

**THE LEGISLATIVE COUNCIL SELECT COMMITTEE ON ASHLEY, YOUTH JUSTICE AND DETENTION IN TASMANIA MET IN COMMITTEE ROOM 2, PARLIAMENT HOUSE, HOBART ON TUESDAY 13 FEBRUARY 2007.**

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**Mr LEIGH McQUEENEY** WAS CALLED, MADE THE STATUTORY DECLARATION AND WAS EXAMINED.

**CHAIR** (Mr Hall) - Thank you for coming, Leigh. We have your written submission here. Would you like to speak to that submission? I will then give members of the committee an opportunity to ask you some questions.

**Mr McQUEENEY** - I was employed for eight months at the Ashley Detention Centre when it occupied the Ron Barwick Centre. Whilst I was employed there were no escapes. There was one minor assault on a staff member and one fight between residents. For the entirety of that period neither myself nor the other qualified staff who were employed were required to physically restrain any young person while I was there. There were a number of - how can I put it? - relatively gentle restraints applied by staff from the northern centre.

There were six employees in the south and we were supplemented by staff from the north. There was a significant difference in the training and experience between the southern staff and the northern staff, and that sometimes resulted in some conflict between our goals and objectives and what we were seeking to achieve.

We achieved this period of relative calm by having what I call active security. Young people were engaged positively in positive programs every day. When I or my co-workers would come on shift we would have positive programs designed and ready to go so that at no stage were the kids bored or hanging around waiting for things to happen. Also, there was no impetus for escape, because the young people were positively engaged. There was also no real ability to escape, because if you are working with a group of two to three young people, or in fact up to five in one case for me, and they are all positively engaged, they are not concerned about jumping over the fence.

Prior to my employment there were several escapes from the Ron Barwick Centre, so we can determine that it was not the centre itself offering a higher level of security that resulted in this period of relative calm. Rather, it was a group of employees who had similar objectives, similar understandings and similar training.

**CHAIR** - What year were you there?

**Mr McQUEENEY** - I was there in around 2000.

**CHAIR** - Okay, so about seven years ago.

**Mr McQUEENEY** - Yes, it is getting on, isn't it. The young people we were detaining were a group of young people who had rioted in the northern centre and effectively demolished it, so they were very much -

**CHAIR** - Are you talking about the northern remand centre?

**Mr McQUEENEY** - No, the northern centre of Ashley, when it was burnt and required basically complete rebuilding. These young people were not easy to deal with of themselves. However, we found that, if we treated them with respect, we had what I consider a strength-based focus, which is what can this young person do well but how can we improve and increase that so that they can firstly feel that they have achieved, instead of carrying with them the baggage of a juvenile offender, which from my perspective is overlaid with baggage that results from a childhood characterised in virtually every case - in fact, in all but one case - by abuse and neglect.

These young people were introduced to drug-taking by their parents and had had a large number of placements for accommodation until it got to the stage where there was no support available. In fact, one young was incarcerated wholly and solely because he could not be bailed because he had nowhere to be bailed to because there was no-one prepared to put their hand up for him. His crime was setting off crackers, he was 13, and he was incarcerated with three young people who were involved a number of murders, two of whom who were subsequently found guilty of murder. So here we have a 13-year-old young man incarcerated wholly and solely because there was nowhere for him to go.

**Mr WILKINSON** - So he was in the Ron Barwick Centre?

**Mr McQUEENEY** - Yes.

**Mr WILKINSON** - Why couldn't he have gone up to Ashley?

**Mr McQUEENEY** - I think the hope was that they could find somewhere for him, because he really shouldn't have been incarcerated in the first place. Invariably there was a utilisation of the youth shelter provided by Anglicare, to varying degrees of effectiveness. In fact, I would say in some ways it would be better than being incarcerated but in other ways it really is a roof over their head. There is support that can be offered but these are young people for whom, when I last did the sums, incarceration costs around \$180 000 a year each. You can determine that by dividing the budget for Ashley itself - not Youth Justice as a whole - by the 33 and a half beds, which is the average occupancy. This is an appallingly high figure, bearing in mind that it comes over the top of, I would suggest, general failings within our child protection system.

The advantage of a big Department of Health and Human Services is the notion that we can provide positive care so that there is a marrying of services to ensure that people do not fall down the gaps. It can ensure that young people, for example, if they have a child abuse history do not move into cycles of aloneness and being exploited by Fagan-esque-type characters because of their ability to steal without really implicating the people who are profiting from their activities.

**Mr WILKINSON** - We see a lot of that, Leigh; how do you stop that from happening? You say it is the social workers maybe, but it seems to be more than that. We need something more than that. What would you do to try and stop that?

**Mr McQUEENEY** - I would have a comprehensive family conferencing program, which is integral to the Children, Young Persons and Their Families Act. Providing care for children within their family group is vital. In my experience even one of the most troubled and difficult and most abused young men at Ashley and whom I was caring for, and who was subsequently routinely named in the paper as involved in criminal activity, had an auntie who was competent and an excellent care provider. He should have resided with his auntie. That should have been incorporated into the department's responsibility. There is clear evidence that this young person had a significant child protection history. If he was not so much removed from his family, because that creates a lot of grief in itself, but if his care was entrusted to a competent aunt, in his case, then it would be certainly possible that he would continue to have developed in the way of his cousins, bearing in mind that the rest of this particular aunt's family are not involved in any way in any criminal activity and all lead productive lives.

It is a tragedy when you see that. It also does not cost much comparatively. One of the problems with the family-group conferencing process is that suddenly family members have to care for as many as four, in one case that I can recall, other young people. So they need support in that, and that support has run to things like provision of a small second-hand minibus because you go from your own two children to taking on four nieces and nephews and you can no longer survive with the family car. It is things like providing second-hand beds, wardrobes, new clothing, new mattresses, new bedding. It is not expensive and it would provide these damaged young people with the opportunity to develop normally and not be moving into this cycle of criminal activity.

**Mr DEAN** - Are you saying that none of this is being provided now? Is that what you are saying?

**Mr McQUEENEY** - No, I am saying it is provided now, but minimally and belatedly. When children are significantly abused we bring in the family group conferencing process with varying degrees of success because the department is not really comfortable with it. It takes the focus away from the statutory workers, and away from the family, and places it cleanly on the child. A conference facilitator is engaged by the department who is not employed by the department; it wholly and solely provides for that conference. So that facilitator can look at that child, listen to that child and make recommendations to the court as to what is the best possible outcome. If the conference process is broad enough, and early enough and positive enough, then that will result in more children cared for within their family and less in the statutory child protection system, and therefore, it is my contention, less falling into a life of juvenile crime.

**Mr DEAN** - So the current model, you are saying, needs relaxing significantly to cater for all needs?

**Mr McQUEENEY** - It needs to be governed by the act; the act is excellent. Our problem is that in terms of child protection our services are antiquated and unable to meet the objectives of the act. They cannot engage positively with families because they actually have a history of oppression, so it is very difficult. It is like a young person who has

been constantly harassed - and this is not a very good example - by a school teacher and then the school teacher wants to create a relationship of cooperation. It is really difficult and these families have many generations because there have been limited opportunities for them to develop positive ways of coping.

**CHAIR** - Leigh, could I just clarify for the record, in your e-mail it says, 'I worked at Ashley Detention Centre'. Did you work at the northern campus at all?

**Mr McQUEENEY** - No, I have visited there.

**CHAIR** - So you haven't actually worked at Ashley?

**Mr McQUEENEY** - No, I haven't worked at Ashley north. My contact has been with the staff members from the north, which will be in my submission.

**CHAIR** - I just wanted to clarify that. Where are you working at the moment?

**Mr McQUEENEY** - I work at the Royal Hobart Hospital.

**CHAIR** - Okay, thank you.

**Mrs JAMIESON** - We have families at risk who have had a long history, so would conferencing help before the event? If you have young children coming up and some way of getting to the family to help -

**Mr McQUEENEY** - Definitely. You frame it in such a manner as what can we do to help you care for your children, for you as a family. The other thing that occurs, in my experience, is that there are quality care givers within the family group who are not incorporated because of the stigma attached to the initial family, the child's family of origin. They will not go to their grandmother and say, 'Child Protection have been again because I was struggling with my addiction and I can't possibly organise to get him to school every day'. They don't go to the nan or their mum who could actually be a positive support, because of the stigma attached. However, a family group conference often will incorporate family members who had no idea of the damage being done to the children or what they were suffering.

**Mrs JAMIESON** - So if we could get them at an early stage, even when there are two-year-olds in the family -

**Mr McQUEENEY** - Yes, certainly and in areas where there are addictions, as an example.

My conclusion is that the detainees, almost without exception, had childhoods where abuse and neglect were routine. This childhood had a very negative on their sense of self and this is overlaid with the stigma of being a juvenile offender. However it is my experience that detainees would behave in a cooperative manner if they were provided with positive and enjoyable learning experiences. These experiences should be tailored to demonstrate the development of competence in the detainee. This process greatly lessened the desire to escape, and almost completely removed the opportunity to escape. This process also reduced the occurrence of violence between detainees and reduced violence directed to staff to almost nil.

In order to provide these experiences, staff need to be qualified and highly experienced. Providing the opportunity for rehabilitation is integral to the objectives of the Youth Justice Act 1997.

**Mr WILKINSON** - You talked about active security and I suppose that is giving these people jobs to do for the majority of their waking hours?

**Mr McQUEENEY** - Yes.

**Mr WILKINSON** - Can you give me an idea of what it would be on, say, Monday, Tuesday, Wednesday? What was your plan?

**Mr McQUEENEY** - To start with, there was a group of us with different abilities and competencies. We would have things prepared. We would have videos prepared to watch of an evening. These were positive in their framework and talked about people beating the odds. These young people have a constant saturation of television programs with what I would consider to be right-wing expressions of criminal activity so that any view of what has occurred in the background is not positive.

**Mr WILKINSON** - Films like *Rocky*?

**Mr McQUEENEY** - Yes, *Rocky* is a classic example - perhaps a little bit violent.

I would be conducting things like metalwork, welding, metal fabrication. We would make steel benches for the young people to sit on, so that when they had finished it they could have it in their yard to sit on. They could say, 'We built this'. The young men in particular love cars and never really sensed they could own their own. They think their life will involve the continual theft of other people's because they will never have the opportunity to have what they desire.

**Mr WILKINSON** - Did you have anything to do with U-turn?

**Mr McQUEENEY** - Yes. I think U-turn is excellent; I think they do a top job. I think the difficulty there is they are often involved very late in the process; it would be better earlier. They operate in the south, which is a positive, but the ability of Ashley to draw on that is very difficult because of its location. So we had lots of metalwork and welding. We also had guitar lessons. There were people who came from outside. There was a marvellous nurse, Janet; she was working with Glenorchy Council. She came over every week and did a cooking program where young people who were generally fed from the prison had the ability to cook themselves marvellous curries and Mexican food, things that they just didn't have the opportunity to have and probably didn't know what went into creating them. This was so that when they left they could at least cook themselves a meal out of some spuds, vegies, a bit of meat and some curry paste.

There were musical activities because music has a big connection for young people. One of the staff brought in a band to play for them. It creates a positive experience.

**Mr WILKINSON** - Costly?

**Mr McQUEENEY** - I don't think there was any cost. I provided a lot of material myself and the others did as well, which was frustrating, but the prison provided welding rods for teaching young people to weld. These are the hands-on trades and crafts that these young people would need because for the most part they won't have the opportunity to develop intellectual careers. But if they can come out with the skill of welding then they will be able to engage positively. They will earn the money to create for themselves the life that they thought was impossible for them.

**Mr DEAN** - I have listened to your last paragraph - and they are nice words, they really are, there is no doubt about that - but if only. So what you are saying to us is that you don't believe that the current educational programs in place at Ashley, and the other programs that they have in place at Ashley that complement those educational programs, are enough. Is that what you are saying?

**Mr McQUEENEY** - I might also point out that whilst it was seven years ago when I worked at Ashley I was working in the youth justice area for two years when I worked with Child Protection, so I would see the faxes of escapes and so forth. When people were escaping I wondered how on earth they were doing it. If they assault staff and escape at night, I can see that there are issues there that need to be addressed. But if they are escaping during the daytime, where are the people providing these programs - bearing in mind they have a 3:1 ration of staff to young people?

**Mr DEAN** - That is a good point.

**Mr McQUEENEY** - They are nice words but they are based on the fact that for eight months there were no escapes, and one only fight between residents.

**Mr DEAN** - So you believe that the current programs they have are not sufficient to occupy these youths in the way they should be occupied?

**Mr McQUEENEY** - I would suggest so, simply on the basis of the problems that are there that I see reported and that are incorporated into things like the children's commissioner's report and so forth. How can these things occur? How can residents be fighting and sexually abusing each other if they are being supervised adequately?

**Mrs JAMIESON** - I would like your comments, Leigh, on the follow-up on people once they have come out of Barwick or Ashley or wherever. Do you feel what we are offering in the community is adequate or should there be anything else?

**Mr McQUEENEY** - It's tough, it really is. One of the difficulties that I see is that the centre operates in a relatively isolated location and so therefore historically, in my experience, definitely not. Historically, giving a young person \$10 in cash to catch a bus somewhere is pathetic, but then in another instance we will give a young person nice new clothes, and some money to set them up, they go home their clothes are stolen by all and sundry and their money is taken by their parents for drugs, so they end up no better off either and are adrift with no money in a consumer culture.

**Mrs JAMIESON** - What about referring them to another organisation who could pick them up and carry on the work that has been done?

**Mr McQUEENEY** - I think that would be positive and I think a group like U-Turn could that. I think that could be really positive. I am not really sure about this area. In my experience, definitely not. If it is similarly occurring now as it was, then I would suggest definitely not, but I definitely think there is a huge advantage in providing that sort of care - even just a safe and reliable place to live with adequate supervision.

**CHAIR** - Thank you very much, Mr McQueeney. Obviously time is up and I would like to thank you very much for your information and interest in this matter.

**Mr McQUEENEY** - I will take the photos home but I might leave this book, which was provided to me to teach a 17-year-old young man to read. It's pathetic.

**CHAIR** - Okay, we might table that. Thank you.

**Mr McQUEENEY** - Yes, if there are any questions you have the details. There is some fairly tough stuff in there and some reasons why I have come to the conclusions I have.

**CHAIR** - Thank you very much.

**THE WITNESS WITHDREW.**