

**THE LEGISLATIVE COUNCIL SELECT COMMITTEE ON ASHLEY YOUTH JUSTICE AND DETENTION CENTRE IN TASMANIA MET IN THE RECEPTION ROOM, LAUNCESTON TOWN HALL, ON THURSDAY, 15 FEBRUARY 2007.**

**Ms WENDY VARGA**, DELORAINE, WAS CALLED, MADE THE STATUTORY DECLARATION AND WAS EXAMINED.

**CHAIR** (Mr Hall) - Thank you very much, Wendy, for coming in to give some evidence. I will just mention to members of the committee that Wendy, like me, has a hearing impediment and if you could when you are directing questions to Wendy face her. Wendy, I would like to ask you to present some evidence; we have your written submission which is number 41, and then I will ask the members if they would like to ask you any questions.

**Ms VARGA** - I would like to thank you for letting me tell a story on behalf of John Varga and I can tell you what I have experienced with him. I am the widow of John Varga who was employed at Ashley Detention Centre in 1993. We moved down from Wollongong in 1993 to give our family a good life. John started working at the Ashley Detention Centre. He was assaulted on 8 March 1998. I would like to submit to the select committee and inform them of my personal experience so that they can understand how staff at Ashley are treated and the human cost of the workplace standard of facilities and of the type.

On 8 March, John went on night shift at 11 p.m. John had been on four weeks holiday and that was his first shift. The afternoon shift normally do a changeover to let the night shift know what has happened but that night the changeover did not happen that well. The RO had to leave and so there were three night shifts on, and that time a new detainee arrived.

**Mr WILKINSON** - The RO being?

**Ms VARGA** - The RO is the relief officer.

**Mr WILKINSON** - Okay, thank you.

**Ms VARGA** - At that time a new offender arrived, so one of the night shift staff had to attend to that detainee. So there were two staff left. The other staff member had to go around to check the boundaries, so John was left in the old dorm on his own. The policy was that there should be two staff at all times in the old dorm because there were a few children there.

John's attacker, Roles, had been in high security and had been let out during the day shift. The night shift staff were not told that he would be in the old dorm. The boy was known to be violent and he was a high-risk detainee and old enough to be in Risdon. Appendix A, the incident of the report was written by John. There was a number of young children in the dorm, there were kids as young as 10 years old. Some of these children needed

counselling after the brutal attack on John Varga. John was barely conscious when he heard some of the detainees saying, 'He's still moving, he's still alive', so Roles started beating him more until the bed slat broke and then he got the broom handle and hit him until that broke.

John told me he put his hand up, but the broom handle came across his chest and that sort of woke him a bit and then he put his hand up; he was going for his head but the handle hit him across the hand. At this time all the kids were yelling and screaming, and John said he was crawling around on the floor and he finally got up. He had to get the key to unlock the office area to go in for help. He got out of the old dorm and he phoned the high security for help. No response. He made two phone calls - no answer. Once help arrived - he doesn't know how long after help came - they called the ambulance. He was sent to Launceston General Hospital.

I had a phone call from the RO from afternoon shift to tell me the news of John. I was not able to go into the hospital because I have six children at home. Neil Warnock, the manager at Ashley at that time, went to the hospital and sat by John's side. He wanted to know why Roles was let out of high security. Who let him out? These were the questions he was asking John. Warnock also said he didn't want police or media there. The staff at the hospital were unaware that John was from Ashley.

The next day staff from Ashley went to pick John up from hospital and they called into Ashley on the way home to get something. Darrel Knowles worked at Ashley Detention Centre and had been assaulted 12 months before. When he saw John he was shocked and he started crying. He handed his keys in a moment later, saying he had had enough of the place. The administration officer got Darrel Knowles to sign papers to leave work. Still today Darrel Knowles is not a well man - 10 years later.

On 11 March, two people from the Occupational Health and Safety Department came to our house, three days after John's assault. The CIB came around on 11 March and told me that John was a lucky man, lucky that a nail in the bed slat didn't hit him. The broom handle was used once the bed slat was broken. The CIB also said Roles was dangerous. They asked for a video interview with John on 14 March. When Roles was contained, they sent him straight to Risdon. Six days after the attack the police officer came to our house to take photos of John. Because the police resources were at the Meander logging protest, they had no-one to take photos of John when the assault happened, so they did it six days later. Neil Warnock, the manager of Ashley, came to our house for morning tea many times during the next three months. He often repeated that he didn't want the media to make a big thing out of John's assault. He didn't want photos taken. John was being treated by Dr Baka, the psychologist, to help him get over the trauma of the assault.

John went back to work three months after the assault and was put on light duties. I have John's statement that he wrote. Appendix B, return-to-work program. When John went back to work for the program they didn't do any of the procedures that the doctor told them to do. They had him painting in the office area. In June, Roles went to court when John's assault was made public to the media. Appendix C, newspaper report from July 1998.

John had been working back at Ashley for three months when we had a phone call from Nick Triffett, the administration officer, telling me John was not to go back to work. John returned the call and asked why he didn't have to go to work. Nick Triffett said he didn't think John was coping very well. John phoned his doctor, who was puzzled. She never received any progress report on John on his returning to work at Ashley. The same day Judy Jackson visited Ashley to talk to the staff about conditions. Unfortunately, John wasn't at work to speak about his conditions and the assault.

John had several visits to Christine Neil at Human Resources, but the rehabilitation process was ineffective. He also was meeting with Christine Neil and the manager. John felt that the manager was trying to suggest that he was in the wrong. He felt that he had been manipulated by management and used as a scapegoat to cover up management mistakes. He was told not to enter Ashley grounds - they told that to John and me at a meeting when we went to see Neil Warnock and Christine Neil. That was the last time I saw Neil Warnock.

This affected John. He felt he was isolated, he lost interest in his children, he no longer wanted to do the usual things and hobbies like sport. He was easily upset - he was a different person. I felt I was slowly losing not only my husband but my best friend.

Appendix D: psychological assessment by Dr Rose. Before the assault, John had enjoyed excellent health. He seldom took medicine for anything. His assault changed him and his health. He had to take lots of medication, including antidepressant tablets, Panadeine Forte, muscle relaxants and sleeping tablets.

Appendix E: prescription medications. Often when I woke up during the night John would be sitting on the bed, awake, with a headache and he often used to wake up calling out in a sweat. He didn't sleep well at any time. He had many medical appointments to government psychologists for assessment. I accompanied him and we either had to take our six kids with us or leave the youngest one, as young as four, with the older brothers while John and I were away. Often we would come home late and the kids would be home alone after school.

We had to travel to Hobart for some appointments and the children had to come with us. It was a strain on our budget while we waited for reimbursement of petrol money, and that could take months. We had to get our own accommodation and with six kids and a husband not well, I found it wasn't easy.

Appendix F: psychological assessment by Dr Ian Sale. Rehabilitation finally got John into a job at Deloraine Hospital in October 1999. They often went to see him at work at the hospital. John had been feeling that the rehab people thought it was time to recover from the assault and get on with his life, and that the experiences he was having - like his headaches - were all in his head. In the morning when John went to work - the day of his death - he didn't say much at all. He came home and I said, 'How was work?', and he said, 'All right. The rehabilitation people were there'.

Many times John used to tell me they would say to him, 'Get active; go out there and work, do the lawn, keep yourself busy'. There were many times John did that but then he would suffer; he would have headaches, backache, and have to take more medication. He was taking pills all the time.

I will say we did go on an outing to the Gorge the day before he died and he was taking Panadeine. I asked him why and he said, 'I've got a headache and I want to enjoy today'. We started to go for a walk but he couldn't keep going and had to stop. The kids and I went for a walk and came back to meet him where he was sitting. He was sitting there with his head between his legs and was in pain. I asked him whether he wanted to go home but he said, 'No, let the kids enjoy themselves'. That was our wedding anniversary.

The next day he went to work, came home, and told me the rehabilitation people were there. He went outside and didn't tell me what he was doing and he went up the backyard and cut some trees down so he could start doing some firewood for the winter. The kids came running down and told me, 'Dad's been hurt'. He died one hour after the ambulance officers came.

I received a card from Ashley Detention Centre staff after John's death. I didn't hear from Neil Warnock at all. Nick Triffett, the administration officer, came to my house on 23 February 2000, three weeks after John's death, to hand me a receipt - appendix H - for \$11 945.90 from Ashley. I don't remember much of that night because I'd just got news that day that my father was in intensive care and I had to go back to Sydney a couple of days after. There was no indication on the receipt what it was for. I don't remember much about the visit but it was the last contact I had with Ashley, the administration officer and management.

I felt let down by Ashley management. They withdrew their support for John when he needed it most - after the assault in 1998 - and now we are being treated the same way.

When John died I felt that everyone involved closed the file and the lawyer who was helping us claim compensation also said there was nothing they could do because he was no longer living. I had an appointment in April and I said I was there and I was waiting, waiting and waiting and then they came and told me that he was in court, but when I went to reception they said he was there and I went and sat down and waited. I went down to the meter box a couple of times to put the money in and I just sat there - it felt like 10 minutes but it was hours.

Anyway, I got a letter from the lawyer apologising that he couldn't attend to me but I couldn't read it properly because it was in lawyer's words, so I gave up. I thought, 'I can't do this'.

I had to have counselling. I went to many counselling sessions and one woman said I needed to go to Victims of Crime for counselling. I wasn't just trying to get over John's death, I was trying to get through how John's life was before he died. He lost that quality of life. Victims of Crime were very helpful and I had lots of counselling there. They said to me that I should be able to get compensation for myself, and I got \$4 000. After John's assault -

**Mr WILKINSON** - Did they tell you that with victims of crime there's a ceiling on how much they can give?

**Ms VARGA** - No.

**Mr WILKINSON** - It was at that stage, I think, \$20 000 if there was a murder or something like that, so the sum of money people could receive under Victims of Crime compensation wasn't a great deal.

**Ms VARGA** - After John's assault, a number of people working at Ashley went out on stress leave; some are still being paid stress leave many years later. I feel that John has been let down there too, for his kids. Nick Triffett went out on stress leave and now he is working at Latrobe Hospital. Nick went out on stress leave not long after John died; I believe he felt guilty for the way he treated John. Nick Triffett's brother got a job at Ashley for a while and then he left. He came back for about 12 months then went out on stress leave. Nick helped him out to get paid out after he left.

It is my belief that the Ashley administration officer and manager made sure they looked after themselves; they were not looking after the staff or acting in the staff's best interests, which they are still doing now.

**Mr DEAN** - Sorry - which they are still doing now?

**Ms VARGA** - I believe that. When John first started work there was a manager there and he had been there for 20 years. He always used to check on the staff, go in and see how the building was going, how the kids were going and everything. That doesn't happen now, or didn't happen when Neil Warnock was there. They very rarely saw him out there to see how the staff were going. Now they sit in the office, they don't go out and check to see how the kids are going.

I believe Ashley's administration officer and management failed their duty of care and were negligent towards John and other staff members. At the time of the assault, John was the sole breadwinner to support my family, myself and our six kids. John received no compensation or financial assistance from Ashley after the assault. I have not received any assistance whatever.

The assault on John when he was on duty in March 1998 made a huge impact on our family.

After the assault we didn't have many outings because he was always going to the doctors. That was from Deloraine to Launceston and took our budget money so we couldn't afford to go anywhere else. John was on medication all the time. John found it hard to focus on the boys and family life. It was all around his not being well. He would sleep and did not do much at all. The older son in particular was bullied at school because of the problem. A student who was attending Deloraine High was also an Ashley detainee and a ward of the State. On many occasions he said that John had been weak and no good at his job. He said many things to my son. They were in the same grade. I said that this boy was only hearing what the others were saying. For the younger boys, aged 4, 5 and 6, they remember their father on medication for the last two years of John's life. His reactions and the way he interacted with his family were affected; he was not feeling well enough to be able to do things with the boys. For the two years after the assault the boys had lost a good quality of life and then they lost their father altogether. For two years of John's life he suffered low quality of life. It had taken away his capability as a family man and provider. It was stripped from him by the incident and the way it was handled. I think if they had supported him, given him more

support, I think he would have been fine. I really feel that he would have been alive today if they had given him more support.

As a mother I have been aware of psychological problems and disruption to our sons since John's death. One of the boys required medication for 12 months to help him through this difficult time; he was diagnosed with depression. I had to take him to Launceston every second day to see the psychiatrist. He wasn't allowed to operate machinery or drive the car. I had to take him to work every day and that was for some time.

The assault changed our lives forever. I believe there has been a complete lack of natural justice in the manner in which John and I have been treated. My son tried to commit a crime so he could go to Ashley. He had never done anything. He just stole something and I said to him, 'Why did you do that?' and he said, 'I want to go to Ashley to fix them up'. That affected him. I said to Paul, 'That's not going to help, committing a crime to go to Ashley. Your father wouldn't want that', and he hasn't done anything since. It affected him; he was suicidal and that is why he had to have a lot of medication.

Thank you very much for letting me tell you my story. I am really pleased I am able to speak for John, because no-one has listened to us.

**CHAIR** - Thank you very much, Wendy. It has been a very traumatic and disturbing story that you put before the committee and we appreciate very much your coming along.

**Mr DEAN** - Wendy, it is wonderful that you are able to come along and speak to us in this way. I applaud you for that. Have you ever, or was John ever, told of the result of the investigation? Was he ever told that his name was cleared? You said that they tended to blame him for what had happened.

**Mrs VARGA** - He felt, from the way management was treating him after they told him not to come in, that they just didn't want him to be there. He felt that he was in the wrong. They manipulated him and turned it all around.

**Mr DEAN** - To your knowledge, he was never told that he hadn't done anything wrong, that he was simply doing his job?

**Mrs VARGA** - He was asked why he went into that room on his own. On afternoon shift, the kids should be settled and ready to go to sleep. When the night shift got there - and John was on night shift - the kids weren't settled. They were running around, some of them were still dressed. John was left there on his own and one kid asked for cream, for an itch. The cream was on a medical report, so John let him in and he put the cream on. The kids were running in and out of the dormitory to go into the shower/toilet block, so John went in there. That is what the management said John should not have done. That is where the blame is, saying he was in the wrong.

**Mr DEAN** - Wendy, to your knowledge, have there been any other employees of Ashley who have been treated in a similar way to John - in other words, discarded and not supported?

**Mrs VARGA** - Yes. I spoke of Darryl Knowles. He was beaten in high security with a cricket bat and hospitalised with broken ribs. They didn't support him. He ended up going back to work eight or nine months after. They had him in the woodwork area. When he saw John he just went to pieces and started crying and said, 'Enough is enough. Nothing's been done around here. Nothing has changed'. So he went into the office and handed his keys over. The administration officer got him to sign the papers to resign. They didn't say to him, 'Darryl, go home, have a rest or go to the doctors' - they signed him off. That was it; they didn't see him after that.

**Mr DEAN** - Do you have any knowledge of current activity at Ashley or management involvement with recent employees? Do you have any over the last, say, two or three years?

**Mrs VARGA** - Yes, I know another person who worked at Ashley, Barry Pitcher. I am not quite sure how long ago he was assaulted, but he was on a contract or something. He was employed there in the woodwork area and he was bashed and they didn't support him. Again, the police were not called in to get photos taken or anything - same thing with John when he was in the Launceston Hospital. They could have come in and interviewed him, taken photos, but everything was hushed up. When the CIB came up to our place that was when they said a photo needed to be taken.

**Mrs JAMIESON** - Wendy, there is just no way we can understand what is happening with you now because of what has happened to you in the past, but how are the boys actually coping as a family unit? How are you all coping as a family unit now? Do you get any counselling, any support? Do you feel you need any or have you just put yourselves in a little cocoon?

**Mrs VARGA** - I got no support from Ashley. They didn't suggest counselling or anything like that. They never came up and said, 'How are the kids going?' or 'We could put you in contact with this area to help them' - nothing. I had to go and find it all myself.

My youngest son - he is one that found his father; the other boys were there too - was four years old when John was assaulted and he was six years old when John died, he is having a lot of problems. He didn't have a relationship with his father from a young age, so he never got to know his father - his real dad.

**Mrs JAMIESON** - What would you like us, as a committee, to look at so this sort of thing is not repeated? Perhaps Ashley's interaction with families, for example, when there has been any of these situations.

**Mrs VARGA** - No-one asked to go in there to be bashed. You go in there to do your work and you would expect to have support and to feel safe. When something like this happens I think they should have something whereby they can give the family counselling, yes. Let them know who to go to - they don't have all that.

**CHAIR** - Okay, Wendy, on behalf of the committee I would like to thank you for your courage in coming forward today and I hope that life treats you more kindly in the future.

**Mrs VARGA** - I do have statements here that John wrote. There is a lot in here. They asked John if it was assault and they said that they'd have to get safety equipment because they

didn't have anything to call for help and stuff like that. He has written the things that they promised. It didn't happen straightaway; it took some time for them to get it all together.

**THE WITNESS WITHDREW**