

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

Mr BOB RICHARDSON WAS CALLED, MADE THE STATUTORY DECLARATION AND WAS EXAMINED.

CHAIR (Mr Hall) - Thank you, Bob, we have your submission. I would like you to speak to that submission and anything else, especially in terms of addressing our terms of reference and then I will invite members to ask any questions.

Mr RICHARDSON - First, thank you for this opportunity to make a few comments. Today I am not going to say much about Ashley itself for the simple reason that I do not know a lot about the internal workings of Ashley. What I am more concerned about is the Youth Justice Act and how that has been interpreted or how it is seen to be working by the community. First, I will make a couple of introductory comments.

In 1986, following a term as State President of Apex Tasmania, I was requested to serve a term as the State Youth Chairman for that organisation. This involved some responsibilities on the national Apex youth committee as well. The first thing I felt I should do, having been a professional teacher for some 20 years in senior secondary colleges in particular, was learn more about this group of people, aged 15 to 25.

I undertook some study into the characteristics of young people in Australia, and in Tasmania specifically. That research was most enlightening. The disadvantages for the 15 to 25-year-old group was pretty easily identified across a broad range of social and economic parameters. For example, not only was unemployment high in that age group but it was characterised by part-time and ephemeral jobs. Road deaths and injuries were disproportionately high. As I recall 1986, was significant as the first year that the number of deaths of young people from motor vehicle collisions was exceeded by youth suicide; quite a sobering statistic.

I also recognised - and came to recognise it more in my time as CEO of the National Industry Organisation (cannot find in glossary or internet ? no longer exists) from 1988 to 1997 - that traditional support mechanisms for young people were in decline. For many, extended families and the influence of the church were no longer available for support. The traditional nuclear family was different - multiple marriages were on the increase - and even sporting associations were different.

For example, up until the 1990s every Saturday afternoon a youngster living in Collingwood could either go along to the Collingwood football ground to see his beloved Magpies or could travel somewhere on trains throughout metropolitan Melbourne. That is no longer the case; for half the season his beloved team plays in Adelaide, Sydney, Brisbane, all over the place. Even that association became more and more difficult.

Mobility and employment commonly led to changing schools; this was the sort of background that really brought home to me what was involved. The volunteer involvement with young people complemented my professional life; from the late 1960s

until the turn of the century, 25 years of my working life were spent as a classroom teacher. My observation is that the vast majority of young Australians is extremely resilient and adjusts to challenges and change exceptionally well. This 99 per cent or so of the Tasmanian youth population is honest, eager and law-abiding.

Like all of us, occasional transgressions occur. Indeed I would be disappointed if there was not an occasional challenge. After all, that is how one learns about what is considered to be acceptable social behaviour. For this vast majority of young people the response to discipline is generally positive. That is, as I have said, my experience both as a professional and in my volunteer work. Today I have to keep remembering that this 99 per cent have all those characteristics.

However, I am concerned with that small minority which chooses, and I use that word deliberately, to be antisocial on a regular basis. For some of that small minority that behaviour is of a nature and/or frequency where society needs to intercede. In this submission I wish to challenge the effectiveness of the Youth Justice Act in providing society with a satisfactory means of attending to these behavioural problems.

Before I get to that I will make a couple of brief comments on the Ashley Youth Detention Centre. As I said, I am not qualified to comment upon the internal workings of Ashley. However, I can comment upon community opinion in relation to two particular issues. The first one relates to community advice given to the public following escapes from Ashley. As examples may I sight two recent escapes that occurred in late 2006. In both instances, the people of Westbury did not discover the escapes until next day's newspaper. Furthermore, those newspapers described the individuals as 'not dangerous'. That is quite frankly untrue. At least one of the offenders had a history of very disturbing violence. I commend the committee to research that individual's record, including that which led to his detention, and that involved with his escape and subsequent behaviour in the remand centre in Hobart. I and many resident of the Westbury and Exeter area believe that notifications of escapes should be swifter and should contain descriptions, including names and photographs, of those escapees, particularly where there is a dangerous background.

Mr WILKINSON - How would you do that, because this happened the next morning? How would you do it quicker than that?

Mr RICHARDSON - At the very least on the radio news; at least something could have been done on the previous evening. At least give some names and descriptions. It did not happen, particularly as we were told they were not dangerous.

CHAIR - What about the sirens? They used to have one at Exeter and one at Deloraine. Is that an overkill do you think?

Mr RICHARDSON - It probably is an overkill, but not communications with radio and television. I think that is another way to perhaps do it.

Mrs JAMIESON - You could do a news flash on television.

Mr RICHARDSON - As I said, in the last case my understanding is that at least one of those individuals had been involved in several stabbings and extortions at knife point. That is hardly 'not dangerous'.

CHAIR - And a telephone call to near neighbours?

Mr RICHARDSON - Yes, or something like that.

Mr WILKINSON - You cannot publish their names because they are children.

Mr RICHARDSON - I believe that the Youth Justice Act was never meant for these habitual and dangerous people. Secondly, it appears that escapees, and there have been many in recent years, mostly head eastwards following their escape from detention. I can understand why. I do not think you need to be a magician to work out that the majority of the Tasmanian population lives to the east, therefore they head east. In the past two escapes, vehicles have been stolen from Westbury, including one belonging to the district's oldest remaining war veteran. There is a strong community perception that police presence in the Westbury area is inadequate. This is not to criticise police officers who work in the area, rather it is to highlight the lack of allocation of resources into the area, particularly when two of the State's seven or so top security risks are in the Westbury area - one being Ashley and the other being Tasmanian Alkaloids. I also have queries about the effectiveness of Ashley as a detention centre. It appears that recidivism is high both during their juvenile years and following their juvenile years, yet the equipment and facilities provided for the detainees are well beyond what children have in normal society. Take, for example, the children in Westbury - and I use Westbury deliberately because it is a small town of which I am aware but I am sure many of the comments I make will carry across to other small towns. The children of Westbury do not have a swimming pool, nor do they have treated water, nor do they have sophisticated gym equipment. The pupil/teacher ratios are far better at Ashley. Many in general society do not have access to the Internet or play stations or regular pocket money. The conditions are seen by the community as not producing the result they should do because recidivism seems to be high.

Let me now come to the Youth Justice Act. The Youth Justice Act perhaps unintentionally has led to manifestations which I believe are unacceptable. Chief amongst these are inordinate time delays and a crushing of victims abused by crime. Firstly, time delays. The time from being charged with having committed a crime to sentence I believe is excessive. It appears that twelve months is common and times up to two years are not unknown. Let me cite two personal cases. The first concerns three young males aged around 13. These three vandalised a vehicle of ours, occasioning in excess of \$300 in damage. They were charged and apparently pleaded to guilty; I say apparently because we have never been advised. After some 15 months following charges being laid the case was heard. Whilst I was summonsed as a witness, I twice wasted my time due to deferrals. Eventually I was told that I was not needed due to a guilty plea being entered by the individuals concerned. At no stage during the 15 months were we updated or advised as to what was happening. No-one came near us to advise us of our rights in the matter, and trying to obtain information from anyone, including the Youth Justice department, was like drawing teeth. Due to the confidentiality aspects of the act we were not allowed to know. However, we did learn that in May 2006 another hearing was heard, without our knowing, in which a claim was entered against the

perpetrators and/or their parents and/or their guardians. We were advised by telephone, after we had telephoned, that compensation had been awarded but we could not be told against whom; the Youth Justice Act would advise us in due course. We have heard nothing.

Mr WILKINSON - It is never going to be against the parent and never against the guardian. In law it is not.

Mr RICHARDSON - Well, the law needs to be changed, that is what I am saying. However, we know who the perpetrators were; we caught them. A collection agency was contacted to collect the money on our behalf. Their response was that they could not undertake proceedings because that would involve a breach of the Youth Justice Act and confidentiality provisions. Whilst we the victims received no assistance, the perpetrators seem to have experienced unlimited support from welfare workers, youth workers, legal aid and social workers. Since then the perpetrators have racked up dozens more charges. The effect of the act is to delay justice.

The second incident relates to 19 June 2006. Whilst at home we heard noises in the street outside our building. I went to investigate and upon moving through the hallway I heard voices from outside our glass-panelled front door. Peering in were two youths, both known to me. One shouted to the other, 'There he is, let's get the ...'; I will not use the expletive. They then attempted to break down the security grill. Fortunately it withstood the considerable force. They then moved to the front of the building where they again shouted menacing threats and broke a window. Police intervention led to arrests and charges. We have now, nine months later, heard nothing. A claim compensation against these individuals lies we know not where. Justice? I think not. Again both individuals have committed further acts since, resulting in further charges being laid for other incidents.

There are other cases involving other individuals as victims, including an octogenarian in Westbury who had one of his sheep so badly damaged it had to be put down. Again, concerning his compensation claim, I spoke to him last week and asked if he minded me mentioning it. He said no and he has heard nothing. Not only are the victims being unsupported and left out of the loop, the system does not support the offenders either. Any parent or teacher knows that discipline or punishment, call it what you will, needs to be fair, just, appropriate and, above all, swift. Imagine apprehending a 14-year-old for shoplifting. For most young people the affect of getting caught, the ignominy of facing parents and or grandparents, would be sufficient to lead them to reform. What then would be the affect on that reformed youngster to have it all raised again 18 months or two years later? Alternatively, the recidivist may well take the line, 'They have done nothing about this, so what?' and continue to offend. There are now some 15-year-olds with around 100 charges, not to mention offences for which charges have not been laid, with half or more still to be heard. Most of these charges have been outstanding a long time. You might ask how I know this? In a small town word gets around.

I believe the Youth Justice Act was never meant to allow this small number of perpetual offenders to hide behind the provisions of the act, nor should their parents or guardians. Whilst poor social backgrounds are often offered as reasons, I consider that for most they are excuses. Whilst personal experiences cannot be deemed to be wholly objective in such matters, I can appreciate what it is to experience a deprived and/or disturbed

background. I have been there myself, and dealt with counsellors and also dealt with countless young Tasmanians who have survived, and indeed prospered, in spite of their backgrounds.

What does appear to have occurred in the past two decades or so, is that the small minority of perpetual offenders is presenting society with disproportionate problems. They do not go to school; they have been expelled or suspended for disruptive behaviour and bullying. A recent newspaper article of 25 February in the *Sunday Tasmanian* indicated, as a result of a national study, that 'bullying is the top concern of young people'. Amongst educators, particularly those in classrooms, in teaching roles, there is concern regarding the resources which are allocated towards alleviation of the disruptive behaviour of this small minority. In the community the effect is also palpable. Vandalism alone diverts significant community resources away from more worthwhile activities. Often that vandalism is connected with this same small group. The Meander Valley executive officer, Mr David Pyke, when I spoke to him just last week, said that the cost to the community is significant. The annual cost in a small town like Westbury is tens of thousands of dollars a year. Multiply that by all the towns and suburbs, and then calculate the employment loss.

Confidentiality provisions in the Youth Justice Act, I believe, must be reviewed. The perpetual recidivist, and his or her parents, must be made accountable. The resources allocated to the perpetrators need to be reviewed. Perhaps half of those resource allocations for youth workers, social workers, welfare workers and legal aid, should be afforded the victims. Alternative programs are needed for those removed from the school system. In small communities like Westbury, where there is no high school, this is a particular problem. The offenders sleep in and then ply their trade well into the night. For the 99 per cent, any changes can only be for the better - fewer interruptions to class time, fewer facilities vandalised. For the small number of transgressors, discipline will be fair, appropriate and swift. For the 1 per cent, clearly what is happening now is not worth it. The recidivism continues and divide between them and the remainder of the community widens.

They are the points that I wanted to make. Some of them are general; they are based on experience in some of the 25 years in that field professionally and many years voluntarily. I do not believe that the Youth Justice Act was meant to enable perpetual offenders, and serious offenders, to hide behind anonymity. It was meant for the three strikes and you are out-type of offender. You do not want criminal records for kids for shop-lifting, but for the kid who has 100 charges, some of them serious, particularly when it involves attacks on a person's being, that to me is a problem.

Mr WILKINSON - How do you think lack of anonymity is going to ease the problem?

Mr RICHARDSON - It would allow victims to start taking some sort of action. A lot of it is vandalism, so victims can start taking action in the civil courts to retrieve the money that is owed to them.

Mr WILKINSON - The argument to that would be that, as kids, they are not working therefore they could not pay for you to retrieve the money. Now you can still take an action against them and ask for damages and have damages awarded in court, but people

cannot pay so where do you go from there? I take it you are saying you go to the parents?

Mr RICHARDSON - Yes, I believe parents have a responsibility. When my kids were being raised they were involved in a couple of minor incidents. One was a vandalism to another kid's school bag, so we bought another school bag. We believed that was our responsibility.

Mr MARTIN - Unfortunately a lot of the kids do not have parents like you.

Mrs JAMIESON - I would be interested in any comment you might like to make on the social policies we have now, including ones that concern schools, the Health department and so on. In other words, they are led by government. It is a world-wide perception, of course, that governments have become very soft and mushy. Have you any comment to make or any way around these policies?

Mr RICHARDSON - I am not certain. It is a while since I have been in schools permanently.

Mrs JAMIESON - It is in society generally, isn't it?

Mr RICHARDSON - Yes, in society generally. I have actually said that with the Youth Justice Act there has been a rise of what I call a 'youth industry'. There are now a lot of people who have lots of empires, if you like - youth workers, social workers and legal aid almost depending on the work. I think the community feels a little like I do, and perhaps like you do, that something must be done but they do not know how.

Mrs JAMIESON - Yes, because we are having to overcome government policies a lot of the time. Confidentiality is one of them, but it is the cottonwool wall rather than the brick wall.

Mr RICHARDSON - I think that is manifesting itself in the long delays between charges being laid and being heard. There is the intervention of all these people trying to find out why, I guess, some extenuating circumstances as to why.

Mrs JAMIESON - With all your experiences, then, would you have any way to help? We have the kids going through Ashley, for example, so we get them rehabilitated, but then they go right back home to where they have just come from, sometimes to the same circumstances. Any thoughts about what we could do in educating or involving parents in that rehabilitation?

Mr RICHARDSON - I think that is important. I guess it is difficult because it is an ethical consideration, but I think there comes a stage when we actually have say to parents, 'You need some help in learning how to be a parent'. If we have kids with multiple charges, I would not have a problem in actually insisting that these parents undertake some kind of training, for want of a better term.

Mrs JAMIESON - What about pre-Ashley intervention programs or anything like that? Your son, for example, got into the kid's school bag. Could there be a pre-Ashley type of

course, maybe making it mandatory that they join scouts, for example, or some other sort of discipline?

Mr RICHARDSON - That I think is a problem. We have had that bandied around in Westbury, which I refer to again because it is a small rural settlement and there is supposed to be nothing for them to do. Well, 99 per cent have lots to do: they choose to join scouts, play cricket or netball or badminton, or be involved in any number of activities. I think what you are suggesting is correct. In most cases the little sign you see on the back window of cars is quite correct - it is mum's or dad's taxi. They show the interest. Regrettably, for some of these kids whom I know reasonably well, I believe the parents are quite capable of doing the same thing, but they do not. I think if you say to kids that you must go to scouts or you must go to guides or whatever, then probably, in their current frame of mind, they will simply be disruptive there too. However, there have to be activities.

In the 1970s and 1980s I was involved with a number of activities where kids of lesser ability - and it seems that many of these repeat offenders perhaps are in that category - did in fact undertake activities which they could handle. I can recall a young fellow in Burnie back in the 1970s. I will call him 'Sean' because that was not his name. Sean had problems relating to other people; he had behavioural problems. He happened to be in my year 8 maths class. I encouraged him to join army cadets because army cadets imposed some kind of discipline. He was not all that successful until he got on the rifle range and then he was brilliant. He outshot everyone and the rest of the kids loved him. He suddenly found something he could do and he did it well. He then joined in some of the other physical activities. He changed completely.

I was also involved in some of the initial Project Hahn activities when I was teaching at Hellyer College in Burnie. I learnt about Project Hahn through my involvement in Apex and I managed to convince the college to run a course. We 'selected' some of the kids who were obviously having difficulties and we probably put about 40 of those through in two years. Of those 40, all but three benefited immensely from it. Project Hahn appealed to me because the physical challenge that kids were given meant the only way they could solve it was by working with other kids. They had to do that. If they didn't work with other kids they wouldn't get through.

Mrs JAMIESON - So would you see that as a possible role for Apex groups - within their constitutional brief and all the rest of it? Could they be more involved in these kids' programs?

Mr RICHARDSON - Perhaps in promoting them, but Apex, Rotary and Lions don't have the resources. When I say 'resources', I mean that they are all working people so they don't have the time and often they do not have the skills either. However, they certainly could promote the programs.

Mrs JAMIESON - Yes, and they could raise money specifically towards them.

Mr DEAN - On the delay in justice being provided, I would suggest that in most cases that is a part of the sentencing process that magistrates deliberately do as a form of trying to keep them on the straight and narrow in the meantime until sentence is finally imposed. What a lot of magistrates will tell you is that once sentence is imposed they have lost a

lot of the control that they have had over those youths. It is a part of the process. Are you saying that in your view that process is being abused?

Mr RICHARDSON - I believe it is. I think that 18 months is far too long before a particular charge is heard and, as I indicated before, for the good kids, the single offenders or those who have shown a genuine reform and remorse, it is counter-productive. The problem is that there is this very small group that interprets the time in delay as time when nothing is happening to them.

Mr DEAN - With the youth justice system one of the intentions is to try to get youth out of these predicaments that they get themselves into, for whatever reason, without a permanent record being made against them. What a lot of magistrates will tell you is that by going through that process of delaying at the end they are able to not record a conviction or are able to get out of it through some other process which does not damage youths unreasonably for the rest of their lives. I wanted to make that point to you - it is not normally just because of the failure of people to do their job.

Mr RICHARDSON - I am not saying it is failure to do the job. It has happened. I am not putting a cause or apportioning blame, I am simply saying that it has happened. For 99 per cent of them that system works; for the other 1 per cent it does not.

Mr DEAN - I didn't write it down at the time, but I think you said something about the education system at Ashley not working. Was there some comment on that?

Mr RICHARDSON - I was indicating that the resources that are applied - for example, the pupil-teacher ratio at Ashley - are far lower than in the normal population. I understand that pupil-teacher ratios are as low as 1:3. Oh, for teaching in a classroom of three!

Mr DEAN - Do you have any knowledge or awareness of the teaching and educational side of Ashley?

Mr RICHARDSON - No; as I said, I can't comment upon that. All I can comment upon is generalities. The point I want to make is that I believe we should know about the dangerous element of escapes; I don't think they should be able to hide behind anonymity, without a photograph being published. In that time before last escape, I wonder how many cars would have been saved and how many injuries would have been avoided if people had known sooner?

Mr WILKINSON - Are you saying that the Youth Justice Act is not working the way it should? You believe that it could be working better if the anonymity clause was taken away?

Mr RICHARDSON - Anonymity for perpetual recidivists.

Mr WILKINSON - Secondly, you believe that there should be some better way of recovering damages as a result of these youth crimes?

Mr RICHARDSON - I think it is more than just the monetary damages. If you have ever had anybody try to break into your house with an obvious totally violent intent to hurt you physically, you would know that it frightens the hell out of you. We live in the

middle of what you might call a business district - we own the post office, so it is a common area. Every half an hour we are out of bed looking for the noises, wondering what the hell is going on next. It is not just the monetary side - we needed counselling and we needed help.

Mr WILKINSON - People would say, 'Hey, look, the police are out there; the police can help.' How else are you going to get help? I cannot see any other way, other than calling the police.

Mr RICHARDSON - You call the police and regrettably, as I said, police presence in Westbury is very small. I regularly call police for instances, not just associated with us but with other people also. We see things that are anti-social and we try to nip them in the bud.

Mr WILKINSON - But that is not a youth justice thing, is it? That is more a policing issue.

Mr RICHARDSON - That is right. I do not blame the police. As I said, I do not apportion blame to the police at all. I simply believe that police presence is too small in Westbury.

Mr MARTIN - Do you have a police station in Westbury?

Mr RICHARDSON - There is a police station but it is never manned.

Mr MARTIN - So the station is manned at Deloraine?

Mr RICHARDSON - Sometimes. Chairman Greg as a previous mayor would understand the policing level. It is not uncommon that of an evening from Parramatta Creek through to Hadspen and from Frankford through to Bracknell, and from the Great Lake, there is just one police officer on duty.

Mr WILKINSON - Which is a policing issue.

Mr RICHARDSON - Yes, but what I am saying is that it is not solving the problem.

Mr WILKINSON - What you touched on was that there should be some way of making those youths more aware of what they have done and, as I understood your evidence, you are suggesting that one way is ensuring that there is some recompense for the damage that they cause. Do I take it that you are saying that if they for some reason cannot do that then there should be some method or avenue to pursue a parent?

Mr RICHARDSON - Or through a victims of crime system or whatever.

Mr MARTIN - There is provision under the Youth Justice Act for diversionary conferencing, which would include the victim. In your experience have you ever been offered that opportunity?

Mr RICHARDSON - Never.

Mr MARTIN - I wonder why that would be.

Mr WILKINSON - That was the other matter: you were saying that somewhere within the youth justice system there should be better communication between the courts or the authorities, as you put it, and the victim to let the victim know exactly what is going on.

Mr RICHARDSON - That is what I am saying. We have had several cases - and I highlighted two. One involved a personal threat - and you cannot get much more threatening than somebody trying to break your front door in; thank heavens the security system there worked. That offender then went round the front and smashed the window with his arm to get at us. Extraordinary!

Mr WILKINSON - Does that fairly summarise your issues?

Mr RICHARDSON - Yes, I think it does.

Mr WILKINSON - Any extras?

Mr RICHARDSON - I think that is it, apart from letting us know what has happened.

CHAIR - Bob, from your perspective we talked about the education and we talked about the Youth Justice Act. Have you any views about any alternative measures of sentencing?

Mr RICHARDSON - Having sat in a couple of sessions and read the papers there do appear to be questions relating to the effectiveness of what is happening now. If the work order system that applies to adults were to apply to juniors it would need to be done more rigorously. I think that they need to be shown that they have overstepped the mark. Let us be honest, police do not charge these youngsters willy-nilly, there is usually a lead up to it, and from my experience of the police, I think they handle situations very well in the way they advise and counsel and do try and resolve issues. I think they have been excellent. But if kids are charged then I think they need to say, 'Yes, you have overstepped the line once too often' and if there are to be some work order things they need to be things that hurt and cause a deprivation. 'I am sorry, but if you want such and such on television you will not be able to because you are going to be doing this.' I believe that is part of a penalty. It has to be seen as a penalty. Regrettably, I have seen some of the youth work order system operating and it did not appear to me to be much of a penalty.

Mrs JAMIESON - Have you any views on how we can penalise teenagers, for example, who commit adult crimes, such as rape and murder, and have them in the same centre as we have at Ashley, even though they can be segregated out. Would you see any other way around it? Some of the kids who go in there are not in there for any real crime as such, but they look up to these offenders. Do you think we should have a separate situation at all?

Mr RICHARDSON - I do. I think there are different sorts of crime. I have always thought that crimes against the person are far more serious than crimes against property. I have always thought that and I do believe that there needs to be a separation. Incidentally, I know of situations where there was an account held where some domestic chooks were killed by individuals. The solution to that was a counselling session or mediation. Eighteen months later they killed a sheep. What is next? I do think that when people

start committing crimes against life - and I would include animals in that - that is a much more serious crime than a crime against property.

Mrs JAMIESON - Regarding Ashley then, as you are a member of the community, have you had any comments made to you or have you feelings yourself about the fence?

Mr RICHARDSON - The fence has been so ineffective that it does not matter. I do think there is a feeling in the community that those who have committed serious crimes against people should not be there. Those crimes are so serious that they should not be there. If they are involved in stabbings or rapes or whatever, they should not be there. I know the one you are referring to - crimes against elderly women. Thankfully, that is held to be abhorrent in the community.

Mrs JAMIESON - Do you have any comments to make about sentencing, discounted sentences?

Mr RICHARDSON - The same thing. These individuals by and large are not at the junior level. We are not talking about eight, nine or 10 year olds. We are talking about youth who are much more senior in the scale. I think the community as a whole finds those sorts of crimes abhorrent - and that is the only word I can use.

CHAIR - Thank you very much, Bob, for providing your time and thoughts to us. We appreciate that.

THE WITNESS WITHDREW.