

**THE LEGISLATIVE COUNCIL SELECT COMMITTEE ON ASHLEY, YOUTH JUSTICE AND DETENTION IN TASMANIA MET IN COMMITTEE ROOM 2, PARLIAMENT HOUSE, HOBART ON MONDAY 23 APRIL 2007.**

---

**Mr BEN MARRIS** WAS RECALLED AND EXAMINED.

**CHAIR** (Mr Hall) - Welcome Ben, thank you very much for coming along. Since you last appeared before us we have heard quite a bit more evidence. We have also heard from the department and the current manager. We have drawn a few conclusions from that - or we are getting there. We realise that you are going away for a while, so that was why we got you to come in at short notice to clarify a few things.

**Mr WILKINSON** - Ben, as the Chair said, we will speak again with the department and the manager. Obviously you know the system well, so if you were in our shoes, what types of questions would you ask? I remember many years ago I was acting for a fellow whose wife had died as a result of some injections she had for psychiatric problems. Nobody could find out who gave one particular injection. I am telling you this because in the course of questioning the man said, 'Well, if you had asked me the right question, I would have given you the right answer!' It is sometimes like trying to find a needle in a haystack. We are here to get the best system, the best outcome and, hopefully, you won't mind answering that question.

**Mr MARRIS** - I would have been grateful if I had had advice of that question!

**Mrs JAMIESON** - A question on notice, in other words!

**Mr MARRIS** - Perhaps you should ask the manager what questions he would like to be asked!

*Laughter.*

**Mr WILKINSON** - As you know, often what happens if you ask the manager, they say that everything is going terrifically well and it may well be. I have some reservations about that, though.

**Mr MARRIS** - I think I would be asking the manager about the impact of having such a wide range of young people in the same institution and whether that causes difficulty in terms of the influence of the young people, one on another. Also, I suspect one would design an institution with quite a different ethos for a younger group than one would for an older group. Again, you might develop a different ethos for some groups of young people who are perhaps more challenging than you would for others. To try to be all things to all people in the one place seems to me like a very difficult task. I think I would be pursuing that line.

**Mr WILKINSON** - In relation to that, I think the answer could well be, 'Well, there are not the numbers, therefore there are not the resources. We can only cut the cake to suit the cloth.' What type of thing would you do? The evidence we have had from other jurisdictions shows that the 11- to 14-year-olds are in one institution and the others are in

another. That seems to be working. Is that the type of thing you are suggesting, or are you saying that there should be a halfway house to deal with the younger ones?

**Mr MARRIS** - I think in an ideal world you would certainly be looking at having halfway houses or institutions that come before your ultimate institution at Ashley. Again, whether you can achieve that within the resources on the small scale of Ashley, I am not sure, but that would be ideal.

**Mr WILKINSON** - We have Ashley in Deloraine, so where, in your opinion, would be the best area to have this other institution?

**Mr MARRIS** - Again ideally you would work with young people close to their families. You are not ever dealing with just the young person; you are dealing with them in the situation they come from. You really want to be alongside them and to learn that they have an uncle in an adjacent suburb who might be able to offer them a job - all sorts of things about them - it is what you can do to help that young person fit back into an environment that works. Being 100 miles away does not help. The majority of your clients come from the south, so it is helpful to be in the south, I think, with due respect to Deloraine.

**CHAIR** - I thought there were more in the northern area the last time I checked for the numbers.

**Mr WILKINSON** - For an institution to be set up to cater for 10- to 14-year-old youngsters or whatever the age group might be, you are probably looking at a group of at most 10 people. Would you agree with that?

**Mr MARRIS** - You may be right; it wouldn't surprise me. But I am a bit out of touch with that.

**Mr WILKINSON** - And therefore could you do that by purchasing a large house with 10 bedrooms, a major living area and kitchen et cetera? Surely the costs wouldn't be that great to set up that institution. Really, it would just be a house with corrective officers in charge of the house and the children residing there from time to time.

**Mr MARRIS** - I am inclined to agree with you, and I think that people sometimes make assumptions that two small institutions would be more expensive to run than one large one. My observation is the opposite. I know that when Wybra was closed and the young people transferred to Ashley, it was done because somebody at some level thought that they could save money. There was no saving whatever; in fact there was an additional cost. The larger an institution becomes the more it starts to serve itself and gobbles up resources. Smaller institutions tend to be much more focused on what they are about, what they should be doing and are more sensitive and responsive.

**Mr WILKINSON** - Do you need a place like Wybra which had the rural setting and activities, or do you just need a house in the suburbs?

**Mr MARRIS** - From the point of view of the young people, I don't think you need the rural environment. Very few of them come from a rural environment. You are trying to teach them to live in the city. However, realistically you probably need somewhere with space

around it because there are a lot of neighbours who don't want you in their backyard - and understandably so. I would hope that you could find somewhere that is reasonably close to the city. After all, at Wybra Hall the young people used to go to the local schools. Some of them were able to go to their own schools. Occasionally at Ashley we have young people going to Deloraine High. Teaching young people to live in their community is important. If you could create a small institution such as you are alluding to, one that has good transport access to where they come from, that would be excellent. You could get them to their schools and the social workers or welfare officers who work in their home environment could be in close touch with them because they are also important in bridging the young people back into the community and that is what we are trying to do.

**Mr WILKINSON** - That is at the halfway house, if we can call it that. Prior to the halfway house, we have had some evidence that there are factors within a family which often lead the children of that family to take the pathway of criminal activity in their early years and there has been talk about early intervention. Do you accept that there should be early intervention? If so, how early, and how do you endeavour to steer a youth who may not have the support of the family on a non-criminal pathway?

**Mr MARRIS** - With one exception in my entire career, I do not believe any parent wants their child to have a criminal lifestyle. They may make mistakes in what they do but they are not deliberately messing kids up and so we need to get alongside them. The parents and the children are individuals and really it is about getting the human resources in alongside them. If that sounds like a soft answer, I just do not think that there is one program that you can apply to all children. What you can do is try to get alongside that family and start to try to help them with their difficulties, and try to get alongside the young person. Sometimes it is about mentoring the young person.

I feel that this answer is sounding very soft but it really is about working with people as individuals.

**Mr WILKINSON** - So as long as you have the resources for the mentors or the Health and Human Services people or whoever it might be to go in to see families that are at risk and set up a program, and, as you say, it has to be an individual program to some degree because everybody is an individual and different to some extent, that is the best thing that we could recommend as a committee?

**Mr MARRIS** - Yes, it is terrifically important. If you find a young person who is really interested in cars, hybrid cars perhaps -

*Laughter.*

**Mr MARRIS** - I would introduce them.

*Laughter.*

**Mr MARRIS** - At all stages through this process, whether we are talking about early intervention or about young people who seem to be seriously down the criminal road, there are always moments, times, when you might be able to get alongside them; when something has happened when you might be able to connect with them for some reason.

Maybe it is when you are in the institution and they were expecting to be visited and their visitor did not come. Maybe there is some moment that you make a connection with the person and get to understand what interests them or what might interest them. It might be that you can set them a challenge - a running challenge. You might get them involved with somebody who is interested in running. They might end up running in the Three Peaks or something like that. Just try to catch somebody's imagination. If Three Peaks sounds unlikely, a staff member at Ashley was interested in ballet. She was no ballerina herself, very far from it, but she was interested and a young lad who had been a footballer and was quite a bruiser and quite a bully developed an interest in ballet. He did not become a professional ballet dancer but he followed it up for a period. It was an interest and it seemed to be a vehicle for his growth. It is about that individual contact. It does not happen when you have people in large numbers; it does not happen when you have one lot in uniform holding keys, and bars and that sort of negative environment; you have to create the personal spaces where these things can happen.

**Mr WILKINSON** - Yes. We talk about the early intervention age group being 10 to 15 or 10 to 14 but often you get a child who might be 17 who does not fit the mould, who has lost his temper and committed an act which led to his being sentenced to incarceration so he went to Ashley. Again that person should be dealt with individually because you can see that they are not the same as the others who may have had a number of prior convictions, whereas this fellow might have lost it for a short time and committed a crime serious enough to send him to Ashley for the first time.

**Mr MARRIS** - Yes, and the very last thing you want to do is to get him alongside a whole lot of people who might be defining themselves as criminal bruisers because you do not want him to do that.

**Mr WILKINSON** - Sure. So it is really an individual program, isn't it?

**Mr MARRIS** - It is; it is about people.

**Mr WILKINSON** - Yes. Thanks for that.

**Mrs JAMIESON** - Ben, just to equate the Ashley type of situation and the clients we are dealing with to the Health, Disability and Aged Care sectors - and we talked about respite before, and that it where I see the halfway house model where you have residential care with staff and day care and then you can move people after assessment - how important do you think it is to have a good assessment of where this child or teenager is at as far as their physical, intellectual and mental health is concerned?

**Mr MARRIS** - I think it is really important to understand their physical health - things such as hearing impairments can be lurking in the background - their mental health and their intellectual ability. You really have to understand their social situation as well. If you do not do that, everything else you do is clumsy.

**Mrs JAMIESON** - Yes, and you are flying in the dark. Again, would you be able to involve the family if you had a respite or halfway type of house? You could maybe involve family in what is happening with the activities at the place. If the child is going to stay for a few days or weeks or whatever is deemed essential for his wellbeing, could we then

involve maybe family in activities and assessments that the child himself has been involved in?

**Mr MARRIS** - I think I would be looking as much as possible at getting out to the family rather than bringing the family in. Everything you do must involve the child's family and community.

**Mrs JAMIESON** - Obviously you need to have trained staff in control. I noted in your comments from your first appearance here that you felt that the staff was very stable in 1975-79 at Ashley - you suggested more stable than you wanted them to be. I wonder if you want to expand on that because stability of staff is obviously very important. How professional do you think the staff would need to be if they were in a halfway house? You would have paid professionals at the top guiding but would you need to have a personal carer type of level rather than fully qualified people?

**Mr MARRIS** - My comment on staff being a bit too stable I think was in relation to the fact that the Ashley that I took over was somewhat Dickensian and the opportunity to have some staff turnover would have made change easier at times. Nonetheless the lesson was - and it is relevant - that working with those staff, they made great progress and changed the way in which they worked with young people. They did not have any formal qualifications but some of them still did very good work once they had been encouraged to look at things differently.

I am sure that your halfway house and your community services all need to be very professionally supervised, as you say, but I still think there is room for the mature, commonsense person. A person who has maturity and empathy can be good and can be helped by training. It does not matter how much training you have; if you do not have the maturity and the empathy you are not going to get there. There is a gentleman who says that you can never help somebody to a level of health above your own.

**Mrs JAMIESON** - Referring back to the halfway house, we were talking with Jennifer Dickson at the weekend. She is the children's magistrate from Melbourne. She certainly was very much in favour of the idea of an assessment halfway house type of project, which could be set up in a rural area, of course, for the rural kids and maybe in a city setting. Would you see any value in that sort of thing?

**Mr MARRIS** - I think the local is the issue for me rather than rural. It is a great pity if you have to bring somebody from Burnie to Hobart because you want a minimal intervention, to work with them and their family in Burnie and get them back into their school and their community in Burnie.

**Mrs JAMIESON** - This halfway house could be used maybe as a overnight stopover if you have a kid who is in remand rather than waiting for sentencing, who just needs to be off the street for the night?

**Mr MARRIS** - Selecting the people I am sure it could.

**CHAIR** - In your time at Ashley, what happened to kids after release? Were there any facilities available for them to go to a secure place for two or three nights, and be provided with money or accommodation?

**Mr MARRIS** - From time to time we used what were then known as receiving homes. They later became known as the department's family group homes.

**CHAIR** - Are they still in existence?

**Mr MARRIS** - I'm out of touch with that.

**Mrs JAMIESON** - There are group homes within Disability Services, for example, but that is slightly different. They are specifically set up as residential group homes.

**Mr MARRIS** - These were family group homes set up under the residential domestic assistance act to provide short-term care for children in need.

**Mrs JAMIESON** - Yes, temporary care where the whole family could be taken away if mum were unable to look after them.

**Mr MARRIS** - It was the same place, just as you say. If mum was not able to care for them or if there were an allegation of neglect you would move a child there in the first instance.

**CHAIR** - Are you still of the opinion that perhaps a secure unit is a better way to go to house people assessed as problematic, with the rest in an open-type unit?

**Mr MARRIS** - Yes, as far as possible you move people out of security, because they become irresponsible in security and more responsible when you move them out. Relationships between staff and inmates are always going to be better and healthier if you haven't got keys and razor wire around.

**CHAIR** - Given what has happened now at Ashley - with the fire and erection of the fence - wouldn't it be difficult to remove it now? Do you think we could build a secure unit in there and take down the fence, or would you do it some other way?

**Mr MARRIS** - That is the political question. It may be very difficult to do that. It may be that Ashley is able to be of some use to the prison system, providing a northern campus for it. You would develop an institution for young offenders somewhere else.

**Mr WILKINSON** - There has been talk about two detention centres; one in the south and one in the north. Might it be worthwhile using what we have up there as an adult detention centre, so it is closer to northern families and so on, and building a purpose-built facility for youth?

**Mr MARRIS** - Yes. I've always been in favour of a northern facility, quite apart from the possible availability of Ashley.

**Mr WILKINSON** - Ashley is two and a half hours from Risdon; how does that compare with places in, say, Victoria and New South Wales?

**Mr MARRIS** - There are many situations around Australia where prisoners are held so far from their families it is almost impossible for the families to be in touch. That is not a

good state of affairs; it is a very bad one. I draw your attention to the difficulty for anybody on the north-west coast to visit a relative in Hayes Prison Farm, and return, in a day if they do not have a good, reliable car.

**Mr WILKINSON** - Yes; it's hard enough to get them on the phone to have a conversation. Years ago you could ring up prison support. The prison support officer would bring the prisoner in. You would then be able to speak with them. However, over the last couple of months that has gone. If you have to ring a prisoner at Risdon who might have a death in the family, it is extremely difficult.

**Mrs JAMIESON** - I could not see a lot in your previous evidence about education. One school teacher was available, but we did not talk about the number or type of educational programs. How was it in your day? You had one teacher, but were classes mandatory and at what times or on what days?

**Mr MARRIS** - I think I took some liberties with the law on that. Some young people would say they weren't going to school. I would say, 'There is no way I'm going to let you go to school while you are here; you are going to work'. I would give them a job outside. I had a good school teacher so fairly soon they would come back and say they wanted to go to school. I would say no, and they would respond, 'Everybody else goes to school so why can't I?'. I would say, 'Go down and see Mr Silverwood and, if you can work out a contract with him about what you want to learn, then I'll see if I can let you off a bit of work for some of the week'. That was a fairly typical pattern for young people. It requires a really good school teacher who can enthuse young people and is prepared to teach them the things they want to learn. It was very good and we saw some terrific stuff. Some young people are full of energy and get up and go. To ask some 14 or 15-year olds to sit in a classroom for very long is to ask for a problem. Sometimes they will go for an hour, they go outside and work with a mattock, and then they go back for an hour in the afternoon. This about tailoring things. We had a good education program.

**CHAIR** - So it wasn't mandatory at that time? You used some discretion and tailored it to the individual?

**Mr MARRIS** - Yes. I was probably in breach of some law, but it seemed that we were doing good things.

**CHAIR** - Were some residents at school most of the time?

**Mr MARRIS** - Some would be there every morning and some afternoons. About 50 per cent of the residents would have been in the Ashley school in the morning. We had one school teacher and one part-time teacher.

**Mr WILKINSON** - The numbers would still be fairly favourable. If 50 per cent of students attended, that would still be only 10 to 15 students at a time.

**Mr MARRIS** - Yes, less than that. Typically it was about 10. I don't think we had more than 10 in the classroom. If we had more than that we were concerned that the teacher would not have been able to be as attentive to individuals as he wanted to be.

**CHAIR** - Were you satisfied that the programs were as good as could be delivered within budget? If you had an open cheque book what would you have done in education?

**Mr MARRIS** - I would have had more education and more vocational education. The young people we deal with tend to be more practical than academic. On IQ tests they do well on performance rather than verbal. They can take you car to pieces but they couldn't read the manual. The vocational and practical activities are really useful. That is also where they build self-esteem. I would always want to focus on that. To be fair, there was in some respects a downside to our approach to education, which might be even greater today because it was not unusual for people to leave school at 16 at that time, and now it is. We quite often had young people who got to like going to school at Ashley, but objected to going to school elsewhere. When we transferred them back to a standard city high school, they tended to reject it because it was back to the academic life and the big institution. So whatever you do, you have to be careful about the fact that they are being prepared for wherever they are going. You need to keep doing things to prepare the young people for a return to school. You are preparing the older ones for TAFE and employment.

**Mrs JAMIESON** - Within your education system, how much work was actually done on the farm itself?

**Mr MARRIS** - I closed the farm as an activity for young people; it just didn't seem to be relevant. We leased the farm.

**Mr WILKINSON** - Why was that, Ben?

**Mr MARRIS** - It just wasn't relevant. It had been in an earlier time. I can remember working as a child welfare officer a number of years before - there were young people who had learned to work in the dairy on the farm and then you would find them working in a dairy on the north-west coast. They would do it for 12 months and live with the family. But that lifestyle had gone by the time I was there; they did not see the farm as relevant and, frankly, it was absorbing resources. You might say it is different now, but in my experience at that time with urban kids it was more important to teach them to detail a car than to milk a cow.

**Mr WILKINSON** - Contrary to that line of thought, one could argue that it is a worthwhile skill to have a vegetable garden or to run some chooks so that you are self-sufficient.

**Mr MARRIS** - I accept that argument. If you have a staff member who was enthusiastic about anything - growing carrots, processing sewage, whatever - and they can get the kids to switch on, that is great. But if you ask me which topics are most likely to be relevant to the young people we are dealing with at the stage they are at, I have to say that not many 17-year-olds are really into carrots. A lot more of them are into cars and motorcycles.

**CHAIR** - But it might be still worth having a component of a hothouse, for example, where you could teach some horticulture techniques. It might appeal to some to vary the skills and the programs.

**Mrs JAMIESON** - And also learning marketing, for example, to sell their products, make a profit and learn a few skills in that area.

**CHAIR** - We also had some statistical evidence showing that Tasmania was up there near the Northern Territory in the numbers of young people being interned, if you like, per head of population, compared to Victoria, which was right down the bottom. We probably have about 10 times the number of young people per head of population being interned, compared with Victoria. What do think the reason for that is?

**Mr MARRIS** - I am not sure of the reason - I can guess, but I draw your attention to the fact that we were at the other end of the scale until the mid-1990s. Then we had the lowest number per capita of young people in institutions. If we weren't the lowest, we were vying for that position. It seemed to me to be a series of policy decisions that changed that. One of the policy decisions was to appoint the magistrates to determine how long a young person should be in an institution. Previously, as Mr Wilkinson will remember, magistrates placed the young person in the care of the director and the director determined how long a person would be in an institution.

**CHAIR** - It is a fundamental change, isn't it?

**Mr MARRIS** - It is a huge change. I think that that and also the removal of resources from the community-based services - child welfare officers, as they used to be called - and shifting the emphasis to child protection work meant that there was not really a credible alternative for the courts. There was no certainty that if they placed the child under supervision at home that they would in fact be supervised. Those sorts of decisions have resulted in an increased number of young people in the institution. I would also take the liberty of extending that to saying that the single most reliable predictor of how many people you will have in prison is the number of young people in that cohort that you have in institutions. That change happened in the early 1990s - putting a lot more young people in institutions. If you look at the present prison population you will see that that cohort has grown immensely.

**CHAIR** - Yes. We have had some evidence on the prison population increase from -

**Mr WILKINSON** - It has nearly doubled from 15 years ago.

**Mr MARRIS** - I don't think you would find a logical basis for that.

**Mr WILKINSON** - I can recall in the past asking how many prisoners there were, and being told the figure was 160 or 152 or even 200. But now it is well into the 400s, isn't it?

**Mrs JAMIESON** - Yes, 450 -

**Mr WILKINSON** - I think it was 532 at one stage.

**Mrs JAMIESON** - I want to take a slightly different tack. We were given an interesting document the other day - the annual report 2004-05 of the Children's Court of Victoria, which indicated that they have a system called CAYPINS - Children and Young Persons Infringement Notice System - and they have what they call court registrars to help with some of the processing of the lesser offenders, if you like. In other words, you have that

lesser magistrate-type person. Would you see any advantage in that? We seem to have such a backlog of cases in the courts. Would there be any advantage in trying to institute something like that in Tasmania?

**Mr MARRIS** - I really wouldn't want to express any comment, except to say that I understood that we were beginning to develop some sort of a formal warning system so that some young people apprehended for more minor offences could be dealt with by the police and the department -

**Mr WILKINSON** - That is still going on, although not to the extent it was a couple of years ago.

**Mr MARRIS** - Diverting people out of the system is always good. If you make a mistake then by definition you will get a second chance for that young person.

**Mrs JAMIESON** - I gather that is what these court registrars do - they divert the kids so that they do not actually end up in a court at that stage. The Victorians have also instituted what they call their Koori court for the Aboriginal children where they have the Aboriginal elders along with a white magistrate. Our numbers are certainly not as high as those of Victoria and New South Wales, but would you feel there was any advantage in having Aboriginal children dealt with separately? Would you like to make any comment on this?

**Mr MARRIS** - I wonder if that is comparable to the family group sessions that are being run here - or were being run here - I don't know whether they still are -

**CHAIR** - I don't know; we would have to check that out.

**Mrs JAMIESON** - If and when we go to New Zealand, hopefully we will have a chance to see what happens with the Maori courts. Did you ever find that the Aboriginal issue was an issue within Ashley?

**Mr MARRIS** - We had a number of Aboriginal lads - I am going to bore you by saying they are all individuals, as we are all individuals; aboriginality was part of their make-up and it was a significant part of their make-up but it is not the sole determinant, so you are still responding to the individual.

**Mrs JAMIESON** - Yes, I certainly appreciate that. I am just looking at whether or not there is a need to have a more Aboriginal cultural focus for some of the kids who go in to care.

**Mr MARRIS** - Let me say that I think from time to time with some Aboriginal young people you can find mentors in their community who can be useful to them. Others would not have wanted that at all. I think it really is a case-by-case situation.

**Mr WILKINSON** - Ben, no matter what - and you can probably even pick them now - there are a couple of kids who people have tried to help in a hundred ways. There was a kid who had problems with everybody. Finding that he was a good horseman, they endeavoured to guide him down that path. He did for a short time but then unfortunately he reoffended on a number of occasions and took to motor power rather than horse power. There are some that are going to cause problems, they are going to continue to

cause problems and they are going to be hard cases, even at a young age. I know of a number now who, if they were in custody even at a young age, or in a detention centre would cause problems. Do you have a secure centre for them to take them away from the main stream or what do you do with those people?

**Mr MARRIS** - I think you deal with them as they are at that time. One of the things we are very poor at as human beings is predicting each other's behaviour. We do a lot of it but I do not think you can say of this young person that they are going to be in trouble for the rest of their life; we might as well start locking them up now to prevent them doing damage. You have to deal with who and what they are now.

**Mr WILKINSON** - Yes, and if they do fall, if they are naughty in detention, what do you do with them?

**Mr MARRIS** - You keep trying.

**Mr WILKINSON** - Yes, I understand you keep trying but do you have to have them in a secure, secluded unit? I am asking you this because we have had a couple of different opinions in relation to it. I understand that you keep trying; I understand that you hope that you can turn the corner with them but from time to time they commit an offence within the centre, which is in need of punishment.

**Mr MARRIS** - Sure. Within the system and within the centre you have to have a secure facility that is absolutely able to contain, detain and control any young person at any time. It is an essential component of the system and its very existence is important to many who never ever go into it. Some may need to go into it just to know that it is there.

It is very damaging for a young person to believe that they are beyond control. It is useful for them to know that there is a brick wall beyond which they cannot go. It is comforting. It is just an essential part of every system. They are there. They are there for a period and then you start to gradually work back.

**CHAIR** - Ben, thank you very much. We really appreciate you coming back in and giving your time. It has been valuable.

**THE WITNESS WITHDREW.**