

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

PROFESSOR ROB WHITE, UNIVERSITY OF TASMANIA, WAS CALLED, MADE THE STATUTORY DECLARATION AND WAS EXAMINED.

CHAIR (Mr Hall) - I note that you added to your submission the transcript from the New South Wales inquiry. When was that?

Prof. WHITE - That was two years ago.

CHAIR - What I will do now is ask you to add to your written submission and address the terms of reference if you feel you are able to.

Prof. WHITE - I really don't have too much to say by way of introduction. I think it might be better to have a dialogue. My major concern with this kind of review process is that we have to approach it not from the point of view of immediate events and pragmatics but philosophically. What I mean by that is that we have to understand that we are dealing with young people. As I have said in my comments for the New South Wales select committee the starting point is that we have to live with those we punish. This means that we have to look at the past, the present and the future. If we hoe into the issues with security and containment as our main concerns then there is a real danger that we are setting up a situation where we are going to see this kids back as adults in the system. That is not to say that we cannot deal with the harm that a lot of these young people are perpetrating but we also have to deal with the fact that they are going to be around for a long time, many decades into the future.

A second concern I have is that if we are going to talk about systems of justice we need to think of active justice, getting the young people actively engaged in the process of justice itself. The models that are often used go something like this. In a traditional punishment or retribution model, justice is something that is provided for you in the sort of traditional welfare rehabilitation type of model but again it treats the young offenders in passing. A third approach to justice, one that I favour, is restorative justice where justice is something that is done by you so that there is some type of engagement of the offender in the process of justice itself.

A third concern I want to highlight is to bring the victim into the process of justice but not necessarily through juvenile conferencing. I am not necessarily a fan of one-to-one confrontations or reconciliations as it were between an individual offender and an individual victim. A number of our offenders truly don't believe the harm that they have created. If you think of the people who are deepest into the system they are the ones that seem to have the least empathy and the least understanding of the harm they are perpetrating on others in the community. I think that we have to at some stage address the fact that they must come to a realisation of the harm they are causing. If there is any

hope for redemption then it must come through recognition of the harm that they perpetrate.

Mr WILKINSON - To some degree that's in already, Rob, isn't it? It is being used in some sources now where the person who commits the crime goes before the victim.

Prof. WHITE - One of the limitations of conferencing is that often it is used for more trivial offences or first-time offenders. I have argued this for years that in fact conferencing in some ways is more appropriate for the harder nuts to crack, and to use it intensively with those people. Eighty per cent of young people who commit an offence don't reoffend just like that; they don't need to go to a conference. Personally, I think it is a waste of money, police resources and health and human services resources for first-time offenders to go to conferencing. It is a lot of people that you are organising. The intensive resources should go to those who need the intensive assistance. We have the system the wrong way up; we are putting a lot of resources at that front end for the trivial first-time offenders, but we need to put more intense resources into the more problematic young people.

Mr WILKINSON - So you say that the diversionary conferencing that goes on now is only for drinking in a public place, minor disturbances, so we should forget about those because they are people who probably won't commit offences again, and if they do they are only going to be very petty. We should be concentrating resources on major thefts, major crimes against the person, that type of thing.

Prof. WHITE - That's right. When we start talking about those sorts of offenders then we can't simply have it at the level of a conference. As you people well know, when you probe the backgrounds of the people who are in Ashley then you realise that they have multiple problems and things happening in their lives. I was thinking about the analogy of quitting smoking. I used to smoke and it took me years and many on-and-off occasions until I finally quit. A lot of people don't quit because it is so damn hard. You have to think of that as an analogy with a lot of these young people. They grew up in these contexts and in many cases it is all they know. They come from what we might call dysfunctional families or abusive families, and we know of those families around the State. Privately, we can actually talk about them by name and you can imagine the kids growing up; they don't know the boundaries or parameters. They have an emotional and psychological setting that is not appropriate for a civilised society so to work with those kids is going to take a lot of resources. It is going to take a lot more than simply conferencing.

Mr WILKINSON - Are there any States within Australia that use this type of conferencing? I don't know of any.

Prof. WHITE - For major crimes?

Mr WILKINSON - Yes.

Prof. WHITE - New South Wales has a range of conferencing and that includes some more serious offences. When we get into things like homicide and major assaults, then no.

Mr WILKINSON - USA do a bit?

Prof. WHITE - Not really. They have after-the-fact conferencing for homicide. There might be a conference between, say, the mother of a homicide victim and a prisoner. There are a couple of well-documented cases where people on death row have undergone a conference, but that is a different kind of conference altogether.

Victoria set their conferences for mid-range offences, so they are not interested in the trivial or first-time offenders. They set their conferences through the judges and the magistrates for mid-range offences.

The structure of the whole New Zealand system is that basically they rely on old-fashioned police cautions. We are the only jurisdiction, to my knowledge, in the world that has two kinds of conferencing going on at the same time - police and non-police. The old-fashioned police caution was that you just take them down to the police station with a parent or guardian and caution the kids; most of the time that is all you need. Then a select number of people go into juvenile conferencing or family group conferencing in New Zealand, and then a small number of young people end up in court. That also creates some problems because the more you funnel the hard cases into court, the more you are going to get the hard, difficult kids coalescing in the one place. That is problematic in its own regard because you end up putting the most difficult cases together and that is a real problem.

Mrs JAMIESON - Further to what you were saying, if it was a young offender who had raped, say, a 15 year old, would you see conferencing as a way to go first up for that sort of difficult situation?

Prof. WHITE - No. Sexual assault -

Mrs JAMIESON - I was reading what you said here, '... at the hard end.'

Prof. WHITE - At the hard end, but for sexual assaults and rape I do not think conferencing is appropriate in terms of having a victim involved. I have problems with the actual victims being in the room with the young offender. I may disagree with a lot of people on that point but I believe there needs to be victims in the room but not necessarily the direct victims. In other words, I think we need a concept of the community victim.

Mr WILKINSON - To me the sentencing process is not really working when you look at recidivism. Recidivism is high within Tasmania. I agree that a lot of it goes back generations of families that keep coming back. I was seeing a family and the two year old was drinking coke out of a milk bottle with a teat on it. A police car pulled up outside and the two year old said 'Fuzz, fuzz, fuzz'. Now how do you cope with families like that, where at that early age it seems to be fairly deep seated? Is it a school matter? It has to be education but it has to be more than the education system because somebody has to get into the family at that young age and endeavour to assist the family as well. How do you do that? Some might say it is too hard but let's hope it is not.

Prof. WHITE - I think we have to distinguish a couple of things here. One of them is that the vast majority of young offenders really are not terribly problematic. The more we look at our own biographies the more we realise, 'Gee, we did that too'. I think we have to reaffirm that most young people are actually pretty okay, even some of those who

commit fairly serious crimes. We have to be careful about over-generalising on this one but we do know that there are some families where we have precisely that situation. At the moment in Tassie there are a couple of projects we have set up to investigate that. They are very difficult to do because there are so many protocols about privacy and sharing of information and confidentiality. Vanessa Goodwin will be working with us at the university on a project trying to look at families and how to intervene when you have intergenerational deviants and criminality.

Mr MARTIN - Rob, what is the status of the project? Has it started?

Prof. WHITE - It is two-fold. There is actually a group meeting in Glenorchy that is working around those issues of that particular family. They are service providers working through a sort of multi-agency approach trying to nut out, and going outside the parameters of the usual multi-agency approach, because the usual approach does not work with this family. So they are trying to nut out tactically, and I am sure they would want to be here presenting to you guys too, because there are a few legislative things that need to be done in order for them to be able to do what they want to do. So they are doing this from the service-provider's perspective. I have not talked to Vanessa for a little while, but my understanding is she would be starting fairly soon, if not already.

Mr MARTIN - The reason I ask is because I understand the project would be very relevant to this committee, but it might be too late.

Mr WHITE - There are no findings. The only finding is that, in a sense, I can diminish in my own mind the idea that we don't need to worry about a lot of youth offending really. The actual event might be horrific - it could be an assault or it could be a theft or whatever - but by and large, the young people involved are just young people doing their thing for whatever reasons, social reasons and so on. But there is just a very small number of intractable situations, and they are the ones that quite honestly, there is no answer to so far.

Mr MARTIN - This is a common theme that is coming through in a lot of the written submissions we have had and a lot of the verbal submissions so far, and also from our visit to Ashley, that there is a group of four, five or six or whatever, and if you took them out of the Ashley situation, most of the problems would disappear. They really have an adverse impact, especially on the younger kids in Ashley, they are not appropriate and there needs to be a different place to put these kids. Do you have a view on that, especially since I read your evidence to the New South Wales hearing, where you said:

'If you put the toughest, naughtiest and most entrenched people all together in one place, it is no wonder that we have problems in those kinds of institutions.'

That is my worry with them. What is really the common theme?

Mr WHITE - I think we have to realise a couple of things. If we get them in a supportive cocoon early enough, there is the possibility for change, but there comes an age where basically nothing we do is going to make any difference. Then it is a question of management and containment in a more traditional sense. So it is a question of trying to work with what we can. I am a big believer in mentoring as a form of positive

intervention, but I will give you a case. An acquaintance of mine is a social worker and she was assigned to a house where there are two boys who had been abused as children for years. I think they were around 8 and 10, and she walked in the first day and they told her to eff off, gave her the finger, pulled down their pants and made lewd gestures and all this kind of stuff. It was really crude, rude and terrible behaviour, but over two years - it took two years - they came to love her and learned how to hug her, because they had never hugged, because they had been abused, sexually and otherwise. On her shifts she would live in with these kids, but it took at least two years before these kids learned how to love, and then they would cry when she was leaving, because they had not had the opportunity to experience that.

When you think of how damaged those kids are, and then you go to the other side, there were a couple of big, brawny blokes at Risdon - I was out there for a forum a couple of years ago - and I think one was in for murder and the other was in for chronic armed robberies and that kind of stuff, and they told their stories. Both had been abused as children, and both in fact had gone against the trajectory they were headed for because they in fact got into university and learned about the world. They had never had a chance. Neither had finished school, but they got a second chance at education and it opened their eyes up. All of a sudden they could understand things, so there are possibilities even amongst the most damaged people, of their coming through.

But I think it comes back the point that we have to think of positive supports and positive mentoring for these young people. I have heard that some of the young people at Ashley were trying to create a ruckus and escape and all this kind of stuff because they wanted to be with their older siblings at Risdon. So they wanted to get to Risdon and the worst thing we can do is to put these kids in with their older brothers and uncles.

Mr MARTIN - Do you think there needs to be a stand-alone facility, a separate facility, for these people?

Mr WHITE - The only place in the country that has one at the moment is Victoria and I think it is not a bad system if we are going to have juvenile detention, because I have my druthers on that, but with some of these kids you have to do something.

Victoria has a floating two-part system. What I am trying to get at there is that 14- and 15-year-olds go into one institution, the 17-plus kids go into another institution, but also immature adults - that is, kids under 21 who are assessed by the court as not being quite mature enough to go into an adult prison - go into this institution for the 17- and 18-year-olds. So you have adult prisoners amongst those older kids but basically, depending on their age of maturity and not all that kind of stuff, they are all -

CHAIR - Sorry, where does Parkville fit in there, Rob?

Mr WHITE - I am not sure where Parkville would be.

CHAIR - Okay. The only reason I asked you is because we are going to have a look at Parkville and with your knowledge I just wanted to try and test it out.

Mr WHITE - Parkville? I have other stories about Parkville but my knowledge of Parkville is that I left Melbourne -

Mr WILKINSON - Thinking of uni days.

Mr WHITE - I left Melbourne eight and a half years ago so I couldn't say anything currently about Parkville, but Victoria is the only place in the country in terms of detention that has that kind of system and it makes a lot of sense, because you are separating the younger from the older. What we know from criminological studies is that the younger you are in the system at the hard end - that is, in youth detention - if you are a 10-year-old you have virtually a 100 per cent probability that you will be in adult prison, so it is all based on how young people are when they go into detention. Detention really has to be seen as a last resort because it is the greatest single predictor of recidivism.

CHAIR - I suppose one issue with Tasmania being a smaller State and Victoria having a much larger population is that there is probably more economy of scale, if you like, to be able to have that sort of system. Do you think that is possible here? Do you think it is simply a matter of will and money?

Mr WHITE - Well, yes, and also facility. Who says that a detention centre has to look like a prison? If it is going to look like a prison call it a youth prison. Forget the euphemisms - this is a youth prison.

Mr DEAN - That used to be the position with Ashley, though, wasn't it? It didn't look like any sort of prison and of course they were escaping all over the place.

Mr WHITE - We spent all that money on the physical infrastructure but the social infrastructure is what counts, and having good people who can communicate with the young people at their level. There are youth workers and others around the State who can do that. At Risdon we used to have a program - it got cut - where we had a communicator. If we are going to break the cycle of criminality and violence, drugs and so on with the young people then we have to have communicators working with them.

Mrs JAMIESON - Referring back to your notes for New South Wales, you mentioned a 1987 program in Finland. Twenty years later, have there been any figures as to whether the Finnish program has worked well or not?

Mr WHITE - I don't know.

Mrs JAMIESON - Not that you are aware of?

Mr WHITE - No, I don't know.

Mrs JAMIESON - Do you have any examples of what they were running in the way of projects or programs there?

Mr WHITE - No.

Mrs JAMIESON - It's just that you referred to it and I wondered if there was anything in particular that we could draw from that.

Mr WILKINSON - Rob, you talked about not needing prisons. As you know, Ashley Detention Centre wasn't built as a detention centre or a prison and obviously that is part of the problem, but within, say, the south, the north or the north-west, are there any old schools - is that what you are talking about - or old government buildings that could be used as this type of - let's not call it an institution let's just call it a building - where people with problems have to attend?

CHAIR - A half-way house?

Mr WILKINSON - Yes.

Mr WHITE - I am thinking more of a house. We should talk to the young people too about what kind of facilities they would like, but if you are thinking the scale of a house, for a start financially, it is not as attractive to governments -

Mrs JAMIESON - It's more normal.

Mr WHITE - It is more normal, but also, part of the difficulty is that when you think of an institution and you are putting everybody into that institution, you are making the problem worse, whereas if you think of discrete houses in different parts of the State then at least you can get some separation.

The other thing - and I don't know if this has been raised with the committee so far - is the use of remand. I know that the former children's commissioner did a lot of work on this, but that is a cause of worry as well, because the large number of young people placed on remand means that there is a lot of young people being exposed fairly early on in the process to incarceration.

CHAIR - It has been raised.

Mrs JAMIESON - Rob, have there been any thoughts at all about the physical barrier of a fence around an area and the psychological effect that has on people? If they are crowded into a compound and there is this visible fence all the way around them and if they have a psychological problem or any other problem with being contained, is there any information on that sort of thing? That fence is very visible to everybody else up there at Ashley, for example.

Mr WHITE - I do not think there is enough literature that stresses the young person's experiences and the little literature that does actually is quite interesting, because firstly it is variable; various young people are going to respond in very different ways. Secondly, from an adult point of view, as an old colleague used to say, short people should get short sentences, because young people experience time differently, so if you are a 15-year-old and you get a three-month sentence, that can be endless. The actual experiences are going to vary greatly because you are looking at very individualised backgrounds of these young people.

This is where we have concepts like case management and so on because we have to have a good sense of profile of the individual backgrounds of these young people because they are going to respond differently to different kinds of contexts. Some people need rules because they don't know any better, so the routine itself can be quite useful for

some young people. Other young people can feel hemmed in and incredibly alienated by the environment and their sole purpose is to figure out ways to resist the authority of the institution. So it is very useful to read some literature that looks at the actual experiences of the young people.

Mr DEAN - One of the things that has come out so far to us - and I don't know whether you have had a look at it - are the programs that are currently being run for youth in Ashley. Have you looked at the programs that they are involved in?

Mr WHITE - No, I haven't.

Mr DEAN - Okay. It's just that there has been some concern raised that the programs could be improved on immensely to give them some sense of clear direction to fit in more with what some would want to do. Have you any views on that?

Mr WHITE - My view is that we need way more services and programs within our prisons, whether it is youth or adult, but we also need to link those programs across pre-prison and post-prison, because you might get a young kid interested in, say, a TAFE skills program or a literacy program or whatever, but the moment they are out they get dropped off.

Mrs JAMIESON - That's a problem.

Mr WHITE - That is a huge problem, and it has been argued in some cases that what we really need is a form of release or a discharge plan that makes sense in terms of the young people and which fits into their time scale as well.

Mr DEAN - I was very interested in the comment you made on the second page of your submission where you have concerns about what happens when they are released. There are some horrific stories that I can tell you of young kids who deliberately offend because their life back at Ashley is better than the one they have outside. You mention here that they often faced with little or no support in the community when they are released and you are right, that is an area where we need to do a lot of work and obviously you've looked at that. Some of the issues that are raised are quite horrific.

Mr WHITE - Can I bolster that point very briefly? It is incredibly expensive for us not to have post-release programs and services, because we spend more money locking these kids up and then when they become adult offenders they are in the pattern. We have to rethink the finances of the criminal justice system. For years I have been saying that we need to put more into community corrections and those kinds of systems.

Mr DEAN - There was a 14-year-old boy in Launceston - and it rates a mention every time I talk about youth and kids at risk - who got out of Ashley, went home and there was a drunken party on. He wanted some money to go to the shop and get some food but he couldn't get any; his mother said, 'Go up and find what you can'. He went to go to bed and some drunken bum was in his bed. He tried to watch television and couldn't, so he made the decision there and then that Ashley was better - he had a TV, his own room. He went outside and smashed the windscreen of a car in front of two policemen and of course he was taken into custody again. That is sad because there is a kid who very clearly could have done well, and he's still at Ashley now.

Mr WHITE - But again, that is where we have to distinguish between more welfare-type issues and criminality and the interlinking. We also know, for example, that if you are a State ward you have a high chance that you are going to end up being in the criminal justice system.

Mr MARTIN - On a similar subject, a decade ago I attended an Australian Crime Prevention Council conference and the theme was the fact that a staggering number - from memory, I think it was about 80 per cent - of juveniles who commit crime have been victims of crime in the early part of their lives, quite often in the custody of the State. So there is obviously a strong link relating to the fact that a kid who has suffered from a crime, be it abuse or whatever, goes on to commit crime. Do you have any thoughts on how we can break this cycle?

Mr WHITE - I keep coming back to this central theme that it has to be about nurturing these young people - and they're hard. It takes time, not in detention but in their lives, which means we could have a system of community mentors, for example, or something along those lines where we could have somebody for these young people. But it does take time and they are going to make mistakes and I think we, as a State, have to make sure that we don't come down too much on them all the time when they are making mistakes. Sometimes they are stupid mistakes, sometimes it is simply all they've known and sometimes it is literally a mistake. To address how these people have been victimised they have to also realise that they have been victims as well. Sometimes they don't know - there are subtleties to being a victim, especially if you are a child growing up.

Mr WILKINSON - Rob, I will just outline a couple of things briefly and you can answer them as you will. Some might say that there is already a program in place when people are released. If they are on probation, part of the conditions are that they abide by whatever it might be - as you know, the reasonable conditions of probation in relation to alcohol and drug dependency. Is that the type of thing you're talking about when you are talking about conditions or do you mean something less formal? But if it's less formal, do these people abide by it?

Mr WHITE - In this State we have some programs that seem to be doing really well. Chance on Main is not rules driven, it is guideline driven. The guideline might be as simple as 'you respect me and we'll respect you', so it is that kind of thing. That is the starting point. It is about communication and respect, and then it is about responsibility. 'I'll be responsible for you as a worker but you've got to be responsible to me. If you don't want to be responsible, don't come back'. So Chance on Main, to me, is the kind of intervention that strikes me as a model that we should look to, whereas a lot of our traditional models, especially when it comes to probation, have tended to be, 'You follow me and here's what you have to do to comply', which is rule driven rather than philosophy driven. So Chance on Main is certainly worth having a close look at.

Mr WILKINSON - The other thing is that there has been a bit of a theme saying there have been a couple of hard nuts and that no matter what you do they are going to remain hard nuts. What do you do with them? Do you have this separate facility for them to be placed in because they are always going to be hard nuts until they get too old and in the end say, 'Is it worth it?'. They often just start, as you know, to wean out of it, but that in itself, from what you are saying, causes a problem. What do you do with the hard nuts?

Prof. WHITE - That is partly a question of definition. Definition is important because that leads to numbers but I think the worst thing we can do is put the hard nuts together. We have to somehow figure out a way to separate them out. It could be home-style facilities but again there needs to be a lot of positive mentoring involved there too. Sometimes the hard nuts are not quite as hard as one might think as they have issues and they have to work through the issues. I don't think we can ever close the book on anybody.

Mr WILKINSON - The other thing is alternative sentencing, like Operation Flinders in South Australia. Are there any good models that should be followed, especially with these people who are young and need a bit of self-esteem; they need to be able to make the right decision, so there are decision-making courses et cetera. Are any of those worth having a look at?

Prof. WHITE - I think the problem is that if you actually surveyed the youth crime prevention literature and youth projects you find lots of good examples. Chance on Main is a local example. The difficulty is their funding. They are funded on such a contingent basis, it is so short term, that basically they are scrambling all the time. Depending on who the bureaucrat is or the minister is or whatever, you are going to have a lot of variables as to whether they are going to keep getting funded. So I think one of the crucial things is that we have continuity of funding for things that seem to have been demonstrated to good effect. Related to that we need to evaluate. There is a lot of stuff, as we know, in criminal justice - a lot of projects, services and people looking for further funding - but what we need to ask is how many have been properly evaluated and how do we sensitively evaluate programs. We actually want to find out whether it is changing how the young people themselves are thinking about themselves through the service rather than simply an evaluation that says, 'We've had 100 young people come through our services; isn't that wonderful'. I think we need to come back to a little bit of evaluation of some of these programs.

Mr WILKINSON - My final question to you is: you are the Minister for Corrective Services or for Health and Human Services or for Education - and to me it links into the whole three - if I come to you and say, 'Okay, set up a system for Tasmania', what do you do?

Prof. WHITE - I would probably start by addressing the remand question initially in order to diminish the number of young people going into our detention centres. The second thing is that I would go to a house-based system of care rather than an institution-based system of care, partly to disburse. I would put intensive resources into those homes. You would have youth workers and of course you would need two at least because you have security issues that you would have to worry about. I would start up something like a community mentoring scheme so that in our various neighbourhoods around the traps you have a resource in the community that is there regardless of whether the kids are in the house or not in the house. I would have an interface always between what is happening in terms of community services and these houses. I would, in a sense, set up a system where it is not unusual for any young person to access these services. You can take away some of the stigma so it is not just seen as a criminal justice service but is in fact as a community service, so it decreases some of the stigma. Those are just a few of the things I would do as minister.

Mr WILKINSON - Okay. Do you run that through councils or do you run it through the Government? Who has control over it? It has to be funded.

Prof. WHITE - The funding, I think, because of our constitutional responsibilities, has to be to the State but in terms of the exercise or operation I think local council has to be a main contributor and a big player because it is our local councils who are closest to the ground.

Mr DEAN - I want to put this scenario to you. If you talk to some of the youth in Ashley today what they will say to you is that they don't have an incentive for rehabilitation. A lot of them have a challenge and the challenge is to escape. They have this big wall around them. So what they do is focus on escaping. They are not interested in anything else that is happening around them at all so they concentrate on that. So it has been suggested that Ashley ought to go back to probably where it previously was, but also provide them with the interesting hands-on programs that have been mentioned here today and all of the other things that would help them to concentrate more on rehabilitation and making something of themselves rather than the negative paths. Do you have a position on that? That has been put forward.

Prof. WHITE - A lot of what you are saying makes sense to me. Your phrase 'hands on' is one of the ones that really makes sense because when you talk to people who were at Risdon say 12 to 15 years ago their experience was completely different from today. The reason is they had stuff like the debating club.

Mrs JAMIESON - A football team too.

Prof. WHITE - I was going to say they had a football team.

Mr WILKINSON - Cricket.

Prof. WHITE - They had cricket. Something like the debating club gives you certain skills because you have to think; you have to critically analyse and you are teaching skills, even though it is a bit of a lark. The cooking that they used to do in the medium security - I won't go into the food stuff - but you can do a lot of stuff with the hands-on and skills without calling it skills-based training.

There was a story that might have been about Parkville. It concerned a juvenile institution where basically you had working class, low-income, low-educated kids, many of whom were indigenous and ethnic minorities, and the staff was middle class, middle aged, feminists, females, psychologists and ne'er the twain do meet. What you have to have is listening and communication but we need people who can communicate with the young people. I know Glenorchy probably better than other places but some of the youth workers in Glenorchy work precisely because they are working at the level where the kids are coming from. They are role models and they are very respectful and they are very gentle in the process.

Mrs JAMIESON - I would be interested in any comments you might like to make about the indigenous portion of people in Ashley and the Tasmanian experience, and any comment you would have regarding detention or any other forms of admonishment, shall we say, on the mainland, because our situation here is quite different.

Prof. WHITE - Yes, it is. There is over representation of indigenous people in every State and Territory. The most promising programs are those involving elders - in New South Wales, Victoria and Western Australia. There are a few potted around the country but they seem to work a lot better because the emphasis is not punitive. It is saying, 'Look, you are on a journey and you seem to have gotten off track; let's get you back on the right journey'. It is an inclusionary positive, whereas a lot of punishment is about exclusion.

In Tasmania it is difficult. I know that we have tried with Clarke Island in dealing with them and so on, but again I want to emphasise that with many of these kids you cannot expect too much from the system in a short time. It is going to take longer and we should not view an individual failure as the end of the game. We have to keep trying.

Mrs JAMIESON - So how do you see Clarke Island working as a detention service, as it were?

Prof. WHITE - I would say that the best people to ask on that are the indigenous people who are working with the young people in that program.

I would like to conclude by repeating that philosophy drives everything. It is not about physical infrastructure or specific events. It is really about what we are trying to achieve in the end with these young people, so it would be good to have justice by the young people, involving the young people, and go from there.

THE WITNESS WITHDREW.