

**THE LEGISLATIVE COUNCIL SELECT COMMITTEE ON ASHLEY, YOUTH JUSTICE AND DETENTION IN TASMANIA MET IN THE TOWN HALL, LAUNCESTON, ON WEDNESDAY 14 FEBRUARY 2007.**

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**Mr BRIAN McCLIFTY**, WAS CALLED, MADE THE STATUTORY DECLARATION AND WAS EXAMINED.

**Mr McCLIFTY** - I am a youth worker at the Ashley Youth Detention Centre and have been for just over four years now. For those who do not know, back on 25 November 2006 I was one of the Ashley youth workers out there who was bashed, and subsequently three detainees went over the fence. I suppose I am here today to try to put my view on the inadequacies of certain processes and management systems within Ashley as to how that incident occurred and how probably a number of other incidents occurred over the years.

**Mr WILKINSON** - Can I ask for a brief background of what happened, Brian, if you are able to let us know?

**Mr McCLIFTY** - Back on the day that incident occurred, and a few days after that, I had a debrief and I spoke to Ashley management about it. My understanding was that they were going to investigate that incident and a few things leading up to it. About two and a half months down the track there has been no formal interview with me. I don't know whether that investigation process has started, is half-way through or completed, or what the outcome is, but at this stage I haven't been approached in any way other than a debrief, which I think is not appropriate at this time.

I think I can say it happened through the incompetence of one particular staff member following a detainee setting off a fire alarm. That particular person flicked a key which resulted in the doors, which are on a time lock, popping open after 90 seconds. I was the team leader of the day, responding to the fire. When I was trying to sort that out, I and another worker suddenly were confronted with six detainees running out of their rooms because another worker turned the key the wrong way. That resulted in the bashing and a few other things, and some went over the fence. Once again, it is the incompetence of people, the processes, the procedures, the SOPs and all those things that don't get followed that cause these incidents. The simple turning of a key resulted in that.

**Mr DEAN** - With the fire alarm, I understand that all the doors automatically unlock after a few seconds; is that right?

**Mr McCLIFTY** - Yes. If the fire alarm goes off the intent is to check and see what the fire is and what the circumstances are, and then you go back. The key gets turned to a number of positions now. If during the fire something happens to the worker in that unit, you have to have a 90-second delay, otherwise if the doors don't pop open you are going to answer a lot of questions as to why a lot of kids got burnt, so it is a fall-back position. Fixing that door to stop it opening was a simple process, so it was about checking to see what was happening, setting the doors so they don't open and then you move onto the next process, but the doors have to open in case something happens to the worker.

That is probably how it basically happened. To date I am still on workers compensation leave. Until there is a change in the culture, attitude and processes out at Ashley I can't return. It is not necessarily the kids; it is Ashley itself. I certainly have no faith or guarantee that the system is going to work tomorrow, let alone next year, unless there has been a major overhaul out there.

**CHAIR** - You have some further things to add, Brian?

**Mr McCLIFTY** - One of the things concerns contraband. How do the residents get this contraband? Yes, it does come over the fence. Irrespective of what anybody says, people do scale that fence and contraband is left there. No matter what anybody says, unfortunately staff do bring contraband in. It is a known fact. The question is what is Ashley management doing about it. I don't know but they seem very reluctant to have ongoing and regular searches. Yes, we do searches, but there seems to have to be a reason for them. There should be more surprise and mandatory searches, not of workers but of residents. As to how staff bring it in, there needs to be a proper supervision process for staff. There is minimal supervision of staff in that area.

**Mr MARTIN** - What sort of contraband?

**Mr McCLIFTY** - Anywhere from cigarettes, matches, tobacco or other drugs. It could be any form of green leafy substance. It might be pills - uppers or downers - all sorts of things that these kids are used to using on the outside. They seem to have great access to it, over the fence or brought in by staff or visitors. Those visits might be by relatives, or when the kids go home on home visits. They are juveniles so there is only so much of a search you can do. That is part of the problem. Management needs to be far more active in stopping that.

**CHAIR** - So there is not a complete search of juveniles when they return? Why is that?

**Mr McCLIFTY** - It concerns where the juvenile places the contraband. You can only go so far with a juvenile. It's a bit different in the prison service. When you know the resident has contraband you can only keep him in a confined space for a certain period, because of the application of the Youth Justice Act. The act has to be looked at in order to combat the entry of contraband because it is a trade within the system. It is how the big boys deal with the young boys. Using stand-over tactics, the big boys get the younger ones to mind it for them, so if they get caught the big boys don't miss out on their benefits. It's all to do with stand-over tactics; that's where all the assaults come from. It's a major epidemic out there. Ashley still has to sort out how to deal with it.

**Mr WILKINSON** - As a team leader, how do you think they should deal with it? You have experience as to how it should or should not be done.

**Mr McCLIFTY** - One of the best ways is to have a lot of surprise inspections of the kids, actually go through and pull the place apart. Kids have too much stuff in their rooms. They work on a colour system. The person before me was talking about awarding of points. There is a behavioural management program and they are awarded points through certain programs they undertake or from their behaviour or attitude and so on. They are graded through their colours and there is a four-colour system. If you keep the colour systems down and put pressure on and find it then that is one step in the right

direction. I'm not suggesting that you can strip-search everyone who walks through the place or have sniffer dogs there all the time but there is currently no known proactive system. There are minimal cameras at the front entrance; there are cameras in one unit only and in the meeting room. There are no cameras in the other three units or in the kitchen area or anywhere the kids go for programs. They have put in a trial process, doing full searches and putting more cameras in for monitoring, which is a start in the right direction. I am quite sure smarter people than I can come up with other ways to deal with this.

I do not know for sure but I think that somewhere in the Youth Justice Act if there is a problem you can bring doctors in and have it done a certain way. But they sort of hold back on that, no doubt for obvious reasons.

One of the other things that comes into this as well is phone calls. They are allowed seven-odd phone calls during the week and one of the things that contributes to getting contraband in and to escaping is what actually gets said over the phone. We are not privy to that conversation. There is always a problem with length of times so that always creates a standover problem with other residents trying to get on the phone. But what needs to happen - and I believe Ashley is heading towards this - is the installation of a phone system which has a time limit on calls, and these phone calls need to be monitored as to what is being said in and outside of Ashley Detention Centre because a lot of those prior escapes have been pre-arranged. With the ones before 25 November, there was a car waiting down on the highway. You are going to end up getting the word that the car is there, some staff member is going to get assaulted, someone is going to get hurt and over the fence and away they go.

So, once again, it is things that stop the processes in place. The Government is not putting money towards certain processes in there to protect the workers. Lack of supervision is another matter. In terms of supervision, you actually have programs, some of which are run by service providers. Those service providers can be schools or the Whitelion people who come in, but in the greater majority of cases, something like 70 per cent of the time, you have the youth worker running that program himself or herself. So, not is that person running the program, he or she is also trying to supervise anywhere up to five kids; sometimes they end up with six, which goes well beyond the ratio.

When you are trying to deliver a program, whatever that may be, you are also trying to supervise these kids and supervise them in such a way where they are not picking up weapons which is the next big thing the youth worker has to look at. Simple things such as going to the gym - it is all very nice to have a game of shuttlecock up there but when they break two of the racquets and come back and turn them into shunts, the damage that can happen to a youth worker in a violent situation is horrific.

So, once again, it is the number ratio of staff supervising residents, the expectation that youth workers fill in as service providers. To give you some reason as to why they fill in as service providers, they look at life skills - and life skills can be bouncing a ball out on the basketball court. Then your next program is social skills - and these programs go for half an hour to 45 minutes - while the next program could be living skills, and that is throwing a vortex.

**Mr WILKINSON** - What is the living skill that you obtain from throwing a vortex. We have heard it before; I just want to know.

**Mr McCLIFTY** - I wish I can answer that question. That goes back to the program management out there. The behavioural management program is broken up into certain categories and they have a living/social skill then they might have a sentencing education part of it then they have the criminologenic needs. Depending upon what this resident has been sentenced for and the type of crime he or she has committed, they may have to attend a criminologenic program. If they don't attend that that impacts upon going up and down in their colours as I previously mentioned.

Part of the other program is having social skills and living skills. For lack of finances, lack of people or lack of clear and straight thinking, they seem to think bouncing a basketball for four hours a day or throwing vortex another two days, they will call it living skills or life skills; tomorrow they will reverse it and they will call one the other. It works on a percentage basis so they are basically saying that this particular resident has fulfilled the commitment through this percentage by doing this. I put it to you - go figure that one! That is what a lot of the youth workers out there get frustrated with so while you are trying to dodge basketballs being kicked in your face, trying to watch out for kids that are going too close to the fence, you are fulfilling a life skill. I do not know what benefit it has for these kids - absolutely none whatsoever.

**Mr WILKINSON** - Is that done in a team atmosphere?

**Mr McCLIFTY** - Sometimes it is done in a team, like you do having sporting events which is fine - that is great. We will get a couple of teams together and have a game of cricket, soccer or netball. That is fantastic - and if it fits into that process it is fine.

**Mr WILKINSON** - I can understand that helping life skills. I cannot understand the individuality of throwing a vortex as helping life skills.

**Mr McCLIFTY** - I don't think so either. Whitelion do a very, very good job out there, but if they are unable to make it, that is what we do. It is filling the gap. Through the school holidays when there is no education program going that fills in the gaps. But there is still a lot of other time during the week, even when school is running, that you are still bouncing balls, throwing vortexes, mowing lawns.

**Mr MARTIN** - You probably heard me ask the question of the previous person but there has been evidence submitted over the last couple days that what you are saying is right, that there is too much time in the programs devoted to this sort of thing. What would you say the percentage is? How much of the programs do you think adds to the life skills and rehabilitation?

**Mr McCLIFTY** - It adds nothing to it. It is a high percentage of wasted time. They get the kids to do this because I don't think they can come up with anything else. I am not blaming them in that I am not suggesting they are unable to do, but they probably don't have the finances or the human resources to do it. It is a high percentage of time away from school, away from their criminologenic needs that they have to do and they only do one session of that a week, basically.

So when you add the number of hours in a day, if you are looking at from 9 a.m. in the morning to 3 p.m. in the afternoon and you put in a half hour for school and they go to school, and half of that half hour is playing on the computer and the other part of that half hour is trying to do their numeracy and literacy, you understand why Whitelion is trying to help them with crib because it helps them to add up.

The question is then asked what is happening within the school and basically more school time is needed. The school itself is trying to do its best but it is how the education system works within Ashley and what Ashley is doing to get the kids there to help the program but -

**Mr MARTIN** - It is only two hours a day, isn't it?

**Mr McCLIFTY** - No, it varies. Sometimes it doesn't happen - it is not even two hours a day. I say this off the top of my head because I don't have the paperwork here, but a resident who has to go to school would probably be lucky to get four hours a week. Whatever the minimum the Education Department has to deliver in terms of face-to-face classroom, they are delivering it - it is the bare minimum. They need the 9 a.m. to 3 p.m. process.

The older boys need TAFE skills. The older boys go to Whitelion to get the points so they can get their lollies and their drinks and the standover stuff so they are playing the game. What they need is proper TAFE facilities out there - 9 a.m. to 3 p.m. - they don't need to be throwing a vortex with me.

You need to find out what their interests are, what they are going to do out in the community. Do they want to be bricklayers? Do they want to be electricians? We need to face facts. They are not going on to university, they are not going to be barristers - well, some of them are probably pretty good barristers but -

*Laughter.*

**Mr McCLIFTY** - They are not going to be doctors and all that sort of stuff, but we need to attack what is going to help them in the future. That is not happening.

I mentioned earlier the lack of surveillance equipment. While they have actually run that trial - it has now been going for a while - that surveillance equipment needs to be throughout our shop. There has been a lot of talk about the fence. I don't think the fence is the issue. It is what you do, the processes that happen beforehand that need to be looked at. If those are not right, yes, they can jump the fence but you need cameras there to keep, I suppose, everybody honest on exactly where these kids' movements are, how they are being moved, how they are being managed, the programs that are being run. Everywhere those kids go you need that surveillance.

**CHAIR** - I might just put it to you, Brian, that we have had evidence that suggests that perhaps Ashley is a better place without the fence and that instead it would be better to have a secure unit, which I believe was there in the past and still is there. Do you have an opinion on that?

**Mr McCLIFTY** - I think the fence probably gives boundaries, but I think people put too emphasis on the fence. I think probably what it is good for is keeping the would-be

stickybeaks out coming up to the windows at night to help with the contraband and stuff. As for keeping the kids in, I don't think that is what we should be addressing. We should be addressing the programs and the issues that surround those kids during the day when they don't want to go anywhere near the fence. I tend to think the fence is good for everybody else on the other side - it just keeps them away.

Yes, they do have a very secure centre within Ashley - it is called Franklin. That is the one that has the cameras in. They don't like to use that as the major focal point to put the most difficult kids in because they don't want to have that stigma. I think I agree with Ashley Detention Centre on one matter: when they had that before it did create that stigma where boys saw it as a challenge to get up there. I think that defeats the purpose and I do agree with Ashley on that. However, in saying that, I think that if a known runner is going to run that is a nice little place to put him for the time being.

At the moment the mix of kids that you have at Ashley ranges from ones as young as 10 who are mixing with 19 year olds. The configuration of Ashley needs to be changed drastically because the young ones are out on the same pasture with the older ones. They are attending the same programs, they are being influenced by them, they are seeing what the big kids do and they are emulating those processes. So there needs to be something done within Ashley to segregate the young and the new away from the old and the experienced. Once again, it takes money but it is a question of how serious the Government wants to be in trying to help solve the problem. Now if they are not going to listen and let that happen all they are doing is getting the next generation and that generation is going to move through.

There are a lot of things that happen with standard operating procedures and I have a couple here. Someone spoke before about the non-association programs. Non-association come around basically when someone physically assaults someone else, be it a resident or staff. They are immediately placed in their rooms and then a program is run especially for them during the day and they have a certain amount of time out of their room. One of the things that is not happening at Ashley is that there is supposed to be one-on-one with this program.

If you take a unit with up to 10 kids on average, you might have three workers in there. One of them is a team leader and the other two workers go out and take other boys to programs. The team leader is stuck in there trying to run a non-association program and then you are trying to then deal with kids who are coming back from programs too easily. Some of these team leaders are females and all of a sudden you could end up with the unit full of 10 kids, one on a non-association program, with one youth worker who may be a female because the other two workers are stuck out with their kids on programs because, funnily enough, the kids you take to programs are not necessarily from your unit. You get allocated a mixture of kids. So you end up in a situation whereby the staffing ratio does not work out and it puts people in danger. People have been injured through that particular incident and that ratio.

**Mr WILKINSON** - Have females been taken advantage of in that situation that you have just described? Have they been threatened or assaulted?

**Mr McCLIFTY** - Not that I know of. I don't know that but I'd hate to think that it has happened and it's certainly leaving the door open for it.

I had to look after the girls' unit one particular night there was myself and another male person with four or five females detainees in there. Now that is not appropriate, but we couldn't get any female staff in. I suppose they thought that I am a little bit older and a little bit wiser - but the thing is that it is placing male staff in a situation that should not occur. It is a case of management breaking their own standard operating procedures and placing staff in awkward or difficult situations.

**Mr WILKINSON** - Is that because of resources?

**Mr McCLIFTY** - Because of resources the ratio of female workers to male workers may not be enough, or the outside security people may not have had a female that particular night. You are just stuck because there was not a female available.

**Mr MARTIN** - We are told that it is a frequent occurrence. Do you agree with that?

**Mr McCLIFTY** - Yes, it is a frequent occurrence. It is not one that you want to go too much into, but I will let your mind rest with the fact that if you're with a female and it's that particular time of the month, they are swinging something over their head and you are trying to duck. I don't think you should be dealing with any of that type of stupidity, but that is what goes on; then those girls only have to say one thing and I get accused. It is putting the male workers in a difficult situation - and vice-versa when you have a female with a number of male residents. Senior management know this but they are not doing anything about it.

**Mrs JAMIESON** - Were there times when there was only one male in the female unit?

**Mr McCLIFTY** - Yes, and it does happen where another male worker has to go out and they have to take the other female resident to a particular thing, whatever that may be. It could be an evening program, so you have the one male or female, whichever it may be, stuck there with a number of males or females. It does happen.

**Mr DEAN** - Have complaints been made to the senior management about that type of situation of males with female detainees?

**Mr McCLIFTY** - It is my understanding, yes. I haven't personally complained, but I do understand that that complaint has been made and HACSU, which is the union out there, has made some mention about that to management in past times.

**Mr DEAN** - Do you know what the outcome has been with senior management?

**Mr McCLIFTY** - It is still happening, so the outcome is that I don't think they listen too much. A little while back some mention was made in relation to staffing levels, particularly at night and I think originally it was agreed to that it should be six. I think it has now gone to eight on a temporary basis. What you need, especially at night time, is experienced staff.

What happened to me out there was that we had inexperienced staff, we had security people who, when the call went over, didn't know what to do. The inexperienced people didn't know what to do, and the fact that you've only got six, you were restricted to what

you actually had in the unit. With the extra two staff, I could add another two staff in that unit to help me, and the seriousness of it would have declined.

One of the major things that occur out there is that at night time the residents know there is a skeleton staff and therefore they can create problems. They can start fires and you may be dealing with one, but in our incident you only had to have an incompetent person doing the wrong thing, and I have six people on top of me.

**Mr WILKINSON** - Shouldn't security firms stay in there at night for protection, that was the question -

**Mr McCLIFTY** - My answer would be very firmly, no, because you really need experienced people. You generally find a common practice is that if during the day someone is deemed incompetent, they generally shove them onto night shift. Night shift is probably the most volatile time because of the skeleton staff, so it is how they manage the people that are deemed probably not capable for the job. So once again management are lacking in how they supervise, how they run their people through performance measures, and what other further training they actually give them. Things just tend to get duck-shoved over to one side.

**Mr MARTIN** - Have you got an opinion on the use of contractors full-stop?

**Mr McCLIFTY** - Some are good. Ashley Detention Centre pick up some when they advertise. What I don't understand is common knowledge that some people who come in from the security firm are deemed inappropriate but they still come in because it is a number - the body fills a position. It means that we can carry on with the day. All it does is create headaches for the other workers because who do you put that person with? It wasn't that long ago that a Whitelion person was bashed because there was an inappropriate person monitoring the situation. If you had a properly trained Ashley youth worker, they could have read the signs beforehand. So things do occur. I am a very firm advocate of having Ashley staff having a back-up casual pool of Ashley staff properly trained, going through the same processes, the same rigours. Why have security staff coming in? It doesn't help the situation. I know that it is hard to get staff and keep them on all the time - it is a money thing - but that is just the fact.

One of the things I was talking about before, the other phase for management, there seems to be a lot of training that goes on. In November 2005 and January 2006 for operational coordinators - that is the next level up from team leaders - they went through a training package for management supervision and detention. Part of that was that you are supposed to go back and supervise the staff, see what they are doing, how they're going to get through their career and any issues they have. That is a very vital tool as to talking with your staff, gaining information, monitoring their processes. It started and stopped. That is just an example of a lot of other things that happen at Ashley. The training seems to be, in my view, training for training's sake but nothing is fulfilled or followed through. There doesn't seem to be a driver of the programs or training sessions to make sure that it happens. They have a training officer out there who does a very good job, but there doesn't seem to be a driver afterwards to make sure that what has been delivered is put into practice. When it is put into practice, does it get monitored or evaluated? Does it then go back to be rejigged? Answer, no. So that part of it doesn't happen as well. If you are looking at incompetent staff, do they go through those



processes? No, they just seem to be shoved aside or put with stronger people or whatever the case may be.

**Mr WILKINSON** - With the staff at Ashley at present, have you ever seen any instance of bullying by staff of the inmates? Some might argue that the staff often cause a problem.

**Mr McCLIFTY** - I wouldn't say bullying by staff. I can honestly say that I haven't seen it, but I have seen staff trying to work with the kids. The staff member may say a wrong word, not knowing the full history of the resident. I have been caught out there a couple of times. You are trying to do the right thing and you just use the wrong word and then you do have a problem, but I wouldn't say it is bullying. It is just one of those unfortunate things, that you didn't have enough information on the resident. One of the things to keep in mind is that a lot of those residents out there have some form of mental issue. The amount of training we have had in dealing with mental issues has not been much. In recent times, probably around August or September last year, we had a female resident who took over a whole wing and two staff. Her mental issues were such that her hygiene was pretty poor but there was no training given to dealing with that. The funny thing with it is that people like her, or some people with mental issues when they come into the system, when you run these programs and ask the question, 'Have these programs or the Youth Justice Act worked?' - I don't know what they're doing with the percentages because once those kids turn 18 and move on to the next system they go into the health system so the numbers don't equate to their going on to Risdon. It is a total fluff of the numbers. I really don't know what the answer is, other than to say that we haven't been trained fully in the mental issues and they are the types of things that a lot of good workers out there do their best to deal with but they do not have the skills given to them by management to do it.

**Mr WILKINSON** - Say, for example, Jim Wilkinson goes in and he might have had a history of a poor family background - tragedy within the family - and as a result he has some issues with anger and things like that. Do you get that type of briefing for each of the inmates as they go in?

**Mr McCLIFTY** - No, you don't get a briefing at all.

**Mr WILKINSON** - Should you?

**Mr McCLIFTY** - I suppose you should, but what they do say is that we have access to their case files so we can go and get their files. I don't know a worker yet who has pulled a case file because as soon as you come into the system and walk in the door you are taking over the supervision of those residents. If someone suddenly leaves that room to go and get a case file it is messing up the ratio of supervision to those residents. If it is during the day, you have a problem because you're out doing programs. So really, you are caught between the job you're supposed to be doing and going to find the case files.

**Mr WILKINSON** - Wouldn't that knowledge be beneficial, though, in looking after the individual because you might find out they have a special interest in, say, football, cricket, sewing, music or whatever it might be. Therefore you can relate to them a bit better if you know what their likes and dislikes are and you know their background. That would assist greatly, I would think.

**Mr McCLIFTY** - Most definitely what you're saying is 100 per cent correct, but that case file doesn't come into being until after a period of time, because when they first walk in it is just a snapshot of the resident - why they are there, height, anything to do with their family history, and any type of medication they are on. Their case management file is made up by case management itself over a period of time. If this resident comes in on a Friday afternoon, nothing much is going to happen over the weekend and into the next week until they have that file going. Generally where you pick up on it is through talking to the resident and trying to get some of that information. Sometimes it works in terms of how freely they give the information. Experience tells you to back off, but the new workers who come in or the security personnel that are provided don't have that skill or understanding. In a lot of cases it's a revolving door scenario, so with some of these kids who come back in you know their history already and you know exactly what they are like and how to deal with them.

**Mr DEAN** - Brian, I thought it was mandatory in all detention centres - and it is a detention centre, whether we like it or not - that you had to be aware of the background of detainees because they may well be suicidal and it is important for the people who are supervising to be aware of all those situations. Are you saying that is not happening?

**Mr McCLIFTY** - No, that is happening - sorry if I have confused you. When they come in and you do the first screening of them you go through and sort out family histories, whether there have been any suicides, what drugs they are on, how they feel, and so on. When they first come into your unit they immediately go onto what we call four-minute observations so you go in to view them every four minutes. If anything is deemed beyond that, where you know that they are really having difficulties, then it goes onto constant supervision whereby someone is definitely standing outside the door. So you get that snapshot of them, but the rest of it in terms of their social history and all that comes at a later date.

One of the other things that happens out there - and once again, I think it is because they are juveniles - is that where assaults occur, it is often because of the fact that they are able to hang onto some of their personal property. They seem to be able to bring in their own baseball caps, shoes et cetera. I keep getting told that it is their right to have some of their own personal property, but the difficulty with that is that if you get a 10-year-old coming in wearing his own good quality stuff, a 17-year-old will generally take it off him. I get told to get it back off him and hand it over. That's fine, I'll do that, but then the little one is going to get bashed because how did I know to go and get it off the older one? If I did see it on his head, he still gets bashed anyway.

That is an example of some things that happen out there whereby you do have the standover tactics and the bullying from the bigger boys to the younger ones and that is another reason why there should be that segregation, keeping the more revolving-door-type boys, who are in and out all the time, away from the new ones.

**Mr MARTIN** - Brian, that has been a common theme over the last couple of days - the need to separate this hard-core group and that a lot of the problems at Ashley would disappear if that happened. There has been a lot of suggestion that there should be a new facility built somewhere. You seem to be saying they could be accommodated at Ashley.

**Mr McCLIFTY** - I don't think a new facility needs to be built. The facility is already there. I think we should be looking at maybe what can be added on to it; the configuration could be done a little better. Ashley has a lot of land out there and it is more about how you use it. I still don't understand why they put young females and males into the same centre. I have even known 10-year-old boys to share the same unit as young females because that's probably where the boy is safest. Now there is some question as to putting a little male with females, so you have to work that one out and watch as to how it develops, but in some instances that is probably the best place to put them. But it shouldn't have to happen. Ashley should utilise that centre a little bit more as to where they can put additional buildings to cater for certain younger ones and keep them totally segregated from the older ones.

A little while ago someone asked whether the farm gets used much. Well, it doesn't but it should. The reason it isn't used is because it has a fence and you have to be eligible to go off property and that is all to do with your sentencing, so unless you have that eligibility you can't go beyond that fence so you can't go into the farm. Unless they put a fence around the farm it won't happen.

**Mr WILKINSON** - But is that right, Brian? Even people who are in prison for murder or whatever get day leave or weekend leave, some of them, to help assimilate them back into society. I don't know, I haven't had a look at it, but surely you would think if that is the case, a young kid should be able to go out onto a farm and work there.

**Mr McCLIFTY** - They are able to once they fit the right criteria. Once they are inside that fence they have to be at least the colour yellow because the order is red, orange, yellow, green and they have to be at least yellow to be allowed to go off property. They also have to have served a certain amount of their sentence before they can go off property, but I'm not sure of the actual figure.

**Mr WILKINSON** - But that is only an in-house practice at Ashley, isn't it?

**Mr McCLIFTY** - I don't know, so I can't answer that. I would have thought it was more to do with the act, but don't quote me on that. I am not sure. You would have to talk to those who know a little bit more, but I do know that they have to be yellow and they have to have served a certain part of their sentence before they are eligible to go off property, and because the farm is on the other side of that fence it stops them doing that. So unless they put a fence around it or pull down the whole fence altogether and say, 'We are not having fences at Ashley', that is the only way you are going to get around it - or change the rules.

**Mr WILKINSON** - It depends what is defined as property though, too, doesn't it? I think that could be easily fixed; I don't know but I would imagine so.

**Mr McCLIFTY** - Well, I hope so because I think the farm is a good way to get the ball moving. It's there, it's a resource and it is not being used, so whatever the answer is, it would be great if we could.

**Mr WILKINSON** - Yes.

**CHAIR** - How are you going, Brian? Are you getting towards the end?

**Mr McCLIFTY** - Yes, pretty much; sorry, I am taking up your time.

**Mr WILKINSON** - I'll stop asking questions; it's my fault.

**Mr DEAN** - It would be good to have Brian back, Mr Chairman.

**CHAIR** - That is something the committee can consider.

**Mr McCLIFTY** - As for the programs unit, one of the problems is that the actual programs people are jointly funded by Ashley Youth Detention Centre and the Education department, so to me there is always a conflict of interest and that needs to be sorted out as to who is delivering what programs and who is responsible for what. There are two people in the programs unit and there is one person in there who is supposed to be helping deliver the programs and that is not occurring and the evaluation of those programs is not happening. So that is part of the program process I was talking about before.

I might sum up now by saying that I think one of the whole things with the Youth Justice Act and the way management is basically dealing with things out there is that the objectives and general principles are not being achieved. I think the Youth Justice Act is lacking in some ways. It is putting constraints and shackles on how you manage these young offenders. These young offenders do commit adult-type crimes and as they get older they are coming back into the system, so I don't know how the behavioural management program or the restorative justice principles basically work to stop them reoffending because whatever program is being done, it doesn't seem to be having a great effect because the kids are going on and they are still doing things. Unless we get to them at a younger age, unless something happens in society before they get to Ashley, once they are in there and start the revolving door cycle, the floodgate basically opens, so there needs to be a whole new change of system out there at Ashley. The management just needs to go back to taws and look at the whole process because nothing will get better unless there are changes made.

**CHAIR** - If I can encapsulate your last statement, Brian, in your opinion over recent times layers of bureaucracy have been built up within the management at Ashley, which then makes the day-to-day operations almost dysfunctional at times.

**Mr McCLIFTY** - Yes. It is very top-heavy because you have a youth worker, a team leader, an ops coordinator and a supervisor on top of them, then you have the management for those people on top of them, then you have the assistant manager and then you have Bill Smith, so from top to bottom you have this layer -

**Mr MARTIN** - Is that the chain of command - about eight people?

**Mr McCLIFTY** - Yes, something like that, from top to bottom. It is very top-heavy and I don't understand exactly what half their roles and functions basically are. I was talking before about supervision. If you take the ops coordinators and you take the one above them, that is a supervisory role, which begs the question that if that is a supervisory role, why do we have practices in there in terms of management of residents, how come when we are supposed to be doing searches, those searches are not occurring? What I am

trying to say is that if their supervisory role is to manage the staff out there, to manage me to make sure I am doing the right thing and they are not doing it, what is the functional purpose of their role?

**CHAIR** - Yet I think we have had evidence to suggest that it wasn't like that in decades past, that the management wasn't so top-heavy and things used to work reasonably well.

**Mr McCLIFTY** - If you talk to the old-timers, and I mean the ones that have been there for 20-odd years, the youth workers did the whole lot. The youth worker took the resident in, did their induction with them, did their case management plans and their presentencing reports. You didn't have all those layers. I don't know how many kids are out there now but on average there is about 30, so there would be one ops coordinators for the day, then you have the supervisor on top of them, so that is two, then you have the manager and the assistant manager, Bill Smith, so that is four, then you actually have three case management people, then you have the nurse, which is fair enough because you have to have one of them, then you have someone else in admissions who does all the other bits and pieces with the kids coming and going. That is 10 people, so you have a three-to-one ratio of people who are dealing with court procedures, case management, and so on, down the track, so it is getting very heavy in terms of how you deal with the kids. You should actually have more on the floor.

**Mrs JAMIESON** - We haven't mentioned indigenous issues. Do you have any comment to make regarding, say, different protocols and the efficacy of Clarke Island, or anything else at all regarding indigenous issues?

**Mr McCLIFTY** - I think Clarke Island is a good place for the right boy or girl to go to because we had a couple of residents where it was quite obvious that Ashley was not the right place for them. I think the TAC really has a very small role at Ashley until one of the residents gets on the phone and says, 'I wasn't allowed to do x', and then the TAC will jump up and down. I think the question was asked before about whether they were running a program. In my four years there I have never known the TAC to run any program. I have worked morning, afternoon and night shifts and the only time I've seen anyone from the TAC there is when some boy complains about something. Half the trouble is that you might give a penalty to Joe Bloggs over here where he might have to go into his room for three hours because he did something wrong, but if you apply that same penalty to an indigenous resident and they complain to the TAC, they jump up and down saying that we are treating that resident differently. We treat them exactly the same because they have both done exactly the same offence, but the TAC then jumps on the discrimination bandwagon.

**Mrs JAMIESON** - Do you have written protocols for handling different cultural groups?

**Mr McCLIFTY** - Within the SOPs, yes, there are different protocols for handling them and, yes, we need to be mindful of it. We do supervise them when they are in their rooms, we have to put them in their rooms. We probably put them on constant observation straight away, so we do watch them a lot more closely. They are also the right ones to put into our dual rooms so we can match them up. On the whole, the majority of times they get on quite well, it is just the ones that play the race card and get onto TAC.

**Mrs JAMIESON** - How are they selected to go to Clarke Island?

**Mr McCLIFTY** - Through application to the TAC. They actually make the decision in consultation with Ashley Youth Detention Centre. If Ashley approves it, along with, I think, the judicial system, and if the TAC approves it, then off they go. But the TAC has the final word, as I understand it.

**Mrs JAMIESON** - Right. How long would they stay on Clarke Island, and would they then come back to Ashley to finish their sentence?

**Mr McCLIFTY** - They come back to attend any court sessions, and they come back before their time is up and they have to leave. I think the longest I have known someone to be out there is a couple of months, but it could have been longer. I do not have that information, but about a couple of months is the longest I've known.

**Mrs JAMIESON** - Any idea how many went out last year, for example?

**Mr McCLIFTY** - I wouldn't have the figure, but Ashley would have it on their stats because they actually record it.

**CHAIR** - Thank you very much, Brian, for your evidence. We appreciate the fact that you have come in and spoken to us and we wish you all the best.

**Mr McCLIFTY** - Thank you.

**THE WITNESS WITHDREW**