

# PUBLIC

## THE LEGISLATIVE COUNCIL GOVERNMENT ADMINISTRATION COMMITTEE 'B' MET IN COMMITTEE ROOM 2, PARLIAMENT HOUSE, HOBART, ON THURSDAY, 13 JULY 2023

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### INQUIRY INTO TASMANIAN ADULT IMPRISONMENT AND YOUTH DETENTION MATTERS

**The Committee met at 9:00 am.**

**CHAIR** - Welcome. Before we commence I will introduce the Committee. From my left, Meg Webb, Rob Valentine, Jane Howlett, Tania Rattray, Rosemary Armitage, Josh Willie, secretary Simon Scott and at the back we have Alison Scott. All evidence taken at this hearing is protected by parliamentary privilege and I remind you that any comments that you make outside of this forum may not be afforded such privilege. A copy of the information for witnesses has been provided. I expect you have all read that. The evidence will be recorded by Hansard and a version will be published on the Committee's website when it becomes available.

Could you briefly speak on your submissions? We only have 45 minutes, so maybe up to 10 minutes of introduction because members have all read the two submissions and then we will launch into questions.

Can you now take the statutory declaration?

**Mr LUCAS DIGNEY**, ASSISTANT STATE SECRETARY, HEALTH AND COMMUNITY SERVICES UNION, **Mr PHILIP PREGNELL**, JP, DELEGATE, and **Ms RHIANNON SALTER**, SENIOR ORGANISER TASMANIA, UNITED WORKERS UNION, WERE CALLED, MADE THE STATUTORY DECLARATION AND WERE EXAMINED.

If there is anything that you feel the Committee would benefit from in camera, not for public disclosure, then please just request that and the Committee will consider that. Who would like to make a start? Thank you, Lucas, looks like you have the gig.

**Mr DIGNEY** - Thank you, Chair. The Committee has our submission. I'll provide that as read. Chair, what is needed in terms of Tasmanian adult imprisonment and youth detention is real structural reform. What we see is a repeat of the same policies that have been in place for decades. What we see is a recidivism rate that is well above the national average. What we see is outcomes for individuals who are in the justice system that leads to them being detained. We see them having poorer and poorer outcomes all the time. What parliament needs to do is have a look at the drivers that put people into the criminal justice system, rather than dealing with the criminal justice system as a problem itself. It's a symptom of a broader problem. We need a holistic approach to supporting families and the communities. That needs to be based on identifying potential offenders early. What occurs is people get into offending cycles and then they're simply subject to the justice system. That's a system that has failed them on any measure.

**CHAIR** - Thank you. We appreciate that. The suggested options for solutions is very much appreciated. Anything to add, Philip or Rhiannon, in regard to your submission? Then we'll open it up to questions.

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**Mr PREGNELL** - Thank you, Chair, and thank you for taking our submission. When you fail correction officers, you fail prisoners and you fail the community. TPS<sup>1</sup> continues to fail to provide sufficient training, not only to our members but also to prisoners so that we can make sure that they are better people when they go out in the community. That's showing with the recidivism rate, which is the worst in Australia. The number of people who are coming back is not acceptable. We're not providing them with the tools or the support that they need to become better members of the community when they are released. That's why they are coming back in large numbers. About 60 per cent are back within two years, which is an indictment of what is happening.

We need to provide that training, not only to correctional officers, to correctional managers as well; but we also need to provide the tools and facilities to make sure that these prisoners can get their mandated training from the courts, as well as the therapeutic support that they require. That's the important bit, because lockdowns at the moment are astronomical and are an indictment of a very toxic environment that's run by bullying and harassment.

**CHAIR** - Anything to add, Rhiannon?

**Ms SALTER** - From our perspective as the representative of workers in corrections, what we see is a systemic failure to resource the workers who are responsible for making the prison system provide all the services prisoners need to work through their sentence and get out. We see there are not enough resources there. We see there's not enough training there. The nuance and understanding of the needs of the workers and the needs of the prisoners is absent; being able to understand and tailor your approach to be able to progress and understand and be compassionate. Some of the stories we receive from our members are heartbreaking and we find we are not being listened to as their representatives on most occasions.

**CHAIR** - As their voice, as a united voice, can you talk through some of the conversations you have with TPS about those training options? The Committee would be interested in that. Is it just not meeting the needs at all, or is there some attempt at that training for staff and management?

**Ms SALTER** - I'll speak about staff training because there have been industrial disputes I have participated in with some of our representatives. I'll leave prisoner programs and training to Phil as a worker in that environment.

We had an industrial dispute that began in 2020 regarding basic training for correctional officers. Over the years, the training has been reduced from a 13-week course to a 10-week course. They have trimmed the amount of time and some of the programs that are included in that. In 2020 the source of the dispute was the location of the training. Through COVID-19 there was some rearrangement of the training facilities for staff. They became offices in order to cope with the social distancing requirements and some of the changes that were made to anticipate what was going to be needed if COVID-19 was throughout the prison system.

There was also a staffing crisis. They desperately needed to recruit new people, but it takes a while for a correctional officer to be confident and to be able to do their job effectively. It takes experience. The craft of being a correctional officer is communication and the ability

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<sup>1</sup> Tasmanian Prison Service

to interact with inmates and prisoners. In a way that assists them to navigate the system and to navigate what they need to do.

The training in 2020 was rearranged to suit the location. It did not meet the RTO<sup>2</sup> requirements for the Australian Skills Quality Authority (ASQA). When we were going through the dispute with the training and what we were concerned about, we were told this was the way it was supposed to be.

TPS delivers their training in partnership with TasTAFE. There is a memorandum of understanding which outlines who is responsible for what, who needs to deliver what and which people are qualified and authorised to deliver those particular units in the Custodial Certificate III. At that time, the MOU<sup>3</sup> was out of date. Our members had raised the concern through their work that, 'we know this is coming up, we need to do this'. It is essential for that training to be legal and to qualified standards as through ASQA. We were told that was incorrect, there was misrepresentations from some of the people we worked with. We went through meetings with the director, the training managers, all the way through to Government representatives. We made our concerns known. Those recruits were told that they should not talk to their union, that they should beware of what the other staff members were going to say to them about their training.

A few months later, once they had started and once we identified pieces of their training that were missing - there were some really key correctional practice and correctional techniques that they were not aware of, things that ensured their safety and the safety of prisoners through some of the movements that they do. Really key things.

In 2021, we requested they conduct an independent inquiry into what happened because we could see something was wrong. There were either some performance issues or some deliberate misinformation provided. That report has been handed down. I won't speak to the content. You should request that from the Department of Justice.

**CHAIR** - The Department of Justice has the report?

**Ms SALTER** - The Department of Justice has the report. It outlines the problems. The whole thing could have been avoided. Our members had said this is an issue, this is a legislative requirement, not because they wanted to make trouble but because they care about the standards. They care about TPS delivering training. Training in the practice is everything in the environment. It is not the jails or the buildings that are going to change people's lives - it is the people who work with them.

**Ms ARMITAGE** - In your submission you say training is rarely approved or provided, even if it is part of a performance development plan. When you say 'approved' - it's the TAFE and training - is it not what should be required? Could you expand on this when you're saying training is rarely approved?

**Mr PREGNELL** - What we are saying there is if you have a performance review of a correctional officer and you identify, yes, this person could be a supervisor and could work their way up the ranks over the next few years; let's get them some training on how to be a

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<sup>2</sup> Registered training organisation

<sup>3</sup> Memorandum of understanding

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supervisor, how to manage staff, and how to look after staff. That has been identified but there is no training available for that to happen.

**Ms ARMITAGE** - So it is not provided?

**Mr PREGNELL** - It is not provided. People who get to a certain level may do a diploma of management, but if you go into a supervisor's role, there is no training on how to be a supervisor. You are put in that role and told to do the job. That can be from staff management to inmate management as well, where you have to do disciplinary reports and the like, and also the safety and security of the unit you are in charge of. That training is not provided.

**Ms ARMITAGE** - People are just moved around without actually being trained to move up positions? Is that what you are saying?

**Ms SALTER** - I can clarify some of this as well. The follow-on from that dispute meant that there was a resourcing issue in that unit. There has been some work done to it and we are continuing to work with them.

For the different levels of correctional officer, you have probationary who go through their 10-week recruit training and then a year of probation with their learning. They should be supervised and mentored as much as possible. Generally, with level one, two and three, you are perfecting your craft; you are just doing mandatory training like control and restraint, CPR, all of those really necessary skills that are refreshed on an annual or biannual basis.

Once you approach your fourth year, there is the first-class correctional officer. There is specific training and assessment which assesses your capacity for, and knowledge of, those advanced practices. That training hasn't been run, I think, in nearly two years. The course exists. It's a requirement to progress to the next level, but it has not been run. That advanced training which supports that experienced work of officers is just not being run. It's regularly put off. Last I heard, it was going to be November last year [2022].

In our last negotiations, we made some changes to the classification structure. We put in some progression requirements, including specialised supervisor training, which is required for professionalism and for quality of work. That course has never been developed. It's been four years. They have some outlines but there's been nothing put forward. It's simply not a priority.

Then when you progress to the higher levels of superintendent and chief superintendent, and general managers who are in charge of workplaces which have nearly 150 people, it is complex, challenging work. We see that there is no regular training provided. There's not a standardised practice.

The things that are missing, in our view, are knowledge of workplace health and safety, knowledge of psychological issues for correctional officers, and how to best engage in a trauma-informed way, not just with prisoners but also with staff, and how to sensitively have those conversations. There's also a lack of general knowledge about some of the basic things, about public sector rights and responsibilities, and how their awards and agreements work, which are necessary for any employment relationship.

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**Ms ARMITAGE** - You mentioned you have 10 weeks for the training. You also mention in your submission that recruitment processes are a sham. Can you expand on that comment?

**Ms SALTER** - There's been a lot of work done on how to upgrade how they select for people. There's a scoring system. Our understanding is that the scoring levels are reduced in order to get enough candidates. That is what we have been -

**Ms ARMITAGE** - So it's a lack of candidates, as opposed to being something wrong with the recruitment process and then ongoing training?

**Ms SALTER** - Yes. Partially it's a lowering of the requirement thresholds for the scoring that you have to go through to be selected.

**Ms WEBB** - In the Government submission in relation to training, it says the training unit has recently undergone a restructure, with additional resources provided by the department. It says the unit restructure places the training unit in a strong position to provide increasingly robust training moving forward. Do you have a response to that? That all sounds very positive, like we're raring to go and things are steaming ahead. From what you describe, that's not the case.

**Ms SALTER** - No. I requested a meeting recently with the team from the TPS and Department of Justice that we have been consulting with around unit restructure. We have agreed to how the unit is structured. They have placed some additional resources there and funded some temporary positions which provide for more training and more qualified trainers. That consultation is not finished.

What hasn't been done is a review of the training policy that outlines the mandatory training that is supposed to be refreshed and done regularly. That also includes the delivery of the first-class and correctional supervisor training that I mentioned earlier. Part of that is also incomplete. Also, some key positions that were created to focus on and maintain ongoing development of existing staff have not yet been filled, to our knowledge.

**Ms WEBB** - Is it your understanding that there is an ongoing time line where those things are all planned to occur, like the review of the policy and the development of those other units?

**Ms SALTER** - We haven't been provided with a time line.

**Ms WEBB** - No time line has been provided?

**Ms SALTER** - No. We've requested another meeting to check in on the process but we would dearly love a time line and deadlines around that.

**Ms WEBB** - Apart from that, do the annual refreshers that need to occur over specific topic areas occur on a regular and appropriate schedule? Or are they not being delivered?

**Mr PREGNELL** - Ad hoc, I suppose. A lot of that is online training. Unfortunately, staff officers aren't placed off position to do that online training. Therefore, they've been instructed to that while they're trying to provide safety and security to their units.

**Ms WEBB** - In the course of their work?

**Mr PREGNELL** - In the course of their work, which is inappropriate, where you're sitting at a counter trying to do that while you've got prisoners going up to the counter, or you are watching what's happening in there. We have pushed hard for those people to be placed offline so that they can do that training. What we are seeing is the compulsory training like our CPR<sup>4</sup>, first aid and the like, is happening but it is being cancelled a lot to try to get the prison open because of short staffing. We are seeing that the majority of our staff, under their new rosters that were implemented, don't actually have training days within their roster that they had previously. That's an issue that we pushed when they changed the rosters and they didn't take online.

**Ms WEBB** - So, in some cases, because of the staff shortages, there would be a choice between 'staff can undertake training' or 'there can be lockdowns'. There can't be both?

**Mr PREGNELL** - Yes, that's correct.

**Ms SALTER** - They are in a much better position than they were in 2020-21 where, I think nearly 85 per cent of people's mandatory training - for the preservation of life and the use of custodial tools, were out of date at that time. Now, it is a lot better. But the regular cancellations are of concern and it took, at that time, one of our health and safety representatives issuing them with an improvement notice to increase the compliance with training in order for them to meet that deadline. She gave them 12 months to meet that deadline and it was a scramble at the end.

**Mr WILLIE** - It is concerning to hear this. I'm interested in what elements of training involve rehabilitation. We have heard from some other stakeholders like the Tasmanian Aboriginal community saying that cultural awareness training is inadequate. I heard you mention that trauma-informed practice would be important. I saw in your submission, Lucas, that wellbeing training was a recommendation. Apart from training not happening and happening on an ad hoc basis, where is training deficient in terms of rehabilitation of inmates?

**Mr PREGNELL** - Through the first 10 weeks of training, we do some cultural awareness training. Unfortunately, a couple of our schools over the previous years, instead of using somewhere like the TAC<sup>5</sup> to give that culture for our First Nations people training, they got somebody from the migrant centre to come and talk and they did that as their cultural training, which is extremely disappointing. There is no ongoing training in that field at all. In regard to therapeutical training and so forth, there is no training as such. Some of the correctional officers have done the mental health first aid training, but not everyone. Knowing that, even for our own colleagues, we have not got that training to look after our own colleagues and how to make that call, 'Are you okay?'. What we are seeing is the amount of suicides, like in the paper. We have other stories of people where we are lucky that they are still with us, we really are, because that training is not provided. It's not provided with management either, how to make that conversation, I suppose, is the big thing and how we make conversation.

If you look at a correctional officer, they are a person the prisoners see 24/7. Even during lockdowns we are the ones who have to go up and open the hatch, feed them. We are the ones who have to get them out if it is an urgent medical, we are the ones who have to go up and

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<sup>4</sup> cardio pulmonary resuscitation

<sup>5</sup> Tasmanian Aboriginal Centre

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provide them with whatever they need. We build that relationship with them so that we can try to have those conversations. But we are not skilled fully in that ability.

Therapeutic programs and so forth can be seen but only when we are unlocked. Some of our areas would be lucky to be unlocked probably three half-days a week at the moment. The rest of the time they are sitting in a cell, maybe with a colleague if they are doubled up, so they are not getting out and having the ability to be taken to those programs and to see those people that they need to see.

**Mr WILLIE** - What I am hearing is that training seems to be more focused on control of the prison environment, work health and safety matters, and there isn't that much of an element in terms of trying to stop offending behaviour. It sounds like that is the greatest opportunity, if you are with them so frequently.

**Ms SALTER** - My current observation - and my knowledge of the exact units in the course is not complete, is that there would be some elements of that in the basic course. There's a couple of ongoing units that are e-learning-based, there are some ad hoc trauma-informed things that happen. They might have a whole section where they will train everybody, usually in the response to a report or some other inquiry. That is usually something that is a recommendation and they will roll that out across the system but not regularly use that training. It's the bare bones, it is the basics that are delivered but nothing that is going to lift and transform and make the practice of being a correctional officer go to the next level, which I think we would all agree is necessary in this situation.

**Mr WILLIE** - In terms of the funding, I would assume that training isn't a really expensive element of the whole overall justice system. With some small investments we can get some significant improvements. Is that a fair statement to make?

**Mr DIGNEY** - I think that is a very fair statement to make. What we see - and we share similar experiences in the youth justice space that we see in the prison space, is a real ad hoc approach to training and just taking the opportunity to do it when operational matters allow training to be undertaken. You see reduced inductions, you see ad hoc approaches to mandatory training, where a small investment with a structured training program for all of those employees would delivery measurable beneficial outcomes to not only them but to the service they work in, and to the prisoners and detainees that they are charged for caring for. That is a really simple fix for the Government to make and one that they could make without a substantial resource injection.

**Mr VALENTINE** - I want to thank you for your obvious care for the inmates and wanting to see good outcomes for them. Your opening statement was really good. I want to go to recommendation 9 in the United Workers Union submission, no 67, on page 14. You say there:

Allocate funding and resources to ensure the appointment of a well-resourced human resources function within the TPS, including the appointment of designated and qualified HR<sup>6</sup> personnel.

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<sup>6</sup> human resource(s)

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Do you want to expand a little bit more on that because what I am hearing, it seems to me at the moment, is that it is more reactive than proactive. I hope I am not putting words into your mouth here, but that is what seems to be coming across in terms of training and the like. Can you describe to me, as far as the HR system is concerned, are you saying that's just run centrally from Justice and not specific to the prison service itself and that there needs to be more attention paid to that? Is that what that recommendation is saying?

**Mr PREGNELL** - Thank you for your question. What we are seeing is that the main Department of Justice runs the basics, I suppose, in the pays and so forth. We do have a small team out at the prison that look after workers compensation, rostering, the training facilities under HR and the like. But it is small when you are looking at nearly 500 correctional officers that are on the books, plus all our other people, therapeutics, programs and so forth. That is a fairly large working environment out there and what we are seeing is that the resources available are not there, especially in the workers compensation area. I think we have got two people out there at the moment looking after workers compensation. What we're seeing is that people who are on workers comp aren't being contacted, they're not regularly being checked on, they're not regularly being provided with, 'These are your entitlements, you are on workers comp and we are sorry it has got to that, we are sorry you have been injured at work. What can we do for you?' That is not happening. That's because of that small team that is doing it.

**Mr VALENTINE** - Through [Budget] Estimates [2023], I think we heard there were 71 people on workers compensation, I think it might have been up to March [2023]. So, you're saying that they're not getting sufficient service, if you like, to help them rehabilitate back into work? Or are these workers compensation cases more severe than that and they won't be going back?

**Mr PREGNELL** - It is a mixture. I will get Rhiannon to discuss the case that we have at the moment.

**Mr VALENTINE** - As long as we are not identifying individuals.

**Mr PREGNELL** - We will not identify individuals. People have probably seen the 29 June [2023] paper regarding one officer who wanted to commit suicide because of what happened at work. There's a serious one we have just become aware of that no one at work was aware of because contact wasn't happening. They were denying, not asking, 'How are you?'

**Ms SALTER** - My reflection of the HR question is that a lot of my work engages on behalf of members with HR professionals at TPS. It's not well-resourced. I think there are vacancies, but we're not sure any more. I look at the work they do and see the level of work they do and the amount of time they spend, and the people doing those jobs are doing an incredible job with what they have. You just need more. It's about caring for the workers who are caring for our prisoners.

Regarding engagement with injured members and disputes that may happen, the workforce has a certain level of stress and a certain level of psychological harm happening every day - member versus member or staff versus staff conflict, conflict among people. When you become stressed or you are suffering from the early onset of PTSD<sup>7</sup>, people's behaviour

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<sup>7</sup> post traumatic stress disorder



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changes. Some of the first signs are anger, frustration, irritability, reactivity and that leads to disputes between staff. We need to manage those in a way that is sensitive and reflects that work.

The situation that Phil is speaking of, I will have a conversation with one of our members at least once every couple of weeks who has been suicidal or is contemplating self-harm. Often their treatment has been ceased because their workers compensation has been denied or is being challenged. The straw that broke the camel's back is not all of the incidents that they were part of; it is this one conversation with the manager that was the final straw for that person.

When a member tells you that they have not driven a car that they own for two years because they had already measured up a bridge that they were going to crash into because they meant to end their life. If that didn't work, they were going to get a power tool and modify it. That is very common.

**CHAIR** - Lucas, regarding evidence we heard last week in our hearings about Ashley Youth Detention Centre (AYDC) staff, and the lack of support for workers who have not been at the centre for some time, can you give us a brief outline of that?

**Mr DIGNEY** - Thank you, Chair, I concur with the submissions of my comrades in relation to employees who are suspended or who are under investigation for whatever reason, or workers who are on workers compensation. They are cut off by the department. They might have central contact from someone from injury management or someone from human resources but they don't have any contact from their operational managers. They're cut off from their email system, they have difficulty accessing their pay slips, and all of that administrative stuff. They are just isolated.

**CHAIR** - They feel like that have been cast aside.

**Mr DIGNEY** - They are removed from the workplace and they are isolated. A number of members have been suspended for well over a year and the investigation hasn't even commenced. I have members who have been suspended for over two years on full pay. One of them has been cleared by the investigation, but they still won't return that person to work, for whatever reason.

The real issue is a failure by the employer to recognise the traumatic environment that these workers work in. In the prison and in youth detention, these workers are exposed to vicarious trauma every single day, every single minute. The departments they work for fail to recognise that. There could be a real reduction, particularly in traumatic stress injuries, to these workers by ensuring they have regular access to professional supervision. They don't.

When it is provided, it's provided by someone in their management structure, so it's not professional supervision in a proper sense. You can't debrief about all of the issues that you may be feeling, or that may be of concern to you because you have to take into account that you are talking to somebody who is in your management structure, someone who you may have a problem with. In youth justice, in prisons and in child safety and other areas where employees are exposed to trauma, the Government could make a small investment, employ their own teams to provide that professional supervision on a regular basis. It would measurably reduce traumatic stress and those type of injury claims against the department.

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**CHAIR** - An independent team?

**Mr DIGNEY** - Absolutely. It can't be from inside the management structure. It is not effective if you have to debrief about those matters with someone who has power over you.

**Ms WEBB** - That's a really interesting observation about the professional supervision and how it needs to be separate to performance management, which is what your manager and line managers do.

**Mr DIGNEY** - Absolutely.

**Ms WEBB** - Regarding AYDC, because of things scrambling over the last couple of years, there is now a real mix of staffing, from Tasmanian-based staff to staff brought in from interstate, to retired police officers. Can you comment on how we can be assured of the preparation, training and cohesion of that workforce, given the mix of where it's come from and how it's been put together?

**Mr DIGNEY** - There's been some measurable improvement in the last months because there has been a level of stability around that workforce. In the two years previous to the last precedent period, there are no assurances that workforce was stable, or that they had the necessary skills. It was providing boots on the ground. The reality is the department had no other choice because they were chronically understaffed and had to bring in a workforce as best they could.

What we saw during that time was reduced inductions, no essential requirements for youth workers aside from psychometric testing and we still see no essential qualification requirements for youth workers. If you pass the psychometric testing then you can work with the young people who have been detained there.

Because of an inability to retain youth workers there, in the last month we have seen lockdown because of staffing at Ashley Youth Detention Centre. The Government does not like to call it lockdown but that is what it is. If young people are restricted to their rooms, then they're locked down.

**Ms WEBB** - You mentioned in the last couple of months there has been an improvement on the past couple of years, yet we are still seeing shortages to the extent that lockdowns are required. The change has been that there is a more stable workforce but still not enough of that workforce?

**Mr DIGNEY** - That's right. They'll recruit a number but then they don't use ongoing recruitment strategies to make sure there's a contingency. People will be injured in that type of environment, people will need time off for workers compensation, people will be suspended because there are allegations made about them from a young person. It seems the department does not count that in their staffing projections. We've never been able to convince them that it's a fact they need to take into consideration.

**Ms WEBB** - Can I clarify before we move on, in TPS there is a 10-week training program for new correctional staff; in the youth justice system it is a six-week course. Everyone who comes in passes a psychometric test to get through the entry requirement, does a six-week course and is then termed a youth worker and put to work -

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**Mr DIGNEY** - Employed in the unit.

**Ms WEBB** - Is there annual refresher training, as there is in the TPS environment?

**Mr DIGNEY** - Only on mandatory training matters, so CPR and what they refer to as Maybo training, which is about restraint and non-violent crisis intervention. That's the only training they would do on an annual or biannual basis.

**Ms WEBB** - The Government points to the wellbeing hub that's available for the TPS staff. Is that also available for youth justice staff, or do they have anything similar?

**Mr DIGNEY** - They have a wellbeing team that sits within the department. It's not as well resourced as the one provided by Justice. We're talking to the department about more training in identifying wellbeing issues. That includes self-awareness of those matters and certainly more resources to deal with those issues for our members.

**Mr VALENTINE** - For clarity, are you saying the Employee Assistance Program is internal, not provided by an external -

**Mr DIGNEY** - No, it's external. But they also have their own internal wellbeing team.

**Ms HOWLETT** - What percentage of those who are on workers compensation are ready to return to work?

**Mr DIGNEY** - That's a difficult question to answer, but I would suggest that probably 15-20 per cent of those workers could be introduced through a graduated return, or have some alternative duties, perhaps away from the Ashley Youth Detention Centre. Keeping in mind that youth justice also operates in the community, and youth workers are required in that context as well. Having said that, the majority of people on workers compensation are injured and unfit for work.

**Mr WILLIE** - There's obviously a lot of uncertainty around Ashley. The Government is committed to closing it. How important is it that the Government gets on with it, develops the transition plan and provides some certainty? We've seen a number of projects taking longer than they've been stated to take, whether it's in education or health, or wherever else. How detrimental would it be if this project is in ongoing limbo not only for the clients there but also the staff?

**CHAIR** - 2024 is approaching quickly.

**Mr DIGNEY** - I think the uncertainty adds to the instability around staffing. It's important that the Government moves on with these reforms because, come September, it's a year on former premier Gutwein's time line for closure. But as recently as last week, there are still no sites identified for the new detention centre. There are no sites identified for the transitional centres they are building.

Those reforms are welcome. They need to happen for youth justice in Tasmania if we're going to break the cycle for those families we see continuing to be stuck in the cycle. But we need to get down to business. The Government needs to identify a site and start building.

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**Mr WILLIE** - Could the well-intentioned reforms actually have a detrimental impact on young people and the staff in the short term, if they're not implemented well?

**Mr DIGNEY** - They certainly are now. For two years we've been asking what the plan is and we still don't have a plan.

**Mr WILLIE** - This project should go up the list in terms of Government priorities?

**Mr DIGNEY** - For the Department for Education, Children and Young People, it should be the number one priority.

**Mr VALENTINE** - To clarify, you have the internal wellbeing team and you have the Employee Assistance Program (EAP). I hear what you're saying about the wellbeing team, but the employee must have access to the EAP at any time, is that correct? Is that happening? Or are they discouraged? Can you describe how that EAP service is operating, from your perspective?

**Mr PREGNELL** - The EAP have a set amount of appointments that you can have if you approach to have that treatment or that discussion. We also have a wellness hub, which sits separate to that, like in the TPS. We also have a mates program. The biggest problem at the moment is that staff do not trust the internal systems and the confidentiality that may be required in those. So, it is a trust thing.

**Mr VALENTINE** - Why is there distrust? Is it because some of the supervisors are in that system? Or is it because -

**Mr PREGNELL** - In our wellness hub, I can only use that as an example, we have had psychiatrists/psychologists who have worked within the prison who are now working within that hub, so they know people. I suppose prison officers are untrusting after a fair bit of time in the system, that trust of, 'yes, it is going to be independent, I'm going to have that one-on-one with the doctor'. A lot of them are probably going to their GP<sup>8</sup>, getting a mental health plan and then waiting three to four months to see a psychiatrist if they can.

**Ms SALTER** - I will add to that very quickly. We recently surveyed members asking for their review of the new wellbeing hub that has been in place for 12 months. It was mixed. Some really felt supported and engaged in it and thought it was great. Others would never go there because of their perception of the lack of confidentiality, which is a symptom of developing psychological disorders as well. A couple had given us examples of where their confidentiality was not necessarily respected. There's only a couple of those but it is not the same level as the MIPS<sup>9</sup> -

**CHAIR** - Is there a short statement you would like to leave with the Committee?

**Mr PREGNELL** - Just carrying on from the youth side of things, so far this year, I think we have seen well over 200 young people come through the watch houses for the TPS.

**CHAIR** - Aged 18 to 25, is that what you are talking about?

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<sup>8</sup> general practitioner

<sup>9</sup> Medical Indemnity Protection Society (?)

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**Mr PREGNELL** - No, I am talking 11-17 years.

**Mr WILLIE** - Are they a lot of repeat offenders?

**Mr PREGNELL** - There are some repeat offenders. One may go to Ashley today, be released in two days by a magistrate and we may see them the next night. We do have those repeat offenders coming in. We do not have training in how to deal with youth. As correctional officers, we have to look after them when they are in the watch house, because that is where we have the MOU, that is our job. But we do not have that training.

**Ms WEBB** - A quick clarification there. You are not given the training. Do you have practice guidelines or models that apply to the way youths are dealt with in the watch house situation?

**Mr PREGNELL** - We do have practices on what we can and cannot do. They are stipulated. If we need to escalate to a certain level, we have to make a call higher up and get that approval. But how to communicate with them? I can communicate with an adult who I see regularly. That is a different level than what I can communicate with a 12-year-old. I don't have that training to that level.

**Ms WEBB** - I don't want to put words into your mouth but what is the impact of not having that training, on a daily basis, with young people coming through the watch houses? I am thinking about the staff but also the young people. Are you seeing risk on both sides in that situation?

**Mr PREGNELL** - Yes, I am seeing risk on both sides. Staff are cautious and scared sometimes to handle young people. They are scared that if they do the wrong thing - and not on purpose, in the line of their duty, they are going to be laid off for 12 months while an investigation happens. We have seen staff laid off for 12 months while an investigation took place, which found nothing to report. But because somebody who doesn't understand work practices and what we are trained to do saw footage that does not look good, they are laid off. In 12 months' time they come back to work, their mental health is affected, everything is affected, and their colleagues' mental health. They are going -

**Ms WEBB** - They were not trained in the first place to encounter that situation?

**Ms SALTER** - No. The way I would summarise it, from the conversations I have had with our workers in watch houses, is that they feel concerned for the environment. They do not feel equipped to effectively support and deal with these offenders. They are trained to be adult correctional officers. They're trained to be adult correctional officers. They do not have the training that youth workers have. There's a set of procedures and rules around what you should do, but that's not clearly communicated. It's not workshopped. They are afraid of self-harm. They're afraid that harm is going to come to a young person at work and that they're not going to be equipped to deal with it, that that's going to have a psychological impact on that young person, other people around them and the workers. Then they're going to be disciplined for that.

**CHAIR** - Lucas?

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**Mr PREGNELL** - In closing, it's prudent for the Committee to analyse the journey of a group of individuals who have been imprisoned in Tasmania, or have been in youth justice. What you'd find is that for the majority of them, the State had an opportunity to make a far earlier intervention than putting them before the courts and detaining them. That's what the focus of the Government should be.

**CHAIR** - Thank you very much. On behalf of the Committee we sincerely thank you for your time, not only the time taken to put submissions together, but your time today. We never seem to have enough time on this but we will continue on our journey, a very important journey.

**THE WITNESSES WITHDREW.**

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**Ms MARY WOODWARD**, SENIOR ADVISER, JUSTICE, SPEECH PATHOLOGY AUSTRALIA, AND **Ms ROSIE MARTIN**, SPEECH PATHOLOGIST/CRIMINOLOGIST WERE CALLED, MADE THE STATUTORY DECLARATION AND WERE EXAMINED.

**Ms WOODWARD** - I would like to thank the Committee for the opportunity to speak with you today. I am here as the senior adviser, Justice, for Speech Pathology Australia, which is the national peak body of the speech pathology profession. Speech pathologists are the university-trained allied health profession with a specialism in assessing and supporting communication and swallowing needs.

It's important to start by noting that by having communication needs, particularly if they are not recognised and supported, can affect all aspects of an individual's life, including social, emotional and behavioural development, engagement in education, training, employment and participation in so-called talk therapies. While most people with communication needs will not commit crimes, it's now well established that there is a high prevalence of oral and written communication needs in the populations most at risk of contact with the justice system and, therefore, those in contact with the justice system.

Australian research has demonstrated a positive correlation between the severity of an individual's communication needs and the severity of their offending behavior. Often these needs haven't been previously identified or supported before entering the justice system. Research in the United Kingdom has found that people with unmapped communication needs are at a greater risk of recidivism. The same research team also found that young adults with a diagnosed language disorder who had previously received support for their communication needs were actually less likely to have contact with the police than their age-matched peers.

Communication is fundamental to the forming and maintenance of positive relationships, engagement in vocational and educational opportunities, and successful participation in talk-based therapeutic or criminogenic programs, which are all recognised as being important and improving an individual's future life, including reducing the likelihood of reoffending.

It's our position that by identifying and supporting an individual's communication needs, you can have a positive impact on all aspects of their life, including reducing the risk of future contact with the justice system. Recent health economic modelling, which I'm happy to discuss if you wish, has illustrated the potential cost savings of providing timely, adequate and effective speech pathology intervention for children, young people and adults, who might be at risk of, or are already in contact with the justice system. Ideally children and their families would have access to speech pathology from early childhood. For some, their needs may not be recognised until later, or they may persist in requiring ongoing speech pathology input, including while under community or custodial orders.

Our position is that best practice is for speech pathology to be delivered at three levels, or three tiers, which is a model similar to the response to intervention framework that you may be familiar with in the education or public health spaces.

The first tier would be considered to be the provision of universal interventions, so population-level input such as building the capacity of the workforce who are working with the individuals; modifying other intervention programs, taking into account the communication needs of the individuals accessing them; changing at a systemic level policies and practices so that they are more easily understood and accessible.

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The second tier is targeted interventions. When groups of individuals who require more support are identified they might, for example, receive group therapy to help develop their skills.

The final tier, which should really only be required for a small number of individuals, would be the individualised intervention, such as one-to-one speech pathology assessment and therapy. We believe that speech pathologists should be employed to work within the multidisciplinary workforce of any service supporting children, young people and adults who are at risk of or already in contact with the justice system. We welcome the opportunity to discuss this further with your questions.

**CHAIR** - Thank you. Rosie, is there anything you would like to add in overview before we commence our questions?

**Ms MARTIN** - That was a fairly thorough overview wasn't it?

**CHAIR** - It was, but there is always something to add.

**Ms MARTIN** - No that was great. Thank you, Mary, and thank you for your question Chair. I would underscore everything Mary said and just underscore even further that critical piece about early intervention and linking that to the topic we're discussing today. Early intervention is the most dignified form of crime prevention. If we provide the needs that children have to become pro-social and supply the needs that their families have to support those children to become pro-social and to become their best selves with opportunities provided to them, there is no need to go into crime. The very big picture is about our social structure and providing those needs at an early level. What we understand about child development is that pro-social capacity is actually built into the developing child. I would really underscore that.

In our workforce, Mary talked about building capacity in the workforce. One of the key things in building capacity is about the understanding of the transformational moment, those moments of connection and reflection that happen with children and their families as services and supports are being delivered. We heard the correctional officers speaking prior to this, but in those moments of correctional officer support as well, to understand that a moment of connection is, itself, a transformational moment. Pro-social change happens through a collection and an ongoing accrual of these transformational moments. I think that is really important. Surrounding that is a lot of opportunity for self-reflection in all workers.

Listening to the panel of people you had before you just a moment ago, I heard a lot about training but I did not hear much about reflection. I think that is a really big piece because we don't change behaviour completely and totally through training; we need reflection on that training. It seems to me there is an absence of reflection time and reflection built in as part of that process.

I'm sure I will be able to comment on other things as we go through questions.

**CHAIR** - Thank you. Before I open it up to questions, I would like to welcome members of the Youth Parliament to our Committee hearing this morning. It is terrific to see you in the parliament but also in this Committee hearing. The Committee is inquiring into Tasmanian adult imprisonment and youth detention matters in our State, a really important issue. Perhaps



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out of this forum this morning we might get some budding speech pathologists, who obviously are very important to the future of our State. So, welcome and we trust that you enjoy your time in the parliament and learning about what members do. This is, apparently, a winter break for some.

**Mr VALENTINE** - Thank you for your submissions. It is really important for us to get all perspectives when we are considering matters like this. Basically, in the Speech Pathology Australia submission you say:

Despite positive evaluations of such schemes, no jurisdiction yet provides intermediaries for all people with disability, regardless of their age, diagnosis, location or whether they are the complainant, witness, accused.

Can you explain the importance of providing such schemes?

**Ms WOODWARD** - An intermediary scheme is very different to the work of a speech pathologist as a clinician. Different jurisdictions do operate with slight differences, but typically and currently an intermediary scheme is afforded to complainants in child sexual assault matters. An intermediary would be requested to provide an assessment of that individual's communication strengths and weaknesses as they pertain to their interactions with the justice system. The intermediary would then provide advice to the police or to the courts around how they might be questioned or the modifications that might be necessary in order for that person to give their best available evidence, the most coherent, complete and accurate evidence.

Intermediaries in Australia really came about because of some recommendations from the Royal Commission into Institutional Child Sexual Assault Matters. As such, the recommendations were for the treatment of evidence of predominantly child complainants in sexual assault matters. Those jurisdictions that have an intermediary scheme, whether that is in a pilot stage as it is in Tasmania, or in some of the other jurisdictions in a permanent program, there are restrictions on eligibility. Rosie is actually one of the intermediaries in Tasmania, so she can speak to that in terms of her experience. We would certainly suggest that intermediators need to be available for anybody of any age and in any location and in any offence type, not just child sexual assault matters. And, crucially, any party in the matter.

We're talking today about the communication needs of people who are in the justice system. Those people would have gone through police interviews, trials, et cetera, without there being any recognition or modifications to how things were conducted to take into account their communication needs. They wouldn't have had an opportunity to realise their human rights in terms of effective participation through the legal processes. We certainly think the schemes that exist are a great start but eligibility and, therefore, funding needs to be extended so that anybody who has those needs can access the support they need in order to exercise their rights in the justice program.

**Ms MARTIN** - It's a question of equity, I think. I agree with Mary - it's a really good place to start. It's happening here in Tasmania at the moment as a pilot, and that's important. We understand that pilots start somewhere and learn a lot. That's their purpose. But then, it's a good place to start but would be a poor place to finish.

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**Mr VALENTINE** - When you have, for instance, a person with a disability going into incarceration, you talk of, 'intake screening assessments' of all detainees. You see that if they're not properly understood, there might be an adverse outcome simply because the person doing the intake assessment doesn't understand an aspect of that individual's condition, or whatever.

**Ms MARTIN** - Yes, definitely. There's a huge risk of that. People with communication needs and communication disabilities of various types, that's been their life situation, not being understood easily and readily by those who have the privilege of good communication skills. I think there's probably one thing here just to support the Committee with an understanding of the work that speech pathologists do. We often say maybe we would be better named human communication therapists, or something like that, because our work is with all the skills of communication human beings use to in order to get a message across.

We look at speech, which our profession is titled after. That's just the mechanics of how we actually produce the sound that is our speech. But what's sitting behind our speech is our language, which are all the ideas that we might wish to be able to express. It's also how we're understanding others. Along from our language and our speech comes our written language and our written ability to communicate. But along with that is also our social ability and our ability to use our bodies, our faces, our gestures, our tone of voice to pass messages as well.

Some communication disability types have weaknesses and challenges in one of those areas but not all of those areas. It's very common for people who may be very socially competent, have got all of the gestures and the tone of voice capacities, but whose language is lower, to be judged by - and I don't mean judged in a negative way here, I mean to be understood by others with competent communication skills as being actually very capable. They've got the social skills element of their communication, but the language element, if it's not equivalent, is just automatically assumed to be at the level of the person of competent communication skills. So there's a whole lot of information that person with communication needs is just not going to be receiving. But the other is not going to know that the other is not receiving them.

**Mr VALENTINE** - Sort of a mask.

**Ms MARTIN** - It's like a mask, but it's an involuntary mask. It's this situation that we're really trying to bring understanding to. It works in the converse way as well. People can have good language skills, good ability to express their ideas and to use language, but maybe their gestures and facial expressions and the way they use themselves socially lets them down. Then the greater part of the community with competent language skills would make all kinds of other judgements about that person, and they will generally be judgements that tend to become a slight on character: that person is arrogant, that person is obstinate, that person is rude, full of themselves. These are the kinds of judgements that tend to be made. Again, it is a misunderstanding in what is fundamentally communication skill. The person I have just been describing might not have any idea inside themselves, in their own ability to reflectively understand the communication messages they are unwittingly sending out. They are receiving from their communication partner all of these judgements that they might feel emotionally but not know how to control the process for preparing that.

These are complex situations. That is what we are really wanting to get at in the justice space. People who have come into situations where they have committed a crime or are in

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touch with the criminal justice system, they are disadvantaged in these things. But these are skills that can be taught.

This is why we need to start early, of course. Again, starting early is a very good and important place to start but it would be a poor place to finish, because we have adults who did not receive that early intervention who are now part of the adult imprisonment system, and youth in youth detention.

We know it is never too late. This is the hope-giving piece that I always like to elevate. With intervention and support - 'intervention' may be even the wrong word to use. It is the word we use in the allied health model, but it is actually about bringing support. It is not seeking to intervene in somebody's life in a way they don't want. It is about partnering with that person, helping them to better understand themselves and their skill set and their profile of skills in a way that enables them to see hope in themselves, and partnering with them in making change.

**Ms ARMITAGE** - In the speech pathology submission I noticed the need for system improvements and lack of access to support. Obviously, the pilot scheme applies to the Ashley Youth Detention Centre -

**Ms WOODWARD** - If you are referring to the pilot intermediary scheme -

**Ms ARMITAGE** - Yes.

**Ms WOODWARD** - That is separate to the work of speech pathology. The accused, strictly speaking, are not eligible for intermediaries, so people who enter Ashley typically would not have access.

**Ms ARMITAGE** - Coming back to Ashley, then, from this perspective of speech pathology, do you have certain sessions there regularly, or is it on a referred basis? And if it is a referred basis, is there a waiting list, for example, for someone sitting in remand, reception, whatever it is. If someone is identified as requiring this service, are they referred to you, or have they actually left by the time they might be able to access it because of lack of funding? Do you have regular sessions, like the school? Are you in there certain days each week? How does it actually work with Ashley?

**Ms WOODWARD** - Just to clarify, Speech Pathology Australia is not a clinical service provider. We do not provide clinical service. We are a national peak body.

**Ms ARMITAGE** - But for people who are full pathologists - obviously not yourselves -

**Ms WOODWARD** - I will defer to Rosie on this but my understanding is that there is no regular speech pathology input from any avenue.

**Ms ARMITAGE** - There is no service provided to Ashley from speech pathologists?

**Ms MARTIN** - I don't think any public speech pathology services are going into Ashley. I'm pretty sure that's correct. But I do know Ashley have purchased some speech pathology services. I think the understanding in the current management team is really only just waking up to the value that speech pathology could bring to this cohort. I know that some assessments

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are happening. Those assessments may be taking place at times when a young person is about to leave detention, so hopefully a report can then follow them. But there have not been regular sessions or interventions.

**Ms ARMITAGE** - You are not aware of any regular sessions that go on, or something to tie in with the education sessions with the school there?

**Ms MARTIN** - No, nothing like that. There has been a bit of staff training, but very little.

**Ms ARMITAGE** - That is the extent of it. Thank you.

**Mr WILLIE** - Speech pathology obviously has a lot to offer other professions. There are workforce challenges and we talking about early intervention. There are quite a number of vacancies in our education system, and there are probably not enough speech and language professionals in the criminal justice system. What could the Government do to bolster those numbers that they are not doing currently?

**Ms MARTIN** - I think it's hopeful that the university is now offering this program. That's something we have been agitating for for some time. This time next year we will be graduating a new cohort of speech pathologists that have been grown on our own soil, which will be great.

**CHAIR** - Well done.

**Ms MARTIN** - In the interim, it's really important to think about workforce capacity-building, setting up and running training programs and engaging services that are already here. That may even include temporarily redeploying some of our publicly funded speech pathologists, to bring in their skills by way of training.

For instance, I just heard one of the correctional officers openly saying, 'we don't know how to communicate with the young people'. It's that kind of need. We could have speech pathologists before correctional officers, prison administrators and various others to be able to support another depth and reflection, or reflective opportunity, to be able to think about oneself as a communicator when doing one's work in that way.

I know the workforce challenges are deep but I think training and giving opportunity for people to have time to think about their practice in light of some new information is powerful, and it could be done a lot more.

**Ms WOODWARD** - If I may, I have a couple of things to add. One is in response to the point you made that there aren't enough speech pathologists in the justice workforce. I would say at the moment in Tasmania there are no speech pathologists employed on an ongoing basis to work in the justice space. One thing the Government could do would be do fund that. They need to fund speech pathology positions throughout the justice system. That's in community justice as well, children and adults.

Rosie made a point earlier about training being important, but not the be all and end all. I don't want to misquote you. When we are thinking about delivering training in changing communication practice, it's actually really hard to change how you communicate with people. It's something you do without thinking. I know, from the experience of delivering some of

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these workshops myself, that engaging in a communication workshop - even if you're doing some role play and activities, et cetera, that can raise awareness and it's a really important piece of the jigsaw. But it doesn't often change practice unless there is reflection time and joint working. You need to have that peer modelling from speech pathologists you're hopefully going to be working alongside, but also from communication champions, for want of a better word - people who might have more skills in the communication space themselves.

If you sit someone in a training room and deliver three hours of training about communication, and they go back to the same working environment, nothing is going to change. It's really important, when we're thinking about the delivery of training, that it shouldn't be in isolation. It's not about delivering a workshop and then nothing changing on the ground.

**CHAIR** - Thanks, Mary. Before we have more questions, I would like to welcome the next group of young people who are here for Youth Parliament. The Committee today is inquiring into Tasmanian adult imprisonment and youth detention matters, which is a really important issue for Tasmania, and we are looking at recruiting some speech pathologists. The young people here today may well be human communicators in the future, so we hope you not only enjoy your time in the Parliament but that you learn something from this opportunity this morning.

**Mr WILLIE** - Thank you, Chair, that's a nice segue to my question, which is whether we could be doing more in the career education space for young people to make them aware of speech and language pathology as a rewarding career. I think a lot of people probably aren't aware of the profession and the impact that they could have in education, criminal justice or mental health, a whole range of areas where they could have significant impact.

**CHAIR** - Give it your best spiel, Mary.

**Ms WOODWARD** - Speech Pathology Australia is aware that there is a national workforce issue within the speech pathology profession, as there is in pretty much every allied health discipline. We're also aware that we are typically a white middle-class, privileged, educated group. That obviously isn't representing the populations we serve. We've just conducted a workforce review and we're now in the planning process to figure out what to do to better that situation, including ways of diversifying our workforce, because it is absolutely necessary.

I wouldn't want the workforce issues to be a deterrent to people looking to create new positions for speech pathologists because a lot of Speech Pathology Australia members are really interested in working in the justice system where there are opportunities to do so. They have a lot of fantastic transferable skills, from disability, education, elements of private practice, mental health, et cetera, that would be wonderful to enrich the justice system. Don't let that be a deterrent.

**Mr WILLIE** - The other element to improving career education, is pay and conditions within Government versus private practice. Is that something that could be looked at? The Government could activate market rates if it wanted to.

**Ms WOODWARD** - Absolutely. As someone who has worked in public practice, there are a lot of benefits in working for public services. That needs to be better known about. The

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types of practice that are more likely to attract speech pathologists are those that offer better remuneration but also, crucially, better supervision, support and career development opportunities. A public system could be perfect for offering that kind of structure and support to enable someone with less experience to be mentored and supervised by people with more experience and to grow the workforce that way.

**Ms MARTIN** - In response to Mr Willie's question, which was about career awareness in the field of speech pathology, it happens as a voluntary activity by the branch of the Speech Pathology Association in Tasmania. Speech pathologists run around to a couple of different schools or are put on a stand at a fete or in Salamanca Market. These are worthy activities. But a solid investment, maybe with the Government partnering with Speech Pathology Australia on a program to bring awareness to schools, funding videos that could be shown at schools that are specifically made for high-school-age students or young people in the career decision time of their lives, would be a valuable add-on for supporting our workforce.

**Mr WILLIE** - Working with UTAS<sup>10</sup> too, obviously.

**Ms MARTIN** - Yes, working with UTAS. UTAS might have more to add to that.

**Ms WEBB** - From what you've said and in the submissions made, it's clear that adults entering our correction system and young people entering the youth detention system are more likely than the general population to have communication issues. We have this moment as they enter, to assess that. We don't currently, from what you have described. I'm clarifying that is correct, there is no built-in assessment? When we are assessing for other sorts of health needs or other needs, we do not assess for these needs? Yet these issues could be fundamental factors in behavioural issues, which are going to be important in those correctional settings?

You've said that at Ashley there is no speech pathology offered, to your knowledge.

**Ms MARTIN** - Not publicly and not therapy, to my knowledge.

**Ms WEBB** - In the adult system? Rosie, you've had a lot of interactions in our prison system. Is that where we've introduced some therapeutic communications ideas piggybacking onto literacy programs, rather than specifically a speech pathology intervention?

**Ms MARTIN** - It's almost 10 years to the day that I went into the prison for the first time. My motivation for doing that was an awareness that there were no speech pathologists working in the prison. I connected with the need that was there.

The activities happening there have been happening either voluntarily or through the not-for-profit sector delivering external services. They have been very thin but sections of them have been very powerful. We have some good measures, some lovely social return on investment analysis that Connect42 had in their submission. That has been primarily about building awareness of the value that speech pathologists can bring to this area. It's taken just a little bit of activity and we have seen that real difference can be made. If we could thicken that up, we would make a lot of real difference. We have done a little bit but there has not been public speech pathologists employed in the justice system here in Tasmania. That's something that's really important to do.

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<sup>10</sup> University of Tasmania

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Mary and I were in discussion this morning about the value of having a mix of public positions and external providers. One of the things I have observed in the stories participants in our programs have told me - in fact I had a conversation yesterday on this, is that they will say: 'Oh, there are people on the outside who care about us. Who knew that these people would spend their time coming in and connecting with us and showing us these things. Look at all these other things they could be doing but they're coming in for us'. The trust element was mentioned in the last panel. When it's an external provider, there's also an element of different trust. These people are not part of the system that might be innately mistrusted, so there's another level of trust with engagement with the programs and services that might be offered.

There is more to do. It's an open slate. We could go in there with the great workforce we're developing and really make a difference because communication is at the essence of being human.

**Ms WEBB** - What is your reflection on the receptivity to that and the interest in developing the opportunity there, both in the adult correction system and in the youth detention system? Speech Pathology Australia did a submission into the Youth Justice Blueprint process in March last year. The final draft of the blueprint is out and I don't see speech pathology mentioned in that final draft. Do you feel that there is receptivity there?

**Ms MARTIN** - I do sense that there is a growing receptivity. It did not turn up in the blueprint but there is an increased understanding. There is work for our profession to do, which we have been diligently doing. There's a challenge in people fully understanding what speech pathologists do. There's more awareness to build but we're starting to get programs that are delivering a 1 to 3.2 social return on investment for every dollar spent. In the parenting program in the prison, there's \$3.20 worth of social return. Those numbers are compelling. The modelling that Speech Pathology Australia did recently shows very compelling numbers. With these things at front, we need to be making more conversations.

**Ms WEBB** - Do you feel things will be broadened and expanded in these areas when mixed in with other programs that might be better understood and accepted, such as literacy programs or parenting programs, or do you think it needs to be standalone?

**Ms MARTIN** - I think it needs to be both. It might be that it can come in connected to some of those other things. Mary was talking before about relationship. It's really important to have relational growth of knowledge. Off the back of research on transformation and how transformational change comes into behavioural change, there are three important pieces: one is reflection; one is the effect - it must be an emotionally engaging experience in some way; and the third is relationship. We have to put the relationship in there. When people don't know what a speech pathologist does, then starting out in other programs where that information and knowledge can be relationally, effectively, and reflectively shared is where we're actually going to get powerful change.

I am not at all offended or find difficulty with saying, 'let's do a parenting program because that looks like something that needs to be done', but it's done by a speech pathologist. Then the story goes out a little bit more about what speech pathologists can do, or a literacy program that's supported in some way by a speech pathologist, so the story goes out and gradually we're educating a part of our community that hasn't had this knowledge.

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**Ms HOWLETT** - Rosie, is there a shortage of speech pathologists in the State?

**Ms MARTIN** - Yes.

**Ms HOWLETT** - I could Google this question but I'll ask you, is the course available at UTAS?

**Ms MARTIN** - Yes, it has just become available. The first cohort have just completed their first 12 months in the two-year Masters program, so this time next year there will be a speech pathologist graduating from UTAS.

**Ms HOWLETT** - Fantastic.

**CHAIR** - Or a human communicator. I like it.

**Mr VALENTINE** - I want to give you the opportunity to share with us a story, the success of an intervention that you've been able to make through the system.

**CHAIR** - As brief as possible. I know that's difficult but I've got more questions.

**Ms MARTIN** - Okay, let me pick a brief one. This is a program that Connect 42 have been running and I have been the deliverer of this program to this particular person who has a three-year-old - there are lots of complexities: they have been in prison, have a life history of trauma and drugs, are in their mid-40s now, and 'Little Tot', who, in her words, saved her life. A new child was the opportunity for something new and to get away from that old lifestyle.

After being released from prison, she realised she wanted support she didn't have. It just so happened that our pilot program was coming along at that same time through Connect 42. Totally coincidental, all the randomness of a pilot intersecting with this woman's life. I began to work with her. There were all sorts of support things that we were able to put in place: helping her find childcare, doing all sorts of things, working on her social communication skills, working with literacy, working with her teens with their literacy skills as well.

I noticed that the three-year-old wasn't developing language in quite the way that I would wish to have it happen. So I was able to work with her to say, 'this is how you work with your three-year-old to develop their language, you need to talk to them like this, and we're going to do play like that -

**CHAIR** - And we're going to read to them.

**Ms MARTIN** - 'and we're going to read to them, we're going to do all those things, and you're going to get your teenagers to do the same thing.' So, we did one session in a park, talking about all of those things one day, having a picnic with the three-year-old with her in a park. The next week I went and saw them at their home and the three-year-old was just like, chatter, chatter, chatter. She said to me, 'I did all those things you told me to do'. It was clear to me then that this skill was kind of nascent but the communication context hadn't caused it to be elicited. Yet when that communication context changed, then out it all came. To me, it was a miraculous and really fast moving gain. But without that knowledge there, that wouldn't have shifted, and then the lower level of communication would have been the child's ongoing experience. There's just so much that can be done.



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**Mr VALENTINE** - I appreciate that.

**CHAIR** - I really appreciate you sharing that story. Just being able to share that someone else cares about that person probably made a big difference in their life. We do need to acknowledge that Simon Barnsley from Connect 42 is an apology today, but we certainly appreciate the input already to this Committee.

**Ms WEBB** - I'm wondering whether the barrier is around, or a combination of receptivity to putting these sorts of things in place, or funding not being prioritised for it, or both? What is your reflection there?

**Ms MARTIN** - I think it's definitely both. Funding hasn't been prioritised. Again, that comes back to the fact that people don't really understand what speech pathologists do. In terms of the receptivity, there is a challenge and I have heard this in the work I have been doing in the Just Moving On program. I have heard this from many people who say 'but surely that is all just common sense?'. As Mary said before, changing the way that we communicate it might be common sense to kind of look and go, 'something went wrong with that'. Or when someone explains someone's language might be poor but their social skills high, or vice-versa, you kind of go, 'yeah I can see that'. But it is not just common sense to then be able to make something happen to change that. There's really intentional applied processes that have scientific basis in the way that human beings learn, the way that human beings take up new skills and the way that the brain processes language-based information.

There are whole sciences behind how we can make that happen but to make it happen well and beautifully and with dignity, we are going to be doing things that look lovely and playful and then they look like common sense. So, I guess I want to say that the actual doing of the work, at a not fully understood glance, it doesn't really show how much science there is. It can look like we are sitting around having a nice chat, but there is a lot more going on intentionally under the surface than having a nice chat. So, I think that's always a barrier that we come up against.

**Ms WEBB** - It does not look like 'tough on crime' either, I imagine, which can sometimes be a problem for some people who might be viewing it as a 'soft option' for people who are in the justice system or our corrections system.

**Ms MARTIN** - There is nothing soft about changing our communication skills. As you know, it is hard work.

**Ms WEBB** - Certainly. I am also wondering about the opportunities you see, given that we now have a department that covers both our education system and our youth justice system for the first time, or not the first time ever in this State, I don't think -

**CHAIR** - It is a rehash.

**Ms WEBB** - It has been a very long time since they both sat in the same department because youth justice would typically be in Human Services or Communities Tasmania, but now it is with Education. There is some potential natural support in this area across those two elements within the same department. Of course, I can ask this of the department when I see them later, but are you aware of discussions about how best to optimise that collocation of the two elements when it comes to things like staffing and resourcing of these services?

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**Ms MARTIN** - I'm actually not aware of that, which is not to say it is not happening. I am not aware of it.

**Ms WEBB** - Even from that story you described a moment ago, you have probably, through that lovely intervention, assisted in reducing the need for a speech pathology service in our school system for the three-year-old by assisting with the intervention while the three-year-old was there with the mother coming out of corrections.

**Ms MARTIN** - In relation to being alongside the mother, to embed those behaviours.

**CHAIR** - I have a question in regard to the submission around tier two - targeted interventions. We heard from some previous evidence that the Committee has taken and through some submissions, that because of some of the shorter sentences that inmates receive there is very little time to be part of any particular program that might assist with their rehabilitation into the future. You talk about the provision of group therapy and I was thinking to myself when I was reading that: this would be an opportunity for someone to come into a program that might not necessarily get every rollout of that program but some of those parts. How does that work? Is that something that happens inside the prison system or is that something that is more for when inmates are back into the community?

**Ms WOOD** - I'll start but I'm sure that Rosie will add to this.

**CHAIR** - I think it is a great initiative because people often feel they have got other people on the same journey.

**Ms WOOD** - There are so many ways of delivering speech pathology intervention, and different ways have different benefits for different people at different times. Certainly, the transience of the population is one of the reasons why that tier one intervention, the universal systemic level, is so important. But, as Rosie said, it is never too late to help develop people's own skills, whether that is through group therapy or through individual therapy and, yes, there will be some people who either aren't detained for long enough to engage in a full program but might be able to engage in something like that if it was on offer in the community under some kind of community order. That would be the case in engaging in individual therapy as well but there are also people on long-term remand or on longer custodial orders who would absolutely benefit from longer-term 'intervention', for want of a better word, whether that's through a group or individual.

**CHAIR** - When you have a lack of resources, a group arrangement appears to be a sensible way to at least engage in some form or other.

**Ms WOODWARD** - Absolutely. For a lot of the people for whom those tier one interventions aren't sufficient, group therapy is going to be enough. It might not even be group speech pathology intervention. It might be a speech pathologist working with people who are delivering other group intervention programs, whether it's fire setting, sexual assault, anger management, and modifying the content and the delivery of those programs so they are more accessible in communicating with those people.

Having worked in forensic mental health in the United Kingdom, a lot of what I did was modifying programs that are seen as those criminogenic programs that do tend to get funded, working to make those as effective as possible, and to enable peoples' communication needs to

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be considered so that they are participating more effectively. That's the way you are going to help reduce some of the risks, rather than rolling out an off-the-shelf program without any consideration.

**Ms MARTIN** - I really agree with that, especially in terms of capacity building and how speech pathology skills can be used. There are criminogenic programs that have been rolled out but I don't think anybody stops to think about what 'criminogenic' means. It means the genesis of crime, working on those challenges that might be at the genesis of crime. One of the key things we have seen, with this high proportion of people with communication difficulties in the justice system, is that communication is somewhere in the mix, if we are trying to address the other criminogenic challenge. But we are not taking strong account of, 'Are we using the right vocabulary, are we using sentences that fit within somebody's working memory capacity?'

**CHAIR** - Do they understand what we are saying?

**Ms MARTIN** - Yes, that's right. Do they have the language skills to truly express what it is they are thinking and feeling, or the emotional vocabulary to share their thoughts and feelings on that? I think using speech pathologist skills to support that is really important.

There was something you said about coming back into the community. My observations in the work I have done, both in prison and outside prison in the throughcare program that Connect42 has been running, is that when people are outside, their lives are so much more chaotic than on the inside. There is a big place for -

**CHAIR** - Very unstructured?

**Ms MARTIN** - So unstructured. It is very hard, when you have low-level communication. Communication needs to engage with the institutions and with their complex vocabulary.

**CHAIR** - Filling out all those forms, Rosie, does your head in.

**Ms MARTIN** - Exactly. It is re-traumatising and anxiety-provoking for people. Because it can be so chaotic, something like that group intervention or shared reflective intervention can be difficult back in the community. There is a big unexplored space for sentencing alternatives so the orders actually create that structure. People are used to some structure being put into their lives through orders. Those orders might take good account of the opportunity to build communication skills.

**Mr VALENTINE** - In the speech pathology submission, you talk about including the support of more proactive strategies and managing behaviour to reduce the number of aggressive incidents. Given our prison population and our prison staffing situation, what would be the ideal in providing speech pathology services within the prison, both to inmates and the staff? The two must go hand in hand, I expect. Are we talking huge numbers of speech pathologists? How many people might be required in that space to deliver something effective? Big question, I understand.

**Ms WOODWARD** - It is a big question. Whether I go for gold?

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**Mr VALENTINE** - I think we have to realise that resources are tight.

**Ms WOODWARD** - Exactly. To a certain extent, anything is better than nothing. I say that guardedly. Anything is better than nothing as long as there is an understanding around the expectations of that role. If you employed one person and expected them to do everything, it would be a complete failure for everybody.

Thinking about youth detention, for example, we can look at places like Queensland as an interesting model that we might aspire to. In Queensland, youth justice currently employs a team of speech pathologists. I think it's seven, but it changes all the time because they have been expanding over the last few years since their inception. They have speech pathologists employed by the youth justice service for each of the two detention centres. Also, two speech pathologists currently employed to work in community youth justice in one of their regional areas - not in all, so it isn't perfect. But they also have a speech pathologist leading a service who sits in head office. She literally sits among all the other managers and she is able to directly influence policies, systems, procedures and so forth, so they can be operating at multiple levels of change.

**CHAIR** - That doesn't sound unachievable for a State, does it?

**Mr VALENTINE** - No, it doesn't.

**Ms WEBB** - I noticed that the Department of Justice has just put out the most recent strategic plan for corrections in Tasmania. Did Speech Pathology Australia or any of the local groups put in submissions, or were involved in developing that new strategic plan for the adult correction system?

**Ms WOODWARD** - I will hold my hand up to not being aware of it. I apologise for that. I was not aware of the opportunity.

**Ms MARTIN** - I think Connect42 did put in a submission.

**CHAIR** - Thank you. On behalf of the Committee, we greatly appreciate your time today and for putting in a submission on this really important issue for the Tasmanian community. Thank you, Rosie and Mary. We will suspend the broadcast and take a break until 11:00 am.

**THE WITNESSES WITHDREW.**

**The Committee suspended from 10:48 am to 11:00 am.**

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**Mr DANIEL WILD**, DEPUTY EXECUTIVE DIRECTOR, and **Ms MIA SCHLICHT**, RESEARCH ANALYST, INSTITUTE OF PUBLIC AFFAIRS, WERE CALLED, MADE THE STATUTORY DECLARATION AND WERE EXAMINED.

**CHAIR** - Welcome. Before we commence I will introduce members of the Committee, Meg Webb, Rob Valentine, Jane Howlett, Tania Rattray, Rosemary Armitage and Josh Willie. You have already met our secretariat support. The Committee is taking sworn evidence and the evidence at this hearing is protected by parliamentary privilege, but I will remind you that outside of this forum you may not be afforded such privilege. If there is any evidence you would like to present to the Committee that you feel would be better in camera, please don't hesitate to ask.

Mia, I think you are going to provide a brief verbal submission to the Committee, then we will go to questions. Thank you.

**Ms SCHLICHT** - Thank you, Chair. I would like to thank the Committee for allowing us the opportunity to present in front of the inquiry today, and commend the members of this Committee for investigating this critical matter of public policy.

Since launching its research program on criminal justice reform, the Institute of Public Affairs (IPA) has found that substantial reforms could be made to improve community safety and revenue outcomes. We would like to briefly summarise our research findings as outlined in our correspondence to the Committee.

Across the country, there is clear evidence that the Australian prison system is in crisis, and in recent years, there has been a dramatic deterioration in Tasmania's prison system. In May, at the time of submitting our correspondence to the inquiry, the Tasmanian adult incarceration rate was 138 per 100,000 adults. New data since released by the Australian Bureau of Statistics reveals the incarceration rate has surged by 11 per cent in the last six months alone, bringing the Tasmanian adult incarceration rate to 153 per 100,000 adults.

Since 2015, Tasmania has been the third fastest-growing incarcerator of all Australian states and territories. The incarceration rate increased by 18 per cent while, comparatively, the Australian average rate increased by 5 per cent. Therefore, Tasmania's incarceration rate grew more than three times that of the national average rate.

Tasmania also spends the most per prisoner per day of all the states. The cost of housing one prisoner for one day is currently \$560, which amounts to over \$200,000 annually. This is \$50,000 more than the national average. Spending on Tasmanian prisons totalled \$101 million in the year ending 2022.

Tasmanian prisons are at a critical turning point, as they are at 88 per cent of their designed capacity. Without reform, new prisons will need to be built to hold the growing prison population, at a significant cost to taxpayers. The Southern Remand Centre constructed last year cost \$70 million.

However, this is an avoidable problem. Of those imprisoned in Tasmania, 37 per cent have been incarcerated for non-violent offences. Non-violent offenders have done the wrong thing and they must be punished. But prisons are the most serious form of punishment and

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their use should be reserved for isolating violent and sexual offenders who are a danger to the community, rather than non-violent offenders the community is merely angry at.

Accommodating the large number of non-violent offenders means diverting prison resources away from violent offenders. If non-violent offenders were proportionately punished through alternatives to prison, serious violent and sexual offenders could be sentenced for longer terms and community safety outcomes could be improved, with considerable savings to Tasmanian taxpayers.

Over the past decade, US states such as Texas and Georgia have seen considerable success by implementing such reforms. Alternatives to prison include financial sanctions, technological incarceration, restitution orders and offender employment programs.

In Tasmania, one in six businesses cannot find the workers they need. Diverting non-violent offenders from prison and allowing them to fill these worker shortages would enhance their prospects of rehabilitation; promote community safety, improve the economy through increased productivity and reduce Government spending and debt. The program would function similar to community-based orders; however, offenders would be paid award wages and work full time. Rather than being a burden on taxpayers, these non-violent offenders should be working, paying tax and helping to address the inflation-inducing labour shortage.

Removing non-violent offenders from Tasmanian prisons would result in savings of approximately \$47 million per year. It would also improve community safety outcomes by allowing more violent criminals to be incarcerated for longer and would prevent non-violent offenders from entering the prison system and potentially exiting as more volatile and violent individuals.

We encourage the community to consider these recommendations and welcome any questions regarding our research.

**CHAIR** - Saving \$47 million by removing non-violent offenders seems like a pretty useful way forward. What's the classification around violent and non-violent? Could you give us some understanding of what that looks like?

**Ms SCHLICHT** - Our distinction between non-violent and violent follows that of the Australian Bureau of Statistics and how they classify violent and non-violent criminals. The main distinctions between the two is that violent offences are often committed against another individual, whereas non-violent offences are usually committed against Government and organisations in general.

**CHAIR** - It might be Centrelink fraud or something like that.

**Ms SCHLICHT** - The physical safety threat is different between the two because it's not against an individual per se.

**CHAIR** - Thank you, I appreciate that.

**Ms WEBB** - Following on from that, Chair, I'm imagining something that would probably fit in the category of non-violent might be driving under the influence, which would also be considered to be a danger to the community. Sometimes there's a grey area. Also, short

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sentences, which you speak about in your submission, are sometimes attached to those sorts of repeat offenders for driving under the influence, for example.

We've heard from others in the hearings about suggestions that we could look at expanding the court-mandated diversion program. Our drug court currently can't capture anything other than illicit drugs. Alcohol-related issues can't be referred to the court-mandated diversion program. If that was possible, then that would provide a very targeted avenue for somebody who was, say, a repeat offender for driving under the influence of alcohol that wasn't incarceration, which is the only option now for repeat offenders. Do you support a consideration of those of options like an expanded court-mandated diversion?

**Mr WILD** - You make the important point of repeat offenders. There is a grey area. There is a clear delineation between violent and non-violent. In between, you mentioned driving under the influence; there's also people who steal cars, which is not technically an offence against a person but clearly people are rightly scared of people who do that. If it's an isolated one-off incident then people who are engaged in that behaviour probably shouldn't go to jail. If it's a pattern of repeated behaviour then jail sometimes is the way to go because it demonstrates a propensity to break the law and to not learn lessons. In that case it can suggest that that particular individual is likely to escalate their behaviour into the violent domain, which is why people in the community often get scared by carjackings. It's not that they're scared of their car being stolen - they're scared of the fact that that person has a disregard for the law and might escalate their behaviour.

I don't know if that answers your question. If you demonstrated problematic behaviours then sometimes jail is the necessary response.

**Ms WEBB** - You've made suggestions in the correspondence you sent us regarding alternatives to prison. Do you recognise or support the idea of options such as the drug court option, which we call here court-mandated diversion options, where people have to engage in an extended program of activities and requirements to stay out of prison but still serve a sentence in that sense through engaging in the programs? Is there opportunity to expand the use of those programs to areas that aren't covered at the moment?

**Ms SCHLICHT** - When looking at alternatives to prison, there's definitely a need to address the actual cause of the offending. With these non-violent offenders, because they don't necessarily pose a risk to the community's safety, our research shows their incarceration isn't useful to the community. In saying that, under alternative orders, things like home electronic monitoring programs and drug orders which address the causes of their offending should be employed. That will obviously incur some costs, but these will be a lot less than the cost of incarcerating them.

**Mr WILD** - On the issue of drugs, if someone is doing serious drug offences like importing quantities of drugs and getting them onto the streets, that's probably different to someone who is a lower-order drug offender. Without knowing the specific details of the proposal you have, I would say that the commercial quantities of drug use and importation and dealing is a fairly serious offence, whereas there are probably lower grades of drug offence that might be dealt with in different ways.

**Ms WEBB** - I don't believe that those trafficking situations would be dealt with through a drug court. I was putting it to you, as it has been put to us by others, that expanding into

non-illicit drugs like alcohol would be an option to keep people out of courts for alcohol-related offences.

**Ms ARMITAGE** - I have been looking at your website and I notice, with regard to Victorian prisons - and prisons are prisons, whether it is in Victoria or Tasmania, you say non-violent offenders should still be punished for their crimes but in ways that ease the burden in our court. For example, someone steals someone's car, takes it, burns it, it is going to be pretty upsetting for the person who owns the car. You do not believe they should go to the court, or how should they be dealt with? They have been non-violent. Obviously, they may be violent if someone approaches them. We hear instances all the time of someone pulling a knife, stabbing someone purely because it's a fear factor and they've tried to escape. Still punished for their crimes, but in ways that eases the burden on the courts. Can you explain how you can punish them for their crimes and take the burden off the courts, but still allow them into the community?

**Ms SCHLICHT** - Yes, sure. Non-violent offenders have broken the law and there needs to be a consequence for that because the victims also need some form of justice. Our research shows that incapacitating an individual and limiting their freedoms does not always see justice for the victims. A lot of the time, for example in fraud offences, where a victim has lost thousands or millions of dollars, seeing a fraud offender incarcerated does not see them seek any compensation for what has happened to them. Under our proposals, for example for a fraud offender, if they were subject to a home monitoring condition where they were still required to work, they could actually pay back the victim for the monetary loss that they received.

**Ms ARMITAGE** - I am wondering about easing the burden on the court. Will they still go to court?

**Ms SCHLICHT** - Yes.

**Ms ARMITAGE** - How are you going to ease the burden if you are not going to set them before a court and give them a punishment?

**Mr WILD** - When we said courts, we probably should have been broader in saying the criminal justice system more generally is what we are looking at. An example of that would be if you are reducing overall expenditure on incarcerating non-violent offenders, some of that money can be put into putting more cops on the beat, which we know is the best deterrent to violent crime. We know that if you want to reduce violent crime, you're better off investing in police rather than having longer prison sentences. You might want to have longer prison sentences from a justice perspective, but we know that does not deter the behaviour. The probability of getting caught is the best deterrent to violent behaviour occurring.

What we are probably getting into there is the criminal justice system more broadly. We want the resources dedicated towards those who are a genuine threat to community safety. That is one example.

**Mr VALENTINE** - I am interested in the information you've provided regarding financial sanctions. You say:



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Alternatively, an offender taxation levy could be imposed, which would operate so that two-thirds of all income derived by the offender would be payable as taxation.

Can you explain where else that is implemented, if there is an example of that circumstance and how effective it has been?

**CHAIR** - Like paying your rent?

**Ms SCHLICHT** - This is a proposal that the IPA has presented for dealing with fraud offenders, as I was alluding to before. Currently there is no method in Australia for ensuring that victims of fraud offences are compensated for their financial losses. There are options in courts but it is not mandatory in Australia. This is the idea that instead of incarcerating these fraud offenders, they should be at home, working to pay back those victims. A lot of the time they may not have the financial means to do so instantly. That's where that taxation levy comes in, so that two-thirds of the income they derive is paid back to the victims, or to the Government or to whoever it is that they have defrauded.

**Mr WILD** - Just to elaborate on that, this was a proposal developed by Prof Mirko Bagaric, who has done work with us. He was Dean of the Swinburne Law School. I go through our submissions, we do not elaborate too much on it, but this is mostly in relation to those who are stealing a lot of money, defrauding a lot of money. This might not necessarily be applicable to people who are defrauding Centrelink, for example. Obviously it is going to be practical issues there. But we are talking about people who are defrauding millions of dollars and, as Mia just outlined, they are not necessarily obligated to provide any financial compensation.

**Mr VALENTINE** - Assuming they have got resources.

**Mr WILD** - Assuming that they have the capacity to do that, yes. Often it is the case that the victim of fraud wants the perpetrator to be punished out of a sense of justice, but they also want their money back plus some, not unreasonably, to compensate them for the loss. That's sort of the foundation of how that idea came about.

**CHAIR** - My understanding is that with Centrelink fraud you are required to repay to the Commonwealth. That is my understanding from, not my own personal experience, but someone else I know.

**Mr VALENTINE** - Basically, it's an idea that is not implemented anywhere that you know of?

**Mr WILD** - I am not sure if the two-thirds idea is implemented.

**Ms SCHLICHT** - I believe that was Prof Mirko Bagaric's contribution.

**Mr WILLIE** - I am interested in the \$47 million you are saying would be saved. In the Government submission, they have provided some figures on the different people being held within the criminal justice system at the moment. They are claiming that the vast majority of Tasmania's custodial population is made up of people who have harmed other people, who have been convicted or charged with weapons offences, have breached family violence orders,

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commercial drug traffickers, violent offenders who have breached their parole or bail conditions, of those with the most serious offence of fraud or drug, or traffic offence. That 68 per cent had at least one previous instance of incarceration and 31 per cent had been incarcerated five or more previous times. I am just interested in how you calculated that \$47 million figure and how many people out of the prison number you are counting in that saving?

**Ms SCHLICHT** - How we got to that number was 37 per cent of the Tasmanian prison offenders are of the non-violent classification, as provided by the Australian Bureau of Statistics. As Daniel alluded to before, some of those are repeat offenders and perhaps incarceration is the best mode of keeping the community safe. But how we got to the \$47 million number was that it costs over \$200,000 to incarcerate one offender for one year, so 37 per cent of the overall figure gets us to \$47 million.

**Mr WILLIE** - It seems like the Australian Bureau of Statistics does not offer the granular sort of data that the Government is providing in terms of repeat offences for fraud and other things like that.

**Ms SCHLICHT** - That is probably correct. That's where policy would need to be reformed to look at the individual circumstance. If they are a repeat offender and they are showing that they have no intention of abiding by the law, then that will obviously vary and they probably should be sentenced to ensure community safety.

**Mr WILLIE** - The savings are probably much lower.

**Ms SCHLICHT** - Yes. Probably up to \$47 million, then.

**Mr WILD** - As Mia said, it is based on what is said in the ABS and gives you sort of an overview of the potential magnitude of savings there. I think you mentioned at the start, a majority were -

**Mr WILLIE** - I am just reading the Government's submission to you.

**CHAIR** - No. 27, if you want to use it for reference.

**Mr WILD** - That would not be inconsistent with what we have said. On our numbers, 63 per cent would be violent or sexual offences, which I think is broadly consistent with what you put there.

**Mr WILLIE** - They are also claiming offences like fraud. There's a number of repeat offenders there too.

**Mr WILD** - I would have to look into it.

**CHAIR** - It's probably a bit up-to-date. It might help with your research.

**Ms ARMITAGE** - I am interested in your comments with regard to juvenile offenders because, as we know, it is constantly coming before us about whether the age of criminal responsibility should be raised. Just reading some of the comments you have got, and I will go back to the Victorian one because it doesn't matter whether it is Victoria or Tasmania - youth

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offenders are youth offenders. You say, instead of combating the incident of crime, the Victorian Government plans to pretend this group of offenders doesn't exist by simply raising the age of criminal responsibility from 10 to 12 by the end of this year, and again to 14 by 2027. What does the institute feel should happen with young offenders?

I have to say that I do voluntary work in that field. I am an independent person and I go and sit with young offenders from age 10 on, so I have seen a variety of ages and I understand the crimes they commit, and some of them are very serious.

I'm assuming you are aware of the Government's plans regarding the Ashley Youth Detention Centre and the implementing of new centres and new detention in other areas. What is your feeling in regard to that? What do you feel should happen with young offenders, aged 10 to 14? Do you believe the age should be raised, looking at your comments here, or do you believe it should stay as it is? And how do you believe we should deal with young offenders, particularly with young offenders that may have committed crimes against a person, or reasonably serious offences?

If you could expand a little bit on the comments you have made. This was fairly recent, 12 July 2023, so it's obviously something fairly recent that you have been familiar with.

**Ms SCHLICHT** - Our belief is that raising the age is not actually going to address the root cause of this problem and, absolutely, incarcerating young individuals should be a last resort because incarceration is damaging for youth of all ages.. The same line applies here where non-violent offenders should stay out of prison. If it does not serve a community benefit, then non-violent offenders of all ages should not be incarcerated; those savings made from keeping those non-violent offenders out of prison can then be reallocated to other measures which can actually prevent crime from occurring in the first place, such as putting more police on the streets to prevent those youth from committing crime in the first place.

**Ms ARMITAGE** - Do you have any comment on the Government's proposal - what they are proposing to replace the Ashley Youth Detention Centre with?

**Mr WILD** - I don't think we have studied that in detail.

**Ms ARMITAGE** - You've looked at the Ashley Youth Detention Centre. Do you have any comments on the current system we have?

**Ms SCHLICHT** - Looking at the Tasmanian incarceration rate of youth, there aren't as many youths incarcerated in Tasmania as we are seeing in other jurisdictions. But our concern is that if the Government's proposal to combat youth crime is by investing in prisons, this isn't going to actually deter youth crime from occurring in the first place. Instead of allocating those funds to improving prison sentences for removing youth from the community -

**Ms ARMITAGE** - I don't think they are all prisons, but anyway -

**Ms SCHLICHT** - we should instead be preventing crime from occurring in the first place. Our research shows that is best done by putting more police on the streets and deterring offenders from offending so they never enter that system in the first place.

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**Mr WILD** - In the context of Victoria, we are opposed to the raising of the age proposal. Part of the reason for that is, as you are probably aware, that is likely to result in older criminals using younger people to commit crimes, knowing that they are not going to go to jail. It can actually exacerbate the problem. That's a key concern that we have. One of the main reasons why we oppose it is we just don't see how it will at all work to reduce crime -

**Ms ARMITAGE** - How it is going to help.

**Mr WILD** - and it could actually get more of those young people in a criminal syndicate situation, which would actually make things much worse.

**Ms ARMITAGE** - I appreciate that.

**Ms WEBB** - I'm not sure that evidence from other jurisdictions that have a higher criminal age of responsibility bears that out, but no need for a debate on that. I am interested to talk about another element from your correspondence and that was the section where you spoke about technological advancements and the opportunity to utilise those as alternatives to incarceration.

You mentioned that Tasmania should consider developing tamper-proof sensor equipment and visual recording equipment that could be attached to offenders to monitor their movements and send an alert if they were to engage in any suspicious behaviour. I'm interested to hear a bit more about that and if that is in place in other jurisdiction that you could point us to, and has been demonstrated to be effective there.

**Ms SCHLICHT** - This is looking at non-violent offenders. If they can be in their own homes and if they can be under home detention, or just using electronic monitoring, that can result in significant savings for taxpayers. It can also mean that the conditions of their release can be monitored to their particular crime. For example, if there is an offender who has alcohol-related issues or has problems around other criminal hotspots, you can make sure that offender is away from those areas so as to not incite that criminal behaviour.

**Ms WEBB** - Can I just jump in there? We're familiar with the bracelets or anklets and that GPS tracking functionality. You've mentioned that as well, GPS tracking through ankle bracelets. I'm more specifically interested in where you've talked about tamper-proof sensor equipment and visual recording equipment, and how that works. How is that different to ankle bracelets and can you point us to where that is in use somewhere and the effect it has had?

**Mr WILD** - Off the top of my head, I don't know about other jurisdictions using that particular technology. Prof Bagaric has spent a lot of time recently looking at advancements. One of the concerns with the traditional ankle bracelet is that there's ways of basically removing it or obfuscating your location, for example. What Prof Bagaric is getting at is that some of the technologies for this technological incarceration can be improved through that method. I don't think it's a conceptually different idea, it's just an improvement based on new technology to what we already do to make sure that criminals can't tamper with the devices that are on them.

**Ms WEBB** - Visual recording equipment sounds interesting, to have that somehow in place on the person. That's not something you can point us to as being in use?

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**Mr WILD** - Not that we have in front of us. But we're happy a look into other jurisdictions.

**CHAIR** - We are mindful that planes wait for no one, even though you're very important people. On behalf of the Committee, we'd like to thank you both, not only for your time today but for providing some information for the Committee for their deliberations on this very important issue. The Government's submission was no. 27 so that might provide a bit of an update for you, and that will be on the Committee's website if you want to use that information. Thank you, Mia and Daniel.

**THE WITNESSES WITHDREW**

**The Committee suspended from 11:27 am to 11:45 am.**

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**The Committee resumed at 11.45 a.m.**

**CHAIR** - Welcome, Attorney-General, and thank you very much for making yourself available as part of the Inquiry into Tasmanian Adult Imprisonment and Youth Detention Matters, obviously of significant interest to everyone at this table. You and your team know everybody here, but I will ask those that are at the table if they could please make the statutory declaration.

**Hon ELISE ARCHER MP**, ATTORNEY-GENERAL, WAS CALLED AND EXAMINED.

**Ms GINNA WEBSTER**, SECRETARY, DEPARTMENT OF JUSTICE, **Mr ROD WISE**, DEPUTY SECRETARY, CORRECTIVE SERVICES, **Mr IAN THOMAS**, DIRECTOR OF PRISONS, and **Mr COLIN SHEPHERD**, ACTING DIRECTOR, STRATEGIC INFRASTRUCTURE PROJECTS, WERE CALLED MADE THE STATUTORY DECLARATION AND WERE EXAMINED.

**CHAIR** - Thank you, Attorney-General. Is there anything that you want to present? We do have a couple of pages that you did provide to the Committee.

**Ms ARCHER** - I can do a very brief overview for the Committee. I think the Committee knows from previous hearings and, most recently, Budget Estimates hearings that my strong focus is on rehabilitation. It is always a challenge in our corrections system with budgets. We have invested a significant amount of money in infrastructure because of tired infrastructure and demands, as members of the Committee will know. But what it does enable us to do is have a more rehabilitative focus when we have modern fit-for-purpose recently built facilities.

I visited Ron Barwick Prison yesterday and it was pleasing to see the changes that are occurring there in terms of upgrading what is very tired, 60-something-plus facility which one day will, of course, need replacing. But we are doing what we can to ensure there are individual showers, for example. The old version was someone comes into a prison, they're locked in a cell, not even with a TV in the old days and then they are released and we expect them to reintegrate. It is simply not the case now. So our very strong focus is obviously on humane treatment, treating people how we would like to be treated as much as possible, providing those facilities in a very old and tired part of the prison, as I said.

I did have a chance to walk through our industries section with a lot of people in there working on the wood products that our inmates have been working on for some time. Members would also be familiar with that and it was very pleasing to see that we've got that back up and running because we had discovered asbestos and significant works needed to occur to remove that and upgrade that facility. It's really pleasing to see those sorts of things come back online and, obviously, the presence of TasTAFE and the partnership, as I presented to the Committee at Budget Estimates, with Libraries Tasmania and that increase in focus on literacy. I know you've had Rosie Martin here today who has been phenomenal in the prison environment.

**CHAIR** - Thank you very much and we certainly appreciate that brief overview. The Committee heard this morning that Tasmania has had an 18 per cent increase in prison population compared to 5 per cent nationally. That would obviously be of concern to you and the people here, certainly to Committee members. Do you have a comment around that?

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**Ms ARCHER** - We don't have any strong evidence as to why. There's lots of anecdotal evidence as to why it might be, but I personally think it is a number of different things. I think what we are seeing now is that the prison population declined during COVID-19. For obvious reasons everybody was off the streets, and nothing or very little was happening in that space. I think since then we've seen probably a significant increase. Rod and I were, last week, in Brisbane for the Corrections Ministers' meeting. Everyone has the same problems in recruiting staff, needing a lot of staff. Our increase in crime is a lot greater in some areas. What I have tried to do over the years, as the relevant Minister, is introduce alternative sentencing options. Imagine if we didn't have home detention? It would be even worse than at the moment with the prison population the way it is. It is concerning and it's serious crime. As Ian would be able to attest, our highest proportion of inmates are in our maximum classification-rated area. We have more than enough space in the minimum area.

The types of offenders is of concern. What we need to do is try to divert them away from the criminal justice system. There's no silver bullet to that. That is what we need to do in conjunction with working with police. We have a lot of youth crime, unfortunately. I met with the THA this week and they have a significant concern around the increase in youth crime in bottle shops. Having said that, the police said that it's about 24 youths who are known to them who are recommitting. We need to be able to divert youths away from the criminal justice system. That's not my area. There is an increase in the severity of the types of crime and the attitude of offenders. It is really quite dangerous and violent crime that we are seeing.

**CHAIR** - Anything to add to that, Rod, given that you have been to and listened to what other states are coping with? Are there any lessons learnt?

**Mr WISE** - I'm not sure if there are lessons to be learnt, but it is worthwhile going back to our submission about imprisonment rates. The imprisonment rates of the larger jurisdictions are significantly greater than Tasmania's has been. During the COVID-19 period, the drop in those numbers in those states, New South Wales and Victoria in particular, has been sizeable. They haven't gone back up to where they were pre-COVID-19.

Tasmania's numbers during COVID-19 remained relatively stable and it has grown since then. You're right in saying that the rest of the system has grown at a much slower rate than Tasmania, but they also had a lot more people pro rata in prison to start with. We are starting from a slightly different base.

**CHAIR** - The figures don't necessarily tell the story?

**Mr WISE** - Not the whole story, that's right. Our imprisonment rate has, no doubt, gone up because our numbers have gone up, but they're still much lower than places like New South Wales, for example, and most other jurisdictions.

**Mr WILLIE** - Attorney-General, some of the recurring themes from stakeholders, and you would be well aware of this, are housing and health services on that throughcare from the prison service into the community. We've heard about Beyond The Wire, but it seems like there's a huge demand for those provision of services. Stakeholders are telling this Committee that that will help stop reoffending. I am interested in your views on that and what else can be done?

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**Ms ARCHER** - I think when I appeared before Budget Estimates [2023], I said that a number of different issues will impact on recidivism rates. That is: employment, connection to family, housing and adequate education levels, if there's no immediate prospect of employment. It's a multifaceted issue.

I think you're predominantly referring to housing with Beyond The Wire. We'd obviously like to add more houses to what's available for inmates on release. One thing I'm working on is providing a triage system so we can have transitional housing. We currently have a form of transitional housing with the O'Hara Cottages. They're used for inmates who are preparing for release; they are working and often they go out and work in the community and they come back. There is less security involved. It's more like being able to look after themselves and getting them prepared for reintegration back into the community. We have a limited number of cottages on site. If we expand, we can expand offsite with the appropriate inmates.

Admittedly, there are a number of things that we can do better. It has remained unfunded for many years prior to us getting into Government. Basically, I have had to deal with it like eating an elephant - one bite at a time. You just cannot change the corrections system overnight, like everybody would like to see. I would certainly like to be able to change it overnight. We have done our best in trying to look at where we need to put resources in the short, medium and long term.

I will leave the Committee members with our strategic plan, Changing Lives, Creating Futures, because that sets out a blueprint of what we want to achieve, not only for our inmates but for our staff and the whole corrections system. The Committee will then see the strong focus on getting our recidivism rate down and, in doing so, providing the sorts of services I have just been discussing.

**Mr WILLIE** - I am interested in value for money for the taxpayer and safer communities too. It doesn't make a lot of sense when we're exiting people from the prison system into homelessness and then they reoffend. It's very expensive to then reincarcerate them. We've heard stories of people exiting the prison with only three days left on their antipsychotic medication, for example. It's not really setting people up for success.

**Ms ARCHER** - I'll ask Ian if he'd like to address that. He's obviously familiar with the preparation that occurs for someone's release. I think you can shed greater light on that particular issue, Ian.

**Mr THOMAS** - Our relationship regarding provision of health is with Correctional Primary Health Services. The process with anybody coming into custody starts from day one and continues to their last day in custody. As part of their preparation for release, appropriate referrals are made, in this case to their health provider in the community. It's difficult to talk about specific circumstances but the intent and process is there to allow a seamless process to be put in place for people when moving through the judicial system and back into the community.

Unfortunately, one of the challenges we face is the ability to get that individual engaged post-release. Sadly, one of the advantages of imprisonment is they are a captive audience, so we are able to control their movement more and get a better level of engagement. Often when they go into the community, particularly if there are no ongoing conditions and their sentence



is finished, they are very much on their own reconnaissance. Even if we are able to put into place those things you talked about, it will still rely on the individual engaging. That remains a challenge.

**Ms ARCHER** - The other issue I have encountered from knowing individual circumstances of inmates is that some of them might have been incarcerated for quite some time and don't have a GP. As Ian said, the health services provided within the prison environment is Correctional Primary Health Services, which is run by the Department of Health. We have to work very closely with them and in partnership with them on all issues concerning their health. We have also seen an increase in mental health conditions, in the community across the board. It's no different in a prison environment. That extra layer can complicate what happens to them on their release. I think what Ian is saying is once they are released from the prison environment, as far as TPS is concerned, they don't have the ability to control what that individual does, so the preparation phase is so much more important for some to try to provide additional supports. It's challenging. Some people in the community do not have access to a GP. We have a GP shortage, as you know. That is a difficult issue for inmates as well on their release.

**Mr WILLIE** - It is not a realistic expectation for somebody leaving the prison to only have three days on an important medication for their own wellbeing, and potentially not to reoffend, to then connect with a GP service.

**Ms ARCHER** - If that is the case with an individual, then we would want to hear about that so something can be done for their medication so that it won't be an ongoing complication for anyone. I agree with you - three days' medication can possibly just set them up to fail.

**Ms WEBB** - Could you clarify, then, that there isn't a rule in place that says people can only be released with three days' worth of particular sorts of medications, say, for major mental health disorders?

**Ms ARCHER** - I don't think so. In most cases you would want them to have more of a supply than three days. I think what you are saying is that the actual circumstance -

**Ms WEBB** - Yes, I am just trying to clarify if there is a rule, because the way it was described to us, it appeared that it is not just a one-off incident. We are relaying here that it seems to be a general situation that people are released with only three days' worth and then have to find the GP and get it filled.

**Mr THOMAS** - That is certainly not to my knowledge. Obviously there is the doctor-patient confidentiality about the type of medication they are on and their individual treatment plan, but my clear understanding is there is no expectation that somebody is released with a limited amount of medication. The approach would be, and is, that they take with them whatever medication they are on to continue that treatment, and then the referral will be made to the relevant GP or whoever it is in the community who is picking that up.

**Ms WEBB** - Where does that decision lie for the amount of medication that is being provided for the person as they exit the prison? Where does that decision-making occur?

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**Ms ARCHER** - That was in correctional health services, so the Department of Health, but they are on-site, and that service, a continuing service, or permanent service, is provided within the prison.

**Mr WILLIE** - I am just relaying some of the things we have heard. This morning we heard from workforce representatives that training has become an issue. The induction training has gone from 13 weeks to 10 weeks. Some units are being missed that were previously included, and the training they described was done on an ad hoc basis. What is being done to ensure all correctional officers and prison staff are getting adequate training?

**Ms ARCHER** - We have shifted the topic to recruitment?

**CHAIR** - They try to get as many questions as possible while they have the call.

**Ms ARCHER** - That is fine. I thought it was a follow-on question.

**Mr WILLIE** - I thought I had one left, so I was going to sneak this one in.

**Ms ARCHER** - The length of the training, I believe, is the same as other states, from speaking with colleagues last week. I have tasked Rod with the intensive recruitment strategy of trying to get more correctional staff. As I have told the Committee before, we will have as many training courses as possible in one year, as we did last year. I might get Rod to address the length and why we have shortened that.

**Mr WILLIE** - That was part of the question. The other part is ongoing training and the availability -

**Ms ARCHER** - In relation to already qualified correctional officers?

**Mr WILLIE** - In relation to supporting staff, yes.

**Ms ARCHER** - I think Rod can address that.

**CHAIR** - Moving up from the supervisor, and then to the next level, and the next level, and what comes with that responsibility.

**Mr WISE** - The recruit training is not dissimilar to other jurisdictions. Indeed, some of the jurisdictions have less time invested in their recruit training and then follow up later in the piece, so it's a reasonably equivalent set of training modules that staff here do.

As far as ongoing training is concerned, we set aside a day each week to assist correctional officers in some of their mandatory and non-mandatory training. There is a commitment from the TPS to get as much training through our staff as possible, but we do recognise that for some people who are seeking promotion, we haven't done as much as we should have, so that is a focus. Indeed, in the strategic plan it's one of the things we are aiming to do over the next few years, to improve the training we give to prospective managers.

**Mr WILLIE** - What's currently available in terms of training around rehabilitation of offenders?

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**Mr WISE** - Most of that work is done by non-correctional staff, non-custodial staff, but case management is a significant part of the correctional officer's role, and how correctional officers feed into the therapeutic intent of the TPS is a big part of what they are expected to do.

**Ms ARCHER** - That's two-fold. We have correctional officers, who obviously need to complement what is being done with other positions. We've recently put on five therapeutic drug and alcohol staff who deliver those services. Then, when you're looking at education and training, there's the partnership with TasTAFE, with TasTAFE providing those services.

There's been an upgrade in facilities, as I saw yesterday, in the classroom environment and will hopefully be able to increase the type of courses, because they can actually be done by video link to ensure we've got increased access to teachers who might be available through TasTAFE.

We are doing everything possible to provide a complementary service all round. The biggest area of rehabilitation we know would probably be drugs and alcohol, and literacy. On literacy, you heard this morning from Rosie Martin, who delivers a terrific program with a high success rate. Then we have therapeutic drug and alcohol staff who have recently come on and are doing great work.

**Mr WILLIE** - Correctional officers, though, spend so much time with the inmates. Isn't there an opportunity to increase their training around stopping offending? Case management is part of it?

**Ms ARCHER** - Absolutely. That's our increased focus now. Rod said, and we do admit, particularly during COVID-19, it was difficult to provide that. So the focus has to be on additional training. You're right, they are the ones on the front line, if you like, in developing those relationships and speaking to our new recruits. That is a really good focus of theirs when they're starting out. They realise that even if they can change just one life, that's a fantastic result for them. It's not lost on them, the significant role they play in changing lives. So, I would agree with you.

**Mr WILLIE** - When we did the site tours, I met many who are proud of their jobs. They are helping keep the community safe, whether that's keeping people who are dangerous incarcerated or trying to help them rehabilitate.

**Ms ARCHER** - Yes, absolutely.

**Ms ARMITAGE** - Still on recruitment, a concern was raised this morning, basically saying that the scoring has been reduced in order to get offers due to a lack of applicants. Is it the case that there is a lack of applicants for positions, and that it's becoming easier to become a prison officer because the scoring is reduced? That was a concern levelled this morning.

**Ms ARCHER** - Before I get Ian to explain some of those issues, over the last few years what I discovered was the threshold was a little bit too high. We were seeing a lot of applicants and a lot of applicants not getting past the first post.

**Ms ARMITAGE** - Good applicants?

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**Ms ARCHER** - I remember having a discussion with Ian and asking if we could review how this is all done. That was done, but I don't believe it has become too easy. As to the number of applicants we now get, we're in competition with a lot of other different areas. Members can recall from Budget Estimates that all of us have encountered -

**Ms ARMITAGE** - Are we having problems getting applicants?

**Ms ARCHER** - Rod can probably answer the question. We'd like to see more. We're competing with the police service, we're competing with other states, we're all trying to poach each other's staff. In Tasmania we try to appeal on a lifestyle basis. We've had some success in that regard. I might get Rod to address the question of the number of applicants. You've seen it change, haven't you?

**Mr WISE** - Yes, we're getting a reasonable number of applicants but it does link in, we've found not surprisingly, to the advertising campaign we put out. We are getting a reasonable number through -

**Ms ARMITAGE** - Male and female?

**Mr WISE** - Male and female.

**Ms ARCHER** - In one course we had more females complete - the first time ever.

**Mr WISE** - We're certainly not lowering the standard. What we are doing is spending more time with those who might be on the borderline. In the past, we might have said they don't reach that threshold and are not suitable. Now we're saying, 'there are some things that we might be concerned about but we'll put you through an additional process where you'll be interviewed by senior staff and they'll make a decision on whether you attain that threshold or not'.

**Ms ARMITAGE** - A bit like the police force, they've opened up.

**Ms ARCHER** - Obviously, you have to have the right people with the right mindset. As Rod said, if they're the right type of person and they're lacking in one particular component, then why not work on that? I was going to go to Ian on the review of the scoring.

**Mr THOMAS** - There are multiple parts to the process. There's the initial written application. There are key elements we look for in that. That gets them a score. They then go through an online psychometric test, which gets them another score. They then come to the assessment day, which gets them another score. The assessment day is broken into three parts. All of these add up to a cumulative score.

We have a threshold which says if they're above that then they've met every requirement we are looking for and they can go forward to the recruit school, subject to things like police checks and medicals. As Rod alluded to, if there are people on the borderline, who may have excelled in key parts but are just under on others then we will circle back on those other parts. People, including myself, come together and review them and consider, whether there is enough to tell us, with the right development and opportunities, that they can reach the level that we're looking for in that key area? Obviously, if they're not reaching the required level in all areas, then we don't put them through. There is the danger that you have someone who is

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really good at a certain aspect of being a correctional officer but they just have not portrayed it well on that given day, so we want to give everyone an opportunity. They then go into a 10-week training school. We are still continuing to train and develop.

**Ms ARCHER** - Some people do not make it through the 10 weeks as well.

**Ms ARMITAGE** - That is what I was wondering. Is there an assessment at the end of the training to ensure that they have -

**Ms ARCHER** - Throughout.

**Mr THOMAS** - It is ongoing throughout the whole 10 weeks. They are on a probation period for 12 months. Even when they've finished their recruitment, they have another nine months of probationary period when they need to continue to demonstrate that they're meeting the requirements.

**Ms ARCHER** - It is important to say it is onsite. There's a component where they go into the prison environment. That's obviously invaluable training.

**Ms ARMITAGE** - So they're understanding the environment when they're doing the training?

**Ms ARCHER** - There's a classroom component and a lot of them probably don't like that side of it as much, from speaking to them. It's a necessity that they do that portion of the training as well, so it's a really well-balanced training course.

**Ms ARMITAGE** - What sort of proportion would not make it through the 10 weeks?

**Ms ARCHER** - It's very low.

**Mr THOMAS** - It's very small numbers. Often it's none at all, everybody gets through. When we start a recruitment campaign we will typically get 300 to 400 applications. Out of that we'll get somewhere between 15 and 18 recruits. The process really narrows it down to those people who are absolutely suitable to be correctional officers, based on the process. We find that that has tended to make sure that the people sitting in that classroom for 10 weeks are suitable to be there. They've invested a lot of time in getting there. We don't lose many. Sometimes they decide it's not for them, or there are ongoing assessment processes that the Attorney-General alludes to that determines that this is not for them and they're not for us.

**Ms ARCHER** - The types of people who have been applying since COVID-19 is quite different. It's people changing careers. During COVID-19 people stayed at home and reassessed what it was that they wanted to do. When I spoke with the recruits from the first recruit course we ran after COVID-19, they came from childcare, from out-of-home care, there was a gym owner. It was a diverse group. That was the high proportion of female trainees, which was pleasing to see because we want to have balance in the environment. The police are trying to do the same thing.

Our correctional staff typically are very male-dominated. One of the courses, as I said, was over 50 per cent. That was the first time ever. Another one was just below 50 per cent. Those first couple after COVID-19 had high numbers and the types of applicants were really

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varied. I'd love to see that continue. It has in the wide variety of recruits but the numbers have dropped off because we're competing with other areas, and other states and territories.

**Ms HOWLETT** - In relation to that, how often do you recruit and is there a physical component to that?

**Ms ARCHER** - As I said, we'll try to recruit as many courses as possible. That's been the direction I've given the department. There is a physical component because they have to pass a medical, as Ian said. There's ongoing training. They all find control and restraint very challenging. Anecdotally, it's quite varied. There's a strong classroom component and some of them are a little bit shocked by that. It's necessary. They have to learn all the rules, protocols and laws that are in place, and then there's a physical component.

**Ms WEBB** - In relation to the training, I notice in the strategic planning second action area, you'll be building and implementing a corrections people strategy. I presume that touches on this area. There's no time line there. Could you give us a time line for when that'll be completed and implemented?

**Ms ARCHER** - You'll see there's short-term, medium-term and longer-term goals within the strategic plan. That's quite deliberate. In corrections, there are things you can achieve in a relatively short space of time, medium space of time, and then long-term goals. I think that would be something that's being worked on currently. I might get Rod to expand on that.

**Ms WEBB** - To be clear, it is not under the long-term goals. It is under the 'What we will do now'. I am interested in the time line particularly.

**Mr WISE** - We are working through an implementation plan now and that obviously is one of the things we are seeking to deliver in the next two years.

**Ms WEBB** - Does that include the review of the training policy?

**Mr WISE** - Yes.

**Ms WEBB** - That was, obviously, a recommendation, that the training policy be reviewed, and there has been some waiting for that to occur. When we heard from other witnesses earlier this morning, they were mentioning that that had not yet been done. So, the expectation is that review is occurring imminently and will be part of the corrections people strategy?

**Mr WISE** - That's right.

**Ms WEBB** - In relation to recommendations made in custodial inspection reports or Auditor-General performance orders - and I am thinking particularly of each of those that came down in 2019 that had some significant recommendations in each of those spaces, is there a way we are able to access an update from the department on progress against those recommendations? Obviously not verbally here, but could we seek that from you on notice?

**Ms ARCHER** - Yes, I am getting a yes from the secretary.

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**Ms WEBB** - We will write to you to request that on notice so we can understand what progress has been made in those spaces. There are references to those recommendations made in other submissions and things, and it is useful for us to have a context.

**Ms ARCHER** - We have actually employed someone dedicated to working with the Office of the Custodial Inspector. Since that, it has been a really successful process of working through the recommendations and signing off on those and keeping the Custodial Inspector informed. I can't tell you the difference it has made because of that direct communication. bThe problem was that the Custodial Inspector didn't understand which things had been signed off on, on which occasion, so -

**Ms WEBB** - Does that then come out publicly? Also, is there a public accountability? Given that the custodial inspection reports eventually are public documents and those recommendations are in the public domain, are other stakeholders able to monitor progress through public reporting?

**Ms WEBSTER** - There isn't at the moment but, really, from sheer recommendations received and implemented, there is no reason why we couldn't provide that information.

**Ms WEBB** - There certainly be a level of transparency, I am sure that would be appropriate and appreciated.

**Ms ARCHER** - And beneficial for us as well because actually providing or being able to provide things that we have signed off on and actually have achieved is obviously beneficial. There hasn't been a deliberate attempt to mask that. It is just the work required to do that.

**Ms WEBB** - Sure. Is that something you would like to commit to doing so that we can understand that it would be in the public domain in some regular way so people can see progress?

**Ms ARCHER** - There might be something that we can do in a report, annual report, yes.

**Ms WEBB** - Excellent. On another area, we heard at an earlier hearing day from Dr Atherton from the Forensic Mental Health Service, who raised some concerns about the level of mental health support available in the prison service. He spoke to us about the established principle of equality of care, that people who are incarcerated should be able to expect the same quality of care that people in the general community do. He pointed out that is not the case in Tasmania. He said this:

It is fair to say most other jurisdictions have now taken significant steps to develop prison mental health service capacities. Compared to other states and territories, Tasmania remains severely underresourced and underdeveloped. And that has been highlighted now in a number of reports.

He pointed to the report by Prof Jim Ogloff, for the Custodial Inspector and others. He talked to us about the fact that a business case submission was made before 2021, based on the need to improve these services. It was approved and signed off but was not then funded.

The business case was a proposal to have 14 full-time equivalent staff, which would have brought us up to an equivalent level of service to other states and jurisdictions. So, signed off,

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never funded, which means the resourcing level has not significantly improved since 2016 when the very serious events occurred that prompted reviews being done.

I am interested in a response as to why a business case would have been accepted and approved but then not funded. And your response to why we would still be so severely underresourced and underdeveloped.

**Ms ARCHER** - It would be the Department of Health because correctional health services that provide all of those services within the prison environment for us is run by the Department of Health. That's not something that comes out of our budget. It is the Health budget.

**Ms WEBB** - As responsibility for all other aspects of corrections services is yours, what is your response to that sort of comment?

**Ms ARCHER** - Earlier I said there is an obvious increase in mental health conditions, reflected in the community as well; with that, I would like to see more mental health services available for inmates. I think it is obvious that this is probably an area that is lacking, which I am sure Ian can attest to. We continue to work with the Department of Health and are very much reliant on the Department of Health for those services.

**Ms WEBB** - Can you talk me through, though, because it is your patch that those services are being delivered in, the impact of not providing adequate mental health services? It is a significant impact on the staff who are working in that space and the other inmates you are responsible for the care of.

**Ms ARCHER** - I can tell you it is very frustrating at times.

**Ms WEBB** - I am interested to understand the mechanism of the advocacy that goes on from Justice and Corrections into the Health space.

**Ms ARCHER** - A lot. I think it is always fair to say we will always work across departments as best as possible, and it can be very frustrating as a Minister when it isn't entirely your patch. I am responsible, obviously, for an area, but there's only so much we can do in terms of that service when we do not have total control over the provision of that service or, indeed, the budget for that service. We do the best we can in communicating with other agencies.

**Ms WEBB** - When you were creating the strategic plan for corrections, and the new one that you have provided that has been available in the public domain for a little while for 2023 onwards, are you developing that strategic plan on the assumption that mental health services will remain severely underfunded and underdeveloped?

**Ms ARCHER** - Of course not. We don't do anything to set it up to fail. The department secretary, Ian and Rod, all continue to communicate with their colleagues across agencies and do the best they can to ensure that we can deliver on our strategic plan with the cooperation of other services that are required because we can't do it alone. We can't provide that service alone because it is not, as I have said, part of the service that we can totally provide.



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In fact the relationship with Health is the best it has been, certainly since I came into this portfolio in September 2017. I have seen a huge change because we have put in a lot of effort into that relationship on-site. But it can always improve and it can always be better. I know it can because I get individual letters from family members of inmates advising me of certain situations where there have been failures in health care or health provision on-site. I communicate those situations directly to prison management through Ginna, Rod or directly to Ian to try to deal with matters on a case-by-case basis, and to ensure that those matters don't continue to arise. But it is not a perfect system. We will continue to work on it.

**Ms WEBB** - Naturally, but when you are putting together this strategic plan, you have to do it on an assumption of particular services being available or not available. Have you developed this plan on the assumption that health and mental health services will be delivered at a level they are at currently into the future, or that they will improve?

**Ms ARCHER** - I might let the secretary address that.

**Ms WEBSTER** - I think initially and certainly ongoing there was involvement from all those stakeholders around the development of the corrections strategic plan. I don't think we specifically had a thought in mind that we would be delivering at a current or a lower level of any service delivery. But what we would do is work with those stakeholders to ensure we are able to deliver on what is in the strategic plan. I would say that if that means further agitation around increased services for mental health, then that is something that Rod or I would take up at our more strategic level. I know that Ian does at an operational level.

**Ms WEBB** - In terms of that statement from Dr Atherton that Tasmania remains severely underresourced and underdeveloped in terms of mental health services within our prison system, is that something that is surprising to you? Or is it something you are aware of and continuing to work on?

**Ms ARCHER** - Continuing to work on.

**Mr VALENTINE** - In your opening statement you talked about the very good work of Rosie Martin, who has been in the public eye a number of times for the work she does. We also heard from Speech Pathology Australia. I know this is not your particular area but she talked about the benefit of being able to have some speech pathology services available through the youth justice system. This included with workers on-site in the prison service and how the proper use and understanding of language can help de-escalate a circumstance and all those sorts of things.

Can you talk us through how you might be implementing some of the benefits that she sees can be achieved? How is that being considered in your strategic direction, going forward? Are you employing speech pathologists within this service to provide some of that training to staff, and also services to inmates?

**CHAIR** - She directed us to the Queensland model that you and Rod may be aware of.

**Ms ARCHER** - If I can address the first part, then throw the strategic level to others. Way back, when I was in opposition, I had a policy that if I got elected into Government, I would fund a certain thing Rosie Martin was involved in, and that came to fruition. One of the very first things I did was actually fund one of the initial courses that Rosie provided. Was it

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Chatter Matters? That was highly successful, and over the years we've put more funding into her courses, and also the nature of the courses that are provided within our prison environment.

**Mr VALENTINE** - To the inmates, or to staff?

**Ms ARCHER** - To the inmates. There is a high level of illiteracy and innumeracy across the board in adults in Tasmania. In our prison environment, we can't educate them unless we tackle that issue first for a lot of them. That's been a strong focus of mine, where I'd like to, in future budgets, increase funding because we know it works. We know the success Rosie has had in turning lives around, literally, and getting the confidence of inmates to actually change their lives.

From that perspective through to the idea of speech pathology to assist with correctional officer training, I think that's a great idea. I welcome all good ideas that will assist rehabilitation across the board. We know from our discussion this morning that correctional officers are the ones who can have the one-on-one contact and can really change things, and we don't want them to be involved in the physical de-escalation of incidents, necessarily.

I'm aware, from discussing this issue with the trainees, they are already taught de-escalation techniques with words. But if that can actually be improved with further training, then I'd be all for looking at that for a future budget. That would be a terrific idea. Ian, do you want to expand on that?

**Ms WEBSTER** - Just before that, I think Rosie may have been referring to the Queensland model where Queensland employ their own health service. Some years ago, over 20 years ago, the Tasmania Prison Service used to do the same. In about 2000, we moved to Health delivering those services.

**CHAIR** - Do you think we need to get it back?

**Ms WEBSTER** - I was just going to add, one of the advantages of Health delivering those services is the critical mass of numbers they have with nurses, speech pathologists and those other professionals. If someone is away on leave or unwell, the capacity to be able to bring someone in to cover that position is greater when you have a larger number of people. Health are really good at delivering health services and the prison service are really good at delivering prison services.

**Ms ARCHER** - In a small jurisdiction as well.

**Ms WEBSTER** - A small jurisdiction, yes, so I think that's the key. If we were able to employ, say, a speech pathologist, we might employ one, but when that person goes on leave or is unwell, trying to find someone to cover for that would be really difficult.

**Ms ARCHER** - We'd have to look at it as a model similar to what we have with the five therapeutic staff coming onboard, so that you actually have a unit within the prison to deliver a service like that. It's not unachievable in terms of speech pathology.

**Mr VALENTINE** - She talked about assessing people who might have a disability and how speech pathology can assist their capacity to express what they want to express properly.

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If they could be understood, that might make a total difference to the way the service deals with them going forward.

**Ms ARCHER** - I think there are probably numerous cases where Rosie has seen that first-hand and has been able to change someone's life by taking them on in the literacy program. She has talked about that. But you're right, disability might be something that -

**Mr VALENTINE** - Just assessing individuals. They might not have huge disabilities; it might just be verbal such as being able to express themselves properly. That is a disability, I guess. Actually employing people to assist in those circumstances as people are going into the system, would you see that as something that would be looked at and seen as a positive? To be able to assist with that assessment process?

**Ms ARCHER** - What is our current processing in terms of assessing people coming into the prison? I know we have a certain level of expertise with that.

**Mr THOMAS** - Everybody is assessed on entry for every aspect of their needs, including their health needs, both mental and physical, and that includes a disability assessment. If there's a clearly identified need that we can address now - that might be some of the more common disabilities we see, such as hearing, we have practices in place to do that. We can address those quite successfully. For some of the more unusual or difficult ones, we will look, through Health, to engage the appropriate services.

With the work we've been doing with Rosie's team, we have on a number of occasions and will continue to do so, referred people to Rosie if they've self-identified, or we've identified, that they could benefit from engaging with a speech pathologist. That's been on a one-to-one sessional basis, in addition to the group programs that Rosie provides.

I would also like to add that the latest arrangement we have with Rosie includes a delivery of awareness to staff of what her program brings to prisons. She engages with our recruits. That is an ongoing program with our correctional staff as well. They're getting quite a level of awareness of what Rosie's organisation brings to the table regarding opportunities for prisoners to rehabilitate and how that aligns with the role of a correctional officer.

**Mr VALENTINE** - What does that look like, in terms of the amount of time someone like Rosie would spend with recruits? Is that a significant period of time? Is it 10 minutes? Give us some understanding as to how critical that is.

**Mr THOMAS** - It's a one-off session but it's two to three hours long, so it's a significant period spent with them, talking to them about the intent behind the relationship with Rosie's organisation, Connect 42, what they provide for prisoners and how that can link to the work correctional staff do. It gives them a greater insight into what Rosie's team is providing as part of the rehabilitation journey for prisoners. It gives them the opportunity to engage and also ask questions, get a greater understanding of how it can assist them. That can be something as simple as, as a correctional officer, 'I've got awareness of that, I can make a referral, or I might seek to engage them to provide some assistance to one of my caseload.'

**Ms ARCHER** - That module is part of the training. I am extremely proud of the service that Rosie provides. It was non-existent before the initial provision of the service we funded

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and has just grown from there. I am sure it will continue to grow as I can get more funding for these things. She does a wonderful job in our prison environment.

**Mr VALENTINE** - She talks about workshopping being a benefit. Is that something that is on the radar, providing the opportunity for staff themselves to actually workshop communication?

**Ms ARCHER** - I welcome all of the ideas Rosie espoused. It reminded me, I should catch up with Rosie very soon because she is coming up with some really good ideas for furthering the service that she can provide. I am very interested in those suggestions.

**CHAIR** - Before I go to Ms Webb, who wants to talk about housing, we heard this morning there is very low staff morale and significant concerns around the Ashley Youth Detention Centre because nobody seems to know what is going on. Hence my request to you for Mr Shepherd to be at the table today. Can you give us some understanding of what discussions there have been with staff on the Government's proposal to close the Ashley Youth Detention Centre? We know the 2024 time frame has been blown out.

**Ms ARCHER** - I might have to throw to operational if there have been direct conversations or contact. Certainly, we have been very public about what we intend to do with the correctional facility.

**CHAIR** - That is not directly with staff, that is a more general conversation.

**Ms ARCHER** - No, I understand. But it is really important to highlight we have been so open and transparent about this process it would be hard to understand that there could be people in Tasmania that do not know about it or have not heard about it in some way, shape or form. But obviously, Mr Shepherd heads up the project team for that and we recently released two more due diligence reports. In relation to staff contact, you do have newsletters and things like that you produce, don't you?

**Ms WEBSTER** - Communicating directly with Ashley staff would be the responsibility of the portfolio of -

**Ms ARCHER** - I do not think Ms Rattray meant that. She meant the site itself.

**CHAIR** - Site itself. The union said they do not know where the new sites were and they really did not have any understanding. The staff, their members are quite concerned.

**Ms WEBSTER** - The union in question were talking about the new sites for the youth facility, which would be under the Department for Children, Education and Young People as they are running that part of the process.

**CHAIR** - There is no involvement of Mr Shepherd?

**Ms WEBSTER** - If they want some information about the northern correctional facility, I would be very happy to facilitate a session. But, from my perspective, it is an operation -

**CHAIR** - They sort of go together because the proposal is to take over that site for a new northern correctional facility.

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**Ms ARCHER** - It is, and I know from the discussions with unions that I've had that I've indicated my intention to increase staffing levels because of the northern correctional facility. They know that is the intention of Government, and to ensure we have significant number of staff. The Southern Remand Centre discussions were the same. I have had direct communication with them about that aspect. I do not know if you want to add anything on that in relation to the project team or any contact you may have had. I know there was direct engagement with the Southern Remand Centre process, because we wanted staff input.

**Mr SHEPHERD** - We have a project plan in place. We are working on a couple of options. We are still considering that the position with regards to Ashley is that it could be vacated by September 2024 or by the end of 2024. But if that is not going to happen, then we have a contingency in place where we would potentially look to construct around the existing Ashley site.

In terms of our communication, there is a northern correctional facility steering Committee and that has a senior staff member from the Department for Education, Children and Young People on it. They are there to be that conduit between that agency and our agency to talk about the planning for the project. Equally, we have senior staff from other organisations like Tasmania Police, so we are in constant communication. That Committee meets every six weeks and that is how we are keeping people across what we are planning to do.

**Ms WEBB** - I want to pick up on the housing question. We have heard from information obtained through an RTI from other witnesses that in the last year no one exiting prison has been housed in social housing. I noticed in the Government submission it said:

All inmates may now request a housing needs assessment through Housing Connect up to 30 weeks before estimated release date.

The housing wait list for priority 1 in Housing Connect is 80 weeks or thereabouts now. Clearly, 30 weeks is not going to get you near the top of the list when you are released. Is this a failed pathway? What more needs to be done to ensure people exiting prison can exit into -

**Ms ARCHER** - We need more houses and that is what we are building.

**Ms WEBB** - Sure, but in the short term what you have is people being exited into homelessness. What more have you been looking at to address that situation?

**Ms ARCHER** - As I said, what we can see from the construction of what essentially replaces the Bethlehem House model is that type of transitional arrangement is our best option in the short term because we all know the challenges with housing. There is a shortage and we need to build more and we certainly need to build more in our social and affordable housing and within our own service built by Government. The short term is providing those transitional types of arrangements where they don't have family connections.

Where we do provide a service within prison - again, it is a course run by Rosie Martin's organisation - it is to reconnect families and relationships, and repair relationships. That may sound like I am going off point but I have witnessed it first-hand; it is life-changing, particularly for our female prisoners when they can reconnect with family members. Hopefully, that also means on release they have somewhere to go in terms of their short-term housing options, as well as being supported by family. Often that means reconnecting with their parents. There

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may have been drug issues in the past. That may be why they lost their children, which is a really common example I come across. Repairing those relationships goes a long way to helping with that housing issue.

**Ms WEBB** - With your indulgence, Chair, I have one question on Aboriginal cultural workers because we have not touched on that area. In the strategic plan, under area 4, is Closing the Gap. We know we have committed to Closing the Gap and the significant work yet to be done there. Under the 'What we will do now' part of the strategic plan, it talks about developing and implementing a framework. That's fine. Under 'Measures for success', it talks about 'establishing strong partnerships with Aboriginal community-controlled organisations'.

What is happening there? We have heard there are no funded Aboriginal cultural workers within the prison system. It would seem, if we are genuinely aiming to close the gap in the time frames we are aware of, that would be a pretty essential component to fund those sorts of positions. It is not in the strategic plan. Is there no intention to fund that?

**Ms ARCHER** - I will get Rod to address that.

**Mr WISE** - It is an issue for us, clearly, and we have plans to engage with an Aboriginal organisation to provide us with some staff to work on the ground in the TPS in the next six months or so.

**Ms WEBB** - Will they be funded positions?

**Mr WISE** - Yes, they will be funded.

**Ms WEBB** - Currently, that is happening in some sense but not being funded. It is being done by the Aboriginal organisations off their own funding, I presume. Are you going to fund those positions?

**Mr WISE** - We will be funding a community organisation to provide those staff. It is very difficult for Government in some respects to attract appropriate Aboriginal staff into environments where they might be working one out or two out, and those sorts of things. In order to provide a safe cultural environment for those staff to work, we will be engaging with a community organisation to provide them.

**CHAIR** - So you will be or you have?

**Mr WISE** - We will be.

**Ms WEBB** - What is the time line expected on that?

**Mr WISE** - We are hoping to have that within three months. It might drag out to six but hopefully it is within three months.

**Ms ARCHER** - We got through a lot.

**CHAIR** - There is never enough time. We very much appreciate your continued input through the Estimates process and through this Committee's inquiry as well. We shall suspend

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the broadcast and we will be back here at 1:30 pm. You will be doing something else, I feel sure, but thank you.

**THE WITNESSES WITHDREW.**

**The Committee suspended from 12:51 pm to 1:30 pm.**

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**CHAIR** - Welcome to our hearings today for Education, Children and Youth representatives. Thank you very much, Mr Jaensch, and you have with you, Associate Secretary Jenny Burgess. I won't introduce members of the Committee because I feel sure you will know them all, including myself. Jenny, you will need to take the statutory declaration. You have sat through many of these hearings and you understand parliamentary privilege outside of this place, and you are well across those details.

**Ms JENNY BURGESS**, ACTING SECRETARY, DEPARTMENT OF EDUCATION, CHILDREN AND YOUTH, WAS CALLED, MADE THE STATUTORY DECLARATION AND WAS EXAMINED.

**CHAIR** - Minister, we always invite those who are presenting to make an opening statement. Do you have one of those today?

**Mr JAENSCH** - I do, thank you very much.

**CHAIR** - Then we'll launch into questions.

**Mr JAENSCH** - Thank you for the opportunity to speak with the Committee today and just for the *Hansard* record today, Ms Burgess is here in her capacity as Acting Secretary, Department of Education, Children and Youth.

**CHAIR** - Oh, she's been elevated from associate to acting.

**Mr JAENSCH** - Acting is the position she is in here today. I'd like to start by acknowledging and paying respect to Tasmania's Aboriginal people as the original owners and continuing custodians of the land that we're meeting on today and pay my respects to their elders and ancestors. I thank members of the Committee for the opportunity to discuss youth detention matters in Tasmania and for the opportunity for the Government to make a submission to the inquiry.

The Tasmanian Government contributed a joint submission to the Legislative Council by the Department for Education, Children and Youth and the Department of Justice. As outlined in our submission, young people who enter our youth justice system need therapeutic responses that address their developmental needs and their past trauma and return them to the community as positive members of society. The Tasmanian Government is strengthening the supports and therapeutic interventions provided to young people to prevent engagement with the youth justice system. The Commission of Inquiry into Institutional Responses to Child Sexual Abuse final report will be released in a matter of weeks, or months, from now. We look forward to receiving the recommendations. However, we have not been waiting for the recommendations of the commission to act where we can.

The Government released its Final Draft Youth Justice Blueprint in November 2022, which sets out the strategic direction for the next 10 years to improve the wellbeing of children, young people and their families while addressing the underlying drivers of offending behaviour, reducing offending and improving community safety. The draft blueprint outlines a strategic direction across the service continuum from prevention and early intervention, through to services for repeat and high-risk offenders that change the pathways for young people who are at risk of, or who are already engaging in, offending behaviour.



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Over its 10-year lifespan, the blueprint's key objectives are to create a contemporary, integrated and therapeutic youth justice system that prioritises prevention and early intervention to reduce engagement with the youth justice system; that ensures diversion from the justice system is early and lasting; that establishes a therapeutically based criminal justice response; that integrates and connects whole-of-Government and community service systems; and that provides an appropriately trained and supported therapeutic workforce.

Utilising a public health approach, the blueprint refocuses and strengthens supports for children, young people and their families through the implementation of an integrated and multidisciplinary service system that provides for the wellbeing, and reduces engagement in antisocial youth offending behaviours. The result will be a service system that supports early intervention and diverts children and young people away from the statutory youth justice system.

For those children and young people whose offending behaviour has escalated and involves a criminal justice response, the blueprint outlines an evidence-based, therapeutic criminal justice approach that supports the young person to address the factors that led to their offending, preventing continued offending behaviours and ongoing involvement with the system. We are awaiting the commission of inquiry recommendations to be released before finalising and releasing the final blueprint and first action plan.

As part of its broader reforms to the youth justice system, the Tasmanian Government has committed to close the Ashley Youth Detention Centre and establish new facilities: a single, smaller detention facility in the south of the State; two bail facilities in the north and the south - which will help to reduce the number of young people who are on remand in detention; and two supported accommodation or stepdown facilities, one in the north and one in the south, to support the throughcare and reintegration and reconnection of young people leaving detention to rejoin them to work, education and their community.

While the new facilities are being developed, the Keeping Kids Safe plan is being implemented to ensure the wellbeing of young people who are in custody. In September 2022, the commission of inquiry requested that the Executive Director Youth Justice Reform provide the commission with an interim plan on how children and young people are being kept safe at Ashley Youth Detention Centre during the transition period. The Keeping Kids Safe plan addresses specific items in the commission's request for additional information, including details of current and planned works in relation to the use of CCTV at Ashley, and details of the department's plans to keep children at Ashley safe during the period of transition, including plans to address staff shortages.

The objectives of the plan are: to increase safety and security for children and young people; to maintain an appropriate level of staff with the right experience and competencies; to deliver a therapeutic service model; and implementing practice improvements - the last one. These objectives are supported through individual action items and some updates on those actions are currently being finalised. I am very happy to take your questions.

**CHAIR** - Thank you very much. I have an overview question from the member for Launceston.

**Ms ARMITAGE** - Thank you, Chair, and thank you, Roger. You were talking about the new facilities to replace Ashley, and this has probably been mentioned to you or asked of

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you in the past. It is the two bail facilities, north and south, and two supported stepdowns, but the single smaller in the south. I guess that is the detaining area in the south, so not in the north? Is that not one of the issues that we have now with the proposed new prison, that it is to try to keep people near and particularly younger people; would you not consider that younger people who are detained would be better near families? The fact is that you actually have only one in the south and not one in the north. My understanding was that a lot of the offenders are from the north, so what is the reasoning behind only having that one detention centre in the south given the whole reason we are hearing for the new prison is to try to have people closer to their families, which helps with rehabilitation?

**Mr JAENSCH** - Thank you very much for the question. I am very happy to talk about this because we are not just replacing the Ashley Youth Detention Centre with two smaller versions. As you would be aware, when we announced our proposed youth justice facilities model, we came up with this five-site approach. The idea is, at the moment, all of the young people who we're dealing with who have been sent to a detention setting by the courts are all in Ashley. The majority of them at any point in time are not sentenced -

**Ms ARMITAGE** - They're all waiting.

**Mr JAENSCH** - They're on remand. They're awaiting the process of court, but for many of them there is no other more suitable place to be remanded to. What we would hope to see in the future is that, of the population of people we're currently seeing this side of the courts in detention, that they will be accommodated across that network of facilities according to the needs for their supervision and the court's directions as to where they should be.

If this system works the way it should do, our detention facility should be catering for a smaller number of young people who are in a facility for a longer period of time, who have more complex needs and need to be able to be accessed by a broader range of services. One of the drivers for this that has been informed through the blueprint process and our investigations has been, if we're to provide a therapeutic response for those in detention with those very complex cases, part of the key to getting that right, not just holding them and keeping them safe, but having the hope of being able to reintegrate them into society as safe, positively contributing citizens, is that we may need to deal with their underlying and disability issues, their drug or alcohol or mental health matters, their ability to come to terms with the crimes that they've committed and to take responsibility for their actions and to undertake a therapeutic process.

What this means is that we're going to need to be able to apply lots of different services; they aren't available evenly across the State. Our best chances of getting good servicing of those young people is to have them close to where the greatest concentration of services is, and that's our capital city.

**Ms ARMITAGE** - I understand that but, with respect, 5.1.1, Therapeutic Services:

The key features proposed as best practice the facility design included being close to a young person's home and family.

I appreciate that there are a lot of facilities in the South, but can you answer - you've got these young people, that's one of the arguments that you've got for the new prison in the north, and yet now all of a sudden, young people who haven't really all got into that terrible justice

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system yet may have committed some pretty nasty crimes but we're hoping that they can be rehabilitated - the fact that they won't be close?

**Mr JAENSCH** - Half the State's population is in the South and -

**Ms ARMITAGE** - Actually, more than half are in the North and North-West actually.

**Mr JAENSCH** - As a crude breakdown, half - and if you combine that with the clear advice that being close to the services that we need to -

**Ms ARMITAGE** - Doesn't that contradict what you're saying though with the other prison?

**Mr JAENSCH** - Only if you ignore half the argument. If we want them to be accessible to their families and accessible to services, we can achieve most of both of those close to the southern population centre.

**Ms ARMITAGE** - Would it not be a thought, if you're looking to relocate the adult prison to Ashley, to have a section there that could accommodate youth offenders so they can be closer to their family? Has that been considered - not as part of the prison but in another area?

**Mr JAENSCH** - One of the principles that we've had clear advice on over the years has been not to co-locate youth justice and adult justice or corrections facilities.

**Ms ARMITAGE** - I don't actually mean them intermingling.

**Mr JAENSCH** - But being adjacent and somehow reinforcing, at least the optics of a sort of junior school, senior school. We want to break that, the inevitability that might be perceived of having youth offenders alongside adults.

**Ms ARMITAGE** - Okay, thank you.

**Mr WILLIE** - Minister, we've heard this morning from workforce representatives that the ongoing uncertainty around the closure time line is impacting the young people at Ashley and also the staff. I've been fortunate to visit Ashley three times, and I noticed on our last visit the presentation of the young people was much different, in terms of heightened behaviour and the way they were presenting. I'm just interested in when you'll be able to clarify some of those time lines and put a transition plan in place and provide some more certainty.

**Mr JAENSCH** - Thank you, Mr Willie. I've answered this question a few times recently, I don't mind going there again. When then-premier Mr Gutwein announced that the Government would be closing Ashley, he gave a time frame and he also gave a transition to two smaller facilities, one in the north, one in the south. On the face of it, that was about two smaller youth justice facilities doing the same job as Ashley does now.

**Mr WILLIE** - Which was based off a Noetic report that the Government has had since 2015 or something.

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**Mr JAENSCH** - Since many years ago. We've taken further advice, including from Noetic again and broader consultation that there now appear to be better ways than just decanting a larger Ashley into two smaller Ashleys because if we did that we still would have the issue of the majority of the residents being remandees, not detainees, and still have the remaining problems of no provision for throughcare in terms of step-down accommodation for those exiting detention and not the options of assisted bail facilities as an alternative to putting them in a detention environment, particularly for those whom courts may not end up sentencing to detention, so -

**Mr WILLIE** - I understand the rationale behind the reforms. I am interested in the time line of the implementation, Minister.

**Mr JAENSCH** - When we announced our intention to not just replace Ashley with two smaller Ashleys, we also then realised that delivering this more sophisticated, better-practice model may take more time and so whilst we have remained committed to the ambition of closing Ashley as soon as possible, and 2024 is the date that was announced, we believe that is going to need to be updated. Now, what I do not want to do is to issue another political deadline. What I want to do, as soon as possible, and I hope to be able to do in coming months, is once we have confirmed the preferred site for the development of the southern detention facility, which is a critical component of the new facilities delivery model, once we have an actual site that we have locked in, then we can conduct the remaining site investigations, planning and design processes, then we will know how much it will cost and how long it will take to build that and my next step, in terms of clarifying time frames, will be to provide a firm, actual time frame based on those investigations, so I hope to do that in coming months.

**Mr WILLIE** - It is not a political time line, the basis of my question, Minister, it is about the young people there and the uncertainty and how it is impacting them and also the staff in this current environment.

**Mr JAENSCH** - That is right, that is why, in my overview, I referred to the Keeping Kids Safe plan, which was developed in response to some questions from the commission of inquiry, specifically to do with as we plan and transition to our new, reformed model and our new youth justice facilities, what are we going to put in place to ensure that, in the transition period, young people are safe in detention and that's what has been taking a lot of the energy of the department over the last six months or so and will continue to until we have the new facilities in place.

**Mr WILLIE** - Was it a mistake to announce a closure time line the way that it was announced by the Government?

**Mr JAENSCH** - No, I think what it did is it drew a line under Ashley and the experience of Ashley in the past, the fact that we would not build something like Ashley now as a youth detention facility, and we needed to be able to make a break from the Ashley model in all of its forms to something better and something that is informed by best practice. I think it is sensible to have said there is a date we are going to move out by. Since then, we have become, I think, better informed about what the replacement should be and we are reaching for that now.

**Mr WILLIE** - Arguably, you should have done some of this work first; you could have said that Ashley was not fit for purpose and the Government was moving in this direction, but sending a deadline that you are not going to meet has created a lot of uncertainty.

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**Mr JAENSCH** - Look, I think so, but we have engaged with a lot of stakeholders through our Youth Justice Blueprint consultation. There seems to be close to universal support for the direction we're taking and support for us to be doing what will be best practice in Australia on this, possibly more broadly as well. The process has been worth it to reset around that reform agenda. We're going to need everybody to be working together to make it work. This reaches outside of what happens once young people have been sentenced. To deal with prevention and diversion we're going to need to work across a range of services across different portfolios and into other sectors so that we're diverting kids earlier so they never see the inside of one of these facilities.

**Mr WILLIE** - I don't think you will find much disagreement, particularly across the parliament. What we're doing is not working.

**Ms HOWLETT** - Minister, could you please update the Committee on the work that's underway to ensure we have got better safeguards and protections for young people that are currently in Ashley Detention Centre.

**Mr JAENSCH** - Thank you, that's part of my answer to Mr Willie's question. There's a transition period we are going through. We have young people in the system now who are our responsibility and we need to give them the best we can. The Ashley Youth Detention Centre we have today as a starting point is quite different from the one we inherited back in 2014.

Over recent years we've established better safeguards and protections for the young people who are in Ashley, including new CCTV<sup>11</sup> technology which has improved the safety of both the young people in there and staff. A new personal searches policy was implemented in 2019 ensuring that all personal searches at the Ashley Youth Detention Centre comply with the UN Convention on the Rights of the Child. The centre has strong independent oversight in place now. The Custodial Inspector we appointed in 2017 provides independent statutory oversight of the Ashley Youth Detention Centre, including completing independent inspections and reports.

The Commissioner for Children and Young People also conducts monthly visits and provides direct advocacy for young people at Ashley. Young people can contact the commissioner directly with concerns they have in relation to their care at Ashley and the commissioner can advocate with centre management or the department on their behalf. This has been further enhanced recently by the commissioner having an advocate for young people in detention who is now on deck three days a week in Ashley. I will confirm with Ms Burgess that young people are able to make phone contact with the commissioner on a cleared line?

**Ms BURGESS** - That's my understanding, as well as the paper-based forms and support to help complete those forms should that be required.

**Mr JAENSCH** - Thank you. As I mentioned in my answer to Mr Willie, in addition to the safeguards that are already in place we have also released the Keeping Kids Safe plan, which details actions completed and underway to ensure that young people in Ashley are safe during this transition. Its focus has four areas. I mentioned them earlier. Some of the key activities that have been completed or are underway include a further review and enhancement of the CCTV capability, including establishing additional cameras and planning for the

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<sup>11</sup> Closed circuit television

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introduction of a control room for monitoring the closed-circuit TV system. This is different to recording areas for use in reconstructing an event and understanding what happened. It allows for live, real-time monitoring across a range of areas.

A suite of existing standard operating procedures relating to safety and security are being reviewed to identify gaps and improvements. The Australian Childhood Foundation has been on site since mid-September last year, with a staff member providing therapeutic response plans for all young people and their support needs as well as direct guidance for staff. A new incident review Committee has also been established to review Ashley incidents on a weekly basis for compliance with policy and procedure.

Those oversight and monitoring measures are also about ensuring that there are third parties who are witness to how Ashley operates. It is not a closed shop, we have recording of what happens and independent supervision of the practice in Ashley and of the welfare of young people. That gives people, including the young people in Ashley and their families and the employees, confidence that this is not out of sight, out of mind. With some of the matters that came up during the commission of inquiry, being able to show that we have this oversight mechanism in place is going to be critical. I could go on, but we can return to them if you like.

**CHAIR** - If you have a major one, otherwise we can come back to it.

**Mr JAENSCH** - There's been training for staff in a range of new approaches to de-escalating conflict and tension in Ashley when there are incidents. An important thing is that we will soon be trialling the use of body-worn cameras by appropriately trained officers in Ashley. This would be guided by outcomes around increased safety and security for young people in Ashley, the reduced amount of severity of critical incidents in Ashley, more transparency and accountability in incident reporting, less time to investigate complaints because there would be more information, and increased professional safety of staff at Ashley.

It is an interesting discussion and I understand the union has been involved because body-worn cameras sometimes are thought of as keeping an eye on what the staff are doing. It's important that we can see what the staff have seen and heard. I see this as part of supporting our staff in Ashley with their complex work, their often difficult work, so that when there are allegations raised, when there are incidents then we can see what went on, we can hear what was said, we can understand the procedures that were followed or not followed, we have the back of our workers in those environments and fewer competing accounts when it comes to investigating these matters. We look forward to the introduction of body-worn cameras as part of keeping everybody safe in Ashley, including our staff, as well as the young people.

**CHAIR** - Do you see that body-worn cameras may assist in a more timely action for resolution, particularly around those staff who are involved in an incident? We heard this morning that for two years a staff member has been waiting for their matter to be heard and resolved.

**Mr JAENSCH** - I'm advised that's one of the key advantages of having that to capture more information. Ms Burgess may wish to make a comment on that because it is more of an operational matter than I'm aware of.

**Ms BURGESS** - Hopefully we would be able to turn around the investigations into those incidents more quickly. To add to the Minister's overview of that, you would appreciate that

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we also need to ensure that the children and young people understand the approach and the process. This is also about educating them on their rights and how the body-worn cameras would be used. We're also developing a campaign for them so that they fully understand the implications of this, as well as support and training for the staff so that they understand the impacts that might have.

**CHAIR** - Is there a time frame for that to be implemented?

**Ms BURGESS** - We are working to that as soon as possible. We just need to go through our final consultation processes, hopefully in the next few months.

**Mr VALENTINE** - This morning we heard that there are no essential qualifications for youth workers, except for psychometric testing, and a six-week course that follows after they have been employed. Can you talk us through that, and why there aren't essential qualifications for those who might be working at places like Ashley?

**Mr JAENSCH** - I will ask Ms Burgess to go through the recruiting process, or the qualifications required. I am not directly involved with that.

What I have been aware of, particularly over the last six to 12 months, where we have had some staffing challenges at Ashley, is that qualifications are one thing, but training for this environment and what we expect people to do in it are critical. It makes our recruiting process longer, where we are bringing people in who are not already trained and experienced in working in youth justice settings. Even for those who are, there is a level of training we are applying for our youth justice setting to make sure that our staff are consistent with each other, and over time, in the methods they use - for example, in working at close quarters with young people, including physical restraints, and the right ways of doing that.

The other challenge that we face, particularly with the turnover in our workforce, is that for people who are coming in who are fully trained but not experienced, we need to ensure they are working alongside more experienced staff for an initial period, to ensure they are not just being thrown in the deep end - for their sake and also for the young people we are working with. A lot of training goes on. I will ask Mrs Burgess to speak to some of the regimes involved.

**Ms BURGESS** - Certainly, our approach will be a multipronged one. Yes, there are plans to ensure we upskill the staff as quickly as possible in many ways. We are looking into the certificate IV in that space. We have learnt that we need to have continuous training as practices change. As we implement the therapeutic model more fully in the Ashley Youth Detention Centre, this will require additional levels of training.

We have implemented the Maybo approach - which I think the Minister referred to before - for positive behaviour support and trauma-informed support for staff. The more training we can do will be beneficial.

We have a consultancy at the moment through the Australian Childhood Foundation, which is looking at our workforce planning and our training and development framework. We are waiting on their advice around what they see. You would appreciate they are a national organisation, and therefore they can draw on best practices from around the country. We are

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awaiting their final report before we make further determinations about how we support our staff to be the best that they can be.

**Mr VALENTINE** - How many of the staff at Ashley would have a certificate IV qualification, say?

**Ms BURGESS** - I don't have that data with me.

**Ms WEBB** - Is that available?

**Ms BURGESS** - We certainly would be able to find out the qualifications of the staff that are onsite.

**Mr VALENTINE** - Without identifying them, obviously - just the number who have certificate IV qualifications and/or other training.

**Ms BURGESS** - As a broader question around training and qualifications, we certainly can provide that information.

**CHAIR** - That will arrive in your inbox very soon.

**Mr JAENSCH** - I'm getting used to this pattern.

**Mr VALENTINE** - This morning we heard from Rosie Martin about speech pathology and the importance of being able to deliver services to not only those who are incarcerated, but also staff, so that they understand how they should deal with inmates and actually help them to express themselves properly. Do you have any aspect of that in your training for those who are working with youth at Ashley?

**Ms BURGESS** - I am unaware of any training for staff, but certainly we have assessments from speech and language pathologists within a time frame of the child entering the centre.

**Mr VALENTINE** - Is that a one-off thing or is there any ongoing delivery of service in that regard?

**Ms BURGESS** - We have a clinical team there at the site, so I imagine, depending on the determinations of that assessment, we would case-manage that child or young person to get the supports they need. It is an area we are looking to strengthen more broadly - the clinical supports in the centre that we provide to the children and young people.

**Mr JAENSCH** - That, Mr Valentine, goes to the therapeutic approach that we refer to a lot but which we don't unpack very often. Within their time in the youth justice system, our aim with those young people would be to settle them, to address what might have been undiagnosed or unmet needs in terms of health, mental health or other developmental issues - disability included - and aspects of their education and literacy.

A lot of these things might need to be resolved to some level before they can start to focus on taking on responsibility for their crimes and address themselves as to how they're



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going to get back into education, work and society beyond that - and not just return to the system that they were removed from when they came into the youth justice system.

It's a long burn. If we're going to do it well, it's going to need a lot more services to be applied. They're some of the matters that will be dealt with in the more fulsome reform of the system, because it comes down to the way they're sentenced as well, and the time frames we have in which to work with them through these therapeutic processes.

**Mr VALENTINE** - Listening to Speech Pathology Australia and Rosie Martin this morning, quite clearly it would seem that training in this area, for staff particularly, would be able to assist with de-escalation and those sorts of circumstances staff can find themselves in.

**Mr JAENSCH** - Potentially, yes.

**Mr VALENTINE** - I am interested to know how deeply you're going to incorporate some of that training into the system.

**Mr JAENSCH** - Ms Burgess provided an answer regarding the residents as opposed to the staff, but certainly the Maybo training that has been undertaken is very much, as you say, about communication through a process of de-escalation. Rather than just use of force to contain or control young people, it is about creating situations where you can secure the situation, but then talk people through what's going to happen next and not raise the energy level. In that context, the communication skills of the staff who are applying that method will be critical.

**Ms WEBB** - Through you, Minister, I want to clarify that Ms Burgess was saying every child who enters Ashley is assessed for speech and language by a speech pathologist. Is that the case?

**Ms BURGESS** - That's the documentation that I've seen, which is that they do have an assessment.

**Ms WEBB** - By a speech pathologist - someone who's trained to do that?

**Ms BURGESS** - That's my understanding.

**Ms WEBB** - What proportion of children in Ashley would have been identified as having those issues? Obviously, I'm not asking for identifying information about individual children or young people. We're given to understand that we'd expect to see a higher level of incidence of that sort of disability or challenge in that cohort. Do we have data on that?

**Ms BURGESS** - I don't have that level of data around the clinical and the case management approach.

**Ms WEBB** - But then we do specifically provide allied health services, speech pathology services, to the children who have been identified through that assessment while they're in Ashley?

**Ms BURGESS** - I don't have that level of detail.

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**Ms WEBB** - Is it because the data isn't collected, or you don't have it here with you today to provide to us?

**Ms BURGESS** - Within the case management approach there would be data. I just don't have that level of operational detail on each of the case management and the documentation on each of the children within the centre.

**Ms WEBB** - If we assess every child who goes in, and therefore presumably identify instances in which children have these particular sorts of disabilities or situations, then the assumption would be that while they're in our care in that detention facility, we must provide them with services towards assisting with those situations and disabilities. I would like to understand whether we can have confidence if that occurs or not.

**Mr JAENSCH** - In relation to your initial question, I understand that a range of assessments are made when young people enter the system and that informs their case management. That might be information that is held at an individual case level, rather than aggregated so that we can give you numbers of young people requiring certain types of interventions or with certain types of diagnoses across the population. There is a difference between holding data and having information about each young person in there.

**Ms WEBB** - Are you able to say that if a child has been assessed as having a speech or language disability or challenge, and who would require a speech pathologist attending to them, that that occurs while they are in Ashley?

**Ms BURGESS** - It would be part of their care planning, but remembering that a high number of the young people in the Ashley Youth Detention Centre are on remand. Therefore, the longevity of the time that they are there to get the subsequent supports may vary.

**Ms WEBB** - Do we bring in private speech pathologists to do that work? Or are some within the school system who come into the space? Who is it that provides the services if they've been identified as being required?

**Ms BURGESS** - I'm not 100 per cent sure on that. We can take that on notice.

**Ms ARMITAGE** - Still along the same area, looking at the submission and the youth justice facilities model, the model provides for a greater opportunity to reduce the number of children and young people entering detention and support those exiting detention.

I have been looking at some of the things they are doing around the world. They have Transforming Youth Custody, Beyond Youth Custody. I know a lot of what we have talked about is de-escalating and how we protect the workers. But a lot of what is happening in other countries - and this is why I am asking you with regard to a model - it is saying, in addition to working with families, more needs to be done alongside young people to help them identify how to make new circles of friends and develop supportive networks.

I do something called an independent person. One of the things I hear from these kids time and time again is that, 'Okay, but they are the only people I know. I'm not allowed to go and play with other people because their parents don't want me to.' That is an issue for kids. They are in the same circles.

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Particularly in the one in the UK, encouraging young people to take up positive new hobbies and activities can be very important in helping them forge a new self-identity, being more creative, looking at hobbies.

Are we looking at those issues too when they are actually in detention? We have a group of people there that - not just school, but trying to give them other hobbies and trying to teach them other things. It doesn't matter whether it's in the UK or where it is, young people in custody and young people with problems are the same all over the world.

Are we looking at those areas as well, apart from just having body cameras to try to control them and trying to get the kids to maybe behave better and have some other activities that might start to interest them and make them realise there is a new world out there?

**Mr JAENSCH** - Absolutely.

**Ms ARMITAGE** - Can you fill me in with some of the things that we are looking to do, perhaps in this area where it says this model provides for greater opportunity? That's great, but what opportunities, apart from just having the school there? Will they have people come in and give them some ideas about different activities?

**Mr JAENSCH** - I'm advised that a lot of the things we've talked about have to do with providing for the safety of young people and everybody in there because we are often dealing with people who are there because they have been responsible for violent crimes in the past, that is the first thing. But that is clearly not all.

For example, I am advised that today, the young people at Ashley are involved in a range of school holiday programs including fitness, arts and crafts, cooking and painting activities. This is across the centre as part of their school holiday program. Over the last six months or so, I'm aware that we've had young people involved in creating their own hip-hop music, with visiting artists coming in to work with them. I understand the Commissioner for Children and Young People has also facilitated the development of a music video, in collaboration with the Big hART community arts organisation as well that has been working in there -

**Ms ARMITAGE** - Things they can do when they're out of Ashley on their own, not something as a group. We did hear previously, a few weeks ago now, that many of these kids who steal cars are very good mechanics. Do we have people coming in and maybe help them with these sorts of things to get them on a track so they can get an apprenticeship and move out of the crime sphere?

**Mr JAENSCH** - We do have project work in there, both in the arts and I think there's metal work and cookery and other things as well. Over recent months, it was seasonal work so it wasn't continuous, there's also been assistance for at least one young person to participate in work on a farm in the district as well. Again, socialising them to what is expected of you when you go to work on someone else's premises, as part of a team, and all of that.

Yes, individualised, where there are young people in there for long enough to get the benefit of it. Typically, not for those on the shorter-term remand programs, but for those who are with us for longer who we know more about and who have a longer stay, there are opportunities for a lot of that to be applied.

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**CHAIR** - We will be applying that with sport?

**Mr JAENSCH** - Yes, there's exercise and activity underway there now as well.

**Ms WEBB** - The Keeping Kids Safe document that you've referred to a few times, and I think you mentioned in your opening there's an update coming on that. What I'm interested to know about is whether you can provide to us, not necessarily verbally here, but perhaps after, an update on each of the activities listed in there and where it's up to. Clearly, many of them in the document as it stands, although they had nominated a time frame also said 'not started' in their status update. Some of them were pending. I'd like an update on each of those actions. I am particularly interested to see the ones that relate to the workforce strategy and situations to do with staffing. Is that something we can request and then be provided with later, please?

**Mr JAENSCH** - Ms Webb, an update is being prepared now but it's not yet finalised. The intention would be that we would make that public, as we have the previous report on Keeping Kids Safe which has provided that status of ongoing, or completed, or yet to commence.

**Ms WEBB** - When is that update expected to be made public?

**Mr JAENSCH** - I don't have a firm date for that but I believe that I'm to expect something towards the end of the month.

**Ms WEBB** - The reason I'm asking is that you've got a time line for that where the expectation is to release it publicly. The Committee is interested to see potentially an update if that's going to be some time coming, in a public release. If it's the end of the month that probably fits in with our time frames, but if it's going to be two months or more, then that's something we'd like to see sooner if possible.

**Mr JAENSCH** - We know the public's interest in these matters. We'd be able to release that as soon as we can.

**Ms WEBB** - Thank you. Regarding the blueprint, the final draft that's out now, there will be a 'final final', no longer draft version? I don't recall whether you mentioned the expected time frame for that to be publicly released.

**Mr JAENSCH** - We've held this at the final draft, it's a public document now, because we are awaiting the final recommendations from the commission of inquiry -

**Ms WEBB** - Yes, that's fine.

**Mr JAENSCH** - We'd originally anticipated them to have come out some months ago.

**Ms WEBB** - It will likely be this year then?

**Mr JAENSCH** - Yes.

**Ms WEBB** - What I am interested in then, Minister, because in this Budget there is funding for custodial facilities and things, but there is not funding to implement the

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non-building parts of this blueprint when we are expecting it to arrive within this financial year, how is progress on putting this blueprint in place going to be funded?

**Mr JAENSCH** - You will recall, there was also a provision in the Budget for \$30 million to be allocated to a range of activities that respond to issues arising through the commission of inquiry.

**Ms WEBB** - Yes, but that is different to this blueprint.

**Mr JAENSCH** - There are some overlaps in there.

**Ms WEBB** - Are you expecting some of that \$30 million to come into your portfolio area to fund the blueprint?

**Mr JAENSCH** - To fund aspects of the blueprint and aspects of the reform and the model, yes.

**Ms WEBB** - Will that be sufficient funding to begin implementation of the blueprint in this financial year, the actions that are expected?

**Mr JAENSCH** - Given the amount of money involved and the types of things that can be spent on, and whilst the \$30 million is for the immediate needs in this financial year, there will definitely be resources there we can use this financial year to kick those activities -

**Ms WEBB** - Is that something that is going to be publicly available to us or to parliament to scrutinise how that blueprint is going to be funded, once the blueprint is made public and then the allocation of some of that \$30 million is made?

**Mr JAENSCH** - What we will be doing is when the commission of inquiry's recommendations are known and we have imbedded any changes or made any updates to the blueprint to reflect that, the next thing we will do is publish an action plan for an initial two-year period which will outline what actions we will take and how they will be resourced.

**Ms WEBB** - Funding allocations against those actions going forward?

**Mr JAENSCH** - Yes, but they will be the actions we commit to delivering.

**Ms WEBB** - Thank you. In terms of the Custodial Inspector, when was the last visit and what was the focus of that report and when is the next one expected and what is the focus of that report expected to be?

**Mr JAENSCH** - I do not have a date for the Custodial Inspector's last visit. We can request that and provide that on notice. It would be a matter of record. The other thing is that the Custodial Inspector can visit when they wish. That is part of the deal and we will facilitate the Custodial Inspector's oversight activities whenever requested to.

**Ms WEBB** - You would not necessarily have an expectation about when the next one may be due, granted the Custodial Inspector could turn up at any stage that was determined to be appropriate, there isn't an expectation that there is a particular regularity?

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**Mr JAENSCH** - I am not aware of a pre-set schedule of visits.

**Ms WEBB** - The other area I wanted to ask about is the use of what is often called restrictive practice and could at times be thought of as seclusion and at times thought of potentially as ill treatment, depending on how it has been handled. There has been more public discussion in the public domain since we heard from the commissioner for children in the media last week that there is a continuing scenario where these restrictive practices are being utilised in an ongoing way. We understand that is due to staff shortages. Essentially, what we are saying is we are locking children down for convenience, which might be acceptable in the short term because of safety, but if it is something that has gone on for a year or more, it is hardly acceptable anymore under the rights-based approach we take, given the sort of obligations we have under international rights and even domestic law.

What can you tell me about the guidelines applied to ensure the use of these practices is compliant with things like the Convention on the Rights of the Child, the Optional Protocol to the Convention Against Torture and Other Cruel, Inhumane and Degrading Treatment or Punishment and our International Covenant on Economic, Social and Cultural Rights? How are we ensuring that each instance of restrictive practice is compliant?

**Mr JAENSCH** - I thank you for making reference to restricted practice, although you have variously referred to this as lockdown or seclusion. I do reject the implication it is for convenience. Restricted practice is used for the shortest possible amount of time as a last resort when other options to make best use of available staffing resources have been exhausted and it is done for safety. Within our resident population at Ashley, across the detainees and remandees, we will typically have a range of age groups. We will have males and females, we will have maybe older people who have been responsible for violent, physical crimes, others who may be very vulnerable to them. We may have dynamics between our residents based on their pre-existing relationships with each other, based on their individual vulnerabilities, including disability. What this means is it is not a case of everybody is out in the playground together, it is not a school type environment.

**Ms WEBB** - We all understand that, Minister.

**Mr JAENSCH** - Very careful planning; the advice I have is every morning at the Ashley Youth Detention Centre, an assessment is made of the staff available, their level of experience and training, the needs of every individual young person, and the program of activity planned for the day. Then there is a roster developed to optimise getting people out of their rooms, getting full advantage of the activities and doing so safely for the staff and for the young people. It is not convenience, it is for safety. We are in a process of rebuilding our experienced workforce. There has been a lot of recruitment undertaken and a lot of people who are new to Ashley; some who are also new to youth justice who have received training but do not yet have experience. That means the efficiency of the use of the staff we have is still improving. We still do have, like any workforce at the moment, gaps and occasional unplanned absences. This is a management tool used to keep people safe. I am glad to be able to report that the plan as of this morning was that everyone was going to be out of their rooms by about nine, for about nine or ten hours of activities, including their holiday activities I mentioned earlier. I thank the staff for the work they do every day to ensure they can do that safely.

**Ms WEBB** - That is good to hear about today, but clearly there is a situation where the rights of children have been impinged continuously and regularly for well over a year of time.

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That has been identified by the children's commissioner. What I am saying to you is, the understandable staff shortages and limitations would cause that to happen every now and then, and that we would impinge on the rights of children when that occurred. For it to happen frequently and regularly for over a year's worth of time points to the serious shortcomings of workforce strategy, planning and putting them in place. That is your responsibility. While we understand it is done for safety, the reason it has to be done is because of a failure to staff the facility appropriately. That is a failure that comes to you, Minister.

**Mr JAENSCH** - The use of restrictive practices is primarily to ensure young people's right to be safe is upheld first and foremost; we do not -

**Ms WEBB** - But because of the workforce failure -

**Mr JAENSCH** - We do not for a minute say it is our preferred model, it is a last resort, but it is about putting safety for everyone first. It has been used more often than we would like, certainly, there is no argument about that. With our workforce, this is a very dynamic and volatile environment we are working in when it comes to workforce, particularly over the last 12-18 months, with the commission of inquiry, the intense media and political scrutiny, the personal scrutiny our workforce members feel under, inside and while in the community.

While matters regarding the historical incidents and conduct of management of places like Ashley has been in the news is very disruptive, you've referred to failures of workforce planning and development. Our focus has been continuous recruitment, training and replacement of the workforce to meet unplanned absences that have happened in far greater numbers over the last year or so than would typically happen.

All efforts have gone to maintaining a safe staffing level of properly trained people. We've brought staff in from other jurisdictions with backgrounds in youth justice. We have retrained them to the systems that we prefer and we apply in Ashley. We've also been bringing people in from non-youth justice and youth work backgrounds and training them afresh. We're working alongside them to gain their experience and confidence in working in this environment.

We've also deployed, as you'd be well aware, some quite novel initiatives, including recruiting some retired police officers -

**Ms WEBB** - By all accounts, that hasn't been an entirely smooth process. Were they provided with additional training when they were recruited, Minister, beyond an induction day?

**Mr JAENSCH** - I'm sure that you've had evidence and advice from some of the people that participated in those programs. I've spoken with them and heard their feedback on what their reflections have been about, and their recommendations for training and support for staff working in the facility.

What I'm trying to illustrate is that we have taken quite some extraordinary lengths over the last year, in particular, to ensure we are recruiting the numbers and the types of people we need to keep young people in Ashley safe. There is some stability in there at the moment, which is good. That's an absolute credit to the workforce who are there on the ground doing this complex and sometimes dangerous work every day. I want to thank them for the

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extraordinary work that they do under difficult circumstances. We will continue to recruit to provide that stability in our workforce.

**Ms WEBB** - The retired police officers that were brought in, were they provided with training for the role beyond an induction day?

**Mr JAENSCH** - I don't have detail with me on the regime of training and updating that they were given. I understand that when people are brought into the Ashley work environment, the typical approach is that they are working alongside people who are experienced in working in that environment, at least initially, rather than thrown in the deep end.

**Ms WEBB** - Can I have that on notice then to get the detail?

**CHAIR** - Is that available? To clarify that?

**Mr JAENSCH** - For the?

**Ms WEBB** - The training provided to the retired police officers.

**Mr JAENSCH** - Yes. I can get a response on that.

**Mr WILLIE** - Minister, one of the areas of Ashley that has had positive feedback over the years has been the school. I'm interested in moving to the five-facility model. What are your plans to keep kids engaged in education and re-engaging with education? Are you going to establish a school at the detention centre, perhaps allow kids from the assisted bail facilities to go to mainstream schools that they're already engaged with? How are you going to make all of that work? I wouldn't imagine you're going to establish five new schools?

**Mr JAENSCH** - Thank you, Mr Willie. There's a lot of detail to be worked through as we develop the full model for implementation. One of the key themes in the blueprint was the importance of throughcare and for consistency and for continuity in their engagement in services they're going to need in life beyond detention or the youth justice system.

For those on remand or assisted bail facilities who might have a far shorter residence time in the system, it's not clear how we'd be supporting any new arrangements for their schooling. If there was scope within the court orders for them to be able to continue to participate in education locally, that would need to be considered. Certainly, I would expect that there would be school offered in the detention facilities. Part of the narrative around the step-down facilities in supported accommodation is very much about providing a base and stability, and life skills training, and the support for young people to make connections back in the community, in education, and/or in work as well, so that there is an off-ramp to their time in detention, rather than a release date only, after which they have to find their own way.

I see that this involves ensuring that they are connected in their transition to support services, and engagement in education and/or work, but also connection with things like housing, and the stability they might need to maintain their commitment to education or work outside.

**Mr WILLIE** - So, a new school at the detention centre, assisted bail facilities - you are still working through that?



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**Mr JAENSCH** - They will be very individual circumstances, and they may be only for very short periods of time.

**Mr WILLIE** - Will you work with the courts potentially around some court order provisions they may be able to use?

**Mr JAENSCH** - Look, I do not want to commit in any detail there because it is not my principal area of expertise. The intention is for throughcare to be a feature of the reform system, with education and support services for young people, and ensure that the benefit of that education should travel with them throughout their journey through the youth justice system and out the other side.

**Mr VALENTINE** - Given the level of incarceration of Aboriginal people through our system per se, what culturally aware steps, what therapeutic and restorative justice approach do you take at Ashley? I am looking at the publication called Keeping Kids Safe that is mentioned on page 51, under 4.2 of the submission, Keeping Kids Safe: A plan for Ashley Youth Detention Centre Until its Intended Closure. Looking through that, I do not see any mention of anything to do with cultural awareness and the way you deal with Aboriginal children that come into the care of Ashley, if I can put it that way.

Would you be able to point us to how you deal with those children and what approaches are taken when you learn, or the system learns, that this child is indeed Indigenous or Aboriginal?

**Mr JAENSCH** - Thank you, Mr Valentine. We know there is an over-representation of Aboriginal young people in the population we see coming through Ashley. Aboriginal young people are around five times as likely as non-Aboriginal young people to be under youth justice supervision generally.

**Mr VALENTINE** - That is a heck of a number.

**Mr JAENSCH** - It is. Interestingly, and just for context, I understand Tasmania has the lowest rate of all jurisdictions for Indigenous young people in detention, and also in community-based youth justice supervision. That level of representation is far too high -

**Mr VALENTINE** - Is that the lowest per head of population?

**Mr JAENSCH** - Yes, per 10,000, of any jurisdiction. Now, that does not matter to the individuals who are in there, and we don't resile from the need to be Closing the Gap and bringing our numbers down. Certainly, in the blueprint there is extensive reference to work that needs to be done in the prevention, early intervention and diversion areas. There are relationships, and have been in the past, with Aboriginal community-controlled organisations to do this work.

**Mr VALENTINE** - How actively is that being progressed?

**Mr JAENSCH** - As I am advised, there are two funded programs at this stage working with Aboriginal and Torres Strait Islander young people and their connection to community and culture is a case management goal. There has been work with the Karadi organisation in the south. We are also, on another front, working with the Tasmanian Aboriginal Legal Service

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on some assisted bail programs. They are typically focusing at the moment on adult corrections as I understand it, rather than youth, and we have an ongoing relationship with the Tasmanian Aboriginal Centre in these areas. Their focus at the moment is primarily on child safety-related matters but in the past there have been programs that have worked in that diversion for young offenders as well. These are the sorts of things that we are going to need to open up more as we look further upstream to where our young offenders come from and what we can do to ensure that they don't get to meet the youth justice system at all.

**Mr VALENTINE** - If a youth or child was to go into Ashley today who identifies as Aboriginal and you find that out right from the word go, what steps do you take to ensure that therapeutic approach and to do your best to try to make sure that that child does not continue on their life of crime, I suppose? Yes, every other child is in exactly the same boat in that sense, I understand that, but these are culturally aware circumstances I am asking for.

**Mr JAENSCH** - Thank you. I do understand. We do have and have had visiting programs where Aboriginal workers come into the environment and work with young people in Ashley in their case management and also in their exit planning. But Ms Burgess may have some more detail to offer.

**Ms BURGESS** - I was informed this morning that at the moment, the process is when a young person comes in to the youth detention centre, we inform the TAC of that entry and they have a youth worker that comes and visits periodically to support in that process.

**Mr VALENTINE** - Is it only that TAC involvement that is over and above services that you provide at Ashley or are there other services within Ashley itself that provide for Aboriginal youth?

**Ms BURGESS** - At this point in time, that is the extent of it. I would like -

**Mr JAENSCH** - Karadi is the other organisation I understand that at the moment doesn't have a youth worker in this space but has previously, and so we would be looking to future engagement with them as well.

**Mr VALENTINE** - You would hope to beef that up because, quite clearly, if we've got an over-representation of Aboriginal people in the adult system, they start somewhere and quite clearly with that youth detention system that we've got at the moment, you would think it is a very important aspect.

**Mr JAENSCH** - We need also to have a variety of providers because people from different parts of the State and different community organisation backgrounds might relate better to different organisations providing those supports and which also provide support for them as they move out of youth justice and back into their community, so continuity there is important.

**Mr VALENTINE** - What can you give us in terms of evidence, if you like, that you may already have in train that these sorts of circumstances are going to get special treatment going forward?

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**Mr JAENSCH** - I would point you to the matters that have been raised in the blueprint, which is our most up-to-date strategic plan, if you like, for where we are going next and what you will see more of in our youth justice reforms that we roll out.

**Mr VALENTINE** - So, it is a job of work to do rather than something being in place at the moment?

**Mr JAENSCH** - There are arrangements in place at the moment, but this is an area, we acknowledge, where more work needs to be done, in particular - just quickly, Chair, because it is important - on this, we do recognise, as we have discussed in the context of our Closing the Gap work, that building the capacity of Aboriginal community-controlled organisations to provide these services to their people is critical, rather than it being a dedicated service that is within our youth justice system only. We need it to be able to follow them outside. I understand that Ms Burgess may need to put something on the record as well before we close.

**Ms BURGESS** - I have been updated on the notion of speech and language pathologists and I have been informed that, at present, not all children are assessed; it is on a needs basis.

**Ms WEBB** - There might be a follow-up question to that then in terms of how you determine the need if you have not made the assessment. I will ask the smallest question: in the Keeping Kids Safe, or the youth blueprint that's there at the moment, I don't believe that this issue is addressed, but of course, children and young people who come in begin their journey in the youth justice system, often come in through police watchhouses, which is an adult space staffed by adult corrections staff who, we have heard, are not trained to deal with children and young people. So is that something that is going to be covered by the Youth Justice Blueprint and the new design going forward and how we better ensure that children coming in are not going into adult environments with adults who aren't trained to be necessarily effectively working with them?

**Mr JAENSCH** - Thank you for the question, it is something that came up strongly in the discussions around the youth justice blueprint and internally we have been discussing how we design a system which ensures that we don't have young people in adult corrections environments at any point.

**Ms WEBB** - So the plan is that that won't occur under the new model, whenever the new model starts? Does that mean when the new model starts, when it is finalised later this year, or does it mean when you have all your new facilities in place and there is a new physical model in place?

**Mr JAENSCH** - It will be both. My hope would be that we can roll out elements of the model as they are ready.

**Ms WEBB** - I am asking about this element of the model, a change to young people coming in through adult watchhouse facilities.

**Mr JAENSCH** - That would rely on there being a suitable holding option, which was designated for holding young people in detention.

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**Ms WEBB** - Are you aware of whether either of the monitoring entities, the Custodial Inspector or the Commissioner for Children and Young People, at any stage go and monitor that environment, that watchhouse environment, where children are entering?

**Mr JAENSCH** - I think the Custodial Inspector would have jurisdiction, but I am not the expert on their scope. Certainly, I know that the Commissioner for Children and Young People has taken interest in these matters in terms of the wellbeing of the young people themselves, but I don't have a clear understanding of whether that would extend to the commissioner being able to inspect adult corrections facilities.

**Ms WEBB** - It is an interesting question, isn't it, because she has a role there in youth justice, but that environment is not a youth justice environment, so that could be a blind spot in terms of the oversight of the commissioner.

**Mr JAENSCH** - Potentially, and it is one, as I said, we would aim to eliminate.

**Ms WEBB** - Thank you.

**CHAIR** - Thank you very much, I appreciate that we have taken more of your time, Mr Jaensch and Ms Burgess, than what we had intended, but as you indicated on one of your responses, they are all important questions and answers, so thank you very much and we shall stop the broadcast.

**THE WITNESSES WITHDREW.**

**The Committee adjourned at 2:50 pm.**