

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

Mr BILL SMITH, ASHLEY YOUTH DETENTION CENTRE MANAGER, WAS
CALLED AND RE-EXAMINED.

CHAIR (Mr Hall) - Welcome everybody to this morning's proceedings, and particularly
welcome to Bill Smith.

Mr MARTIN - Bill, can you explain to a layman just what programs you would introduce to
promote the cognitive-based therapeutic needs of a persistent serious offender?

Mr SMITH - Theoretically, in terms of our approach to programs, I think we know what we
are doing. Everything is based on the 'what works' model, which is an evidence-based
approach essentially developed in Victoria but used around the world. It is that
theoretical prospective, if you like, that determines how we work with young offenders
across a range of programs, depending on various factors such as age and gender of the
offender, the nature of the crime and the risk of that young person reoffending again.
Without going into that in more detail, I think it is important that theoretically I feel that
we are on sound ground.

The issue that I would concede we still have is about filling in the gaps in terms of
programs we need to develop for the individual young person. Again, it is important in
that context to remember that all young offenders are not the same, not just in terms of
the differing characteristics that they have but also in terms of their offending and the
likeliness of reoffending. There is an extent to which some of the behaviour that we are
dealing with, and without trying to diminish its importance because it gets young people
into trouble with the police, is normal adolescent behaviour, perhaps at the extreme end.
So you don't necessarily need to bring a whole lot of cognitive-based or any other
sophisticated programs to bear on that. There is a difference between the programs you
would bring to bear on some and the programs you would bring to bear on others.

One of the problems that we have is our isolation, bringing service providers in from
outside to deliver services for us from the theoretical prospective that I am saying I think
we have pretty right. For the last 18 months to two years we have employed our own
forensic psychologist who also works closely with forensic mental health, which is in a
separate area of the department. Since we have had that position in place, in terms of
cognitive-based programs and specifically in terms of assessment and the writing of
court reports, we are far better off now than we were ever before. Do we need more in
that regard? Yes, I think we probably do, but that is the kind of direction I think we
probably need to take, employing our own staff and delivering those programs, with an
ability to bring in external providers.

Mr MARTIN - How much more?

Mr SMITH - There is a hierarchy to the delivery of programs; it is shaped like a triangle. At
the bottom of the triangle are a range of programs and activities, some of which would

include simple recreational activities and so on. They are about integrating a young person into the site and about them the skills and capacity that will lead to successful reintegration back into the community; giving them the skills to live and survive in the community. In a simple sense, the kinds of programs and activities that we are talking about relate to school - literacy, numeracy, communication skills. As they get older it might be about independent living skills or vocational education skills that might lead to employment opportunities - the kinds of things that are focused less on their offending. I am not saying they are delivered in isolation from their offending, but essentially they are about social issues and social integration. That is at the bottom of the triangle. All offenders are exposed to those kinds of programs. For most offenders, certainly more than 50 per cent, that's all they need - for want of a better way of putting it

At the peak of the triangle you have more offending-based programs. That's where you start to get into the more demanding cognitive-based programs, although cognitive-based programs also exist at the base of the triangle. In a simple sense, all a cognitive-based program might be about is challenging why a young person thinks the way they do, why they think it's okay to be involved in offending. It might cover things such as victim empathy, or doing something without taking any responsibility for it. Often it links to maturity. As anyone who has kids would understand, often they do things without thinking about the consequences for themselves, let alone anyone else. It is challenging how they come to form that view of the world and their place in it.

At the higher end you're starting to focus on the more serious offenders, who are also those more likely to reoffend and so in sense pose a greater risk, so the CBT programs become more sophisticated. It is at that end that probably, notwithstanding our psychologist, we are underdone.

Mr MARTIN - Last time you spoke about the need to introduce more mental-range programs to promote the specific criminalogenic and social needs of detainees. Where does that fit into this?

Mr SMITH - I am trying to say the same thing. All offenders are not the same. Their first trip into Ashley might come after many months of the system trying to divert them away from custody, and one trip into Ashley might be all they are ever going to do. Coupled with the fact that they are ageing and maturing - emotionally, cognitively and physically - they can grow out of it. In a sense it is pointless - and that's what the evidence says - to bring programs to bear on them that are perhaps not just expensive but also unnecessary, because they're going to grow out of it anyway. So the programs exist along a continuum - a hierarchy; that is what I have been trying to say.

At the sharper end, for the more serious offenders - sex offenders, repeat offenders, violent offenders - there are programs that need to be delivered by professionals. Again, I don't mean that the programs at the lower end aren't.

Mr MARTIN - Who do you think needs to conduct those programs?

Mr SMITH - A combination of our own people and outside providers. We have a psychologist of our own who is involved in that, and outside providers would be from the Department of Health, mental health services, alcohol and drug services and the like - and non-government providers too. One of the factors that is relevant to that question is

the characteristics of the client group. Although broadly they remain the same, at any given time, depending on who you have in, you need to bring different programs to bear. So it is not about locking oneself into having x, y, and z in terms of programs to be delivered.

At different points in time - imagine over a two- to three-month period perhaps - you need to be able to bring services to bear that suit your client group. Some of those programs will be delivered to the group as a whole and some of them again at the higher end, at the peak of the triangle, are delivered to particular individuals. If you have one or two serious sexual offenders, then clearly you need to be able to bring to bear fairly sophisticated programs, including CBT programs that are challenging that behaviour and particularly focused on that. For instance, at the moment, we utilise a service in Victoria, the MAPS program, to do an assessment on an individual and to help us design a specific program and we are then using our own psychologist to deliver that. So that is a customised program regime for one individual. When that individual is gone, we would not necessarily need that program. We may in the future, but you do not want to lock your resources into that approach forever more, if that is making sense.

Mr MARTIN - So you need flexibility, basically? Do you currently have that flexibility? I suppose that part of the equation of whether you have that flexibility is whether you have the budget to do it?

Mr SMITH - There is no getting away from that for someone in my position! What we can do is determined by the budget. The Government has lots of priorities. They allocate resources according to those priorities and we have to do all that we can to manage the facility against that budget. Obviously there are some things that are beyond our control - demand issues and the make-up of the client group - and if we are going over budget I guess it is my responsibility to explain why.

Mr MARTIN - So if we had a magic wand and did away with any restriction of that budget, would you be able to identify for us what programs you needed to rehabilitate everyone?

Mr SMITH - Schooling. So again, at the bottom end of the triangle - the fact that they are at the bottom does not mean they are less important - education and vocational education. I guess it is particularly vocational education because employable skills, coupled with the numeracy, the literacy and so on give a child or young person the ability to hopefully reintegrate into the community in a way that can have them live and survive and in a way that is not causing problems for everyone else in the community. Vocational education is what gives them that and the majority of our children or young people are not particularly scholastically brilliant. So even in relation to simple education, they need education delivered in a way that is practical and hands-on and it is giving them things to do. It would be my view that those skills and programs are best delivered via the school.

Mr MARTIN - Would you be able to provide for us an estimation of what programs you could deliver and you think need to be delivered if there were no budget controls?

Mr SMITH - I think that a child or a young person who is in Ashley should - and in a sense the question is hypothetical because we cannot every take away the fact that the budget is what will determine it - get the same educational opportunities, prima facie, as a child or a young person in the community. Clearly then, their high needs mean that that is not as

simple as it may be in the community where a lot of children and young people will go to school, you can sit them in classroom of 25 to 30, one teacher will be teaching them and they will sit and they will be attentive. That is not what our client group is like. So there is sense in which in order to achieve that simple standard, the community standard, you need more resources in a school that is in Ashley. So that would be one aspect.

Beyond that, in terms of their vocational education, I think the kind of things that we need to be focusing on are the issues that get that client group to engage in and that will give them the prospect and opportunity of carrying them on into their life in the community. It is things such as small engines, low-voltage electronics, horticulture and technology.

Mr MARTIN - Whatever you need to do to engage the kid.

Mr SMITH - Also they will have continuing impact when they go back into the community. At the higher end, for the more serious offenders, that is really where we need to more sophisticated CBT programs delivered by professional people who are highly trained in those areas.

Mr MARTIN - Do you have any way of measuring the results of the programs you do at the moment?

Mr SMITH - The short answer is yes. Do I think our ability to measure is as sophisticated as we would want, then I would probably have to concede that it isn't. I will take you back to my original point. Because we are doing what the evidence tells us and we are not the only ones doing it, I am very confident that, theoretically, we know what we need to be doing. It really is, I think, about our ability to bring the necessary programs and activities to bear. That then goes to the people who are able to provide them and the capacity of the facility to deliver them.

Mr MARTIN - Do you have any benchmarks at the moment?

Mr SMITH - We have. The Australian Juvenile Justice Administrator sets certain standards - the AJJA standards. I don't know where you were given a copy, but they certainly set out a range of standards across community, Youth Justice and Custodial Youth Justice generally, and also specifically in relation to assessment, case management and programs.

Mr MARTIN - I cannot recall whether we have the information or not as to your performance indicators?

Mr SMITH - We can provide you with the standards. There is also a -

Mr MARTIN - Not only the standards, the performance indicators.

Mr SMITH - Sure. That obviously goes to our information management system as well.

Mrs JAMIESON - Bill, apparently Ashley is gazetted as a prison. Does that fact cause any sort of philosophical conflict, as it were, in staff attitudes, for example? If we think of a

prison as one thing but it is meant to be rehabilitative and restorative, that is a different line of thinking.

Mr SMITH - No, it doesn't. Just as Ashley is gazetted as a prison, so are all of the prison facilities gazetted as detention centres.

Mrs JAMIESON - I was just thinking of the way people think, though.

Mr SMITH - Sure. I think the point you make is a good one in that they are almost different paradigms. I have certainly tried in the past - and there were exchanges on occasions - to make the point that I don't think Ashley is a prison. Ashley was never meant to be a prison; it isn't a prison. So the paradigm that comes with being a youth detention centre is a paradigm. In a sense the prison system is going in that direction, too. I don't want to sit here sounding as if I am saying that there is something wrong with the paradigm that exists in the prison system, just that it is a different kind of environment in that you are dealing with adults.

In terms of Ashley being gazetted as a prison, what that means for us in terms of young people who would otherwise be in the prison system, we would probably have in any given year - and it bounces up and down a bit - one, two or three young people who would otherwise have gone to the prison because they were 18 when they offended. What happens when a transfer is sought by the prison to us - because it is only in those circumstances that our being a prison is actually relevant - they would be young people generally who would have been known to us, who have probably recently turned 18. We would do an assessment of whether or not they fitted our environment and whether they were going to cause problems. If they did not fit, they would not be accepted.

The other type of prisoner that we would get is a youth who is under 18 - so 17 or under - at the time that he commits an offence but who commits a prescribed offence - an offence that is prescribed under the Youth Justice Act - and who is, technically, a prisoner dealt with in the Supreme Court under the adult system. It would be uncommon for that to be a 14-year-old but it could be someone who is 15, 16 or 17. They come to us, they do not go to the prison. Again, I think it is entirely appropriate for the most part that they do. So, again, each of those two categories actually fit with the paradigm that we have in place so that any transfer of the prisoners, if you like, into our system does not actually challenge or threaten our paradigm.

Youths who are charged with offences under the Youth Justice Act are usually older who, frankly, are way beyond the stage of being rehabilitated, at least in the immediate future, and have a huge negative. There are not many of them. Again, in any given year there would be two, three or four - it bounces up and down a bit - and they are the ones that pose the biggest problem; they are the ones would actually challenge our paradigm. Does that make sense?

Mrs JAMIESON - Yes, I was also coming from the point of view of the staff attitude of 'We're working in a prison' - and that comes back to management, of course, too.

Mr SMITH - It does. From a management perspective - and, again, for what it is worth I am very confident that our paradigm is the right one and that is the paradigm that is accepted - I do not think, for the most part, that the majority of our staff for the majority

of time imagine that they are working in a prison. The vast majority here, as high as 95 per cent and above, see themselves as working in a youth detention centre and appreciate the difference between the two.

Mrs JAMIESON - Yes, thank you. The only other question relates to the fact that politicians and bureaucrats keep talking about the critical masses and economies of scale but in a negative sense. Surely we could look at it more positively: because you have a smaller number of inmates, if you like, and staff ratios, it could be more positive in that you could offer more one-to-one programs and things like that.

Mr SMITH - I guess that in a straightforward sense that is true, but the reality is that in an environment where resources are finite - if it takes x million dollars to build a facility that can cater to the needs of a particular type of individual and you have only one or two of those, the efficiency of that is low, whereas if you have a bigger group, you can do -

Mrs JAMIESON - I was thinking of one-to-one, staff-to-inmate.

Mr SMITH - We certainly have the ability to go one-to-one with young people and often we do. We have quite a bit of flexibility, both budget-wise and overall. We have to try to manage the budget but a high needs individual can be one-to-one.

Mrs JAMIESON - Thank you.

Mr DEAN - I have one question to follow up from Mr Martin. You have indicated - I think I have this right - that the current budget only allows you to do certain things with the programs and the education et cetera. That being the case, and I think you were saying to us that if the budget was better you would be able to provide other programs which would assist these youths to rehabilitate. What have you done, as the manager of that complex, to fix that problem? Obviously you see it as an issue. What have you done to fix it?

Mr SMITH - What I am trying to say is that at any given time the budget is going to continue to be relevant; no matter how much money you have, the budget is relevant and the facility, like any other facility, has to try to manage the other obligations that are upon it within the constraints of that budget.

Obviously anyone - any humble bureaucrat such as myself - would say if you have more money you can do more. In terms of what I do, my role in that regard is to listen to people, to gather the information about what the needs of our client group are, understand the needs of the client group, understand the kind of things that would need to be brought to bear that would make a difference and that would help us ensure that we were able to meet our obligations under the Youth Justice Act.

I think it is important to remember that we are a statutory-based facility and it is clearly prescribed what it is that we are meant to be trying to do, so gathering the information about the client group and their needs, understanding what the activities, programs and services are that would allow us to meet those, work out any gap between the two things in a strategic sense, because neither can you necessarily put everything in place at the one time. A facility such as Ashley, and any other facility for that matter, evolves over time. You need a strategic plan and you need to be clear about where your destination is,

based on the information that one needs to assemble about what you need to do. You need to go in that direction. That is about me passing on information and making budget bids and the like to government.

Mr DEAN - The question I asked you is what have you done to improve on the situation on the budget to provide a better service to rehabilitate the youth at Ashley?

Mr SMITH - I have assembled that information and put budget submissions and other such documents together and argued the case in budget submissions and everywhere else within the department for any additional resources that I think we would need over time.

Mr MARTIN - Are those budget submissions available?

Mr SMITH - There was a significant budget submission. Ashley got a significant influx of funds about three years ago, after a fairly long struggle. In that time there have been other things, but whether or not they are available - I guess the short answer would be yes.

Mr MARTIN - So if we requested them they could be provided? Bill has given evidence that he has put forward budget submissions with an implication that they haven't been met.

Mr SMITH - Budget submissions, budget arguments, I guess, without wanting to retreat from what I said. There are discussions going on all of the time both within the department and then between the department and the Government, and there is a difference between those two things.

Mr MARTIN - I think that would provide the information we've been searching for this morning.

Mr SMITH - Sure.

Mr DEAN - I want to go to the behavioural development side of things and how you control them and work with that. Who is on the behaviour development review committee?

Mr SMITH - Senior operational staff, senior case management staff and a senior practice consultant.

Mr DEAN - Can you identify the people?

Mr SMITH - Michael Curry, Ralph Beck, Steve Rogerson, Helen Jessup, Ben Burbury, Peter Barr possibly.

Mr DEAN - Do you believe the colour scheme used in the behavioural development program to be the best possible system for motivating and is it appropriate to behaviour outcomes? Has it been reviewed and how long has it been in place?

Mr SMITH - It is under constant review, by that old mechanism that you asked me about a moment ago. Changes are constantly being made to it in terms of finetuning.

Mr DEAN - Have changes been made to it recently?

Mr SMITH - Yes.

Mr DEAN - How can we get to know what the changes are in that system? Is that documented or is the system documented?

Mr SMITH - I think so. A simple way would be for me to check minutes or meeting notes of that group. Changes have been made recently to known association programs; changes are constantly being made, for instance, to the kinds of things that a young person might be permitted in their rooms. So it is from a bigger, grander scale down to things that might be seen as the minutiae. I am sure we could find that.

Mr DEAN - Can we be given a list then of the changes, say, that have been made to that process over the last 12 months to make it a contemporary process?

Mr SMITH - I think so, yes. I am assuming I do not need to remember this, someone will come back to me and ask me? We will get asked for that?

CHAIR - We can. The committee secretary can do that.

Mr DEAN - Do you believe that to be a good scheme? Is it a workable scheme?

Mr SMITH - Yes, I believe it to be a VET sound scheme. Whether or not it is perfect is another matter. But again, there is another distinction to be drawn. There are issues about the quality of the behaviour management scheme and issues about the extent to which it is being properly implemented. So one is about process and in a sense, I do not if one ever actually arrives. It is a constant. It is about staff recruitment, it is about staff training and it is about staff supervision and about the proper application and at any given time, properly applying the behaviour management.

Mr DEAN - That was my next question. Are you satisfied, as the manager of that organisation, that that is being consistently applied, with the traffic light system that you have in place?

Mr SMITH - Again, at the risk of sounding as though I am avoiding the question, there is no simple yes/no answer to that because at any -

Mr DEAN - I ask the question too because evidence has been given to us, from my memory, that it has not been consistently applied.

Mr SMITH - I would see that it has been consistently applied. But it has been consistently applied within a fairly narrow set of parameters because again, notwithstanding the fact that we have a paradigm that is a youth detention paradigm, I suppose, as opposed to a prison paradigm, you then have competing values amongst your staff about the best way to deal with any given situation. One staff member on one occasion might interpret the application of the behaviour development scheme in one way and on another occasion a different staff member or even the same staff member in a same or different circumstance might apply that slightly differently. So again, I do not want to sound as if I am saying that the parameters there are wide apart but the truth is that there is no one

thing that can be applied on each occasion. We are dealing with fairly complex issues, high-needs children and young people, different staff who are coming and going. Within those parameters, yes, I think we are.

Mr DEAN - I realise that but, as I understood it, the guidelines were fairly clear with the traffic light system, saying that these are the things that will apply in certain circumstances, and your behaviour was categorised, et cetera. Therefore it would have been, I would have thought, fairly easy have followed that fairly closely.

Mr SMITH - I think we do follow fairly closely.

Mr DEAN - Detainees are normally impulsive, I think that is their nature, and they require appropriate feedback immediately to allow them to move forward. I think you would agree with that?

Mr SMITH - I would agree with that.

Mr DEAN - Why isn't it applied at the time or very close thereto? I think there is a week gap, as I understand it, before it is applied.

Mr SMITH - No, I do not think that is right. What happens on a weekly basis is that there is a meeting of the CST, the Centre Support Team, and at that weekly meeting there is all of the information in relation to a young person. There are two components to the behaviour development scheme. There is the incentive scheme and the incident management scheme. In order to make a decision about a young person's movement up and down the colour scheme, there is a host of information that is brought to that CST meeting on a weekly basis - information about the participation and engagement of that young person in their programs, bearing in mind that the program regime that is applied to that young person is customised to their age, their gender, their offending behaviour, their mental health and everything else. So information about their participation and engagement in programs comes to that.

There are incident reports depending upon a young person's behaviour on site and again, all of this is clearly defined and determined in the legislation, ranging from minor incidents through to detention offences, and again, they are all defined in the act. So if a young person has had one or more detention offences which would be a more serious offence on site, or if they have had a minor incident or a recorded incident which might come about where, for instance, a staff member in trying to work positively with a young person, model appropriate behaviour and encourage appropriate behaviour, gets sworn at and told where to go - 'I'm not doing that' or 'I'm not cleaning my room', or whatever - again, what the staff member should try to do in the first instance is give a warning. Give the young person a warning and perhaps give them a recording of incident. With an incident that recurs and is more serious, he would get a detention offence. Information about incidents relating to any individual comes to CST. CST has a lot of other information and they make a decision every week about the colour status of the young person.

In between, Monday, Tuesday, Wednesday, Thursday, Friday, Saturday and Sunday, operational staff, from the operational coordinator down to the team leaders and down to the youth workers, all have the capacity, are trained in and are required to apply the

behaviour development scheme. So it's quite erroneous for anyone to say that the behaviour development scheme is applied once a week. It is a living, active, dynamic thing that dictates how staff should be working with a young person, and a young person can be dropped in colour on any day of the week.

Mr DEAN - Does that system apply anywhere else in the country?

Mr SMITH - Most detention centres have a similar scheme or a variance of that scheme.

Mrs JAMIESON - Did you mention that there was a senior practice consultant on that review panel?

Mr SMITH - I did, yes.

Mrs JAMIESON - Okay. Is that person a contract person?

Mr SMITH - No. They are employed by the department.

Mrs JAMIESON - Employed by Ashley.

Mr SMITH - By Youth Justice Services.

Mrs JAMIESON - Okay. How often do they pop into Ashley? Just when you do a review? What is their actual role?

Mr SMITH - For the most part, it's a quality assurance role, and in that regard there is some advantage in having that person outside of Ashley. Any custodial environment can become very inward-gazing, so it's good to have an extra level of objectivity. But it would vary a bit; they could be there once or twice a week. One of the regular mechanisms they would involved themselves in, for instance, would be the Centre Support Team that is making those decisions. That's one of the key planks of what we do, the behaviour development.

CHAIR - Mr Smith, I want to ask you a couple of questions in regard to the Fanning Report.

Mr SMITH - The review of residents' safety?

CHAIR - Yes. We have a summary of recommendations and some progress regarding the report, as of January 2007. Have the staff at Ashley been invited to comment on and discuss the recommendations from that report?

Mr SMITH - In terms of their implementation or in terms of the formulation of the recommendations?

CHAIR - Formulation.

Mr SMITH - I don't know if I did either. Ashley staff, including myself, were interviewed and spoken to by that review team, David Fanning and the others. I certainly had significant input into that. Whether or not I necessarily thought at the time all of the recommendations that were made were the recommendations I myself would have made,

then probably not, but that's not necessarily a bad thing. Then, in terms of the implementation of those recommendations, we put a considerable amount of effort into communicating with staff about the reasoning behind the recommendations and why we should implement them, and to try to take staff with us.

There were 23 recommendations and one that comes to mind as a good example of where we have had considerable, I think, staff input, staff engagement and support for its implementation is the recommendation in relation to the use of CCTV. There was perhaps understandable - resistance is not the word and fear is not the word either - concern and questioning about what this means for us. 'Where everything that they do and say is going to be on tape, what if there's an incident and the tape shows them doing something that in fact is appropriate in the context of what they believe they're doing, but on tape might look different? What will happen to me?' There was some nervousness, if you like, about that, and we have moved to a position where staff are strongly in favour of the use of that kind of technology.

CHAIR - There was a range of recommendations, so in your view staff have had plenty of time to have input into that and to discuss them on a formal or an informal basis?

Mr SMITH - I would hesitate again in differentiating between their formulation and their implementation because I wasn't in control. The agency wasn't in control of their formulation. I have to say, just to be clear, that I don't think that was a negative report. I welcomed that report. I think it said lots of positive things about Ashley and recognised the difficult environment that a youth custodial environment is and made some recommendations, some of which, as I say, I wouldn't have made but which on reflection - and the complaints procedure to some extent is one of those - I think can only benefit Ashley as an entity, the staff there and the client group.

CHAIR - Has there been positive or negative feedback, do you think, from staff in a holistic sense?

Mr SMITH - In a holistic sense, I think it would be positive. Whether or not that goes to all individuals about every recommendation, I guess not. It would probably be unrealistic to expect that, but I think positive.

Mr DEAN - On the Fanning Report - and this might be just the way you speak, Bill - when a question was asked by the chairman as to whether or not all staff would be aware of the recommendations in the Fanning Report, your answer was, 'I would think so'. Are they?

Mr SMITH - I can't remember if that was the question I answered in that way. Staff were given a copy of the report; the report was made available to staff. All staff were invited to participate in that review. When the report was put together it was made available to staff, proactively. It is on the departmental web site even to this day. So in terms of knowledge of it, there have been numerous newsletters and communications in relation to consideration of each recommendation and what we have concluded in terms of whether we will go with that recommendation or not, then the implementation of it in those circumstances where we decided we would.

Mr DEAN - So there would be documentation available in your records to identify with that?

Mr SMITH - Yes.

Mr DEAN - That, I think, Mr Chairman, would be an interesting document for us as well, to see how those recommendations were accepted by the staff and what has happened in relation to them.

Mrs JAMIESON - Further to that, Mr Chairman, along those same lines - what about new staff? You have quite a staff turnover. Are they presented with a copy of the report?

Mr SMITH - No, I don't think we present a copy of the report to new staff per se. As I said, the report continues to be widely available. What we do do is that those recommendations as they have been considered and implemented then shape the nature of our policies and procedures, including our day-to-day operational policies and procedures. So in a sense they pass into practice. Practice and expectations around practice in relation to new staff is something that we try very hard and put a lot of effort into. Even as I speak today, we have six new staff who are waiting to start. We have a 19-day induction period for those staff, so before they commence as staff on site they go through four-week induction process which covers a range of expertise and skills that is required of their role. They are exposed to all of those procedures, policies and ways of working that, in turn, have been influenced by those recommendations.

CHAIR - I flag that the committee secretary will ask about that particular issue that Mr Dean asked about just a moment ago.

Mrs JAMIESON - You mentioned 19 days. I understood it was 14 days' induction. Would you like to clarify that?

Mr SMITH - Yes. Its previous incarnation was 14, some six to seven months ago, from memory. In recognition of its value and our commitment to it, we extended it for another five days.

Mrs JAMIESON - So that works out roughly at eight hours a day, including meal breaks?

Mr SMITH - Yes. It is a mix of classroom-based stuff and on-the-job training. Before people are then dropped into the work, we have a buddy system where they are working with a more experienced staff member.

Mrs JAMIESON - What are you covering in that particular time? I am aware that you have the certificate 4 assessment.

Mr SMITH - Which links with it and again informs -

Mrs JAMIESON - But that's not a mandatory part of the induction? You don't have to have a certificate 4?

Mr SMITH - You don't have to have a certificate 4 in order to get a job as a youth worker at Ashley. Whether you have it or not does dictate which level you start at. Just to answer that question, the reason we don't make it a prerequisite in a sense comes back to the critical mass issue. In a small State the people aren't out there with that qualification - it is a fairly specific qualification. In a sense that has meant that we have to train our own

staff. So we do have a two-tier classification level. If you don't have it but you go through the fairly complex recruitment process of suitability testing, physical health, interview and all the rest of it and you get to the point of induction but don't have Certificate 4, then you are on one level, whereas if you do you are on another.

Mrs JAMIESON - So what do you cover in that induction period?

Mr SMITH - It links very closely and is shaped in part by things like AJJA standards - Australian Juvenile Justice Administrative Standards and Certificate 4 requirements, even to the point where we have been able to couple some of the areas covered in the induction process for the individual concerned. If they are successful in completing it then it will count towards their subsequent attainment of Cert 4. Again that is something we are fairly proud of and it is relatively sophisticated.

The kind of issues we cover are all relevant to the work area - things like self-harm and suicide awareness, the proper use of restraint, working in an ethical manner, and supervision of children and young people in a custodial environment. Cert 4 is a qualification, and to an extent of our induction system reflects that. It is a fairly specific customised approach that reflects the needs of a custodial environment. If you wanted a copy of that induction process timetable across the 19 days, I could give you that and that will give you all the details.

Mrs JAMIESON - That would be useful. Does it include things like manual handling?

Mr SMITH - That is what I mean by use of restraints, for instance. This is often one of the things that people go through - including myself, I might add - and I do not want to create the impression that physical restraint is the first choice. We have a restraint system in place that people are trained in as part of the induction, and then ongoing, called 'non-violent crisis intervention'. One of the key features of that process is about de-escalating situations and about avoiding the need for physical restraint, but it does happen and we are mandated under our legislation. In a circumstance where that is what is required in order to protect a young person from themselves or from another, we can restrain and our staff are trained in that.

Mrs JAMIESON - Is first-aid mandatory?

Mr SMITH - It is. Infection control is -

Mrs JAMIESON - a compulsory part of that.

Mr SMITH - Yes. I would be surprised if you weren't satisfied with its content.

Mrs JAMIESON - I notice that it is split into two; you have electives as well as compulsory in relation to Cert 4. Is it mandatory that you pick an elective or is it up to you, the individual, as to whether you do any of the electives?

Mr SMITH - The course consists of a number of compulsory units which the person has to do and then - I can't think of the exact number - one or two electives which you choose from the list. You are not told which elective but, yes, you are required to pick one or two.

Mrs JAMIESON - One would have thought that you would need to be proficient in all of them.

Mr SMITH - Although, in fairness, any degree has a mixture of compulsory and electives, so it reflects that.

Mrs JAMIESON - I understand that 35 staff actually enrolled but only 13 graduated; what was the problem?

Mr SMITH - Thirteen graduated in December of last year. Something like 70 per cent of the remainder had something like one or two units to complete, and they may now have completed those.

Mrs JAMIESON - So it is a self-regulated learning process, is it?

Mr SMITH - Well, yes and no. We engaged Anglicare - the APW - Anglicare Professional Workplace - and we have our own permanent training officer who is fundamental to making this work. They work together. APW had a person on site one day a week because some of the training is classroom-based and some of it is on-the-job training. Under their guidance there is room for individuals to accomplish and attend the qualification at different times.

Mr MARTIN - On that point, could we ask for the updated information.

Mr SMITH - In relation to the numbers?

Mr MARTIN - Yes.

Mr SMITH - It is something that we are very proud of. It is something you have to continue to do but in the last few years Ashley has come a tremendous distance in that regard.

Mrs JAMIESON - Can you give me an actual count of the people who have done Cert 4 since the course started in 2005?

Mr SMITH - We run it intermittently because, clearly, you might get to a point where everyone has it.

Mrs JAMIESON - But then you have changing staff -

Mr SMITH - That is right, I agree, and that is what we try to do, but 75 to 80 per cent of our operational staff - to whom this is most relevant - have that qualification.

Mrs JAMIESON - Who is on the staff selection panel? If I pop up along for a job, do you have a psychologist or anybody like that? Do we have any aptitude testing of an individual?

Mr SMITH - Selection panels are formed at the time an appointment is to be made. That selection panel, which consists normally of three or sometimes four people, is responsible for the filling of any given vacancy. So it is not one selection panel that fits

all and it is not necessarily the same selection panel that would deal with filling the same positions over time.

Mrs JAMIESON - There must be a couple of constant people on the panel.

Mr SMITH - In an assessment and case-management area, clearly the requirements of that position differ from an operational area or an administrative area. The selection panel is formed with people who are experienced in that area. In relation to the operational stream, which is our single biggest stream - something like 60 per cent of staff are actually operational staff - clearly the people who are relevant there tend to be senior operational staff. Clearly there are limits to the number of senior operational staff there are over time.

Mrs JAMIESON - Are you on each panel?

Mr SMITH - I do participate in selection panels but I do not, as a matter of course, participate in all selection panels.

Mrs JAMIESON - With special operations, how many hours do you spend going through them and at what stage within the induction process would people be made aware of the special operations practices?

Mr SMITH - The standard operational procedures?

Mrs JAMIESON - The SOPs, yes.

Mr SMITH - Yes, they are a fundamental part of the induction process, something else we are proud of. Because Ashley is open 24 hours a day, seven days a week, 365 days a year, there are quite a lot of staff and working shifts. About every 10 to 12 weeks, each of the four shifts gets another day of training where they revisit various things, not just SOPs.

SOPs are widely available. I actually think it would be difficult for anyone - and I am thinking of staff here - to sustain any view that they don't know where the SOPs are, they don't know that there are SOPs and that they don't know what the SOPs say. Again, the issue then of whether or not in all instances they are working in a way that is absolutely consistent with a SOP goes more to the issue of supervision, and there is no easy answer to that.

Mrs JAMIESON - How many pages are in the SOPs document?

Mr SMITH - There is something like 34-35 standard operating procedures. In terms of pages, there would be hundreds.

Mrs JAMIESON - In forms of security, we have all become very aware of the fact that you can get better results if you are engaging your clientele base and have good relationships with them. How do you balance having a rapport, good relationships, good engagements with discipline and not encouraging kids to come back because they feel safe, secure and they like it? How do you work a healthy balance in that?

Mr SMITH - It is a complex answer to a fairly involved question. The answer that is simplest is that you need the right kind of staff who understand that that is the paradigm that I speak of. You need to recruit the kind of staff that can be brought to understand that and you can have a degree of confidence that they will operate in that fashion. You need a clear policy and procedure environment that reflects the way you want people to work and you need a supervision model and mechanism in place that ensures, in a supportive way, that staff are operating in that manner in accordance with the procedures that you have put the effort into doing. We have all three of those elements, I think. Again, I don't mean to suggest that that's it, we have arrived and there is no more we can do. It is an ongoing thing but those are the three key elements.

Mrs JAMIESON - Do you have a rule that staff do not give their home phone numbers, for example?

Mr SMITH - Absolutely.

Mrs JAMIESON - Have you had any knowledge of kids who might have contacted staff?

Mr SMITH - Again, these are the day-to-day challenges of managing that environment. Some of the children or young people who are there for a variety of reasons and by a variety of means they may obtain information that we would say they shouldn't be obtaining. As to how that comes about, Ashley is a great rumour mill because it is a fairly closed environment. It has a long history in the Deloraine area; it is kind of part of the community. An interesting aspect I have learnt since I have been at Ashley is the linkage between Ashley and the local community - it has been there since the 1920s - and the expectations that the community has of Ashley. That history and that strong link is good and bad.

Coming back to your point, it is an ongoing issue of detainees, residents, getting hold of pieces of information. Sometimes they are just trying it on, though, and they will float things. We are talking about a fairly manipulative group.

Mrs JAMIESON - Are you confident that the limited hours of training are sufficient to prepare your staff? Would you like to see an increase in training hours at all?

Mr SMITH - As I say, we only recently moved from a 14-day induction to 19, which I think is a measure of our commitment to that. I think we are pretty right there. Having said that, I think that if we formed the view that we should or could do more then within the constraints of budgets over time that is the direction in which we would seek to put them.

Mr MARTIN - Following on from that, Bill, in your evidence last time you said that if you have a good relationship with a young person they are kept engaged and enjoying things, that is good but you don't want to turn Ashley into somewhere that people want to keep coming back to. We heard what you said, and Norma quoted it as well, but to be honest with you and to put it quite bluntly, over the time we have been hearing evidence, the committee has heard a lot of credible evidence that the ideal that you are talking about here is simply not working in practice. Can you convince us that what you are saying and what you are striving for at Ashley is actually being achieved? This is a real anomaly for us.

Mr SMITH - Can I ask you a supplementary question to be exactly clear about what you mean by what you said about my quote - that that is not what is happening in practice? Are you saying that staff are not engaging with young people and working in that manner?

Mr MARTIN - This is a long discussion that we could have. But we have received a lot of evidence that there is a lot of inconsistency, that some staff are engaging young people and that some are not and the young people themselves just do not know what to expect from one staff member to another. Because of the inconsistency, the ideal that you are striving for is just not there?

Mr SMITH - Again it is essentially quite a difficult question to answer because it is such a complex issue and because we are dealing with such a variety of young people, each of whom is different and has different attitudes. Some are easily engaged and some are not easily engaged. Some are willing to be rehabilitated. Some, if you met them, you would have no difficulty whatsoever in getting on with them and forming a relationship. Often it is easy to develop a relationship with the younger ones - but not solely them. Then, on the other hand, you have those at the other end, usually older but not always just older ones, who are extremely difficult to engage. They will say one thing to your face and they will do another. So it is not easy forming those relationships. That is one set of variables.

Then you have another set of variables because, equally, you have 100 staff at Ashley. Even if we are focusing just on operational staff, there are something like 60 of them and they are different, notwithstanding what I say about recruitment, induction and supervision. Then there is the point I made earlier about in any given circumstance or situation the same staff member or different staff members may interpret things slightly differently. Again, within the confines of the one paradigm that I have alluded to on a number occasions, there are competing values. There are people among the staff who might be seen in the continuum of the welfare end of practice of working with children and young people in custody. There are people who have a value, still within the confines of the one paradigm, which is a justice paradigm, which reflects the act, who may have a somewhat more punitive approach. At any given time in response to any given situation or circumstance you may have to make a decision about whether to restrain a child or a young person or whether to continue after 30 minutes or 40 minutes of ongoing abuse, threatened violence and even actual violence, to continue to try to talk that young person into changing their behaviour. There can be any point across that 40 minutes that different people will make a different decision.

Then you have difficulties across shifts. You have day shift, which starts in the morning and goes home at 3 p.m. when the afternoon shift starts. Then you have the night shift. Communication between the shifts is an issue. The young person remains constant across a 24-hour period and without meaning to sound like I am blaming the young people, they can manipulate that situation. The young people have been trying all day to get something off the youth worker on the day shift and the day worker, applying the behaviour development framework and everything else, is saying no or whatever. The afternoon shift comes on with a different worker. The young person - the same young person - says, 'So-and-so promised me this' or 'So-and-so said you would do that' and they get it. Then when the day shift worker comes back the next day he or she thinks, 'I

went all day yesterday trying to get this to happen and that to happen and I come in and little Johnny has that poster up on his wall' or whatever.

So the point I am making is that it is quite a complex and difficult environment which kind of lends itself to difference, again, within reasonable parameters. I am not throwing my hands up in the air and saying there is nothing we can do about that. I am saying that that is the territory that we are dealing with; it is the nature of the business and it is constant. Our responsibility is to create the environment and give staff the tools where they can, notwithstanding those problems, do what is expected of them and I believe we do that.

CHAIR - I am aware that we have a range of questions to put in a very short time, so I would ask once again if you could be very succinct with the answers, please.

Mr MARTIN - I could probably talk to you for two hours about that one.

Mr SMITH - You are welcome. You must come and visit.

Mr MARTIN - Moving onto the post-compulsory education. Can you outline specifically how the post-compulsory students fill in the day?

Mr SMITH - Broadly, in a sense that question is better put to the school.

Mr MARTIN - Compulsory, I assume.

Mr SMITH - Yes, but post-compulsory students still go to the school, and I guess it is important that we see the school within the overall program framework, again going back to that triangle. Everything that the school does, both in relation to compulsory and post-compulsory age kids, fits within that triangle between the lower and the middle levels of programs and activities, such as recreational activities, which go to health and wellbeing, as well as to the development of sporting skills. If a kid is good at cricket, basketball, or football, that might be the single thing that you can work with. Although we might say, 'What's that got to do with their offending?' nevertheless it might be the thing that you can work with, and when they get out they pursue that skill, they get involved with the football club, they get involved with the cricket club. So those things are important.

There is a mixture of programs that are delivered by the Department of Health and Human Services staff and program providers that we bring in, and activities and programs that are delivered by and via the school. So we are both delivering activities and programs, jointly in partnership - I don't want to make it sound as if we're doing it in isolation -

Mr MARTIN - Sorry to interrupt you, but the Department of Education report stated that the post-compulsory age group 'can' - that is direct quote, which I assume that means 'may not' - receive one one-hour lesson per day, four days a week. In other words, four hours a week. Is that right or wrong?

Mr SMITH - For the purposes of involvement in activities generally across the program triangle, including school, residents of Ashley are broken into groups. Depending on the

number of residents that are on site - there might be five, six or seven groups of, say, five, six or seven people, generally. The more there are, the more groups, and you have with regard to things such as age and gender, but it's not solely about age. It is to do with cognitive ability, emotional wherewithal, and needs, and so on. In accordance with those characteristics, they are broken into groups. One of the issues in regard to forming a group is the age, as I say, so compulsory-aged children and young people, and the group they are in would at the moment get more time in the school than a group of post-compulsory, but that's not to say that post-compulsory aged youths in their group aren't getting into the school.

Mr MARTIN - I am just a bit confused. What the Education Department appears to have told us is that at most they're getting one one-hour lesson per day, four days a week, which is why I asked the question because I was a bit surprised when you started talking about the school.

Mr SMITH - So the rest of the time, what are they doing? I don't mean to be obtuse, but that's the point I'm trying to make. Each individual resident at Ashley comes in and an assessment is done of their needs, broadly. There is a program timetable that covers Monday to Friday from nine o'clock through to four or five o'clock in the afternoon, broken into something like four or five allotments of time on each day. That timetable is filled in by or with involvement in a range of activities. Those activities would then include - again in accordance with the groups and ages and all the other characteristics - more or less time in the school.

Mr MARTIN - At the most, it's four hours a week.

Mr SMITH - If that's what the Education Department is saying; I don't want to sound as if what I'm saying is at odds with that. In my mind, what I am saying is consistent with that. They are broken into groups, and each individual - again, it relates to the groups they are in - has an allotment of time, four or five blocks of time, Monday through to Friday where they will be participating in some activity, some individually and some in their groups.

The activities and programs that they are participating in reflect that triangle I was speaking about. So a more serious offender, depending on their age and so on, would get x amount of time in school. They would then have allocations of time on one or more days in the week where they might be working one on one with a psychologist around their serious offending behaviour. They might be involved in recreational activities, drug and alcohol programs or a variety of things. Then, for each of those allotments of time across the week, they are awarded participation points for the extent to which they have participated and engaged in those activities and programs. In turn, those points go to the CST on a Monday, which in part determine the colour that a young person is on. I can give you a triangle, the program timetable and the way they connect if that would be useful.

Mr MARTIN - That is probably what we need to clarify this - a typical timetable for a post-compulsory-age student.

Mr SMITH - I can do that - an individual program and timetable and the program triangle.

Mr MARTIN - Also, a typical weekly timetable for a compulsory and post-compulsory youth.

Mr SMITH - With reference to what I was saying right at the beginning, theoretically and structurally I think we are pretty well set up. We know what we should be doing and we are doing it. I think where we still have a way to go is in terms of the quality of each and every slot in that timetable and our ability to fill that.

Mr MARTIN - And that probably comes back to budget resources.

Mr SMITH - It relates to budget resources, certainly.

Mr MARTIN - Am I right to assume that there is no requirement on a post-compulsory-age youth to attend any education or training program?

Mr SMITH - If a post-compulsory-age youth chooses not to attend school they cannot be forced to, any more than they can be in the community. Having said that - and this is the way it is purposely fitted together - if you are timetabled to do something and you don't do it then you do not get the points, which then affects the colour you are on. You would go up and down the colours; that is the nature of the incentive scheme, so you could drop in colour. You would go to bed earlier and you wouldn't have access to a number of other privileges that you would have otherwise had, so in that way we are trying to encourage involvement in a whole range of things. At the end of the day, if a post-compulsory-age youth says they are not going, then that is the nature of what we are dealing with.

Mr MARTIN - We asked the Department of Education a question as to what the youth workers did when the youths were in school. The answer from the Education department was: 'Some get involved, some just sit in the corner and listen to the radio'. What exactly is the requirement?

Mr SMITH - The requirement links with everything else I have been trying to say about those core elements of the kind of people you recruit, creating the policy and procedural environment that makes it clear what is expected of them, and then supervision of them to ensure that they are doing those things. Across the 60-odd operational staff, some are better than others, and some are better than others at different times. Again, whilst I do not want to sound like I am excusing inappropriate things and poor practice and poor work, it is a very difficult environment to work in. It can be very difficult remaining positive all of the time and working positively and encouraging all children and all young people in the face of constant abuse and spitting and threats of physical violence that happen from time to time. I do not want to overstate it but neither should we naively imagine that that is not the people are dealing with. It can be difficult and some people are better at it than others. It can be difficult to work positively all of the time and encourage people. Sure, that extends into the school environment but, again, 98 per cent of the time 98 per cent of the staff at Ashley are doing the right thing and are doing a very good job. I think they deserve credit for it and do not deserve some of the negative publicity that often comes our way. It is an extremely difficult environment.

I am not pretending that at times that will be extended to the youth worker maybe trying to encourage a kid in school. If we were doing that, would we achieve more? We

would. But you have to work with them, give them the skills and encourage them and support them. It is very, very difficult.

Mr DEAN - On the post-compulsory education side, would you, as the manager, be satisfied that one hour's education per day for those youths is sufficient, knowing their background. We know that a lot of them have difficulties with the subjects - reading and writing and all of those things. Are you, as manager, satisfied that one hour a day is sufficient for those youths?

Mr SMITH - The benchmark to which I aspire at the starting point is community standards, what happens with the equivalent in the community. Then one needs to take account of the particular needs of the client group that we have. That would be my benchmark.

Mr DEAN - You have also said that there are other things for them to do during the day to occupy them, but what about trade activity? Is there any trade activity included in those extra duties?

Mr SMITH - That was my point earlier on. When you were there, did we take you to the woodwork room?

Mr DEAN - You did, yes.

Mr SMITH - That is the kind of thing we should certainly be doing more of. So we do have some capacity in that regard and that is slotted into the timetable where it is able to be used. Do I think we are doing enough and would I like to see us doing more? I would like to see us doing more.

Mr DEAN - You have said that to get them to go into school and participate in some of these things there is a punishment system -

Mr SMITH - Not a punishment system, an incentive scheme - it is not punishment.

Mr DEAN - I guess that is debatable and I could argue that with you as well. Is going to bed early a punishment or an incentive? I don't know.

Mr SMITH - In a sense it is how the message is delivered and that is what good practice is. In a sense it is no different from parenting. We are trying to socialise these children and young people. If you want good behaviour, then the way you give a message about the consequence of doing something, whether it is a punishment or whether it is an incentive, really is about the skill of the person doing it.

Mr DEAN - I am wondering whether there are any better systems for these post-compulsory students. I doubt that the parent would say to a 19-year-old, 'You will go to bed early at night if you don't do this'. That is the point I am making.

Mr SMITH - I am not saying that the time a person goes to bed is the only incentive that is available; I am saying it is part of the scheme. A range of incentives can be used, including access to off-site activities. Make no mistake, if a young person is there to be rehabilitated and they can show to us that they pose minimal risk to the community, and they are willing to engage in programs and further education while still at Ashley, then

they can go all the way. They can get access to off-site activities; they can go to Launceston College; they can go to TAFE; they can get work experience. We do all of those things. It is difficult at times when we are trying to do that and something goes wrong and we are criticised for letting someone off site to participate in a work opportunity, to go to TAFE, to go to college, and the newspaper headline if something goes wrong is, 'Another escape from Ashley'. That is what we are dealing with. I am not complaining about that. It would be pointless me sitting here complaining about it. But that is what happens. We are trying to do all those things. They are never going to be risk free. But that is what the act requires of us and that is what we try to do, and we do it.

Mr DEAN - On the scale of economies it is said that we cannot provide the same sort of systems that they can on the mainland - in other words, a separation of age groups and some need high detention centres and other do not need high detention centres, et cetera. Having regard to all of that, do you believe that because of that, we should continue on in the current system that we have of placing all youth at Ashley and not really consider at the top of the scale, absolute and total rehabilitation opportunities?

Mr SMITH - I am not absolutely clear.

Mr DEAN - I will ask the next question. It is said that Ashley does not now provide the best opportunities for rehabilitation of youth - that is, from age 10 when they go in there or 11, right through to age 19. In other words, there should be other sites available for some of these youth to go into. So should we continue on now with Ashley as it is or should we say, 'Enough is enough, we need to go back to the drawing board and we need to consider another greenfield site where we get it right this time'? In other words, have a detention place and have the other places that accommodate and really are set up for a proper rehabilitation?

Mr SMITH - Without pretending that everything is perfect and without pretending that everything can be perfect, given the variables of each of the client groups that we are dealing with, I think Ashley does a pretty good job. The extent to which Ashley can successfully work with and rehabilitate the residents it has on site is in no small part influenced and shaped by the characteristics of the group that you have there at any given time. We have already gone to whether the facility could be improved and whether the standard of the providers could be improved such that we are able to do more of that to a higher standard and I think we have agreed about that. The other big factor there is, can Ashley as a rehabilitative institution, which is at least 50 per cent of its paradigm and of its focus, along with security, do that with the one or two or three higher-needs individuals who usually have been coming to Ashley for a long time and who are not going to be rehabilitated and who Ashley was never designed for? No it cannot. They effect the ability of Ashley to rehabilitate the rest. Do they need an approach that is different? Yes, they do. Is Ashley the place to provide that? It is certainly not geared up to provide it at the moment. Frankly, in my view, there is nothing new about that. That has always been known. It was known from the beginning.

The fundamental point I make there is that Ashley is able, without that group, to work intensely and achieve positive results with the vast majority of children and young people who already come there.

Mr DEAN - I want to touch on a couple of things in relation to escapes. This is from previous evidence:

'Where there is an incident we immediately, within a short period of time, contact people in the Exton area and let them know there has been an incident. That is something we take very seriously'.

How can you convince the committee that this procedure is happening every time there is an escape? Can you provide incident reports that note contact with neighbours? That has been raised with us.

Mr SMITH - Yes, I can. As I said last time, I have had contact with your office in relation to adding someone to that list. Everyone doesn't know everything that is going on at any given time but they all form a view, whether they have all the information or not. I am not complaining about that either but that is the way it is. Say, in Thursday's *Examiner* there is a story that someone has escaped from Ashley and someone who lives in Exton says, 'Well, I wasn't contacted'. It may well be that when the person escaped we knew exactly where they had gone and there was no reason to notify the person in Exton. That is only one example. It is not just a straightforward question. Mistakes will occur and sometimes you will do it better than other times but I know as a matter of course where there is an escape where a person leaves the facility, as opposed to leaving somewhere off site, we would notify people on the list. We keep that list up to date.

Mr DEAN - During our processes there has been a lot of evidence brought forward to us in relation to the farm. There has been some evidence provided to us that the current position with the farm is causing some morale problems in some people in your organisation. What is the current situation with the farm? Is it managed by somebody else? Is it leased out to somebody else? How is it controlled?

Mr SMITH - Ashley started out decades ago as the State school for boys, I think. The whole purpose of creating Ashley in the midst of all that land was that it was a farm; it wasn't a custodial environment. With the proclamation of the Youth Justice Act in 2000 and the creation of a secure environment, the farm - the land around Ashley and what is known as the Ashley farm - didn't become unimportant but became less important in the sense that you are now a custodial environment operating in a custodial paradigm. It is not simply about everyone that is at Ashley getting an opportunity to work on the farm. Around that time as well, again with a shift in the new legislation and the fundamental change in paradigm from a welfare institution to a custodial environment, that meant significant changes for staff and in staffing. From that point, broadly, we were employing youth workers who work in a custodial environment, supervising staff who supervise those people who are working in a custodial environment.

Ashley ceased to be a farm, but we still had that land around Ashley to manage and also to try to use in a way that created opportunities for those children and young people in that secure environment who became eligible. No-one gets to just go off site because they put their hand up and say, 'I want to go'. You have to work through the incentive scheme and engage with the programs. That is one of the incentives, just like the time you go to bed. If you become eligible, as an incentive you can get to go off site. One of the things that we would do is allow people onto the farm. As I said, there is a sense in which the farm continued and continues. The land continued and continues to be

potentially very useful in that regard. But Ashley is not a farm. Five or six years ago, before my time, the facility ceased to be a farm and operated from a different paradigm but with this land to manage. Initially it was established that there was going to be a committee of people who were going to take carriage of things to do with the farm. Frankly, part of Ashley's remit is not to run a farm. There was a committee formed to take responsibility for it, still under the control and oversight of Ashley and therefore departmental management, to run the site.

Moving forward from then, it didn't work. People on the committee were well-intended at the time but for a variety of reasons - and Ashley was going through a very difficult time, people were there as youth workers and in other roles and that was their job, that is what they were doing - they didn't have the time and energy to devote to the farm via the committee.

The work was falling to one of the individuals on that committee, so an arrangement was entered into at that time with an individual. In return for that individual being able to maintain a number of cattle on that land, along with the cattle that were owned by Ashley, and cutting grass and laying fertiliser et cetera in his own time, in a very limited way he ran those cattle and 20 of Ashley's. That was the beginning and the end of it. Overall, all the money is held by the department and all decisions in relation to spending the money are made by the department. It was a formally sanctioned arrangement that was entered into some five or six years ago, and it continued until recent times.

Mr DEAN - Who is the person that currently has the right to use the property?

Mr SMITH - The situation has recently changed, and the person who was doing that is no longer doing it.

Mr DEAN - Who is the person doing it now?

Mr SMITH - Phil Skipper.

Mr DEAN - What is his position with Ashley?

Mr SMITH - Fire safety and security coordinator.

CHAIR - So he currently has that lease under that arrangement?

Mr SMITH - But he's indicated that he no longer wants to do it.

CHAIR - So that's changed?

Mr SMITH - Yes.

Mr DEAN - So what happens now?

Mr SMITH - I will have to look at ways of doing that, but Ashley is not a farm.

Mrs JAMIESON - It might be a useful activity.

Mr SMITH - Absolutely, but again we have to think about what that would mean. Anything that happens on the farm has links with programs. I mentioned horticulture earlier on as a possible area of activity, and agriculture. It links to occupational health and safety, which can then link to practical, useable skills in the community. All of that can happen, but it has to happen in an organised fashion so that everything that happens on that farm, everything the children and young people are exposed to, is accredited. They need to get certificates; it needs to link with education. In that sense, yes, the opportunity will be there, but Ashley doesn't run a farm. There will be no cattle; there haven't been crops or anything. I am not a farmer; I am not going to be running cattle or growing crops. Again it will come back to the capacity of our budget to fund positions that would be able to utilise and realise the potential of the land that surrounds Ashley, linked with programs.

Mr MARTIN - When did the arrangement with Phil Skipper cease, and was it at his instigation or your instigation?

Mr SMITH - It was at his instigation, and it is in the process of ceasing. I went away and it was in place; I came back and it's ending.

Mr DEAN - Was that a financial payment by Skipper to have the run of the property?

Mr SMITH - In return for the time that he put into maintaining the land, in a simple sense, he would be able to run a number of his cattle alongside an equivalent number of cattle that Ashley owned. Each year they were sold.

Mrs JAMIESON - Is it possible to table a balance sheet and what have you for the last couple of years for the farm?

Mr SMITH - It's certainly all there. There's nothing mysterious about it; it was absolutely sanctioned by the department. I probably shouldn't get into this, but there is something, frankly, that causes me a little disquiet. The motivation of people who have raised that issue is, I think, questionable.

CHAIR - Thank you very much, and once again, Bill, we have run out of time. There is a range of questions to which members will require responses. There may be some other questions which members of the committee might want to ask, and we will get the committee secretary to forward those in writing.

THE WITNESS WITHDREW.