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THE PARLIAMENTARY JOINT SESSIONAL COMMITTEE MET IN COMMITTEE ROOM 2, PARLIAMENT HOUSE, HOBART, ON THURSDAY, 1 MAY 2025

RECOMMENDATIONS OF FINAL REPORT OF THE COMMISSION OF INQUIRY

The committee met at 9.00 a.m.

CHAIR - My sincere apologies for not being there in person. I have to fly out this afternoon with commitments and I need to fly out of the north-west, otherwise I'll have no car. My apologies. I wanted to start the formal proceedings and then hand over to the Deputy Chair, Meg Webb, to manage the hearing. It's much more suitable to do it for someone in person. I do apologise for not being there in person.

Kath and Regina, thank you for your appearance today. We also note the letter you sent to the committee, Kath, with the scope of what you expect to be asked about. If there are matters that you feel we stray beyond that, and you're not comfortable with it, feel free to express that. If it fits better with a different process, please indicate that. Otherwise, we'll leave that with you to make that decision at the time of questions being asked. Is that okay?

I'm sure both of you are aware that everything you say is covered by parliamentary privilege while you're before the committee. That may not extend beyond the hearing. It is a public hearing. It is being broadcast and transcribed. If there are matters of a confidential nature you wish to share with the committee, you could make that request and the committee would consider it. Otherwise it's all a public hearing.

Ms KATHRINE MORGAN-WICKS, SECRETARY, DEPARTMENT OF PREMIER AND CABINET, and **Ms REGINA WEISS**, TASMANIAN BARRISTER, WERE CALLED, MADE THE STATUTORY DECLARATION, AND WERE EXAMINED.

Ms MORGAN-WICKS - Good morning everyone, and thank you for the opportunity to address the committee today. As I noted earlier this week, speaking at the Courageous Conversations conference hosted by Laurel House and SASS, the commission of inquiry has been a significant turning point for Tasmania. It exposed serious and systemic failures, and it's now our responsibility to respond in a way that is thorough, transparent and lasting.

Under recommendation 19.3, I am responsible as Secretary of the Department of Premier and Cabinet, and head of the State Service, for coordinating, overseeing, and reporting on the Child Sexual Abuse Reform Strategy and Action Plan. It's a responsibility that I take very seriously, and a key reason why I took this role.

Today I appear before the committee to speak to specific actions I lead as head of the State Service, particularly efforts to strengthen the State Service's capability to respond to code of conduct breaches, including the establishment of the Shared Capability and Centralised Investigations Unit.

I know the committee understands that confidentiality constraints may limit some of the discussion to avoid prejudicing current investigations or legal processes.

First, let me address the question that I know may be front of mind. Why are these investigations taking so long? This is difficult work. We're dealing with serious and often

historical allegations, and new allegations continue to emerge. These matters are complex, involving legal rights, trauma histories, overlapping jurisdictions, and, above all, the need to put child safety first. We are also bound appropriately by rules of procedural fairness. The consequences of getting this wrong are too significant. These processes must be thorough, procedurally sound, and trauma-informed to deliver outcomes that protect children and withstand scrutiny.

Since becoming head of the State Service, I've prioritised transparency. We now publish routine disclosures monthly, with the latest report published yesterday on 30 April. I hereby table a copy for committee members. I understand that a link has hopefully been sent to our online members. This monthly report includes suspensions relating to allegations of child sexual abuse and related conduct, and ED5 processes arising from assessments by heads of agency in the commission's report. A key focus for me has been on long standing suspensions, particularly matters open over 365 days. Since October 2020, there have been 111 state servant suspensions as a result of allegations of child sexual abuse and related conduct and 107 ED5 processes have been commenced. These suspensions relate to alleged historical and contemporary conduct occurring in all parts of the state: 66 in the north and north-west and 45 matters in the south. As of 30 April, 41 employees remain suspended from the workplace with active ED5 investigations underway: 14 of these 41 employees have been suspended for more than 365 days with one investigation of that 14 paused due to police investigation; three of that 14 now close to finalisation; and 10 of the 14 having additional allegations added for investigation as victims and complainants continue to come forward.

These numbers can seem static from month to month, but I can assure you that they're not. New allegations continue to be received, additional evidence is being added to existing cases, and employees are electing to test investigation steps in the Industrial Commission, which is absolutely their right, but it does extend timeframes. We are managing a significant peak in reporting of child sexual abuse brought on by the critical work of the commission.

I review each of these long suspensions with the SCCI team - which I'll talk a little bit more about in a moment - and the relevant agencies on a monthly basis and will continue to do so to ensure that progress continues to be made and that the suspension should be maintained. By way of outcome, since October 2020, 24 state servants have either been terminated, resigned, or their contract expired through this process, with 41 remaining suspended and investigations underway. 42 employees have been investigated and returned to duty. All complaints information, importantly, is shared with the appropriate regulatory authorities, for example, the Office of the Independent Regulator, Tasmania Police, and Registrar for Working with Vulnerable People.

A key focus coming out of the commission of inquiry has been to ensure that all relevant persons of interest have had their alleged conduct, whether historical or contemporary, examined, assessed, and investigated by the relevant authority. I note that this month's routine disclosure report contains an update on the persons of interest identified by the commission of inquiry in section 34A referrals to agencies and regulators, with a further three persons of interest identified for assessment this month, one of which is an alleged perpetrator of abuse, with all three no longer working for the state.

If I may speak for a moment about our Centralised Investigation Unit. To improve how we manage the investigation of serious breach allegations, we established the Shared Capability and Centralised Investigations Unit in late 2023. This unit was created in direct response to

recommendations from the commission but also the Tasmanian State Service Review. It manages the most serious ED5 matters, particularly those involving child sexual abuse or related conduct, and is attempting to lift capability across the service. The SCCI's initial focus has been on the Ashley Youth Detention Centre (AYDC), and that's deliberate. The commission identified a high volume of serious allegations at AYDC involving current and former staff across both historical and recent periods. Many of these cases intersect with criminal, civil, or coronial processes. A focused and coordinated response was essential. Prioritising AYDC allows us to address complex, high-risk cases while refining the centralised model before expanding to other child facing agencies.

To support this work, respected barrister Ms Regina Weiss was engaged in July 2024. She has provided expert advice on the unit's establishment and is assisting in the finalisation of complex ED5. Ms Weiss is with us today and will speak further to these matters in her opening statement.

To conclude, if I can quickly mention ED5. The government has revised Employment Direction 5 in August 2024. The changes make clear that the safety of children must be the primary consideration in all relevant conduct matters. They also allow more flexible and timely decision making and are underpinned by trauma-informed training, which is now delivered to all investigators. I also expect the Woolcott review to identify further opportunities to strengthen this ED5 process. We have been working very closely with the reviewers and we remain committed to embedding this cultural change across the State Service.

In closing, I am very aware that we all know that culture change takes time, but the foundations are in place. We know that child sexual abuse does not just occur in government institutions, but occurs across our community. We have a critical role to play to continue to educate and train the Tasmanian State Service to detect potential grooming and child sexual abuse not only in our service, but in our communities and in our homes. When allegations come forward and we have the direct evidence, we act. This process will take time to ensure that we do not return an employee into the State Service that may risk the safety of a child. Today is part of that accountability, and I welcome the questions of the committee. I will first pass to Regina.

Ms WEISS - Thank you, Secretary, thank you, Chair, Deputy Chair and committee for hearing us today. As the secretary has just pointed out, I was briefed by her to assist the Department of Premier and Cabinet's (DPAC) Shared Capabilities Central Investigations Unit, initially focusing on Ashley Youth Detention Centre ED5 investigations relating to allegations of child sexual abuse. Although the work we've done has really continued to assist on a multi-agency level now, which is in line with my terms of engagement, and I'll go into that a little bit down the track.

To support this work, I've been working alongside the unit, but also with special counsel Ms Demi Peters, who assisted me with the Reynolds review and she's here today and has been a great support. Ms Peters and I have been speaking to witnesses, including former and current Ashley staff and victim-survivors. We've cast the net wide. Anyone who wishes to speak to us has not been turned away. I encourage anyone else who has information they wish to share to come forward. We'll continue our investigations.

To date, we've had close to a hundred meetings or contacts with witnesses or potential witnesses, in person or via video or telephone. That doesn't include correspondence. We have

13 signed and completed statements, with a further 19 in various stages of completion. Nine of those have been provided to Tasmania Police to date, with more to come as they're completed. Six people have provided information but declined to provide statements. There are numerous further leads being pursued and they cover Ashley Youth Detention Centre experiences spanning from 1994 to present day.

It really is a privileged position to have witnesses place their trust in us, to share their lived experiences. The signed statements are being used in ED5 processes, criminal processes and processes relating to Working with Vulnerable Persons approvals. The victim-survivors are being heard, and it is so incredibly important, not just from an evidentiary perspective, but from a trauma informed perspective. Even in cases where the alleged perpetrators are deceased, we are listening. I really would like to go back to the commission of inquiry report, which is why we're all here today, and there's a really important passage about Ashley in that, which says:

... a longstanding corrosive culture that doubts and disbelieves reports by detainees, we find that, for decades, some children and young people detained at Ashley Youth Detention Centre experienced systematic harm and abuse.

You can find that passage at Volume 5, Book 1, Chapter 11 - Case Studies: Children in Youth Detention, at page 93.

Those are the people that we are now listening to, and whose reports and accounts are being taken with the gravitas that they deserve. What we now have in the form of signed statements is best evidence. Not hearsay evidence, which is useful and of course can be used in intelligence or for the purpose of leads, but firsthand accounts. This is important, not just from that investigative and evidentiary perspective, but to protect the rights of a person under investigation. Balancing the rights of a respondent or an accused is key to any legal process. In fact, it's a universal right that's enshrined in the UN Convention on Civil and Political Rights and reflected in our domestic legal system.

The need for the cooperation of a complainant is key to both the administrative and the criminal process. Of course, the thresholds for administrative and criminal processes are different, one being lower than the other. Securing the assistance of a complainant is integral and fair to the worker under the investigation. That's what we are doing here.

As I've already foreshadowed, in some cases, witnesses have provided us with their consent to pass signed statements to Tasmania Police and to the Department of Justice for the purpose of Working with Vulnerable Persons investigations. To be fair, this is an extraordinary trust. It really is, for people who have been in a system where that trust has been so betrayed. I do have to share that the key motivation that I've heard so many times from the people we've interviewed is words along the lines of: 'I don't want what happened to me as a kid to happen to other kids.' We've heard that over and over again. I think that we're all on the same page in that regard - protection of children is key and at the forefront of everyone in this room, that much I know.

In the last seven months, I've visited Risdon Prison 23 times to speak to witnesses, and I have to thank the Risdon staff for their assistance in this, they've been wonderful in accommodating us. I continue to go there on a weekly basis. We've travelled and continue to

travel to the north and north-west of the state to conduct interviews, and have taken statements from people who now live interstate.

Building trust and rapport takes time. Multiple meetings, visits, and then the provision of follow-up support. That is the trauma-informed approach we must work by. At Risdon, we get 40-minute windows to speak with detainees in maximum and medium security at best. There's numerous return visits. People are retelling traumatic events; they lived those as children, and this takes time and patience, which the victim-survivors deserve.

The assistance of intermediaries has been invaluable, and I thank the persons who have helped me open the doors and be able to establish the much needed trust with those witnesses. I digress when I say that I learnt a long time ago that a great intermediary is worth their weight in gold. I learnt that in the East African communities where local leaders and village chiefs assisted me, and I've got that assistance here in Tasmania as well, which I'm really grateful for.

I also regularly speak with numerous sources who wish to remain anonymous - and I will respect that anonymity - and they've assisted me greatly with accessing witnesses for our work.

We've worked closely with Tasmania Police and we pass on those statements, as I've said, and contact details, but only where witnesses have provided us with their explicit consent for me to do so, to the Ashley Youth Detention Centre Task Force, which I understand falls under the Artemis Task Force.

I regularly meet with the Commissioner and the Deputy Commissioner and members of that task force. The cross-agency relationship is vital for efficiency, and is trauma-informed which minimises that re-traumatisation as much as possible.

With witness consent, we share that information, and we also have to de-conflict, of course, where necessary, particularly where there's criminal investigations progressing at the same time as administrative processes. A criminal process will always trump the administrative process, and I have to be careful not to compromise the great work that's being done by Tasmania Police, particularly where there's COVID operations. I'm not privy to those, and I don't want to be privy to those, and nor should I be.

I note that the great work that has been done by Artemis, bringing to account alleged perpetrators of child abuse of late - we've all seen that in the newspaper and the media.

Of course, I also regularly meet with the Shared Capabilities Investigation Unit who are progressing the ED5 investigations internally.

There's still much work to be done, but the work is garnering momentum at a great pace. We now have the cooperation of the complainants. I can also understand why it's been difficult to secure the cooperation of complainants in the past. Working with survivors of childhood abuse is a specialised expertise. We also need to be cognisant of the vicarious trauma of State Service staff, which is real and can be damaging. In the last 20 years of this work, I've seen how this sort of trauma can really affect staff, and we don't want that to happen to State Service staff either.

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It is necessary, however, to ensure that children are kept safe and alleged perpetrators are held accountable, all the while being given the fair process they are entitled to. This is the work we are doing now.

Chair, Deputy Chair, committee, I welcome your questions today in regard to the processes. We've made some points about not being able to provide confidential information, but any other questions I'm more than happy to answer, along with the Secretary.

Ms WEBB - Thank you for that, and thank you both for those opening statements, that's really good groundwork for us to frame our questions as well. I just have one fairly practical one to start with, and that's - you mentioned, Secretary, in your opening statement about the Woolcott review and how that intersects here. Can you give us an update about where the Woolcott review is, briefly? Particularly in terms of timelines when things will be made public from that review.

Ms MORGAN-WICKS - Yes, to the extent that I can, Deputy Chair. We've been working very closely with Mr Peter Woolcott, and also Radha Thomas, who I know has been directly engaging with many stakeholders, both from employee representative unions, for example, to test particular employment matters across our agencies, and no doubt has spoken to many of the committee members here.

We've just receiving draft information from Peter and from Radha, particularly in relation to the employment direction, whatever they're doing. That's probably where we've started. We've also been testing with them the information that they've received in their review of the commission of inquiry records, and I know they've been speaking to the Department of Justice, for example, in that regard, to test that information.

It is starting to come through, so we are expecting that that is imminent. I think it's no understatement to say that they've had an absolute ream of information to try to get through and piece together, and a lot of people coming forward to speak to them. I think that's reflected in the length of time it's taken them to get to the draft chapters starting to come through. At the moment, my expectation in timeframe is that that is to conclude in the next two months. I haven't actually yet got a date from Mr Woolcott in relation to that personally.

Ms WEBB - When you say conclude in the next two months, do you mean you expect to receive their draft chapters in total in the next two months, or that something will become public in two months' time?

Ms MORGAN-WICKS - I expect something will become public in terms of a final report. I've got no expectation that we see everything, but usually we would see something to test numbers or fact check.

Ms WEBB - Is that the end of the Woolcott process at that point? I think initially it had been anticipated there might be an ongoing updating reporting processing from the Woolcott review, and I wasn't sure how long that was going to continue. Is it your understanding that there'll be this reporting in potentially around two months, and then it's concluded?

Ms MORGAN-WICKS - Deputy Chair, I haven't yet seen their recommendations, so they may recommend further monitoring. I do note that I was speaking to the honourable Robert Benjamin earlier this week, who I think is also anticipating receiving the government's

request to monitor the recommendations of the Woolcott review, noting the significant work he's got underway with the commission of inquiry recommendations, the Weiss review recommendations, and now we expect the recommendations of Woolcott. Certainly, in speaking to Peter Woolcott, he's aware in terms of the size and the magnitude of the effort that is at pace to implement the 191 recommendations, and he has told me that he wants to make recommendations to try and group these together and to also give his view on prioritisation and what he thinks. He's also been talking to Robert Benjamin about that as well.

Ms O'CONNOR - Thank you, Deputy Chair, and thank you both for coming in and for all your work on behalf of Tasmania's children. Ms Weiss, I was particularly encouraged by what you told the committee and the progress that's being made on clearing some of those ED5s and historical and contemporary allegations and investigations.

During your presentation, you talked about matters raised through AYDC that are historical and to the present day. It is disturbing to hear that still in the present day, young people face the risk of abuse at Ashley. What is the nature, if you like, without being too specific, of those allegations that are being made?

Ms WEISS - On the one hand, I have to say, it sounds horrific but there has been massive improvement in that children are no longer being sexually abused. I have no reports of anything like that. The horrific abuse that formed part of class actions and that we have the evidence for from the commission of inquiry of days gone by - it is not at that level. However, there are still complaints coming through about kids being isolated, and the use of restraints - which, in fairness to - they're complaints at the moment and they're being investigated. I don't know where we're at with some of those yet. We're still in progress of investigating those. We talk about procedural fairness and that's really important. That's the nature. If it gives any sort of comfort, a level of comfort, it's certainly come a very long way since the evidence that was heard at the commission of inquiry. That is a good thing, but there is still way to go.

Ms O'CONNOR - Thank you. We've heard evidence come before this inquiry that the population of Ashley Youth Detention Centre has significantly increased, and that the overwhelming majority of the children in there are in fact on remand, which I'm sure concerns you both. Are any of the current ongoing ED5 investigations for former Ashley staff who were the subject of allegations prior to the establishment of the commission of inquiry? Have those matters been resolved? There have been allegations made of historical abuse at Ashley, and they preceded the commission of inquiry and were also raised again at the commission of inquiry. Some became subject to ED5 investigations - so, long investigations, a delay to apparent justice. Do you have any information on that?

Ms MORGAN-WICKS - I may be best to comment in relation to that. In relation to the suspensions that we publish in the routine disclosure, I mentioned that 14 of those suspensions are over 365 days. We do have some - and we published the number of days for those suspensions and they are relevant to the matters that came to the commission of inquiry. Ten of the 14 relate to Ashley Youth Detention Centre employees, and remain underway. Ten of those have had additional allegations brought forward. I don't want to identify any individuals or cause concern, but I note that as complainants come forward to speak to Regina, they also speak to their friends, family members, colleagues, other people in prison, for example, and additional information comes forward.

Mr O'CONNOR - Thank you for that. Can I ask whether any of those former employees, that cohort that you're talking about at Ashley, have any of the matters relating to those allegations been referred to Tasmania Police?

Ms MORGAN-WICKS - All of the matters that we have -

Ms O'CONNOR - All of those.

Ms MORGAN-WICKS - All 111 notifications of suspension of state servants in relation to child sexual abuse have had the information referred to Tasmania Police, along with other relevant regulators - the registrar for working with vulnerable people, for example.

Ms O'CONNOR - A final question, there's a kind of integrated response, then, isn't there, from working with vulnerable people, Tasmania Police, Regina's unit, in order to work out what the best path is towards resolution or justice?

Ms MORGAN-WICKS - That is correct. As head of the State Service, I can speak to employment action, which is - and to be honest in these most serious of allegations, the highest form is a criminal investigation and criminal outcome. In terms of our investigations, we don't want to take any step that may prejudice a criminal outcome. We work very closely with Tasmania Police in that regard. At times we may need to pause an employment matter and not send out another investigator to speak to someone where police are involved. I'm certainly aware that there are several matters that are very close to fruition in that regard.

Ms LOVELL - Thank you, Kath and Regina. I had a question about the Shared Capability and Centralised Investigation unit (SCCI) - how many people are working within that unit?

Ms MORGAN-WICKS - That does ebb and flow. It's a small unit that's within our State Service management office. It probably has a core staffing of around three to four, but is assisted by, for example, our expert legal in terms of Regina, Demi, and another officer who's helping that team. We also have the investigators who are appointed under ED5s for each of the matters that have been referred to SCCI, and we have the HR and employment teams that are from the agencies, also working. At the moment when I do a monthly review of all of the longer suspensions, we have beaming in from across the state the different teams that are dealing with a particular matter. We have a small core, and that core has changed. Regi did mention our concerns in relation to the vicarious trauma. These are very harrowing cases to deal with, and also very impacted employees.

I have to note that not every matter, despite what a person may bring forward in terms of allegations, is going to end in a particular outcome. The fundamental, first thing you learn as a lawyer is in terms of innocent until proven guilty, and the importance of direct evidence and procedural fairness to employees. We have to place the safety of the child - it has to be absolutely foremost. That's what we are doing in this, if we receive an allegation of child sexual abuse, an employee is stood down for the safety of the child whilst an initial assessment is undertaken and an ED5 determination made, whether an investigation is going to commence. It's at that point that we have to make sure that we have that trauma-informed approach that Regi has spoken about this morning in dealing with witnesses and attempting to get direct evidence from victims, which can be very difficult.

Ms LOVELL - In terms of that core staff within the unit, their role is to oversee those investigations, is it? Is that how it works? They're sort of overseeing broadly what's happening across the State Service? I'm just trying to get a better understanding of what the unit is doing.

Ms MORGAN-WICKS - In terms of the doing work - because there's a lot of support and logistical requirements in conducting these investigations. There is also looking at, depending on the allegation and where it's made, is there an operational safety issue that needs to immediately be addressed if that's come forward in an allegation. For example, if it is about use of force, if it's about destruction of a CCTV record or et cetera, there is a lot of toing and froing between that unit and an agency for that immediate risk or harm, and then what information can we obtain from that agency to assist in that investigation? They have had to immediately deal with a large number. It's also the intricate web that's occurring between the matters. They are trying to piece together and get the network of connections and evidence and information. Just reading through the spreadsheets, which Regi could probably talk to way better than I, the effort that's required to maintain all of that evidence for the investigation, and the reporting and disclosure, which is also a large piece of the role.

Ms LOVELL - One last question on this, understandably the SCCI unit has an initial focus on AYDC and the reports, allegations and investigations out of that facility - what support or oversight is there for ED5 allegations, reports of anything, reportable conduct, essentially, from other departments across the State Service?

Ms MORGAN-WICKS - Whilst we're initially focused on AYDC, we are also providing support to other agencies. The bulk of the allegations and probably the catch-up that we have had to do with some of the longer suspensions. That's where we've placed our immediate focus. And it's probably about the complexity of the AYDC matters in the efforts to try to speak to the victims and the complainants. It's been at the highest level.

Ms LOVELL - Is it automatic that this unit has oversight of these sorts of investigations across the State Service?

Ms MORGAN-WICKS - It's automatic that a notification of a suspension relating to child sexual abuse must be provided to this unit and to myself as the head of the State Service. When we receive notifications, we immediately reach out to offer support, but noting that, for example, if the Department of Health has notified, they have an experienced team and probably require less of a support, but we still provide it, and we look at the cases that they have notified through to us and we're happy to assist if they if they need it.

Ms LOVELL - Only child sexual abuse allegations or does it include grooming allegations or -?

Ms MORGAN-WICKS - It includes grooming, which is a child sexual abuse allegation. So grooming is included. It may immediately come to us in terms of an allegation of child sexual abuse, but it may actually turn out to be physical, excessive force or another type of allegation, but that often doesn't reveal itself until you get into the evidence.

Ms WEBB - Going to go to Ruth and then Cecily.

CHAIR - Thank you both for the opening statements. Regina, I wanted to particularly ask you a question, acknowledging the importance of evidence from victim-survivors and how

difficult it must be for them to trust initially. Congratulations to you on being able to secure that trust. I think it's really such important work you're doing.

You did make the point that the interviews at Risdon are limited to 40 minutes at a time, and clearly it can take a while for someone to trust you, let alone - I know when people disclose things they often tell you a little bit first to test if you're going to believe that, and then they go further. You seem to indicate that was a limiting factor. Can you talk us through the restrictions around that and if there does need to be some consideration in this piece of work to perhaps extend that time or is that 40 minutes enough for that person at any one time and you go back? So I'm just trying to understand whether that's actually a barrier.

Ms WEISS - Yes. Thank you, Chair, and thank you for picking up on that. Look, as a starting point you said that to get this information, I have to say it's a privilege. It really is a great privilege to be given that trust by people who have really had that trust betrayed. So I get to go home happy. So it's a really great job to be able to do.

The 40 minutes, I'm talking about, I'm sure there are reasons for it. It's maximum security prison, and I wouldn't want to criticise anyone for that. It's not necessarily a bad thing - 40 minutes is sometimes enough and people don't want to talk anymore after that and then they need a break, and I come back the next week or a few days later. So I don't think it's the worst restriction. It could be in some cases, minimum security you get two hours. So that's fine, we can get sit-down, but a lot of the people we speak to are in maximum or medium security, and I probably wouldn't want to step on the toes of the prison and the prison staff. They've got their guidelines there, and I'm sure it's for security reasons and a whole number of reasons, staffing reasons.

So we are progressing well, but it was just a way of explaining that sometimes it can take weeks and weeks to get one statement. And you know, of course, there are lockdowns and codes are called, and I don't know anything about why they happen, but I respect the process that they run out there.

CHAIR - Sure. There's been little visibility of your work. This is one of the reasons why we're keen to invite you in to hear what you're doing - to perhaps enable more victim-survivors to feel safer to come forward with their stories. Are you finding that as you're getting - I've forgotten the actual number of signed statements. I think it was 13 signed and almost done. That's quite an amazing outcome, but are you finding it now easier to get those - because the evidence of victim-survivors is critical, as you said - so is it becoming easier?

Ms WEISS - Look, it is becoming easier. And I tell you why. It takes momentum. It's a horrific comparison to make, but having spent time in post conflict zones, I see how trust needs to be established. I used to go into Kigali and Kampala and do interviews with people coming out of the jungle, out of terrible conflict. And they say, 'Who is this mzungu wanting to speak to me?' That's slang for 'white person'. 'Who are they?' So once you speak to one and establish trust, people talk to each other. And I think there are similarities to people who have suffered conflict and war and some of the victim-survivors coming out of Ashley. It's a similar sort of brotherhood.

There are people who have never met each other who tell me the same stories about their experiences at Ashley, which, from a corroboration perspective and an evidential perspective is actually really good evidence because you know that those two people don't know each other.

But I know that there are people who speak to each other and say, 'Oh, you're at Ashley, oh, you're at Ashley. I was there 10 years ago. You should talk to Reggie.' I've actually had people calling me 'Reggie' out there and I've never met them before, so I know people talk to each other, and it's not just the community at Risdon, it's the community who have integrated back. There are some incredible stories of people who have come out of Ashley - a lot of them have left Tasmania and have done really great things with their lives. And you think, well these are the wonderful stories, and if only that could be the case for so many others, that's the next step of what needs to be done to assist these people going forward.

I'm really heartened and I never ask what people have done - it's none of my business - to land them in the situations they've been. But when you see that glimmer of hope and that glimmer of heart where people, the motivation that I spoke about, I don't want what happened to me to happen to other kids, you know there is good and that's what we grasp onto.

CHAIR - Thanks, Regina. But I guess a partial measure of success will be when we don't see these children who have spent time at Ashley - or whatever the future is for that facility - cycling through Risdon as almost a rite of passage, which sadly it has been. So I guess that'll take time, but it's really heartening to hear that, so thank you for your work.

Ms WEISS - Thank you, Chair.

Ms WEBB - Cecily, I was coming to you, but Ella had a similar line of questioning. Do you want to follow up on anything?

Ms HADDAD - I'll just follow up really quickly. I was going to ask exactly the same thing, and so thank you for explaining. I won't take up too much of the committee's time with the same question, but building that trust, that's really powerful the way you've described that, the fact that people are speaking amongst themselves and each other and recommending that they come speak to Reggie. I think that's a testament to the work that you're doing and the trust that you're building - that's so important.

But you described the reasons for those 40-minute limitations and I think that's very valid the way you've described it. But I wondered if your work is very regularly impacted by lockdowns at Risdon - if there are times that you're intending to be there and you can't be there or your meetings get disrupted because a lockdown happens while you're there, if that's a very frequent occurrence?

Ms WEISS - Initially it was - probably the first month or so, but I have to say there's a marked improvement and I don't know if that's luck of the draw that I've been there when there hasn't been one. My colleague and I go down now - this seems to be the particular last few months have been really smooth sailing going in.

I don't think I'm the right person to ask about the general lockdowns. I've read things in the media around them, but I haven't really done my own investigations. I do know that they were short staffed when we first arrived. It seems to be much better now, so yes, initially, but not now.

Ms HADDAD - Okay, yes. Thank you. One of the things that I've asked each year at Estimates - and I know the data is not collected - is whether or not people at Risdon if it's known to TPS whether they have a background of having been in Ashley - and I understand

that that data is not collected routinely by Risdon or anybody else, there are probably reasons for that - but in terms of people knowing about you and knowing about the work that you're doing and being able to speak to you - who are in Risdon now - is it word of mouth as you've described or are there kind of formal notifications of prisoners that this work is happening and they're able to reach out, if they've been in Ashley, because if Risdon doesn't know they've been in Ashley - because I understand that data is not collected - how do they know to get in touch?

Ms WEISS - As I mentioned, I've had people helping me, which I'm really grateful for. They are solicitors. People like Angela Sdrinis have been incredible. I know the Prisoners Legal Service, I did email Greg Barns initially when I started this and he provided his support as well. Organisations like that have assisted.

It is also word of mouth. We'll talk to somebody and they'll say, 'Oh, you should talk to such and such. I'll tell them that you're here.' And then we write to the prison core day and say, 'Can we organise a professional visit?' And they say, 'Yes, it's in the hands of the detainee and the victim-survivor.' If they don't want to talk to me, they say no thanks, I don't get that very often, which is really great.

Then it goes like this. The initial session is: 'This is who I am. This is who we are. This is the work we're doing. Will you help us?' That's a really important question to ask people who have never been asked for help. So that I really appreciate - that the assistance is needed to get this work done. Then they go away and think about it, and I don't know who people talk to and I don't ask those questions, but clearly it's garnering momentum.

Ms WEBB - Cecily. Thanks for your patience. Up to you.

Ms ROSOL - Deputy Chair, thank you Secretary and Ms Weiss for the work that you're doing in this area. I had a question about the support that's available for victim-survivors because we've talked a lot about the importance of building trust and how difficult it can be for people to share their stories. What supports are in place for people once they have come and shared with you?

Ms WEISS - I can speak to that and the Secretary can follow. Every time we speak to someone, we offer support if you need follow-up support. We've had people take us up on that. I think was the child safety monitor who has organised that. It has happened overnight. I have to say that when I sent a request out, 'Can we get some help either to pay for counselling or support', it happens immediately, so I can say that, with very clean hands, I've been very impressed with the way that's worked.

Ms MORGAN-WICKS - Yes, and I can note that our Keeping Children Safe Reform Team within the Department of Premier and Cabinet have also had staff who are dedicated to supporting victim-survivors who have actually continued to speak to us and also assist us greatly in terms of the reform work that's underway. And they also do regular check-ins depending on how individuals are travelling or whether they want to be contacted. We also have a close relationship with the Department of Justice's Victims Support and counselling services and with Health, so attempting to have that integrated response.

Ms ROSOL - Can I follow up with those victim-survivors who might be in Risdon or might be in Ashley Youth Detention Centre currently, where it may not be so easy to access supports, what are you able to do in that space to provide support for them there?

Ms WEISS - It's the same supports. I know there are welfare officers who Demi and I have spoken to at Risdon as well, who are assigned to certain detainees, so we can always talk to them and there's also the Risdon support, but those welfare officers come in externally so they're not part of the staff.

Ms MORGAN-WICKS - There's also, obviously, the Health team who are out at Risdon Prison, but noting that it is difficult without a particular individual putting up their hand for that support. They may not wish to disclose the fact that they're providing particular evidence through to Regina and may not wish to disclose it to the Health team as well. But certainly we are aware that Regina and Demi offer that support and assistance and if we're notified from a DPAC perspective, we'll ensure that that support is provided into the prison or to Ashley, should that be required, through the Health services or independently if needed.

Ms WEBB - Do you have further questions, Cecily?

I'm going to have a similar question to that but, on the other side of things, I'm particularly interested in the staff who have been suspended for very extended periods of time, and I think it's good that you've provided the data on that relatively clearly in the disclosure log.

Are we in a situation where some of those people who've been suspended for years now would feel that they are lost in the wilderness somewhere, or what is the regimen for communicating with, updating and potentially supporting the staff who are on those extended suspensions?

Ms MORGAN-WICKS - From the Shared Capability and Centralised Investigations (SCCI) Unit perspective, we've had the referral of the AYDC matters, for example, and other long suspensions since the middle of last year, so probably July 2024 and I'm advised that the SCCI team once they've received those investigation files, have communicated with each of the employees to make sure that they understand the stage of the investigation and where it is at, and to ensure that they're aware that the file has been referred over to this unit. They have a contact person within the SCCI because it's probably confusing given that it may have started at the Department of Communities, for example, which no longer exists, been transferred through to DECYP, where they had a very large volume of matters and now to the SCCI unit. So each person has a dedicated SCCI contact.

Ms WEBB - So, it'd be your understanding that every person who is represented in those numbers of people suspended for long periods of time, some up to years and years, they would all understand the nature of the complaint made about them, where the investigation is up to and who their contact person is in the SCCI in order to interact with them, if necessary, about their situation.

Ms MORGAN-WICKS - That is my understanding. And particularly if new allegations are added to an ED5 that that is explained to them because every person is entitled to know exactly the allegations that are being made against them, so that's a critical component. Many of the individuals, however, are represented, and that communication may also occur with an employee organisation, for example, so I'm aware of many interactions there.

Ms WEBB - In addition to the person themselves or in lieu of the person themselves?

Ms MORGAN-WICKS - It would only be in lieu if there was - because we also have some employees that are subject to workers compensation and may be unable to directly contact or wish to, so we need to make sure that the information does get to them, but it may be under the means by which they request.

Ms WEBB - Okay, thank you.

Ms MORGAN-WICKS - I should also add to that, Deputy Chair though, that the home agency, if I could say, so DECYP, has had conversations with the Secretary, Ginna Webster, who has obviously come in late in 2024 and she also is part of our monthly review process for these long suspensions, and she is also working with her team to improve the communication from DECYP to these employees.

Ms WEBB - Is there support for them, if they require it, due to the impact of this that they might be experiencing? Is it through an EAP or do they get something additional to that or beyond that in terms of a trauma-informed sort of support around them?

Ms MORGAN-WICKS - Those supports are offered at the commencement of each investigation, and I note that particularly teams that are communicating with, for example, union representatives on behalf speaking about those support arrangements, but it can be complicated particularly where you've got an ED5 investigation, potentially, a workers compensation application and different health professionals dealing with their - and we also have information that flows directly from an agency to an employee, which I won't be as aware about and you probably need to speak to the secretary of DECYP about.

Mr STREET - Kath, at the start, you talked about cultural change and we all acknowledge how long that's going to take, but we've had a couple of different people sit in front of this committee and tell stories that indicated that we've still got some way to go. How confident are you that we've started to break down the siloed thinking between departments about information-sharing and also between departments and regulators and institutions that sit external to the departments as well?

Ms MORGAN-WICKS - That's a very good point to make because, to be honest, every single day is always a battle in terms of the sharing of information and making sure that people understand, from all levels of staff, that if it's risk to the safety of a child, that they are legally required and obliged to share the information so that action can be taken. And that's often a very difficult thing to get through to a lot of our staff. That is actually a constant challenge, so I'm very free to admit that. But they have also heard me, they have heard their secretaries, they have heard their senior managers and they hear through the mandatory training that is required for staff, but there is a lot of education that is actually required for people to even detect or know what are indicators of grooming. And I'm surprised every day about the numbers that are coming through that have said 'I've just done the training and I'm really concerned about this incident that stuck with me for the last four or five years'. These are not junior staff. At times these can be quite senior people who may be specialists in their own profession but did not detect that this was of concern. They've undertaken the training and have now made a report.

I'm constantly asked, 'Do you think it's working?' What I do see is when we are running annual refresher training, we are also then getting a spike in complaints coming through, or

reports or allegations. I think that is going to be the way for the next several years as we work through this and also try to change the attitude and community. We can do all of this work within the State Service.

For me, I'm incredibly proud of the fact if we can get 36,000 people in Tasmania doing training that recognises grooming indicators and awareness of child sexual abuse and being able to report it, that's huge in our communities, because they go home and hopefully talk about it with their families. They take it when they're volunteering at the hockey club or the netball club or the footy club. It's there that we need to continue to make sure that we're making the difference.

For example, earlier this week at Courageous Conversations, I had a member of the audience come up and say, 'I actually have refused now to volunteer at a particular sporting entity, a small one, who are not taking their responsibilities seriously under our CYSO Child Youth Safety Framework, and are saying that's not for us'. We've still got a way to go. It's not just in government institutions, it's across Tasmania.

Ms O'CONNOR - How long will the SCCI and that capacity that it provides be in place?

Ms MORGAN-WICKS - There's no immediate plan for the ending of that. As long as it's got the work that it's getting through, I think it's critically important to be continued.

Ms O'CONNOR - How long is Ms Weiss' contract for?

Ms MORGAN-WICKS - Ms Weiss' contract I think is open at the moment. I'm not going to sit here and commit her for the rest of your natural life.

Ms WEISS - How long is a piece of string?

Ms O'CONNOR - No, no, that's fine.

Ms MORGAN-WICKS - We may require other experts to also come in and assist, because her work is hotly contested, I think, not just in the Australian market, but in the global market.

Ms WEBB - I'm mindful we've come just past the time that we'd agreed you'd be here today, so, Chair, I think we can close off the session now.

CHAIR - It's been very valuable, thank you.

Ms WEBB - Thank you very much for your time here today, both of you. It is very valuable, and these are interesting and important topics for us to be talking about and scrutinising as a committee. We appreciate that and there may be other times we might interact with you again on further progress in the future. Thank you very much

The witnesses withdrew.

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CHAIR - Welcome, Richard, in your role as Tasmanian Custodial Inspector to the commission of inquiry committee. We're overseeing the recommendations of the commission of inquiry. We invited you to present to the committee because of your important role, particularly with engagement with Ashley, and obviously you have an important role in overseeing aspects of the work that's being done in some ways as well. The committee was keen to hear from you in that role, and any assistance you can give the committee in understanding the progress that's being made on the recommendations, acknowledging that you can only speak within your remit in this particular role. You have many hats, as we know.

As you'd be aware, this is a public hearing. Everything you say is covered by parliamentary privilege. That may not extend beyond the hearing. It is a public hearing. It's being broadcast and transcribed. If you wish to share something of a confidential nature, you could make that request to the committee and the committee would consider that. Otherwise, it's all public.

I do apologise for not being there in person. I have to fly out this afternoon and I need to be in the north-west to do that. Sincere apologies, it's not my preference to attend online for public hearings. I will hand to the Deputy Chair, Meg Webb, to swear you in and to facilitate the actual hearing. Thanks Meg.

Ms WEBB – Thanks, Chair.

Mr CONNOCK - I will indicate at this stage that I have with me Mr Sam Christensen, who is the principal inspection officer with the Office of the Custodial Inspector. He is on the ground, so will be able to answer a lot of the more practical questions.

Mr SAM CHRISTENSEN, PRINCIPAL INSPECTION OFFICER (CUSTODIAL INSPECTORATE), and **Mr RICHARD CONNOCK**, TASMANIAN CUSTODIAL INSPECTOR, WERE CALLED, MADE THE STATUTORY DECLARATION AND WERE EXAMINED.

Ms WEBB - The committee is broadly looking at implementation of recommendations. We're particularly interested to hear of any progress that you're directly involved in right now, or perhaps new efforts that you're involved in relating to the implementation of those recommendations. Is there something that you can point us to that's new in that space?

Mr CONNOCK - There was only one recommendation that specifically referred to the Custodial Inspector. That was 12.18, which directed the Custodial Inspector or the body responsible for inspecting standards for youth detention centres to review standards and guidelines on the appropriate use in youth detention and behaviour management programs and so forth.

What we have done there in conjunction with - as well as the national preventive mechanism for the purposes of OPCAT - we, the two officers, custodial and NPM, have worked together to produce a new suite of expectations in relation to youth in detention, which covers off on most of this stuff. They've been published on the website and we will be using those in all future inspections of the youth detention facility.

Ms WEBB - When is the next expected inspection, or are these just random?

Mr CONNOCK - They're sort of random.

Ms WEBB - You don't have set ones on any schedule?

Mr CONNOCK - Sam can tell you what the program is in a minute. As you know, we're not resourced to do full omnibus inspections of each facility every three years. What we do is themed inspections. Sam can fill you in on what the program is. We will be talking a little bit today, our most recent inspection was really a review, and that was of young people in prison aged 18 to 25, also under-18s, and in particular youth in watch-houses. Sam, the program going forward, you've settled that now, have you?

Mr CHRISTENSEN - I think in terms of Ashley Youth Detention Centre, we've sort of established a strategic direction given there's quite a lot of reform work going on at Ashley Youth Detention Centre. There's the commission of inquiry, which was obviously a significant amount of work. We've decided to focus on areas that come up -

Mr CONNOCK - Be a bit responsive.

Mr CHRISTENSEN - Yes, but still having a proactive approach. We were really fortunate to get a temporary [?? 10.21.25] seven role, and we've filled that role for a two-year contract. That's allowed us to increase our visiting to Ashley Youth Detention Centre quite significantly. We're going up there at least twice a month now. Two of my team are up there right now, they've been there yesterday and today. That visit at the moment, they're doing work around a review that we're doing into staffing at Ashley Youth Detention Centre, because whenever we look at issues and issues pop up at Ashley Youth Detention Centre, it always comes back to staffing. We've sort of really started of hone in on that.

Obviously, again, there's quite a lot going on in the staffing space as we're navigating all those other different bodies that are doing work on different things. I think by the end of today we should have spoken basically to all - most of - the youth workers that Ashley Youth Detention Centre as part of that review, which is really fantastic. That's one piece of work.

We're also doing another piece of work at the moment around transport - transport of young people to and from Ashley's detention centre. We're hoping to have a review report out about that in the not too distant future as well.

Ms WEBB - That additional funding you mentioned, is that commission of inquiry specific additional funding to assist with the implementation of this recommendation?

Mr CONNOCK - No, not to assist specifically, to assist with this recommendation. What it was was the Premier wanted a greater presence at Ashley.

Ms WEBB - Okay.

Mr CONNOCK - We weren't funded to do that until fairly recently - we were not really funded to do anything much. That's been addressed now, we're not in a bad place in terms of staffing. In particular, a greater presence that Ashley was wanted because we weren't in a position to - what, we were going there every three months or something, if that - we couldn't get up there, just didn't have the staff to do it.

This extra position was created as the Deputy Principal Inspection Officer, and her focus is almost exclusively on Ashley. As Sam said, it's a fixed term because we don't know: (a) what's going to happen with Ashley and what sort of facility it will be and what sort of inspections will be required; and (b) because the commission of inquiry has recommended that the new Children's Commission be the inspection entity for youth justice. That's sort of balls in the air there, which is why we haven't created a permanent position.

Ms WEBB - The uplift, is it Custodial Inspector funding as to TNPM funding specifically?

Mr CONNOCK - It's Custodial Inspector.

Ms WEBB - Yeah, okay, thank you.

Ms O'CONNOR - Thank you, and thanks for coming in and for your work. You referred earlier to your current body of work on under-18s in watch-houses. We've had presentations made to us by Legal Aid and the United Workers Union about the high volume of young people who are ending up in either the Launceston or Hobart remand centres with adult populations. The fact that some of these children are 10 and 11 years old, and the further fact that some of them are kept in there for hours and potentially days. Are you able to provide any further information to the committee? I should note that in giving their evidence, the representative from the United Workers Union was quite traumatised, as a staff member who works in the Hobart Remand Centre, by what they were seeing and what they knew the children were being subjected to.

Mr CONNOCK - I can't say too much about the report because it hasn't been finalised as yet, but I can indicate that our findings support most of what Mr Pregnall was saying in his evidence to this committee that yes, they are being held there. They are being held there for longer than they should - well, they shouldn't be there in the first place, but they're being held longer than they should be when they are in there. There are a number of factors involved in that, but these watch-houses are entirely unsuitable for children and young people and they shouldn't be there in the first place. The staff are not trained.

Ms O'CONNOR - We heard that too in evidence.

Mr CONNOCK - Their training, their strategic approach, their policies are all aimed at managing adult offenders, not youth, which is completely different. They're sort of out of their depth a bit, and I can understand why they're stressed doing this. To clarify, we haven't been able to go into the police lock-ups, watch-houses, before, we haven't had that jurisdiction. We now have that with the NPM -

Ms WEBB - NPM does, yeah.

Mr CONNOCK - No, as Custodial Inspector, we could only go into prisons and places of detention, and court cells and lock-ups were specifically excluded from the definition.

Ms O'CONNOR - Just to finish, have you actually been able to visit a watch-house, remind centre or a police lock-up yet?

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Mr CONNOCK - This review that we have done, we haven't been to the police lock-ups. That will be the NPM. I'm not sure where Mark is with that, there are 13 of those and we've only got one officer. We're not really able to do extensive inspections. I'm not sure that young people are held in those police lock-ups for extended periods. In any event, they will need to be inspected. We have been to the two reception prisons.

Ms O'CONNOR - Without pre-empting your report, are you able to share some of what you saw and learned there?

Mr CONNOCK - As I say - and you can stop me if I go too fast - found much of what Mr Pregnall said to be borne out by what was actually happening. I mean, these young people are brought in off the street - I'll talk about the Hobart one, Launceston is just diabolical -

Ms O'CONNOR - Yes.

Mr CONNOCK - if you've ever been there -

Ms O'CONNOR - Yes, no sunlight. None at all.

Mr CONNOCK - None at all.

Ms O'CONNOR - They have to give them vitamin D, I think.

Mr CONNOCK - And no specific separate cells for the watch-house. Well they are -

Mr CHRISTENSEN - Yeah, they're not -

Mr CONNOCK - you can't separate watch-house prisoners from other people in custody.

Ms O'CONNOR - In Launceston?

Mr CONNOCK - In Launceston. No, there's just not the facilities.

A member - Even Hobart doesn't feel terribly separated.

Mr CONNOCK - Hobart's not great either. The other thing is that - and again, you correct me if I'm wrong - people are bought in from the sallyport at the basement of the building and bought through the cell complex. I think the watch-house cells are the first ones?

Mr CHRISTENSEN - I think at the Hobart reception prison - I think the terminology is really important to sort of clarify a distinction because there's police watch-houses and I think what we refer to as a prison watch-house - so that's within the Hobart Reception Prison.

Mr CONNOCK - That's what we're talking - yeah. It's only the ones in the two reception prisons that we've had the jurisdictions to look at.

Mr CHRISTENSEN - In the prison watch-house in Hobart, that's on level 1, which is the ground floor - I always get confused - and so police have a door that they can come through to bring people who are watch-house detainees or people who are under arrest from the police

and they are held in the watch-house cells. That can include young people, but then also some people on remand and some sentence people may be temporarily held in watch-house cells if they're sort of being transported from Risdon Prison Complex to the hospital, say for a medical appointment, for that short term, sort of [inaudible].

Mr CONNOCK - While young people and adults are segregated and they're not mixed, there's no soundproofing. You've got people at a particularly low ebb, often, being dragged in by police, coming down from drugs, violence, mentally unstable. The young people are hearing all of this and perhaps seeing it through the - the only window they get is in the cell door so they can see what's going on outside. For first timers, and really young kids, this will be a terrifying experience, not conducive to -

Ms O'CONNOR - Imagine being a 10 year old or an 11 year old in a space like that.

Mr CONNOCK - and it happens.

Ms O'CONNOR - And it happens, that's right.

Ms LOVELL - Just to clarify, as the Custodial Inspector, you haven't had jurisdiction over the watch-houses -

Mr CONNOCK - The police ones.

Ms LOVELL - the police watch-houses. You have over the reception centres?

Mr CONNOCK - Have over the reception centres. I mean, the legislation could be clearer. We have assumed that we have jurisdiction so we go in, and we haven't been stopped. But, it's a curious arrangement. The prison watch-houses are staffed by Tasmania Prison Service officers but there is a deeming clause in the *Corrections Act* where a prison or detention centre in the *Corrections Act*, you need to be being held pursuant to a court order, and a lot of people in watch-houses aren't. The Governor can, by proclamation, declare that a prison can be used for non-prisoners and detainees, and the declaration has been made in relation to both reception centres. When the TPS are in there working, they are deemed to be police officers because the people in custody are still in police custody. It's only when they are remanded that they go into TPS or DECYP.

Mr STREET - Can I just ask - sorry, Sarah -

Ms WEBB - I'm just going to let Sarah finish her line of questioning because it -

Ms LOVELL - Just had one more. That jurisdiction, is that consistent with other states and territories? Do you know?

Mr CONNOCK - Well, there's only three inspectorates. Off the top of my head, I don't think it is.

Mr CHRISTENSEN - I think if you look at Queensland, for example, the ombudsman and their custodial inspector, they've got jurisdiction to look at police watch-houses and they've published reports around inspections of police watch-houses.

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Mr CONNOCK - And WA does too, doesn't it?

Mr CHRISTENSEN – I couldn't say, I have a feeling it does, but don't -

Ms LOVELL - Yes, thank you. As the NPM - the NPM will have -

Mr CONNOCK - Will have.

Ms LOVELL - Would be able to inspect police watch-houses as well?

Mr CONNOCK - Yes.

Ms WEBB - Because it's any place of detention -

Mr CONNOCK - Any place of detention.

Ms WEBB - It doesn't even have to be corrections related -

Mr CONNOCK - No -

Ms WEBB - for the NPM -

Mr CONNOCK - Where people are held against their will or could be held against their will.

Mr CHRISTENSEN - It could technically be a forest. The Subcommittee on the Prevention of Torture has talked about a training that we've attended that a forest could be a place where people are deprived if they're sort of taken there for questioning by police, for example. They're talking from a world experience. It's a very broad question.

Mr STREET - I'll ask the stupid question. The difference between a police watch-house and the remand or the reception - the levels that people go through.

Mr CONNOCK - The police watch-houses are just manned by police. They're in various places throughout the state. They don't like to hold people there because they're not generally well equipped to do so. They try to get them to one of the reception prisons as quickly as possible. What's that act, the *Crime and Detention Act*? - they're obliged to try and get them appropriately accommodated as quickly as possible. They don't like to hold them there very often.

Mr STREET - So like there'd be a police watch-house down at Kingston?

Mr CONNOCK - There's one at Sorrell, there's one at Kingston, they're spread out.

Mr CHRISTENSEN - There's 13.

Mr CONNOCK - There's 13 in all.

Mr CHRISTENSEN - As part of developing the expectations for the people held in police custody and court custody, the NPM and I sort of went along to a bunch of different police watch-houses, including on King Island and Flinders Island, because you can imagine

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in those two particular places sometimes situations arise where someone might need to be held in custody. There's the Glenorchy Police Station, Bellerive Police Station, the Hobart Police Station has some cells in addition to right next door, the prison watch-house. There's quite a few around the state, but how often they're used sort of -

Mr CONNOCK - Varies dramatically

Mr CHRISTENSEN - Yeah.

Ms LOVELL - The prison watch-house is not the remand centre, is it? There's essentially three -

Mr CHRISTENSEN - The prison watch-house is part of the Hobart Reception Prison.

A member - But the Southern Remand Centre is at the side -

Mr CONNOCK - That's out on the Risdon campus now.

Ms LOVELL - So there's police watch-house and then there's prison watch-house, and then there's the physical facility of the reception prison? Is that correct?

Mr CHRISTENSEN - I'm just trying to use that terminology to make it clear -

Ms LOVELL - It's tricky, yes. It is confusing.

Mr CHRISTENSEN - the distinction, because it really is quite fuzzy.

Mr STREET - And that's why we asked the question.

Ms LOVELL - That's what I thought the question was.

Mr STREET - Try to get the sequencing of -

Mr CONNOCK - People in watch-houses haven't been charged - well, haven't been remanded into custody. They're only there on watch until they're either released, released on bail, or remanded into custody -

Mr CHRISTENSEN - Bailed when sober.

Mr CONNOCK - Or bailed when sober, yeah, which is not uncommon. They're sort of a completely different status to a prisoner or remandee under the legislation.

Mr CHRISTENSEN - Whereas the Southern Remand Centre, that's people who have been remanded by a court and they've sort of -

Mr CONNOCK - Pending trial.

Ms LOVELL - But there's no young people detained at the Southern Remand Centre, to my understanding, is there? The site at Risdon Prison. Or is it being used for young people?

Mr CHRISTENSEN - No, there might - I don't want to sort off make a definitive yes or no in terms of if there's some sort of particular circumstance where an under-18 year old might be brought into the prison, I know when we did our -

Mr CONNOCK - It has happened.

Mr CHRISTENSEN - Yeah, we were doing visits for sort of developing the expectations for the NPM. There was a young person being held in the in-patients at the Risdon Prison complex.

Ms LOVELL - At the Southern Remand Centre?

Mr CHRISTENSEN - No, in the in-patients area.

Mr CONNOCK - At the hospital.

Ms LOVELL - At the hospital.

Mr CHRISTENSEN - The Risdon Prison Complex consists of the Southern Remand Centre, the maximum units and the medium units. There's also the in patients unit. We checked in on that young person and I think it's one of the real strengths of having a Custodial Inspector that sort of goes across both jurisdictions - and it quite regularly happens when I'm - unfortunately - visiting Southern Remand Centre and someone will call out from the crowd because they recognise us from when they've been in Ashley Youth Detention Centre.

Mr CONNOCK - That is actually sort of important, we think, this continuity of contact with the inspection entity so that young people know what to expect, they know the people, they understand the model, and I think all of that's important.

Ms HADDAD - Thank you. I had a question about remandees as well, but specifically remandees at Ashley Youth Detention Centre. The document you referred to earlier, the updated inspection standards for youth custodial centres in Tasmania. It's quite clear that remandees, young people, should be treated, respected in the fact that they are not yet sentenced and ideally should be housed - where's the bit that says that? 3.10.2 says, 'Unless it would cause disadvantage or distress, remanded young people should be kept separated from sentenced young people.' I know that would be reflected upon in your various reports, but I wondered if there's anything you'd like to share with the committee around your observations of young people who are not yet sentenced at Ashley and whether they are housed separately from young people who are sentenced or whether you see any differentiated treatment between sentenced and non-sentenced young people at Ashley?

Mr CONNOCK - They've been commingled a lot of the time, haven't they? I'm not sure if that's caused issues. The problem is with ones on remand is they're not there for terribly long, so they don't get involved as much in programs and education and things like that because they're in and out. I don't know that we've noticed any particular problems with that.

Mr CHRISTENSEN - I'm just thinking, one practical problem would be that if you did separate sentence from remanded you might, in a sense, be practically isolating people who have been sentenced, which is obviously not a good outcome. I think that's just one thing to note, just because the population can often be so small -

Mr CONNOCK - Small and transient.

Mr CHRISTENSEN - Yeah. At the other end of the spectrum, I guess, is that there's some works being done in the Franklin unit, for example, at Ashley Youth Detention Centre and that sort of caused - that unit's out of action. That sort of means that people have to sort of be -

Mr CONNOCK - Crammed in elsewhere.

Mr CHRISTENSEN - Yeah. I think that the staff at Ashley have - it's a really complex role that they have to do in terms of juggling with various different conflicts among some young people at the centre. That's a constantly changing and evolving landscape in terms of how they manage those. It's not something that we've closely looked at and I think because it is such a dynamic and small space -

Mr CONNOCK - It's not something that I can recall being specifically raised. We've had no reason to look at it, I don't think.

Ms HADDAD - I know that part of the reason for the construction of the Southern Remand Centre at Risdon was that concept that if somebody isn't a sentenced prisoner they shouldn't be housed in a prison as if they were. I know that there still are people on remand inside the Risdon Complex. Partly, I think population growth in the prison population was another factor for why the former attorney-general commissioned that work. But by and large, I think at law the principle is if you're not sentenced, you should be housed separately. From what you've said - if I'm understanding you correctly - are you saying that it would possibly be a disadvantage to a young person to be housed separately at Ashley if they are not sentenced because they would be physically isolated from the other young people -

Mr CONNOCK - Yeah, potentially.

Ms HADDAD - and other activities going on at the centre? Does that principle not apply as much in the youth justice setting?

Mr CHRISTENSEN - I think that the Nelson Mandela Rules are quite clear around the importance of separating people on remand to people who are sentenced.

Ms HADDAD - Yes, that's right.

Mr CHRISTENSEN - I totally understand what you're saying and the point you're making. I think that there is just that practical - that's the first thing that jumps to my mind is that you would be isolating young people more than likely if you have to separate out people who are remanded and people who are sentenced, just because the population is so small.

Mr CONNOCK - And very different environments - and different considerations in an adult prison to youth detention.

Ms WEBB - In fact, the ones who are being isolated -

Mr CONNOCK - And the number's much greater.

Ms WEBB - Sorry. The ones who are most likely to be isolated would be the ones who are the sentenced ones there, because there's fewer of those than there are of the unsentenced.

Mr CHRISTENSEN - Exactly. Then the other factor is what if there's conflicts between those who are sentenced and they need to be posted in separate units.

Ms WEBB - And they are further isolated then.

Mr CHRISTENSEN - It's a difficult problem and I think it's not something that we've closely examined. But I think yes, completely agree with you, that sort of principle, it's obviously really important to try to be separating people who have been sentenced to people who are on remand.

Ms WEBB - The new suite of expectations that's been developed looks excellent and you talked about them becoming the basis for all the inspections and reports that you will do henceforth for both the Custodial Inspector role and the NPM role.

Mr CONNOCK - Pretty much.

Ms WEBB - Did I hear that correctly?

Mr CHRISTENSEN - I think that's one of the really interesting things about the expectations for children and young people, is that they cover all places where people are deprived of their liberty, including custodial settings. I think that's where they've been co-branded on the website with the Custodial Inspector and the NPM logo. I think recognising that sort of - really it should be child-informed, no matter the place, some principles that apply to all of them.

Mr CONNOCK - As you know, the NPM implementation report recommends that the NPM and the Custodial Inspector be hived off as a separate statutory officer not associated with the Ombudsman, so that they can work together. I know I said this before, not to this committee but to many others - we're the only state with proactive inspections in terms of prisons. It's the same sort of standard and practice as monitoring under OPCAT. It's logical that the two -

Ms WEBB - entities be co-located, yes.

Mr CONNOCK - coincide and be co-located and work together.

Ms WEBB - Yes, I would have thought so too. You mentioned you have the greater presence at AYDC now, through that additional staffing, and you're currently undertaking looking at staffing matters and transporting of children to and from. How did you arrive at deciding on those two areas given that there are obviously lots of areas you could have looked at, right now in this present moment when we're in this stage we're in rolling out the commission of inquiry recommendations, with a lot of change going on at Ashley. How did you arrive at those two areas as the priorities for now?

Mr CONNOCK - There was an incident that gave rise to our interest in the transport and how that was managed more generally, which was potentially very serious. I can't really discuss it at the moment. That piqued our interest. We're reviewing the whole transport

arrangements for young people. As you know, it's very different again to adults, prison transports are prison transports, but private security handles the transfers for young people. We're reviewing that. I think the staffing is just one of the ones that's on the calendar to do.

Mr CHRISTENSEN - I think it -

Mr CONNOCK - it ties in with -

Mr CHRISTENSEN - the point that I was making at the start around whenever we were looking at issues at Ashley Youth Detention Centre, it always came back to staffing. There were insufficient staff to be able to do some of the things that people wanted to be able to do.

Ms O'CONNOR - Insufficient staff with the right qualifications and training as well.

Mr CHRISTENSEN - I have noticed going to Ashley a real shift in terms of a lot of reform work going on there. I think there have been some really positive improvements at Ashley Youth Detention Centre. I think going there regularly, we're seeing that change. There's certainly room for improvement, and that's why we're doing these reviews. I think that our focus on that staffing review is that that came about because there's space where people want to be doing more but they can't do more because, if there are situations where young people are locked in their rooms, they can't get out to do a lot of the work that needs to be done around engaging programs and that sort of thing. That's why we honed in on that as a particular topic, because it has so many flow-on effects for other areas.

Ms WEBB - In relation to that, what aspects of staffing are you looking at? Just sufficiency of staffing, or are you looking at matters like levels of training and capacity or other aspects around staffing, management of staffing?

Mr CHRISTENSEN - The interviews with staff are raising a whole range of different issues that we're going to be looking at. Recruitment and retention are two really important areas. There's that issue around the staff that have been suspended, and there's obviously some work being done around that and we're needing to navigate how we look at that. I don't think we want to be stepping on anybody's toes. There's also obviously the Office of the Independent Regulator and their work. We're working with them quite regularly and meeting with them.

Mr CONNOCK - We established an oversight group. Sam's assistant principal inspection officer got this going where we're meeting regularly at Ashley, with me as Ombudsman, with the deputy and Custodial Inspector and potentially health complaints, the assistant principal inspection officer to the Custodial Inspectorate, the Independent Regulator, and the interim Commissioner for children. It's for the purposes of reviewing what we're all doing, understanding what we're all doing, exchange of information where appropriate and necessary, and to keep everybody informed about what's going on so that we don't have a multiplicity of people looking at the same thing with the potential for different outcomes. We don't want to be treading on anybody's toes, as Sam said. We all have fairly definite roles. We need to make sure that we stick within our own lanes. We're going to be meeting regularly to have those sorts of discussions, and we're meeting at Ashley so we can be seen. We also got involved the deputy secretary from DECYP for part of the meeting, and a representative of Ashley staff.

Mr CHRISTENSEN - When setting up the terms of reference for that oversight network we look to other jurisdictions, and I engage with my counterparts in the ACT where they have a similar oversight network that they've established. Part of our regular visits, we were constantly hearing about the impact of multiple oversight bodies looking sometimes at similar things from different angles. We listened to that and worked to set up this oversight network to try and coordinate some of that. We've already seen some dividends. The Department of Premier and Cabinet has reached out to ask if they can brief all of the members at the next oversight network meeting to talk about the new master plan for the youth detention centre.

Ms O'CONNOR - Can I ask a quick follow-up question to that? Your oversight network, given that there's some engagement with the Department of Premier and Cabinet, has it discussed the conflict that we've heard evidence about to this inquiry between implementing the commission of inquiry recommendations and making sure that the Youth Justice Blueprint which guides that therapeutic community safety response can happen, and then on the other hand you have a government that has a tough-on-crime policy, is now talking about 'adult crime, adult time', we've heard evidence that the population at Ashley Youth Detention Centre is increasing, the population of young people in remand is increasing, there are increasing court backlogs. Is that a matter that would come before your oversight committee?

Mr CONNOCK - They would be relevant. We've only had the one inaugural meeting at this stage, basically a meet and greet to determine how we would get going to proceed. We haven't developed specific agendas yet. All of those issues are relevant to the work we do, one or all of us.

Ms O'CONNOR - Most certainly, because those places of youth detention that you're going into have increased populations, particularly of young people on remand. If we're doing tough-on-crime, there'll be a whole suite of extra young people in there. Do you agree that there's a massive conflict between two arms of government on this area of public policy as it relates the safety of children and young people?

Mr CONNOCK - I can't really comment on public policy, I'm afraid. We do acknowledge the situation, and it is something that we will be discussing and hopefully addressing.

Ms O'CONNOR - Thank you.

Mr CHRISTENSEN - We certainly heard yesterday from young people that they're hearing about what's being said in the media as well, just as well as anyone else.

Mr CONNOCK - They pick up on it pretty quickly, don't they?

Mr CHRISTENSEN - Yes, and there were concerns raised about it with our staff.

Ms O'CONNOR - We've had parents contact us who are worried about the safety of their own kids, because there is now such a whip-up on social media. You have vigilante groups talking about taking action. It is a high risk situation, isn't it?

Mr CONNOCK - It is. I have to be careful about recognising the parameters of my role -

Ms O'CONNOR - I know.

Mr CONNOCK - but if that stuff came to my attention in any of my official capacities, it is something that I would be interested in looking at.

Ms WEBB - Can I ask a question, then, probably not necessarily unrelated? In terms of your increased presence at Ashley Youth Detention Centre - twice a month, I think you said you're now there - while you're focusing on reporting on those two key areas of staffing and transport, no doubt there are other matters that are being brought to your attention. You just mentioned concerns or comments raised about current media attention on certain community issues. Are you logging all those areas of concern or note raised with you? In what way do you use the information? If you are recording and noting that, how do you use that or report on it itself or give expression to it?

Mr CONNOCK - It is all logged. We do keep a log of all this information. It's really important for identifying trends and things like that, which would inform a review or an inspection. You can expand on this in a minute, Sam. Those sorts of things are very useful because you can spot trends. Various names keep popping up, for example, and various other bits and pieces in the same context. You can map it and you can determine that perhaps we ought to be reviewing that. If I use - it's not apt, really - but the transport thing, if we saw a whole lot of incidents in relation to transport as well as this one that we already have, then that might coax us into reviewing the transport arrangements. As the inspector, I don't take complaints from young people in custody. We're just looking at systems. Sam, perhaps you can elaborate on that?

Mr CHRISTENSEN - The review we're doing into transport, for example, arose as a result of a significant incident, but it wasn't the subsequent - it wasn't the subject of a complaint. However, it was really quite critical that we looked into it. When we go up there, we certainly do look into different issues, different levels, I guess. Some of the matters can be resolved through conversation at the centre. I sent an enquiry off yesterday to the deputy secretary about a particular issue. It really depends on the nature of the issue and how we raise it. Another good example is the behavioural development program. We've been observing issues around the behavioural development program. We're seeing real positive tweaks and changes to it as it goes along. It's certainly an area where improvement - and Ashley Youth Detention Centre are quite clear on that too.

Mr CONNOCK - That's partially a result of the increased presence. We're there more often, we're talking to staff, we're talking to young people. People get used to us being there. They raise issues with us, discuss them, as Sam says, on the spot, which we haven't been able to do much of in the past. It's effectively a mixture of official visitor and inspector trying to raise things on the spot because there's no official visitors.

Ms WEBB - No, that's right.

Mr CHRISTENSEN - Our annual report will be another really important mechanism for us to report on some of those matters. Escapes, for example, is one issue that we've been looking at. We've previously reported on that in our annual report, around the data [AUDIO CUT OUT 10.53.22AM to 10.53.31AM] holes. Going up there more regularly, we're really able to do that and we'll be able to establish quite good working relationships with the staff at Ashley. They respect and understand our role and function.

Mr CONNOCK - They trust us too, now.

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Mr CHRISTENSEN - Yes, and they're very open and transparent, which is really fantastic. It's easy to see in the media a particular version of Ashley Youth Detention Centre, but it's really important to highlight that there are some really great things happening there. There are certainly some significant challenges, but the staff often are doing their very best in the circumstances they can. That's our general observation. When we go in there and we raise things, we generally get a pretty receptive response to those, which is really positive.

Mr CONNOCK - Hasn't always been the case.

Mr CHRISTENSEN - No.

Ms WEBB - Can I ask about a couple of areas that have been raised with us as a committee relating to Ashley that seemed to still be presenting some difficulties at the moment, and to check with you whether they are areas you're hearing about or observing? One would be access to lawyers -

Mr CHRISTENSEN - Yes, we've heard about that.

Ms WEBB - and the difficulty of children there being able to, in an appropriate and private way, speak to their lawyer when they need to.

Mr CHRISTENSEN - Phone access in general, but particularly professional calls.

Ms WEBB - That's a distinct issue that exists currently. Are you aware of efforts to address that issue?

Mr CHRISTENSEN - My understanding around that, because we certainly had meetings with stakeholders -

Mr CONNOCK - Sam's been trying to address it.

Mr CHRISTENSEN - There is the work being done around the Unity telephone system, but some of the legitimate concern around that is that it's not particularly private. I understand that the Legal Aid Commission has been doing work, has been engaging with Ashley Youth Detention Centre about that.

Ms WEBB - I don't think they're having much joy, though, at the moment by the sound of it. They had raised it with this committee.

Mr CHRISTENSEN - That's certainly something where we could make some enquiries about it. I don't think we've made any -

Ms WEBB - It certainly aligns with one of your standards, access to legal advice.

Mr CONNOCK - Access to phones in general and privacy have been issues for a long time. They used to have to have a worker with them when they were on the phone. Trying to have a private conversation was just impossible.

Ms WEBB - The other area I wanted to check in with you about was the use of isolation. There's a long history at AYDC about that. My understanding is there are still issues and concerns

being raised about use of isolation. It might go under another name. You mentioned the behavioural development program. I'm not fully briefed about that. One of the concerns raised with us is that there is still isolation being used as part of managing behaviour. Is this an area of concern for you still?

Mr CHRISTENSEN - We've been raising issues when we come across them in relation to practices around the use of isolation. We also proactively do unannounced visits to the incident review committee, which is a committee that looks at use of force incidents. Often isolation follows, sometimes, from those use of force incidents. It was attending one of those unannounced visits to one of those incident review committees that prompted that transport review that we flagged before. Isolation is still an issue. We're raising the issues when we see them. That's probably an effective way for us to be addressing that at the moment.

Mr CONNOCK - Just remain at the forefront.

Ms WEBB - On isolation, have you observed it or heard about it being used as a behaviour management tool? When I say that, I mean it might be called something like 'Having some time out' or it might be called 'An earlier bedtime because you've been behaving badly. You're in this category of behaviour management now, so you go to bed earlier than another category' - that sort of thing. It's not isolation under an official terminology. Is that something you're aware of?

Mr CHRISTENSEN - If someone's put in their cell - I should say 'room', sorry - that is a form of isolation.

Ms WEBB - Yes. If you're sent to bed early because your behaviour category is -

Mr CONNOCK - No matter what you call it, yes.

Ms WEBB - Yes. The experience is one of being isolated.

Mr CHRISTENSEN - We've even raised scenarios - harking back to the conversation we were having before about remand versus sentenced - where there's just been one person in a unit, we've raised concerns about that, and then we've spoken to the young person and they actually wanted it. They wanted to be in a unit by themselves.

Ms WEBB - They might have felt safer.

Mr CHRISTENSEN - Yes, and sometimes some of the young people are quite self-reflective about regulation, and not being able to work well in a particular unit - 'work well' is not a good term to use, but engage well with other young people. When we see things like that, we certainly ask questions, and then we also establish ourselves that the young person was happy or wanted that particular situation. That's a real risk, being isolated by yourself in an entire unit.

Ms WEBB - In relation to the staffing report that you're looking at, or the review you're doing, are you also looking at workers compensation and situations in which - you mentioned recruitment and retention. Presumably I would think group workers might come into that scope as well. Is that an area that you think is of note and worth looking at the moment at AYDC?

Mr CONNOCK - Yes, and staff wellbeing.

Ms WEBB - Hansard can't see a nod.

Mr CONNOCK - Sorry, that was a nod.

Mr CHRISTENSEN - We're alert to that issue, if you look to our adult healthcare report and the rates of workers compensation in the adult prisons it is quite high. Our consultants have made some pretty critical comment there about the high rates of workers compensation. Similarly in youth detention, the rights of workers compensation are quite high. That impacts on young people at the end of the day because if there's less staff -

Mr CONNOCK - And less experienced staff because they're having to backfill and do things like that.

Ms WEBB - Yes. Broadly is it your observation that even in amongst recent recruit intakes at Ashley for staff that there is remaining a higher level of workers comp claims being made, or higher than you'd like?

Mr CONNOCK - I'm not sure about new recruits.

Mr CHRISTENSEN - I wouldn't want to comment on that. I don't think I've got sufficient information to be able to.

Mr CONNOCK - Yeah, I don't think we could, no.

Ms WEBB - Okay.

Mr CONNOCK - We can say that the rate is very high across the board, but we don't know specifically in relation to new recruits.

Ms WEBB - Is that something that you're looking at in your review of this area?

Mr CHRISTENSEN - It would be certainly something that's coming up in the context of the review. When we publish that report you will no doubt see some commentary about that.

Ms WEBB - Would you then be looking for potential indicators of causes for a high level of workers compensation claims?

Mr CHRISTENSEN - Yes, because you need to have a look at it from a preventative perspective.

Ms WEBB - Yes, so that's an area that you're doing.

Ms O'CONNOR - As part of the oversight network that you're working with, has there been any update or progress report on the closure of Ashley and move to a more therapeutic model in a different facility?

Mr CONNOCK - Nothing specific. That's the agenda that has been published and has been worked on. We haven't addressed that specifically yet, but that's everybody's understanding that that is what's supposed to be happening.

Ms WEBB - Perhaps the briefing from DPAC will provide an update on that.

Mr CONNOCK - It might.

Ms O'CONNOR - Just to be clear - and I don't mean to put you in a difficult situation - there is an understanding on the oversight network that progress is being made towards the closure of Ashley, and that there will be a new facility.

Mr CONNOCK - Well, we haven't had a specific briefing on that yet. As the Deputy Chair says, maybe that will be clarified in due course.

Ms O'CONNOR - Okay, I'll leave that.

Mr CHRISTENSEN - And it's certainly in its infancy, the oversight network. I think it's just had its inaugural meeting

Mr CONNOCK - It's just had its inaugural meeting.

Ms O'CONNOR - Great.

Ms WEBB - It's an excellent thing, though, to have established because that siloing of oversight entities was obviously something the commission of inquiry identified as problematic, so it's excellent to hear.

Mr CONNOCK - We used to have that years ago amongst the integrity entities when the Integrity Commission was first established, so we'd have the CEO of the Integrity Commission, the Ombudsman, the Auditor-General and the Commissioner for Children meeting regularly, but with changing personnel that sort of dropped away. I did have some discussions with the new CEO of the Integrity Commission and she is quite interested in re-establishing it, so we might be reaching out to the others again.

Ms O'CONNOR - There was also the recommendation, wasn't there, in the commission of inquiry for an MOU between the Integrity Commission and other oversight bodies in the child safety space?

Mr CONNOCK - There was one that recommended that the Ombudsman and the Integrity Commission produce a guideline as to how they investigated complaint by young people and so forth. That's still a work in progress because our approaches are so different, so trying to come up with a united front is proving practically difficult. There was another one that required the independent statutory officers to produce a guideline or brochure setting out what their respective roles were - to be published so that young people could see where they had to go if they had a particular sort of complaint. That had been progressing. There's been a working group established and it's working to finalise that document, so that's been done.

Ms O'CONNOR - Great. If I could just go back to the work that you've been doing on children in adult remand centres, presumably there's been an opportunity if you, Sam particularly, have visited to talk to some of the young people who are in those remand centres.

Mr CHRISTENSEN - You have to be there when they're there, so I think when we're at Ashley Youth Detention Centre we can talk to -

Ms O'CONNOR - and you know you can, that there will be young people in there, of course.

Mr CHRISTENSEN - young people have been in Ashley Youth Detention Centre, it would have been through one of those prison watch-houses, and similarly it's the same with adults in terms of being able to talk to people at the southern remand centre. They would have also been through the watch-house.

Ms O'CONNOR - So, I wonder then, to inform you work on the experience of young people in in adult watch-houses or adult remand centres, is that something that you raise with them when you talk to them after they arrive at Ashley?

Mr CHRISTENSEN - Yes, I think in the context of the review report that we're going to be putting out about children in adult watch-houses, we had with us Professor Neil Morgan, who is the former custodial inspector for Western Australia for over a decade, and he was assisting us with that inspection because it's a particular area that he's very passionate about. And when we did visit the Hobart Reception Prison, there were actually two young women, young children in the Hobart Reception Prison watch-house. And so we had a really good conversation with them and then I literally saw one of those young women the next day up at Ashley Youth Detention Centre. So, we did have those conversations with them about their experiences.

And I think the other really important thing to highlight is the work that the Commissioner for Children is doing. They've talked about the Voices Project and we have regular meetings with the commission, so we hear from the advocate about the experiences of young people in those places as well.

Ms O'CONNOR - They must be so scared when you talk to them.

Mr CHRISTENSEN - Visiting a custodial environment is a really loud environment.

Mr CONNOCK - A very distinctive feel and smell and sound.

Mr CHRISTENSEN - And there are a lot of different perspectives and different -

Ms O'CONNOR - responses.

Mr CHRISTENSEN - Yes. So, I think that we're really fortunate to have Professor Neil Morgan helping us with that report, and then I think it's going to be a really excellent report, which we're hoping -

Mr CONNOCK - Very happy with it. His experience shines on every page.

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But I was just going to say, too, it's often difficult speaking to people in watch-houses because they come in at all sorts of odd hours, and while some are held there for longer than perhaps they should, others are in and out really quickly, so you have to be there at the right time in order to see people on the spot, as it were. I just wanted to add, too, in relation to the Commissioner for Children, her advocate has been outstanding, both in relation to the Custodial Inspector, but also ombudsman, facilitating complaints from young people. We've always got a dribble of them, but we're getting much more now. And the other thing, and I'm sorry if I'm boring you -

Unknown - You're not.

Mr CONNOCK - because I think it's really impressive. Sam uses the young person's language.

Mr CHRISTENSEN - Sam Tucker.

Mr CONNOCK - Sam Tucker, who's the advocate? Yes, not the same.

Ms WEBB - You're still working on it, Sam?

Mr CHRISTENSEN - I got a way to go.

Ms WEBB - So, this is this is the commissioner's person based in Ashley.

Mr CONNOCK - She's at Ashley regularly and she will take dictation. Basically, she doesn't put words in the young person's mouth. We get a complaint, and you've got the real voice there, which makes a huge difference. So, yes, that's been very beneficial.

Ms WEBB - Good to hear. Cecily, we'll go to you.

Ms ROSOL - Thank you, Deputy Chair, I have a question about the physical environment because I think you mentioned earlier that there were works in some units and we've also heard about works in Ashley. I'm wondering if you have any insight into what's been achieved with those works in the physical environment there. Are the buildings or grounds or what has changed?

Mr CHRISTENSEN - A really significant improvement has been the establishment of a yard for the Liffey unit. Previously that didn't have a yard at all, and often it was young women who were held in the Liffey unit, so quite legitimately we were hearing concerns from people about not having an exercise - or a place to go outside, so that's been rectified. I think that's a really fantastic sort of change.

One area which I would have liked to have seen some improvements on, but unfortunately there haven't been, is around sound baffling. If you go into some of the units, I get overwhelmed in terms of the noise - particularly in the Franklin unit when you go into that and, and we made a recommendation about that in our youth healthcare report. I don't unfortunately think that's been actioned. We did follow up on that recommendation in a regular meeting we have with the policy team and I think that's something that probably could be hopefully easily rectified. And if you think about the impact that those loud environments can have on your ability to sort of process and function, like I struggle to function - maybe I need

to get a hearing test, but it makes it really quite hard. There's certainly been some improvements and, I think, the Liffey outdoor area is one of the most significant ones from my perspective.

Mr CONNOCK - And they've also improved their reception area. Unfortunately, the body scanner is not in operation.

Mr CHRISTENSEN - I think it is now.

Mr CONNOCK - It is now. So that will reduce the number of searches, which is a big thing.

Ms WEBB - It's been there for a long time.

Mr CHRISTENSEN - I think there were some issues and don't quote me, but I think there were some issues around there was some damage to the cords from a drainage issue or something like that, and so they've rectified that, is my understanding. It's now back in operation.

Ms WEBB - Cecily, do you?

Ms ROSOL - No, that's good. Thank you.

Ms WEBB - I might go to an area that I'm always interested in, which is the National Preventive Mechanism (NPM) function. Now I know you're here as Custodial Inspector to talk with us, but I'm just wondering about how things are progressing, noting that the recent consultation on the bill relating to the Commissioner for Children's Office, there was a submission from you, as the TNPM, about that and it talked about some issues relating to recognition of that role and how that's placed within this environment now, I suppose, as we move forward. Is there anything you'd like to update us on there or well bring to our attention in that space?

Mr CONNOCK - No, one of the things that we were concerned about, I don't normally make submissions to that sort of thing, but I was concerned about some of the information acquisition provisions in the Commissioner for Children act and various other things. We're also concerned about the model of who is going to be inspecting youth justice.

The NPM is there basically to do that. We understand there's been a recommendation made that it should be the Commission for Children. We have a concern with that in that the commission will also have an advocacy role, so I'm not sure how well that sits together. And I think what Mark Huber was trying to do was just reinforce the position of the NPM, its functions and their importance in this landscape now.

Ms WEBB - It would be interesting to see how that comes through.

Ms HADDAD - Is it true that the Victorian children's commissioner's office holds those dual roles?

Mr CONNOCK - One of them does, I think, yes, it may be Victoria. It was, and I did ask her at a meeting how she balanced that. She didn't quite get to answer - not saying she was evasive, we just didn't quite get there in the end.

I personally have a concern about an independent statutory officer like an inspector also having an advocacy function. How you separate those two quite disparate mindsets could be challenging.

Ms WEBB - Could they in fact be allocated to separate roles within the commission?

Mr CONNOCK - What we have suggested, which we think is consistent with the commission of inquiry's recommendation, is that we delegate to officers of the Commissioner for Children to specifically undertake the inspection function, and that those officers be co-located with the NPM and the custodial inspector -

Ms O'CONNOR - Very good.

Mr CONNOCK - so that while they're part of the Commission for Children, they're -

Ms HADDAD - They're physically located in NPM.

Mr CONNOCK - they're physically separate and they're functionally separate.

Ms O'CONNOR - That's good.

Mr CONNOCK - So that you don't have the same person -

Ms WEBB - Co-located with similar entities with similar roles in other aspects of this.

Mr CHRISTENSEN - Also, quite importantly, financially. That's something that OPCAT talks about.

Mr CONNOCK - OPCAT requires an NPM to be financially and operationally independent. Trying to achieve that in the face of that recommendation is not without its challenges. We think that would probably address it. We could sufficiently silo the inspection officers off from the rest of the Commission for Children so that that's their sole function. We don't know how the new commissioner will respond to that, but that's the recommendation.

CHAIR - I wanted to follow up on the question that Cecily asked. You talked about a recommendation for sound baffling in Ashley. As a person with a hearing disability and requiring hearing aids, I absolutely get it. I would find it terribly difficult in there personally. A noisy environment is not good for helping young people to relax. The question I have for you is, you've made the recommendation - what actions do you take when recommendations aren't taken up? Do you see if there's a valid reason, see if it's on the schedule but hasn't been done, or what? That could make a real difference to the experiences of the young people there.

Mr CONNOCK - We've certainly been lobbying, and we put in another budget bid this year. We asked for a lot, I admit it was a lot, but the organisational chart and the model were laid out in meticulous detail. It was all supported. We got only a fraction of what we asked for the first time, only enough to make the director's position permanent. I have one permanent member of staff. We have another small injection this year. We were hoping for more. As you're no doubt aware, at Estimates and our meeting of the Joint Standing Committee on Integrity, this was front and centre, how the NPM was going to function without adequate funding. It's been on the radar and we have been pushing it, and will continue to do so,

obviously. We have to. We might be able to do a little bit this year, might be able to do a couple of watch-houses, maybe.

Ms WEBB - Goodness.

Mr CONNOCK - We can't fulfil the inspection function adequately or appropriately.

Ms WEBB - Your legislated function.

Mr CONNOCK - Yeah, what we're there to do.

CHAIR - Surely it's not your job to install the baffling?

Mr CONNOCK - No, we make a recommendation that that be done.

CHAIR - The question I had was when you'd made a recommendation to put baffling in -

Mr CONNOCK - Sorry, I misunderstood you, I think.

CHAIR - That's alright, the other parts are equally valid. I'm trying to understand, when you've made a legitimate and sensible recommendation - I'm sure they're all sensible - this is something that could get practically done at Ashley to improve the experience of the young people there. Do you follow it up, or do you rely on members of parliament committees like this to follow it up and ask the minister, 'This is a recommendation, why hasn't it been done?'

Mr CONNOCK - We follow up on the recommendations ourselves. Always happy to come and follow up before these committees as well. No, we don't just sit back and say, 'Right, we've made the recommendation, that's it'. While we don't have necessarily -

CHAIR - Have you asked about this particular recommendation? What's been the response?

Mr CHRISTENSEN - I've raised it at an officer level, and we're planning to do some work around our adult and youth healthcare reports, to follow up on those recommendations because we made quite a number in those reports. I should clarify, sorry, I misspoke. The recommendation was around engaging a sound engineer to look at the sound issue, rather than -

Ms O'CONNOR - As the first step,

CHAIR - Right. They would recommend baffling, I'm sure.

Mr CHRISTENSEN - Yes, that's why I said it. You see it in the Southern Remand Centre. They have that baffling and the difference is quite astronomical, really.

CHAIR - Yeah, absolutely.

Mr CHRISTENSEN - To answer your question, there's an informal follow-up and flagging it. Engaging with civil society is also a really important aspect of those recommendations because they can follow up in relation to some specific recommendations

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themselves directly. Then we also have the annual report flag follow-ups on recommendations. What we've more recently been doing is that in the context of a particular inspection report we have follow-up on recommendations relating to the similar expectations or standards, if that makes sense. In our healthcare report we had follow-up progress updates on previous recommendations relating to healthcare. What we're currently planning to do with those healthcare reports is to write to the department and seek an update on the implementation of those recommendations, and then report on that.

CHAIR - It should be something that members of this committee could raise during budget Estimates for example, too, to understand whether there is actually intention to progress that. I'm interested in how you follow up, if you like. Thank you for that.

Ms WEBB - We might be concluding, Chair. Thank you for your time today, both of you. It's been really interesting to have this discussion and we appreciate the work that's been done. It was refreshing to hear some of the comments and observations about positive progress as well as other ongoing concerns. It is useful to hear observations about that.

Mr CHRISTENSEN - It's easy sometimes for those things to not be noted, and I think it's really important that they are noted.

Mr CONNOCK - Balance is really important and good work needs to be recognised, otherwise it disappears.

Ms WEBB - This is true.

Mr CONNOCK - People need to be encouraged to continue. If they're doing the right thing, it doesn't hurt to call it out.

Ms WEBB - That's true. Thank you so much for your time today.

The witnesses withdrew.

The committee adjourned at 11.19 a.m.