

THE LEGISLATIVE COUNCIL SELECT COMMITTEE ON ASHLEY, YOUTH JUSTICE AND DETENTION MET IN THE LEGISLATIVE COUNCIL CHAMBER, PARLIAMENT HOUSE, HOBART ON TUESDAY 27 MARCH 2007.

Mr BILL SMITH, MANAGER, ASHLEY YOUTH DETENTION CENTRE WAS CALLED, MADE THE STATUTORY DECLARATION AND WAS EXAMINED.

CHAIR (Mr Hall) - Thank you for coming along, Mr Smith. We all met you when we did our site visit a couple of months ago, and we thank you for that. There has been a lot of water under the bridge since that time and we have heard a lot of evidence from different stakeholders and other people. I will invite members of the committee to ask Mr Smith any questions that they see fit at this stage.

Mrs JAMIESON - How much involvement do staff have in decisions made about, say, physical location and layout around Ashley? When the fence went up, were the staff involved in that? Are they involved in health issues or education issues?

Mr SMITH - I wasn't there at the time of the redevelopment of the site some while ago now, but I think there were consultation processes in place. The site redevelopment came about essentially because of two things. One was the proclamation of the Youth Justice Act in 2000, which in a sense changed the role of Ashley. There were changes, including physical changes, that came about as a consequence of that. In a sense more importantly, the other factor was that there was a huge fire and a significant portion of Ashley was burnt down. A lot of the redevelopment that was done at that time came as a consequence of that. So in terms of how things should be developed, I certainly believe that staff would have been consulted. Again, I don't want to lead you astray. I wasn't there and I wasn't part of that, so I don't want to sound too authoritative.

Mrs JAMIESON - With education programs, for example, for the youth today, for example - were staff involved in any process so that there was continuity and consistency?

Mr SMITH - Certainly. In relation to the school, I think as recently as five or six months ago - towards the end of the last school term of 2006. Both Shane Stanton, the principal of the school, and I are very interested in the views of staff, particularly in relation to the school and how it operates. I think it is fair to say that there can be a healthy tension between our staff, if I might refer to them in that way, Department of Education staff, and the school about the best approach and the best things to do within the school. In response to that, the principal organised, for lack of a better term, open days that involved Ashley staff and they were invited along to the school specifically to get the opportunity to talk about how the school operated. I think it is also fair to say that a school like Ashley has continued to evolve. Again, with proclamation of the legislation in 2000 and the redevelopment of the site, which in a sense only started to be bedded down in 2002, we are only really three or four years into it. I can understand why one might say what there should have been on the ground from the beginning, but there is an evolutionary process under way and staff are certainly involved in all of that.

CHAIR - Just for the record, Mr Smith, how long have you been the manager?

Mr SMITH - Three years.

CHAIR - If the Premier or the minister gave you unlimited resources for programs, what would you like to do?

Mr SMITH - Ashley's role is every bit as much about rehabilitation as it is about security, and a balance has to be found between those two things. My own view is that the rehabilitative aspect is the most important part of what we do. If I were given an open cheque and asked to spend money it would be in relation to programs - the development of a consolidated program space built for the purpose, so that we could put our attention and focus on to programs.

CHAIR - So in essence what you are saying is that there is a deficiency in programs there at the moment?

Mr SMITH - I would not use the word deficiency. I think that with the resources that we have we do a pretty good job. Obviously, with more resources we could do a better job. Something else that is relevant is that there is a danger in investing all of our resources into the custodial setting. We should not forget that investment has to be made in the community as well. Community youth justice and custodial youth justice are two sides of the same coin. There is an extent to which once young people are in custody it is not too late but it becomes a different ball game, so we should not lose sight of what we do in the community.

Mr WILKINSON - I understand what you are saying is that if you could stop them going there, well all the better. What programs do you believe would be appropriate in Ashley now but are not there?

Mr SMITH - Something that springs immediately to mind is, again in part because we are talking about the school, vocational education opportunities that start to give the beginnings of portable skills for the older end, post-compulsory-aged young people - courses and experiences that are accredited and meaningful. We could link those for young people who are eligible to go off-site - because not everyone is eligible to go off-site and you can be and then lose your eligibility so it is a definite move - with opportunities in the community for work experience, for college and TAFEs and the like. Bear in mind that it is a specific client group that we are dealing with and not everyone who comes to Ashley will have the ability to go on to college or a TAFE so I do not mean to overstate that, but those are the kinds of life skills that will help them survive in the community and live the kind of life that will stop them offending. That would probably be my main focus.

Mr MARTIN - Are there any programs you are doing at the moment?

Mr SMITH - The school does, via NEAT - don't ask me what it stands for, but it is an accredited training organisation from the east coast and they have an arrangement with the school whereby they issue certificates that the courses that are being provided meet certain criteria and so there are some, albeit relatively limited, courses that relate to occupational health and safety, or have a catering dimension - those kinds of courses if we are talking about the older, post-compulsory end.

Mr MARTIN - I think the committee was really impressed with work being done by Whitelion in Victoria -

Mr SMITH - And here too.

Mr MARTIN - Yes, but there is much more extensive work being done in Victoria. There are obviously a lot more resources. Have you any idea of the dimension of the resources that you would need to be able to provide an adequate program?

Mr SMITH - How long is a piece of string? The more we have, the more we can do. I do not want to appear critical of the school because I am not. The relationship we have on site with the school is an excellent one and I think the school principal and staff are very dedicated and have a similar perspective to our own.

In terms of the resources that are available to them, the school building itself is still relatively new and \$150 000 has just been received from the Commonwealth Government. There will be two new classrooms built there. Clearly therefore an increase in staffing to allow them to staff that school and perhaps one more of these vocational educational opportunities would be good. In terms of a figure, the more we have the more we could do. A teacher or two would be good.

Mr MARTIN - From what you are saying, the implication is that you believe that all the programs in this line should be run through the Department of Education?

Mr SMITH - No. In addition to the vocational and educational opportunities, programs would probably continue to fall to the Department of Health. They would be specific offender-focused programs, catering specifically to the offending of a young person. If you imagine a hierarchy of programs, at the base will be things such as school and education, which provide the foundation for a child or a young person to live in the community and to have a good social life. At the top of the triangle in relation to more serious offenders - for example, sexual offenders and violent offenders - you need specific offender-focused programs, so they will continue to fall to us. I see schooling, literacy and numeracy, compulsory for children and young people, and vocational education opportunities for the older ones, as being somewhere where we could do better.

CHAIR - From our visits to South Australia and Victoria, a lot of the evidence was that the school programs and educational opportunities in those States, and the mandatory attendance of residents, was somewhat different from what happens here from Tasmania. It appears that with school there is a marked difference between the number of school hours required of residents in those places and those in Ashley. Could you respond to that?

Mr SMITH - I think that is a fair call. The review of resident safety done in August/September 2005 by the former Commissioner for Children, David Fanning, and senior staff from the department made a number of recommendations. Significant amongst those is this variation. The Department of Health and the Department of Education could work more closely to develop the school and the educational and vocational education opportunities provided at Ashley. A process is under way, and a high level committee established, to look at those issues, and it is still looking.

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Mr WILKINSON - The David Fanning report has been mentioned by a number of people as being an excellent report. Do you accept each and every one of his recommendations?

Mr SMITH - I think all but one - to do with the searching of staff, which seemed to misunderstand what did or did not happen previously. We are not going to do that, in part because we have no legal basis on which we can do it, quite aside from the fact that we do not think that the concern that perhaps led to that recommendation is as serious as perhaps it is perceived. Of the other 23 recommendations, we have implemented a number and we are progressing all of the others. They are different in nature; it is not just about being able to implement them. There are processes and some of the things can only happen over time. I thought it was a good report, frankly. I thought it was objective and realistic and it pointed to significant issues. As someone who works at Ashley and knows how Ashley works, I did not feel it was unfairly critical, so I saw it as a positive.

Mr DEAN - What changes do you envisage in education in the very short term?

Mr SMITH - As I said, there are two new classrooms. We have planning permission from the Meander Valley Council and two additional classroom spaces are going to be built by the middle of the year. Even if the school was not getting additional staffing resources, there is no doubt in my mind that they are going to improve the situation and provide greater opportunity for some of the things I am talking about.

Mr DEAN - I think we recognise that the education component at Ashley is not good enough. I think that is fair comment. Do you approach other youth centres throughout Australia and look at those systems to see how they are approaching some of these areas, specifically education? They certainly put a lot of emphasis on education, far more than we do. Have you done that?

Mr SMITH - We have. I have visited several centres. There are not that many youth detention centres around Australia. We have good relationships with them and we are aware of what they do. They do some things differently and I am certainly in favour of increased educational opportunity for anyone.

[9.15 a.m.]

Mr DEAN - That being the case, then, and accepting that education has not been what it could have been, why has it taken so long to do something about this? Is it because of lack of resources, lack of financial support, lack of infrastructure? Why has it gone on like it has for so long?

Mr SMITH - The school itself is relatively new and I think the Education department has made a significant contribution, so I do not want to be overly critical. I think we can do more and I am in favour of that.

Mr DEAN - But you are in charge of the centre.

Mr SMITH - The school is run by the Department of Education.

Mr DEAN - And you have no input into that; is that what you are saying?

Mr SMITH - I wouldn't say we have no input into that. A process has been under way for some time now where the Departments of Health and Education have been discussing these very issues. I have been for some time now very confident that the Department of Education is aware of these issues and may well be supportive of increasing resources.

Mr DEAN - Do the departments of Health and Education impact on your ability to do what is absolutely necessary to Ashley - that is, concentrate on rehabilitation and education? Do you see those two organisations and the roles they have as a real impediment to what you want to do?

Mr SMITH - I think there is room to do more in terms of education for compulsory and post-compulsory-aged kids at Ashley. I am confident that the education department feels that too. I feel there is a process under way - and hopefully this is another process - whereby perhaps it can bring weight to those arguments. I would like to think that, in time, we will be able to do more. Are we doing enough in terms of educating children and young people at Ashley? I think we could do more. In fairness, and to be broad in our understanding of the issues, there are funding formulas and staffing levels that attach to schools in the community. When measured against those the Ashley school is probably mixing well.

I think the truth is that the children and young people that go to Ashley have higher needs. They are the kind of children and young people who don't necessarily fit into schools in the community, so those straight staffing ratios and so on perhaps don't apply quite as well in Ashley as they do outside. Again, I emphasise that the Department of Education is aware of that and discussions have been under way about improvement.

Mrs JAMIESON - Do you have the capacity, Mr Smith, to refer a student's progress to the school that they may or may not have come from? Is there a reciprocal arrangement so that you know where the student was at in school before going to Ashley?

Mr SMITH - Yes, via the Department of Education. When a young person comes into Ashley, the Ashley school can make contact with the school that the young person came from. Similarly, when they leave there are things to do around exit planning and so on to make every attempt to get the young person back into the school they came from or a school that is appropriate to their needs. In fairness, children and young people who come to Ashley, as a general rule, do not easily fit into the school system, but endeavours are made.

CHAIR - Is it then fair to say that because Tasmania is a small State there may well be diseconomies of scale in regard to providing specialist programs compared to other States? In other States it would appear that the programs are much better now and those centres are contained in larger urban areas.

Mr SMITH - Not just in relation to schooling and education, it is really across the board. In Tasmania our issues concern critical mass.

CHAIR - If that is the case then the Government ought to allocate more resources to bring the programs up to speed compare to other States? That is the nub of the problem as I see it.

Mr SMITH - I can see how that makes sense. In fairness to governments of all political persuasions there are always competing priorities. I am sure that government and politicians generally would like to spend more money on children and young people at Ashley, I do not have any doubt about that. But when they are faced with choices of hospitals and schooling et cetera.

Mrs JAMIESON - I would just like some comment please on Aboriginal student education. Do you have much contact with the Tasmanian Aboriginal Centre or any other group?

Mr SMITH - Yes, coincidentally I had a meeting with a representative of the Tasmanian Aboriginal Centre who was on site just last week. We have two young people at the moment on Clarke Island. So contact is ongoing.

Mrs JAMIESON - Could there be more interaction with the Tasmanian Aboriginal Centre?

Mr SMITH - The Youth Justice Act itself is quite specific about an obligation that we have to ensure that the cultural identity of Aboriginal young people is maintained and that we have regard to that. So it is an important relationship. It depends on how many Aboriginal young people might be on site at any given time. But our door is always open in that regard and we certainly liaise wherever possible.

Mrs JAMIESON - Are you open to the use of people who might be volunteers on a one-to-one basis to help students who need mentoring?

Mr SMITH - I think that mentoring is a valuable thing. I am not hostile to the use of volunteers, but there is sometimes a limit to the extent to which they can be used.

Mrs JAMIESON - I was speaking specifically of one-to-one literacy.

Mr SMITH - If the person is appropriately experienced, qualified and has the skills and expertise.

Mr WILKINSON - It seems to me that there is a bit of tension between the Department of Health and Human Services and the Department of Education in relation to what services should be supplied at the Ashley School. Is that right, yes or no?

Mr SMITH - No, I would not agree. Again, I do not want to dominate the conversation -

Mr WILKINSON - You are in charge of the centre. You want more educational programs through the school. You say to the Education Department, 'look, you are just not doing well enough with the education of the inmates; therefore I think that this program or that program should be the one that we should follow'. Is it your decision in the end as to whether they are followed or not, or is it the decision of the Department of Education?

Mr SMITH - Well, the Department of Education is the department that provides the resources to Ashley School. As things stand at the moment the Department of Health is also contributing money which goes to teaching positions. One of the reasons we have done that is that we had a number of positions of our own that provided programs, but attracting the right kind of people and keeping those positions filled is difficult.

Mr WILKINSON - Because you are in charge, surely, you could say, 'these are the programs I want'. It seems to me though that there is pressure on you not to do that because the Department of Education might say, no, 'we cannot fund that'. Therefore you cannot fund it. That is the pressure that I am talking about.

Mr SMITH - There has been a process under way, ever since the recommendation was made and the review of resident safety, and there have been ongoing discussions between the Department of Health and the Department of Education and I would be confident that, regardless of this process that started later but which hopefully will add momentum, we would have reached a position where I would have been confident that the Department of Education would have considered increasing the resources to the school. Clearly I am agreeing that there is a need to do that and I have been doing all that I can to encourage that to occur. I will continue to do so.

Mr MARTIN - We have learned from other States that the school-aged young people are spending about 30 hours a week in school. What we are told by Department of Education is that the programs are being run by teachers for about 15 hours a week in Ashley and for 10 hours a week by non-educationalists. There has been a lot of evidence provided to the committee that some of the programs being run by DHHS are just time-filling things like throwing vortexes. What is your comment on that? Do you think the programs you are running are helping the rehabilitation of the young people?

Mr SMITH - The short answer is yes. Again, can we do more and should we be doing more? Yes. If anyone was trying to pretend that throwing a vortex or doing some other outdoor activity that young people are involved was of itself going to rehabilitate them then clearly that would be ludicrous. We are not saying that. There is room for throwing vortexes and playing and being involved in other activities that children and young people in any other school in the community would be involved in. Even throwing a vortex, for instance, can provide important opportunities if we talk about mentoring and modelling behaviour for our own staff as well as staff from the Department of Education. It creates opportunities to talk with a young person. In many respects what is going on is a socialisation process. It is socialisation perhaps that these children and young people have been denied, for whatever reason, in their own families and in the broader community, and so socialisation and the modelling of pro-social behaviour can happen around fairly simple activities. There has to be room for those kinds of activities too at the bottom of the triangle that I keep describing.

Are we saying they rehabilitate a young person? No. Is there room for them? Yes, there is. Could we do more of the more focused programs? Yes, we could.

CHAIR - Thanks, Bill. We need to move on as we have only addressed one term of reference at this stage. I would like now to move on to current security arrangements. You have had people getting out over the fence at Ashley. When we were on the mainland we saw similar enclosures but they had a very different configuration on the top. You would probably need arms about 4, 5 or 6 metres long in order to get over. They had a much bigger rollover top, and that seemed to stop escapes happening. In your view is there a need to re-engineer part of that fence?

Mr SMITH - The first thing that springs to my mind is the other question that you asked, if I had lots of dollars to spend where would I spend them? There is an extent to which we

can overdo the security. The security issues can be more appropriately managed by our having more control and being clear collectively as a community about exactly who is included in Ashley's client group. There is a cohort that is frankly beyond Ashley's capacity to deal with and it is not appropriate to have them at Ashley, mixing with other children and young people and impinging on their capacity to be rehabilitated.

Having said that, clearly security is a significant issue. There are all sorts of ways to get over a perimeter fence. There can be mechanical devices, there can be ropes and there can be hoses and things thrown over fences so, even if you have a 5 foot concave shape on the top of it, ways can still be found to get over that. When contemplating what could be done to the fence at Ashley to improve the level of the security, we had an assessment done, and I think that assessment has been made available to you. We did not waste tens of thousands of dollars doing something to the fence that could still be easily overcome. People can be very ingenious. You can get assistance from outside. So we took the advice that we got is clearly outlined in that report.

CHAIR - Yes, I think that was indicated to us, particularly at Parkville in Melbourne.

But that matter aside, you mentioned that there is a client group that you do not think should be there. The other question I will put to you, and it has been put to us, is that maybe Ashley was a better place without a fence when it just had a secure centre. Obviously that was burned down. Would it be better in this day and age to have just a secure centre for those problem people?

[9.30 a.m.]

Mr SMITH - The short answer is no. I don't think it is that simple and I don't think the clock can be turned back now. Clearly Ashley, as everyone is now seeing from the minister down, was never designed as a maximum-security facility. I do not think it is appropriate to have children and young people, still with an opportunity to be rehabilitated, accommodated in a maximum-security facility. One of the factors that we have faced is that as soon as the fence was erected it changed the perception - including that of the outside world - about Ashley and its role. Whereas before the fence was built if a young person ran off - and again I am not suggesting that that is unimportant or not a serious matter - it wasn't seen as being as serious an issue as it is now.

CHAIR - What about that hard core of people you mentioned? Should they be there in Ashley? That obviously causes a lot of problems. And if they shouldn't be there, where should they be?

Mr SMITH - I am certainly not advocating that 15- or 16-year-olds be anywhere other than Ashley, but unfortunately, in any given year, there are two, three or four young people, usually older, say 17 years of age who are not going to be rehabilitated and in whom we have put a lot of effort trying to rehabilitate. But it gets to the point where they have outgrown Ashley; Ashley is not a facility that was designed for them. They are standing over and bullying other younger residents, they are threatening them and they are causing something like 80 per cent of the problems that Ashley might experience. They no longer belong at Ashley.

As to where they should be, I am certainly not of the view that they should be dropped into the general population in a maximum-security prison such as Risdon, so something in between.

Mr DEAN - I have a couple of quick questions on the fence. We have spoken to an ex-Ashley detainee and one of the things put to us was that a lot of the youth now going into Ashley go in there thinking that they are going to escape, they are going to get across the fence and leave. They are not looking at rehabilitation, they are not thinking of what they ought to be doing to improve their own standard of life. The challenge is that fence, to get out by going over that fence. Do you have any comment to make on that?

Mr SMITH - I think that is the case. Scaling the fence and making off is, for immature young people, and even some who are older but still immature, a bit of a challenge, and it can gather momentum. If one goes, then another goes and another goes, it becomes a bit of a game. The young people that we are dealing with are very impulsive. They are not thinking of the consequences. They may afterwards but they are not at the time.

Mr DEAN - What external security do you have? Do you have any video surveillance externally of the premises? There has been evidence given to this committee that there is a lot of contraband, a lot of stuff coming in from outside and a lot of assistance given to inmates from outside, so do you have any video surveillance or any security patrols externally?

Mr SMITH - There are CCTV cameras external to the facility and certainly on the old Bass Highway side of the facility. There is a lot of lighting at night. There are perimeter checks done all the time. On night shift, for instance, there are four. Each shift of perimeter checks is being done regularly after visiting times and so on.

Mr DEAN - The CCTV that we are talking about only operates on the one side; it doesn't operate on the others?

Mr SMITH - I am talking about perimeter security as opposed to the use of CCTV internally because again that was another recommendation that came out of the review and we are installing more of that.

Mr DEAN - It seems to me and others that if you can get through to the youths that there is no likelihood of their leaving the centre without problems, they may well concentrate more on what they are there for. Do you subscribe to that?

Mr SMITH - I certainly think that we should do all we can to ensure the security of the facility. Whether or not all young people are necessarily going to be deterred from trying to escape I am not so sure. I don't think there is any custodial environment that is without incidents so, inevitably, there are going to be incidents.

I certainly agree that one of the main forms of security can come from interest and engagement, and having good relationships with the young people. That is a key foundation on which our security systems are built in that the staff that we employ are encouraged and are trained in how to develop rapport and good relationships with young people. If you have a good relationship with a young person and they are kept engaged

and enjoying things that is good but, again, you don't want to turn it into somewhere that you want people to continue to come back to. So there is a balance to be had there.

I guess I am not disagreeing with what you say but whether or not we could ever get everyone to the point where they would not consider escape, I suspect that would -

CHAIR - What about the close neighbours of Ashley? Obviously some of them have young families and it is a very stressful occasion for them if there are escapes. Do you have a working relationship with those people and do you talk to them on a regular basis?

Mr SMITH - We have procedures in place and we have a contact list. I had some contact with your office not too many months ago, adding someone to that list. Where there is an incident we immediately, within a short period of time, contact people in Exton area especially and let them know that there has been an incident. That is something that we take very seriously, and I absolutely accept the anxiety that can be caused if there is an incident.

Mr DEAN - I was going to go into the security that is provided in relation to people coming in - visitors and family - because we have heard evidence during our inquiry that a lot of contraband has been brought in by that means and that the finding of drugs and the smoking of dope on the premises is fairly rife. What is being done to try to prevent that type of behaviour?

Mr SMITH - If we left tobacco out of the equation for a moment, in terms of the drugs that actually come onto the site, again, no custodial environment is going to be without incidents and it would be silly for me or anyone else to pretend otherwise.

In terms of marijuana and other forms of drugs coming on site, I would doubt if there would be any more than two or three incidents in any 12-month period. How that might come on site is through a variety of ways. One of the ways that it can happen is that someone who is coming to visit brings it in - a young person, a parent, a sibling or a friend.

Mr DEAN - Staff?

Mr SMITH - It would be silly to ever rule out the possibility of staff bringing it. I hear from time to time the allegation is made and that was the recommendation that I spoke about, searching staff, and that seemed to be premised in the notion that staff were constantly bringing in drugs.

If a staff member was doing that and we were made aware of it, everything is in place to address that. For all of the allegations that are ever made, no-one has ever been able to tell me on what day a staff member brought anything of that nature into the site. It is a bit of an urban myth, frankly. Now, does that mean that contraband does not, on occasions, find its way on site? Of course it doesn't, it is the nature of the environment. So, to answer your question, in terms of family members or anyone from the community coming to visit a young person, the visit has to be pre-arranged. The person has to be known to us and has to be vetted to some extent. They can be denied entry. If there is any history of that person bringing something on the site, they will be banned for a

period of time. If someone is caught bringing something onto the site, it is immediately reported to the police.

The people are required to go through a process where they are asked not to bring anything onto the site; anything that they do want to bring, a bag or whatever, can be searched.

Clearly, there are legal limits as to what we can do in relation to searching. We cannot strip search anyone or strip search a member of the community, for instance, who was coming on site. But we take a lot of steps and we are serious about it. Two CCTV cameras are observing the visit and we can go back to that footage. There is a supervising youth worker who is watching the visit the whole time, so I think we put a lot of effort, as we should, into monitoring those visits. Again, does that mean that incidents will never occur? No, it doesn't. Many friends, peers, even family members unfortunately of some of the young people who come to Ashley don't abide by our rules. That is why some of these young people are in custody. It is just not sufficient to put a sign up and say, 'Do not do this' and expect that it will not happen, so there is an extent to which it comes with the territory.

CHAIR - We have a private contractor on site - Platinum Security. In other States the only time external contractors are used is when remandees or detainees are moved to another site, for example, so they are not part of the permanent establishment. In an ideal world would it be the preference that you did not have an external contractor on site?

Mr SMITH - Absolutely. To be clear, the basis of the relationship we have with that provider is that the provider does our court escorts. The rural setting of Ashley is a factor in recruiting staff. If you are not able to retain staff then it leaves a hole in your staffing and you have to fill that. To deal with that we put a lot of energy into keeping a full staffing complement, so we are endeavouring to fill any vacant positions as they occur. We want to keep all our positions filled and we put a lot of effort into doing that.

In addition to that we have a casual pool of people whom we employ and train to cover absences. In terms of planned absences, such as annual leave, we have a shift roster in place. We have a lot of shift workers - because Ashley never closes, of course - and shift workers, by the nature of shift work, accumulate more annual leave than day workers. A shift worker at Ashley accumulates something like six to seven weeks annual leave in a nine-month period, the nine month period being the duration of the roster. There is a lot of planned leave that we have to cover. On our roster we have additional positions so that leave can be planned and there is always someone from our own staff who covers that. Sick leave and other forms of unplanned leave are when we depend on our casual pool. We are trying constantly to replenish and keep our casual pool full, and that is by far our preference.

CHAIR - We have obviously moved onto staff issues, and that is fine because it is one of our terms of reference. We have had a fair bit of evidence that there is a high level of absenteeism. It is difficult to recruit suitable staff within the area. What is your response to that?

Mr SMITH - The level of absenteeism at Ashley is something that has improved over time. If we go back four, five or six years when Ashley had a particularly difficult time around

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the time of the fire and the proclamation of the legislation, it was a very different place. It has continued to evolve since then and it has improved. Notwithstanding that it is a custodial environment, a unique environment that brings its own pressures, I don't think the level of absenteeism at Ashley is at a point where it can in any way be compared badly with any other custodial environment, even when compared with the Department of Health and Human Services. It is very marginally above, but when one takes account of the custodial environment I don't think it has a particular problem in that regard.

CHAIR - Do you think new staff are given a sufficient induction period? Is any accreditation given to youth workers at all, and if not, should there be?

[9.45 a.m.]

Mr SMITH - There is. This is something that we have really strived to improve in recent years. The recruitment process that we go through in terms of suitability testing, psychological profiling and so on of people who apply for work at Ashley is really quite sophisticated. That is one of the mechanisms we use to attract the right people with the right kind of characteristics. It is a very difficult job so we put a lot of effort into recruiting. Then we have a fairly sophisticated induction process, which is now four weeks. There is a four-week period that any new staff member at Ashley goes through, and they are paid for that. It involves training and a buddy system so that when they come on shift they are always working with someone else. Then they will go back to the classroom and talk about those experiences. The qualification we rely on is Certificate IV in juvenile justice. That is the qualification that is recognised throughout Australia and New Zealand.

CHAIR - Have all your youth workers got that accreditation or only some?

Mr SMITH - In terms of the applicable staff cohort, those staff supervising and working closely with young people, it is something like - or shortly to be - about 70 per cent of our operational staff.

CHAIR - Have you ever terminated the employment of anybody because of unsuitability? We recognise that it is difficult environment to work in but there may be staff members there who are unsuitable to be working with youth.

Mrs SMITH - There are more than 100 people working at Ashley, and 98 per cent of the time 98 per cent of the people who work at Ashley are doing a good job in what can often be very difficult circumstances.

CHAIR - How many of those are actually at the coalface at an operational level?

Mr SMITH - About 60 to 65.

CHAIR - Right. And the rest are in administration?

Mr SMITH - Programs, case management, health and wellbeing, and administration.

Mr MARTIN - Bill, there has been evidence provided to the committee that people on the ground say they have put in complaints but they do not know whether they get to you because they never get any feedback. Any comments on that?

Mr SMITH - If people have said that then I cannot sit here and say that they have not. Ashley is a relatively sophisticated organisation. It is quite a big organisation. It has a budget of \$8 million, it employs in excess of 100 people, and it is open 24 hours a day, seven days a week, 365 days of the year. It needs an organisational structure that reflects its level of sophistication and the demands that are on it. So there are a number of people to whom your complaint might be made and who might be the right person to deal with any given complaint. Over the last two or three weeks I have had dealings with something like eight individual staff in relation to a variety of matters, concerns they might have had, and one or two of them relate to complaints. Those matters have been addressed and are being dealt with. There are mechanisms in place to deal with either complaints that staff might make or complaints that residents make. The Department of Health and Human Services is a big department and it has staff grievance procedures in place. If there were a breach, the State Service code of conduct and the commissioner's instructions are quite clear about the processes that need to be followed, and we would follow those processes in all instances.

I am not suggesting that anybody here is making this suggestion but there is a lot of mythology and conspiracy theory that attaches to Ashley. If someone does not necessarily know what has happened to another's complaint, they may not necessarily know what has or has not been done about it. There are confidentiality issues. Some people spring to assumptions that nothing has happened when in fact, if complaints are made, the processes are in place, complaints are always treated seriously and the issues are addressed.

Mr MARTIN - You have a fairly hieratical management structure, though. There are five rungs between yourself and the youth workers. You do not think that is too steep?

Mr SMITH - I am trying to count the five rungs. There is me across the whole centre. There is a manager of operations and then there is the operations coordinator and then there is the team leader.

Mr MARTIN - And then the youth workers.

Mrs SMITH - And then the youth workers, yes. A team leader has responsibility for providing guidance and supervision in a very hands-on way for three youth workers so you have a team of four people, including a team leader. Are they part of the management structure? Yes. Is that higher-level management as opposed to day-to-day, hour-to-hour supervision and guidance about how to deal with particular issues? That is what it is more about. Then there are four team leaders on each shift and then there is one operations coordinator who is in charge of that shift so that is 14 people. Again working in a very intense, unique environment I think demands that level of supervision and guidance. I don't think that is overdone. That structure was a long time in being devised. It took a long time to build and I think it works extremely well. Certainly if anyone feels excluded and feels that they can't talk to someone, including myself, about something, that would concern me, and if there is more that needs to be done in that regard then clearly that is something we would have a look at. But are they excluded as a consequence of that structure? I don't think so.

Mr MARTIN - How much contact do you have with your youth workers?

Mr SMITH - I am located physically on the site, five days a week, unless I am somewhere else in the State and I do a bit of that so that is where I am. You have been to Ashley. It is a fairly small site. You can't be on the site at Ashley and not have contact with young people, let alone staff.

Does the Manager of Custodial Youth Justice make all the decisions that need to be made, minute by minute, hour by hour, day by day at Ashley? No, he doesn't, and again that is about, I think, the sophistication of the organisation. Of all of the decisions that are made, those kinds of decisions in relation to young people do need to be made by youth workers in consultation with their team leaders and the operations coordinators.

Mr WILKINSON - The hierarchy have been classed as a type of bunker mentality - in other words, not coming out and not mixing with the people under them. Obviously from what you are saying you disagree with that.

Mrs SMITH - I do disagree.

Mr WILKINSON - Does it concern you that that comment has come from more than a number of people?

Mrs SMITH - Yes. It is a comment I have heard myself from time to time and yes, it does concern me. Equally it is the kind of comment that is easy to make.

Mr WILKINSON - So you would be saying you do not manage with that bunker mentality?

Mrs SMITH - Far from it and I think there would be a lot of other people at Ashley who would say that that is the situation but I don't want to glibly pass over that and say that is not an issue that would be of some concern and perhaps we can do better.

CHAIR - How many people are working with you as a manager and in administration and how much has that increased over the last couple of years or since you have been on watch, so to put it?

Mrs SMITH - It hasn't increased.

CHAIR - It hasn't? It has been the same?

Mrs SMITH - Yes.

CHAIR - There are no more there than when you got there?

Mrs SMITH - There is one position that has been added and it is called an operations supervisor which we created to assist, ironically perhaps, to deal with complaints, including complaints from residents and allegations from residents which we take seriously and which we are accountable for. We try to be transparent and wherever an allegation is made, an investigation and an establishment of the facts has to occur and then something is documented. The essential focus of that position which works with the operations manager, Ralph Beck, who I think you have met, is on those kind of processes and then linking that with staff development.

Are we overdone in that regard? No, I don't think we are. We have a staff/client ratio of 3:1, which I think is the best staff/resident ratio around Australia. Do we need that? Yes, I think we do need that. That is where our security comes from. The role of the youth worker is in rapport-building, mentoring and challenging poor behaviour, and, in order to do that in a way that is going to make any difference, you need that kind of staffing ratio.

Mr DEAN - I have a number of questions and I will start with your standard operating procedures and also your mechanisms in place, which you say are there and are followed. We have had an enormous amount of evidence given to us throughout this inquiry that standard operating procedures are very seldom followed, or are followed by some but not by others. They mean nothing.

The other thing that we have been given evidence on is the absolute inconsistency with what is happening in the organisation. People see things differently; they do things differently; they treat the inmates differently. A whole raft of issues was brought forward to us, and they say that it is no good trying to do anything about it because nothing happens and many of them just accept that as a foregone conclusion. Do you wish to comment on that?

Mr SMITH - I am very proud of our standard operating procedures. There isn't very much that happens -

Mr DEAN - Not many others are.

Mr SMITH - You are saying that people have said that. A custodial environment is a very structured environment. We put a lot of effort into recruiting the right kind of people. We put a lot of effort into creating the kind of environment in which those people can work properly and work in a way that reflects the Youth Justice Act. We induct them and we train them to work in accordance with those standard operating procedures and there is no one, I would say, at Ashley - and if anyone does say that I would refute it outright - who is not aware of what the standard operating procedures require.

Mr DEAN - I cannot tell you where it has come from because a lot was given in-camera to us, but it was given by many, not just one or two -

Mr SMITH - I think where the truth actually lies is that, having tried to set out the structure and the policies and the procedures that gauge what staff need to do, the nature of youth work in a custodial environment is such that the young people are very much in your face. They are demanding that things occur. It can be easier sometimes to say, 'All right, do that', as opposed to sticking to the letter of what the procedure might require.

An example of that, for instance - because it goes to every aspect of behaviour on site - might be a telephone call. There is a standard operating procedure that says how long a young person should get on a telephone call - I think it is 10 minutes. Someone might say, 'Regardless of what is going on at home or whoever you are talking to, you are not getting more than 10 minutes because that is what the standard operating procedure says.' Someone else might say, 'In those circumstances, I'll give you another two minutes.' If you shrunk all of that into every aspect of behaviour on site, then there is going to be room for a bit of interpretation.

Our ability to have everyone abide by standard operating procedures clearly comes back to our capacity to supervise staff, which takes us back to the staffing ratio and team leaders, ops coordinators and so forth. We need that staffing structure in order to make that happen. Again, we put a lot of effort into doing that.

It can be a bit glib for people - and I don't mean anyone here - to be critical of those things. It is different when they are actually working in the environment and they are faced with those decisions about, 'Will I give someone the other two minutes or will I not?' It does happen and it is the nature of the place.

CHAIR - I want to make a comment at this stage about where we are moving with time. The Legislative Council have a small matter of public importance to consider. The committee may well decide, 'No, you're going to be away for a while, that is why I wanted to try to fit you in today', but there are obviously a lot of questions that still have to be asked and answered, and it may well be that the committee, after deliberations, decides that we might have to have you back when you come back. I do not know and I do not want to pre-empt a committee decision on that, but that may well be the case.

[10.00 a.m.]

Mr MARTIN - I would say that there are probably 20 to 30 questions that I could have asked along the way that I did not ask at the time.

CHAIR - Yes.

Mr MARTIN - I think the problem with that is that we have had a truckload of evidence provided to us and I think in terms of natural justice Bill deserves an opportunity to be asked the questions.

CHAIR - I think we would all concur with that. At this stage we are just past our time and, Bill, I would like to thank you very much for coming along. The committee has given an indication that you are not off the hook yet.

Mr SMITH - I welcome not just the scrutiny but also the opportunity to explain to explain to the outside world the work that Ashley does. It is a unique environment and it is a very difficult job.

CHAIR - Thank you very much.

THE WITNESS WITHDREW.