

**THE LEGISLATIVE COUNCIL SELECT COMMITTEE ON ASHLEY YOUTH
DETENTION CENTRE MET IN COMMITTEE ROOM 2, PARLIAMENT HOUSE,
HOBART ON 10 MAY 2007.**

Ms ALISON JACOB, DEPARTMENT OF HEALTH AND HUMAN SERVICES, WAS
RECALLED AND EXAMINED.

CHAIR - Welcome, Alison.

Mr MARTIN - Alison, the Youth Justice Act is based on a restorative-justice model. Can you place on record what you believe to be the top three outcomes that benefit both society and youth, in particular, since the introduction of the Youth Justice Act?

Ms JACOB - I think that the largest benefit has been to keep as many young people as possible out of the custodial system. If you look at the figures of others States and Territories, we have very high proportion of young people involved in the youth justice system but comparatively a very small number involved in the custodial system. Things like community conferencing and work orders, community service orders, alternatives to the courts before even cases come to court so that young people can be diverted from the custodial system, these are certainly of benefit.

Mr MARTIN - So you have benchmarks and performance indicators to back that up?

Ms JACOB - In terms of our comparisons with other States and Territories?

Mr MARTIN - Yes, and also before and after the introduction of the act.

Ms JACOB - I would not know about that because that is going back to 2000. I do not know what was available before then, to be honest. The things which the act allows us to do, such as community conferencing, are clearly a result of the act. Presumably those things were not such big options before.

Mr MARTIN - Out of Youth Justice's \$11.5 million budget, can you tell us what percentage is currently spent on diversionary strategies as opposed to custodial?

Ms JACOB - The community youth justice system is about \$2.1 million and Ashley is about \$8 million. The statewide management policy development is about \$1.1 million.

Mr MARTIN - Do you think that is an appropriate split?

Ms JACOB - No.

Mr MARTIN - What would be your preferred split?

Ms JACOB - With the community system last year we dealt with about 650 young people and Ashley dealt with, on average, about 30 in any one time. There were 190 admissions, but keep in mind that some of those would be re-admissions of the same young people. I think it is very disproportionate. I think we could probably do a lot

more with the young people who are involved in the community system. We certainly could do a lot more in terms of their supervision in community service programs, their participation in good rehabilitative and intervention programs, doing better pre-sentence reports, and making sure that they keep to their conditions of bail and so on. Obviously we would like to do more with those young people in the community to stop them coming in.

Mr MARTIN - From a cost-benefit basis what we are doing is ridiculous, isn't it? If more money were spent on keeping them out of Ashley, the outcomes would be a lot better.

Ms JACOB - Absolutely. One of the things we did last year was, for the first time, to combine custodial and community youth justice under one single management model, the idea being that we needed to have some rationalisation of what we spent in both and to get some benefits across the two boundaries.

Mr MARTIN - Obviously the reason the split is wrong is that you cannot really reduce the amount of money that is being spent on Ashley because of fixed costs. How much more budget do you need to get the results that we both know are achievable if you spent more on the diversionary stuff?

Ms JACOB - I think it is almost impossible to say how much more budget you need. However, if you consider it costs about \$250 000 per annum to keep a young person in Ashley, if we could stop a relatively small number of young people from going into Ashley then ultimately you could put some of that money into the community sector. The problem is a chicken and egg thing; you have to have a bit of funding in the first place to establish some of programs in the community sector. You do not make savings at Ashley by saving two or three young people. You are probably talking about seven or eight, at least, as your minimum way of starting to save money.

Mr MARTIN - Has the department done any financial analysis on this issue?

Ms JACOB - We are certainly very engaged in that at the moment and the biggest reason for that is the work we are doing on the remandee report that came out that we are in the process of implementing. So we are very conscious of what the different costs are and what different models are in operation in other States and Territories.

For example, I am going to three States next week to basically interrogate people because it is very difficult to get costings from publicly available information. People are prepared to give me general information about their models but it is very hard to pin that down to costing so that is the purpose of the visit next week. We are just about to, I hope, redeploy one of the people we have working in community youth justice who is an ex-Treasury person who we think can do some of that cost analysis in a more detailed way.

One of the problems is you really do have to be more specific about what kind of programs you would like to do, otherwise costings are just pie in the sky.

Mr MARTIN - Is there anything the department has done that we could have?

Ms JACOB - I would say that within the next month we would have some good figures following on from that work we are doing. At the moment they would be very ballpark sorts of figures and it would not really help you hugely because they would be fairly global. I do not know what sort of time line you would need that on.

Mr MARTIN - Mr Chairman, there will be more information available in a month.

CHAIR - Yes.

Ms JACOB - We are doing it now, as we speak. I spent all day yesterday working on it and we are going to the mainland for three days next week, so we are working on it.

Mr MARTIN - It is information that would be really valuable to us.

Ms JACOB - Can I say, though, that I do not think it is just a question of coming up with some global figure to say this is how much more money we need. We have to be able to pin it to specific programs.

The two things I would like to be able to do in the whole system are first of all to have much better supported bail options and, again, having said that, I am conscious of the fact that every State does it differently and that there are a number of models that I think we have to get a lot more information about, which is what we are doing, before we can say which one we think is the way to go. But, clearly, some States do that much better than others. The other thing, of course, is to do a very intensive intervention with the highest-risk, most serious offenders who constantly come back into the system.

In Western Australia the multisystem therapy approach is being used and it is also being used in New Zealand. Both New Zealand and Western Australia have done pretty good evaluations which would suggest that it is very cost effective so that the cost of that is obviously more than simply keeping someone in the community with a general youth sort of model but it is far less than keeping them at Ashley.

What we are looking for is a rationale that says, 'It's very costly to keep someone at Ashley, it is very costly to do some of these intervention programs but if we can reduce the number of young people at Ashley, we would then have some money to start up those other programs'. But it does, I think, depend on having what I would call 'hump funding', if you like, to get us to the point where we would start to make some savings.

Mr MARTIN - Can you tell us what the budget figure is that is spent on community service orders and community conferencing?

Ms JACOB - I would probably have to take that on notice. We would have to analyse what proportion of staff and the time that was spent on it as well as the money that was actually provided to organisations that were involved in doing supervision and so on, so we would have to do some calculations, but we could probably give you a rough figure. It would not be a huge proportion of money.

Mr MARTIN - My information is that we could do a lot more with community service orders if there were more resources.

Ms JACOB - I think we could do a lot more with community service orders, and resources always help but I do not think that is the total answer. Part of it is communities actually engaging with those programs and accepting some level of responsibility for that young person being part of their community and I do not think you always get that by simply throwing money at it. For example, in some parts of the State it is much more prevalent that if you are going to run a community service program there is almost an insistence that a Youth Justice officer is there to supervise, whereas in other parts of the State people who are involved in the community are quite happy to take on that sort of supervisory role.

Do you see what I mean? It is not just a case of money, I think there is a whole heap of things around public education, around the way that communities recognise the needs of the people who live in that community and what they do about it.

Mr MARTIN - Has the department put forward budget bids in relation to the funding of these issues that you are talking about?

Ms JACOB - Community serviceorders?

Mr MARTIN – Yes, and the other diversionary structures.

Ms JACOBS - I don't know what happened before I came into the role. I really can't tell you that. Certainly since the time I have been in the role we haven't put in specific budget bids to say we want to do *x, y, z*. There is always a view within Youth Justice Services that if we had more staff we could do better in terms of meeting our obligations. I think that goes without saying.

Mr MARTIN - So the department thought that you haven't sought the money?

Ms JACOBS - When you say 'sought the money', we are always talking about what we could do if we had funding and what things would cost and what the cost benefits of various models would be. I don't think it is the department's role to go and lobby for every initiative that they might want to undertake. You have to obviously prioritise where you want to put effort at any particular time. The youth justice program up until we made changes when I came into the role in about the middle of last year was under the Child and Family Services area of the department. I think they got a bit swamped by that huge agenda so taking it out and delineating its own budget, management structure and own purpose has been helpful with that. I think we are just now trying to work out what some of our major priorities are for Youth Justice, recognising that there is a relationship to Child and Family Services but it is different, and we have to put a bit more effort into that, I think.

Mr MARTIN - Are you able to tell us whether the rate of recidivism has decreased as a result of the diversionary programs?

Ms JACOBS - It depends what you mean by 'diversionary programs'. We do keep statistics on the number of young people who come into Ashley having been involved, for example, in community conferencing, which gives us some idea of whether or not the community conferencing actually made any difference to their future offending behaviour, so those are available. We do keep those sorts of figures. I cannot really

give you some indication of what would have happened prior to the act because I don't know whether we had information prior to 2000.

Mr MARTIN - Are you able to take that on notice?

Ms JACOBS - The first bit we can certainly give you in terms of the proportion of young people who come into custodial situations within a two-year period following community conferencing. So that will give you a bit of an idea. Certainly the evidence that I have looked at would suggest that you would probably get a better effect from those kinds of things such as community conferencing, particularly where it is very intensive. The Youth Justice people have added a layer onto community conferencing with things like getting the people from different agencies together and using the interagency support panels and things like that more intensively. The evidence suggests that is more productive than putting people in Ashley.

Mr MARTIN - I would be really keen to get that extra information if possible.

Your submission stated that - and I quote - 'the majority of youths in detention are repeat offenders who have exhausted the alternative diversionary sentencing options under the act, or very serious offenders'. Is that suggesting that the new directions you have planned will have no effect or benefit for these young people?

Ms JACOBS - The things we do in Ashley or the things we do in the community?

Mr MARTIN - Well, both.

Ms JACOBS - No. I think that with the right programs, and particularly a pretty intensive program, it is possible to stop younger people from that kind of trajectory from first offending right through to being multiple offenders and into the adult justice system. I think we are not merely providing the level of intensity of program which is required to get that kind of outcome. That kind of program is a very intensive program and requires well-trained, specific staff who work over a period of time with a young person and their family and their other social networks - schools and so on. In order to do that I think we need to put more resources into that area.

Mr MARTIN - We know that is what we need to do and the only reason we are not doing it is lack of resources.

Ms JACOBS - Well, it is partly that and it is partly that we haven't done the work in identifying the models that are likely to make a difference. Unfortunately those models are few and far between. We have identified some, including that multisystemic model that I talked about, which in simple terms means simply addressing the problem on multiple levels. That is an expensive model and it is an intensive model but it is one that the evaluation evidence seems to be there for. I guess my view would be we wouldn't want to jump into doing something and throwing money at something unless we have pretty good evidence that it's likely to work.

Mr MARTIN - Why have you not done the planning for that?

Ms JACOB - We are doing it, bearing in mind we only really took Youth Justice out of that broader Child and Family Services structure in the middle of last year. I have been in this job for a little over 14 months. We are basically, I suppose, doing a lot of work at the moment on what needs to happen and what the options are.

Mr MARTIN - Good. Are young offenders committed to community work orders when they receive them, or do they just see it as an easy option?

Ms JACOB - I think that would depend on the young offender. There would be some who took it very seriously and some that didn't.

Mr MARTIN - Do we have the resources to make sure they carry out their obligations? It's been put to us that we haven't.

Ms JACOB - Again, the level of supervision that's provided for those community work orders would certainly have a great effect on whether or not they kept to the conditions of them and showed up when they were supposed to and did the work when they were supposed to.

Mr MARTIN - Can you assure us that you know whether they do or not?

Ms JACOB - Whether they do turn up or whether they don't?

Mr MARTIN - Yes.

Ms JACOB - No, we couldn't in all cases because we don't have Youth Justice officers supervising all cases. Clearly, what I was saying basically was that in a model where you had more people to do the supervision, you could probably do it better. However having said that, I also believe there's a bit of a philosophical issue there about is that all Youth Justice officer work, or is it in fact something that could be shared amongst some of the other organisations in the community who provide those opportunities for young people to work there.

Mr MARTIN - So it is true to say, as some of the evidence put before us stated, that some young people could be receiving community service orders and basically not doing them?

Mrs JAMIESON - I've seen that happen.

Ms JACOB - They would be caught up with very quickly, but if they didn't turn up on a particular incident, that could happen. Obviously they would have a youth worker assigned to that case, and that person would have responsibility for making sure that they hadn't breached the conditions of the work order and following through on it.

Mr MARTIN - So the check is done in every case?

Ms JACOB - It's done within the capability of the youth worker's case load and their capacity to get across all of those case orders. I can't guarantee you that it is done in 100 per cent of cases.

Mr MARTIN - Do you have a record of case studies?

Ms JACOB - Case studies of individuals?

Mr MARTIN - Yes.

Ms JACOB - Do we have specific case studies - I am not quite sure what you mean. Do we have a case study of every young person who has been involved?

Mr MARTIN - Yes.

Ms JACOB - No.

Mr MARTIN - No. Okay.

Ms JACOB - There would be samples that youth workers could talk about in more specific detail.

Mr MARTIN - I suppose what I'm getting at is: do you have the information to prove or otherwise whether the community work orders were successful?

Ms JACOB - We can certainly, I think, tell you how many young people have been involved in community work orders and then whether or not, for example, they appear again in the system or at Ashley. I think we have that data.

Mr MARTIN - That's what I'm looking for.

Ms JACOB - I could be corrected on that, but I am pretty sure we would be able to give you something.

Mr MARTIN - That would be good, if we could ask for that.

Mr DEAN - Surely, Alison, there would have to be a requirement of the people who are responsible for supervising youth who are on work orders to provide a report to your department that they are either there or they are not there, and therefore accurate records should be available?

Ms JACOB - To provide a report on a daily basis, or on -

Mr DEAN - Whether they are required to do it weekly, daily, I don't know what your system is. I asked you what your system is. If a supervisor out there is supervising on a daily basis, or weekly, or weekend or whatever, what are they required to report to you?

Ms JACOB - They are not required to report to me directly, but -

Mr DEAN - No, I said your area.

Ms JACOB - Okay. Each of the areas of the State has a person who coordinates or manages, if you like, the youth workers working in the community. The youth workers would be reporting to that person and they would be keeping tabs on what was going on in terms

of the young people that they were supervising. I know there are occasions when they come back and say, 'This person breached their order' and we need to do whatever else because that information comes through, and if we are getting a lot of breaches then obviously we are very concerned about that situation. In relation to whether we have a central record of where all of that comes together, I do not think we have. I think that is locally managed in terms of the people managing those youth workers.

Mr DEAN - So a magistrate who sentences a youth to a work order program really could not be satisfied then that they are complying with the orders?

Ms JACOB - The youth worker would report to the court and if the young person was breaching that order, that report would go back to the court. That would not come to me. What they are doing is reporting on the compliance of that young person within the court system or the legal system.

Mr DEAN - What sort of programs are they involved in on the work order programs? What are they doing?

Ms JACOB - There is a range. It ranges from manual things, painting, doing gardening and those things, through to helping in educational settings, those sorts of programs. So there is a fairly high range. It is always hard for us to find new opportunities and one of the areas that I think we do need to improve is what is in jargonistic terms sometimes called community capacity building, which is building some of those opportunities within the community, convincing people in the community that it would be beautiful if they could offer that opportunity to a young person in that situation.

Mrs JAMIESON - Alison, we are looking at case management at the moment and the community case plans are developed both prior and post detention but do you have a holistic approach in that if you have young Johnny who has been flagged before he goes to Ashley, does that case management follow him into Ashley so that he is continuing the programs he may have been involved in out in the community? Then, depending upon progress, do you have an updated case management and how long do you keep the case management going for?

Ms JACOB - Again, that was one of the reasons for bringing the custodial and the community areas into one structure. Basically there has been a gap between what happens at Ashley and what happens in the community both prior and post detention at Ashley, even to the extent of having different databases in terms of that young person, which again we are correcting at the moment. You would like to think that there was seamless case management across custodial and community youth justice, but it is not as seamless as it should be and that is something that we are working on at the moment to improve.

Mrs JAMIESON - How do you assess the efficacy of that case management?

Ms JACOB - We keep tabs on all of the young people who have been through the system by the electronic databases that record their history and what has happened and whether they have come in or out of particular orders or systems or whatever. So I suppose that gives us an overview of when things are not going very well, when a young person is constantly, for example, coming back to Ashley. In relation to how effective is the case

management of young people in the Youth Justice system, I think it would depend on what criteria you used to assess that effectiveness. These are young people who tend to have had multiple problems and those problems are not going to be easily fixed. Their educational attainments usually are not terribly good. Even their prior attendance at school and those sorts of things are not good. So it is not coming into the Youth Justice system that has caused the problem. They have had multiple problems and the Youth Justice system is one aspect of their lives that complicates things. Ultimately I suppose you would judge how effective we were in that work by the future outcomes. Do they go on to the adult justice system? Do they attain a educational level which gets them a job? Do they get a job? Do they become involved in a stable family relationship, have children, et cetera? They would be the same criteria, I suppose, that you would use to assess anybody.

Mrs JAMIESON - Within that case management or even if there is not any actual case management, do you have a formal assessment of the individual? A lot of kids, as we know, have been abused over the years and may be deaf now and that might be the only problem; they are just missing out. What happens about assessing kids at that early stage? In other words, are we looking at preventing kids going into Ashley?

Ms JACOB - The young people who come into the community system, if they are not going into Ashley, would be part of a Youth Justice worker's caseload and depending on their needs and what intervention might be needed, they might get more or less attention, but I certainly could not guarantee that every one of them would be medically assessed.

Mrs JAMIESON - Because you might have a kid with an intellectual disability, mental health issues or acquired brain damage.

Ms JACOB - What we try and do would be to access all the information we had about that young person that was already available and, in most cases, there is a fair bit because they do not just suddenly appear so a lot of that information would be already available. So, for example, if they had had psych assessments, if they had particular medical needs, those would be on the record that is kept.

Mrs JAMIESON - Oh, that is all right then.

Ms JACOB - But I would not want you to think that we went out and did another screening of everybody, particularly for medical reasons. It does not necessarily happen.

Mrs JAMIESON - It is just starting to look as if we might have to start looking at that sort of thing but anyway, the other thing, as a committee we would be interested in, is may be a case, without names of course, but to give us an example of how the case management has gone and as a proforma type of thing. Could that be arranged at all?

Ms JACOB - You mean a case history of what would happen to -

Mrs JAMIESON - A case history.

Ms JACOB - Yes.

Mrs JAMIESON - And that would include, say, family background et cetera because very often that is where our problems start, of course.

Ms JACOB - Certainly we could give you any number of case studies.

Mrs JAMIESON - Just a couple of examples will do. Okay, that would be good, thank you. You also have mentioned that follow-up case management of youths released from Ashley is best as possible within the resources available and we know what that means in terms of how much support youths are actually getting. So do the resources include family and school? In other words, are we getting all our information and our resources from school, from health departments, from family history? It is tricky area, case management. What happens about maintaining a case manager? You build up a rapport. Do you have much turnover?

Ms JACOB - We do have some turnover of the people who work in the youth justice system, that is for sure, and you cannot guarantee that you will necessarily have continuity of a case manager. That is particularly difficult in, for example, the north-west where it is much more difficult to get staff.

How intensively do we work with a young person following their release from Ashley? The truth is probably not as intensively as we would like to in terms of getting all the systems in place that would need to be in place if you were going to make inroads into what are very complex, long-standing issues.

When you are dealing with most of these young people, you realise that they have significant family issues, significant school issues, significant peer issues and significant community issues and to get all of that work happening in a very intensive way does require a much more intensive level of staffing than we have.

Mrs JAMIESON - And would you work with the family as well if it was deemed an appropriate way to go?

Ms JACOB - Again, I would repeat the answer, I suppose, in the sense that we do what we can but in order to really make huge inroads into what we want to do with some families, that would probably be well beyond just Youth Justice resources.

Mrs JAMIESON - We seem to be reacting in the community to a situation, without being proactive, right at the beginning of life and that seems to be where a lot of our problems are anyway. It is a huge issue.

Ms JACOB - I would absolutely agree with that, the earlier we can intervene, the better.

Mrs JAMIESON - What about any youths leaving Ashley without any case management or without any follow-up?

Ms JACOB - They would all be followed up for a period of time and they would all -

Mrs JAMIESON - What do you call 'a period of time'?

Ms JACOB - It would vary, depending on their needs. Some of them might have only been in Ashley a couple of months and so, clearly, that would be minimal, whereas others who have been in Ashley for a significant period of time would have a post-release plan that would implemented over a longer period.

Mrs JAMIESON - That would be, what? About an hour a day or -

Ms JACOB - I could not honestly tell you that. I would be so varied, it would be silly to -

Mrs JAMIESON - Yes, of course, I do appreciate that. On that line, Mr Chairman, I do not have any other questions at the moment, thank you.

Mr MARTIN - Are you aware of the work that White Lion do in Victoria?

Ms JACOB - And here.

Mr MARTIN - Yes, but there is a huge difference between what they do in Victoria and what they do here.

Ms JACOB - I do not specifically know what White Lion do in Victoria, no. It is one of the places I am going next week.

Mr MARTIN - It is something I really urge you to look at. It is something we really need to strive for.

Ms JACOB - Yes, I would agree.

CHAIR - If I could refer you, Alison, to the Fanning Report - and I asked the question of Mr Smith in this regard. We have the summary of recommendations and the progress as at January 2007. When was the summary last updated?

Ms JACOB - It probably would have been in January.

CHAIR - That was it, okay.

Ms JACOB - There would have been things that have happened since that time.

CHAIR - Could we have any updates? Could you provide that to the committee, please? I will ask the secretary to run it past you. Can you, off the top of your head, give us any updates at this stage?

Mrs JAMIESON - I was particularly looking at recommendations 8 and 9.

Ms JACOBS - I know, for example, that we have fully implemented the new complaints procedure, so that would be one. We have been really looking seriously at the community visitors program option and the role of advocates and so forth but we haven't reached a conclusion on that. We have been gathering the information that we need to better respond to that. They are two that I can think of just off the top of my head but there are probably others.

CHAIR - I think you talked about a completion date of somewhere between January and May. It is now May, so how are you going?

Ms JACOBS - Again, from memory we have pretty well done all the ones we can do in terms of making recommendations. The ones that stand out in my mind are the ones that we haven't completed, the ones around community visitors and advocacy schemes and that sort of thing where I think we are still trying to work out what is the best way to go and how that fits in with what other States are doing and what is already on the ground here as far as our Commissioner for Children, Ombudsman and so on are concerned.

In relation to the others, it would be better for me to give you an update. We have pretty well completed the work that we can do. There is none that I can think of as being totally outstanding.

Mr MARTIN - Just moving on from staff training and the questions we were asking Bill Smith, you mentioned last time you were before us that there was an organisational health survey that was conducted across DHHS looking at what was going on in the workplace, how decisions were made, what leadership was like, the culture of acknowledging success and performance et cetera. Was it compulsory for all staff to participate?

Ms JACOBS - No, it was voluntary.

Mr MARTIN - Have the findings been processed?

Ms JACOBS - Absolutely. The findings were processed and the information was fed back to the staff last year. It is confidential to those staff. We don't, for example, make public the results of that survey about Ashley. That information is given to the staff at Ashley and then we work with them as to where the gaps are, where the negatives are, where the areas for improvement seem to be and go from that point. It has to be owned by the people who completed the survey, not be seen as us checking up on them.

Mr MARTIN - So there is information specifically on Ashley that comes out of that but it is not available for us?

Ms JACOBS - It is not a public document.

Mr MARTIN - Okay.

Ms JACOBS - The truth of it is that if that information were publicly available we think people would be reluctant to participate in it so we see it as an improvement tool. I can tell you that the participation rate at Ashley wasn't good. I think people were very suspicious of it and we are hoping that by building up the process, as we did for example in the school system, over time people do come to trust it and to see it as something that is a positive tool for them to use to improve the way that things happen in that organisation, the way that leadership happens and decisions are made. If people can start to use it in that way you have some hope of using it to drive improvements in that organisation.

Mr MARTIN - I suppose there is no information you have in relation to those sorts of issues?

Ms JACOBS - We desegregated that data at different levels. It was my human services group that did it, so we have a global picture of what human services looks like. We have a picture of what Disability Services looks like and other bits of the agency. Then down to the level of individual workplaces, that information is only given to those workplaces and the people who are responsible for those workplaces. It is not disseminated any more widely than that.

Mr MARTIN - The predicament we have as a committee is that we have conflicting evidence put before us in relation to these issues about morale in Ashley and a whole range of issues that were probably covered in the survey. It would have been good to have something.

Ms JACOBS - If staff were happy for you to have that information, I would not have a problem with that. It is just that the staff own it - that is the dilemma.

Mr MARTIN - Yes, I understand that and I sympathise with it.

CHAIR - I might just move on to the Youth Justice Act itself, and I will just make a little statement first. If we took all of the remandees out of Ashley, we would have had an average of about 11 people in Ashley during 2005 and 2006. I think previously you stated that the majority of youths in detention were repeat offenders who had exhausted any alternative diversionary sentencing options under the act, or were very serious offenders.

Could you, just for the committee's sake, give us a snapshot of what that particular youth would be like: how old, and that sort of thing? Have you got a handle on that?

Ms JACOB - The person going in on remand, or just going in on a sentence?

CHAIR - On a sentence.

Ms JACOB - It is really hard to give you one example, because of the range from 10 to 18, boys, girls, different ranges of offences, and so on, but if I was forced into giving you a gross overgeneralisation, they are usually people who have had compounding life disadvantage. They are often young people who have been brought up in situations of poverty - in fact poverty would be one of the major aspects. Often they are in family situations which are not particularly functional, many of them have had some prior dealings with the child protection system. Many of them have had disrupted schooling and their educational attainment is poor, so they have, in typical fashion, poor literacy and numeracy. Many of them haven't attended school regularly at all over a prolonged period, which is one of the tragedies. Many of them have become involved in dysfunctional activities such as drug/alcohol issues, and so on. I guess the picture I am painting is that these are generally young people who have already suffered compounded disadvantage over a period of time, but that is not being said in the sense that then excuses their offending behaviour. I guess what I am pointing to is that offending behaviour doesn't usually just happen in isolation, it is usually part of a pattern which is quite easy in fact to identify at a very young age.

CHAIR - What percentage do you think are repeat offenders? Does the department have any statistics on that?

Ms JACOB - We do keep recidivism figures. I think they are in the report we have already tabled, but we could provide more detail.

CHAIR - If you could, thank you. Would it perhaps be better to take all the remandees out of Ashley and just keep Ashley as an institution, if you like, for those people who are serious or repeat offenders?

Ms JACOB - That is obviously a question for the court system because when they make a decision about remanding, they do it on the basis of a number of criteria - the seriousness of the offence, the risk that young person poses to the community, and so on. So there would always, I suspect, be a proportion of young people for whom remand in custody is appropriate, regardless of all of the other factors that you would want to consider.

However, having said that, we also know that if we could provide the courts with evidence that we were able to support and supervise a young person while they were on bail in a non-custodial setting, to the extent that the court was convinced that that was an appropriate option, I suspect we could probably keep more people out of the custodial place.

CHAIR - Of course that's been a lot of evidence we have had: people have expressed concern about the number of young people who are in Ashley as remandees, and the fact that they become tainted.

Ms JACOB - We absolutely share that, and our aim would be to keep the maximum number of remandees out of Ashley. Having said that, there will probably always be some proportion for whom -

CHAIR - And/or conversely, I put the proposition to you, then, would Ashley Youth Centre be a better place for just remandees and to have some diversionary programs and rehabilitation at that stage, and the people who are the repeat offenders, if you like, who are already sentenced, put somewhere else? Is that a proposition?

Ms JACOB - The fundamental question you are asking is ought we separate the remandees from the people who are there on a sentence. I guess my view of that is the extent to which you can keep people who are on remand from ever coming into a custodial setting - for example, the 40 per cent of those remandees who don't actually get a custodial sentence. That is not only bad for the young person but it is a very expensive option for those people. It is pretty evident that some of those young people who are on remand will go into a custodial sentence for all the reasons the courts would be aware of and for those young people probably separation isn't such a huge issue. It is a hard one. If you ask me whether Ashley should be reserved for one group rather than another, my answer to that is, 'I don't know', depending on what other options there were and what programs you had and how you were stopping young people coming in in the first place. It is not as easy, I don't think, as just saying, 'Yes, that's a good idea'. I think it depends on so many factors.

CHAIR - Perhaps I can put it to you that it is simply because of the economies of scale. Tasmania is a small State. I think it was mentioned previously that other larger States have an opportunity to segregate, mix and match. Is that a fair comment?

Ms JACOBS - It is something that Tasmania lives with in a number of programs. ACT, I suppose, is a bit similar in that it is a similar size but they do have the option of being able to use some of the New South Wales situations if they have young people who they think are more suited to them. So they do have a fall-back position, whereas we don't and that clearly is an issue for us. As I think some people pointed out in your session with Bill Smith earlier, there are advantages in smallness as well. I guess what we have to try to do is capitalise on some of those in terms of our capacity to know our networks and know the people we are dealing with and be able to keep in close contact with the young people. There are advantages as well. There will always be an issue in terms of not being able to offer the range of specialist services that you might be able to offer in a bigger system.

CHAIR - In regard to the act itself, I think the Commissioner for Children said that the act was not inadequate at this stage. Since the act has been introduced there have been minor amendments rather than a major review. Do you think that has been the best way to go at this stage, rather than having a major review?

Ms JACOBS - I think you asked me that last time and I think my answer was -

CHAIR - I just wanted to see if I got the same answer.

Laughter.

Ms JACOBS - My answer would be that I believe that it would be an appropriate time to do a complete review of the Youth Justice Act. But having said that, we have made incremental amendments over a number of years so it is not as if we have just sat back and said, 'We'll just do that until we can do a major review'. My question would be, 'What is the purpose of a review?' The general view that is presented to me is that the act is a fundamentally good act. There are things in it that probably require strengthening and there are process issues which require more clarity and we need to be more explicit about how things ought to happen. I think that would be useful to do, but nobody has actually presented a case to me - I don't know whether they have to you - that this is a fundamentally flawed act.

CHAIR - No, they haven't.

Ms JACOBS - I think it is a case of probably making it work better. You will always find in an act where there are multiple people involved, and in Youth Justice there are multiple people involved - police, justice systems, education. You don't really know what is going to happen until you give it a go. I guess after a period of time that is when it is a useful time to sit back and say, 'How could we really improve that?' So my answer to that is yes -

CHAIR - With appropriate resources.

Ms JACOBS - With appropriate resources was my proviso because there is no point in doing it unless you do it properly. I could sit down and review that act tomorrow and make some cosmetic changes to it and we could all tick it off and say we have reviewed the Youth Justice Act, but so what? Unless it actually engages the right people, gets them around the table, has the debates, looks at what resources would be required to do various things - and no act can function properly without the appropriate resourcing that is going to allow the intent of the act to be realised.

CHAIR - And obviously other jurisdictions in Australia and overseas move on with their acts. I think sometimes there is a bit of cutting-edge stuff and sometimes we need to take account of that.

Ms JACOBS - And we keep tabs on that. One of the advantages of being a small jurisdiction is that the larger jurisdictions, by and large, are quite willing to share things with us. Sometimes that works to our advantage in that we can sit back and wait for them to trial something and see what happens and then pick up little bits and not waste money on the things which haven't proved to be effective. That is a good thing to do, which again is why I am spending three days looking at Youth Justice amendments.

CHAIR - So do you think we are playing catch-up a bit, rather than being innovative?

Ms JACOBS - In my view, in most areas of my portfolio, not just Youth Justice, we are not the poor relations in the sense that we are not doing the right thing. Where we do not necessarily do things as well as some of the other States is where we simply do not have the capacity to have the range of programs or the specialists and so on. If you asked me fundamentally whether young people in Tasmania are disadvantaged because they are in Tasmania as opposed to the mainland, I would say no, I don't think that is true.

Mr MARTIN - Moving onto compulsory education for school-aged kids, we have received from the Education department a timetable which outlines the hours of study for compulsory-aged students. We have also seen evidence from other States, South Australia and Victoria at least, that they do a normal school week. The timetable that we have indicates to us how the students are engaged on a daily basis, Monday to Friday, from the Education department point of view. From what we have seen, the Education department has responsibility for three hours per day, which includes two hours on their individual education program and one hour with the health and PE teacher. That is a total of 15 hours a week compared to what the same group of kids are getting interstate. Can you tell us how the remaining two hours per day are timetabled by DHHS?

Ms JACOB - Again, I think we covered this a little bit last time.

Mr MARTIN - We phoned the Education department since then, though, so we just want it clarified.

Ms JACOB - So this is the other two hours referred to in the Department of Education's submission?

Mr MARTIN - Yes, compared us to other States where they are getting five hours a day, probably more. At the most, the education response was for three hours a day. What do you do for the rest of the time?

Ms JACOB - It would be for those more general recreational programs that are not necessarily school-based but are within the Ashley centre more generally. They would be some of the site programs, some of the things that Bill mentioned in terms of recreational activities. It is not the one-to-one teaching that the school provides.

Mr MARTIN - Bear in mind that the Youth Justice Act is totally built on a restorative justice system and that a lot of these kids are in Ashley because they have not engaged in skills learning out in the real world. This is a great opportunity, in what is supposed to be a compulsory education system, to engage them and to educate them beyond what they were receiving before they went into Ashley. We really are falling short, aren't we?

Ms JACOB - Yes, I think we ought to be doing a lot better in the kind of educational provision we are providing at Ashley.

Mr MARTIN - And the reason we are not?

Ms JACOB - The reason we are not is that they do tend to work with the young people in fairly small groups, so that when they go to the school it is not the total group of the young people at Ashley, all the compulsory-school-aged children, who are there at the one time. They tend to break them into fairly small groups where they have a pretty intensive program for the time they are there. I suppose it ultimately comes down to the resources of the education system we provide, divided by the number of young people who require the program, and what number comes up. So yes, we would love to have more.

Mr MARTIN - Have you or the Education department been able to get together and decide that you need to fight to get more money from the State Budget to do this, because you are both telling us that you know it is important? For the sake of these kids and for the sake of society, I cannot see how anyone could possibly argue against it, yet we are not doing it. So where does the fault lie?

Ms JACOB - If you think that I do not fight for every area in my portfolio - from disability to housing to child protection to youth justice - that I think requires more money, then I suppose I gave a wrong impression. On the other hand, is it my job to be lobbying? I am basically a public servant who is responsible for making the best use of the money that is provided to me by whatever means, and making sure that I advocate on behalf of the people for whom I am working for the maximum resources I think are needed in those areas. I really cannot say any more than that. Should I be fighting more for youth justice against some of the other areas? No, I have to be looking at overall priorities.

Mr MARTIN - It is probably a job for politicians to follow.

Ms JACOB - I guess I would make that distinction. I am not a politician and it is not my job.

Mr MARTIN - No, that is right. Is the information available as to what extra budget would be needed to do what the other States are doing, to provide the full-time education that these kids should be getting?

Ms JACOB - It would be very easy to calculate that.

Mr MARTIN - Could we receive your calculation on that?

Ms JACOB - I could certainly do that in conjunction with the Education department, given that it is their responsibility to provide education. We could certainly do some costings for you, bearing in mind that would be in conjunction with my Education colleagues.

CHAIR - Alison, Mr Martin rightly asked those questions in regard to education, particularly as the committee visited other jurisdictions like Victoria and South Australia and observed the very big gap between Tasmania and other States in providing educational opportunities.

Ms JACOB - Yes.

Mrs JAMIESON - What is the number of detentions, duration of detention and age range for detainees over 18 years of age in Ashley in the last five years, and what were their crimes? The age range is meant to be 10 to 18 but we have had evidence that there have been people over 18 in there. What do you do with them after that?

Ms JACOB - Over the last three years, Youth Justice has transferred about eight young people out of Ashley into the prison system, and over that same period about 14 have come the other way. So that is a bit of an indication. I cannot guarantee that they are all 18 but they would probably have been in that range.

Mrs JAMIESON - We did have evidence that there were at least one or two who were close to 21.

Ms JACOB - That is possible.

Mrs JAMIESON - Yes, and that is hardly appropriate. What is missing in the State child protection system if 65 per cent of the custodials in Ashley have been in contact, one way or another, with the State child protection system? It could be seen that the legislated duty of care by government is failing these kids. What else can we do about it?

Ms JACOB - If you are asking me what is missing in the child protection system, I suppose I would table the report that David Fanning and I did last year on the child protection system. It comprehensively details what is lacking in the system and, more importantly, what we are doing about it.

Mrs JAMIESON - Right, so any progress at this stage?

Ms JACOB - Absolutely, and in fact there has been very good progress in terms of getting the recommendations of that report implemented. No doubt that will be a subject of some budget Estimates questions.

Mrs JAMIESON - Is it possible to have any written answers to that yet?

Ms JACOB - I am wondering whether that is getting very broad for the scope of this committee.

Mrs JAMIESON - How many, and what are their ages, are in Ashley for murder and rape, for example - some of the more serious crimes?

Ms JACOB - I cannot give you that figure off the top of my head but we could take it on notice. Clearly, if a young person is involved in one of those crimes then Ashley is the only place.

CHAIR - For specific questions like that we will put them on notice.

Mrs JAMIESON - Okay, I am quite happy to do that with all of these if you like.

CHAIR - Yes, if you would not mind. Indeed, I have a few questions that I will put forward in writing at this stage. I appreciate that it would be difficult to answer those.

Mrs JAMIESON - Would you care to comment on the bail-options program in Launceston? Anglicare, I think, runs it.

Ms JACOB - It was run in both the north and the north-west. There are two programs that I think constantly get confused. One is a more general program to provide accommodation to young homeless people of whom young people involved with the Youth Justice system are often a client group. That program has operated for a number of years and has successfully provided alternative accommodation for people who might otherwise have ended up in Ashley.

Mrs JAMIESON - So it is a foster care type of thing?

Ms JACOB - It is providing accommodation. But on top of that we have had a small trial of a program which was really designed to look at how we could provide a supported placement for some of those young people and that trial has been run by Anglicare as a provider in conjunction with us. My general assessment of that program is that it has not been very successful for a range of reasons and we are having evaluation done of that at the moment. But I think the major reason has been we do not really have an appropriate model of how we want to provide the support. When we do not train the people and we do not provide the resourcing there then you cannot just expect that will happen in thin air. I think we have a lot to learn from that.

Mrs JAMIESON - The departments of Health and Education could work more closely - and Bill said this last time, so I will attribute this to Bill - to develop school and vocational education opportunities to provide at Ashley. A process is under way and a high level committee has been established to look at this. Is this committee up and running?

Ms JACOB - Absolutely.

Mrs JAMIESON - Are there any results yet?

Ms JACOB - We have the program that the Education department put forward which was basically looking at a group of young people involved in the Youth Justice system, some

of whom are in Ashley and some of whom are in the community service, and we have identified those people. We have started the program in relation to those and it is basically around more intensively case-managing and following through, chasing up and looking at options for that group of young people. Over a period of time obviously we will have some idea of whether that really makes a difference, again bearing in mind that by definition these are people who are really hard to engage in education.

CHAIR - Thank you very much, Alison, for your input this morning.

THE WITNESS WITHDREW.