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THE LEGISLATIVE COUNCIL GOVERNMENT ADMINISTRATION COMMITTEE B MET IN THE LEGISLATIVE COUNCIL MEETING ROOM, HENTY HOUSE, LAUNCESTON, ON TUESDAY 4 JULY 2023

INQUIRY INTO TASMANIAN ADULT IMPRISONMENT AND YOUTH DETENTION MATTERS

The Committee met at 9:02 am.

CHAIR - I would like to welcome everyone here this morning for our inquiry into Tasmanian adult imprisonment and youth detention matters and thank those who will be appearing before the Committee today.

As usual, I will introduce the Committee before I make an introduction. The Committee members are: Josh Willie, Rob Valentine, Meg Webb, Tania Rattray, Rosemary Armitage and Jane Howlett. Secretariat support is Simon Scott and we have James Reynolds on Hansard. That is our team.

We will be taking sworn evidence and I will ask our witnesses to take the statutory declaration and indicate your title as well. The evidence taken at this hearing is protected by parliamentary privilege, but I remind you that anything you say outside of here may not be afforded such privilege. As soon as the *Hansard* is available, it will go up onto the Committee's website. We always provide an opportunity for any witnesses who want to make any comments in camera to please request it and the Committee will consider that request. If there is anything that you feel is important but not for public disclosure, then please ask and we will consider that request.

Ms KRISTEN WYLIE, DIRECTOR, AND **Ms KIRSTEN ABERCROMBY**, ACTING ASSOCIATE DIRECTOR CRIME, TASMANIA LEGAL AID, WERE CALLED, MADE THE STATUTORY DECLARATION AND WERE EXAMINED.

CHAIR - Who would like to make an opening statement, if at all?

Ms WYLIE - Just a bit about Tasmania Legal Aid first. Tasmania Legal Aid (TLA) is the primary provider of criminal law services to adults and children in Tasmania's justice system. We provide these services by providing in-house representation and duty lawyer services, and by funding private practitioners to provide representation services. Last financial year, TLA made 2,398 grants of aid for criminal law; 61 per cent of those were made to private practitioners and 39 per cent to in-house practitioners. We spent \$3,830,534 on criminal grants and we delivered 3,677 criminal duty lawyer services.

Much of the TLA submission focuses on children and youth. That is no coincidence given that children and young people are a focus in our current strategic plan, but also because you cannot look at adult imprisonment without considering youth offending, given the number of children who are detained who go on to be imprisoned as adults. Any improvement in the early intervention and diversion of youth will have a flow-on effect in the adult prison population.

There are some general propositions I want to touch on and I will say a little bit about each of them later on.

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The first proposition is that detention has a criminogenic effect and leads to further imprisonment. There is real scope to change this trajectory for young people by diverting them away from the youth justice system.

Diverting unsentenced - and I want to emphasise 'unsentenced' - adults and children away from prison will prevent time on remand having a criminogenic effect.

Third, many TLA clients are remanded in custody because of a lack of access to housing and social support, with imprisonment of this unsentenced cohort again having a criminogenic effect.

Fourth, the introduction of child-specific bail laws [recording cuts out 9.07.33 to 9.07.41] sentencing tools as possible. The greater the sentencing options, the more a sentence can be tailored to the unique circumstances of the person. This will keep some out of prison and better promote rehabilitative sentencing options.

Now touching briefly on each of those points:

First is the criminogenic effect of detention. We are seeing high and increasing rates of recidivism which suggest that imprisonment is not working as a preventative measure and is also not having a rehabilitative effect. Prisoners with known prior imprisonment rose from 60 per cent to 67 per cent between 2012 and 2022 in Tasmania, which is significantly higher than the national average.

Of greater concern is that over half of Tasmania's young offenders are sentenced to new offences with detention within 12 months of release from custody. The high rate of recidivism indicates that detention is not having any positive long-term effects. This suggests that a focus on diverting children away from the justice system will not only positively impact children and young people, but will have a flow-on effect for adults. The Productivity Commission found that diverting children away from the youth justice system can avoid them becoming trapped in the judicial system into their adulthood. It helps lower reoffending rates, saves money and leads to better community outcomes.

The second point is about unsentenced prisoners. More than a third of adult prisoners in custody are unsentenced. Even worse, approximately two-thirds of children in detention in Tasmania are unsentenced. I saw that for myself personally when I visited the Ashley Youth Detention Centre about a month ago. On that day there were only three children who had been sentenced, the rest were on remand.

Overwhelmingly, when their case is finalised, children are not sentenced to a period of detention, with only 8 per cent of Tasmania's supervised sentences involving detention. All those children are there being punished when ultimately it didn't warrant them having a custodial sentence. The increasing and high rate of unsentenced prisoners will only contribute to an increasing prison population, where unsentenced prisoners, like these children, are later found not guilty, have their charges dismissed or do not receive a term of imprisonment. Diverting unsentenced adults and children away from prison will again prevent time on remand having a criminogenic effect.

The next big one for TLA is the lack of housing and social supports. It's been TLA's experience that many of our clients are remanded because of a lack of access to housing and

social support. This cohort often receives terms of imprisonment equal to their time in prison prior to sentencing, which may have been avoided if they had not been remanded in custody.

Court backlogs and systemic delays contribute to an increase in the number of unsentenced prisoners because of the time it can take to reach their case. For children and young people, a lack of adequate support services for children in crisis, and in particular a lack of supported accommodation, means that some children are detained not because the offence they are charged with would warrant detention, but because they are homeless. That is really sobering. While two-thirds of children in custody are on remand and unsentenced, the number of children ultimately sentenced to a term of detention is very low, as I've pointed out before. The more likely scenario is that a child will be remanded in custody awaiting the outcome of their case, with factors such as homelessness often contributing to this detention.

On social supports and multidisciplinary responses - a lack of social supports and multidisciplinary responses can make bail options difficult and non-custodial sentences more difficult to justify. Courts often look to a person's engagement with social services for evidence of rehabilitation or reduced future risk. Unless services are available to address the drivers of offending, rates of imprisonment are likely to increase. This is particularly the case on the north-west coast, where we hail from.

As noted by the Custodial Youth Justice Options Paper, Tasmania does not have the breadth or depth of prevention, early intervention and diversionary services required to address the complex needs of young people. Investment in these services can address the risk factors that lead to offending behaviour, which is a far more cost-effective approach to rehabilitating young people than detention.

It is critical that diversionary programs are available in rural and regional areas of Tasmania like the north-west coast. Universal programs should be developed to avoid this postcode injustice.

There is a real need for multidisciplinary responses for both children and adults, by addressing social and health needs alongside legal needs. When you do this, you see wholesale improvement. By addressing the social or health need, you lessen the drivers for offending as well as the need for more punitive responses.

Tasmania would be well served by increasing funding into services that target key risk areas that lead to childhood offending. These areas include mental health services, drug rehabilitation, education, child protection, sexual rehabilitation, and education and housing.

The idea of a specialist legal service - a wraparound young persons' legal service providing both legal and social support services - would enable TLA to better support children, particularly those at risk of long-term engagement. TLA lawyers are trusted by the children who they work with and they provide the best opportunity to engage children and address factors contributing to their engagement with the justice system.

TLA already has considerable experience in delivering a multidisciplinary and holistic service. We've run the Family Advocacy and Support Service since 2017, which uses lawyers and social support workers to address a client's legal needs alongside their social and health needs. We've seen fantastic responses. I'd really love to be able to do this in the youth justice space.

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The next touchpoint is bail. The introduction of child-specific bail laws and principles and a bail support program would help divert many children and young people away from the prison system. Given the numbers in Ashley that are simply on remand, this is really urgently needed. Tasmania doesn't have specific bail laws for children; rather, the same law that applies to adults is used for children with some modifications.

Tasmania should have child-specific bail laws and practices, including a legislative presumption in favour of bail for children. Bail should not be refused solely on the basis of lack of suitable accommodation. I cannot understate this point today. Lack of accommodation should not be a basis for remanding someone in custody. Finally, bail conditions should be no more onerous than are necessary and do not in themselves punish a child.

Children in this State are often refused bail because of problems with accommodation that are outside their control. This can include situations where a child is homeless because of family breakdown, or is under the care of Child Safety but without effective supervision, or because that child has mental health issues or drug problems. I urge Tasmania to introduce a holistic, legislated bail support program that provides intensive case management for children at risk of being remanded in custody.

These supports could include drug and alcohol treatment, crisis and supported accommodation, disability and mental health services, and Aboriginal-specific services.

Now on to sentencing tools - we would like to see as many tools as possible when people are being sentenced. The greater the sentencing options, the more a sentence can be tailored to the unique circumstances of the person. This avoids the criminogenic impact of prison, particularly for young people. Ideally, the sentencing tools would continue to include suspended sentences, broad eligibility options for drug treatment orders, and ideally the expansion of these types of orders for things like alcohol, gambling and mental illness.

TLA's Children First report demonstrated that Tasmanian children with complex needs can become entrenched in the youth justice system, which compounds disadvantage. The risk is increased the earlier a child comes into contact with the youth justice system. Increasing the age of criminal responsibility to 14 would help decriminalise the social needs of the most disadvantaged children in Tasmania.

It's important to remember that the number of children under 14 charged with an offence is really small. Further, it's mostly low-level offending, with TLA's data showing that the most charged offence for the under-14 cohort is stealing. The majority of children who are charged with criminal offences are from disadvantaged backgrounds and have multiple and complex needs which would be better addressed outside the criminal justice system. There is strong evidence to demonstrate the negative impacts of incarceration, which in themselves have a very strong criminogenic effect on children. As the number of children sentenced to a term of detention is very low, the age of detention as opposed to the age of responsibility should be raised to 16 in recognition of the criminogenic impact of detention.

Finally, in NAIDOC Week, a reflection on the Aboriginal prison population, which is growing twice as fast as the general prison population. In our view, this calls for a specific inquiry into the drivers of this phenomenon so it can be addressed. Aboriginal children in Tasmania are significantly over-represented in the youth justice system. Despite making up

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10 per cent of the population, they account for 57 per cent of children in detention over the last five years and are incarcerated at about five times the rate of non-Aboriginal children.

Almost half of Aboriginal children who are under 14 when first charged with a criminal offence were also in the child protection system. Raising the age of criminal responsibility will provide the opportunity to address the intergenerational disadvantage inflicted on Aboriginal people and children.

CHAIR - Thank you very much. That was extensive but very much appreciated.

Ms ARMITAGE - You were talking about Ashley and children in detention on remand and I have noted the comments you made in your submission. You talk about diversionary programs and multidisciplinary. Have you got any suggestions about what to do or what would your thoughts be if - you are saying the kids on remand that may not have been sentenced yet - they have stolen a car, burnt a car, done a lot of things like that? To the person victimised that is pretty traumatic.

[inaudible]

- that we could actually do.

Ms WYLIE - Touching back on the idea of the intensive bail support program -

Ms ARMITAGE - As in, how would that work?

Ms WYLIE - A young person who has been arrested for committing an offence can be bailed in these circumstances if there is an intensive bail support program, [with someone] who assesses the drivers for that young person's offending. The bail support officer will assist them in obtaining housing options, or would link them up with drug or alcohol rehabilitation options if need be, or if it is a mental health or a cognitive driver, link them in to the mental health system -

Ms ARMITAGE - When you say that, let us say for example a 13-year-old who has stolen cars, who has burnt cars out, a myriad of different things, and they come into the court system or police station. They get remanded to go to court that night and they are remanded to Ashley for a court hearing in two or three weeks. You do not put them in remand and you are saying link them up with someone. I think we all know you are not going to get linked up initially, so what is going to happen to that person who maybe does not have a home life, does not have anywhere to go? That night, the police say 'Okay, where are we going to take you, where are we going to drop you?' What does happen in the meantime while they are waiting? It sounds good in practice, but I am just wondering, you say link up with this person, link up with that person, link up with someone else. Linking up and then letting them free saying you should go and do this - have you got any wraparound or any suggestions?

Where do they go that night if they do not go to Ashley? When you talk to custodial they feel Ashley is a safe place at least for them to go for that night or period.

I hear what you are saying, that they need to link up with them and link up with them, but does that actually work? Unless there is someone they can link up with that night - and the Government has a couple of protective places; there is one just along the road from me where

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eight males and females under the age of 16 can go and stay. What I am trying to get from you is, it sounds good on paper but how does it work to actually protect these kids?

Ms ABERCROMBY - I could probably assist.

Ms ARMITAGE - Yes, it would be good to have an understanding of how it is actually going to work for them.

Ms ABERCROMBY - Yes, I understand. The first point I would probably make is there are limited youth shelters, certainly on the north-west coast. There is one I am aware of in Devonport routinely reasonably full. That is the first difficulty of accommodation.

CHAIR - That is the only accommodation option on the north-west coast?

Ms ABERCROMBY - In Devonport, as far as I am aware. There is also another shelter in the Burnie area that I believe takes people of all ages. But, to answer your question -

Ms ARMITAGE - Where are they going to go? They are taken to the police station, they have done some pretty serious crimes.

Ms ABERCROMBY - Yes, I hear your question. What I think TLA's position would be is when a child is brought to court, they can be released on what is called 'supported bail', which is where Youth Justice will monitor them in the interim. Youth Justice are an incredible bunch.

Ms ARMITAGE - And how do they monitor them?

Ms ABERCROMBY - They have regular contact with them. They remind them about court dates, assist them in getting to court; they can try to assist in getting the young person to school if they are engaged with education and often that is quite challenging. Something in the interim that might help is to increase their ability to address those problems by providing interim programs for them to take part in. For example, this child is monitored by Youth Justice - doing the best that they can do - but they are limited in what they can do, they are limited in programs that can be offered in that interim period. If there are further programs that can be given to them, part of their bail [conditions] might be that they engage with these programs. Courts have the ability to make that a condition of bail if it were an option. I am not aware of any programs. There are programs, of course, when youths are sentenced.

Ms ARMITAGE - If they are homeless, where do they go that night?

Ms ABERCROMBY - Yes, that is a different although interlinked issue. The shelters on the north-west coast are few and far between.

Ms ARMITAGE - Yes.

Ms ABERCROMBY - Shelters generally are reasonably few and far between.

Ms ARMITAGE - I understand that and wanted to have an understanding. I know where you are coming from, but what is available to the court system if they do not go somewhere like Ashley? Is it better to put them on the street or to give them accommodation?

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Ms ABERCROMBY - Of course, no, but putting them in Ashley ought not to be seen as the next best step, because the reality a lot of the time is that due to staffing levels these children spend many hours a day in their cells. The hours they spend in the day in their cells are hours they are not receiving education, not being assisted to reintegrate upon their release. The issue comes down to lack of accommodation for children and it is concerning some of them do see Ashley as a better option.

Ms ARMITAGE - A safe haven, they do.

Ms ABERCROMBY - Absolutely, but that in and of itself is the concern because they may have nowhere else to go. Again, it comes back to accommodation and places for these children to stay; Ashley ought not to be seen as a safe haven.

Ms WEBB - To be clear, you are advocating for more investment and improvement of the support currently inadequate in these areas? And you, being in the social services sector, are well aware we have known for many years - as a State, and the Government of the State - about these inadequacies and we have not yet seen movement on improving them in any substantial way. Are the arguments you are making for a future better funded, planned and integrated system rather than a comment on what is currently available?

Ms WYLIE - What is currently available is really difficult. We are seeing the reality of that play out every day where young people are sent to Ashley because there is no accommodation, and for pretty much no other reason other than that they are offending, obviously. In my view, Ashley is not a safe space and if each of you have not gone and had a look -

Mr VALENTINE - We have been there.

Ms WYLIE - It is very sobering. In my view it is not a safe space, it is the most detrimental option, but sometimes it is the only option at the moment. We do need better investment in crisis accommodation options, as well as intensive services so these young people have a chance.

Ms HOWLETT - In relation to that, what programs are currently lacking right now?

CHAIR - It is a bit patchy across the State, isn't it?

Ms ABERCROMBY - It very much depends on where you are located. In terms of existing programs lacking, Youth Justice administer many of those programs, and those programs that they do administer are often comprehensive and involve a lot of effort by Youth Justice. But the reality is, especially when it comes to regional and remote areas, that there just aren't enough. There are youth justice matters down the west coast.

Ms HOWLETT - Are there facilitators that provide those programs? Or what programs particularly are you referring to?

Ms ABERCROMBY - What I am referring to is the paucity of programs themselves, programs to help children remain at school, youth offenders on the west coast, general offenders on the west coast. For example, Community Corrections, as I understand it, down the west coast, will contact people on probationary orders by telephone. It is not face-to-face

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contact. They don't have offices down there, they don't have permanent staff down there. That, of course, lessens the effect that you can have in assisting people - not just youths but offenders who have a probationary order. That order is designed to address criminogenic factors, to assist someone in obtaining employment. Of course, it is lessened when that contact has to be by telephone, for example.

Ms HOWLETT - What are your thoughts on the five proposed sites around Tasmania?

Ms ABERCROMBY - In terms of the five proposed sites, can you elaborate on that for me?

Ms HOWLETT - What the Government is looking at when they close down Ashley is replacing it with five sites around the State.

Ms ABERCROMBY - I would need to look more closely at what those five proposed sites involve. If I could just make this point, in terms of programs and facilities for youths generally, there are no detoxification facilities for youths. We would be kidding ourselves if we thought that children don't suffer from drug and alcohol addiction problems. That is, of course, something that occurs.

Ms HOWLETT - We have seen some young people being detained in Ashley to dry out.

Ms ABERCROMBY - The lack of facilities like that are part of TLA's concerns.

Ms WYLIE - Probably, our focus in relation to the proposed change is we welcome the announcement that there is going to be a therapeutic approach taken. So, rather than focusing on the where, I'd rather focus on the how and the move to a therapeutic approach to delivering youth justice services. I think we will start to address the problems that we are identifying here today.

Ms WEBB - On that, in terms of the Government's intention to reform the youth justice space into that therapeutic approach, has TLA been involved in the discussion and development that's been progressing in that space? Has the Government connected with TLA to help inform input into that?

Ms WYLIE - Not yet but we would very much welcome entreaty to that effect.

Ms WEBB - I imagine your report that you have there, which you are welcome to table today if you wish, would be very informative for that. Are you intending to make submissions or to proactively try to be involved in discussions from this point?

Ms WYLIE - Absolutely. As I said before, it is part of our strategic plan to focus on children and young people. We avail ourselves of every opportunity to make representations in this space, which is why we made the representation that we did to this Committee. Whenever an opportunity presents itself for us to be involved, we will absolutely be accepting of that. I encourage those who are putting those programs together to work with us because we have a unique understanding of the youth justice system from the perspective of the young people.

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Mr WILLIE - I'm interested, in talking about alternative programs and things like that, in the home environment. I know of a former teacher who had a kindergarten child once say to her, 'Will you come to court with me?' She said, 'You don't need to go to court, you're too young', and he said, 'Well, my dad goes to court all the time and I will have to go one day, so will you come with me?' How do we break that cycle where these home environments are clearly very tough. I am interested in that sort of situation because you can put supports around kids but they are still going back to this environment where they have these sorts of role models, who probably through their own childhood had similar role models, so it is cyclical.

Ms ABERCROMBY - Intergenerational crime is a huge problem. It is really concerning. A step in the right direction are programs like the drug diversion program. I appreciate that your question relates to the child but, of course, if the parents of that child - and many people on the CMD, which is another name for the drug diversion program, are parents. If that child, instead of being exposed to the criminal justice system, sees a parent breaking that cycle, then that can only be a positive thing. There are defendants who complete that program. I am a huge proponent of that program. It works wonders. It is a difficult program, it is onerous, but it is a two-year program and I have seen it break intergenerational crime.

I have a client who has just graduated from it. I am not sure what the requirements are for in camera but perhaps I might request that at the end.

Ms WYLIE - That also works into the idea of extending the nature of the programs that could follow the drug treatment order (DTO) model because it does work and we see it work. But it's really frustrating when you think about the number of people addicted to alcohol [inaudible] ...

Ms ABERCROMBY - The reality is that illicit substances are not the sole driver of that problem, of course. Family violence, for example, is a scourge on society, as we know. A program like the drug diversion program but aimed at family violence instead would go a long way to breaking that cycle, a long, long way. Of course, those problems are often interlinked but the difficulty with the drug diversion program is that you cannot be on it if you have committed an offence that involves actual bodily harm.

Mr WILLIE - Where I am going with this is that when we have a young person who starts interacting with the justice system, do we need to do more in terms of not just looking at them but also their family circumstances and maybe putting support with the family as well?

Ms WYLIE - Treat the parents and then you treat the child. There are two things that are happening here. First of all, within families we are seeing intergenerational crime. We can only fix that by assisting the parents. And then, once you get people formally into detention, we see that perpetuating over and over and over again. If we can divert them before they go into prison the first time, we have a much better chance of keeping them out of the justice system.

Mr WILLIE - What happens currently with a young person charged with an offence for the first time and they are going down that pathway? Is there some sort of look at the rest of the family and what support might be required, or is it just solely focused on the young person - with an inadequate response, which is what I am hearing today?

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Ms WYLIE - Yes.

Mr WILLIE - Just the young person? They don't look further than that?

Ms ABERCROMBY - They are not entitled to and that is part of the difficulty. If it is the child that is offending, there could be a number of reasons for that. The home life can certainly be one of them -

Ms WYLIE - It often is.

Ms ABERCROMBY - And often is. The child is dealt with by Youth Justice with bail support in the interim, for example. But the home life, and I suspect it's a matter of underfunding in terms of child protection that the home life is not - if the child is clothed and fed to a certain extent.

Mr WILLIE - Or at a certain age.

Ms ABERCROMBY - Or at a certain age, where they can self-protect. They're not seen as - I'm not sure that I really understand the term 'self-protect', to be frank.

Ms WEBB[?] - Enough to run away.

Ms ABERCROMBY - Yes, that's exactly right, enough to remove themselves from a situation that is completely out of control is the base level.

Ms WYLIE - Then that brings in the part of our submission that talks about the need to have another look at the Youth Justice Act. It is so punitively focused at the moment. It isn't looking at a therapeutic approach.

It's all very well to try to review how we deliver detention services, but how do we deliver youth justice? Can we take a therapeutic approach to the part of the Youth Justice Act that says that children should be dealt with no more harshly than adults? That's completely backwards. Children should absolutely be dealt with more leniently than adults. They're children.

I think there's an urgent need to look at the Youth Justice Act and the system as a whole and apply that therapeutic approach, looking at the unique circumstances of the child. What is their family life like? What are the supports they've got in place? What are the strengths that there might be to support that young person? Sometimes a nexus with a good teacher at a school can make such a difference - having that ability to respond and look at the circumstances of the young person.

Mr WILLIE - I'm just interested in how you get the support of the community for the sorts of changes we're talking about. The community at the moment, from what I hear in my community, the suburbs of Hobart, feel that there's a youth crime issue. If you're talking about therapeutic approaches and being more lenient, it's probably not going to resonate in the community.

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You talk about costs in your submission. I think that's an effective message in terms of value for money for the taxpayer and reduction in crime and making the community safer. Do you have any comment on that sort of narrative?

Ms WYLIE - I absolutely agree. It is a real challenge to sell this to the community who, quite understandably, focus on impacts on victims. We acknowledge that. But if you look at it from a cost-benefit perspective, not only is there an actual cost in, for example, supervising someone in the community as opposed to detaining them, there's a massive cost difference, which is outlined in our paper. From a productivity perspective, if we can reduce crime and increase diversion away from these systems, there is a massive benefit to the community, both in fewer crimes committed and also in money saved because we're not detaining people. We're not having crimes committed.

Ms WEBB - When you gave your opening remarks and also in your submission, you used the term 'criminogenic', which is fine. We understand what that means: causes crime. It's the causing of crime. It's something that has a criminogenic effect, but saying 'jail causes crime' rather than 'incarceration is criminogenic' might resonate in the community.

Mr WILLIE - Or 'therapeutic' is making people do the hard work to rehabilitate so they stop offending.

Ms WEBB - It's interesting. We have to reframe these narratives. It's all about what's more likely to keep causing crime; what's more likely to deliver less crime. Language is important. 'Criminogenic' isn't very impactful. 'Causes crime' is.

Ms ABERCROMBY - Language in reporting is so important. When people graduate from the CMD program I was talking about earlier, that should be front page news.

Mr VALENTINE - You referred to Ashley Youth Detention Centre as not a safe space when it comes to youth detention. Do you have any observations? You deal with so many different grants. Was it 2,398 grants?

Do you have any information that demonstrates that children who are going into incarceration, into detention at Ashley, are committing more crimes associated with those that are also there? So, they're committing a crime in the first instance, going in and then - in the cases that you deal with - linking them to others who have been put into Ashley. In other words, when they go into Ashley, they are learning how to commit crime. Do you have any evidence that points to that?

Ms WYLIE - Only in the recidivism rates. We can't drill down enough in our data to be able to link up certain offenders with others.

Mr VALENTINE - Your role is to provide legal services, isn't it?

Ms WYLIE - We do actively look at trends, which is why we look at recidivism.

Ms ABERCROMBY - Certainly suspended sentences, which is a very hot topic and has been for a while in terms of electing to keep someone out. A particular consideration of not activating a suspended sentence is whether to do so would expose that defendant to corrupting

influences in prison. I cannot imagine that could possibly be any different for children. They will be exposed just as readily to corrupting influences no matter their age.

Mr VALENTINE - When you look at 'lack of data quality that exists in the area of unsentenced prisoners contributing to the overall impression of increased prison population', what recommendations do you have to improve how the data is collected, filtered or interpreted so it can be put to better use? Is there something missing in what's being collected and how it is being used?

Ms WYLIE - At the moment, all we have is a number of unsentenced prisoners. People are waiting around on remand. We don't really understand why. How many of those are there because they have no accommodation? We suspect it is a lot. We think that would be a very useful statistic to have. Anecdotally, in preparing for today, we asked our lawyers how often their clients are not bailed because they are homeless. They didn't want to give us a statistic but they said it is a lot - many, many, many times.

So, that would be really useful because we know we have got a housing crisis in this State. If I plucked a figure out of the air, if 50 per cent are being denied bail because of lack of housing options, then that is an incentive for something to be done in that space. But I can't tell you it is 50 per cent because we just don't know.

Mr VALENTINE - You don't have the data.

Ms WYLIE - How many are there because of lack of mental health support? That is another real, huge driver and particularly on the north-west coast where there is an absolute dearth of mental health support. We are seeing people being remanded in custody because there are just no mental health options for them. We have had a few very sobering examples of that in recent times.

So, that data, which is lacking, would help drive a response. We suspect it is housing, mental health and also lack of drug and alcohol rehabilitation options. We suspect they are the main ones but we can't give you the figures.

Mr VALENTINE - No, it sounds like there could be improvements, there is no question about that.

Ms HOWLETT - I think Mr Valentine has asked the question I intended to ask. I am curious, do you think any programs could be delivered online, particularly to youth in rural regional Tasmania?

Ms WYLIE - I suppose the answer to that is yes, but how effective is it going to be? I suppose if we look at it from the basis of: is it better than nothing? The answer is yes but for somebody on the north-west coast -

I am an extremely privileged person in a very privileged position. I know that I get really sick of 'All the services are here and here'. If you are on the north-west coast, you can have a phone call or you can have online. From my perspective, they are just not as effective. So, my answer is that it's better than nothing but it is not good enough for the people of the north-west.

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Ms ABERCROMBY - Sorry, I don't mean to interrupt. It also relies on or assumes that people have access to technology that can assist them. I'd struggle to think of one client I would have on the west coast who would have reliable access to internet and a computer to assist them with that. I agree with Kristen that it would be better than nothing; but it certainly still leaves a big gap.

CHAIR - A couple of areas that you focused on, about sentencing options and child-specific bail laws - I am interested in what discussions you may, or may not, have had with the Attorney-General or Justice department about progressing those initiatives or new ideas or new ways that you discuss here.

Ms ABERCROMBY - Certainly. Our criminal team from TLA has recently had a meeting with the Commissioner for Children and Young People to indicate the problems that we have with contact of clients in the Ashley Youth Detention Centre - their access to their lawyer, access to justice. That was quite a lengthy discussion that we had with her, about the difficulties faced in that respect. In terms of discussions directly with the Attorney-General, I'm not directly aware of any of recent times. The children's commissioner was very interested in the difficulties that we face in contacting clients.

CHAIR - Has the TLA reached out at all to the Attorney-General, or to the Justice department, which would drive something like this?

Ms WYLIE - We don't know.

Ms ABERCROMBY - No, I couldn't answer that question.

CHAIR - Is there an answer that might be provided to the Committee at a later time?

Ms ABERCROMBY - There might be; I could certainly look into that.

CHAIR - If you have reached out and there has been no response or no action, I would be interested in understanding that and as a question for a later time, when we have representatives of the Justice department and the Attorney-General before the Committee -

Ms WEBB - Or, indeed, DECYP and the Minister for Education, Children and Youth, who is responsible for Ashley and Youth Justice; and on the adult side, of course, the Attorney-General and Minister for Justice.

Ms WYLIE -What we do know is that the Attorney-General is aware of this report and that does [inaudible] - because somewhere else may have reached out, I -

Ms ABERCROMBY - I am happy to look into that. I am not aware of any, but I am happy to ask the question.

Mr VALENTINE - With the 2398 grants that you provide, I imagine you experience family connections with youth and the adults coming through for grants in your system. Do you have a handle on exactly how prevalent that is? I am assuming it is quite prevalent, but do you have any statistics about children that you are dealing with in legal aid and their parents as well? Do you have a comment about how prevalent that is?

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Ms WYLIE - Only anecdotally.

Ms ABERCROMBY - Only anecdotally, we do not -

Mr VALENTINE - You do not have data on that?

Ms ABERCROMBY - No, we do not link the children with their parents. To do so, I feel, would create conflict issues.

Mr VALENTINE - I appreciate that might be the case.

Ms ABERCROMBY - Yes, but also in that we take every client at face value. I think to spend time linking children with particular -

Mr VALENTINE - Sorry, I am not suggesting you do that in each individual case, I am just talking about the data, holistically. If you analyse the data on the cases you are dealing with, how often would there be familial convictions? That is all.

Ms WYLIE - That would be very difficult to do because it would be difficult to work out who the parents of each child were, when you think about lots of different names and -

Mr VALENTINE - There was some work done in this space by a previous Leader of the Government in the Legislative Council, Vanessa Goodwin, and that was an interesting report. I was just interested to know whether you had any data.

Ms ABERCROMBY - Yes, we could answer it anecdotally. I suspect there would be a number of connections, but I could not provide any data.

Mr VALENTINE - I can understand why you would see it as a conflict.

Ms WEBB - In your submission, on page 12, you talk about your funding. You say the TLA receives non-recurrent funding to provide legal services to children facing charges. From what you then discuss in that paragraph, it sounds as though we have a shortfall of funding. Can you reflect for us a bit more fully on the degree to which children are being provided with the legal assistance and support they currently need in this State, and what would need to change to have that be fully funded and fully provided?

Ms WYLIE - That relates to the provision of duty lawyer services. We receive some funding to operate duty lawyer services for both adults and children.

Ms WEBB - Is it specified how much is to go to each, or is that something that is decided within TLA?

Ms WYLIE - We allocate; we are underfunded. Effectively, we carry all the super and the on-costs for those lawyers and, rather than not deliver services, as an organisation we carry those costs we are underfunded for. It is something that we will continue to advocate for, for these positions to be fully funded because they're crucial. It's absolutely crucial to have duty lawyers in place for both adults and children in every court in this State, every day they sit.

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Ms WEBB - If you weren't subsidising into that space in order to stretch it further, what is the shortfall in what you're funded to provide, and what would be needed to provide the services required? That's something that's easy to take on notice and get back to us; we can easily send that to you.

Ms WYLIE- We are underfunded by \$390,000 -

Ms WEBB - Per year?

Ms WYLIE - Yes.

Ms WEBB - That's pretty significant for you guys - not overly significant for a State Government though, I note. In your submission, on page 12, where you're talking about this and about recent funding provided to establish after-hours bail service in the north and north-west, but then potentially leaving children in the south without legal representation, is it the case that you have to rob Peter to pay Paul, in that sense? To be able to deliver a service somewhere, you have to take it away from a service somewhere else, and kids are going to miss out somewhere?

Ms WYLIE - Correct me if I'm wrong, but I think what we are seeing now is that the adult service, the after-hours service, is delivering services for youth in the south. At the moment, we are still only delivering weekend after-hours services for youths in the north and the north-west. Luckily, we are not seeing a lot of youths being arrested out of hours; we have only seen low numbers so far.

Ms ABERCROMBY - And the ones that we do see that are arrested out of hours, whether or not they're brought to court, is that we might have contact with them initially to give them some advice when they're at a police station. The decision is then made by prosecuting authorities - the police - whether or not they're brought to court. They're not always brought to court. As Kristen said, luckily, there isn't a significant number that we are seeing, but it's certainly a necessary service.

Mr WILLIE - Going back to the drug treatment orders - you talk in your submission about expanding that. We've heard about bail reform, but alcohol is not included in that option to the court. How valuable would it be to include that?

Ms ABERCROMBY - Hugely valuable.

Ms WYLIE - That and mental health, please.

Ms ABERCROMBY - Hugely valuable. A lot of drug and alcohol - licit and illicit substances - go hand in hand, although not always. There is a number of clients, a number of defendants that TLA represents that struggle solely with alcohol, and that deems them ineligible for the CMD service.

Ms WYLIE - Use of prescription medication is another matter.

Ms ABERCROMBY - Yes, because it's not necessarily illicit so it creates this gap. Similar reasons for offending, and yet one person is eligible for that program and the other may not be.

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Mr WILLIE - The issue is dependency, not necessarily the illicit nature of it. It's the dependency, and then the crimes that support that.

Ms ABERCROMBY - Absolutely, and without wanting to go deeply into the reasons behind addiction, the treatment for alcohol addiction can often be fairly similar to the treatment for drug addiction - urinalysis, counselling, detoxification facilities, mandated detoxification time, the creation of a journal and the encouragement to reflect upon their triggers for the use of such substances. I don't think it is any different to the use of cannabis or methylamphetamine.

Mr WILLIE - Anecdotally, do you see any of your clients using alcohol that then leads to further problems with drug use?

Ms ABERCROMBY - Yes, all the time. They are usually using them both. Often, I suspect again anecdotally, it's unusual to have someone on the CMD program manage to rid the addiction of illicit substances and then replace it with alcohol, because with that wraparound service they are already being treated and assisted. I imagine that part of that treatment is not to then encourage them to replace it with something else, albeit a legal substance.

The difficulty starts right at the beginning where often someone might, under their own steam, rid themselves of an addiction, which is then often replaced with an addiction to a substance such as alcohol. They have done the hard yards initially themselves, but in doing so, they have deemed themselves ineligible for a program.

Ms ARMITAGE - Talking about the underfunding and the people going to court, so I can get an understanding of your involvement, you are involved in every case, if a child is picked up and going to court that night, do you get contacted as a matter of course when they are going to court? Or does the child have to accept that they have to ask for you to be involved? They are going to court that night, they are held at the police station until they go to 8 p.m. court, and are put in one of the rooms for the time being. Does the child have to say 'I want legal representation' or are they asked? Or because they are under-age, do the police automatically contact you? I'm just wondering, with the funding, and how it works.

Ms ABERCROMBY - The child is brought to the police station and they're held in a cell. They are asked whether or not they would like a lawyer. If their answer is yes, I suspect the follow-up question is, 'Do you ordinarily have a lawyer?' when they can't remember their name. If they don't, Legal Aid is then routinely contacted. Some children decline that offer first up. Then they are brought to court and they change their mind. It is fairly common and it is common with adults as well. They are often asked by police if they would like someone to be contacted for them, specifically a lawyer.

Ms WEBB - Looking at the underfunding of \$390 000 per year, obviously you're not seeing everyone who is coming through the system. There may be a greater need.

Ms ABERCROMBY - There may be children who already have a lawyer privately funded or go without a lawyer. Legal Aid provides a duty lawyer service any day of the week.

Ms ARMITAGE - It has to be requested. It's not something that the police automatically give you a call when they get an under-aged person in?

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Ms ABERCROMBY - No, it is not an automatic trigger.

Mr VALENTINE - Some time ago now we had the debate in the Chamber about suspended sentences. It was taken out as an option. You mentioned this in your submission.

Do you have comments on suspended sentences and why they're so useful? Your submission says the use of imprisonment in Supreme Court sentences fell from 89.8 per cent to 78.8 per cent. You say the trend has been driven by the decreased use of suspended sentences. Over the page you say you want to see suspended sentences retained. Clearly, you still think that they are a useful tool.

Ms ABERCOMBY - Absolutely, yes. Stop me when I go too long. I can talk for hours about them.

CHAIR - That'll be my job.

Ms ABERCOMBY - I suspect the explanation for the reduction in the use of them is that CMD, the drug treatment order program, used not to be an option available for the Supreme Court, it could only be a Magistrates Court sentencing option. That's now changed. The Supreme Court can now avail itself of such an option.

Deferred sentences have been introduced, which operate somewhat similarly to a suspended sentence in that they hang like a sword of Damocles proverbially over someone's head. Suspended sentences as a tool are immeasurably valuable. They provide a warning to someone. It can be explained in such simple terms as 'you now have a jail term; this is a jail sentence for all intents and purposes'. Courts have recognised that it is a jail term, whether you serve it or not. Having a suspended sentence hanging like a sword of Damocles over someone's head can provide an incredibly valuable motivating factor for someone to reform and rehabilitate.

Those suspended sentences can also be linked to conditions. They are automatically linked to the condition that you not commit another offence punishable by imprisonment within a certain period of time. They can be linked to a probationary order that you successfully complete a probationary order. They can be linked to a defendant completing community service orders, commonly known as work hours. They might have 120 work hours. If they only do 119, then Community Corrections has the option to breach them, not just on that community service order, but on the suspended sentence. That's a very brief snapshot as to why it is an incredibly important tool.

Mr VALENTINE - Thank you. That gives me what I'm after.

CHAIR - We'll suspend Hansard for a couple of minutes while we clear the room for the hearing in camera.

The Committee suspended at 10:08 am.

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The Committee resumed at 10:28 am.

CHAIR - Good morning, Mr Dean, thank you very much for your time in amongst your retirement holiday. I have here as members of the Committee: Josh Willie, Rob Valentine, Meg Webb, myself, Tania Rattray, Rosemary Armitage, and Jane Howlett. You know Simon Scott, our secretary. We have James Reynolds on Hansard. And we have an ABC reporter with us, so that is very useful. I believe that you have the declaration in your hand, so you might like to make that. And you are very clear on how a Committee of the Tasmanian parliament works, I don't believe I need to explain that to you.

Mr IVAN DEAN AM APM WAS CALLED, MADE THE STATUTORY DECLARATION AND WAS EXAMINED.

CHAIR - I very much appreciate your submission. Would you like to add anything to that? How would you like to present to the Committee this morning?

Mr DEAN - Yes, there are some additional comments I would like to make. Since I have been on the mainland, I have listened on radio and TV to many discussions regarding youth detention in Western Australia, specifically by the WA responsible minister and a number of other people as well. It is very clear that the problems we have are not unique to Tasmania. They are very, very common throughout the whole of the country.

One of the points the minister over here was making was that one of the problems is you have all of these youths and you are housing them pretty much together in the same area. He is saying that that is a panacea for danger, it is not a good way to go, and that separation must occur. He said separation must occur of those who are not wanting to be rehabilitated and, sadly, there are many of them who are causing trouble. They need to be separated from the others who are showing some movement toward rehabilitation. He is saying that that is something the public may not accept, that there needs to be this separation, this isolation, I guess, to use another word, in some instances. It is difficult for the public to understand that and accept that. But that is where a lot of their problems lie and, hence, that is where a lot of the problems lie in this State as well, certainly at Ashley. That is what I am talking about. I think we need to get that straight.

The other point I wanted to make was the fact that these residents, probably most of them, have other issues impacting them, they have health issues. That should not be seen by you or anybody else as an excuse for bad behaviour. This is what the minister over here said, too, words to this effect. When you have people outside of Ashley, outside of the youth detention centre, attempting to blame the institution for their atrocious behaviour - and it is atrocious behaviour on many, many occasions - serious assaults on staff, serious damage to property, setting fire to buildings - when you give them support by saying it's an institutional problem et cetera and caused by the staff, and that is what's been said on many occasions, what you are doing is, in effect, condoning their behaviour. What that does is give them support and is encouraging bad behaviour. They throw that back at us. They were throwing it back at me while I was at Ashley. You know, 'It's not our fault, it's this place that's causing it'. That is not the way we can go and the minister here made a very strong point on that, that we've got to stop that nonsense.

The only other point I wanted to make, and it falls within the terms of reference there somewhere, is that I feel really concerned about the staff at Ashley. You have members there

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that have been on standdown, suspended from duty for up to two years, several for 18 months and longer, with no action really being taken, no support being given to them, no consideration given to them and their families, and their families are suffering. I have had some of these people speaking with me - I have to be careful what I say here - in absolute tears, crying, in giving their version and giving their story. It is just cruel.

Having said that, I am happy to answer any questions that the Committee may have.

CHAIR - Thank you very much. You don't mind if I refer to you as Ivan?

Mr DEAN - No, that's the way to go. I prefer that.

CHAIR - When you talk about isolation for those youth who appear not to want to be rehabilitated, is that isolation in the same facility or do you mean isolation or taking away?

As you know, there have been proposed by the Government five centres for youth detention across the State. At this point in time, I have only heard of one centre or area being identified for a rehabilitation centre. Is that what the West Australian minister responsible is talking about or is it just isolation within the one facility type of model?

Mr DEAN - The minister made it very clear that there needed to be isolation of the hardcore group that are causing many of the problems that they have and are continuing to have. He says they need to be brought away and kept separate of the others. He didn't say whether or not that would occur in a separate area, separate unit, separate building or whether a building needed to be constructed in such a way that those groups could not meet.

This is what happens in Ashley. They have a number of units and they are segregated to a degree. There is a unit where those who are better behaved go to and others go to other units. But whenever there is even a remote opportunity for them to come together, I use the term and I used it in my submission, all hell breaks out. They jump fences, they scale fences to get at each other. It is horrendous.

In answer to your question, the minister is saying that isolation must occur. That's something that the public will probably find hard to accept, but it will have to happen.

CHAIR - Thank you. It is quite clear to me then that it's a segregation approach and it could be in the same facility, not necessarily in separate facilities.

Mr DEAN - That's what I understood the minister to be saying, but he might not have. He might have been saying we need to construct these separate buildings. I don't know. He didn't make that part clear other than that they need to be separated.

Ms ARMITAGE - Just reading your submission and also Brett Smith's, with regard to your time at Ashley, what suggestions have you got for the residents, I'd guess you call them, that when they do something wrong, for example they throw food around, they have sexual assaults, what actually can you do? When they say, for example, 'You can't make me clean it up, you can't make me do it', what's the situation there with the staff when all of a sudden it is, as you said earlier, that they basically get power by saying, 'You can't make us, we can do whatever we want while we're in here, and you actually can't make us clean it up, you can't make us fix anything'? What suggestion have you got that can happen or what improvements,

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do you think, can occur at Ashley as it currently is to improve the situation, particularly for staff and for the residents? Any ideas, having been there yourself and worked there?

Mr DEAN - It's a great question because this is one of the real problems. There are no lines, there are no areas where you can take any real action against them. The punishment they're given in that situation is that a report is submitted and then some benefits can be taken away from them. There's a colour-coding system: those on a green colour-coding system are given pretty free access in the centre, they can get certain things where others can't get it; there's a green, orange, red suit - the worst colour, where you're pretty much not able to get the benefits, you're not able to get that extra money. They get a certain amount of money in Ashley for being there but on a certain colour code, they get more than the others.

But that doesn't concern them, they're not worried about that, they don't give a damn about that, so how can you make them? You can't make them. They're challenging you all the time: 'Go on, physically touch me, I want you to touch me, make me'. It's just crazy, honestly.

I sat there on one occasion where the senior staff sat with a resident girl in Ashley and they were talking to her for over an hour, trying to get her to do an action that was required of her. She just sat there and abused them, swore and carried on. That went on for an hour. You just can't do it. You try to talk to them, you try to get to them. It is difficult and I'm not sure what the answer there is. I think once we have the answer to that, we will probably sort out a lot of the problems. Other than the fact that I think there's got to be some harsher penalties, unfortunately, taken in some cases, like putting them into their rooms. To do that, you have to use force -

Ms ARMITAGE - Does age make a difference? Did you find that it made a difference that the worst behaved were, maybe, the 15- to 16-year-olds, or were the 11-, 12-, 13-year-olds just as bad? Did you find any difference between the ages of the residents that were there in their behaviour, particularly perhaps with the sexual assault and the abuse of staff? Was it one particular cohort or age group or was it right across the board?

Mr DEAN - No, right across the board. In fact, as an example, we had a 12-year-old who came into a unit where I was, Bronte Unit, which was the better behaved unit at Ashley, with those showing some responses to rehabilitation. Well, he came in there and caused mayhem from the very minute he was in there. He blocked up all the locks on the door, he stuck wood in them. He was able to pick that up outside. He created mayhem and was then moved back to another unit very quickly. He was even sexually abusing some of the staff as well. He was 12 or 13. It was across the board.

Ms HOWLETT - What do you mean by sexually abusing the staff?

CHAIR - This is in open hearing. If you wanted to take that question in camera, Ivan, we're happy to do that before you leave us today.

Mr DEAN - I think it might be better to do it that way. The incident I'm referring to was reported. Because they knew of my background as an ex-police officer, the victims of the incident came to me, asking me what they should do about it because they weren't happy with what was happening in the centre at the time.

CHAIR - We'll take that at the end before we leave rather than go out and come back in.

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Ms HOWLETT - Our previous witness stated that Ashley Youth Detention Centre wasn't a safe environment for detainees. Do you have an opinion on that?

Mr DEAN - Yes, I certainly do. There's nothing wrong with the Ashley Youth Detention Centre, in my view. I was there for three months in 2022, only last year, and then I was in charge of the centre in 2001-02. In my view, there need to modifications made to Ashley Youth Detention Centre if it was retained. Of course, it does. It is archaic in a lot of its construction and in how things should be done today. But the staff are maligned unfairly. The staff go out of their way.

I'm not saying that there haven't been issues at Ashley. I don't know; I've only been there three months. But the time that I was there, the staff in my opinion were quite exemplary in their behaviour, bending over backwards to help these youths in the midst of being violated themselves, physically assaulted or abused. The language is absolutely unbelievable, which had difficulty with because I'm not that type of person to accept that, but I had to accept it in Ashley from the residents.

In my view, there need to be changes, yes, but the staff were doing an absolutely wonderful job in extremely difficult circumstances. How they put up with it the way they do, I don't know. I could never work at Ashley full time. It was just beyond me to do that, but I put up with it the short time I was there.

Ashley is a place that can be used for the rehabilitation of residents. As an ex-magistrate said to me, you're dealing with the worst of the worst - residents who have had many appearances before the courts, who have not accepted rehabilitation in every way possible. You're dealing with that type of person and the public doesn't seem to understand that.

Ms HOWLETT - Thank you.

Ms WEBB - I wanted to go to some things you mentioned in your opening remarks around your concern about staff at AYDC who are being suspended and then there's an extended time across which it appears that that isn't being addressed actively. Therefore, there seems to be a failure of natural justice, I would think, and it's what you're pointing to. That's very distressing for those, potentially. Are you aware of what the holdup is? Are they kept informed or updated on what progress is being made to do whatever is needed to resolve that situation?

Mr DEAN - No. That's a good point you've made. The staff are muzzled under the act under which they work, the State Service Act. They are not able to talk to people about their issues and their complaints made and so on. They've said they've got to keep that under control. They are not being informed of where they are at and what's going on. That is one of the problems.

I've spoken to family members of these people and they are suffering. Their kids are suffering as well. I would like some of you to talk to some of these people that are currently on suspension and get a feeling from them as to where they are and what's happening to them. I cannot believe that a person can be suspended for two years - and I think it is longer now. I know some have been suspended for 18 months and have had little contact or feedback on where they are at and what is going on.

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Ms WEBB - So, they are not given an understanding of what it is that is holding the process up necessarily or what steps are being taken?

Mr DEAN - That's true. This is the information I am being given. It might have changed since then, but I doubt it. The last bit of information I got was back about three months ago when I had some contact in relation to what was happening with the suspended people.

Ms WEBB - I appreciate that you have shared your view on the quality of the staff and accept the view you have presented. You comment on training in your submission and express that you are not satisfied that the level of training provided is adequate to really equip and support people well to be in that environment, which you have described as fairly extreme. When you were brought in as a retired police officer, you were given an induction day. Presumably, people who are employed there on a more permanent basis are provided with training. Can you speak about the adequacy of that, given what is going to be required in that workplace?

Mr DEAN - I can't give you the training syllabus that these youth workers go through. I can't give you all those details. I am not aware of the whole syllabus, but what I am saying is that working in that environment is so harsh, so difficult, I am just not quite sure what the level of training should be.

Some of the people coming in to work at Ashley are reasonably young people. I am not sure how you can get through to some of these people that they are going to be subjected to violence and threatening behaviour almost daily. So, how do you train a person to be able to work in that environment? It would take a lot of training and it takes a special type of person, in my opinion, to put up with that.

As I said, one police officer left Ashley only after a few weeks of having been there, because he was in fear. I think he did the right thing by doing what he did. Simply walking out was a feat. One day, he had taken enough and he just put his gear down and walked out of the centre saying that 'I can't take any more of this'. I think that is an indication of just how tough it is; there is an officer who had been in the police a number of years.

Ms WEBB - Presumably, like you, Ivan, he was somebody who was given an induction day and then brought in, so it would not necessarily be representative of the more long-term staff.

Mr DEAN - Long-term staff have weeks of training and they go through the facility regularly and on work training as well. They have a number of weeks in their syllabus, but I am not quite sure how many weeks of training they go through. I am not certain of the exact way their training is carried out.

Ms WEBB - I find the terminology interesting. They are called youth workers. From my background in the community services sector, people whose job is to be a youth worker have had some years of training to be in those roles. It is an interesting thing. We might be able to get better information about the extent of the training that is provided and how that looks compared to, say, someone who is training to be a youth worker in a community services scenario which, again, deals with kids who have some pretty high-intensity needs.

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Mr DEAN - Absolutely true. I had the training to be a police officer and went through that and many other areas. Even in my time in Cyprus, I went through a good training period there to ready me for that work. At Ashley you would need at least a five- to six-month training course to ready a person to work in that environment.

Ms WEBB - At least, I'd think.

Mr DEAN - At least.

Mr VALENTINE - You talk in your submission about the educational subjects that are offered and how some of the residents refuse to attend. You talk about Balanced Choices. Can you expand on how to improve the educational opportunities that are being presented to provide better opportunities for the residents?

Mr DEAN - Balanced Choices was a great program. Balanced Choices is the company involved in this and the person that comes into Ashley to provide that support is a great person. He can sit down with these residents and get even the toughest of the residents to listen to him. He goes through what they need to do, how they can make themselves better and then he shows them physical exercises and gets them involved in the physical side of things. He provides them with a lot of information where other people in a similar situation have seen the error of their ways and moved on.

He is doing a brilliant job. Ashley could probably have more of that activity coming into the centre. The education officers are doing a brilliant job in difficult circumstances. They are providing lessons, courses, assistance and support to the residents in extreme circumstances. They put up with things being thrown around from time to time. They put up with abuse.

They stick to their job of trying to provide educational courses and lessons to these residents. The problem we had when I was there was that they were short-staffed. How a government, how a State, could allow Ashley Youth Detention Centre to get into the parlous state it was, I can't comprehend. It was in that very poor position and therefore a lot of the education subjects could not be provided. That wasn't in the best interest of the residents. Some of them do participate in those programs. It's a good thing for them.

They have to keep the staff numbers up at Ashley. The education side of it is a very important part of it. Many of them do not participate; many of them do not want to participate.

Mr VALENTINE - Ivan, if those sorts of programs were available outside of Ashley, wouldn't having those programs first being available in the system be a better way of diverting children or youth from facilities like Ashley?

Mr DEAN - That is a very interesting issue. Even the very best of youth at Ashley from time to time, unfortunately and sadly, create issues and create problems. They are there because they have done wrong. They are there because they have committed crime. They are there because they have committed a lot of crime or very serious crime. To provide the outside opportunities for them, you would need to have two to three staff there with them the whole time because of what happens and how they react from time to time. Somebody only has to say the wrong thing or something that they do not like and all of a sudden, they just erupt. I saw it many times.

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Most of them have other problems. As I said in my opening address, those other problems that they have should not be seen as an excuse for their bad behaviour. That's what the minister said in Western Australia: you cannot use that as an excuse to support their bad behaviour. Getting them outside, yes, maybe, but I think that will also create a number of other issues.

Mr VALENTINE - Looking at the other side of it, if they were to exit Ashley, what suitable support do you think those young people should have in order to reduce the recidivism?

Mr DEAN - I wrote further to that in my submission. I had a number of these residents say to me, 'What happens when I get out of here? I go back to my home, I go back to the same environment that I came out of and you think that I am going to turn around?' What they are saying is, 'We need to have a place to go that we can get away from that previous environment that we have been in to give us the support to move forward'. A number made a similar statement. I felt for those kids. I said, 'We need to try to get you to a place, we need to try to get you into a position, a job, and we need to do better and more than we currently are'. Talk is not going to help unless we take positive action to do something about that.

A couple of the kids said to me, 'If I go home, I'll get into trouble again, I'll be back and will see you again'. One boy rang me a few days after he was released, after he was back home. He said, 'I'll be back, I'm coming back, mate, I've done the wrong thing, I'll be back to see you again'. It's just a crazy situation. The area we really need to work on is getting them a good place when they leave Ashley and with support. They have to have support. They have to have some financial support. As they said, 'We come out, we have little money, we need it, we have got to have support'.

Mr VALENTINE - Would having some of those programs like Balanced Choices available outside as they are exiting work as a diversion?

Mr DEAN - It would be brilliant. If you could have something like Balanced Choices meeting with these residents after their release from Ashley, I think that we would see a lot of gain from that.

Mr VALENTINE - Thank you.

Mr WILLIE - I am interested in your saying there is nothing wrong with Ashley. Do you support the Government's move to close Ashley down and establish new facilities? Part of that is what you started to talk about with the separation, bail houses and a secure facility, and facilities in the north and south, so there might be more support for them in the communities that they live in.

Mr DEAN - I had some concerns with it when the statement was originally made, the quick decision that was made for all of this to happen without a lot of thought. Ashley, if it remained the centre for juvenile detention, would need a lot of work done to it. Some of the units are so old. The work practices [inaudible] in them are restricted and it causes problems, not just for the youth worker but for the residents. There would have to be a lot of changes made to Ashley. Do I support the Government's position in these separate places? It's a difficult question to answer, because buildings alone will not fix this problem of trying to get youth on the right path, trying to get youth back out there into society and doing the right thing.

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It will depend a lot on the structure of those places. It will depend a lot on the staff that are going into those places. I've had difficulty with a number of places that they've suggested that they're going to build around the State. To me, will that work? I'm not too sure because you've got to have places that are fairly restrictive of these youth. They're there as a last resort, as magistrates will tell you. They are there as the absolute last resort. If you talk to the magistrates, they will tell you, 'We've done everything to get them back on the right path'. So, Ashley then is left with the current setup, with trying to turn them around when magistrates haven't been able to do it and nobody else has been able to do it. So, it's up to Ashley to try to do it.

So yes, there needs to be change, but whether it's the right structure that they've got in mind, I couldn't really answer that at this stage.

Mr WILLIE - You've been in policing a long time. You talk in your submission about a period of unrest in 2001 where the police went into Ashley to try to stabilise the situation. Are kids presenting differently these days to years gone by, or is it pretty much the same sorts of issues and there hasn't been government responses to deal with it adequately?

Mr DEAN - It takes a long time to properly answer the question in detail. Things have changed a lot since I was there in 2001-02; as the commander of police, I took control of Ashley because of the unrest there and the unreasonable number of escapes at the time. It was during Judy Jackson's time, you might recall -

Mr WILLIE - I was a very young man then, but I do recall.

Mr DEAN - [inaudible] shortly after that, as a result of what was going on at that time. At that time there were, from memory, 30 to 40 residents at Ashley. During my time I think the least number was 11 or 12 and the most was about 17 or 18, something like that. There's been a huge change from that time - 2001-02 through to 2023. I think the numbers have gone up a bit at Ashley in the last few weeks; I read something the other day where the numbers were up around the 20 mark, it might have been a bit more - the most they've had at Ashley for quite a long period of time.

There's been remarkable changes made in the system. I'm not too sure on youth crime, it would be interesting to see it at the present time, but I'd be very surprised if the statistical data on youth crime is dropping. It may be and I hope it would be, but I doubt that it is. But we are seeing more youth now on other programs that keep them out of this detention centre, and that's a great move forward.

The magistrate I spoke to in relation to this said, 'Yes, we've got many more opportunities now to do other things with these kids to get them on the straight and narrow, and we're using those and it is successful in many cases'. The Government has put in place structures to make a lot of changes that are beneficial to youth, moving forward.

Mr WILLIE - In terms of the way kids are presenting, it's pretty similar the whole time through your career?

Mr DEAN - Sorry?

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Mr WILLIE - In terms of the issues and the ways that kids are presenting to the justice system, that's pretty similar throughout your career - similar sorts of issues, similar sorts of offending behaviour?

Mr DEAN - Yes, it is very similar. As I said in my submission, I talk to these kids; I was able to get on pretty well with most of them, I think my age had a lot to do with that. They knew more about me than I knew about myself when I first got there. They could tell me things that I had probably forgotten.

CHAIR - They must have googled you, Ivan.

Mr WILLIE - They were probably looking for leverage.

Mr DEAN - But kids today, they're expecting more, there's no doubt about that. They're trying to keep up with those kids out there that have got just about anything and everything, which creates a problem as well. But today they're baiting the police, and it's a challenge to them. Many of them in Ashley would talk about what they're going to do when they get out - we're going to steal a car; this time we are going to make sure when we speed, we speed through city centres and so on because police can't chase us. It's just a game to them. Here in WA at the present time, there's a real thing about youth stealing vehicles and going to where police vehicles are, driving into the police vehicles. It's a situation that is getting out of hand in some places. We saw a lot in the news recently about the problems in Victoria with youth on the road as well, so it's a problem.

Ms ARMITAGE - Ivan, we were told earlier that a lot of young people are being sent to Ashley before they've been sentenced. They're going there on remand before they've been to court and sentenced. Did you find that a lot of that happened, and if they do go there before they've been sentenced, we were told that more often than not, they don't end up getting a custodial sentence even though they've spent time at Ashley. Did you find that happened a lot, and if they do get there, are they put into the general public area or are they put into a safer area where they're not mixing with everyone?

Mr DEAN - No, they only have four units at Ashley and they go into those units, they do mix with the others that have been sentenced. The fact is, the ones that I knew - I'm not speaking of all of those that came into Ashley while they were on bail or before they were sentenced but a number of them, the ones that I did speak to - had a raft of criminal activity behind them. They had 50, 60, 70 prior convictions for stealing and motor vehicle stealing and the rest of it, and were in Ashley on remand for further criminal matters. The process to me is reasonable because while they're at Ashley, they are reported on as well, and the court takes that report into account and how they have been behaving while at Ashley. Have they been, for instance, working with the education officers? Have they been doing the right thing, that is reasonable in the circumstances? Magistrates are using that as a bit of a sounding block to see how that person is going -

CHAIR - It's helpful?

Mr DEAN - Where the person has not been sentenced and has heaps of prior convictions and is before the court on further criminal activities, what do you do as a magistrate? They are in a position of saying do we release them on bail again, where they may commit further crime without any real support, or do we put them into an institution at this stage just to see how they

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will behave in the meantime, and before we can provide a sentence in relation to them? I think magistrates would be using the experience of that youth in Ashley, to determine what they should do.

Ms ARMITAGE - We were told earlier that many go to the police station; they do a late night court sitting; they are remanded to a court date. Did you find that many were in Ashley because they were homeless, as opposed to having a raft of other criminal convictions? We were told this morning that many were sent to Ashley because they simply didn't have anywhere to live.

Mr DEAN - I never experienced that, that a person was in Ashley simply because they didn't have anywhere else to go. They are in Ashley - the ones I've spoken to - because they had many prior convictions for criminal activity and were before the court at that time, for a raft of further criminal activity.

I think it would be quite preposterous to think a person with hardly any convictions at all would simply be in Ashley because there is nowhere else for them.

Ms WEBB - Nowhere else to send them when they went to court that night. I appreciate that, thank you, Ivan.

The Committee suspended at 11:10 am.

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The Committee recommenced at 11:34 am.

CHAIR - We will recommence our hearings and welcome representatives of the Tasmanian Aboriginal Legal Service. Thank you very much, not only for your submission, but also your time here today. I take the opportunity to introduce members of the Committee: Josh Willie, Rob Valentine, Meg Webb, Tania Rattray, Rosemary Armitage and Jane Howlett. We also have Simon Scott, our secretariat support, and James Reynolds will be on *Hansard* today.

This is a Committee that is taking sworn evidence and after I have made a few points, I will ask witnesses to make the statutory declaration and I will welcome you here again, today. All evidence in this hearing is protected by parliamentary privilege, but I need to remind you that it may not be the case outside of this forum. If there is anything that you feel that the Committee may benefit from hearing in camera that won't be on the public record but will be for the Committee's information, knowledge and understanding, then please request that and we will facilitate that. We have done that in the past and will continue to offer that opportunity.

Again, we very much appreciate your time and I will hand over for you to take the statutory declaration which is in front of you.

Ms HANNAH ROBYN PHILLIPS, PRINCIPAL LAWYER, TASMANIAN ABORIGINAL LEGAL SERVICE, AND **Ms LEA-ANNE CARTER**, COMMUNITY ENGAGEMENT AND PROGRAM MANAGER, TASMANIAN ABORIGINAL LEGAL SERVICE, WERE CALLED, MADE THE STATUTORY DECLARATION AND WERE EXAMINED.

CHAIR - Is there any opening statement that you might like to share with the Committee?

Ms CARTER - Firstly, I would like to pay my respects to the palawa people and to elders past and present and our young people emerging. I would like to say that sovereignty has never been ceded, always was and always will be Aboriginal land.

Thank you for having us. I have not done one of these before. I'm not sure if you take it as read or if you would like an overview of the paper?

CHAIR - You don't have to do a full overview. There might be some points that you might like to highlight to the Committee; if not, that is fine as well.

Ms WEBB - We will ask questions after that. It is anything that you would like to prime the pump with.

Ms CARTER - I will jump straight into it. Our paper, as you would have read, goes through some of the factors, as we have pointed out, which are self-evident about some of the socioeconomic issues that a lot of our clients and our community members face.

In particular, we've highlighted through our submission about mental health and substance issues and housing, which seem to be some very big areas that impact on our community's engagement within the community, but not just within the community, with completing the orders and being able to properly get back up on their feet, particularly once they exit and reintegrate back into society after they have been in custody for a period of time. That is not to gloss over those particular issues, as we know.

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We then go on to speak about the lack of cultural supports. One thing I would like to stress is that there is one Aboriginal employee in Tasmanian prisons. To give you a background, I have relocated from Victoria. I have worked in the justice area for about 26 years. The last 11 years I have worked at the Victorian Aboriginal Legal Service as the statewide manager, and have enormous experience in dealing with custody matters, welfare matters, deaths in custody - I was part of the Justice Conclave for the Veronica Nelson matter with the Coroner's Court.

My experience is pretty vast, as an Aboriginal person who has also experienced family going through the system. I have a very good understanding. The fact that Tasmania has one Aboriginal staff member - and that is our staff member - absolutely floors me. It is astounding. What's really surprising is that Tasmania hasn't had very many deaths in custody. I would argue that it is not a matter of if, it is a matter of when. I don't want to see this State covering its butt after the event because the lack of cultural supports within this prison is disgusting. They are absolutely disgusting. They're not there. And it is not because the prison does not want them there; it is because they don't have the funding to have the programs and the staff on the ground. And when they have previously, it has failed. It has failed because it hasn't been properly resourced, hasn't been properly funded and they don't have the cultural support within the prison, within the infrastructure, which they themselves have recognised.

That was part of that lack of cultural supports I was talking about. There is a lack of supports for someone going to court. One of the very big things that got noticed, particularly in some of the recent coronial matters in Victoria and other states, is the lack of cultural support while someone is attending court. Getting legal representation or bail is absolutely crucial to their health and wellbeing as they are going through that system. When it's not, we see what the tail end of that is. It results in deaths in custody and it results in the recidivism we see consistently throughout.

The next part of our submission talks about the use of evidence-based strategies. That touches on the fact that there are other states that have programs. Unfortunately, we see clients coming in - in particular, there was a young person I was dealing with not long ago who wanted to do drug and alcohol who could not actually get into a proper rehabilitation program here. I used some of my contacts in Victoria. But we shouldn't be doing that, we should have these programs on the ground and available for these young people in their own community, close to home and close to where their support and peer networks are. As we know, once we remove a child or a particular young person from that support network, that's where it becomes more difficult. If you're going to reintegrate back into that support network and it is not there, or it is not as strong, we know that that young person is going to continuously go through the system as well.

CHAIR - Can I clarify the particular young person that couldn't access that program, was that because the program was full? Or was that because they did not meet some of the criteria?

Ms CARTER - It was because the program they needed, which was an in-house very tailored sort of structured program, was not available.

Ms WEBB - We have no rehab programs for drug and alcohol for young people and children.

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Ms CARTER - Yes. That is a huge issue and it is one that we see quite consistently, particularly with young people. When they are looking at having to go interstate and we are having to use resources from other organisations, or try to tap these young people in, it's really concerning. If it was my child, I would be really quite concerned.

It is much the same with mental health as well. There are massive cuts and things like that. We have had clients that had been basically weighing up: 'Should I catch the bus? I need to catch a bus, gotta get my medicine but at the same time I've got to go meet my worker, got to meet my court requirements. So is it going to be I spend my last bit of money catching a bus to make sure I don't do that or can I go get my medicine?' That's if they can afford the payment for the medicine or the mental health plan upfront. Of course, the significance of that is, alcohol and mental health in particular, we know that cohort of people entering into prison is double the amount of people going in. So, you can be guaranteed that twice the people going into custody are people struggling with mental health and drug and alcohol issues. There again, Tasmania doesn't, as you rightly pointed out, have those supports in place. We shouldn't have to be moving anyone away from their community or from their supports and things like that in order to provide the treatment that they should be rightly provided.

CHAIR - Thank you. How are you going with your overview? That's fine; I have got them lined up here for questions.

Ms CARTER - We went on to speak about training and support. When we are talking about training and support and things like that, it is also around the cultural understanding and what should be at all times mandatory cultural awareness and things like that, staff regularly going through it. It is not unheard that a client will kick off in custody or have a really hard time, or get put in isolation or lockdown because they have responded to a comment made by an officer or something like that that is inappropriate. I was just looking at the language in the standing directions orders within the prison and they are still using the acronym of ATSI, which is highly offensive.

I am also aware that the regulations that are done through the Ombudsman for the checks that they go in and do isn't even modelled off Tasmania. It is modelled off Western Australia. They are the checks for the Ombudsman to go in and make sure everything is okay, and when you read through them, it will say, 'Aboriginal prisoners can have access to a medical worker', and I'm like, where did this come from? Once we unpacked it, that is when they said that the model was actually based on Western Australia. So, it is not even tailored to the Tasmanian prison system or the prisoners that are here.

Ms WEBB - Can I just clarify that that is a custodial inspection report you are talking about there?

Ms CARTER - Yes. The significance of that is, obviously, that they go in, they check the operations, they check the health, they check if everyone has been provided their rights within those 12 or 13 rights, things like that, and have got access to their cultural and their religious stuff. But they are Western Australia's.

I have heard this rhetoric a bit that, oh well, Tassie is not doing as badly as other states, Tassie is not doing as bad in Closing the Gap as other states. It is not a flex[?] to compare what is actually going on here because the situation here, while there is a lot of stuff that needs to be done, there is some really positive stuff. We are having a conversation that, unfortunately, in

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order to address a lot of these issues, we need to focus so much on the negative. But we are not actually seeing the positives of what young people at the other end are doing. How that change is made is really significant as well. Those changes have been made through a lot of support and intervention, but also through programs that are community-led and driven.

Just moving on to finalise this thing, training and support. And as I said, that obviously goes to part of those custodial regulations, the training of staff, staff awareness and things like that. It is great to have all the awareness but, once again, you need the programs within the system to actually be able to make some change.

The last part of it was to look at any other incidentals. One I would hope you would hear on is the lack of Medicare. As we know, any time a person enters custody and is in prison, they are not eligible for Medicare at all and that leaves them to the health system within the prison, which is not always culturally safe or available to prisoners. I think that the access to Medicare should be an issue that needs to be looked into.

CHAIR - Obviously that is a federal government responsibility.

Ms CARTER - Correct.

CHAIR - Is that something that has been broached with the federal government?

Ms CARTER - I believe that there is a current conversation through the Justice Policy Partnership, because they are looking at the relationship between the ACCAs [? 11:48:31] and the legal services, and what impact that provision of services is having on prisoners at the moment, but also what the lack of health services within a prison looks like.

It is not unusual if you sit down and you yarn with some of the prisoners, like we have at some of the expos, and they will say, 'Oh yeah, put my forms in to go see a medico and I'm still waiting on the response back'. I remember speaking with another prisoner and they were saying that they had an acquired brain injury and I said, 'How was that diagnosed?' et cetera, trying to work out if that was a formal diagnosis, and it was. But they had been given no information about what that actually meant, which was pretty remarkable - that you tell someone that they have an acquired brain injury but you do not actually explain how that impacts on them or -

CHAIR - What to look out for.

Ms CARTER - Correct. But also when we are talking within a context of any person having a disability within a prison, they are exceptionally vulnerable. And if the prison is not aware of it, that makes it even harder to address the issues. When Hannah and I have spoken with the TPS, we became aware that tracking clients with mental health and disability, or even drug and alcohol issues, has not been a priority. I asked how many Aboriginal prisoners they have that have drug and alcohol issues, or have mental health issues. They said not with the data, not with the system that they have to capture it now. If data's right, that should be on the front end of anyone walking within that prison at the very first stage, in order to assess what's going on with that person.

Ms PHILLIPS - How do you support someone's rehabilitation when you don't understand their issues? For example, we have had a client who has had a diagnosis of cerebral palsy. He has believed his whole life that he has had an intellectual disability and he has been

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in and out of the prison system. When we told him, once we paid for a report, that he doesn't have an intellectual disability and something that he has lived his whole life thinking that he does, he feels like the shackles have been taken off his legs because he has been living his whole life thinking that he was something that he wasn't. We don't want people to get to the point where they're at prison. To just gloss over people's issues, how are you supposed to address the root cause of offending, or support people with their relevant backgrounds if you don't know it?

CHAIR - Anything else that you'd like to add to Lea-Anne's contribution before we open it up for questions?

Ms CARTER - I'm very happy to open it up for questions.

CHAIR - All right, thank you very much.

Ms HOWLETT - Lea-Anne, you mentioned there's one staff member for the whole of Tasmania; where are they located?

Ms CARTER - Risdon, predominantly within Ron Barwick, within the medium section there. If you've ever walked through prisons, quite often you'll get bailed up, or have half a dozen people hit you up and say, 'Hey, I need this and this'. It's very difficult for that one staff member. To put that staff member in context, we got funded to run a reintegration program looking at formal training and employment. When they leave prison, the problem is the program is pretty moot when you have so many issues before that. There's mental health, drug and alcohol, someone who isn't prepared to go into training or to any formal education or employment when they leave.

Ms PHILLIPS - They don't have anywhere to live.

Ms CARTER - They're more focused on their housing, they're not so focused on wanting to get a job, able to get a job, or can't get a job if they have got nowhere to live or no stable accommodation.

That one staff member is in Risdon. With the new remand centre opened up, there are more prisoners needing support. That can be as simple as helping them make sure their family members are on their contact list, navigating their way through the prison, or knowing who is a safe person to speak to to get that cultural support when they need it.

Ms HOWLETT - Are you aware of the literacy levels in the Indigenous population in Risdon?

Ms CARTER - We've been attending a few of the men's expos down there and have had pretty good opportunity. A lot of the fellas in there have massive literacy issues. That affects the opportunity to enter different programs and training. I know they have bridging programs but if you don't have the basic literacy skills, it makes it extremely difficult, particularly when clients get legal papers.

Ms PHILLIPS - They're complex.

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Ms CARTER - They're complex. A few clients have got the high-risk offenders paperwork and have no idea.

Ms PHILLIPS - It takes a few days to get advice. It is difficult. Even just being able to get a client to sign an affidavit or a bail application, it goes into the ether. You don't know whether someone's going to be able to read it to them. You have delays trying to get appointments with your clients. You have 10 blokes in the yard yarning behind them so you'll hear 10 different things. It's really complicated and you hear family members who are contacting you saying that your client is distressed because they don't know what's happening with their bail application and you just can't resolve it on the spot.

Ms WEBB - I just wanted to go back to the earlier question from Ms Howlett about the staffing levels and there being one cultural support worker available. Have you got a measure by which you can assess what should that staffing cohort look like in Tasmania? Given our prison populations and given the proportion of people who are incarcerated who are Aboriginal, what should we be looking at here as best practice if we were to have that appropriately staffed?

Ms CARTER - Absolutely best practice would be to have a staff member in each of the areas, at least. At the Southern Remand Centre, I'd be looking at a few staff members, whereas your population, say, within Mary Hutchinson with the new women's area is much smaller, but Aboriginal staff should be available in each of the areas within a prison.

Obviously, with remand, because there's a lot more going on, someone's just come out of court of they've got a new court date or are not quite sure who their lawyer was, or they need something followed up and things like that. Because they are between that remand and a sentencing they are exceptionally vulnerable as well because, as we know, remand prisoners are not entitled to supports during that period. You can't undertake programs for any rehabilitation, so you could be sitting on remand for a period of time and then all of a sudden you're released, but there's no support. You haven't sorted out your housing; you haven't been able to organise your medication or something like that, and then you're out in the streets.

Ms PHILLIPS - Could I just make a point here too to say that there are people every single day who are released with conditional orders that they do programs. They live in rural or remote areas, they don't have any transport, and you've got a captive audience whilst you have them in prison, and you've got someone who could have done any type of program whilst they're in there, and all of a sudden they're released with all of these huge conditions that they can't comply with because of things outside of their control that could have been done beforehand.

CHAIR - Previous information tells us, or has suggested, that short sentences just don't support anyone, particularly three- to six-month sentences where - exactly that point that you've made - that's the regular occurrence; nobody has time to enter a program or at least anywhere near finish it. Do you have a view around those short sentences?

Ms PHILLIPS - I don't think that prison is a good option in almost all circumstances, but I also think that if the prison worked effectively with the supports that it would offer, then you could do education in a very short period. I do not think, and I know that there's been a push for this, but suspended sentences work and short sentences are better than long ones.

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Someone who goes into custody for a long time, the impact that has on somebody, being away from family, community, the corrupting influences of prison, the impacts of lockdown - it just cannot be underestimated the impact that's having on our clients. Being essentially in a cage for hours and hours on end with significant mental health issues, past trauma - that is going to make someone a thousand times worse and then, once they get out, the community are going to be more at risk.

At the end of the day, everyone who is in custody is a person, and if you actually saw what was happening on a day-to-day basis in those cells, you would be alarmed. People not having toilet paper, people not being fed properly with dietary requirements, not getting access to health quickly. I had a client the other day who was bitten by another person in prison. It took about three days of him jumping up and down to say that he needed to be tested for hepatitis. Imagine sitting in a cell not knowing whether you've been given hepatitis and not getting the appropriate health care and not being able to do anything about it.

Mr WILLIE - I'm a former teacher, so it was pleasing to see you saying that education's part of the puzzle, and child safety as well. You mentioned in your submission that 39 per cent of kids in Child Safety are from an Aboriginal background. What could the system do better downstream at that point for Aboriginal children so that they don't end up incarcerated?

Ms CARTER - That is a loaded question.

CHAIR - I said we would walk you through it. I did not say the questions would be easy.

Ms CARTER - I am always up for the challenge.

Mr WILLIE - If they were easy solutions, we wouldn't be here asking you questions.

Ms CARTER - I can tell you were a teacher.

When you say 'down the track', are talking about at what point?

Mr WILLIE - Downstream. We are obviously identifying kids and kids in out-of-home care have a high chance of ending up in the justice system. We are red-flagging a lot of kids through the school system. You can go to anybody in the prison system right now and look at their school file and there would be -

Ms CARTER - These flags are probably not answered.

Mr WILLIE - I am not saying we are not responding, but what could we do better for Aboriginal children before it ends up in incarceration?

Ms CARTER - First of all, thank you for your question. I probably would have phrased my question a bit differently. It is interesting you say 'downstream'. Because if we are looking at 'downstream', you have missed every opportunity that has come along before that to actually circumvent and divert that young person from the system.

You are talking about kids that are already coming to the attention of child protection. As we know, there are steps before that: one, educators in schools. They have a massive

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opportunity to be able to identify the risk factors, particularly for kids that are struggling or in family violence who have a lot of trauma. Pack the supports around that young person, their siblings and family, by taking that back even further, is when a young person first comes to the attention of police. As we know, child protection is basically a walking pathway to the justice system because we know that kids that end up in child protection have a much higher chance of ending up in Youth Justice.

I think one, as educators and also taking it back to police. Police are some of the very first people, as well as teachers, to deal with young people to come across issues. You are seeing kids ending up in your office each week. You are seeing kids ending up down the station each week.

For example, I had a police officer ring me up and growl at me because he had to arrest a young person for shoplifting. He started growling at me about the supports or lack of supports around this young person. My question to him was: Why did you arrest him in the first place? Did you have another option? Quite often that very gatekeeper stage, which is what we are talking about, the teachers, the decision to divert needs to actually be taken very seriously at the very front end. Once we know the kids are exposed to a lot more situation type family violence, risk or safety issues which we know, they are in the system and quite often it is very difficult to get them out of the system once they are in there.

My answer would be, we need to go back and look at the basic education on diversion, police diversion, youth cautioning. What are the other options at that very stage? What supports can we put in place as opposed to charging a young person at that time?

Teachers have a fantastic opportunity because young people, hopefully, spend a lot of time at school. But it is when those kids start to drop off and start to refuse school or they are not turning up and that is where schools and educators need to be much more proactive in seeking out those kids or looking at who is a kid support person. Who is looking after them? Where are they at the moment? What is going on with that young person? Rather than letting it fester and then get worse. As we know, the ball starts rolling and it does not stop.

As for the kids in out-of-home care, once again, I would question how many culturally safe spaces there are for kids in out-of-home care.

Mr WILLIE - If you are looking at numbers, 39 per cent is disproportionate.

Ms CARTER - Correct. How many of them would have a cultural plan, if at all, to go with them so they know who they are and where they are connected to?

Ms PHILLIPS - I expect in a lot of instances Child Safety are not even aware of their cultural background and where their Aboriginality comes from.

Ms CARTER - Correct, and that is massive.

Ms PHILLIPS - It becomes a tick box and that is not good enough.

Mr WILLIE - More training for frontline staff, whether that is police, child safety officers, teachers, more investment in re-engagement programs to get kids coming to school.

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Ms WEBB - Stop suspending them, stop excluding them.

Mr WILLIE - We know the rates are disproportionate in suspensions.

Ms CARTER - Yes, and also those particular rates, when you break that down even further, you will notice a lot of those kids in that suspension rate are not only Aboriginal, but Aboriginal kids with disabilities that perhaps are not properly funded through their support aids. It may not be recognised they have a disability and therefore much like in your prisons, are seen as disruptive and your course of action is to suspend a child as opposed to sitting down and actually trying to find more viable options as to what you can do to support that child and family and to keep that kid in school.

Mr WILLIE - Do you think with this sort of response there would be savings of the correctional side of government if you are investing down here?

Ms CARTER - The justice reinvestment speaks for itself. The early intervention and the pre-early intervention are all what is going in the front end. It is going to be far more cost-effective than what the response and bedding the cost of keeping a prisoner in prison these days. There is a saying that, while not quite the right term, speaks to it with the justice system and the way we respond sometimes, and that is: if you build it they will come. The saying is like after *Field of Dreams*, if you build it, they will come to the baseball field. Well, no, we have this mentality that if you build it, they will come, with our prison system, oh, we are a bit bunched up here problem and we will solve it by just building another prison.

Mr WILLIE - Why are governments of all persuasions having so much trouble with this issue where they are spending a fortune down here but they are not doing the intervention down there?

CHAIR - This one might get you a pay increase if you get this one right.

Ms PHILLIPS - I think the reason is that it looks good to the general population. The general population finds it very difficult to struggle with people who are in their streets stealing their cars, in their house stealing their things. I have been the victim of a crime and it ended up being a client of mine. I knew he was 14, under the care of Child Safety, living in the C.H. Smith building. Of course, he is going to break into a car in the middle of the night and sleep in it. And that was a lesson for him because he has said, 'I now realise there are other people on the other end of what I do, who care about me'. A lot of the time people and young people just want someone who is going to care for them and they do not have that. That is disappointing and I do not think the general population sees that on a day-to-day basis that we are dealing with humans, we are dealing with children who still have a teddy bear on their bed.

Mr WILLIE - How then do we change the conversation to get the change required so there is less offending and that it is more cost-effective and there is better value for the taxpayer?

Ms PHILLIPS - When you start seeing success. When you start seeing success stories. They are all hidden because there is stigma attached, obviously, to people who have been in custody and the like. I have had so many clients who, with the support of our organisation and communities, have gone from being full-time drug users to back at their house with their partner, with their six children. None of the children are in care and they are succeeding. That

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is because of the court mandated drug diversion program. The Government needs to invest in more programs that are at the start of the sentencing phase, rather than prison. There are people that have to go to prison; because of where they live they cannot be eligible for a drug court because they cannot get to testing. Someone who is disadvantaged then has to go to jail because of where they live.

Ms CARTER - I think the thinking is also wrong. There is a new shift in both the narrative and the way we actually look at what the issue is. A lot of the justice system in that is focused in a very justice lens and they have always approached things from a justice of point of view - responding to the perception of the fact that crime is rising in the community but we know that, in fact, the data and the statistics do not support that fear that has been driven as well. We need to shift from that very justice-focused lens to a human rights, person-centred approach. If we take a young person in those circumstances - that 14-year-old that took that car - and we look at it from a justice point of view, we would be looking at: is this kid going to be able to be rehabilitated; are they going to offend?

We are constantly assessing the risk of that young person, but what we are not doing is focusing on who that young person is; what is going on with that young person; what opportunities has that young person had; what opportunities can we, as a community, provide that young person. If the only thing we are doing is locking up kids, then, as a community, we have failed in our roles to support these young people. We need to move to a very centralised human rights sort of approach, a very different approach to what we are taking at the moment.

Mr VALENTINE - You touched on it a little bit earlier about the Aboriginal community organisations and the wins that are being gained through them. Can you expand a bit more on the sorts of resources or support that they might need to make the wins even greater, and possibly also touch on bail support programs that they might be involved in, and how that might be improved?

Ms PHILLIPS - Our service has lawyers that work alongside Aboriginal liaison officers, and we have five across the State. Those Aboriginal liaison officers support our clients with non-legal issues. We can look at the big picture and say, 'There are so many issues', but if you make the difference with one thing - for example, getting a 13-year-old to court, an Aboriginal liaison officer contacts the youth and says, 'Have you got a way to get to court? Is there anything we can do to support you to make it easy to get there?', because they might not have the family support to do that.

You are avoiding them being arrested for not going to court - and that is step one. Then when you are in the car, you can have a conversation about what is happening at school, for example, and there might be a situation. I have had a youth say to me, 'I can't get to school because police have put a bail condition on me that I am not allowed in the CBD because of stealing'. They catch the bus from the CBD, so they cannot go to school.

If you don't have those conversations with a young person - they don't know the way the court system works - you aren't going to find those answers. Two very small things that having that non-legal support for a young person can change the entire trajectory. They are locked up, they are in a cell with adults. We have had a 12-year-old who was in the same cell in the Hobart Reception Prison as where they keep adults, in clothes that go below his knee, asking for his mother. That is disgraceful, because there is nowhere to keep a youth in Hobart.

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Mr VALENTINE - The bail support program for the adults, could you address that?

Ms PHILLIPS - Yours was two questions. One, properly resourcing the Aboriginal community organisations is key. Quite often, as we know, you will get organisations who get a little bit of money, start up a program and the program kicks off and starts to do well, but they don't have the funding to keep that program going. But the benefit of having such programs properly resourced is that we know communities are going to engage with their own community. They are more likely to rock up and get the support that they need within their own community areas as well.

With the adult supports, was your question the benefit of having such a program or - ?

Mr VALENTINE - Well, it is just what it looks like compared to what a bail support program might be for non-Indigenous people.

Ms CARTER - I would imagine it would be the same it would be the staffing and the cultural support that would be available. First of all, we don't have bail support programs.

Mr VALENTINE - At all?

Ms CARTER - No. In one of the programs I previously worked with, I worked within a bail program within Melbourne Match [inaudible]. I ran the Aboriginal liaison program there and the bail program was part of that, so I know the program inside out. The absolute benefits of having that particular program: it was not just available for our mob, for Aboriginal clients coming through court, it was available for everyone. We had Aboriginal case managers, which obviously makes a difference when engaging with our mob. The benefit of it, and the way it was staffed, was that you would have Aboriginal staff and non-Aboriginal staff that would provide support. They would go down to the cells, they would check if they had jocks and socks; do you have a lawyer; is someone here today, do you want me to pass a message on to your family? You would do the assessment if they are going to go on to a program that supports them during the time they are on bail. You would write the report up, give it to the lawyer, the prosecutor, the magistrate, and you recommend supports.

The big part about that report is that it would identify the risks. It would say, 'The person has been homeless for six months' or 'There's a significant drug and alcohol problem; attempted rehab a few times before' and 'A few anger management issues'. With the report, the case workers and that bail support person would link them in to, say, a men's program to start to address some of the family violence. You would link them in - with their initial assessment - to kick off their drug and alcohol counselling, and things like that. You would address each of the areas that you have identified by speaking with them and set up the supports, and they would be supported from the time they left the court room and they were given bail until they returned in front of the magistrate to say how they are going, and things like that.

That knocks a lot of your warrants on the head, so you have got more people turning up to court. You have got less people likely not to attend court. They know where to go to get support if they mess up the order or something like that; they are more likely to reach out and get that, but also, they can be linked in through their own choice, whether it be cultural programs or a mainstream one as well.

Mr VALENTINE - Thank you. I have other questions, but I -

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Ms CARTER - Can I just add something, briefly? We have recently been funded an amount to commence a bail program for our clients. It is going to be a very small pilot program to, hopefully, show the success of it. We are advertising at the moment for that position. We will run it in Launceston and see how it goes.

Mr VALENTINE - Thank you.

Ms ARMITAGE - Looking at the adults in detention and the youth in detention - and I note that nationally 29 per cent of the prison population is Aboriginal, but in Tasmania it is 23 per cent of the prison population. However, in Youth Justice it goes up to 39 per cent of Tasmanian children and young people in detention. Do you have youth workers in Ashley? I notice you only have one worker at the Ron Barwick Prison currently; so, you do not have any in youth?

Ms CARTER - I do not believe there are any - not that we are aware of - Aboriginal people that work at Ashley. I think the numbers are very -

Ms ARMITAGE - It is interesting to see the difference - pleasingly, I understand - but 39 per cent as opposed to 23 per cent within the adult prison.

Ms CARTER - And we follow the numbers of young people in Ashley that identify and it is pretty solidly between 30 and 50 per cent. It is very difficult to undertake any type of analysis of the numbers with the numbers being so low; because the numbers at Ashley at the moment are the biggest that I have ever seen them in 12 years.

Ms ARMITAGE - I think about 20, isn't it?

Ms CARTER - Yes, there are about 20 and the south of the State seems to have a lot of young people.

Mr WILLIE - Most of them are on remand.

Ms CARTER - They are on remand, exactly. I have forgotten the question.

Ms ARMITAGE - Have you seen any states in Australia that you would like to model on? I know you have mentioned some of the systems that are in place where you have worked previously; but is there a State that you think is doing it really well that you think we should be looking at - more particularly to do with youth and youth detention? If you can stop them going on to the senior prisons, it is the way to go. Or doing it better, rather than doing it well. Or even New Zealand? We hear New Zealand has certain systems in place.

Ms CARTER - New Zealand, Canada - obviously a lot of those have some good programs. I know Victoria has some good programs. Each of the states has some good programs.

Ms ARMITAGE - Is there anything that's worth us delving into more that you think would be beneficial to Tasmania?

Ms CARTER - I've listed too few of those within our submission.

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Ms PHILLIPS - I don't think there's any particular State.

Ms ARMITAGE - Or even other countries, such as New Zealand or others that are doing it better?

Ms PHILLIPS - Anywhere that doesn't lock up children and has a criminal age of responsibility higher than 14 is a good start.

Ms CARTER - And is culturally staffed.

Ms PHILLIPS - Other states have programs, for example, for kids who are interested in cars and who are involved in stealing cars, you put them into programs where they can learn to be a mechanic.

Ms ARMITAGE - We heard from someone who was an ex-resident that most of the people who steal cars are very good mechanics. They certainly have a skill.

Ms CARTER - We can draw from other State-based strategies around particularly for rural youth. It is also tailored on whether the kid's metro, regional or rural.

Ms ARMITAGE - Where they can access the services?

Ms CARTER - Correct. I think that's where Tassie is unique in the sense that we need the programs. We can grab a bit from here and there from each of the states and each of the programs. Each State has programs that sort of lead the way, but they need to be tailored to young people within Tasmania.

Ms ARMITAGE - I appreciate it. Thank you.

Ms WEBB - There're a few areas that I just thought I'd touch on. Sticking with the Youth Justice area for the moment, one of the things we've heard reported is some metrics out of WA from their premier or the relevant minister about their youth justice situation, and that is that children involved in the youth justice system may have a range of health issues and other factors, but that shouldn't provide an excuse for bad behaviour. Therefore, we can't be looking to that as an excuse. Do you have a response to that sort of attitude? I think it probably mirrors an attitude that's in a lot of the general community as well.

Ms CARTER - I think that's nonsense.

Ms PHILLIPS - If anything, I think the attitude's ignorant. It's not about making excuses; rather, it's about understanding where that child's come from and who that child is. To say that it's purely bad behavior undermines our understanding of what works and what won't work within the justice system.

If we're to assume that every young person who's in custody deserves to be there as a result of bad behaviour, then we're ignoring a lot of systemic racism. We're ignoring discrimination. We're ignoring the fact that not every child is equal or has equal opportunity or equal access to services or to supports or other things. Kids can be naughty, kids make bad

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decisions, but at the end of the day, they're still kids. They are still children. They are still taking their lunchbox to school.

If we can't provide young people with an opportunity to fall down and make mistakes and scrape their knees and make bad choices without locking them up, then, as I said, that's a pretty sad indictment on us as a society. We need to do better.

Ms HOWLETT - What if the crime is particularly bad?

Ms CARTER - When we break it down, the actual statistics of kids committing indictable offenses, very serious offences, are made by very few kids.

Ms PHILLIPS - I don't disagree that if children or young people have engaged in very serious conduct, there need to be measures in place to ensure that the public are safe, absolutely. Someone stabbing someone at a supermarket - you can't be doing that.

Ms HOWLETT - It has occurred.

Ms PHILLIPS - But what we're saying is that it isn't what we see on a day-to-day basis. They are the exception, not the rule. Young people often exhibit bad behavior in response to significant trauma. So, with sexual abuse, you will often see young people who act out. If you are going to those young people and saying bad behaviour equals detention and 'don't', why is this young person having bad behaviour, and then you may find out that they've been abused for years, then you need to get to the bottom of that.

One of my clients who I've been working with closely about the impact of detention at an early age has provided this to me and he has given me permission to give this to each of you. What this shows is: 1) we are talking about real people; and 2) young people who are in detention will almost definitely end up in Risdon. I've always said that Ashley is the kindergarten for Risdon. What this says is, 'Listen up, because what I've told you needs to stop'. So, on one hand he has good intentions sitting idly and then the other burns fury and rage. When you incarcerate children, you only prepare them for the adult system.

Ms WEBB - Thank you for sharing that - that sense that there is likely to be an experience of trauma in various ways in earlier life for those young people, including, potentially, sexual abuse.

We have heard reports about kids who are incarcerated, say, at Ashley, exhibiting a lot of sexualised behaviour, full-on assaults and things, even amongst themselves or towards the correction staff. Is that something that you are aware of and see? How do you interpret that behaviour?

Ms CARTER - It covers such a range of things. I am not an expert in that field, but from my experience, I've seen that there are young people who have obviously been sexually abused themselves which then manifests in overt sexual conduct. It might feel that they need to exhibit power in the situation to protect themselves, which is not okay on other younger or smaller inmates, but it does happen. But they would really be the examples.

There should not be an opportunity for that to happen in any type of facility. I think that's what the new reforms need to focus on. There should not be corners where there is not CCTV.

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There should not be walls you can't see through because this stuff will happen if there are places for it to happen.

Mr VALENTINE - You mentioned the absence of dedicated Aboriginal community members on the Tasmania Parole Board. How important is that? Do you want to expand on that?

Ms CARTER - It is something that we have previously raised. You can't have a decision-making board that is making decisions for people that may not have the full understanding of the impact of what those conditions would have on them, both in their community and culturally. For example, you see so often curfews put on people when they don't need to have a curfew. A curfew prohibits someone from going away on the weekend, to be on Country or to go muttonbirding in March or April, to engage in cultural activities; they're stuck at home.

Mr VALENTINE - Putting a curfew on someone who is homeless is a bit -

Ms CARTER - You can't do it.

Mr VALENTINE - They're not going to get parole.

Ms CARTER - That is what we see. I have so many clients who feel that the system is so stacked against them, why even bother. They don't even understand the process sometimes. And they are not allowed to have a lawyer present. It is really important to make sure there are people who are making decisions who understand their true impact, particularly with conditions.

Mr VALENTINE - Are you saying there should be a lawyer allowed to go along to these things? Or is that general for normal parole procedures?

Ms CARTER - I don't necessarily think it needs to be a lawyer, but someone who can advocate, a support person. We were talking about the bail support program earlier. We will have a client to whom we'll say, 'Contact drug and alcohol and make an appointment', and they do and they can't get an appointment because they struggle to advocate for themselves. Having someone to advocate - you call and get an appointment within five minutes. Why is that different?

Ms CARTER - I think it is also around communication. In my experience and in my direct knowledge, a lot of times when people have been asked questions or they have been assessed for something, they don't always put their best foot forward. It is not unusual that I have sat with many people when they have been questioned by Youth Justice or by someone else and they have said -

CHAIR - And you are under duress.

Ms CARTER - Yes. They have been asked, 'What programs have you done?' or 'Why didn't that work?' Having someone there, I would prompt them and say, 'No, you had sorry business, remember you missed court because you had sorry business', or 'Didn't you do one of those programs?' So, having someone that can actually -

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Mr VALENTINE - Understand.

Ms CARTER - Yes. 'But I didn't think that was important'.

CHAIR - Prompt you.

Ms CARTER - Yes, and having that support person there.

But I think having Aboriginal representation on the parole board, as Hannah has pointed out, is key because it can give a cultural perspective.

Mr VALENTINE - Especially when you have got so many people that are Aboriginals that are in the system.

Ms CARTER - Correct. Having someone sitting on there or a few different people from different communities sitting on there will make someone feel much more culturally safe and confident when they are going forward.

Ms WEBB - I am looking at one of our terms of reference around staff training and arrangements for support for corrections staff. In an ideal world, what would you like to see in terms of this? This is across the board for corrections staff, not necessarily specific workers who are going to go in for cultural support. What would you like to see in place there for your client groups, in terms of how that would flow on to the way the environment operates for your client groups?

Ms CARTER - My experience with corrections staff and sitting on a few of their panels, I have sat on a few panels in other states where they have a high-risk category of clients who have continuously breached some of their community-based orders and things like that. They have just not been able to complete them. So, they have identified who they are and had different panels or consultations, sitting down and doing that. That co-case management sort of approach to how they are going to support the client I think is important. Having a cultural understanding is important, but also being flexible in the way that they approach the client. Coming back down to some of that really practical training, like your client has missed two appointments, you don't just go straight up and breach a client. You make sure you go to their networks and the knowledge around that client as to who is their contact person. Have they had something going on? Is there something more going on? And trying to divert that person back and providing opportunities. Part of that could be staff getting to know their local services. For example, if they are finding it difficult to engage a client, they might have a local Aboriginal co-op that they know the client is engaged with so they can co-work -

Mr VALENTINE - Use it as a conduit?

Ms CARTER - Exactly, get hold of the worker that you know works with the clients, get them back into reset and things like that. I think it is more the practical side of things that I see with corrections and with a lot of the work.

Ms PHILLIPS - I think it is probably twofold. It's about making sure that all corrections staff have an understanding of why Aboriginal people are overrepresented in the justice system and understanding those issues. It kind of breaks down the ignorant racism that exists about

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Aboriginal people. Second, there needs to be regular training with corrections staff about specific Aboriginal issues.

But every single person involved in the justice system needs to take their own accountability for their own understanding and respect for different cultures. It's not just Aboriginal people. We can't expect everyone to spoon-feed us as adults. You have to understand if you are going to work in a system that has an overrepresentation of Aboriginal people, why.

Ms WEBB - To what extent is that in place now, in your assessment?

Ms CARTER - It's not. It's very siloed, it's sort of like police do their job, the person goes through to the next, court staff do their job, goes through to the next, whether that be corrections or prison. It's very chunky, it doesn't flow, it doesn't have that throughcare, solid, holistic sort of approach where everyone's working together.

Ms WEBB - In your submission you talked about the Bail Act and the fact that Tasmania's Bail Act doesn't include standalone provisions that require bail authorities to consider issues relating to a person's Aboriginality. Is that something that's unusual in terms of other jurisdictions? Do other states have that in their bail acts?

Ms CARTER - Yes. Victoria is a good example of it - section 3A of the Victorian Bail Act. There's a few other states that have it as well but the Vic one I know pretty well. The act talks about identifying particular groups that are vulnerable and taking that into consideration when making bail decisions. Aboriginal people are clearly listed as a vulnerable cohort. Section 3A of the Bail Act in Victoria very clearly spells out that Aboriginality. Once someone identifies as Aboriginal, that is a consideration, much like housing, much like, 'Hey, I've got a job to go to' or 'I've got three kids at home and I'm breastfeeding', or all those situations that we know come up. Aboriginality is also a vulnerable factor that has to be taken into account both in police bail that's provided as well as court.

Mr VALENTINE - I don't know if we touched on this, but from your experience with Aboriginal youth, are many of them coming from a homelessness situation into Youth Justice?

Ms PHILLIPS - Yes, or there's a problem at home.

Ms CARTER - Yes. There's a problem at home, the kids aren't at home, or the kids are being transient, they've been couchsurfing. Like, we've had a few young people coming up into our community room that our lawyers have actually seen on the streets and know. They have brought them up for a feed and given them some material assistance and stuff like that. We are aware that some of the kids that are going through are in out-of-home care. Some have family violence and other issues, and family breakdown situations at home.

Mr VALENTINE - Is that more often the case that they're coming from those circumstances, or not?

Ms CARTER - We're seeing more and more kids that are homeless.

Ms PHILLIPS - Child safety, say, the young person is self-selecting to live in a toilet block out the back of -

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Mr VALENTINE - Rather than live at home?

Ms WEBB - They're old enough to run away is what that means.

Ms CARTER - That's exactly what we've heard. So the response is really poor.

CHAIR - Thank you very much, everyone. To Hannah and particularly Lea-Anne, thank you. I expect that Victoria's loss is Tasmania's gain at this point in time. We very much appreciate not only your submission but your time today. On behalf of the Committee, a sincere thankyou. The Committee will continue to take evidence and deliberate on this really important issue for our State.

THE WITNESSES WITHDREW.

The Committee adjourned at 12:39 pm.