



PARLIAMENT OF TASMANIA

HOUSE OF ASSEMBLY

COMMISSION OF INQUIRY SCRUTINY COMMITTEE

TRANSCRIPT OF PROCEEDINGS

with

**THE HONOURABLE ROGER JAENSCH MP
MINISTER FOR EDUCATION, CHILDREN AND YOUTH
(Youth Justice)**

Wednesday 6 December 2023

MEMBERS

Mr Wood MP (Chair);
Ms Johnston MP (Deputy Chair);
Ms White MP;
Ms Dow MP;
Dr Woodruff MP; and
Ms Haddad MP

OTHER PARTICIPATING MEMBERS

Ms O'Byrne MP

WITNESSES IN ATTENDANCE

Hon Roger Jaensch MP, Minister for Education, Children and Youth, Minister for Environment and Climate Change, Minister for Aboriginal Affairs

Mr Tim Bullard Secretary, Department of Education, Children and Young People

Ms Jenny Burgess Associate Secretary, Department of Education, Children and Young People

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THE COMMISSION OF INQUIRY SCRUTINY COMMITTEE MET IN COMMITTEE ROOM 1, PARLIAMENT HOUSE, HOBART, ON WEDNESDAY, 6 DECEMBER 2023

The Committee resumed at 11.48 a.m.

CHAIR - The scrutiny of the Minister for Education, Children and Youth in relation to youth justice will now begin. Welcome, minister and departmental staff. Would you like to introduce the staff at the table for Hansard and make a brief opening statement?

Mr JAENSCH - Thank you very much, Chair. I would and I also acknowledge members of the committee.

I introduce at the table with me the secretary of the Department for Education, Children and Young People, Tim Bullard and associate secretary, Jenny Burgess.

I have an opening statement.

Chairman and members, I would first like to take the opportunity to acknowledge and offer my sincere apologies to all those who have experienced or been affected by abuse in our state government agencies. We are all indebted to the brave survivors of child abuse who spoke out on behalf of themselves and others to ensure children and young people's voices were heard and the injustices and failings of the past were uncovered.

I would also like to acknowledge and thank the staff within our youth justice system who have remained committed to supporting vulnerable children and young people in the face of constant scrutiny and whose working lives have been made harder by the actions of a few. Your job is not an easy one, but your dedication gives hope for a better future for young people in our youth justice system.

We cannot reverse the wrongs of the past, but we can make sure they never happen again. The commission of inquiry report provides clear direction in how we can improve our systems and processes to keep children and young people safe. The Government is fully committed and already working hard to implement all the recommendations, specifically chapter 12 of the commission of inquiry's final report makes recommendations to improve the safety of children and young people in youth detention and the youth justice system more broadly. It's time to look forward and to create that change.

Earlier today, I released our Youth Justice Blueprint 2024-34, which outlines our clear plan for a youth justice system that improves outcomes for children, young people and their families, and keeps our community safe, in line with the recommendations of the commission of inquiry. Using a public health approach, the blueprint has a focus on strengthening supports for children, young people and their families through an integrated and multi-disciplinary service system that promotes wellbeing and reduces engagement in anti-social and youth offending behaviours.

The result will be a service system that supports early intervention and diverts children and young people away from the statutory youth justice system, supported by a commitment to raise the minimum age of criminal responsibility to 14 years and the minimum age of detention to 16 years.

PUBLIC

Importantly, the blueprint recognises the rights of children and commits to their meaningful participation in decision-making that affects them and, as well, to working with Aboriginal children, young people and families and Aboriginal organisations who are best placed to guide our responses to address the over-representation of Aboriginal young people in the youth justice system.

In youth justice, five recommendations have altered timelines to those recommended by the commission. Four recommendations have been moved back and one has been brought forward. Of those that have been moved back, all will have significant actions complete well before the required delivery date and most are already under way.

Initial actions commencing or already under way to implement the blueprint and recommendations of the commission of inquiry include:

- planning for the new Southern Youth Detention facility and other elements of our new youth justice model;
- increasing safety and security for children and young people in Ashley Youth Detention Centre;
- the commencement of a comprehensive review of the Youth Justice Act;
- the development of a youth justice model of care that will inform practice in Community Youth Justice Services, Ashley Youth Detention facility and our new facilities;
- the development of a youth justice diversion services framework that covers foundational issues, such as priorities and criteria for diversion and program options; and
- establishing and convening a community consultative committee that will comprise a range of community organisations and stakeholders to provide input and advice that will support the implementation of the blueprint.

Chair, I look forward to working collaboratively across all levels of government, non-government organisations, community and business sectors and, importantly, with children, young people and their families to ensure our implementation of the commission of inquiry's recommendations and our Youth Justice Blueprint is delivered across Tasmania.

Together, we can create generational change for Tasmanian families involved with the youth justice system, create a system we can all be proud of and give each and every young person the best opportunity to turn their life around. Thank you, Chair.

CHAIR - Thank you. Minister, I must mention the time scheduled for scrutiny of youth justice is two hours.

Ms HADDAD - As it's my first time at the table on the scrutiny hearing, I wanted to add my gratitude to victims/survivors who have been so instrumental in providing evidence to the commission of inquiry, and to the thousands of Tasmanians who have supported those victims/survivors as advocates, as family members and friends. I want to acknowledge the

incredible strength of those people who have been able to bring to light what has been decades of systemic abuse that the Tasmanian Government now has an opportunity to address.

Minister, I know you've already been questioned on this in the Education portfolio, but I do want to go, first of all, to the issue that's been raised across the last day-and-a-half around the 22 people who were identified in the report as having been potentially, or possibly, likely to have section 18 notices issued to them. Are you confident, minister, that nobody on that list is working in the youth justice system in any capacity?

Mr JAENSCH - Thank you for your question, Ms Haddad. Again, as I put on the record in our previous hearing, if there's any allegation of child sexual abuse by staff, members are stood down, relevant regulators are advised, Tasmania Police is advised, and management investigations are fully undertaken.

On that basis, following that process, no staff member with unresolved allegations against them is working with children or is involved in our policy or implementation relating to safety of children.

Ms HADDAD - Thank you. I acknowledge the Premier mentioned people being referred to police. Specifically, what has been unresolved at this table this week is the possibility that people who might not have offended to a point where police action is required, but might have been enablers or bystanders, or people who turned a blind eye, who should by rights face some disciplinary action at the very least, may still be working in the system and may even have a role to play in the implementation of the commission of inquiry's recommendations and findings.

It is a serious concern. I wonder what steps you taking as minister to satisfy yourself that nobody at any level, who may have been a bystander or an enabler, is involved in Youth Justice in any way but specifically involved in implementing the findings of the commission of inquiry's report and the culture change that is so necessary.

Mr JAENSCH - As we've said in previous hearings, I am confident in the processes that have been established across the State Service and those involving the heads of agency in reconciling avenues of inquiry, and all the information that's been available to the Government, to ensure that every matter raised has been investigated to the extent of the information available to us, and that nobody with unresolved investigations is in our workplace and participating in either the supervision of children or the processes designed to ensure their safety. I ask the secretary if he would like to add anything to that.

Mr BULLARD - There is no evidence to hand to suggest that anyone continuing to work in the Youth Justice system has an allegation against them which would mean that they should not be there. We have taken it very seriously in terms of looking at those.

There are two streams of allegations. One is the child sexual abuse allegations that you refer to. The other is management actions. Management actions are still being completed. We have done all the child sexual abuse review of those matters. Obviously, we prioritised those because of immediate harm.

Ms HADDAD - Okay, thank you for that clarity. There is a second unresolved question around people who may not themselves have been perpetrators of child sexual abuse, so it won't

be necessary for their actions to be referred to police, but they could still be working in the system somehow. They could be in a role that is providing advice to your Government, to your agency, or even to your office.

I'm not making specific allegations, but the questions that people have and the answers from yourself and your colleagues this week have surrounded the fact that you've put in place many more processes, many more layers of investigation. Yet it was made clear by the Premier in his statement to the parliament that the list is available to Government. It was provided in April to the state lawyers but no minister has sought that list to satisfy themselves that nobody is still working in the system who might have faced other forms of disciplinary action, not necessarily criminal action, because of their conduct and are still employed in the State Service.

It feels like we are not going to be able to get to the bottom of it at the scrutiny table but it does seem remarkable that when that information is available and is being held by state lawyers that it hasn't been made available to ministers or departments.

I wonder why that is. You have set up a different process and I know you've got confidence in it and we probably all should to a degree but, in the meantime, you could actually just seek the information, not for any personal retribution, not for public release, but to satisfy yourself as minister and your senior departmental executive that they have all the information they need before them to make sure there is no-one working in the system who might have been a bystander or an enabler.

Mr JAENSCH - Thank you, Ms Haddad. This week, the Premier and the head of the State Service were asked a series of questions about what we knew in respect of notices of misconduct issued to state servants through the commission's work. I would like to make sure that we're on the record as being clear about an understanding of section 18 notices, which are also being referred to as misconduct notices -

Ms HADDAD - I understand the difference.

Mr JAENSCH - As has been explained, section 18 notices are issued to individuals, not institutions like ours, departments or the state.

Ms WHITE - I'm not sure we need to waste the time of the committee by hearing this.

CHAIR - Order.

Mr JAENSCH - As we've explained before, the commission of inquiry did not provide the State of Tasmania with a list of individuals to whom it issued these notices. It would be inappropriate for a commission of inquiry to do so as these notices are part of the commission's investigation processes and should not be disclosed so as not to potentially prejudice any investigation. If the commission thought it was appropriate to share this information, it would have done so. It did not.

Section 18 notices are described as misconduct notices, however, it's important that they are understood in context. They are part of a procedure of the commission, they are not a conclusion or a finding. They are part of a broader process. As an example, a commission may issue a section 18 notice suggesting that an individual failed to make a mandatory report -

PUBLIC

Ms HADDAD - Can you table the report, minister? We've got a short time for scrutiny.

CHAIR - Order.

Mr JAENSCH - about an incident that occurred in their workplace. However, when the individual receives the notice, they print out their leave record which demonstrates that they were not at work that day and might produce plane tickets to show they were on holiday at the time -

Ms HADDAD - Minister, with respect, I do understand -

Dr WOODRUFF - Chair, if the minister could attend to what the committee asked -

CHAIR - Dr Woodruff, please allow the minister to continue.

Mr JAENSCH - and the commission may withdraw the notice. This is why the number of section 18 notices is not material to holding individuals accountable. It is the section 34A referrals which are the mechanism by which the commission advised the state -

Dr WOODRUFF - This is not a chance for the minister to talk out the time.

CHAIR - Order.

Mr JAENSCH - I'm not trying to talk out the time. The situation is that through yesterday and today, and in my hearing earlier this morning, these same questions were asked by different members and -

Dr WOODRUFF - Yes, and will continued to be asked until you give us an answer.

CHAIR - Order.

Mr JAENSCH - I have provided respectful, consistent responses and will continue to do so, so that my answers are on the record and my Government's and our advice is on the record as to what these matters are -

Dr WOODRUFF - You have the machinery of the state to provide answers to us.

CHAIR - Order.

Mr JAENSCH - and are not. I have witnessed that in the making of these questions, the nature of the various notices has been interpreted by the questioner -

Ms HADDAD - No, I take offence to that.

Mr JAENSCH - and we've needed to correct the representation of those where possible.

The other thing I will put on the record again is that this Government is absolutely committed, through various processes that we have announced that have concluded, that are ongoing and that are still to be commissioned, to analysing every piece of information that is available to us to ensure -

PUBLIC

Ms HADDAD - Except for this list that's available through the state solicitors.

CHAIR - Order.

Mr JAENSCH - that we are taking every line of inquiry to satisfy ourselves and the public that we have followed up on every allegation, every suggestion of misconduct, and that wherever appropriate, there have been consequences for those found responsible.

Dr WOODRUFF - Minister, what date was the final version of the Youth Justice blueprint completed by the department that you've just released this morning?

Mr JAENSCH - We circulated a draft of the final version a couple of weeks ago. I will get a date from Ms Burgess maybe.

Dr WOODRUFF - That was an updated draft. What date was the final version completed by the department?

Mr JAENSCH - We received feedback from various stakeholders in relation to the final draft that was circulated. The final blueprint was released this morning. As late as yesterday we were updating the details in there in response to stakeholder feedback.

Dr WOODRUFF - Was it updated? What was the final date it was completed by your department?

Mr JAENSCH - It was released today.

Dr WOODRUFF - That's not the answer.

Ms WHITE - Chair, can you instruct him to answer the question?

CHAIR - I can't instruct the minister to answer. He'll answer how he sees fit.

Mr JAENSCH - We were making changes as late as yesterday based on feedback from stakeholders, so yesterday would have been the date it was finalised.

Dr WOODRUFF - It is incredibly unacceptable to this committee that the Government has been working on this for over a year, or much longer, and it was not provided to the committee for us to scrutinise last Friday when all the commission of inquiry Government's response was provided. It is a key part of the Government's response to youth detention and all of the recommendations in the report from the commission of inquiry, and you lobbed it into the committee this morning with a rushed press conference. We didn't even get given a copy of it ourselves from you, and you expect us to sit here and ask you questions without having read that report. What do you think that says to victims/survivors and your approach to transparency?

Mr JAENSCH - As we have been absolutely clear at every step of this, the youth justice blueprint was prepared to draft stage and released about this time last year. It has been on the website ever since. We have also publicly stated that we were holding it in draft form pending the finalisation of the commission of inquiry's reporting and the Government's response so that

PUBLIC

we could then update the blueprint and ensure it was consistent with and had the advantage of additional information being brought into it. That's what we've done.

We've circulated that final copy to stakeholders who were directly involved and a list of around 40, I understand, received it. Ms Burgess can correct me if that number is wrong. Those people had been involved in finalising the draft which they had been looking at for the last year, which has been on the website and been used and referred to by the commission of inquiry. What we've done is simply update it by inserting references to the commission of inquiry's recommendations, particularly in relation to minimum age of criminal responsibility, minimum age of detention and the central role of children in forming our policies and decisions going forward.

The information in the final that has been released today is the stuff that's been on the website for a year and that has been added to by the content of the commission of inquiry's report and the Government's response to that. There is no other new content in it and it has been important that as soon as possible, and this is our first opportunity post the finalisation of the Government's response, to add that detail and get that blueprint out as a final document. I make no apologies for that.

Dr WOODRUFF – Yesterday, you gave a very poor performance in out-of-home care -

Mr JAENSCH - And you told fibs about who we'd spoken to and you had to correct yourself.

Ms HADDAD - Chair -

CHAIR - Order.

Dr WOODRUFF - Please let me finish, minister. You gave a terrible performance yesterday in response to questions on out-of-home care. What we hear today is that -

Mr JAENSCH - Which questions are you talking about?

Dr WOODRUFF - Can you let me finish asking my question? I didn't interrupt you, as much as I wanted to.

Last night, your Government put the final touches on the blueprint which you were incapable of providing to the committee and to Tasmanians on Friday with your own Government's response. Your argument is that you needed to get the response and embed it somehow and make changes to the blueprint. Can't you see that to victims/survivors and Tasmanians this looks like you are covering yourself up today from scrutiny on Ashley and your failures as a minister across multiple portfolios, and it is a political choice to do this today to try to avoid the attention on yourself and your multiple failures to act to protect children who are at live and present risk right now?

Mr JAENSCH - No, I reject that outright. There is the blueprint has been finalised at our earliest opportunity. The content in the blueprint has been public for a year. The additional content we've added has arisen from the commission of inquiry's report and the Government's response, which is also on the public record. There is no content in the blueprint which hasn't

been public previously. We have just brought it together so we've been able to take draft of that blueprint and be able to proceed with it as a guiding document for us.

Dr WOODRUFF - There was a secret second draft of the updated blueprint. Secret in that it was given - we understand - from TasCOSS's submission to TasCOSS to provide comment on. I understand it would have been in November. They've put a submission that is on their website dated December 2023 and it says:

The draft blueprint, the updated draft blueprint was provided to us as an embargo copy which was not to be circulated to other organisations or individuals and feedback was required within a fortnight of our receipt. This response has therefore been prepared without any consultation with our members or other key stakeholders and under significant time restraints.

Can you see that secrecy and the politicisation of this issue is exactly the sort of concerns the commissioners raised in their report, exactly the sort of awful culture which has led to hiding information and being opaque on issues to do with the protection and safety of children in care? What do you say to the fact you told a key stakeholder not to consult on such a critical reform issue as this blueprint?

Mr JAENSCH - The most recent draft of the blueprint was sent to 44 organisations who'd been involved in the last stages of finalising the draft blueprint and who had provided submissions. They were the last to inform the construction of the draft blueprint. What we wanted to do is to show them we had then taken the document they last saw, which has been on the record it has been public for a year, and added in the relevant references to the section of the commission of inquiry's recommendations and the Governments responses.

Dr WOODRUFF - Do you dispute what TasCOSS says that they were told not to circulate it to other people?

CHAIR - Order.

Mr JAENSCH - It was sent to them for their feedback. They were advised it was not a public document-

Dr WOODRUFF - Why not?

Mr JAENSCH - And that it wasn't.

Dr WOODRUFF - Why not?

CHAIR - Order.

Dr WOODRUFF - Why is a blueprint for a 10-year reform of the sector after the commission of inquiry report not a public document?

Mr JAENSCH - Because the draft blueprint was a public document already and the document we sent them for their awareness, comment and feedback on it was not finalised for publication. It was a working draft document and we asked for their feedback on it.

PUBLIC

Dr WOODRUFF - So why hide stuff from people?

CHAIR - Order.

Mr JAENSCH - There is nothing being hidden, Dr Woodruff, you are making that up.

Dr WOODRUFF - There is because it is about the politics about when you produced it -

Mr JAENSCH - No it's not.

Mr WOOD - And you did it today, because you knew this committee would be looking into what you are not doing in Ashley and how you are not implementing the commission of inquiry's recommendations.

Mr JAENSCH - Well ask me questions about those things because -

Dr WOODRUFF - This is about it.

CHAIR - Order, Dr Woodruff, order. If you haven't a question to ask I will make the call to another member.

Mr JAENSCH - If you want to ask questions about what work we are doing, what we are planning and how we are responding to the recommendations from the commission of inquiry, let's talk about those things -

Ms O'BYRNE - It goes to the culture, the absolute culture, you're embedding.

CHAIR - Order.

Mr JAENSCH - Again, you are very focused on asserting our motivations. What I'm very happy to do is to confirm.

Dr WOODRUFF - You told a key stakeholder to not pass it on and consult.

CHAIR - Order, I am giving the -

Dr WOODRUFF - Chair, I just asked the minister a reasonable -

Mr JAENSCH - I need to be able to respond. All the information in the draft blueprint has been on the public record for a year. The commission of inquiry's report has been on the record since they handed it down. The Government's response to the commission of inquiry was handed down on Friday. Today, this week -

Dr WOODRUFF - This is your response.

Mr JAENSCH - The first opportunity -

Dr WOODRUFF - It's your 10-year reform.

PUBLIC

Mr JAENSCH - we have had to be able to bring those streams of information together so the youth justice blueprint is up to date and reflects all that other information which is on the public record. To ensure the blueprint, the response and the report are not in conflict with each other, consistent and the blueprint reflects all of where we've got to through this process.

There is nothing being hidden. We've been absolutely transparent. As a courtesy and as a quality assurance, we went back to 44 organisations who were most directly engaged in the last round of consultation and made submissions to show them what we're doing and to seek any further comment from them. We've taken that onboard and made some further small changes as a result of that. We have been absolutely open and -

Dr WOODRUFF - Just gave it to all of them one by one and told them not to talk to each other.

Mr JAENSCH - and we are absolutely committed to working with our social services sector on the delivery of this blueprint, because they have been fundamental to develop -

Dr WOODRUFF - Cut, split and divide, make sure no one talks to each other.

Mr JAENSCH - Well, you can assert what you like.

Dr WOODRUFF - That's what they said.

CHAIR - Order, I'm giving the call to Ms Haddad.

Ms HADDAD - You can see, minister, why the public is feeling like things aren't being shared as clearly as they should be.

I do have other lines of questioning specifically on Ashley and other issues in youth justice. Before I move to those, I want to return to the fact that no one in Government seems to be asking for that information about people who were identified in the commission of inquiry. I do understand the difference between misconduct notices and section 18 notices. I understand the purposes of section 34A notices. We don't need to go into a long-winded statement about the differences between those things.

So much of what the commission identified and so much of what's in the Government's response is on cultural change. It's around a deep-seated recognition that culture needs to change across every portfolio of Government that has interactions with children and young people. We need to be doing everything we can to make sure there aren't systemic issues still built into the system, that don't get reversed, that could lead to systemic abuse as the systems of government allowed for many generations, which is what has been uncovered in the commission of inquiry report.

I want to quote from Katrina Munting, who's known to this committee. I've checked with her that she's happy for me to do this. She made this statement on ABC Mornings this morning,

How can you expect massive cultural change across government when some of the people identified in the commission of inquiry are still sitting in positions in power, making big decisions informing this work?

PUBLIC

She noted the fact that the head of the State Service, Jenny Gale, said yesterday that it is highly likely there are still people across the State Service. My specific question is, as the Premier said in his statement in parliament where he confirmed the commission of inquiry did write to the state's lawyers in April 2023 advising of current and former state servants, who the commission of inquiry had intended to or was considering issuing misconduct notices to, he said the purpose of that information exchange, the commission providing the list to the state lawyers was to ensure that wellbeing supports were in place for state servants. That's fair enough.

Minister, were wellbeing supports provided for state servants in your department based on that information sharing from the commission of inquiry?

Mr JAENSCH - I'm happy to ask Mr Bullard if he would like to provide anything he can to that extent. You're referring to statements made by the Premier and that he and the head of the State Service had put in place as employer: I would stand by their actions, their statements and their answers to questions on these matters. If Mr Bullard has something to add as secretary of DECYP, I'd welcome him to do so.

Mr BULLARD - Yes, they were, and I think your line of questioning may be going to the fact that maybe that information hadn't been passed to agencies and it was passed to agencies at that time -

Ms HADDAD - In April?

Mr BULLARD - Yes, for wellbeing supports to be put in place. It did also trigger an assessment of actions necessary with regard to those individuals, recognising we didn't have a copy of the actual notice, so we couldn't actually make a determination at that time.

I can indicate that none of those individuals we received the names of to provide wellbeing support are in the workplace.

Ms HADDAD - Thank you. I just want to clarify that the commission of inquiry provided the information to state lawyers in April 2023. State lawyers then did provide that information to agencies to allow for those wellbeing supports.

Mr BULLARD - I can only speak about our agency. Yes, they did.

Ms HADDAD - Yes. Okay, but to your knowledge, minister, the head of the State Service doesn't have that information?

Mr JAENSCH - I would only be guided by the head of State Services' responses to those questions. I can't speak for them.

Ms HADDAD - Minister, I will move on to the statement you've made today, specifically the age of criminal responsibility. I welcome the Government's commitment to raising the age to 14; the Labor Party has supported that for some time. You've also talked about raising the age of detention to 16 and that is also welcome. The interim measure was to raise the age of detention to 14, which you did some time ago. Can you provide to this committee information about how many people below the age of 18 have been detained since you made the public statements about raising the age of detention to 14?

Mr JAENSCH - We made a policy commitment that it was our intention to raise the minimum age of detention to 14. We didn't set a hard time frame for that. We set it as a policy objective to drive a program of work around diversion and alternatives to detention, alternative sentencing options based on therapeutic principles and leading to better outcomes for young people and the communities they live in.

The commission of inquiry's recommendations add time frames and they also add years to the minimum age of detention, as well as the minimum age of criminal responsibility. We've adopted those recommendations in full and we will work with them. They have set a challenge to provide, within the time frames that have been indicated by the commission, the alternatives, the new solutions, the diversion, the different treatment options and therapeutic approaches.

This is an interesting policy space. We know that we have to adopt new ways of working from elsewhere that are better for young people and the communities than what we have now. Delivering changes through legislation to the minimum age are a powerful way of doing that. We are up to that challenge and believe that the community in general wants to see better outcomes.

Whilst there are differences of opinion around setting a new minimum age of criminal responsibility, nobody in the debate is happy with the state of youth offending and the increased complexity of those cases, or the capacity of our youth justice system to deal with the matters quickly now, particularly when it comes to recidivism and for young people moving on to further criminal behaviour as adults. That's what we want to turn around. That's what our blueprint is based on. That will be what we need to deliver to be able to bring the new minimum age recommendations into being.

Ms HADDAD - Thank you. That's encouraging work. I think it's very important that the Government is looking at the causes of crime, causes of offending. We have a youth justice system that is failing. The number of people who end up in the adult justice system show us that we are not turning it around.

I am happy for you to take this question on notice. In the last year, have any young people under the age of 18 been detained in custody in any other facility other than Ashley Youth Detention Centre? I would like a breakdown by facility, number, age and the length of detention. For example, I know that young people are still held in the watch houses in Launceston and Hobart where that's deemed necessary. That's one example.

Mr JAENSCH - I'd be happy that to take on notice. We can provide that information.

Mr BULLARD - I take it they were under 18 on the date of transfer?

Ms HADDAD - Yes. Ideally, how many 10 year olds, 11 year olds, 12 year olds, 13 year olds and so on have been detained, where they were detained, and for how long.

Mr BULLARD - Other than Ashley Youth Detention Centre.

Ms HADDAD - Yes.

Mr JAENSCH - Noting that this may be a matter where we need to seek advice from police and others outside of our jurisdiction.

PUBLIC

Ms HADDAD - I suppose the reason for the request for the data is that we welcomed the interim announcement about raising the age of detention to 14 but we're wondering whether that has worked. Have there been people who are under that age who have, nonetheless, been detained in that period?

I understand that it was a policy commitment and there's a lot of work to be done before you can find an alternative. That's what I'm trying to find out. Since that announcement was made to raise the age of detention, how many people under that age have been detained? It would be good to have the broader data about older and young people as well.

Mr JAENSCH - At Ashley?

Ms HADDAD - I was wondering about other places but everywhere would be great. Let's include Ashley in the data question. If that makes it easier to provide the data to the committee, that would be welcome.

Mr JAENSCH - It would be easiest there but there'll be others we would have to seek from other services. We can do that.

Ms HADDAD - I'll put that on notice.

Mr JAENSCH - We'll provide you what information we can in response to that question.

Ms HADDAD - I understand that when young people are held, for example, at the watch houses in the Magistrates Court in Launceston and in Hobart, they are held there under an MOU between youth justice and the Tasmanian Prison Service. There aren't youth justice workers routinely working in that adult setting. I imagine that information is routinely shared with your department - how many people they are holding there on your behalf under an MOU.

Mr JAENSCH - We'll seek the information. I don't have the authority to release it directly so we'll seek the information for you.

Ms HADDAD - Thank you.

Ms O'BYRNE - Can you update the committee on the times when we may have had young people absconding from Ashley in the last 12 months?

Mr JAENSCH - The amount of time they may have absconded for? The number of incidents?

Ms O'BYRNE - How many individuals have absconded and the amount of time that they are out of Ashley before they're returned? Or you can even do the last two weeks if that's easier. The last 12 months might be simpler or I'll take from you what's the easiest to obtain.

Mr JAENSCH - I'm happy to take that request and provide information. I'll take that on notice.

Dr WOODRUFF - Minister, you wanted some questions specifically about the commission of inquiry's report. I note that former premier, Peter Gutwein, originally promised

PUBLIC

to close Ashley Youth Detention Centre by the end of 2024. Minister, you are one of the very few ministers who was mentioned by name in the commission of inquiry's report. They said:

The Tasmanian Government has previously announced its intention to close Ashley Youth Detention Centre by the end of 2024. On 31 July 2023, minister Jaensch cast doubt on this closure. We are gravely concerned by any suggestion of further delay. The Government must close Ashley Youth Detention Centre as soon as possible.

We've heard many weasel words, I think, people might use for your stated decisions about why you are further kicking the can down the road on closing Ashley. Can you admit to the committee today that your decision to delay the closure of Ashley past 2024 is a direct contradiction to the wishes of the commission of inquiry?

Mr JAENSCH - We accept recommendation 12.1, its content and its time frame, unconditionally. We will close Ashley and have a better purpose-built detention facility as part of a reformed youth justice system in place to receive those who courts have sentenced to detention by mid-2026, as indicated by the commission.

In relation to the previous announcement from the Government regarding a time frame given in September 2021 by premier Gutwein at the time that Ashley would close within a period and would be replaced by two smaller facilities, one in the north and one in the south, that was the package he announced. He gave a time frame and made a budget commitment towards giving that effect.

Subsequently, when I was made minister responsible for Youth Justice, again I brought forward a model which the advice I had said would deliver a better outcome than two smaller Ashleys, one in the north and one in the south. We brought to parliament alongside the draft blueprint a draft facilities model which indicated one smaller, more specialised therapeutic facility in the south, supported by a range of services and facilities around the state, providing assisted bail and supported accommodation for young people who we could either divert from a period of detention or support as they departed detention and re-entered the community.

That was based on the themes arising through the blueprint for a therapeutic approach and aimed to have as few as possible young people in detention in our youth justice system and more receiving support to not being in detention and to not return to criminal behaviour in the future. That model was different, it was more sophisticated, it was better and it will be more expensive than the one that premier Gutwein announced with a time frame in September 2021. That model has been well received and is the one we are progressing with. It is the reason why I made the statement that the commission of inquiry referred to that the time frame for delivering it might be different from the one that premier Gutwein had announced. I have been very open about that. Similarly, we have been very open about our commitment to the time frame indicated by the commission of inquiry and we're committed to delivering that.

Dr WOODRUFF - I want to correct you on the time frame of the commission of inquiry. At the writing of the commission of inquiry report, on 13 July 2023, at the very final stages they were wrapping up, they were of the understanding at that point that your Government was still progressing towards a 2024 timeline, so your announcement filled them with enormous concern and it was precisely because you were indicating at that point that you were going to delay action.

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When they made their recommendation of 2026, it was on the assumption that you would be moving rapidly, and they called for you to move rapidly, to urgently get children out of Ashley. The community is struggling to trust anything you say on Ashley because you are twisting the words not of the commission itself and suggesting that their extensive work and all of the 17 reviews and reports that had been done beforehand into appropriate therapeutic solutions, that somehow you've got a better idea and you know best. Can you see how the community is struggling to trust you as the minister responsible for this portfolio?

Mr JAENSCH - Our job is to come up with the best outcomes for young people and the community. The model we are working with now has been broadly supported: it was supported in the blueprint and was supported by the commission. The announcement and the date they are referring to, and that you have referred to again, was for a different model which wasn't a therapeutic model of care necessarily. It didn't have -

Dr WOODRUFF - It absolutely was. That is gaslighting the commission to say that.

Mr JAENSCH - Well, you can put whatever complexion to that you want, Dr Woodruff. I'm confident that what we've brought forward is a superior approach that will result in fewer young people experiencing the trauma of detention, particularly those who under different circumstances if there were other settings and services available would not be in detention.

We need to ensure that what we produce is something that the courts are prepared to use in their consideration of individual cases. We've got work to do. I'm confident that we're on the right track and that we can deliver a nation-leading response for youth justice, which is better than we would have had with what was originally announced as the alternative to Ashley at the time its closure was announced.

We will meet the time frames that the commission has laid out and it will be enabled by many of the other things the blueprint contains and that the commission recommends regarding diversion and therapeutic care and treatment of young people.

Dr WOODRUFF - I want to talk about the fact that your Government has repeatedly cited jobs in Deloraine as a key reason for why you wouldn't close Ashley.

Mr JAENSCH - We've announced that we're closing Ashley.

Dr WOODRUFF - A predecessor of yours, Jacquie Petrusma - who I note is now the commission of inquiry advisor to the Premier - said ahead of the 2018 state election that the decision of your Government to keep Ashley open was:

In making this decision, we sought to balance the needs of youth offenders with the importance of the Ashley Youth Detention facility and its 60 jobs in the Deloraine community.

We recognise that former premier Peter Gutwein broke with the long-term position of the Liberal Party to keep Ashley open but unfortunately it seems since his departure that commitment and that political courage has evaporated. Is the real reason the Government is again delaying closing Ashley as soon as possible for political considerations instead of the safety of children?

Mr JAENSCH - No, I reject that.

Dr WOODRUFF - Are you dragging your feet because you don't want to make a pre-election announcement about closing Ashley because it would damage your chances? Are you actually putting political considerations ahead of the safety of children? That's what it looks like?

Mr JAENSCH - I'll leave the political theatre of this to you. You seem to enjoy it. I find it offensive, Dr Woodruff.

Dr WOODRUFF - Liberal politicians have mentioned jobs in Deloraine as a reason not to close Ashley multiple times.

Mr JAENSCH - I find it offensive that you characterise me in that regard.

Dr WOODRUFF - Do you call out other members of your party who have put the jobs at Deloraine anywhere in the scope of reasons of why Ashley Youth Detention Centre should be open? Do you call that out and condemn that?

Mr JAENSCH - I am absolutely committed to doing the best by young people who find themselves in conflict with the law, to prevent their criminal behaviour where possible, to keep themselves and the community safe, to prevent them from entering our youth justice system, and if they do, to prevent them being detained, which has a traumatising effect in itself, regardless of how well it is done.

For those who end up being in detention and sentenced by the courts, we owe them the opportunity to stabilise their wellbeing, to be able to understand the factors that have contributed to their criminal behaviour, to support them to manage those issues for themselves, and also to enable them to return to the community as safe and productive members with opportunities in their lives. That's what I'm for.

That's why, Dr Woodruff, I'm absolutely committed to the principles of our blueprint and the model of care that we're developing, and the facilities model that will enable that in our youth justice system.

Dr WOODRUFF - What would you describe as the key risks for children who are detained in Ashley today?

Mr JAENSCH - What would I describe as the key risks for the young people in Ashley today? These are children who have vulnerabilities and risks in themselves and of themselves because of their life experiences, the trauma in their lives, and the circumstances that engaged them in criminal behaviour in the first place. They're also in a detention environment, which the literature tells us the experience of detention in itself can be traumatising for them. Sometimes, they are in an environment with other young people who has similarly complex behaviours and experiences.

All of those things add risk, but where our police and court services have determined that detention is the best and safest option for them for their wellbeing and also for the community's safety, we have to have somewhere that can receive them and can provide the care and support they need. What we need to do more of is to ensure that isn't just a holding place, but that it is

a therapeutic place where we work with those young people to assist them to manage and control their behaviour, to continue to receive education, to continue to engage in pro-social activities, to understand the consequences of their behaviour on others, to understand the factors that have led to their criminal behaviour, and to get in control of those, and to support them through and beyond their period in detention in our youth justice system, to return to the community with supports in place and through care and not just dropped back into the environments that led to them offending in the first place.

Dr WOODRUFF - Do you agree with the commission's finding there is a live and present risk of child sexual abuse of children in Ashley today?

Mr JAENSCH - I am not going to contest anything the commission has recorded in its findings or its recommendations. What I can speak to is, where risks are identified we have responded to them and will continue to ensure that Ashley Youth Detention Centre and other detention settings used from time to time are as safe as we can make them for young people, so they are safe.

Dr WOODRUFF - Why can't you make them properly safe? What do you mean by 'as safe as we can make them'? What is this -

Mr JAENSCH - Because you ask this all the time. It is a little bit of a trap. The day I say that children are safe in Ashley, I am somehow indicating we don't need to do anymore work on that. I refuse to put myself in that position. That is why we have committed to all the recommendations in the commission of inquiry's report, all the directions in our youth justice blueprint, and we will continue to work and invest to respond to every identified and any identified risk that exists for young people in our youth justice system.

I don't want you to keep trying to catch me out in this political way. When we talk about road trauma and when we talk about deaths on our roads, for example, there is no acceptable target other than zero. We need to keep doing everything we can to ensure safety in every setting where we have children where any of us exist.

We need to continually identify and respond to known risks and threats to the safety and wellbeing of young people and put measures in place to deal with them. This is what we have done in the existing Ashley Youth Detention Centre and what we will continue to do in every setting where we have young people in detention or in our youth and we will never ever stop looking for and dealing with potential risks to the wellbeing and safety of young people.

Dr WOODRUFF - Why do you keep referring to them as 'children with criminal behaviour' when 12 of the 15 there at the moment are only on remand? There has been no conviction for the majority of children who are there. You keep calling them criminals.

Mr JAENSCH - I don't believe -

Dr WOODRUFF - You say, 'children with criminal behaviour'. That is how you refer to them. The majority of those children have not been convicted of a crime; 12 out of 15 should be somewhere else if not - the whole lot should be somewhere else but there is no excuse.

Mr JAENSCH - At this stage the chain of events that led them to be in detention and the decision for them to be detained. Those decisions are made by courts. Our challenge in

reform of our youth justice system is to give the courts more options when it comes to unsentenced young people and to reach upstream from that to before the offending behaviour takes place in early intervention and diversion, working with police and with the community sector, local governments and others, health, education to ensure we are identifying the pre-conditions for offending behaviour earlier and wrapping services and supports around young people so they don't get to that point.

Dr WOODRUFF - I hope you stop referring to them as criminals, because they are not.

Ms HADDAD - On the same line of questioning, minister, how many young people are in Ashley today, how many of them are on remand, and how many of them are sentenced?

Mr JAENSCH - I am advised we have 14 young people in Ashley as of today, 11 of whom are remandees and three sentenced.

Ms HADDAD - Thank you for that updated figure. It oscillates a little, but the balance is always pretty much as you have described, which is the majority of young people who spend time in Ashley are there on remand, they are not sentenced yet.

Mr JAENSCH - At least initially.

Ms HADDAD - That is right.

Dr WOODRUFF - The majority all the time there are on remand.

Ms HADDAD - I have heard you and some of your colleagues keep putting this back on the courts and saying it is the courts that decided to put that young person in Ashley. Part of the problem, minister, is that they have no alternatives. I respect and appreciate that you are talking about opportunities in your blueprint, but there are organisations now that are ready to work with remandees. One of the main reasons the courts don't have an alternative now is sometimes it is not safe for that young person to be returned to their family and so on. There isn't an alternative.

I am not talking about building new bricks and mortar. I am talking about existing community organisations that work with young people who are on remand and are willing, ready and able to continue to do that work right now. I acknowledge the large task ahead of you about addressing offending behaviour, finding alternative sentencing options for courts. I am on board with that in the adult justice system as well as the youth justice system, but right now there is a way for you to make sure only sentenced young people end up in Ashley and that young people who need to be remanded at the court's decision have other options right now.

You have plans for other locations and building new facilities but there are organisations right now that could have those young people in their care when they are on remand and would be providing the therapeutic supports they already provide to young people at risk, who are not yet in the youth justice system. Do you get where I am going here?

Mr JAENSCH - Yes, absolutely.

Ms HADDAD - Why are you not doing that work now with those community organisations already working with your Government and have the capacity to take another 11 remandees? They do; they have told me that they could do that tomorrow. They could probably do it tonight if you picked up the phone to them. Why are you not doing that work now while also progressing the bigger systemic stuff that needs to happen?

Mr JAENSCH - That process is under way. From our side, it is commencing with an intensive case management approach regarding the young people we have in detention at the moment. We need to be able to assess their care needs in quite some detail and also what our obligations are regarding their security and supervision, behaviour management where required, and the other obligations we have to young people in that remand space, noting that courts will have determined some minimum requirements which is why they are not in the community.

There needs to be a level of specialisation of preceding environment and management of them, including their risks of exceeding their bail conditions and in that way, escalating their offending beyond thresholds, which is quite an important consideration.

Where we're starting is with that individual assessment of the cases that we have to identify young people for whom there may be in the community service provision that could meet their needs and all the other things that we expect of them, beyond what they might have for, say, a special care package or some other form of existing contract of care that's out there. That includes the set-up of their facilities, their ability to have suitably trained staff on appropriate rosters, and ratios for safety and care of young people, and for some of those cases where their period on remand might be an extended one, what access those young people will have to things like therapeutic services, education, social opportunities and other things that are required within our environment at Ashley.

In my discussions with the Commissioner for Children and Young People at a recent meeting we had at TasCOSS we talked about these matters and the need to be responsive to the needs of individual children and young people, so we're undertaking that intensive case management approach.

The other piece of work that is needed is to have a better understanding - and I have discussed this with TasCOSS - around the capacity of the sector to meet not just one but maybe several different care types or placements. In the new facilities model that we've talked about publicly, we've talked about assisted bail and supported accommodation facilities to complement the new, smaller therapeutic youth justice facility that we've committed to.

I'm not committed to all those four other facilities being necessarily new buildings that the Government sets up and runs. Where we have service providers that we can match with assessed needs of young people and have the confidence of the courts to either direct them or transfer them from detention, we'll use those and test them. Where we need to potentially upskill or invest in the capacity of those services, we'll do that as well. Where there are gaps, we may need to consider new provision by the Government. The advantage we have is that we're talking at any point in time about a small number of young people with very individual needs and backgrounds.

The risk is that we also have thin markets in Tasmania for these very specialised services and we know in our out-of-home care services that, from time to time when it comes to the

more complex cases, we don't always have the capacity in the market in Tasmania to provide places when we need them. So we have to invest in that change, but that's the process we're undertaking. The aim of that is that by the time we are able to turn Ashley off and migrate into new and better more purpose-built facilities, we'll be doing it in a different context, with a smaller number of people, driven in part by these diversions and in part also by enacting the minimum age bars and the policy responses that are generated by that as well.

Ms HADDAD - Thank you for that detail. Is intensive case management and everything you've just described part of the long-term blueprint, or is that work that you're doing now, that individual needs assessment? There are organisations that right now have young people who are on remand, who have gone from the courts to Ashley and to their organisation. Are you doing something right now to find a way for those 11 people who are on remand now to be instead in the community services sector where that's appropriate for that young person?

Mr JAENSCH - Where that's appropriate, yes.

Ms HADDAD - Or is this all part of the long-term change that you're expecting?

Mr JAENSCH - It's both. It's happening now and its part of the long-term change.

Ms HADDAD - Thank you. Another of the recommendations in the commission's findings was around the health and mental health needs of young people in detention, those who are sentenced and on remand. They recommended that young people should have a mental and physical health assessment on admission to Ashley and also when they are needed in detention and that they should have access to medical care 24/7. At the moment, do young people at Ashley have access to GPs, psychologists, clinical consultants and other medical and allied health professionals on site at any time, or are those facilities only available by video link?

Mr JAENSCH - There is a full-time medical service on site.

Ms O'BYRNE - Not 24 hours, though.

Mr JAENSCH - I believe so, 24/7 medical care through a nurse available 10 hours per day and on call for the remaining 14 hours to bring into the site. General practice clinics are held weekly at Ashley. Children and young people in detention have access to a psychiatrist on a one-day per month visiting roster but I would expect by referral at other times as well in terms of their case management - and sometimes via telehealth as well.

Under the proposed new youth justice model, Correctional Primary Health Services will seek to expand their existing model to provide in-reach services to the new facilities. This will see expansion of the current workforce to provide extra capacity to do that and to support them.

One of the drivers for the detention component of our new youth justice model being based closer to the major population centre - and within 30 minutes was our criterion for doing that - is that we can have more direct access to a greater range of services more often visiting the site without having to either accommodate them full-time in a remote location or have them on a sparse visiting sort of schedule or solely by telehealth for the majority of their provision. A wider variety of services should be able to be face to face. I'll ask the secretary or Ms Burgess if they'd like to add to actions underway to build our capacity.

Ms BURGESS - Thank you, minister. Prior to the release of the commission of inquiry report, we were very aware of the facts that we also needed to strengthen the healthcare supports for children and young people at Ashley. As part of that model about the here and now, we've strengthened the clinical services support element to work with the professional staff already sitting in Ashley. At the moment, we have two additional roles out for recruitment and they go to both case management and clinical services. That clinical services role will work within the mental and physical health assessment space as well, particularly to ensure that those young people on admission get the thorough assessment they need prior to their plan being worked out.

Ms O'BYRNE - Do you screen for child sexual abuse when children come in? If so, and something is identified, what's the pathway for that? When children come in, in terms of your broader health assessment of them, do you screen for child sexual abuse or a history of child sexual abuse?

Ms BURGESS - That would be undertaken at the moment by the nurse.

Ms O'BYRNE - So they do do that?

Ms BURGESS - I'm not aware of the process the nurses employed by the Department of Health would take.

Ms O'BYRNE - Minister, can we put that on notice as to whether that occurs? If so, given this is fundamentally part of the challenge we're dealing with, what the appropriate response would be in terms of what service providers had access to support that? Are you comfortable with that?

Mr JAENSCH - Yes, my recollection of advice is that there is a physical and mental health preliminary screening. I don't know if it would be characterised as screening for sexual abuse.

Ms O'BYRNE - This is a reasonably specific piece of work.

Mr JAENSCH - It may be for identification of trauma as a factor and then appropriate referral.

Ms O'BYRNE - Do you mind if I put on notice and if you are able to answer it because that is part of the systemic challenges?

Mr JAENSCH - Yes, what are the matters covered in that initial screening?

Ms O'BYRNE - Particularly if it does include child sexual abuse. And if so, given we are talking about abuse of children and our response to it, what we then put in place to provide support for those children and young people in Ashley.

Mr JAENSCH - I am happy to take that on notice. I note also the Premier's announcement yesterday regarding additional resources for SASS and related services, Laurel House included specifically under the provision of services for young people in the Ashley Youth Detention Centre.

Ms O'BYRNE - They provide - they did approach you for funding. I don't think it has been funded yet, has it?

Mr JAENSCH - There was an announcement made yesterday.

Dr WOODRUFF - Minister, you released the Youth Justice Blueprint today. You only released it just before the committee sat so I have not had time to look at it. From my brief overview it is a very high-level principles document. Most importantly, it does not have any information about the action plan other than page 38 saying it is being developed and it is going to guide the important reform through the next few years, and there will be targeted consultation with stakeholders.

I have heard from the sector already that they are extremely concerned that the action plan has not accompanied the blueprint which makes it a statement essentially of motherhood principles. Important as they are, they mean nothing unless there are actual dates. What are you going to do to involve the sector in consultation? What is your time frame for releasing the action? What is the process between now and when the action plan will be released?

Mr JAENSCH - The blueprint is for a 10-year period. It is necessarily high-level as a guiding document for a broad range of action policy legislation and service delivery across government over 10 years. It was always introduced as a document that would be supported by two-year action plans. The detail being sought regarding specific actions and time frames and funding is a matter that will be included in the action plan not in the blueprint itself.

Dr WOODRUFF - Obviously, it is not in the blueprint, I can see that. There is no detail in there at all.

Mr JAENSCH - Correct. I am glad you've had a chance to look at it because it has been - the content of the blueprint has been -

Dr WOODRUFF - That is a disrespectful comment when you could have provided it to this committee last Friday. That is an absolutely disrespectful -

CHAIR - Order.

Mr JAENSCH - It has been on the website for a year.

Dr WOODRUFF - As a draft.

Mr JAENSCH - Yes, and the content has been updated with the response to the commission of inquiry, which you have also had access to.

Dr WOODRUFF - What changes did you make to it last night, by the way? What was the rush to make changes last night? What actually happened last night? Were they substantive changes? What was actually happening last night that made it so important?

Mr JAENSCH - Some of the particular changes that we made last night, or yesterday -

Dr WOODRUFF - You said last night previously.

PUBLIC

Mr JAENSCH - The particular changes were to give prominence to the matters in the commission of inquiry's recommendations and the Government's response regarding the minimum age of criminal responsibility.

Dr WOODRUFF - Why didn't you do that and hand that to us on Friday? What took you so long that you could not have done that while you were preparing your report response? I do not understand.

Mr JAENSCH - I am happy for you to be incredulous at me for a bit longer on that but what I want to do is make sure there is an answer on the record regarding the action plan. The first action plan will be prepared over the next few months so that it can be informed by and inform our budget process -

Dr WOODRUFF - Who will work on that with you?

CHAIR - Order.

Mr JAENSCH - and also the development of the Government's child sexual abuse strategy, which will be operating in parallel. This is a subset of activity which will also be appearing in the whole-of-government response to child sexual abuse as well.

In the process we will have a community consultative committee involving TasCOSS and a range of other contributors, many of whom have been involved with earlier stages of development of the blueprint itself.

Dr WOODRUFF - Can you name those other bodies and individuals, please?

CHAIR - Order.

Dr WOODRUFF - Or could we take it on notice? Table it?

Mr JAENSCH - I haven't got a final list of the contributors who will be the members of the community consultative committee as yet. We have a list of stakeholder organisations, for example, who we distributed the final draft to for their feedback before putting the final touches to it. There were 44 organisations on that list as I understand it. I am happy to make that list available to you.

CHAIR - The time being past 1.00 p.m. we will now be breaking and resuming this session at 2.00 p.m.

The committee suspended from 1.06 p.m. to 2.00 p.m.

Dr WOODRUFF - Minister, we were talking about the action plan for the blueprint and I was asking you questions about which community organisations will be on the community consultation group, I think you're calling it. You said a draft of the final action plan will be released in a couple of months.

Yesterday morning, the Premier made it clear that he thought it was important to have a community working group on this issue. You put out a media release saying that you would be convening one. Which organisations will be on that group?

PUBLIC

Mr JAENSCH - To my understanding, the membership hasn't been finalised yet but it may be that Ms Burgess has an update on the process on the steps we will go through.

Ms BURGESS - Thank you, minister. We are currently just drafting the terms of reference for that. As part of that process, we will make some recommendations to the minister around both the process for getting people onto the community consultation group, as well as the peak organisations that we may want representation from, noting that it is one of a series of groups that we will have in place to inform the reform aspects of the work going forward.

We're also very keen, as you would appreciate, to consult with children and young people, the Aboriginal community, as well as technical experts in the space in any developments that we do going forward. We will want to make sure that we are consulting youth justice experts as part of the process.

Dr WOODRUFF - Through you, minister, Ms Burgess, I note that there was a coalition of justice and social service organisations that called for engagement on this matter. They included TasCOSS, the Tasmania Aboriginal Centre, the Justice Reform Initiative, the TASOPCAT Network, Australian Lawyers Alliance, community legal centres, Prisoners Legal Service, the Tasmanian Institute of Law Enforcement Studies and Colony47. All those bodies have been actively working and advocating in the area of youth justice. I would have thought it would be very important for organisations to be involved in a group like that. In the spirit of the commission of inquiry, the community expects there to be deep and meaningful engagement in the form of a consultation group on the blueprint action plan. Is that your intention, minister?

Mr JAENSCH - We want to hear from everyone who has an interest and something to say and something to offer. I would expect that, as well as having a larger mailing list of a community of interest around these matters, there's a specific community consultation group that might assist us with refinement of our plans.

There's an expert group that has been referred to as providing some direct advice in areas of their specialisation. I also expect that we will have subsets of that longer list of interested stakeholders whom we will engage on in specific matters, particularly things like the provision of alternatives to detention.

There are a relatively smaller group of people who have experience and capabilities in these areas that we'll need to speak to about in depth. There will also be engagement with Aboriginal people and organisations and, as Ms Burgess said, critically, the way we engage children and young people themselves directly.

Dr WOODRUFF - Can I just clarify? From some of the language, it sounds as though you're going to have targeted consultations and conversations with stakeholders. I think the point that the justice and social service sector is that they don't want to be split up on this. They want to be engaged and consulted with together and not have things broken up into little bits and pieces. It would not be in the spirit of the commission of inquiry or in accountability unless all those organisations that are doing this work are able to have a voice at the table together on the drafting of the key part of the two-year action plan for the blueprint. Could you please tell me when you will be announcing who those organisations will be? You said you want it to be done within two months.

Mr JAENSCH - No, I did not.

Dr WOODRUFF - Didn't you? Okay.

Mr JAENSCH - No. I expect it will have the action plan. We will need to provide inputs from that into the budget process. Post-budget is when I expect it will have finalisation of the plan so that it can be announced with resources to go with it -

Dr WOODRUFF - That is a long way into a two-year blueprint.

Mr JAENSCH - May I finish?

Dr WOODRUFF - You're talking about eight months, almost another year away from now.

CHAIR - Order, Dr Woodruff, please let the minister finish.

Mr JAENSCH - As you referred to earlier, there are stakeholders with a great interest in ensuring that blueprint turns into an action plan with actions in it that are resourced and funded. The resourcing and funding will come from the budget process and we will need to create a proposal to take into the budget process. That needs to be informed by the blueprint and the first stages of developing the action plan. We want to have engagement with as many people as possible who are interested, who can help us get the action plan right.

It is important that whilst we will have stages of the development of the action plan that we put out as a draft and ask for everyone to comment on, we might also choose to work with people with specialised interests and skills on elements of that plan that directly relate to them, their sector, their community and their locality, around developing elements of the action plan.

I would like to reserve the right to talk to people who have something to offer in the context of also giving everybody a chance to see and have input.

Dr WOODRUFF - It is not an either/or, it is a both together.

Mr JAENSCH - Yes, we must have both, exactly.

Dr WOODRUFF - Yes, and we want to make sure that you put them all together as well as have individualised ones.

Ms HADDAD - Minister, I would like to return to some questions about Ashley, specifically around staffing. You have probably already provided this to parliament at some point but can you confirm how many people have been stood down from Ashley as a result of allegations of sexual abuse?

Mr JAENSCH - This is one of those areas where I have been advised that we should not be breaking down the numbers of people who have been stood down pending investigations for particular matters by workplace, simply because it becomes very easy to then identify the people involved, particularly for a very small, specialised workforce like that at Ashley.

PUBLIC

Ms HADDAD - If you cannot provide that detail, can you confirm whether any staff have been terminated from Ashley as a result of allegations of sexual abuse?

Mr JAENSCH - I ask if the secretary is able to make comment, but only if he is able.

Mr BULLARD - In terms of the commission of inquiry or in terms of ever?

Ms HADDAD - I suppose, ideally, we would like to know both those pieces of information. If it is easier to provide it in relation to today's scrutiny committee around the work of the commission, then at a minimum, it would be good for me to have that information.

Mr BULLARD - I do not have that information. I do note however that disclosure has now been published by the Government and that does have that information regarding allegations that have come about as a result of the commission of inquiry report and that does note on a whole-of-service basis, where there has been a breach and a sanction determined in relation to child sexual abuse. The whole-of-government number is two.

Ms HADDAD - That the whole-of-government number -

Mr BULLARD - That is a breach of the code found in relation. It does not say what the sanction was that was imposed.

Ms HADDAD - So a breach of the State Service Code of Conduct?

Mr BULLARD - I will read it out so that I am not twisting it. It says:

Breach of code of conduct found in relation to child sexual abuse and sanction determined number is 2.

Ms HADDAD - What we don't know is how many people have been stood down then or terminated for fear of identifying them. Can you give information about whether people across Youth Justice have resigned before an internal investigation has been able to be completed?

Mr BULLARD - In relation to the commission of inquiry report, I don't have that information. What I can say in relation to our processes is that if we become aware of a matter of concern, something that we need to look into and that employee is still in our employ, our process is that we will continue to undertake that investigation, recognising that whilst we can undertake an ED5, we actually can't impose a sanction because we can only impose a sanction on an employee.

That said, we do write to the employee if we believe that the sanction of termination was going to apply and say that we will complete that ED5 if that person seeks redeployment in the State Service.

As well as that, obviously we go to RWVP, the TRB and Tas Police on all matters. Regardless of whether we determine that there is enough evidence for us to undertake an employment investigation, we report all matters. We also report matters to the Integrity Commission, and we provide our outcomes in relation to all those matters because we

understand the Integrity Commission plays an important role in scrutinising the approach that we've taken and it's in accordance with expectation.

Mr JAENSCH - It is important for the record to reiterate that if an allegation is raised and triggers this process the employee is removed from the workplace.

Mr BULLARD - That's right.

Mr JAENSCH - So anyone who has had allegations raised is stood down and the relevant regulators, Tasmania Police, Working with Vulnerable People, et cetera, manage the investigations undertaken and those people are not able to return to the workplace with those matters unresolved.

Ms HADDAD - For this one you might send me to the Minister for Justice. It relates to an Ashley employee who is referred to in the commission of inquiry report under the pseudonym 'Stan'. The evidence provided to the commission was that he'd had multiple allegations of child sexual abuse, including rape, made against him, which had been reported to police. They also noted that as of 11 August 2023, 'Stan' continued to hold a registration to work with vulnerable people card. Do you know whether that person still holds a working with vulnerable people registration card?

Mr JAENSCH - I think you're right that it's a matter for the Attorney-General. I would be surprised that we would be commenting on any individual unidentified or identified cases in those details. The working with vulnerable people process is separate from our agency responsibilities.

Ms HADDAD - From what you've said it sounds like information is provided with the working with vulnerable people registration division of Justice, regardless of whether there's police allegations, but if someone is found to have breached the State Service Code of Conduct, or undergone some other form of disciplinary action, then that information is shared with the working with vulnerable people unit?

Mr BULLARD - It's actually at the beginning. As soon as we become aware of an allegation we don't make a judgment as to whether that might constitute criminal conduct or a breach of the Teacher Registration Act, or may be a matter of concern that the RWVP may want to know about. What we do is report that allegation to each of them.

Ms HADDAD - The allegation and the fact that there may or may not be an internal investigation inside your agency?

Mr BULLARD - We will go back at the end to tell those entities what we've done and, to the extent that we are able to, we will share that information. In our normal course we will provide a copy of the determination to the Integrity Commission. We will provide as much information as we currently can to the Teachers Registration Board and we will close that matter out with RWVP. So, there's a beginning process and then at the end we'll say this is what we found, because we know one of the things that was clear was that issue of information sharing so our view is, so far as we are permitted under the PIP Act, we will provide information on those matters.

PUBLIC

Dr WOODRUFF - Minister, I have some questions about employment that maybe you could take on notice if you think they can be answered. How many people employed in Youth Justice have had their roles terminated due to issues related to child sexual abuse since October 2020?

Mr JAENSCH - My answer would be the same as previously. I'm advised that we should not be sharing numbers broken down to a service. I understand that some of the routine disclosures that have been put forward offer numbers at agency level.

Dr WOODRUFF - Yes, that's what I'm asking for.

Mr JAENSCH - That would be the whole of the Department for Education, Children and Young People?

Dr WOODRUFF - The Youth Justice area. That's not a service.

Mr JAENSCH - No, it's a specific area within that. The numbers that are offered up through routine disclosure proactively are by agency. Is that correct, secretary?

Dr WOODRUFF - How many people are employed in the Youth Justice area within DECYP?

Mr JAENSCH - We can get that number for you. It may be possible to have that at the table.

Dr WOODRUFF - It's hard to imagine how providing the numbers of people who have been terminated is in any way revealing of information.

Mr JAENSCH - We've been through this before and we've had clear advice that -

Dr WOODRUFF - This is specific and understandably different from what Ms Haddad's been asking. It's a much higher order group of people and, don't forget, it's in the public interest to have this information. People must have confidence that actions have been taken, or at least have a sense that work is being undertaken at the moment.

Mr JAENSCH - That's what the proactive disclosure reporting is for, to show by agency annually. Mr Bullard can update us on that.

Mr BULLARD - I think there are two things running. There is an annual disclosure that is made by the State Service Management Office around terminations but there is also routine disclosure around matters pertaining to suspensions, et cetera, around child sexual abuse, and that is made once a quarter, I believe.

Dr WOODRUFF - It's a whole-of-State Service thing.

Mr JAENSCH - There is a range of things there that in the public interest people can see evidence of the numbers of public servants, including by agency for some of these breakdowns, on a regular basis that can give confidence that cases are being acted on, there are investigations and consequences as well to satisfy or to respond to that interest. That is why this information is being put forward.

PUBLIC

The other thing that we need to maintain, and we have been advised on, is that the release of information by site or work group or profession can sometimes lead to there being very small numbers of cases in a relatively small number of employees, which in Tasmania can very easily lead people to draw conclusions about a person's employment status and the reasons for it.

Dr WOODRUFF - Just a simple no will do, minister, because we don't have long to continue asking you questions.

CHAIR - Order.

Mr JAENSCH - For the protection of people from those consequences but also to protect the integrity of investigations, we're advised that we shouldn't be breaking it down.

Dr WOODRUFF - Is the pseudonym of 'Stan', who Ms Haddad referred to earlier, a person who does not have a name in the report but has had serious allegations of multiple rapes by an employee, still in the employment of the Department of Justice?

Mr JAENSCH - Again, I don't believe we are in a position to speak on individual cases without -

Dr WOODRUFF - Is he undergoing an ED5?

Mr JAENSCH - Without an identity or even with one.

Dr WOODRUFF - What do you say to victims/survivors who want to know whether that person is still under the pay of the Tasmanian Government?

CHAIR - Order.

Mr BULLARD - I think the minister's being clear in terms of our process. Where there are allegations of child sexual abuse, then that person is asked to stay away from the workplace pending an assessment of the information. If that information provides us with a basis to move to an investigation under an ED5, they are suspended under ED4 and will remain suspended until such time as the determinations made and -

Dr WOODRUFF - How many ED5 investigations have been undertaken of department of youth justice employees since October 2020? I just want a number; you wouldn't be able to identify these people.

CHAIR - Dr Woodruff.

Mr BULLARD - Again, the minister has said that it has been agreed because of identifying individuals as being reported on a whole-of-service basis. I might have said agency basis, it is whole-of-service. In terms of the routine disclosure since October 2020, the Department of Premier and Cabinet has been disclosing the number of state servants suspended for child sexual abuse, because it was recognised that the public would want to know that staff had been stood down under ED4. It changes regularly, but it is at currently 74.

Dr WOODRUFF - Yes, I know those numbers, thank you, Mr Bullard.

CHAIR - Order.

Mr BULLARD - Then on 30 September, the head of the State Service published the annual disclosure, which was broken down by department for state service who'd been suspended for 2023. There have been 30 suspensions for allegations of child sexual abuse in total and 25 of those suspended due to allegations of child sexual abuse in the department of Children and Young People.

Dr WOODRUFF - Thank you, I have those numbers.

Mr BULLARD - Today, so we are clear, the Department of Premier and Cabinet has published a third routine disclosure on the assessment and actions by relevant heads of agency of current and former State Service employees referred to in the final commission of inquiry report. This includes a separate disclosure by the commissioner for police for current and former officers employed under the Police Service Act.

Dr WOODRUFF - Chair, if you wouldn't mind, we've 15 minutes left. I'd like clarification on this. Where the committee does no longer need the information that has been provided, it is our right to move on to the next question. It could otherwise be seen as taking up unnecessary time when we have very few questions left.

CHAIR - Thank you, Dr Woodruff. I encourage the answer to conclude.

Mr JAENSCH - I have an answer to a question you raised earlier. The number of employees employed in youth justice is 98 FTE or head count 98.

Dr WOODRUFF - How many children in youth detention are Aboriginal Tasmanians at the moment? What is the average number over the past year?

Mr JAENSCH - That may be able to be brought to the table.

Ms BURGESS - I'm unclear on the average number, minister, but today there are four.

Dr WOODRUFF - Across the year if you took all the number of children who have been in Ashley -

Ms BURGESS - We can get that number for you.

Dr WOODRUFF - Could I take that on notice, please? Thank you.

Ms HADDAD - Minister, I understand you've said you are hesitant to release numbers in case it identifies people in this small community. I get that, but some of this is already named in the commission of inquiry report.

In 4.1.1, the commission noted of the 23 suspensions reported by the former department of communities now Department for Education, Children and Young People, 10 occurred since or just before the announcement of the inquiry in November 2020, and 19 suspensions related to employees who were staff at Ashley Youth Detention Centre.

PUBLIC

Then they note in chapter 11 they may consider the department's response to allegations of child sexual abuse made against the staff at Ashley. In that case study, they describe instances where employees remained on site despite the department being aware of allegations through redress claims, through civil litigation and other complaints.

How confident are you, minister, that isn't still the case now at Ashley? They have named those numbers of stand downs and noted when there were previous processes like abusing state care, the redress civil litigation and other complaints that people still remained there on-site. How confident are you that's no longer the case?

Mr JAENSCH - Thank you, Ms Haddad. As we've laid out, the practice we've had is if there is an allegation against a member of staff, they're immediately stood down and removed from the workplace. Relevant regulators, and that will depend on what their role is, teachers, registration board working with vulnerable people, others, are advised so they can run their own process and provided with the information we have available to us.

In all cases, where there is an allegation regarding a crime, Tasmania Police is advised. They conduct their own investigations and then there are separate processes triggered for State Service code of conduct matters. On that basis, we're confident no staff members who have allegations and investigations pending are in our workplaces.

Ms HADDAD - Okay. How many investigations are being conducted at the moment?

Mr JAENSCH - Again, we find ourselves in the territory of identifying numbers of people. What I'll direct you back to is the routine disclosure matters.

Dr WOODRUFF - This is exactly what the commission of inquiry pointed to: prioritising employees over children.

CHAIR - Order.

Mr JAENSCH - I do reject the characterisation, just for the record, Dr Woodruff, and I really don't think that -

Dr WOODRUFF - It's their characterisation, that was their words.

Mr JAENSCH - You have a bit of form in misrepresenting people, even in the last couple of days, Dr Woodruff. I really think you ought not to continue to assert that, somehow, we're putting the interests of employees who have done the wrong thing ahead of the safety of children.

Dr WOODRUFF - The commission of inquiry said that happened too often and the balance was wrong.

Mr JAENSCH - I will reiterate the public interest and the best interests in the safety and wellbeing of young people, including the young people at Ashley, is best served by there being an absolutely rigorous process of investigation. That this is not compromised by people's details being revealed in a public forum like this under privilege in such a way it may affect the safe carriage of investigations, that could lead to prosecutions of people who've done terrible things. I will not compromise that for a minute. I do feel you reckon you could

PUBLIC

probably sort this all out if only you could have access to some names and you could deal with it yourself -

Dr WOODRUFF - No, Chair, take that back, I am offended at that. I've never, ever asked for that. Chair, I would like the minister to withdraw that statement. I've never asked for names and no one at this table ever has.

CHAIR - Order.

Mr JAENSCH - I didn't intend to cause offence.

Dr WOODRUFF - Can you withdraw the statement, please?

Mr JAENSCH - I withdraw. However, I need to draw attention we have a responsibility as parliamentarians to protect the integrity of processes that are there to find wrongdoing and to secure safe prosecutions at the end of that. I'll do nothing to jeopardise that.

Ms HADDAD - Minister, I'll formulate this into a question. Yes, there is that responsibility, but the commission's body of work really does point to the issue of transparency and openness. Nobody is asking for personal information, names or even position levels or titles.

What the scrutiny committee has a right to ask, and the Tasmanian public a right to know, is they can have faith in how these things are being handled. A mountain of concerns still remain over the things the commission of inquiry discovered and weren't able to progress. That is why we're asking things like how many stand downs, how many terminations, are there still investigations on foot, if so, how many. You're not seeming to be able to answer that even at a whole-of-agency level, which wouldn't identify staff. No one's interested in a witch-hunt to identify individuals.

Mr JAENSCH - As Mr Bullard has pointed out, there is a proactive disclosure regime by agency and across the public service, at different intervals. This can show and be tracked over time the level of activity there is in finding and bringing to account these cases. More to the point; to responding to allegations, to showing if you have a concern or complaint, bring it forward. It will be acted on.

Through the process of this commission of inquiry, and the associated investigations that have gone on, we have moved into what might in previous times, in the 20, 24 years that the commission examined, were there ever times where any allegation, without substance, results in a person being stood down immediately, referred to police, investigated, and being out of the workplace while all this investigation takes place. Has that happened before? This is what's happening now.

We've undertaken to do that and the data shown through proactive disclosure shows that is happening at a higher rate than before. It is an issue that our Government - and future governments - will also have to deal with because we will have a generation of employees whose prior rights as employees and under law, and under their employment, may have been set aside in the interests of ensuring that there was a -

Ms Haddad - Some procedural fairness.

PUBLIC

Mr JAENSCH - We're putting risk to children first. The suggestion, no names, no dates, a circumstantial suggestion of wrongdoing - even unattributed, even anonymous - can result in a person being stood down indefinitely while all the channels of information, all the referrals are done, while others are speculating on why they might be away from work. This can ruin careers and lives.

We very much need to take responsibility for that as well. We need to be very clear that we're doing this, we're taking that risk and we're putting people in that jeopardy in the interests of the safety of children. Please don't assert that we've got the priorities the other way around.

Ms HADDAD - No, and I haven't made that assertion but you have made an assertion that I'm after a witch-hunt for individuals -

Mr JAENSCH - No, I've never said witch-hunt.

Ms HADDAD - That's not the reason for these questions. I know I said 'assertion' but that has been the implication of some of your responses. It's incumbent on a scrutiny committee, like this one, to try to get some of that detail because the Tasmanian public deserve it.

We know that there is a number of things that the commission was not able to go to because of pushback from state lawyers, because of the construction of the legislation. That means that the public still has a very reasonable concern that maybe there are still people in the system who should be, or are, subject to disciplinary actions at the moment. I note that there has been this separate process set up by the Premier for heads of agencies to do their own investigations.

What would be good to know if we can get some of these data questions on the record, with the investigations that have been completed and finished, can you give a breakdown of what has happened to those people? Have those people returned to work, or have they left during the process of that investigation happening, or have they remained suspended?

Mr JAENSCH - I'll pass to the secretary if he is able to provide answers to any part of that, within the parameters that we've established.

Mr BULLARD - Our advice is that we can only report in the way that's currently being reported. The hesitancy about identification is real. You would understand that when we get to the end of this process and I make a determination that I am going to terminate an employee, some of those employees look at every element of process. What has been put on the public record? Have we complied with the Personal Information Protection Act? Have we complied with ED5, ED4, the State Service code of conduct? History shows us that they will take us to the Industrial Commission.

Where I make a determination of termination, I want that to stand. I don't want to say or do anything in this forum that's going to put that in jeopardy. That's where the hesitancy is coming from. The law and the EDs require robust and rigorous process. They can be disputed in the Tasmanian Industrial Commission and the Tasmanian Industrial Commission can re-hear the whole thing from the beginning.

PUBLIC

Once I've made a determination, that individual is not safe to be in my sittings or in my workplace, I want to make sure that procedurally that is sound and will stick. That is where the hesitancy is coming from. That is why we have moved to report in the manner that we have.

Mr JAENSCH - I have an answer to a question that was asked earlier regarding the number of children in youth detention who identify as Aboriginal children. Was that you, Dr Woodruff?

Dr WOODRUFF - Yes.

Mr JAENSCH - Thank you. In 2022-23, there were 16; in 2023-24, to date, 11. They are the numbers I have been given. I note that they may underestimate the figures in that there may have been children who did not declare that they identify.

Dr WOODRUFF - Thank you, minister. Recommendation 12.23 page 50, makes it clear that access to phone or video calls, visits and temporary leave to children and young people in Ashley, shouldn't be denied on the basis of a child's behaviour. Have you taken immediate steps to prohibit this from ever happening?

Mr JAENSCH - I will defer to my department for any update they have.

Dr WOODRUFF - No, nothing's happened yet? No. Ms Burgess, can I take it on notice?

Ms BURGESS - As routine practice, young people would be able to have access to phone calls, usually outside of the usual process of the day, so post-4.00 p.m. unless there was an emergency -

Dr WOODRUFF - To be clear, I am talking about the fact that in the commission of inquiry, these rights were being denied on the basis of a child's behaviour as a form of punishment, essentially. They recommended that they cease immediately. Has this happened?

Mr JAENSCH - The reference was to previous behaviour management systems where there may have been -

Dr WOODRUFF - That is right.

Mr JAENSCH - a treatment of these things as privileges rather than as rights.

Dr WOODRUFF - Exactly. Has that changed and that is now prohibited as a form of behaviour management?

Mr JAENSCH - I would expect not.

Dr WOODRUFF - That it hasn't changed?

Mr JAENSCH - No, I would expect that no longer continues as part of behaviour management. That would be my expectation.

PUBLIC

Dr WOODRUFF - Can you find out and tell us by tomorrow, please, to confirm that is the case.

Mr JAENSCH - I will get further advice on that.

Dr WOODRUFF - Also, on body worn cameras at Ashley, are all officers wearing them? I understand they are only being rolled out as a trial, but it should not be a trial if the recommendation from the commission, recommendation 12.17, is fully accepted.

Mr JAENSCH - We have been working towards having body worn cameras as part of what happens at Ashley since the interim report and the publication about Keeping Kids Safe plan which we have updated. I understand that the trial of body worn cameras is due to commence shortly. There have been considerable -

Dr WOODRUFF - Why is it a trial?

Mr JAENSCH - There have been considerable hurdles to be overcome with regard to how information is kept and held. I understand this has to do with legislation and also some negotiations with unions and others regarding how the information that is captured using body worn cameras is held and who has access to it and those issues. When that is cleared and we are able to move into a trial, then it will be testing how and when we use it, and getting used to operationalising that technology. Ms Burgess may have more to report.

Ms BURGESS - Yes, we have undertaken a fair bit of research on the use of body worn cameras in the context of youth detention and we have also sought legal advice on that. At the moment, the way we are undertaking the trial is in limited circumstances when there is an incident and we are responding to that.

The reason it is a trial is that we do need to make sure that we are responding and reflecting both to the procedures and the process. Therefore, it is not so much about what is the longevity of this; it is how we use them most effectively to ensure that the rights of the children are upheld and also, so they know what is happening. Part of this is also about the communication.

Dr WOODRUFF - Are all officers wearing them?

CHAIR - The time for scrutiny has expired. The next minister for scrutiny is the Attorney-General. We will resume after a five-minute break.

The Committee suspended at 2.40 p.m.