible) that there was limited (inaudible)?---Yeah.

What supports should have been offered to Leanne (inaudible)?---So in terms of the support – okay, let me just start that question again because some words were tumbling out of my mouth. So the work that I see of the staff from DCF at the time was appropriate. They operated through the investigations very much in a family support model. So the facilitate – or the family led decision making around the long-term care arrangements for Kumanjayi was a very family led process between maternal and paternal and absolutely with respect to the ability to work that out between themselves and to make really good decisions from Kumanjayi's perspective and how he viewed Ms Oldfield. So the service there is around making sure that Kumanjayi's then linked up with the services who are responsible for health monitoring, which is effectively the clinic and failure to thrive and those kinds of things. So the workers did and you can see in the file they did make sure that Kumanjayi was linked back into the community clinics who then monitored is health and wellbeing. An entirely – that is an entirely appropriate process. They also made sure that the Centrelink payment at the time was linked into (inaudible). That's also an entirely appropriate process. So in terms of that, they actually did what they

needed to do, because the family had made a decision about where Kumanjayi would be raised and they had linked Kumanjayi and Ms Oldfield to the normal services that are available to any child that meet those – the parameters of you know, childhood checks, health and wellbeing, funds and services. In terms of – I mean – and I'm not avoiding your question. Your question what else could we have done. From an agency perspective I'm not necessarily thinking we need to do additional as in agency, it's about making sure supports are in place. And for me this would have been an example of where our remote family support workers would have come in play, or if there's a family support service that is operating in that space. Because not every community has remote family support workers, sometimes they have Aboriginal community controlled. So it's around that support to be able to make sure the arrangements was going well. I don't necessarily think that it may have been a long-term support and monitoring, but it just would have been the close out to make sure that that was going well. But in terms of was Kumanjayi's health – did we know that Kumanjayi's health was being monitored, absolutely. The clinics were all over it and that's an entirely appropriate process.

I might just move on to (inaudible) children at-risk who are not necessarily in care?
---Sure.

So I know we touched on this a little bit. Now part of the evidence in the brief (inaudible) to ensure that Kumanjayi's (inaudible) the response from Territory Families at that stage was that (inaudible). You'd accept that it's possible that Territory Families could have chosen to fund that?---It is possible, yes.

Should Territory Families be (inaudible)?---We could have been. The other thing in this play is that Territory Families, in terms of the Department of Health – and this is not abdicating or passing responsibility, please I'm always quite mindful. My responses may sound as though I'm passing responsibility, it's not. It's just around trying to put the – the context around the question. So PhaseD assessments, or developmental assessments, which is sometimes much more informative at times, can – at that time, were completed either through the Department of Education, or through the Department of Health, the Childhood Development Team. So in terms of that, probably the – and I'm presuming, based on my knowledge of practise at the time, is around that we wouldn't necessarily fund it, it would be a referral across to the Department of Health, and say, this young one recommendation, I think that is, can you please get this done. And I think I mentioned very early in my evidence that in 2014 was the most comprehensive case management meeting. Because it included Education and Health. And I saw them to be missing from later case management process. And I think that – that is definitely a challenge for the case. So when you say, you know, who should have – was your agency the one that would fund it, yes we could have, but also those agencies who are funded inside their existing service system, and service delivery is the Department of Health and Education.

What (inaudible)?---Sure.

There will be times – will be times (inaudible) Territory Families be asked to provide assistance (inaudible). Does Territory Families have the adequate and sufficient discretionary funding to meet these kind of things?---We do have funding – what we call it the Family Support Funding, which links this to our budget cabinet process. So yes, there is funding to meet those needs. But once again, I think, if I could reference, we do fund services, and so do other agencies, with discretionary funding. So sometimes the funding actually sits within the service network. An example of that is the funding that we provided Congress to do assessments. So we might not, you know, say pay for this individual child, but we may have already placed funding inside other services, for that to be done. A broader perspective quite separate to Kumanjayi, another example of it is, that under the Domestic and Family Violence – Sexual Violence framework, we are a responsible agency for implementing that framework, and we have provided funding to the Department of Health, the SARC, Sexual Assault Referral Centre. So we provide funding to the Department of Health to do this particular piece of work for this particular cohort of people. So it's – well I could say, well yes, we could have a child – and invoice with a child's name on it, and we pay that particular one. There's a broader perspective that actually we can – we have, and do put money out inside of our funding framework, to be able to do it. Also, other government agencies do something similar. So Department of Health, obviously have Aboriginal community controlled and non-government services providing drug and alcohol rehabilitation. There will be discretionary funding, and I can't speak with authority, but I'm very sure, there'll be discretionary funding within those service systems as well. So it – some – it isn't – I guess my point, it isn't necessarily that we have an invoice and we pay for this particular child. Sometimes it's around some of the money already exists out there, in a service network.

(Inaudible)?---Yes.

Department (inaudible)?---Yeah.

Should Territory Families be a sort of a (inaudible) of last resort for such discretionary funding, for a child whose at risk?---We're – it comes down to, and I said this earlier, is that it shouldn't need to get a child protection agency to get an assessment done. Particularly when we have children who are linked into other systems and processes, like Education and Health. And – and some of these needs should be picked up in that space, and – and may be, okay. So certainly, if it's not being done, and it's critical, then there are instances of course, that we are funded for assessments. And we see this more particularly in the Youth Justice space, not just because the s 67s being raised by the court, which is also an appropriate action. But also through our detention centre context. The employment of our psychologists in the SATS team, and similar.

I might move onto the (inaudible). I note at par (inaudible) affidavit (inaudible) that transferring (inaudible) Alice Springs Detention Centre (inaudible) the safety (inaudible) to do so. So essentially, these transfers should not be happening, unless it's necessary, essentially, is that (inaudible)?---And suitable for the young person. Or suitable for the young person. At times, we may have a young person request to change centres, it's not all – we don't always action based on requests. But there's

got to be a broader context, which largely focuses on the safety and security. I – I note of course, with the Alice Springs Youth Detention Centre, I mean the service network's quite aware of this around the renovations that are occurring at the moment.

And (inaudible) necessary (inaudible) consistent with recommendation (inaudible) Child Protection (inaudible) in the Territory is that correct?---That is my understanding.

And also the Royal Commission into Aboriginal Deaths in Custody, which noted the (inaudible)?---I – yes, read that review many times too.

Now at par 171 of your affidavit, you note - - - ?---One hundred and seventy one, can I just clarify, okay, I'm just going to move back. Sorry we were at 405 and now I'm moving back, just give me a moment, 175.

One seven one?---Oh 171, 30 March 2017, thank you.

So there was a transfer at the request of (inaudible) Council (inaudible) psychological assessment, given that it (inaudible)?---Yes, it was Ms Crawley's report.

Now ultimately that resulted in that report – and I'm not going to ask you to weigh up the benefit of Kumanjayi (inaudible) staying in detention (inaudible) family, we'll get to that, (inaudible) report - - - ?---Yeah.

- - - (inaudible) that question, but isn't it concerning (inaudible) might need to be transferred (inaudible)?---And back in 2017, that – the way of getting the assessment of Ms Crawley, you know, that was the way it was done. Yes, it is concerning, but we also need to be quite realistic about the resources at the time. And I certainly don't know the professional structure of Alice Springs at the time. But if there wasn't a – a suitable assessor down here, or one could not travel down, then that's the option that you have. So I'm not minimising the concern that you're raising in that, and my – my very practical response, is if there is no other options, then sometimes that's – that's what needs to occur.

I'm going to (inaudible) and I just wanted (inaudible). So currently, the (inaudible) and it's not (inaudible), there, service providers (inaudible) particular section – risk assessments (inaudible) and often (inaudible) that might take a couple of months. Does that seem to be correct, to your knowledge?---So you're – sorry, I just need to make sure I'm understanding the question, because you've given me a context, and asked if the context is consistent with my understanding.

Yes?---That we may bring in – because the necessity specialist assessment's based on an individual children's needs.

I (inaudible) break it down a bit?---Yeah, thank you.

Children might be transferred up to Darwin because it's (inaudible) or alternatively, they might be (inaudible) couple of months. Is that correct to your knowledge?---I do understand there's been cases that time has been – or time of assessment has been challenging. Also the court needs to keep in mind, and I understand the question that I'm being asked, is around we are dependent on a service system responding, and providers in specialist assessments are – are business and providers, they have a work load as well. So a young person, while we absolutely try to prioritise, and I've spoken to Julianne Davies, the ED of Clinical Practise who – who kind of works the panel contracts that we have, is around if the service providers on that panel contract are saying that they're full, and it's going to take this amount of time, we can pull all the levers in the world, but they still won't work, because you've only got a certain amount of providers in the Northern Territory who operate. And if it's highly specialised, then some of those providers actually are interstate and highly sought after. So we do every effort to try and ensure the assessment is done in a timely way, but some – some mechanism are actually out of our control, just because of the providers and the demands on their process, as well.

I'm going to (inaudible) in detention and just again to check (inaudible)?---Yeah, sure.

So a child in youth mental health service needs to attend Alice Springs Detention Centre, in quite (inaudible) is housed there. They require the child's (inaudible) to town, (inaudible) Alice Springs Youth Detention Centre, and we understand that there's (inaudible). Does that seem fair to you?---I'm going to be very careful how I respond because I think you're talking about particular instances that I do not have knowledge about and I don't know all the detail. And I think it would be, as an institutional witness, I think it would be disingenuous for me to try and answer that without knowing more detail. But in terms of – we operate, and I'm speaking very generally, we operate within the service provision that we can. Part of the model of care is about trying to get more services to provide service to young ones in detention. An example of that is if – and we've got this now around if a young person has an NDIA plan operating in the community space, say they're seeing a psychologist on whatever occasion and they come into detention, we do everything we can that that service still continues in detention. And that's a very key model of – a key part of the model of care. How do we keep continuity? And I've referred a couple of times to Ms Chilvers and I'm aware in her evidence she talked about service disruption and that being incredibly challenging in Kumanjayi's context. We're trying to reduce service disruption, particularly in the process of moving in and out of detention, but I do apologise. I'm reticent to talk of what seems to be quite an individual circumstance, have a general institutional response to that.

THE CORONER: Can't I just ask this, where NAAJA have a difficulty and that seems to result in a stalemate, where should they go to try and get that resolved? Who should they speak to?---So, in terms of Territory Families?

Yes?---Yep, in the – through the manager director and executive director of the local area or youth justice, there are – so in terms specifically in the youth justice space, we have a number of meetings with the service system of which NAAJA or similar

circumstances are involved in, and we have a number of issues raised in that in terms of problem solving, the general manager of youth justice sits in that. I am aware that multiple services do raise and meet individually with our general – our executive leadership in youth justice, the children’s commissioner is somehow involved, which is entirely appropriate and also at times, it comes it to our CEO in terms of resolution. And there are a number of interagency meetings where the sector meets with the department, where matters around the operation of the youth detention centres make about visiting, and I’ve talked to them generally - I’ve spoken about in those forums. There would be, if I would characterise it, there is – and feel free to correct me, there is quite frank communication both on an operational level and also on a systems process between the executive and the youth justice teams.

One of the gaps in services identified at par 248 of your affidavit with respect to residential rehabilitation about version (inaudible) it’s titled?---Yes.

So, do we take from that that should the services that are currently available in Central Australia remain the same as in 2017, five years’ justice reforms and then for a certain part to commence, these (inaudible), is it fair to say that this is a significant gap for young people, particularly in Central Australia?---So Central Australia is, in terms of Bush Mob, DASA for the older age group and CAAAPU for the older age group, has those services and I think there is – I think there may be a service gap where complexity, driving behaviour and in-treatment services. And the Department of Health would be best – I’m uncertain about whether the institutional witness has appeared. I’m very mindful in terms of drug and alcohol services and treatment services is in the purvey of the Department of Health. So obviously we got live in residential services available for young people. Sometimes the – and I’m not ofay with all the research around this, but sometimes residential arrangements are not best for every single child in this context or youth in this context. I don’t know the data to say, are these – is Bush Mob and the other similar services in this space constantly at capacity, because I think that’s a critical piece of information in answering that question. Because when you look at the capacity of a service, if they’re having 50 percent of their service at any one time, one would say, actually they’re still capacity there, and what’s happening in the referral process that may be either limiting people accessing it. So I think I would be, once again, disingenuous if I were to answer very generally to that and say, actually, a critical piece of information that may interest the court is the service capacity and use of the treatment programs in Central Australia to give you a more fulsome understanding of service need.

Okay. Then at par 249 in that particular presence (inaudible), Kumanjaya clearly ordered and demonstrated his actions and decisions and desire to (inaudible) keep the moral support in early childhood self-care (inaudible)?---Yes.

You would accept then, wouldn’t you, that there seemed to – there might be quite some performance (inaudible) for on rehabilitation (inaudible), if that was possible? ---If that was possible, yes.

Now, WYDAC is funded for childhood diversions (inaudible) isn’t it?---Yes.

Now, with respect to the limitation on country, what would be a part (inaudible) to be able to set up the detention (inaudible)?---So, can I just clarify, are you talking rehabilitation in the whole context or drug and alcohol?

(inaudible)?---Okay, so that question is probably also best placed to put to a Department of Health representative or institutional witness, but off the top of my head, because we've done some of this thinking in terms of how do we grow what I call place based, which includes remote context service delivery, and that is around development of services who are operating inside a remote community. We know that those remote communities have something that's very specific to their area who is a main Aboriginal community-controlled service and then WYDAC is an exactly of that, how WYDAC came about was absolutely the community coming together and wanting to service, and they literally created it. So, a couple of things to consider is around, how do you build the capacity and capability of Aboriginal community-controlled services already working inside remote communities. Does a new service need to come in or do we create partnerships so information is shared and skills are developed inside a remote community, so those skills exist and remain inside the remote community, rather than a fly in/fly out model or specialist services coming into a place that is in a community that is running this program. So for me, in terms of program design, how would you do that in a remote community, what are you services in place, what can you build in community capacity. And also within this is a very practical service demand. You know, if you've got a – and this is – this sounds very harsh and I do – I can hear myself saying it, but in terms of investment, we do need to look at where service demand is. So, this is nothing about any particular community that I'm talking about now, but very generally is to say, if we've got a spike in BSA or a drug and alcohol use, or vaping or whatever it may be, then investment into that to address that spike that, you know, sometimes multiple years, is well placed. If we don't have that demand in another community, then you wouldn't actually put that service delivery, because you're spreading resources in what is well acknowledged and well-publicised resource deficit environment. So for me, when I look at how do we increase service-place base services, who is already operating, how do we develop skills and capability, how do we add to services, how do we bring specialist knowledge into that community and those services that exist, which kind of brings back to that conversation her Honour and I had earlier around complex adolescence.

And I believe – I take it from that were his notes (inaudible)?---Agreed, yes.

I'll just quickly talk about that and then I'll ask a few questions about it. So, I want to mention - - -?---Yes.

- - - certain (inaudible) the evidence from Kerri-Anne Chilvers where she makes the same (inaudible)?---Yes.

And sharing what you'd call is a report. When she gave evidence here, what she said when asked to comment, is this, which is a better structure (inaudible), she said that, "(inaudible) in cooperation and integration of services (inaudible)." Now, you've

already talked about that?---Well, the new – yep, Child Wellbeing and Safety, yep.

How – and you said in your evidence that, in part, that program was informed by feedback from Aboriginal - - -?---Yes, absolutely.

- - - (inaudible). And you did mention that there's an element of family and community involvement - - -?---Yes.

- - - in that process. How do you maximise community and families valuing of that program? What does the department do to make sure that families believe this is worthwhile and of assistance?---When so many things have happened before, yeah. So it's very, to use the term place based again, so local members on the team in rolling out the new model of (inaudible) family child wellbeing and safety meetings, is around conversations with the community around what's the best way to roll out the community leadership and how do they want to get involved. I know that many communities have different types of community leadership models. There's local – you know, local decision making forums, there's the community safety forum that the police operate in in terms of community leadership. And so in terms of this space is they're conversations at a local level is around how with would that community leadership best come into play, how do we get the family's voice. And I think in looking at the child wellbeing and safety framework you also look at the conversation around our family led decision making process and signs of safety, where it varies at very much amplifying consent of the family around coming into this framework for conversations and services to work together to share information as they are legally able to do and to get a way forward that includes the family either attending some of the meetings that's relevant to them, or being fed back, depending on the circumstances that they wish. It's – and it's a work in progress and I'll be very upfront with that. Some areas are further along than others, but it is something that we're implementing over time. I would not want the court to presume that it's all there and it's all functioning. It is, it's a work in progress.

So (inaudible) more engagement with the community, more co-design?---Yes, once more codesign which again and just to link the whole picture again, is where Safe and Supported comes into play, that codesign funding of Aboriginal community controlled. This is where you see the change in the way that we operate and the way we think and how we provide services. It's all linked together at this time.

My final topic is children in detention. So (inaudible) detention centre (inaudible) therapeutic work. So (inaudible). Then she's asked what would be the best (inaudible). She said (inaudible) have a soft room which is comfortable, which is nice. Just a nice place to be in (inaudible) relax and (inaudible) on things like you know, people walking past and (inaudible). Now it's been a while since Ms Chilvers (inaudible) detention centres, but have these kinds of rooms and spaces been implemented the time since she's (inaudible)?---Within the limitations of the infrastructure, yes. Noting of course that we are building at the moment a brand-new detention centre in Darwin. And if the court is so minded, the plans of those can be provided and you can see that we've deliberately designed spaces that Ms Chilvers is talking about, for exactly the same reasons that she spoke about, which is very

trauma informed. And Alice Springs is in its final stages of its renovation with the similar principles in play. But we are – and this is not an excuse, it's just the fact of it – we are constrained or have been constrained by the infrastructure that we have. But changes have occurred in terms of spaces, availability of interview rooms where they are. But the new detention centre – the renovation of Alice Springs and the new build in Darwin absolutely took that into play. In fact that was one of the first conversations in the original design process, was what is best design in youth justice detention centres. What are the priorities. How do we facilitate collaboration between all the service providers inside of detention centres so that communication is easy. And really simple and it sounds a bit silly, but the detention centre that's being built in Darwin has an open space, a bit like this. And this is where all the professionals would work. So offices, you don't have an education office or a youth justice office. People aren't separated by the doors and windows. It's actually an open space. And we've taken that model of create space, create the environment for collaboration, create the environment that Ms Chilvers talks about around being able to deescalate situations, let nervous systems relax, it's reducing stimulation. That's absolutely within the designs of the reno and build, without a doubt.

(inaudible)?---My best understanding – and I can provide more formally to the court, it's probably worth getting a formal response because I haven't been involved in the infrastructure meetings recently – is that Alice Springs I believe – and please be minded that this needs to be clarified before reported – is that I think we're on the track around June July for Alice Springs and early next year for Darwin. But I do need to clarify that and I will through – to ensure the record is accurate.

I'll just (inaudible), so Ms Chilvers' provided her view on (inaudible) circumstance. She noted that overwhelming (inaudible) Kumanjayi Walker be (inaudible) cells, (inaudible) scared to death (inaudible) and she said yes. So then she was asked what would be better and she said to have someone come and sit with them, someone trauma informed (inaudible), somebody they trust and feel okay to be (inaudible) come and sit with them. Since Ms Chilvers has left (inaudible)?---Yes. In terms of our staff being trained in trauma informed and development theory, as part of their induction training and then ongoing, in terms of constrained by infrastructure and not minimising that challenge, is around that staff are working on a relationship model or a relational model. So sitting down with young people, spending time with young people, deescalating, stepping back. There is a particular way that we work with young people who are starting escalate, which is all about de-escalation and all those works in the first instance. So those practices and changing the way the custodial environment operates has occurred. Again I bring back to the advent of the SATS team as being also a critical part of that. And I've mentioned how the SATS team may work with youth justice officers to help them both understand behaviour that may be presented by young people, but also the reason why behaviour support plans say certain things about how staff should operate. So yes, I would like to think absolutely and certainly structurally and how we operate detention centres has changed. Once again the model of care will take that a step further and certainly moving into the new detention centres will take that even further.

Final point. Ms Chilvers also talked about the environment that Kumanjayi was in, noting that he will have difficulties in an overcrowded and understaffed environment and she noted that (inaudible). Also noted that potentially causing further trauma to Kumanjayi. Now it's reasonable – I'd say that it's reasonable to think that from time to time (inaudible) overcrowded and understaffing problems. What is needed, what are current gaps in ensuring that people in Kumanjayi's circumstances are minimised by the trauma that these kinds of (inaudible)?---I probably would challenge – and I don't mean to be adversarial in any way – your presumption that going forward that detention centres might be overcrowded and tension filled. And the reason I say that is that we've specifically designed the new detention centres to create space, which is very trauma informed. The residential components of the new detention centres are quite different to what you would consider a Correctional environment. The Darwin facility is, when I last (inaudible) the build with gumboots is a massive complex for a youth detention centre. There are separate accommodation blocks, a certain amount of young ones are accommodated in each block. Then outside there's a whole heap of space. So when I said that we sought information and intelligence and evidence about the best build for a trauma informed context of a detention centre – because it still is a detention centre – I genuinely mean we took all that learning and all those suggestions in play. So in terms of – there will always be circumstances where stress and distress occurs. It can be the nature of the environment. But from the very level of how the infrastructure has been designed, to the colour schematic, to where the type of furniture we're going to put in, how we're reducing the need for – and this is another simple example – you know the wondering where that might create a sense of too close a distance. We're going to be having the walkthrough radars instead of the close distance thing. So all of these nuances have been really thought through into the new design. And I know that we've been waiting a long time for the detention centre. I'm not minimising that. But in terms of are we doing the very best in going forward alongside the model of care then I'd say yes. Yes, we are. In fact, a considerable amount of work, and knowing (inaudible) has been one of the leads in terms of pushing forward the design and build of the detention centre. She has – she can speak in detail, absolute detail about the new detention centres and considerations taken into play about how to make those environments as trauma informed and as supported as possible in the nature of a detention centre.

THE CORONER: Are there any other questions?

DR DWYER: Just very briefly, your Honour.

THE CORONER: I appreciate the time but I would like to get through this. I appreciate I have also contributed to the delay.

XXN BY DR DWYER:

DR DWYER: Ms Brown, in relation to service delivery in Yuendumu you recognise the importance of being located in the community wherever possible?---Yes.

And also having Walpiri staff in the community to assist?---Invaluable.

How many Walpiri staff are currently working in the Department, in child protection?
---So both of our (inaudible), remote family support workers are local people.

And are they working in child protection or youth justice, or both?---Both.

Are there vacancies for local staff at the moment or are there the only the two positions, and both filled?---The two positions are filled in terms of the remote family support workers. There are vacancies connected to the remote safe house which are under recruitment.

How many vacancies (inaudible)?---My mind's gone blank. I want to say two but please let me clarify that through counsel.

Have those positions been vacant for a long time?---We go through periods – they can be but it depends what you call a long time. Multiple years of vacancy, no, not at all. At times there may be challenges in recruitment as there is in normal kind of operating process. Sometimes people will look at the position and want to think about it for a while. That's very normal and okay. Also keep in mind in terms of challenges in recruitment in remote communities, for local people, is that Territory Families is just one agency employing local staff with a particular skillset or interest. So we have education with our Aboriginal Liaison Officers, we have police in a similar type of sense. So we also try to be very careful not to – for want of another way of putting it – take staff from one agency just because we've got a vacancy. It's of benefit to everyone and all the services inside Yuendumu or any remote community that we actually have people developing their skills and knowledge in a particular area. That being of course if someone wants to work differently then – and they want to work in another agency no issue at all, but we're very mindful about making sure that we have a service provision across.

Are there some child – I withdraw that. Are there some Walpiri people who can only work with some families, that you're conscious of? Or are your two child protection workers expected to work across all families in Yuendumu who – where children are in protection?---I think we always must take the advice of our workers. And I don't talk specifically to Walpiri, I also talk from my experience in working in remote communities with place-based staff, through my career – is around sometimes there are conflicts of interest. Not conflict as in the word but a genuine conflict of interest where a remote worker may wish not to work with a certain thing for a particular reason, which may be about cultural obligations, and very serious cultural obligations. It might be about history or certain arrangements. We need to take that advice and do our very best to work around it. We don't want our workforce to be uncomfortable or feel put upon of something they confidently may not be able to do.

Do your staff receive specific training in how to manage those conflicts?---In general Territory Families staff do about conflict of interest as well. And our remote family support staff also have access to all the training that any other - - -

But is it culturally specific?---Yes.

And I'm asking you because it's come up with respect to other departments, not just Territory Families?---Sure, yes. We are more likely to work with that on a local level. So that's through a supervision and support process. And we're not talking specifically to Yuendumu but based on experience. It might be – let's say a worker is wanting to discuss, you know, not being able to work with a particular family then that would go into, well let's talk about that, what's the parameters of that, how's best going to manage this in community when you're living – how do you want that message to say - - -

So is it managed through supervision rather than (inaudible)?---It really is on a very place based.

Can I just clarify, we know that Ms Chilvers was very disappointed not to have received the report done by Kate Crawley until 2019?---Okay.

So her report was 2017?---Yes.

Not provided to Ms Chilvers until 2019. Or she didn't become aware of it until then. Is it your evidence that that situation would not happen today because of the mergers between child protection and youth justice?---Noting that – and I wasn't aware that Ms Chilvers didn't receive the report until 2019 and I understand her frustration at that. The report was completed under the youth justice frame. And if Ms Chilvers was involved in Kumanjaya's life, then absolutely, it would be – having that report. In terms of there is a greater acceptance and involvement of multiagency – and Ms Chilvers made the point I think in reference earlier around a multiagency response and there should be transparent information sharing. Yes.

To that end you've given evidence about the importance of intervening as early as possible in a child's life and that school is an optimal opportunity for that?---Yeah.

And that it was identified when Kumanjaya was six or seven that there were learning difficulties. Ideally he would have been assisted at that time. I just want to read to you something from – that we have on the brief in relation to Kumanjaya's experience at Yuendumu Primary School?---Sure.

We know that Kumanjaya had behavioural and learning difficulties when he enrolled in Yuendumu on 8 October 2013. Kylie Johnston, (?) who was then the principal of Yuendumu Primary School confirmed that he had very poor attendance, he didn't participate in class activities, he was often teased by his peers at school which he found very difficult to cope with. There were occasions when he acted out aggressively towards other students, probably related to the teasing and that resulted in teachers asking him to leave the school grounds. Ms Johnston is on the record around that time as explaining, and I quote, "We do not have the services resources that Kumanjaya requires. He would benefit from one on one support specialist and they're currently not available to him at Yuendumu". That was 2013-14. 2023 if a young person with those experiences was at Yuendumu, do you know whether or not the department would be in a position to provide the specialist care or

arrange for it?---The Department of Children and Families or the Department of Education?

The Department of Children and Families?---So once again, we would do a multiagency response, similar to the Child and Safety and Wellbeing. But in terms of additional resources inside school reengagement, certainly the (inaudible) could help with that, a collegiate multiagency plan to help that situation. In terms of resourcing to the Department of Education for about particular children, that would be a question for an institutional witness for the Department of Education.

So would a case worker though, working with Kumanjayi and his family, try and now work with the Department of Education to ensure that he had the resources?---Yes.

But the actual funding in those circumstances for one on one support at school would have to come from the Department of Education?---Yes.

Final question, given the time, it just relates to the number of recommendations which have alluded to that have come from the Royal Commission in 2016 into children in Don Dale and out of home care. There are a number of recommendations that affect the Department of Families?---Yes.

As you've given your broader – taking into account your broader acronym. One for example, is that on leaving detention there should be throughcare for young people?---Yes.

And that throughcare services should be independently evaluated at the end of five years with a report coming from the Commission of Children and Young People – we can ask the Commission. But are you aware of whether or not the Commission has any reporting obligations with respect to the recommendations that came from the Royal Commission?---If the recommendation – and the quickest way to work this through is looking at Safe, Thrive and Connect to see where that particular recommendation was allocated against and then the agency where the recommendations allocated against is responsible for the completion of that. We would provide a six monthly report back to the Reform Management Office on progress on the various recommendations allocated and that then is publicly available on the Reform Management Office website.

You've anticipated all my questions. So how do we get access then to – it's the Reform Management Office did you say?---Yes. Is responsible for the implementation of Safe, Thrive and Connect which came out of the Royal Commission.

And every six months you have to update your department's response to the recommendations, is that correct?---Yes.

Thank you, your Honour. Those are my questions.

THE CORONER: Does that complete all the questions?

Look, mammoth effort to sit through. Thank you very much for coming and providing that information?---My pleasure.

It's appreciated?---Thank you, your Honour.

We will adjourn and return at about quarter past 2:00.

WITNESS WITHDREW

ADJOURNED

RESUMED

THE CORONER: Mr Coleridge.

MR COLERIDGE: The next witness is Glenda Abraham. And I call Glenda Abraham, she's seated in the box.

GLENDABRAHAM, affirmed:

XN BY MR COLERIDGE:

MR COLERIDGE: Ms Abraham, can I just ask you to restate your full name for the record?---Glenda Abraham.

And you have provided a short letter, and that's not a criticism, but a short letter to the inquest on 20 February 2023?---That is correct.

And your Honour, that's at brief item 8-0AA.

THE CORONER: Yes.

MR COLERIDGE: And I'll come to how long you've been with WYDAC in just a moment, but some other important information has been provided to the inquest by the outgoing CEO of WYDAC, correct?---Correct.

And that's Noel Clifford?---That is correct.

And your Honour, that's in an email dated 28 November 2022, at 8-12A.

THE CORONER: Yes.

MR COLERIDGE: There may be some further underlying materials than that I think, but I think that email is suffice for the present purposes.

And you're aware that Mr Clifford gave evidence at the inquest and that (inaudible)?---Yes I am, yes.

How long have you been at WYDAC?---This is my sixth week.

I think I can say first, that you have a very important job, but secondly, everyone at the Bar Table recognises how recently you've come into the role, and the amount of work that there is to do, to get up to speed with everything on the ground. So I'm going to try as best I can, to stay away from very detailed questions. And just focus on identifying some of the major, or general issues, that you think affect WYDAC as an organisation, and ask you some questions about plans for the future?---Certainly.

Before I do that, I thought I might ask you a little bit about your professional background?---Mm mm. So my background is largely banking, finance,

governments, regulatory reforms. I've worked for very large organisations. Commonwealth Bank, Westpac, AMP, have been through enforceable undertakings, so I've worked with closely with a lot of regulators in the past. I have worked with very large groups, so 200 plus employees, multifunctional, and regionally diverse as well.

So very experienced in executive positions?---C suites yes, are relief roles as CEO and general manager style positions.

Do I take it that on the other hand, you don't have a great deal of experience in youth development or working in remote Indigenous communities?---Not necessarily. So I grew up in a remote community in Queensland. I was the daughter of a coal miner in a place called Blackwater. And they – my parents were missionaries, to some extent, so we did actually go out and visit some of the community settlements out there. And we did actually have Indigenous students who billeted at our home. So growing up in and around the area, I have had exposure to certain types of Aboriginal culture, yes. And also my aunt married a very lovely Aboriginal man. So I have Indigenous cousins as well.

(Inaudible)?---Yes.

Can I ask you what you think your professional experience which you've gained in the financial sector largely, can I ask what you think that that brings to your role at WYDAC?---I think the two things that I'll actually bring to WYDAC from that experience, one will be the regulatory framework that will be required to help the governance of the corporation, which is really important. And the other will be to ensure that we can actually deliver the services within a very limited budget and to stay on track with those budgets from a performance perspective.

How have the last six weeks been?---For me, I think I've been sleeping about four hours a day and the rest of the time immersing myself not only in community but just getting across what's actually happening in WYDAC. It's an interesting state to pick up an organisation and I always – I have this little slide and it's Buzz Lightyear talking to Woody and he says, "You know, to the universe and beyond" and I kind of go WYDAC and beyond. So we're all there, we're all going to play together and we're going to make it work.

In terms of where you've been physically, you're living between Alice Springs and Yuendumu?---That's correct. So I spend three days in community and I spend two days in Alice Springs, yep.

That's five days of the week?---Yep.

Weekends are in Alice?---Weekends are in Alice. So I tend to do Monday, Fridays as the two days in Alice so I've got the weekend in Alice. I have a studio in Alice and I don't currently have a house in Yuendumu. We do have housing in Yuendumu but the majority of those houses require significant work to turn them back into proper habitable homes.

I'll ask you some questions about housing in a moment. But you said to me as we were coming in, "Where are you sleeping"?---Yes. So when I'm in Yuendumu I stay at the principal's home and I have my own room and bathroom, yes.

How are you going with relationships with the communities?---Quite well actually. I'm in a situation where if I can spend longer in community I do. I've got a great network of staff who work inside the WYDAC offices. But the one thing I do do when I'm there is I spend a lot of time in the role. So I'm in the office early but I'll go to every community event that they're running. I'm there at the launch of the orange bus, I'm at the evenings down at the youth centre cooking and playing games. I'm pretty much just always on.

I noticed with some of the slides we were given from WYDAC's governance day that you were doing a bit of education about what the CEO is doing and in particular what the CEO is doing that isn't necessarily visible to the community. Do you think that there's some education to do and you're doing what your role is?---Absolutely. So the one thing I've learned in the short time I've been here is not so much about written, but pictorial. So I talk about the days that I'm not there, I'm actually doing the administration and taking them through those administration functions. So I've had to do a significant amount of work dealing with ORIC (?) on some of the – the rule book and the other functions around the governance, dealing with our stakeholders. I also bring in the chair and co-chair where possible to those meetings. But a lot of times video conference and Zoom works very, very well and that allows me to still have a presence in community if I'm not actually there.

I might transition to the importance of WYDAC. Earlier this week a prominent use of force expert gave evidence that his personal belief was that those two young men, Kumanjaya Walker and Constable Zachary Rolfe probably should never have met. What I'd like to suggest to you is that this recognises that there are two stories or personal histories that converged on House 511 on 9 November. The first obviously is the story of Constable Rolfe. And understanding that story requires us to interrogate systems largely within the Northern Territory Police Force that might have led him to be there. But would you accept that another part – sorry, in order to understand the second half of that story, Kumanjaya Walker's story, we need to understand and interrogate the institutions that were or weren't working with him in the years leading up to 2019?---Absolutely.

And that you'd agree that in order to prevent similar deaths in the future we need to ensure that organisations like WYDAC are robust and are adequately servicing young Walpiri men and women?---I think there's a definitive space for WYDAC in any community that's got the Walpiri obviously. It's come out of their own history, so it needs to be there for future.

And in the absence of these supports the likelihood that young Walpiri men and women might die in similar circumstances, won't necessarily be realised but those odds increase?---Definitely.

Now this is by no means to be unduly negative or critical of you, but I do want to ask you whether you agree that since about 2016 WYDAC has gone through a period of dysfunction or uncertainty?---It would appear. So in the period I've been here, I've noticed that there's a breakdown around operational processes, some potential cultural disengagement between the staff and themselves. Everybody is just trying to do the best they can with what they have. And I feel that's obviously flown through with the media and a number of other things that are causing concerns around our funding partners. So yeah, I would say so. Obviously transitional CEOs, I won't lie, there's been a period where you've had multiple interim CEOs acting as well. So yeah, I would say it's been a cause for concern.

I think you've just touched on it but – and I'll go through some of the issues in detail in a moment. But it sounds like each of the issues feeds into another issue and compounds. For an example, no doubt there's high staff turnover, it's difficult to retain staff, which increases workload on remaining staff, which means that burnout is more common and more staff leave?---Correct. Yep.

You've highlighted the high staff turnover at an executive level, but is it also true that even in the last six months there's been - - -?---Significant staff exit, specifically when we lost the funding with CLC. The exodus was even stronger and that was largely just to do with the fact that there was uncertainty about ongoing future employment in community. So you know, if opportunity presents itself and you can get permanent work, why wouldn't you leave.

So just stepping away from high staff turnover. Would you agree that since about 2016 there's been in some areas of WYDAC's work, significantly reduced or even ceased service delivery?---It would appear so, yes. Yep.

And this is I think something that you focus in your written materials, but a lack of focus about WYDAC's core objectives or mission?---Correct. So when I started I was asking around consistently what does WYDAC do, what do we actually deliver and people were as confused as I was as the CEO. The stories were quite extensive, some were quite small. So in the end, yeah, I would say there's a level of confusion around what the actual deliverables – I mean at one stage WYDAC was delivering a fantastic Mount Theo program with a reintegration plan. And then it sort of started to migrate into the diversion therapy which was in the youth space and then becomes more afterschool care. At some point they added childcare centres. And then at one stage we ended up looking after 55 plus year old people who needed dialysis. So we brought NDIS in. And at some point, you've got to say well what is actually WYDAC doing and it can't be everything to everyone. But you know, from their genuine heart, it was – there was a need in community, no one else was filling it, so they did.

In some ways that doesn't reflect underlying (inaudible) problem with WYDAC?---No.

It reflects the - - -?---Breakdown inside a community that needs services for remote. That's exactly right.

I want to ask you about the kind of answer to that question of (inaudible) in a second. But another topic I want to come back to is a shift towards a purchase order model that might be creating welfare dependence. Have you become aware of that?---So when I came onboard I was well aware that previously purchase orders were used instead of salaries for a lot of the employees. I understood that that has actually been addressed and we've actually migrated a lot of our Walpiri staff now onto salaried arrangements, so they're all on employment contracts. In some instances a purchase order may still be relevant. We may have situations, and I heard an example earlier about, with the poverty situation being able to access fuel, to put in a vehicle to take somewhere to a location. A purchase order would need to be created for those particular items to obviously enable the fuel to be purchased in the community, and a car driven. So in some instances, we still need to issue purchase orders. But within the guidelines of what the grant actually operates, and an appropriate that needs to happen for that.

Circling to that as well. So let's just focus on the mission or objective?---Yes.

What do you see the answer to that being?---I – at this stage, I'm calling it scaling to excellence. So putting the – the cap on of the vision. WYDAC needs to move back to its – it's chore foundation. Which was ultimately the intervention and reintegration of youth who are in trouble. So we would start with a model that would look like a crisis analysis. Whether it's self-elect, or even coming from a professional referral, in a triage scenario, and then entering either the Warra Warra Kenyi (?) Program, or a Mount Theo or like program, where they can be healed both in a professional manner through the Kartiya, or white, but also in conjunction with the Yapa who are going to provide that spirituality and connection to culture and land. And it's got to work together to do so. When they finish the transition of both those – those features, you would then migrate into the development skills. And you'd become an ongoing learner in the system. And that learning is not just the kartiya way, but it's the Warlpiri way as well. And becoming those future leaders. That would be supported with things like getting your driver's licence, but at the same time, learning about being you know, the leader of the community, for a Warlpiri group. So it's – it's going to be that sort of later stage of the program that we really need to focus around. And I think by having the clarity of that vision, and being able to implement it, it'll make it a much sounder decision for people who are looking to fund us. But it'll also help with the direction of the staff involved. And it'll help community. One of the things that I've found in the short time I've been here as well, is we'll have a lot of people that will come to the WYDAC office seeking support and information, and just clearly looking for a direction as to where to go next. And it may not be us. It might be Centrelink that they need to go and have the conversation with. But we always tend to be that point of where to, because I think the community situation is so mixed with the service delivery. And I actually look at it in my most simple view, and again, please, I've only been here six weeks, but I can see that there are better fits for some organisations. And it would make a lot more sense if we could quite clearly call out, x, y, z, service provider delivers up until this age, in these service functions, at this point, it switches over and becomes a WYDAC function. And then it switches from this point and becomes an NDIS function, or whatever it looks like. But it helps

build out a community path. And I think that's what's missing right now is that community path for people to understand.

In terms of the ages themselves, do you have a sense of what ages you'd be scaling back to?---Look I think there's still a need for a 12 to even 30, 35 age. We all know that Indigenous children, even at sort of 16 and – and 18 years of age, don't have a very high literacy skill. And so to be able to ensure that they're getting the right development, they need to be staying longer in the learning functions. And I would suggest 12 is a good starting point when we start to see really significant behavioural concerns, from our perspective. We still run Youth Diversion, but I – as I said, I feel that that could fit in a different departmental model.

You did mention Warra Warra Kenyi but I just wanted to clarify that that was a program that was defunded for some time?---Correct. We have a small amount of interim funding, which has been provisioned to us by the NIAA. So we've actually reintroduced that. So it's been running for a few weeks now. During which time, we've actually had significant uptake. Lajamanu specifically. And they've – Lajamanu's actually been taking some Yuendumu families in as well, to support them with the WWK work. We - - -

Can I just ask, your Honour heard a little bit about Warra Warra Kenji from Rob Shanks (?) who was the Youth Development Manager at WYDAC for a number of years. But just (inaudible) summary of what that program - - - ?---What that program does. So it actually takes young boys, or girls, depending on the gender, onto either an on-country function, where they might go into a station and do work. But basically with cultural Elder supervision. It's largely been at the moment more a remote function. So we'll pack up some swags, they'll go away. The one thing they need to do is escape community and they actually get embedded back into their culture. And they get support from Elders to do so.

I might then turn to issues with corporate structure. When Mr (inaudible) gave evidence, I asked him about the size of the WYDAC board, and he accepted that boards of 50 members can give rise to a number of problems such as poor engagement by members, that that might be unduly expensive. There's a risk that they allow control by a minority of board members. Do you agree that addressing the number of board members is - - - ?---Absolutely.

- - - a priority?---Fifty – fifty is a big number. So in February, when we had our AGM we were able to shrink to 30. Our intention is to reduce to ten, and potentially adding two independents, or specialist directors to that particular group. We are on track to do that. We have a proposed special general meeting on 22 March. At that that particular meeting, our intention is to give everybody a voice. So being mindful that WYDAC does actually have four areas, Willowra, Nyirripi, Yuendumu and Lajamanu. Our intent is to get a balance between those four communities at the new board function.

And would this – if it happens, would this be the first time that there were professional board members on WYDAC?---That's correct, yes.

And do you have a sense of what professions they'd be drawn from?---So this particular year, the board have requested that we keep that in the rule book, but we won't actually look to implement the two specialists. But in future state, we'd be looking for people potentially with universities backgrounds who are more cultural alignment. And those that have got more financial advice and risk backgrounds for them, as well, to help support on those decision and discussions.

I want to move to the next topic that I flagged, which was the question of purchase orders?---Mm mm.

Now, I'm raising it for two reasons. The first is that the Warra Warra Kunyi report, for June 2021, which was provided by Mr Clifford, acknowledges that over the program period, requests for purchase orders became a progressively larger portion of the work of the program. Potentially displacing other forms of support. At least anecdotally have you been aware of a shift, historically, that is, over the last five to seven years towards the purchase order model?---Yes. And it's – it's been largely I believe, driven by the fact that there is a level of poverty in community. And as much as the community would like to volunteer as much time as possible, they still need to have some element of controlled payments. That was what I was advised. As I said, since I've been on board, we really don't issue, unless we must. And I've given very specific examples of where they would actually fit. And they comply with the grant program and it's – it's aligned to that.

I think you focused on the issuing of purchase orders to staff by way of payment. But would you agree that that report recognises that even within the therapeutic relationship, there's been over recent years, a real reliance on purchase orders? ---Yes, absolutely.

Now, obviously there are problems with the financial sustainability of that, but would you agree – perhaps I'll read the evidence to you. Ms Chilvers, Kerriane Chilvers, a psychologist with a longstanding connection to Yuendumu, WYDAC and who worked closely with Kumanjayi returned to Yuendumu in around 2020, and she says that she was shocked by the shift away from the therapeutic model to what she describes as the voucher system. She said "A lot of people build their relationships on the basis of being able to give a purchase order, rather than actually developing real relationships. And that's not a real relationship. That creates a (inaudible) function (inaudible)". Did you have any comment about that?---I won't comment on the past. Moving forward though, we have migrated away from purchase orders. And the one thing I'll be definitely considering in the new structure is, how we actually streamline the contracts for the employment. And to move away from power arrangements. Even to things like relationships with us in Mount Theo and Warra Warra Kenyi, I'm dropping the title of managers. And they'll actually be referred to as partners. So you'll be a partner with the Mount Theo program.

Turning to the issue of reduced or ceased program delivery. During the course of the inquest, we've heard anecdotal evidence from (inaudible) WYDAC and (inaudible), the stakeholders, that from about 2016 there was significantly reduced

program delivery. Have you heard similar reports about that period?---Yes. And it's evidenced in the information that Noe's (?) provided as well. I would suggest that over – it's about a year ago today, I believe, the last person was in the Mount Theo program.

Perhaps just to pick up on Mount Theo. One of the things we've heard is the facility hasn't been operating very much. We saw figures from Mr Clifford about that. Would it be consistent with your memory that the last time a youth was at Mount Theo was approximately 12 months ago?---Yeah, it was about April, this time last year. Yep.

April 2022. And for a calendar year of 2022 that was the only youth at Mount Theo? ---That was the only youth.

And that youth was there for a period of about two weeks?---And completed the program as far as I'm aware.

Under a court order?---Yes.

And then for the calendar year of 2021 it seems that there was a single five day camp at Mount Theo?---Yes.

What do you think the impediments to, do you think, to operating that (inaudible)? ---Right now, it's infrastructure. So it's got issues with its solar. It's got issues with the water tank that's onsite. Its access. So significant weather events have caused the road to be almost impassable. So we've got a number of things that we need to do. We've been provisioned a small capital grant from NIAA. The intention is to go out and review that and see where we can quickly do the fix and then look to reopen.

In addition to the infrastructure issues, we've heard some anecdotal reports that there's been some difficulties – in fact this might have been Mr Clifford's evidence – that identifying appropriate traditional owners to attend as supervisors has been difficult recently?---Yes. So one of the things I have just recently done is put a request into the Land Council to find out from a lineage perspective who are the traditional owners, so we can actually sit down and have that conversation.

Have you become aware in any conversation with your work over the last six weeks of any issues with traditional owners who are willing to supervise at Mount Theo not being able to do so because they cant obtain a criminal history check or a working with children check?---Not that I'm aware of, no. The two that have actually identified themselves to be onsite are a fabulous young couple and one of them is actually part of the traditional ownership. And the other person who's there, Sean (?) has also been through the program himself.

I want to turn to the question of (inaudible). Since Mr Clifford gave evidence last year a significant number of funding bodies have withdrawn funding, one of which, probably the most significant of which was the Central Land Council. Are you able to identify the nature of their concerns?---Yeah, it was spending around the actual grant

itself, which I think leads to that previous discussion around the use of purchase orders. But basically drawing down on the grant and obviously not spending in alignment to the grant is being one of the biggest concerns. The lack of service delivery despite the spends going ahead. And look, quite honestly I don't blame them for questioning and I've been reading the previous correspondence. I think there was plenty of opportunity from WYDAC in the past to actually make response to them. They have introduced a grant auditor who I will work with to see if I can reengage those relationships as well. But I think what they're also looking for is a clear direction of what WYDAC is actually going to be doing in the future.

Is it also the case that one of their concerns was that corporate structure?
---Absolutely, yeah.

It would be pretty unusual for most funding bodies?---Yes. So – but it's not just them. Other funding partners who I've just been meeting with over the last few weeks have asked all similar questions. And I think everyone does have the right to do that if they're investing in the organisation, we have to deliver the service.

Another issue that you flagged with me just in our conversations is the question of recruitment and retention. Can you tell her Honour anything about that?---I'm finding it very difficult to recruit. One is the fact that we have short-term funding. So it's almost near impossible to convince somebody to pack up their life and move to Lajamanu or Yuendumu when their employment contract is linked directly to a grant funding arrangement that might be six or 12 months in length. The other is housing. So the housing situation is not particularly great. A very interesting conversation with
- - -

I'll just stop you there. When you say not particular great, it's dire?---It's dire, yes. We pretty much have most of our windows and doors boarded up due to the most recent violence, particularly in Yuendumu. Up in Lajamanu it's somewhat similar. In fact we actually have a property in Lajamanu that's so full of mould that we would actually have to take all the walls off internally to allow someone to actually live in it, because it's actually spawning so it's actually quite bad for them and it's not going to improve in the immediate future.

Who owns these houses?---Well we – Central Land Council obviously we lease through but they are actually on our lease agreements, yep.

Who is responsible for the maintenance of the houses?---Technically, us. But we don't have the funding.

To maintain?---That's the issue, yeah. Because we get a very small allowance on each side of the grants and the grants actually have an allocation that's very specific to housing which really just covers the rent each week and the rent is not cheap for those particular areas.

And then when you factor in the cost of breaking windows which in a remote community can - - -?---Well that's what the issue is with – same with the vehicles.

The vehicles in a grant might allow for a \$20,000 or \$22,000 a year vehicle, but the vehicles actually cost us \$40,000 a year to maintain because we're constantly replacing broken windows and damaged vehicles. So yes, it's a very typical example, yeah. There's \$15,000 worth of expense that I've just signed off to go and get all the locks redone inside Yuendumu and it's something that wasn't accounted for in any of the management costs.

And those almost probative costs are the result of the tyranny of distance, getting - - -?---Yeah, and getting actually services out there is the other big issue for us.

And so I take it that there aren't local staff doing things like changing locks, fixing windows, cleaning mould?---No, there's not, no. And we would love to train Yapa staff to do that. We would love to do that. And with the short time we've been here we introduced a program calling Managing the Youth Gap which we do in conjunction with CAALAS and we've been successfully able to get four beautiful young Yapa people into the program. And we'll have in a very short period of time our first graduate as a youth advisor worker. And we want to see more of that. But then these people are the ones who want to come onboard and take the next step in potentially being night patrol is one of their other goals. One of the other ladies who works with us, she wants to get into design and work at the art centre. But if we can continue this method now, where we're actually starting to show what WYDAC can do in community for development, we'll have more people touch us on the shoulder to say I want to be part of it and how do I do that. And hopefully they want to be the people who want to fix houses and come back and do the change of locks and things.

I think once upon a time – and this might be decades ago – WYDAC (inaudible) mechanic's studio?---We still do have a workshop. In fact the workshop's been closed for a very long time and it was pillaged but we have managed to actually get together one full kit of mechanical equipment. We've been through and the couple I mentioned about Mount Theo have done an amazing job cleaning it up and getting it ready. But we are looking at doing particular programs starting in about mid-April with CDP and the Central Desert Council and we'll be putting through about seven young Yapa men through a six week program at the workshop.

All about (inaudible) to that core model?---Absolutely and what (inaudible).

(inaudible)?---Yeah. And we'll start to see more and more success stories coming out of WYDAC in the near future.

I wanted to just – I'm conscious that I've kind of driven the conversation through some issues that I have prepared. What would you say are the biggest hurdles for WYDAC in the coming 12 months?---Okay. I can tell you with a CEO hat on and from my past experience, coming to grips with the number of grant providers you have to deal with and how small the amounts are and how administratively burdensome they are to deliver, what I really think needs to happen is we need to have one overarching body that came be the primary conduit for all of it, enables us

a simple form to be able to do applications, maturities and manage the grant funding all the way through. And longer term funding plans are the big thing. From my perspective, I've got a WWK plan which I've just formulated and I'm seeking a five-year arrangement to ensure that that program can be delivered beyond 12 months. By doing so, I know I can attract the right people to deliver it and I can start to show the success of the program over a longer period of time and commitment. Overarching that, Mount Theo, we've got money for capital, but we actually need to make it work. So it's about putting money in place, and again, I've got another five year plan for that particular piece of work as well. But then to replicate that model from the Mount Theo up until Lajamanu, because we aren't just one particular sector, we need to make sure we've got another outstation opportunity, and then developing up and actually working closer with our partners so that the education and learning – so once we've gone through the healing and crisis management functions that we can keep people reconnected to land, and it's not about us delivering all of that, it's actually about working in conjunction and finding the right partners. And I've got a model for that as well, but again, I need another five-year plan, and I've got all this ready and I'll be working through it. I just need someone to come to the party with me to say, here's the money. I promise you, whoever it is, if you're listening to this, I'm here 100 percent and the short time I've been here, I can already show you the positive things we're doing. I want to see the Warlpiri re-engage and be back who they were as professional leaders. And I would like to be able to step aside as the CEO and put a Warlpiri youth leader as the next CEO; that would be my ideal dream.

In terms of these partners, are you talking about funding bodies or other stakeholders within Yuendumu?---I think all. So, I'm actually saying the funding body should be considered my partner. I think community needs to be considered the partner as well. So, we all need to work together. Can I just clarify, Mr Clifford gave some evidence about who the major funders were. I think that in the 2021 financial year WYDAC was funding to the tune of about \$9m or \$10m and the major funders were, at that time, NTG, NIAA and GMAC (?), the CLC?---Yep.

And (inaudible) smaller - - -?---Pieces underneath

- - - grants?---Yeah.

Does that, with the exception of NIAA, is that still the case?---It's relatively the case, yeah, yep. We get – but the problem is with the NT Government is that you've got to deal with every little department that sits in between it. So, it's not just one person that does all the reporting. You've got to look after your sports grant program. You've got to do the next group and the next group and the next group, so it's not one centralised - - -

One of the things we've heard from Brooke Shanks was that one of the problems with the existing funded model which involved so many funding partners, was that they were very inflexible grants?---Mm mm.

And you might have service A and service B and this obvious need between them, but no ability to bridge the gap?---That is correct, yep.

Is that something that you'd hoped dealing with – or consolidating with the big funders might address?---Yes. And I also think we need to at least put a budget in. I know this will come down to integrity and I think evidence in the future. But a trusted relationship that says, this is what it is, you provide the budget but put it into a corporate pot and then have the flexibility as the CEO on board, a smaller board with strong governance to be able to determine where it needs to be. I heard the situation earlier about that, you know, if something happens and the individual who's doing the care has Centrelink switched off, who's actually supporting? I think you need to be able to step in and say, it might be a little bit of an obscure case, but we should provide a level of compassion and actually support those individuals. You don't have that flexibility inside your grants. But if it was in a corporate pot and it was a justifiable reason and it could protect someone's life, then I think you need to start making decisions like that and have it as a justifiable discussion, and a more frequent conversation with your sponsors and grants and partners to say this is why we're spending this money, but this is the outcome from it.

Those are my questions.

THE CORONER: Yes, other questions?

MR MULLINS: Thank you, your Honour, just briefly.

XXN BY MR MULLINS:

MR MULLINS: Ms Abraham, my name is Mullins. I appear on behalf of the Brown, Walker, Robertson and Lane families. Just two questions; firstly, you mentioned that one aspect that you can glean from your experience is some financial rigor to the organisation. Have you identified any cultural issues that you confront in implementing that financial rigor?---I think there'll be – the past is the past, but when I'm talking about cultural issues, you're referring to?

Well, cultural issues within the community?---Some of the expense managements or - - -?

No more, I suppose, the hierarchy of authority?---I see. Sorry, I'm with you now.

Yes?---I'm sorry for my ignorance. No, I – from my perspective, it will be a – like a board down decision. So whatever I put forward is not going to be my decision. I'm also looking that the delegate opportunities here for them as well. So going through the governance discussion, there is clearly, in my mind and I think part of the breakdown of the past has been, what is actually the CEO delegation and what is the board delegation; what is strategic and what is operational. So part of the education and learning is to understand who actually has the authority to make decisions around the expenses and go from there.

One of the issues we've heard about in the inquest is the fact that the Elders have, over 20 years or so, had their authority emasculated by the Intervention and matters

associated with that, do you have a plan to engage the Elders to part of the WYDAC organisation?---Absolutely. So, when we go through with the ten representatives that were sitting on the director's board, the intention is that everything will come up through different community levels. So the board will actually sit with your ten and underneath you'll have your youth committee and you'll have your community committee and your financial advice and risk committee. So each of those committees will actually represent one core function within the community. So the Elders' voice, for example, inside the community committee will be listened and brought up to the board for decisions. The youth committee will actually be part of the, what activities do we need and what functions are there. Those decisions will obviously come up to the board as well for decision. And the same with the financial advice and risk committee. So that will actually come up to the board as well, the decision process.

And have you taken into account, or are you taking advice from anybody, about the fact that decision-making in the Yapa culture may not mirror decision-making in other - - -?---Absolutely. So I've been speaking Jean and Jimmy and a lot of the other Elders in the community as well around what we need to do, and obviously from Lajamanu's perspective, we've got Jeffrey Burns and a number of other Elders and senior people on the community up there as well.

Thank you, your Honour.

Thank you, Ms Abraham.

THE CORONER: Mr Murphy.

XXN BY MR MURPHY,

MR MURPHY: Ms Abraham, my name is Murphy and I'm one of the lawyers representing NAAJA, the North Australia Aboriginal Justice System Association and I've got a few questions. You spoke about ways of improvement and in particular, a short-term nature of a lot of the funding to the child instability (inaudible) moved to Lajamanu (inaudible). I guess objectively, one answer to that and suggestive in your evidence is actually employing people from Yuendumu to (inaudible) and broader community of WYDAC services. So if you speak a little bit about something you touched on with the manager of the youth gap (inaudible) and also if you can relate to that in terms of the (inaudible) development?---Yes, certainly. So what we've done there is – the Managing your Youth Gap program is an arrangement. I call it "Fee for service" which is perfect when it comes to grant providers. You actually have to have evidence every time you do something. But that's my sort of style in the background. So for every hour that a Yapa person does for us, we get paid an amount of money and it also covers or co-covers the cost of the Kartiya person to oversee. And that's perfect because that means that every hour they're doing something, we're actually getting remunerated for, rather than getting a bucket of money and then trying to attribute it back out. How this happened, it's part of the – one of the areas that we had switched off for us from a funding's perspective with the CLC was trying to find a way that we could put more youth advisor and supports

back into our community. So, the staff on the ground, we reached out to our Elders, so we chatted to our chairs and our co-chairs, and I spoke to the – basically the WYDAC staff and we identified four fabulous people and we had a conversation with them, and they were all very keen to get involved. Some of those have actually been past Yapa employees, but when the funding ceased, obviously, their employment ceased as well. So we were able to re-engage. And I heard earlier too, you don't want to go and basically cannibalise your peers in community either, so you don't want to go and poach other people. So you actually want to find your own source of new employees. But our four that are onboard are doing amazing jobs and we'll continued to support them. But they've actually – I've done an expose on them and produced a brochure, so if anybody would like a copy, I could share it with you. But the intent behind that is to keep promoting the program. And then we've had a couple of similar styled, people touches on the shoulder who've spoken to Jordon and spoken to Hamish and Lavina and Selena and said that they want to get involved, how do you do that? And that's exactly what you want. So you actually want the youth in the community to see success of others, and know that it's achievable.

And I'll perhaps just make a note for everyone, that you might get a request for that - - ?---Absolutely mate.

Just – just in relation to sort of outcomes from that. You spoke about you know, the ideal situation being you've got these housing difficulties and other barriers to the organisation that you might be training people to change to locks and the like, but am I right that it's as important as those jobs are, these sort of mentoring opportunities are not just to go into those sorts of jobs. It's also potentially - - - ?---Absolutely.

- - - (inaudible)?---Absolutely, that's exactly right. So one of our particular young fellows is very keen to look at reception role, and migrate up through administration. And I'll be looking in to support that as well, with a you know, Cert II Administration, and then continue to move their career.

Moving from I guess the big picture, aspirational, to the very concrete. You spoke about have some money for capital works in relation to Mount Theo. And your predecessor, when he gave evidence, also spoke about that. Could you just give the court an update on what are the capital works needed at Mount Theo and when's the likely timeline?---Yeah, so the capital works were originally drafted some time ago. So the intent is to go back and review. Because without it being used or seen, we're not sure how much is actually required. We're actually scheduled to go Thursday next week, just for context. So on the Wednesday, with permission by traditional owners, we're having a bit of a recognisance, to make sure that we can get out there. So if there's any road requirements, that'll be done in advance, and then on the Thursday we'll be able to travel out together, and actually look at the full facilities. And so I'll be able to update after that, but at this stage, we've heard that it's solar, the pumps around the water stations, and a few other little bits and pieces, yeah. Our intention though, my absolute intention is to have it done and open for a July date, to take.

One thing that – in your response to – written response to some of the questions from Counsel Assisting, you said that WYDAC relies on – sorry, I'm just moving to Youth Diversion programs. It's one of the things that NAAJA's particularly interested in?---Yeah.

You said that WYDAC relies on grants and donations to fund diversion programs. Your predecessor had said that some of them were funded through the Northern Territory Government. Is that still the case? Or is it independent funded for - - - ? ---It's a combination of both, to be quite honest. It was previously largely with the CLC, and then with that ceasing, we've – we've got some funding through from the NIAA. But it's all temporary funding. And YTG also helps us in that gap as well. So some of those youth workers that we've bought forward, actually help with the diversion work as well.

Did you just say (inaudible)?---Sorry, managing the youth gap, with the (Inaudible) Program, yep.

And your predecessor had spoken about that being a real objective to expand the diversion funding. And what I heard you say earlier in your evidence in – in answers to questions from Mr Coleridge, is returning to scaling to excellence and returning - - - ?---Yep.

- - - to the (inaudible)?---Yes.

Would it be right that that would include your focus on diversion?---But when we say that as well, there's got to be an educational component. So at the moment, it's just very much – and I did hear someone mention it as well, you know, it's all well and good to be playing basketball, but what else do you get out of it. So we're putting some very strong – to meet the KPIs to be able to prove to our partners, so our grants partners, that we're actually delivering, we're going to be putting a lot more structure around it. It might look something as simple as you finish school, you get to have your hour of burning off the energy from school. Then you'll sit down an do an hours' worth of education. And that would be something like a homework or some sort of facilitated structure, and then a meal, and further games. But putting absolute rigor around the activity.

My final question is just in relation to the – just the extent of the services involved, once there's this (inaudible) to excellence. In your original response to questions from Counsel Assisting, one of the diagrams that the organisation had the provision of things in it, capability building section - - - ?---Yes.

- - - the provision of services up until people are 35 - - - ?---So we - - -

- - - (Inaudible)?---Yeah, it can go beyond 35. But we've – we've just sort of said, as a generalist state, 35's kind of a point that we would need to say at some point, you need to move in to either your formal career or not. But being mindful that when it comes to literacy, it does tend to obviously flow later in life.

Those are all my questions?---Okay.

THE CORONER: Are there any other questions?

MR COLERIDGE: Briefly, your Honour, two – or one matter.

XXN BY MR COLERIDGE:

MR COLERIDGE: You talk a bit about partnership and working with partners. One of the things that the court's heard about the period following Kumanjayi Walker's death, was that many of the stakeholders who were in community were incredibly silent?---Mm mm.

They weren't doing anything together. They weren't communicating effectively. Often they were delivering similar services, unaware that they were doing it. Servicing similar clients. Are you aware that that was the case?---It wouldn't surprise me if it was. I know since I've started, the communities are coming together more frequently. I'll give you an example of how I see things operating. Yuendumu is going to be more like a hub, and we're going to do spoke – hub and spoke arrangements into Willowra and Nyirripi. And as a result, I've already reached out to a number of providers inside Yuendumu and said, you know, we want to go down every fortnight to Nyirripi and have this wham, bam, two-day support program. And then the next fortnight it'll be in Willowra. Would you like to come with us. So encouraging the clinic to travel down with us. And encouraging WANTA to come down with us, doing civil service and things like that. We get to share costs, but we get to build collegiality. We know that if people operate as a team like that, they're more likely to stay engaged, and – and work longer, to be able to retain positive staff. But they also get to debrief on the way back, and then obviously return to Yuendumu. So I think the communities in the past, may have operated as silos, but breaking it down, encouraging everybody to come to the community, is the way of the future, yeah.

The second last question I had for you was about the brochure. It sounded like one of the reasons you bought that brochure together - - - ?---Was to tell people how good things are going. It's about rebranding WYDAC. Because I know that it's got a reasonably – I mean, I was – I was offered the role in December, and all I'd read was negative. And the one thing I wanted to do was make sure that we change the story, because the narrative is changing, the organisation is going to go back to where it was. Which is greatness.

Does that need to rebrand go a step further, involving some rebranding about Yuendumu?---Absolutely.

(Inaudible)?---Yep. And I think that's the other thing, when we try to attract staff and they start looking up, I always say please don't look up Yuendumu on the internet. Come and talk to us. I would even encourage you to come in and spend a week with us. And the intention behind that is to actually immerse yourself back into community, and actually see what it's like first hand.

So you were aware of the very negative publicity of - - - ?---Absolutely, yeah.

Do you think that that negative publicity affects the well-being of the (inaudible)?
---The individuals in the community as well, absolutely. And that's what I'm trying to change. Because it's not just about WYDAC, it's about Yuendumu, and it's about Nyirripi and Willowra and Lajamanu, yeah.

Nothing further, your Honour.

THE CORONER: Thank you very much for giving us an update, and no doubt we'll be keen to at least may be receive something in writing - - - ?---Yeah.

- - - particularly in relation to Mount Theo?---Absolutely. And when it does open, you're all welcome to come for a visit.

Thank you?---Thank you.

WITNESS WITHDREW

THE CORONER: Yes, the next witness is – and shall we take a break?

MR COLERIDGE: By AVL, your Honour.

THE CORONER: By AVL.

MR COLERIDGE: Yes.

THE CORONER: Will we – I know that it's only a short sitting, which is a change, and we're not used to it, we're all here ready for the long haul, but we might just take our 15-minute break and then we'll return.

ADJOURNED

RESUMED

THE CORONER: Mr McCarthy.

MR MCCARTHY: Your Honour.

THE CORONER: We have Mr Warren on the video link.

MR MCCARTHY: We have.

BRETT WARREN, affirmed:

XN BY MR MCCARTHY:

MR MCCARTHY: Mr Warren, you prepared an affidavit in this matter dated 24 February 2023. Is that the document you have in front of you?---That's correct.

Are the contents of that affidavit true and correct?---That's correct.

I tender that your Honour and (inaudible).

THE CORONER: Sure. That will just get another exhibit number. I don't actually have a copy of that affidavit.

DR DWYER: Your Honour, that's at 8-64B. Would it assist your Honour if I hand you a written copy of it?

THE CORONER: That would be helpful. Thanks.

EXHIBIT (?) Affidavit of Brett Warren

THE CORONER: Yes, Mr McCarthy.

MR MCCARTHY: What is your current role, Mr Warren?---My current role is the Deputy Chief Executive for Housing in the Department.

Regarding par 3 of your affidavit you expressed the department's condolences to Kumanjayi's family and community. Did you have anything you wish to add to this statement?---Yes. Thank you. So I just wanted to acknowledge it is a tragic event and I do pass on my condolences personally and on behalf of the Department to what's occurred.

Can you please provide the court with a short summary of your training and experience as it relates to Housing or the services that it delivered?---Yes, certainly. So my background is as a police officer and I spent 17 years with the NT Police. A big part of that work was delivering or coordinating remote services into remote Aboriginal communities. After I moved on from the NT Police I joined this department. I spent a year as a child protection leader for the agency. After that

I spent two years leading the Youth Justice Program and I've spent since 2021 leading the housing program.

So you don't necessarily have experience building houses but you do have experiences in managing remote work forces and the like, is that correct?---That's correct. My experience is in running remote and (inaudible) operations. I'm not a construction person per say.

From par 26 in your affidavit and I might ask you to turn to par 26. You provide an overview of the housing services delivered by the department. And I understand some of these are delivered hand in hand with other departments such as DIPL. And I'd just like to walk through a few of these. I won't mention all of them. So the first aspect of your affidavit I want to talk to is at par 28 where you talk about housing reference groups?---Yes.

Can you explain to the court what role do housing reference groups play, what are their purpose, what's their construction, etcetera?---Certainly. The Housing Reference Group is a consultative body. We set them up in corroboration with the community or the town camp as the case may be. And it's a forum that we run periodically, a couple of times a year to engage with the local people about things like housing allocation decisions, about things like the maintenance program, about things like the new construction program. So it's a forum for information, for receiving feedback and getting advice about what's appropriate in the local community.

We're going to move onto par 40. Mr Warren, if you could turn to par 40. Here you talk about the department's role in tenancy management, repairs and maintenance. What is the department's role in relation to management, repairs and maintenance? ---So the Department acts as landlord in relation to all of our public housing and therefore we've got the overarching responsibility for making sure that maintenance is delivered. In the government context our infrastructure and maintenance expert are in the Department of Infrastructure, Planning and Logistics. So we partner with them for (inaudible). So we can receive complaints about maintenance issues and have them actioned by DIPL. We conduct our own inspections where we detect maintenance issues and report them. And DIPL also have their own direct service where they can receive reports and they can pass (inaudible).

So it's fair to say that your role in relation to repairs and maintenance is hand in hand with DIPL and sometimes private providers, is that correct?---That's correct.

Are any of the private providers that you work with Aboriginal controlled?---They are. A key focus of the contracting model that we use for the tenancy support service, the maintenance service and also the construction program is preferencing Aboriginal controlled originations. In the context of Yuendumu we have First Response Maintenance provided by Central Desert Council which we would consider to be an Aboriginal controlled organisation.

Moving onto the design of public housing at par 46. What's the department's role in relation to the design of public housing?---Thank you. The department works with the Department of Infrastructure, Planning and Logistics around developing a set of guidelines for the construction of remote public housing. I've appended to to my affidavit a copy of the 2019 design guidelines for remote community housing. That's a document that's been (inaudible) by the two departments and is issued by DIPL as a set of instructions for when they are contracting people to build new or to refurbish existing housing.

So from par 46 you talk about the design guidelines. You say DIPL – I think did you say DIPL is responsible for putting together the guidelines?---(No audible reply).

Do they conform with national standards?---They do. They're written with reference to the National Construction Code and other relevant guiding documents.

At par 52 you set out an explanation of the design principles under the guidelines. Can I ask you to turn to par 52?---Yes.

I just want to talk about a few of these design principles. At C you noted design principle as being climatically appropriate design. How does this principle translate into practice?---So climatically appropriate is referring predominately to the way that we orient houses on the ground in the place where they're being built. So it's about recognising east west factors. Where it's relevant it's about recognising other factors like trees and hills in the area so that you can maximise opportunity on the block.

At par D you talk about the design principle energy efficiency. How does this principle translate into practice?---So energy efficiency is one of the principles for design. In our context we require a minimum of a 5-star energy rating standard for the dwellings that are built for the remote housing program. The principle speaks to several issues though. It speaks to things like mechanical cooling, it speaks to the design of windows and cross flowing air as well as the material used to design the house fabric.

I understand that the Coroner has heard evidence that the rest of Australian has recently moved to a 6-star requirement. Can you explain to the court what the position of the Northern Territory is in that regard?---So across the Northern Territory for all new housing built by anyone, 5 stars is the minimum standard. The most recent update to the National Construction Code, which was announced in October last year and takes effect in October this year, asks people to build to a 7-star standard. That component of the code hasn't been adopted in the Northern Territory at this time. And I understand other jurisdictions have made a similar decision about staged introduction for ongoing consideration.

At par 54 – no, there's one more point, sorry. At G you note building maintainability and longevity. Can you talk to how this principle translates into practice?---Certainly. So we design for (inaudible) lifespan for the dwellings that are built. So robustness and a capacity to repair, to refurbish or to fitout differently to meet the requirements of a different tenant is fundamental to design of these new houses.

At par 54 you set out some detail in relation to regional specific modifications. What are the types of modifications that are made on the basis, I suppose, the region that the house is based in?---I guess the most obvious modifications relate to things like cyclone zones. So in the tropical north where we're building in cyclone risk areas, the design must include being built to a cyclone safe standard. In the arid zone, so picking up Central Australia and the Barkly, our designs include a commitment to extra air-conditioning. So we – as an extra commitment to air-conditioning in those arid zone houses.

Moving on to government employee housing, this is addressed at par 56. What's the Department's role in relation to government employee housing?---So in 2022, the government approved the centralisation of government employee housing within my Department. We've established an – an entity called the NT Government Employee Housing (inaudible), which is now responsible for coordinating the tenanting, the (inaudible) and the maintenance reporting of government employee housing across the Territory. And that's in implementation phase at the moment, having been approved last year.

The coronial has heard evidence that public housing is built to a different standard than government employee housing. Is that the case?---It – it can be, it has been in the past. So the GH program is over 40 years old, and there's a range of different designs applied. Since we've taken responsibility for the whole of government delivery, we've been reviewing the GH design guidelines, and we're bringing them into alignment with the Remote Public Housing Guidelines, so that they are the same look in the field. The same basic design standards, and they can be treated as essentially the same.

Same building materials?---That's – that's correct.

What role does the Department play in relation to the allocation of government employee (inaudible)?---So we work with what we refer to as the client agencies, the service agencies that need their staff accommodated. We will sometimes challenge the utilisation of a house. For example, if a single person is in a multi-bedroom house, we might intervene. We'll look at a different allocation to get better use of the available houses. And so we – we are ultimately the landlord to the tenant that moves in. So we have a high level of involvement in tenant.

From par 76, you talk about service delivery. Can I just ask you to turn to par 76?
---Yes.

So here you talk about services delivered in Yuendumu. When was the last time you travelled to Yuendumu?---Last Monday.

What were your observations of housing in Yuendumu when you visited?---So the community of Yuendumu struck me as fairly similar to other remote communities in that region, in terms of the layout, the design of houses. I saw a range of ages of buildings. From some very old dwellings that were handed over when we took

responsibility, to brand new builds, that were completed at the end of last year. There is maintenance requirements out there. One of the challenges, one of the physical challenges is where windows are broken. Our first response is to board up, to make the house secure. And we can sometimes have a delay in getting (inaudible) completed. And that is visible when you go to that community, that there's boarded up windows.

THE CORONER: When you say "sometimes have a delay", do you have some statistics on that?---It can – it can take up to six weeks to get glazing, is my advice at the moment. And we're seeing further delays in Alice Springs, which might be a bit different to the north of the Territory, because of the small number of providers who advise us (inaudible) at the moment.

MR MCCARTHY: At par 76, you discuss the Yuendumu HRG. Is - - - ?---Yes.

- - - it currently – is it currently operational?---It is. The last meeting was in January.

At par 79, you talk to the number of public housing dwellings in Yuendumu. The number of rooms in those dwellings. And I'll just ask you to turn to par 79?---Yes.

Now you note that on the Department's records, there are approximately 4.5 persons per house. Later in your statement, at 184, and we'll turn to 184 shortly, you provide some context to this number. But I think I'd like to address that up front, if that's okay. The number of 4.5 persons per house, as I understand it, puts the population of Yuendumu at less than 500 persons, is that correct?---That would be correct.

You would agree that under – understates the population of Yuendumu, is that correct?---That's correct.

I might ask you to turn to par 184, just so we can talk to this for a second. So you took a look at the Census in the course of preparing this statement. And you note that the Census was put the number of the population of Yuendumu at closer to 750 persons, is that correct?---That is – that is correct.

And if you accept that there are 750 persons in Yuendumu, that would put the rate at approximately seven persons per house, is that correct?---Yeah – yes, is a simple answer, but I just want to clarify, the census addresses a head count that's different to what our tenancy data captures. So the census captures every person who's in the area on the night of the census. And for example, the census reporting references people living in over 200 dwellings in the region, where the count was taken. So the point I'm making, is it captures a bigger pool than the people who live in our houses. But we do understand that our tenancy data doesn't capture all people who are living in our public housing. So I would suggest that the actual number, the actual average is somewhere in 4.5 and seven.

That makes sense. But I might just draw this out slightly. So go back to par 79. I think we've got statistics, there are 107 houses occupied. So the number four point – 4.5 persons per house is on the basis that there's a 107 houses that have been

counted. There's 107 houses in Yuendumu that are operated by the Department, that have people in them. Is that right?---That is correct.

Whereas if you look at the numbers on the census, they suggest 259 dwellings. So that would suggest that there's houses that are being captured that are not Department of Housing houses, is that correct?---That is correct.

So what you're saying is, you would accept that the number is greater than 4.5 persons per house?---Yes.

But it's probably something less than seven persons per house. But there may be times of the year where there are more people, and less – less people, and more visitors and less visitors, is that right?---That is – that is correct. And we certainly understand that these are average numbers. So there'll be some houses with less, and some houses with more than the average number that we're giving.

I understand that it's your position that over-crowding is a problem in Yuendumu, is that correct?---That's – that's certainly the case, yes.

And you would accept that more needs to be done in the public housing space to bring the number of persons per house down, is that correct?---Yes. Yes, absolutely. We recognise Yuendumu is over-crowded, and that key – the key efforts being used to target investment to new housing in that community.

And I might take you to some of those reforms in a little while. But I'll move on at this stage.

THE CORONER: What's happening with the 15 houses that aren't occupied? I think we can account for one, but the other 14?---Those houses are variously vacant waiting for maintenance, or currently undergoing maintenance. And I think, if I could just refer to my affidavit, there's a couple that are ready for allocation at the moment.

MR MCCARTHY: Your Honour was the one house that you're referring to, the house that you saw on your visit, or are you referring to the WYDAC?

THE CORONER: No, I was – no I think WYDAC's – I don't know, is WYDAC part of this – these numbers?

MR MCCARTHY: My understanding is no.

THE CORONER: No I wasn't thinking it was?---So at par 81 of my affidavit, the paragraph breaks it down the housing pool, the public housing pool, based on status. You can see there, 107 currently occupied. All available to allocate, but not currently allocated. Five in maintenance, which means that they are subject to refurbishment. Two listed as pending the disposal, that means they will be demolished and replaced, and one's listed as upgrade, which means that it's only going to for repairs,

and three listed as vacant, the tenants have just moved out, but the maintenance hasn't commenced yet.

And with the funds that are available to allocate, what was discussed at the HRG?
---I can refer to the minutes in some more detail, but - - -

I don't - - -?--- - - - the sergeant at the HRG.

I didn't have a copy of the minutes. I don't know if someone's got a copy there that I can have?---My understanding is that the HRG, the focus of the conversation was particularly around the refurbishment and new discussion program and introducing the maintenance provider to the group to make sure that they were aware of how that service was operating.

All right. So how are you going to allocate and how are you going to consult in relation to these four houses, if you only have a meeting about twice a year?

MR COLERIDGE: I think he's just checking it, your Honour, just seeing if (inaudible)?---So just referring to some of the notes there, it appears to me that we provided waitlist advice to the HRG who committed to provide feedback to help us make a recommendation about allocation. I can confirm our decision that we've got an allocation decision creeping over us (inaudible), if that helps the court.

THE CORONER: Thanks.

MR MCCARTHY: We'll come back to that, your Honour.

Mr Warren, at page 96 you talk about certain points that are delivered that may be associated with Kumanjayi. And I think what we've done here is looked at a number of houses that we understood that Kumanjayi maybe went to from time to time. I might take you to par 110. I might make that 101, if that's okay?---Yes.

Can you describe for the court what it is that you set out at par 101?---Certainly. So at par 101 we've provided an outline of the maintenance work that's been delivered at one of the houses that Kumanjayi was related to, to give an example of how the Department provides that service. It plays out all of the main service delivered over the period from 2018 to 2023, and it stops at 2018 because that unit complex was subject to a complete refurbishment at that date. So, this is indicative of the kind of work that happens in houses that he was linked to.

And I want to take you to par 107, and that's Lot 511?---Yes.

And this is a similar sort of list. A list that sets out all the maintenance that has occurred at that particular house?---That is correct, yep.

And this house is in Yuendumu. So who would you expect would be doing the majority of this maintenance?---So under our current arrangement as the Central Desert Council provide the first response maintenance. So what we would describe

as a handyman service. Where there is a requirement to do more technical trades-based work, we draw upon the trade panel who usually come from Alice Springs out to Yuendumu to do that work.

And I understand that there are Aboriginal-controlled organisations that are involved in maintenance in Yuendumu and I think you might have touched on them before. Are there Aboriginal-controlled providers involved in the construction of houses in remote communities?---There are. We try and prioritise Aboriginal control with all of the contracts that we release. The construction work that's occurring in Yuendumu is being delivered by Asbuild Centre Corp which is an Aboriginal-controlled building organisation.

From par 116, you start to discuss some of the challenges associated with the delivery of remote housing. To begin with, can you explain to the court what it takes to build a house in a remote community, starting with services, putting the services in the land and allocating blocks, et cetera?---Certainly. So the biggest sort of enabling challenge that we've got with the housing program is that having very few what we call "service lot" available. So a service lot is a segment of land that's got the relevant power, water, sewerage connections running underground to allow a house to be built and connected onsite. When this housing program first started, there was only 70 service lots available across the whole remote Northern Territory footprint. So we've had to be very focussed with the funding around building new subdivisions or identifying land that is what we call "infill". That's where we can find individual blocks that can be put online within an existing suburb or remote community footprint. So once that design work is delivered, it can take 18 months to two years from the concept through to having the subdivision completed. Then localise a builder to actually go and do the construction part of the program, working in a place like Yuendumu, the extra challenge is not being able to access a combination or laydown areas or storage areas for construction companies. So there is a need to establish a work camp in advance of getting the construction completed. That's something that's happened in Yuendumu. There's a construction camp that's been (inaudible) area to store their equipment and lay down materials. The other challenge that we've had in Yuendumu is of recent times when we should have started building in February, unfortunately, due to a death in the community, there was a need to step back to allow sorry business to occur. And to give you a sense of some of the local challenge, the sorry camp was set up on the location for the first two service lots have being identified and you can start doing new construction. So really, they need to be sensitive and a construction company has stood down whilst that sorry business was completed and they're now ready to start doing that work. The last bit I would say the challenge of working – or getting a house built is supply chains. So, where working with contractors who are dealing with the real challenge of getting enough materials available through their suppliers because of a national shortage and some supply chain challenges. So they are talking to us about ways that we can help them do bulk purchasing, so they can get here to the Territory to deliver (inaudible).

From par 117, you set out some detail in relation to some of the challenges associated with building housing in remote communities. I just wanted to touch on a

couple of these. The first one you talk about is the geographical isolation of the Territory or parts of the Territory. You know that the Northern Territory is the third largest jurisdiction and the department is responsible for building houses in 73 remote communities. So the construction blocks that are required to be undertaken are quite disbursed. Is that correct?---That's correct. We've got about 50 construction sites mobilised across different communities at the moment.

And the fact that construction is quite disbursed, is one of the factors the increase in costs associated with building a house in a remote community. Is that correct? ---That's correct. We try and break packages up so that they're at a scale, they make economic sense to the contractors. Because there's so many overhead costs involved in setting up in community, we don't make a package to set the size, it makes the cost of house too much.

Can you speak to the average cost of building a house in a remote community in the Northern Territory? Do you know what the figure is?---Yeah certainly. So over the life of this program, the average cost of a three bedroom house is about \$550,000. That doesn't include the other costs I've mentioned including the subdivision and headworks that need to occur first. So the actual cost can be higher than that.

In combination with the fact that the Territory is the third largest jurisdiction, that it makes up about one percent national population, is that correct?---That's correct.

So there's an issue here in we're collecting taxes from a small number of people, that money needs to be spread across a very large jurisdiction. Now I understand you get some assistance from the Commonwealth, is that correct?---That's correct.

Can you speak to the assistance that is received from the Commonwealth, Mr Warren?---I can. So the current ten year building program was funded to the amount of \$1.5bn by the Northern Territory Government. The Commonwealth joined us in a five-year partnership after we commenced the program and they committed another \$550m. So the total program over ten years is approximately \$2.1bn with \$550m support from the Commonwealth for five out of those ten years.

Thank you, Mr Warren. The second issue I want to talk to is the availability of contractors. Can I ask typically builders or contractors based in the 73 communities and you mentioned before that construction occurs on a sort of drive-in, drive-out basis and camps need to be set up to facilitate the construction. You've noted that there's a national shortage of trades people, I suppose a national shortage by definition is across Australia. Is it your view that the problem is more acute when you're trying to find tradesmen who have the capacity or willingness to travel out to remote communities and provide construction services in remote communities?---It can be a problem. We hear from our contractors that they need to find ways to be more attractive employers when they're competing against work opportunities for trades that are in an urban centre in the Northern Territory or even an urban setting in the east coasts of Australia. So that drives up the cost through to them. The other challenge is where there are trades available they're still in limited supply. And if I can share this example. The construction of new houses in Alice Springs town

camps is a brick build and there is one block layer who is capable of delivering that work in Alice Springs, who is sharing his time across five different contractors. So they're cooperating and scheduling him so that he can work for each of them in turn. So that's an example of a limited resource that creates a bottleneck for us.

There are a number of issues set out in these paragraphs but I might just talk to one final issue and that is limitations in water supply. How do limitations in the water supply to a community affect the construction of houses?---So we need to establish that a service system or a power and sewer system can potentially sustain add-ons or expansions to the housing footprint. So at the design phase we need to confirm that the power station can accept the increase, that the water system has the capacity and that there's a sewerage solution. Sometimes the water system doesn't have enough capacity but we can resolve that by installing much larger water storage tanks. An example of where we've done that is in Hermannsburg where we needed to instal a significant new water tank in order to prime the new subdivision. In a place like Yuendumu the challenge is actually water scarcity at the front end. So most would be aware that we draw water out of the artesian basin by bore. At the start of this program BWC attempted to search for and drill new bores to increase the water supply and they weren't able to find any new source. So we've had to work through a series of steps to focus on reducing the usage of the water in Yuendumu to kind of reclaim water or avoid wastage. So we've spent a period of time installing meters, smart meters, onto the trunk system and onto the houses to find where leaks are occurring and then we've worked with Power and Water Corporation to start doing repairs on the most damaged parts of the system. That's allowed us to recover 20 million litres of water in 2020, which has allowed us to restart the construction program in that community. So we've had to do that as a necessary precursor before we could start building so that we didn't overly stress the water system.

Thank you very much. I'm going to talk to you about reform now very briefly. Can I ask you to turn to par 128. Here you talk about the Our Community, Our Future, Our Homes Program. Can you provide the court with a brief overview of this program?---Yes, I can. So the program consists of four main limbs. The – I guess the most obvious one is the home build program which is the construction of new or replacement homes. That makes up \$500m of the total program that the NT has funded. We have what's called the Room to Breath Program which is a refurbishment or upgrade program for existing dwellings that might benefit from a new bedroom or a new living space to make it larger. That's a \$200m program. We've got an allocation for government employee housing construction and refurbishment, which is another \$200m. We have a land servicing program which I've spoken a little bit about already, which is funded to \$430m and is about ensuring that we've got that enabling works completed. And then we have a repairs and maintenance program which is another \$200m in that program. And as mentioned, the Commonwealth have supplemented that with their payment.

And to bring it from the big picture down to the small picture, I might ask you to turn to par 163 where we talk about or how is this program going to impact Yuendumu. And I think at par 163, can you just describe what's going to happen or what

services, what housing will be delivered to Yuendumu under Home Build NT?---Yes, certainly. So the crux of it is that we've approved 37 new and replacement houses to that community. We've been through a consultation process to determine that 23 of those will be new houses on blocks that have been identified that can be serviced. 13 are replacement and we're still negotiating on one final house. Some of those dwellings have been built already and the court may have seen some of those at the last visit. They are primarily being used as what's called transitional accommodation which allows us to move tenants out of other homes that need to be refurbished or that need to be replaced. They live in the transitional house whilst that work occurs and then they move back into their new or refurbished home at the end of that work. So this work has started and is scheduled to run over two years

And at 166 you talk about the impact on the Room to Breath Program in Yuendumu. Can you talk to this very briefly?---Yes. So we've approved 23 homes for modification and to give you a sense of that, it's creating 51 additional living spaces and 29 additional bedrooms. So sometimes that work creates a new lounge room or common area and sometimes it creates a new bedroom to expand the house and make it more (inaudible) family that's living in there. There's 18 homes that currently are subject to modification.

Thank you very much.

And then finally, your Honour, at the back of your affidavit are there a series of photos? Do you have the annexures to the affidavit in front of you?

THE CORONER: I've got BW4.

MR MCCARTHY: (inaudible).

Mr Warren, could you please turn to page 156 which is BW4 of your affidavit?
---Yes.

Can I ask you to talk to these photos so that we might understand what they are and where they are and the difference between the various housing?---Yes, certainly. So annexure BW4 shows a series of pictures of one of our modular dwellings under construction in Alice Springs before being taken out to Yuendumu. It's been provided to give the court a sense of what the houses look like and how they're put together. And this one is destined for lot 507 at Yuendumu. One of the features that I would quickly draw everyone to, on page 160 of that section, is a picture that shows insulation being inserted into wall cavities. And that – that is part of the standard design of modular homes that we're delivering across the Territory. Annexure BW5, provides the court with an example of one the block homes that we deliver under the Home Build Program. This actual house is in a different location, but it's built to the same specifications as the homes that are scheduled to be delivered in Yuendumu. Annexure BW6 shows a completed modular dwelling in a community, to give the court a sense of what the finish product looks like for modular.

And it might be just useful to speak to modular dwellings. What's the benefit of using modular dwellings in a remote community?---Sure. So modular – it sees a couple of things for us. One, in water stretched communities, it allows us to do construction away from the community, to avoid creating a drag on the limited water resources. That's a real challenge in some of the places that we're working. Two, they're quite – they're quite useful for us in places that have got (inaudible) because they're adaptable, they're high on stilts, and so are useful in places that are flood risk. And three, they allow us to build, (inaudible) and take a number of dwellings out to the community at the same time. So they're built in a – in a central warehouse, and then transported out by truck to the location where they're put on the ground. The last thing I would say about the modulars, is we've tried, where possible, to give the community a choice, and we've put in the realms of 40 percent of the housing program has been modular, and the realms of 60 percent have been block. And that's been partly driven by the choice of the local community. The last thing with these – this design, is that we've found them to be very energy efficient. And whilst the average energy efficiency on the program is about 6.4 stars, these modular builds often get over seven stars.

They're my questions, your Honour.

THE CORONER: Yes.

Any other questions?

Mr Derrig.

XXN BY MR DERRIG:

MR DERRIG: Good afternoon Mr Warren. My names Matthew Derrig, I (inaudible). At par (inaudible) of your affidavit you implied "Housing (inaudible) as a social determinant of health and well-being. I accept this fully, as does the Department." Does that sound about right?---That's correct.

In respect to Kumanjayi specifically, the Coroner has received into evidence a report from K Crowley, a forensic psychologist, dated 2 May 2017, which notes that overcrowding is one of the four indicia of likely (inaudible) Kumanjayi Walker. (Inaudible) agree that one of the social determinants – she recognised that housing can have quite an effect on a person's mental health. Is that fair, do you accept that?---Yes, yes I agree.

And what do you understand the benefits of reduced levels of homelessness to be? ---The benefits of reduced levels of homelessness, so we are always working towards getting people into homes, instead of being insecure. We understand that (inaudible) just in a remote context, it's like lack of secure homes, than having people stopping at someone else's house, or sleeping in a – in an undefined area of the house. So it creates a stress on the persons, and so we're always looking towards creating more bedrooms, so that there's more secure (inaudible).

Thank you. Dr Simon Quilty has given evidence to the Coroner about the beneficial effects of reduced homelessness. And he provides that, having good houses is a safer place for children to be safe, engaging in (inaudible) and allowed to study, to be able to have a good night's sleep, to be able to have access to a fridge, to eat before they go to school. Does that seem correct to you as well?---We agree. Housing's essential for good family life and community life.

Okay. Would it be fair to say that housing has positive effects on health?---Good housing, that's not over-crowded, can reduce the likelihood of transmissible diseases, is that we're – what you mean?

That's right, (inaudible). Would it – as a former police officer, would you also accept that proper housing, stable housing may have an effect on the reduction of crime? ---I certainly agree that there seems to be pressure on families that can lead to things like domestic violence, or domestic pressure, yeah, for sure.

And being a representative of the Department of Housing and Territory Families, you'd accept wouldn't you, that housing is essential to ensure that families are able to stay together, rather than being taken into care?---That's – that's correct, and it's been one of the key opportunities in our new merged agency, to work more closely with (inaudible) agency.

So in all of this, would it be reasonable to conclude that housing is required to progress all these social determinants that we've just spoken about?---I agree, housing's a key component of that.

And you may be aware of this fact, and I'll ask you to accept it from me, that the ABS in 2016 Census provides that the Northern Territory (inaudible) the national average homelessness rate. Does that seem about correct to you?---It does. Our Department agrees with that number, yep.

Now 88 percent of those persons who are homeless in the Northern Territory, are Aboriginal, at least at that date?---Yes.

So you'd accept wouldn't you, that homelessness in the Northern Territory disproportionately against Aboriginal people?---Yes.

The – following that, is that the reduction in homelessness, with all other things being equal, do you (inaudible) disproportionate effect on Aboriginal people, i.e. to reduce homelessness, (inaudible) Aboriginal people?---Yes.

Has the Northern Territory ever commissioned reports on the correlation between homelessness, education, and crime and child protection?---I – I'm aware that there's been some (inaudible) examinations that are being done, with academic support, that the connection between child protection, (inaudible) and education. I've not heard whether or not housing was included in that. There's certainly work being done in that space.

Are you aware of any reports commissioned by the Northern Territory, that might show the sort of cost benefit of a reduction of homelessness, leading to a reduction in the cost of health, justice, and other – those other social determinants?---I'm not personally aware of those reports. But I accept the proposition.

Well, sorry, what I was saying is I'm not aware either of such a report, but wouldn't such a report, such a commissioning, really assist the public's general knowledge of the issues with public housing in the Northern Territory?---Look – look potentially. I think there's a range of work going on that is raising the profile of issues affecting Aboriginal people in the Northern Territory. One of the key ones that the Northern Territory Government's committed to is the Closing the Gap work. I think it's a really important chance for us to fall in behind the peak body who's leading the conversation with our departments and the Australian Government. So I guess there's a number of ways that these could be raised. But I certainly support the idea of (inaudible).

And a cost-benefit analysis potentially leads to better budget planning?---Look I – I don't know for certain whether it would or not. It sounds like it would be useful information to have. What I would say is that the department has worked with land councils and the Australian Government on using the overcrowding figure as a key vector for assessment. So there's been an agreement by the four land councils, the Australian Government and the (inaudible) that using overcrowding data is the most effective way to target the investment that we do have available, so in building houses is the places where they yield the biggest improvement for people.

Just to change topic a little bit. At par 125 of your affidavit (inaudible) are often delivered on a relatively short-term basis?---Yes.

And it's my understanding that Commonwealth funds are generally largely for the purposes of building houses, is that correct?---That's correct.

And is it fair to say that the Commonwealth doesn't provide funds or generally doesn't provide funds for ongoing maintenance?---So in negotiations that we're having at the moment there's an allocation for (inaudible) and there's an allocation for support for the maintenance program. So there's a contribution.

And that's currently being negotiated, is that correct?---The one year extension is being negotiated at the moment and it's broadly reflective of the terms of the current agreement. So in the current agreement there is a contribution that we allocate for repairs and maintenance.

And having that contribution, that must take a fair bit of pressure of the Territory's budget, would that be fair, housing (inaudible) that is?---We certainly appreciate the Commonwealth contribution. As I think we've probably demonstrated with the ten year \$1.5bn program, it needs to have a long-term plan, it needs to have consistent dollars available to (inaudible) the needs of our contractors. So the Commonwealth's support is welcome though it's certainly not the only aspect of this program.

And would it be fair to say that (inaudible) budget, a longer term commitment the easier it is to budget and plan, would that be fair?---That's correct. And one of the things we've identified with our contractors is that if we can offer them a two or three or a five-year agreement that they can work under, it then enhances their capacity to deliver training outcomes and jobs for local people.

I'll move onto another topic. Now at par 202 of your affidavit you provide that ordinary GE housing, government employee housing is prioritised for employees who do not have any available housing within their community?---That's correct.

Essentially what that means is an Aboriginal person from that local community, if they had a house there, wouldn't also – wouldn't ordinarily be provided a house if they got into government employee in their own community. Would that be fair? ---It's been uncommon. There's a few reasons for that. One of them is the logistical challenge for a local person who engages in a short-term appointment and helping them land back into accommodation at the end of their employment. So there's been a reluctance for people that are short-term employees. We certainly have long-term employees who are local Aboriginal people living in government employee housing. It's a small portion but we do have them. But we recognise that it does create a disparity or a two-speed system for local people.

And to some degree you offset that with the fact that the department is proposing to pay the costs of housing of those Aboriginal people from that local community, is that correct?---I think your question is have we got a different way of providing support?

I'll just repeat it. In that same paragraph you note the department is proposing to pay the costs of housing for those Aboriginal people who otherwise would get that GE housing?---Yes. So we are working on a program at the moment that would allow us to treat the head tenant who's a government employee as if they were in GEH and have their Department pay their rent in the same way that they would for an outside employee.

But even still though, that person in a house wouldn't have the same sort of benefits to their existing house that are available to GE housing. At par 216 you mention GE housing (inaudible) like 1.8m fences, motion detecting spotlights, security doors and security windows. That wouldn't be available to those local Aboriginal people, would they, that kind of extra (inaudible)?---So there are some design differences between new GH and new remote community housing. But as I touched on earlier, we're changing the design guidelines so that (inaudible) basic fitout as our remote community houses. So I appreciate that our solution isn't the fulsome solution yet, but we're trying to find ways to bring equity to this as quickly as possible and certainly (inaudible) appears to be one option that provides some equity quickly.

Well even still, the main thing for local Aboriginal people that miss out on the chance of moving out of the overcrowded house into a less crowded house, that would be a fair difference between GE housing employees and the local Aboriginal employees, would that be right?---I'd say the GEH houses are less crowded, that's right.

Now appreciating the policy doesn't say Aboriginal people cannot have a house, however, it is in effect a discrimination against the local Aboriginal people, isn't it? ---The policy makes housing available to people who are public servants working in remote, that's absolutely correct. And about five years ago the government made a decision that they wanted to expand eligibility to make sure local recruits were included. That's been a slow process. It hasn't been delivered quickly. I've described a couple of things that have happened last year, the most important one being the centralisation of the GEH program. So we've put different assets together so (inaudible) centrally and we are identifying with the communities to allocate houses (inaudible). Some Aboriginal people who live in their community who are living in these houses and we keep looking for opportunities to (inaudible) to do that. But we don't have enough GEH assets to accommodate everyone. And at the moment our focus is on looking at that rent subsidy option as a way to provide the core benefit of GEH to someone who stays in their own community home.

So long as (inaudible) to say that to solve issue you need more resources (inaudible) houses, is that correct?---I think our school of thought at the moment is that if we can deliver more remote community housing that's of the same standard, we're actually creating a situation where people don't have to move in and out of housing all the time. So I don't think it's quite as clear as just building more GEH at the expense of. There's a few nuances to this that need to be worked through, that are policy challenges, and we need to make sure that it's set right for local people and doesn't create unintended consequences.

I'll move on a bit. Going to par 31 of your affidavit, you mention (inaudible). So you already mentioned that, about community living arrangements, housing design, allocations and applications (inaudible) and the like. That's a pretty large role, isn't it? Like that's covering a large area of functions?---That's correct. There's a range of things that (inaudible).

And do these members, do they get paid for the vital work that they do?---No, they don't and historically the groups were set up as volunteer consultative groups. We've certainly recognised and had some feedback around the burden that gets placed on key people from different communities who (inaudible) on a lot of these committees. We're reviewing (inaudible) to understand whether we can make them work more smoothly and we've certainly had feedback about payment in that review. I think the bigger piece is as this government works towards local decision making structures in each community, we need to make sure that we have a structure for the community that is most effective and so that we avoid creating some of these duplicated structures.

Okay. Now how are the HRGs selected to make sure that the most appropriate people are on the – in the brief?---So it's partly based on (inaudible). Partly based on assuming the spread of different family groups. We have – there's always interest from traditional owners, or sometimes land council representatives to be involved. So there can be a range of reasons that we might ask someone to participate, or that they might volunteer.

And when allocating houses, are the decisions of the Housing Reference Group final, as in they solely make the decision, as opposed to a recommendation to the Department?---So the – so HRG provides a recommendation, and the Department, as landlord, makes the landlord decision to allocate. We've tried very hard to keep that separation. Sometimes we get a lot of situations where HRG isn't able to make a recommendation, because of – well for a range of reasons. (Inaudible) to make sure that the Department is the ultimate decision maker, as the legal landlord for the new tenant.

So ultimately while they can make a recommendation, ultimately the final decision is with the Department, is that correct?---That's correct.

Now, just talk a little bit about the evolution of remote housing in the Department as it stands now. I know this is a while before your time, but you'd be aware that prior to the intervention, the local councils previously administered housing, is that correct? ---That's correct. There's a range of smaller locally controlled entities that manage housing, yes.

And remote housing would have been a significant addition to Territory Housing's duties, wouldn't it?---That's correct. It forms 50 percent of our portfolio remote – of public housing, is the remote housing.

And recently, on Groote Eylandt, the Territory handed back the administration of housing to the local community, is that correct?---Not quite. There's a commitment to the local decision-making agreement, to transition to local control. We're working closely with Anindilyakwa Housing Aboriginal Corporation to do that, but at the moment, (inaudible) whilst we plan through the (inaudible).

Is it fair – is it fair to say though that the nucleus of that policy is really the Department's valuing local administration of housing, is that fair – is that fair to say, that that's the ultimate objective?---Yes, certainly. We have – through the – through the Remote Housing Partnership with the Australian government and with the land councils, we've built that – there's designing agreements, so we're certainly working towards finding as many places as possible where we can transition to community control. In the NT Government local decision-making framework, we often see a – a request from community to be more involved in housing delivery. I guess the thing – the nuance in this, is some communities want to be more involved, others want to take complete control. And we've seen a spectrum of – of interest and capability. So we're working with each community, based on their capacity to take on more.

So you may have answered this question, but what's – what's I suppose the barrier from a community taking control back of their housing? Or what has to happen before - - - ?---(Inaudible). Well I suppose I'd explain it like this, and at one – one extreme, control might be managing the housing reference group. And what we saw in Groote Eylandt as an early step was the Anindilyakwa's responsibility for running the HRG process. The next step is to have organisations that are capable of running energy support service, or a maintenance service, themselves. And big example's

Anindilyakwa but also in Alice Springs, the Tangentyere Group, taking more responsibility to delivery of maintenance, as well as tenancy support. And then the next step is, having an entity that's actually capable of holding the legal responsibility for the houses. Now the preference is that we go with organisations that are registered under the national standard. So they're called a community housing provider. And there's – there's a small number of Aboriginal led community housing providers in the NT that are stepping up to take (inaudible) those houses. So it's a – it's about finding a community, put the right organisations in there, that can meet those – that can deliver those sets along the way. And as I say, some communities have been quite comfortable with having more responsibility around maintenance provision, without necessarily holding the legal responsibility for being a landlord. It's about I guess, the point that that community's in, (inaudible) of their governance locally.

Do you have in the policy that you have, do you have any targets and timeframes that you're hoping to meet?---So we have a community housing growth strategy, which has a remote component to it. And we – at this stage, we've committed to doing a number of pilots in remote sites. Working with the land councils to help pick those locations. So we've selected a group at one of those places, with Anindilyakwa, and the Central Land Council has picked the Barkly Region as their priority location, because there's a registered community housing provider there.

Okay?---It doesn't mean that we can't do more trials, but that's – that's been the focus initially.

My final question is about accessibility of a couple of your policies. Just – I noticed in your affidavit there's a couple of policies that require (inaudible) tenants to apply for a particular rural service other than automatically receiving it. Just an example at par 206 you refer to air-conditioning in the southern region or in region (inaudible)? ---Yes.

So air-conditioning in the Northern Territory, particularly in that region, is quite essential, wouldn't you agree?---Yes.

And you'd expect – and so this sort of opt in kind of service, how is that communicated to the community – how are people made aware that if you don't have an air-conditioner you can go down to housing and apply?---So if I can just provide context. In the arid zone which includes Yuendumu, minimum standard is for a house to have central air-conditioning. Until 2022 that was an evaporative air-conditioner or what's called a swampy. In 2022 we agreed to change that policy so that we would move towards a reverse cycle split system in the living area. So that's the new minimum standard for houses that are being delivered now. And when we refurbish houses we're going through and doing those changeovers to the split system model. Where a tenant wants to bring – sorry, I'll try that again. All those houses are built, the access point for a tenant to bring other air-conditioners with them if they wish and a lot of tenants choose to bring a box air-conditioner which can be installed in the wall space. So in terms of their needing permission, in practice often a tenant has installed that and we detect it when we go to the next inspection.

And if we detect it (inaudible) necessary paperwork to make sure it's registered on our system. So in practice it doesn't rely on a tenant asking permission, they usually instal (inaudible) and let us know afterwards.

Isn't it the case that the policy (inaudible) the department would provide air-conditioning, is that correct?---That's correct, in the arid zone in Central Australia, yes.

So then when people are bringing their own air-conditioning that's not the department's supplying them, then you are just agreeing to them being installed, isn't it?---That's correct. And I'm suggesting that that would normally be a supplementary air-conditioner in a house that's got another system.

The other policy that I was going to ask you about is at par 211 you (inaudible) remote rent safety net and that's a relatively new safety net, is that correct, or new policy?---That's correct.

And let me know if I've got the correct understanding, this is a service whereby a person attends at – sorry, a tenancy can apply to ensure that the household only ever pays 25 percent of their household income in rent, isn't it?---The safety net is available for people on very low income so that they are protected from the full rent rate if they can't afford to pay that. 25 percent of their household income.

And so that would necessarily require a household to sort of prove their income periodically, fill out forms, things like that?---So the introduction of the scheme (inaudible) tenants to join the scheme. So on 6 February we allocated 1089 tenants across the remote Northern Territory onto the safety net based on our knowledge of their situation.

And in the future though - - -?---(inaudible).

Sorry, a bit of a (inaudible) there. In the future though they'd have to apply themselves, wouldn't they, like the next - - -?---So anyone that's currently on the safety net, we will be interacting with them to see if they require a continuation. Anyone that's not currently on the safety net would either need to make an application or be required (inaudible) or detected by the Department when we do a follow up inspection or check-in with the tenant. So we need (inaudible) each year to make sure that we have contacts, to make sure that we've inspected the house and part of that includes checking who lives in the house to making sure our tenancy records are up to date.

So the people who are (inaudible), I mean, for people in remote communities it's not uncommon to speak English as a second, third, fourth language. When people at that level of, I suppose, English and (inaudible) disadvantage in terms of literacy, how do they access this policy easily?---So we've made information about the policy available online. We've made some of it available in recorded language so that people can listen to it in their own language. We've made the information available to our tenancy support providers. So in the case of Yuendumu, you've got Central

Desert Council who've got local staff that can speak directly to the tenant with that level of familiarity and (inaudible) language support. If we were – identified someone that wanted to – about the safety net, had a language difficulty, our staff can access the Interpreter Service as well.

And in terms of the recordings, do you know how many languages it's been recorded into?---I think there's 18 languages that have been recorded and uploaded.

(inaudible).

THE CORONER: Thank you.

Any other questions?

AN UNKNOWN SPEAKER: (inaudible) I'll be about half an hour.

DR DWYER: I'm told the witness is available tomorrow, your Honour and given he's by video link, might we ask for his indulgence to come back at 9.30 am to finish him off. We will finish with the witnesses tomorrow, because there is short evidence to call from Ms Sabrina Langford (?). I don't think that that will take more than say half an hour or an hour and then we've got the (inaudible) panel.

THE CORONER: Sure.

So are you able to come back tomorrow, Mr Warren, at 9.30 on the same arrangements?---I am.

All right. We'll adjourn.

WITNESS WITHDREW

ADJOURNED