

**THE LEGISLATIVE COUNCIL SELECT COMMITTEE ON ASHLEY, YOUTH JUSTICE AND DETENTION MET IN THE LAUNCESTON TOWN HALL ON TUESDAY 13 MARCH 2007.**

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**Ms ROSALIND DEVIREUX** WAS CALLED, MADE THE STATUTORY DECLARATION AND WAS EXAMINED.

**CHAIR** (Mr Hall) - Welcome Rosalind. We have a written submission from you, number 25, in which you address all the terms of reference. We might go through each of the terms of reference as we go; that might be the best for the process. Please explain to the committee what your role has been in terms of youth conferencing. I will hand over to you and then I will invite the committee to ask you questions.

**Ms DeVIREUX** - I have been involved with Youth Justice for five years now. I commenced working at Youth Justice on a contract basis. Following that I went into private practice, writing presentence reports for Youth Justice, then into community conferencing as a private contractor and I still do that today. With my presentence reports, generally they are for the Magistrates Court, the Youth Division, but I have written one for the Supreme Court.

I have probably done close to 100 conferences over this period and I have seen a variety of reasons for young people to come to a conference and the results of conferencing and things like that. It is a little bit of mixed bag, working in Youth Justice itself and as a contractor.

As part of writing presentence reports, I have been to Ashley to interview young people there as well.

**CHAIR** - Thank you. I notice you have not made any comment on the current security arrangements, the first term of reference. That is fine. Perhaps you would like to address the second one, that is the staff issues and the occupational, health and safety arrangements in general.

**Ms DeVIREUX** - I think one of the things that needs to be looked at with regard to young people today is the complex needs and backgrounds of these young people and not necessarily the ones who enter the Youth Justice system. The ones who do enter the justice system tend to have more complex needs they ranging from social, environmental or physical impacts and they are not being addressed at an early age. Generally they can be picked up at school, but the Education department is not equipped to deal with bad behaviour so problem children tend to get excluded from the education system which basically puts them on the street where they congregate with like-minded young people. The complex issues that are facing these young people are just not being addressed at all. What happens when these kids get older, these needs get worse.

There are some good people who are trying to intervene but it seems to be like an ice cube in the ocean and they are not being addressed. I believe that to deal with the Youth Justice issues of these children and young people we need qualified people as case managers and as role models who understand what is needed, rather than people who

may have a good heart and a big stick. I noticed at Ashley that the security people would one minute, be talking about their personal issues and the next locking them up for bad behaviour. These young people do not learn that it is okay to talk to people about their concerns because they believe nobody really cares.

Also, the security officers take them out on a day excursion to give them a break or develop their self-esteem skills but when they return, they still lock them up. I think that the security people should just be involved with security rather than trying to take on dual roles. I think, with a more professional system, that would alleviate some of the problems at Ashley, such as bringing in contraband. I do not have first-hand knowledge but it is often said by young people, 'I may as well ask this particular person because they will get me my scam bag'. If you have that professional divide, then they look at the children or the young people from that angle, and the security are there for security reasons.

**Mr MARTIN** - The staff who look after them are called youth workers. Do you think that is the appropriate term, given the job that they do? I have dealt in local government with a lot of youth workers, whose interest is the care of the kids and looking after their problems. Do you think that is what the people at Ashley do? Is that the job description?

**Ms DeVIREUX** - Youth workers by definition of their qualification are TAFE trained, so to speak and that is good. However, in dealing with complex needs, I am sure that you need somebody who understands the sociological side, the pathology and the environmental issues as well as the complexities of all those together and generally that does come with academic skills. I am not saying that youth workers do not do a good job, they do. But for this particular environment I do not think it is appropriate.

**Mr MARTIN** - The Ashley full-time staff do three weeks' induction training. That is the qualification -

**CHAIR** - Two weeks, I think.

**Mr MARTIN** - The contract workers do a day.

**Ms DeVIREUX** - I am a social worker and my degree took two years, but that was on top of a psychology degree which took four years. It is very different doing a social work degree in a four-year period and learning what is impacting on these kids' environment and the sociology of that environment to be able to work with young people. They have been rejected by the community and so you need the skills to get in underneath that wall or through it to connect with these kids. Anybody can talk nicely to a young person and get a response, but is it helping?

**Mr MARTIN** - You mentioned the youth worker qualifications from TAFE. How long a course is that?

**Ms DeVIREUX** - I have no idea. I think it might be 12 months.

**Mr MARTIN** - Yes, I think it is, too.

**Mr WILKINSON** - In other States, the training program has been 12 months prior to them being able to work and call themselves a youth worker. Here we seem to have this two-week period, as Greg and Terry have just spoken about, and the comment is, 'You have the most complex children with the most complex problems and yet you've only got that training to equip the people to deal with them. It's not enough'. Do you agree with that statement?

**Ms DeVIREUX** - I do, yes. I think it is broader than naughty kids walking down the street. Whether we look at family, the social stuff, the peer groups - I think it is also about where we are as a community. I often talk to people about what these kids have to do at this point in time. They work on a very different level than we would assume young people would have worked on 20 years ago, in that everything is instant, everything is now. They can actually work on probably several different layers at the same time, and that is where they get their adrenalin from, whereas 20 years ago young people did not have the technology to be sitting on the computer or using a mobile phone. This is what is driving a lot of this stuff, the adenalin that they can get instantly. They can talk to their friends instantly with a mobile phone. If they don't have one, they will go and steal one.

**Mr WILKINSON** - You are talking about the change that has occurred and therefore it would seem to me that there should be ongoing training as well for people to be aware of the changes and how it is affecting the youth.

**Ms DeVIREUX** - Yes.

**Mr WILKINSON** - How often should that ongoing training be? Should it be once every six months, once a year, once every three months or a workshop every couple of weekends?

**Ms DeVIREUX** - I will just go back to talking about social work. What they are attempting to do is have social workers registered and part of that is a program of professional development. It means that to remain registered they have to qualify each year, with so many points of professional development. I support that fully because I think how do you change with the times if you don't keep current with what is going on in not just Australia but worldwide, particularly when you are dealing with the complexities that we are faced with now. If youth workers are to be the mainstays of juvenile offenders, it is really important that they remain current with what is happening around about, but who is going to do that? Where is that training going to come from?

**Mr WILKINSON** - From the professional body within, say social workers. As with medicine, they have ongoing training they do; in law they have ongoing training where you get a certain number of points and that affects how much professional indemnity you pay, and the professional body looks after that. Wouldn't it be the same in relation to the youth workers, where you could have maybe the social workers on the professional body looking after what they do?

**Ms DeVIREUX** - Would you think that a law society would allow social workers in there to develop their interest in law? No, I actually don't think that would happen.

**Mr WILKINSON** - No, this is in relation to caring for people

**Ms DeVIREUX** - Social work is a very specific thing. What they achieve now with youth work does not come up to the standards so they are behind the eightball before they even start.

**CHAIR** - Rosalind, you make the statement in your submission that there is no consistency within Ashley for young people, so you have obviously picked that up by observation that that is the case, from the way that they are dealt with and from the team leaders and youth workers there?

**Ms DeVIREUX** - It is mainly talking with the young people. When I go out there and talk about pre-sentence reports, because I am an outsider they confide in me and say, 'This is happening', and they tell me how angry they are about different things. They are the ones who are telling me that it is not fair that this is happening. They don't know where they stand. You might say the wrong thing to a particular worker and be locked up and then they are thinking, 'What happened? You were just playing cards with me. I've said something wrong and now you've locked me up without any explanation'.

**CHAIR** - Do you think that is a combination of a couple of things, maybe insufficient training for the staff there and also a management issue?

**Ms DeVIREUX** - We can always blame management, but it would not be fair for me to say it is a management problem because I do not know. What I see is what the young people are telling me and, even though it is not okay, half the time this is why the kids go back because at least it is three meals a day, a bed to sleep in and they have structure. But nothing is being worked on while they are there because they will not open up if they know that the person they confide in one minute is going to lock them up the next.

**CHAIR** - Maybe we ought to turn then to your comments on the education and training for residents. We have had quite a bit of evidence in that regard. Would you like to quickly expand on your issues there?

**Ms DeVIREUX** - I have had experience with young people coming out of Ashley and some I have talked to personally and some I have heard through other workers, working with the young people, that they are not given any training inside to help deal with the issues of coming out, particularly employment.

**CHAIR** - Particularly in terms of life skills and those things?

**Ms DeVIREUX** - Yes. They are not trained in how to survive on the outside. They will say to them, 'All right, you have been in Ashley for *x* amount of time' -particularly department kids and they are probably the worst ones.

**CHAIR** - Which ones, sorry?

**Ms DeVIREUX** - The department kids, ones on orders with Child and Family Services. There is meant to be prerelease case planning. Often if that happens it is not to the extent where things are implemented before the young person is released. I know of one incident and I have talked to the person involved who had arranged for a long-term residivist to go into employment. A community member was willing to give them a go by getting them into employment and ignoring their background. When he was released

in two weeks he could continue and he would have also established an income. He would have been able to develop peer relationships with coworkers, and that went well for one day. He mucked up in Ashley and they said no, you cannot do this any more. Where is the benefit for the young person?

**Mrs JAMIESON** - Yes, it is another knock-back.

**Ms DeVIREUX** - I do happen to know this young person and I think he is in Risdon now. There could have been an opportunity. I am not saying it would have worked but there was an opportunity where he could have made a go of it.

**Mrs JAMIESON** - Through you, Mr Chairman - do you think there is an increased number of residents, if you like, at Ashley who have psychiatric disorders and/or intellectual disabilities that there is nowhere else to put them? These may be some of the departmental ones?

**Ms DeVIREUX** - Some of them do. That is where a forensic psychologist needs to determine that. I think it would really depend on where they have come from in the environment. I think it is too easy for people to say that a young person has a mental illness when it is only poor parenting or poor social skills that have led them to answer inappropriately or behave inappropriately or they have not been taught the right way. Some of them do have mental illnesses and some of that can be put down to excessive drug use. Some can be put down to excessive alcohol use and some can be put down to mental disability of some kind. But I do not think that that is common to all residents that they have.

**Mrs JAMIESON** - Do you think the staff have enough training to be able to recognise and report and deal with that sort of situation?

**Ms DeVIREUX** - No I do not. They say, for instance, that this young person has ADD. Well, the way you manage that is to medicate them without dealing with the behaviours that arise from that.

**Mr MARTIN** - The Youth Justice Act and the system we are supposed to have, and what Ashley is supposed to deliver, is a restorative justice model. We have been to Melbourne and Adelaide and seen some very good programs being run interstate. Do you think enough is being done at Ashley to rehabilitate some of these young people?

**Ms DeVIREUX** - No.

**Mr MARTIN** - Where do think the shortcomings are?

**Ms DeVIREUX** - It is more about locking them up and getting them away from society for a amount of time. That is really what is seen to be happening. There is no rehabilitation because they are not doing the education, whether it is for life skills or for employment, while they are there. It is just a place to put them out of the way, so to speak.

**Mr MARTIN** - Part of the problem, from evidence provided to us and from what we have witnessed both here and interstate, is that at Ashley the school-aged kids receive

10 hours of schooling a week, whereas interstate it is 30 hours a week. Do you have any comments on that?

**Ms DeVIREUX** - I do not know a lot about what is happening in Ashley. I do know that there is an Ashley school and that they have had some positive results, but it is not the case for all the residents. I know some of the residents when they get out are really proud of what they achieved in the Ashley school because they lacked that on the outside. Even if it is just a certificate to say that they have attended, it is enough to boost them.

**CHAIR** - It is interesting that you should say that because, as Mr Martin said, in other States it is mandatory, especially in Victoria and South Australia, that they attend virtually normal school hours. We have had evidence to suggest that at Ashley, I think, we are down to about 10 hours a week, and that is seen as quite an issue.

**Ms DeVIREUX** - I think because they have probably been excluded from mainstream schooling that their education is really important. You cannot get anywhere without an education now. If you look at even our mainstream young people, now they require a grade 12 pass before they can even contemplate an apprenticeship. It is really important that education is given. I agree, I think it should be a priority that this education and/or training is given, particularly for the 16 or 17 year olds. They need training in a skill that is going to benefit them when they are released.

**Mr DEAN** - Does the system give a person in your position the opportunity to identify to, say, the management of Ashley the best way to treat a person once they go in? In other words, 'I believe that he or she will respond to this type of behaviour or treatment' or 'They need this'.

**Ms DeVIREUX** - Ashley has a forensic psychologist and I think they are probably in the best position to do that, but I do not know how much sway they have. I think we really need to look at how we nip the problem in the bud before they get to Ashley. We need to look at the forensic psychology aspect of young people in the Youth Justice system before they get to Ashley and try to deal with some of those things before that.

**Mrs JAMIESON** - If we had halfway houses where kids could go as a type of group home to improve their literacy, general communication-type skills and community involvement, would that be of any help at all?

**Ms DeVIREUX** - That would be a great idea because a lot of these young people are on the street. They couch surf.

**CHAIR** - We will move on to alternative methods of sentencing. Would you like to give a brief overview on that?

**Ms DeVIREUX** - I think there are two parts to this. The Youth Justice part is that you have one pile of juvenile delinquents who just steal cars, knock off somebody's mobile phone, et cetera and they are put in with the people who do aggravated burglaries or seriously assault people. These juvenile delinquents then learn the ways of the criminal system. In Ashley they have to survive - well, they do not survive really because they come out more traumatised because they do not know how to defend themselves. There should be

a separate area so juvenile delinquents are not put in with hardened offenders. That way the juvenile delinquents, I use that old-fashioned term, have a greater chance of rehabilitation and advancement into the community if they are not taught the other stuff which is a matter for survival.

**Mr MARTIN** - One of the points you make, that certainly backs up what we have witnessed interstate, is that when you look at the statistics about the number of young people in detention in Victorian as a percentage of the population compared to Tasmania, there is a staggering difference. A much smaller percentage of kids is in detention in Victoria than Tasmania. The reason appears to be a very good system of diversionary sentencing and alternative sentencing models that keeps kids out of detention until it is a last resort. You make a number of points in your submission about that. Can you just expand on it a little bit more?

**Ms DeVIREUX** - One of the things is that there are very few places where young people on remand can go, for example, or they are bailed. If their offences are serious they are bailed or remanded to Ashley and therefore they are mixing with that other category. They are their mates.

**Mr WILKINSON** - Or if they have nowhere else to go they are bailed to Ashley.

**Ms DeVIREUX** - That is exactly it. What you see is a compounding of the situation rather than easing it back. Everyone would probably think there may be some people at Ashley who should not be there while there are some people who should be there but are not. I think there is a very mixed response to who should be there and who should not be there. My belief is that they only put the fence up because there were young people who had committed serious crimes. Before that there was no fence. A fence to these young people is a challenge. It is not to keep them in and it is a challenge to get over it.

**Mr MARTIN** - You mentioned the remand issue. I suppose that is one of the things that has caused me most concern so far in this process, the length of time in the number of adjournments that leads to that. The young person can be held in Ashley without being found guilty for something but they just keep getting remanded which just seems unfair to me. It must be very confusing to the young person concerned. Have you got anything further to add to that?

**Ms DeVIREUX** - In my submission I suggested that what was needed was a separate facility. Even Risdon do not put their remandees in the main prison but we do that with our young people. I think that our young people are probably more vulnerable than the ones in remand at Risdon. I suggested that there be a separate facility for remandees and those people who are on bail who have nowhere to go, generally, those ones who are homeless. I am aware that the local youth shelter for young men is not always available for people on bail, they have only six beds. If the beds are full, the young people who are homeless have nowhere to be bailed to. In that separate facility, we need professional people who can start working on the complex issues and start that process. I still think that it needs to happen further back, as soon as these young people come into the Youth Justice system.

**Mr MARTIN** - I suppose it must be very difficult to put in place rehabilitation programs for a kid when you do not know how long he is going to be there because he has not been sentenced.

**Ms DeVIREUX** - That is fine but if they have access to a counsellor, housing or social workers they can look at those issues of housing and contacting parents and things like that. That is the start of a process that probably for the first time the young person has actually not had to find for themselves.

**Mrs JAMIESON** - I just wondered about some alternatives for Aboriginal children. Do you feel there is enough being done that is culturally sensitive or that the Ashley system of detention is the wrong detention for them? I am looking for a comment, in other words.

**Ms DeVIREUX** - I know that they do some wonderful work on Clarke Island with the Aboriginal children. I think also that there is probably not enough done by the Aboriginal community. Having worked with conferencing, I sometimes find it very difficult to work with certain elements of the Aboriginal community who say, 'This is your law and this is not our law'. Young people have Aboriginal thoughts on that, but they are the ones who are still getting dragged into the Youth Justice system because they are not complying with the law. I think there probably needs to be a more concerted effort on both sides to find something that is more appropriate and which would mean the young people are not drawn into a system by default. I think that the work that they were doing on Clarke Island was wonderful, but it is selective and I do not know what is happening there now. There were some great results, but some young people came back and fitted back into the community while others returned and went back to offending. I still think there need to be checks and balances as well as the basic law.

**CHAIR** - Unfortunately time is starting to wind right down now. You talked about the adequacy of the Youth Justice Act and the New Zealand model. Have you had some experience with that model?

**Ms DeVIREUX** - Yes.

**CHAIR** - I think our Youth Justice Act, and Mr Wilkinson might tell me, that was derived from the South Australian Act, wasn't it?

**Mr WILKINSON** - It was mainly modelled on South Australia.

**Ms DeVIREUX** - That all originated in New Zealand. It was developed based on their Maori community and their tradition of conferencing and the youth justice aspect grew from there. I was talking to a youth justice coordinator in Auckland last year about their Youth Justice system and was told they have just changed it again. They have overhauled it, but it seems they are also doing a lot of work in the community and it just seems to be a step up from where we are. I like our act. I think it is great, but it is just getting a bit tired. I think it needs to be made in step with the times, but I think it is a great act.

**CHAIR** -In your view, is the New Zealand legislation worthy of investigation?

**Ms DeVIREUX** - Yes, it is.

**CHAIR** - Okay, thank you. We will do that.

**THE WITNESS WITHDREW.**

**LEGISLATIVE COUNCIL SELECT COMMITTEE, ASHLEY, YOUTH JUSTICE  
AND DETENTION, TASMANIA, LAUNCESTON 13/3/07 (DEVIREUX)**