

THE LEGISLATIVE COUNCIL SELECT COMMITTEE ON ASHLEY, YOUTH JUSTICE AND DETENTION MET IN THE LAUNCESTON TOWN HALL ON TUESDAY 13 MARCH 2007.

BEVERLEY BELL WAS CALLED, MADE THE STATUTORY DECLARATION AND WAS EXAMINED.

CHAIR (Mr Hall) - Thank you for coming to give evidence to the committee. We invite you talk about what you feel you need to talk about and then we will ask you some questions.

Ms BELL - On Thursday, 21 September 2006 I was ordered by the court to attend a session at the Westbury Court of Petty Sessions. I went into a room at the court with a few adults but mainly youths. After a short time I realised that a young person I knew was there; at that time, I believe he was in Ashley. I took no notice as he was sitting there quietly. There was nobody with him until after some time a person, I believe, a security officer from Ashley arrived. At his arrival, the youth started to panic; his words were, 'I don't know what to do. I don't know where I am going'. The security officer said, 'What do you mean?' The youth said, 'I don't know where I am going. I am 18, I have turned 18.' The security officer smiled and said, 'You will be coming back to us. What room are you in?', and he said 'Room 19'. It was not until quite some time after I had left the Court of Petty Sessions that I was horrified to realise that the security officer had left the room, and had left the criminal offender in the room with us. By the way, I was a union representative when I was at the general hospital and under the training of the late David Reece who, sadly, passed away before Christmas. He taught us the great importance of documentation.

I would like to know, on that day, what were the basic guidelines for the security officer, who I suppose transported this young, under-age criminal from Ashley. I would also like to know what the guidelines were regarding the mode of transport from Ashley to the Westbury Court of Petty Sessions.

I cannot, for the life of me, believe that that person should have been left alone as he would have had the opportunity to take into that room some concealed weapons, possibly, that could have been given to him, possibly by his friends. Also, I felt insecure on account of the former statement that the Court of Petty Sessions does not have a metal detector. When I went to the Magistrates Court to get a restraint order, I thought I had to go through the protocol of going through the metal detector.

Mr WILKINSON - Everybody does when they go through the courts, as in Hobart. You weren't singled out; everybody who comes in goes through.

Ms BELL - Well, why doesn't Westbury have one?

Mr WILKINSON - I imagine it is a costly thing, but I know in Hobart they have certainly got one, and I understand that in Launceston too they have one. But in the country courts probably they do not have the money to put them in. Certainly in Hobart they do, and it is the same in the Supreme Court. You have to go through.

Mr DEAN -Some of the country courts do not do this because they only have themore minor issues, they do not have the more serious matters.

Ms BELL - I have had recent dealings with this lad sitting opposite me - who had been sitting opposite me -

Mr WILKINSON - Do you mean Ivan Dean?

Laughter.

Mr WILKINSON - I thought you meant - sorry.

Ms BELL - The man who had been sitting opposite me informed me that he had been on speed - he had been attending a place up at Devonport. I would just like to ask what the guidelines were, if any, on that day to cover innocent people in that room. What guidelines were ordered by the court, and what danger were we exposed to?

Mr WILKINSON - Do you know what he was coming up for? Was it a major charge, a shoplifting charge or vandalism charge, destroying property - do you know what it was?

Ms BELL - I am sorry, I do not know at all. I did hear rumours that I do not want to repeat, but I think it was serious.

Mr WILKINSON - Such as?

Ms BELL - Well, it was a rumour - it is not what I said - that he was one of the ones that had bashed some older people down at - I am from Victoria - Exeter or Legana somewhere. I do not know if it is true. That is why I was severely concerned.

Mrs JAMIESON - Through you, Mr Chairman - why were you asked to go to the court, remembering that your first commentswere that you were ordered to attend the Westbury Court?

Ms BELL - I had to be subpoenaed into the witness box because some 'kind' young lad had flashed a laser pen across my eyes and I had had serious eye surgery and I had received a very serious report and I did not take kindly to it.

Mr WILKINSON - So you would not have been subpoenaed there, you would have taken out a restraint application against the young fellow, is that right, and you would have been prosecuting your restraint application?

Ms BELL - I did not take a restraint order against -

Mr WILKINSON - I thought that was what you said.

Ms BELL - I was ordered by the court to attend, otherwise I would not have been there. But having gone there I learned the biggest lesson I think I have ever learned. I was very educated from seeing what was going on.

Mrs JAMIESON - So you have lost your faith in the system have you?

Ms BELL - I will come to that. Am I allowed to go back some years ago with Ashley?

CHAIR - Yes, just remembering our time lines. Just keep it fairly brief, if you would not mind, thanks.

Ms BELL - Would you please tell me when I am halfway through the session?

CHAIR - Yes, we are about there now.

Ms BELL - Lara Giddings is the Minister for Health and I believe she is in charge of Ashley. That is right isn't it?

CHAIR - Yes.

Ms BELL - Why cannot the responsibility for Ashley be with the Minister for Police and Safety, Mr David Llewellyn? Is it possible to have the four cautions deleted in the legislation?

Mr WILKINSON - Sorry, what was that?

Ms BELL - The four cautions to be deleted.

Mr WILKINSON - What do you mean, four cautions?

Ms BELL - They have four cautions for youth under 18. That is what I have been told by the police, that they have four cautions, and they can re-offend.

Mr DEAN - It would be a formal caution.

Ms BELL - There are four though aren't there?

Mr DEAN - No, they must give just one formal caution.

Ms BELL - I am sorry about that. I am not disputing you but the police kept telling us they had four chances; that is what we were told.

Mr WILKINSON - That is not right. As you know, Ivan is a former police officer and commander of the Launceston division. You have a formal caution and it depends how serious the offence is as to whether they caution you or proceed to charge you.

Mr MARTIN - It was definitely not four though.

Ms BELL - I am sorry about that. That is something I have learnt then.. But the fact is, I live near two ex-Ashley boys, two brothers who have been in and out of Ashley so much and who keep re-offending. They keep picking perpetually on about four of us, and most of us are my age. It is not just me, it is others. I would like to see them punished with their first offence. Secondly, if possible, follow up with a mental health education program to make the offenders understand the health problems of victims of crime after

the actual crime has been committed. They need to be made to understand what problems can be caused by their actions, such as strokes, heart attacks and respiratory difficulties. I would like to see the parents and carers attend a mental health session along with the offenders and, should they re-offend after this education program, there should be a very strong, harsh penalty introduced through the Government.

Mr WILKINSON - What type of penalty, do you think?

Ms BELL - I feel they should attend mental health for a long time.

Mr WILKINSON - What happens if they are not mentally disturbed or if they are not mentally ill? Are you saying they still should attend there?

Ms BELL - I firmly believe that they offend because of some personal problem. They get on the streets and they have anger, and anger manifests crime. I believe they take their problems onto the streets and take out their anger on us. They do not mean to, but they have to be trained that they cannot just hit out at us. I have had rocks thrown at me for about eight years and I do not feel I deserve it. It happened to a lot of people in Westbury, one a minister of religion.

I would like to see the Government offering a follow-up course for victims of crime involving emotional trauma, with the support of health and police.

Mr WILKINSON - There is a victims of crime service, which people who need assistance can contact.

Ms BELL - I believe we need a police support group so that the police, having understood how we felt, could relate that to a group and maybe to Mental Health. Also, that victims of crime be permitted to enter the courts hearing cases involving older youth, from about the age of 16 to the day before they turn 18. They are allowed to drive a car when they are 16 and are classed as adults. Therefore, why not allow us to testify against these older youth in the Children's Court and let them and the court officers know exactly how we feel? If we have to put up with their crime we should have a right to sit down and explain how we feel. We just cannot take this all the time.

Mrs JAMIESON - Can that be done through youth conferencing? There is a mechanism in the system, where you can face the person who has committed the crime, as far as you are concerned, and it is mediated.

Ms BELL - Yes, but I question its relevance. I have been in a diversional court session - that was because of rock throwing - and it has more of a homely effect. If you are in the court I should imagine there is a magistrate with the children. With these 16 to 18-year-old offenders, we should have the chance to express how we feel. There are quite a few people at Westbury who cannot take much more of this. A poor, dear lady has had two strokes. Two lots of stones have gone through her windows at different times. I just pray they do not do it again because I do not think she could take much more. In allowing victims of crimes, to testify in a court we could express our feelings and the judge could assess our testimony and overrule the Youth Justice.

Mr WILKINSON - Have you ever been asked to fill out a victim impact statement, Bev?

Ms BELL - No, I never have; no-one has ever told me about it.

Mr WILKINSON - When sentencing a person, the victim can prepare what is called a victim impact statement that can be read to the court. That happens a lot in adult courts. I do not know why it could not happen in children's courts, and I would imagine that it could in used Youth Justice courts.

Ms BELL - Would the committee be able to submit that for us, if it is not submitted? I do not know much about the law.

Mr WILKINSON - It is called a victim impact statement.

Ms BELL - Lastly, and this is the most important thing, recently at Westbury drugs were found - and I am thankful that I did hear a comment made that mental health symptoms can be caused by drugs. The lad I spoke about earlier told me he was on speed. I was standing beside him one day at Westbury when TasBash went past and, having worked in the hospital, I noticed he got worked up and I told him not to be silly. His body went into a state of rigidity; I took into consideration that he had said he had been on speed. I saw the different stages he was going through and clearly remembered them. On another occasion I went outside following a terrible noise and one of the ex-Ashley twins was outside yelling. I did not know at this time whether they were on probation from Ashley or not. I noticed he had the same symptoms as I had seen with the first lad. It was not very nice to see and experience it. He was pumped up and I thought he was going to go into an epileptic fit. When I phoned the police, I told the sergeant and he said, 'It sounds to me as though he is on drugs. When the police catch him they can check him out'. We have 000 for police emergency; what about having a similar emergency number for a mental health emergency crisis information where we could speak to a qualified person? Mental Health would have a database and they would know the -

Mr DEAN - We already have that. The 000 call that you are talking about is available for all manner of emergency uses and it includes that. It would include fire, police and a number of issues. It is already there, provided it is an emergency such as threatening behaviour.

Ms BELL - Mr Dean, I spoke with one of the senior police at Deloraine yesterday and I understand they cannot do much. Do they know the symptoms of drugs? I know the Privacy Act prevents Mental Health from knowing what is wrong with them, but at Westbury we are endangered by having so many people with mental health problems on the streets.

Mr DEAN - Police probably would attend in those circumstances. If it was identified as an emergency psychiatric problem where somebody had lost control and was a danger to themselves or to others, then the police would attend with somebody from Mental Health. It would be a combined effort.

Ms BELL - If the police attend to them, why can't we have mental health education for the public through the media so other people who see these signs, even in their first stages, can go to the police and catch them in the early stages?

CHAIR - Thank you very much, Beverley. We will take on board the points you have made.
Thank you for your time.

THE WITNESS WITHDREW.