

**31 March 2023**

To whom it may concern,

**Re: Legislative Council Inquiry into Tasmanian Adult Imprisonment and Youth Detention Matters**

I am submitting the attached documents in my roles as professional criminologist (Emeritus Distinguished Professor of Criminology, UTAS), Deputy Chair of Just Desserts (a drug court community support group) and a Tasmanian Patron of the national Justice Reform Initiative (a non-partisan advocacy group).

Substantial reforms are needed to improve Tasmanian criminal justice system and the juvenile justice system, particularly in regard to adult imprisonment and youth detention. There needs to be a strong link between criminal justice *philosophies* and concepts, and their concrete application in *policies, programs, and practices*.

This is fundamentally important and achievable in Tasmania, given two features of the current state of play. First, we are a relatively small jurisdiction, which means we can pivot toward rapid change quickly once the direction has been set. Second, we are a state that is asset rich in regards people and places, but money poor with respect to income and expenditure. We need to think seriously and carefully about how to implement ‘smart justice’, one that is both effective and cheaper to operate.

I believe that Tasmania would benefit from, and achieve much, if the government adopted eight key measures. These are presented below.

## **Eight Measures to Improve Justice**

1. **Justice Reinvestment** – invest in the community rather than in prisons.

This has at least two aspects to it. First, invest in communities that need more housing, welfare assistance, educational support, and employment opportunities. Second, put money into helping specific individuals and groups of individuals who could use this support.

2. **Restorative Justice** – put repairing harm at the centre of justice processes.

A criminal justice system that puts repairing harm at its centre translates into activities and programs that treat offenders as active, not passive. Such an approach also opens the door to responses to harm/crime that advantage victims and communities.

3. **Therapeutic Jurisprudence** – address underlying problems and co-morbidities.

Courts and community corrections, in conjunction with community partners and collaborators, can make a difference by changing the conditions that underpin much repeat offending, especially in regard to substance use and mental illness.

4. **Trauma-Informed Approaches** – recognise and respond to grief and pain.

Most offenders are victims of physical and sexual assault, and many also suffer from intergenerational grief related to government policies and practices (e.g., Indigenous communities and stolen generations). Interventions to incorporate trauma-informed care.

5. **Mentoring** – link people to those they respect and will emulate.

For juvenile and adults, individual change often comes from being with someone you respect, whether this is an elder, friend, sportsperson, or teacher. Mentors can provide support and be excellent role-models.

6. **Raise the Age of Criminal Responsibility** – keep people out of criminal justice.

One of the biggest predictors of future imprisonment is age of first imprisonment. To keep prison numbers down, keep children and young people out of prison in the first place – alternatives are possible and desirable.

7. **Systems of Accountability** – monitoring standard operating procedures & practices.

Resources need to be put into the monitoring of and responses to system operations, whether this be through official visitor programs, OPCAT and/or the Ombudsman. There needs to be a Human Rights Act as well as robust whistle-blower protection legislation and policy.

8. **Victim Engagement** – mechanisms for active participation and meeting needs.

Victim voices need to be heard in the criminal justice system, not just in relation to direct court proceedings but with respect to increasing offender understanding and empathy. Victim participation need not contradict or undermine offender rights and future pathways.

In explanation and support of these recommended measures, I have appended a series of papers and presentations. These include:

1. **Five powerpoint presentations that incorporate the concepts and approaches listed above and answer important social and political questions.**
  - Justice as Payback
  - Putting Money Where It Matters
  - Treating Offenders Seriously
  - Social Inequality and Problem-Solving Justice
  - But What About Victims?
2. **Two commentaries that provide insight into the dynamics, limitations and failures of a system oriented toward incarceration rather than reparation.**
  - Prisoners of a Mindset
  - Prison Talk
3. **A report on the housing needs of ex-prisoners with complex needs in Tasmania** (co-authored with Pat Burton as part of a larger research exercise).
  - Housing Ex-Prisoners with Complex Needs in Tasmania
4. **Documents pertaining to my written and oral testimony pertaining to Ashley Youth Detention Centre for the Royal Commission into Institutional Abuse**
  - Witness Statement of Rob White
  - Robert Douglas White Royal Commission Transcript

These are intended to highlight key matters of concern, provide explanations of important concepts, and provide concrete direction for addressing contemporary trends and issues.

I would be more than willing to discuss these matters in person with the Committee if called upon. Thank you for receiving this submission.

Yours sincerely,



---

**Rob White** BA(Hons), MA, LL.M, PhD, FASSA FAcSS FANZSOC  
Emeritus Distinguished Professor of Criminology  
School of Social Sciences, University of Tasmania  
Private Bag 22, Hobart, Tasmania, Australia, 7001  
Web: <http://www.utas.edu.au/profiles/staff/sociology/rob-white>  
ORCID: [orcid.org/0000-0002-8800-0093](http://orcid.org/0000-0002-8800-0093)



# JUSTICE AS PAYBACK

---

ROB WHITE

EMERITUS DISTINGUISHED PROFESSOR OF CRIMINOLOGY

UNIVERSITY OF TASMANIA

# JUSTICE AS PAYBACK

---

## **Justice as Payback**

- Justice should be an active process, involving giving back, and not treat the offender as passive (that is, plonk them into gaol, don't require anything of them, and expect them to magically change).

# WHAT PRISONS ARE SUPPOSED TO DO

---

- Prisons are meant to deter individuals from offending again.
- People are sent to prison as punishment, not for punishment.
- Prisons are places where offenders are meant to be rehabilitated.
- Prisons are meant to offer finite punishment; when released, the punishment should be over.
- Prisons ought to create a greater sense of social responsibility on the part of the offender.

# WHAT PRISONS ACTUALLY DO

---

- Prisons mainly act as a warehouse for people who have done wrong.
- Prisons are a prime predictor that someone will re-offend.
- Prisons stigmatise individuals, often for life.
- Prisons involve experiences that damage people rather than rehabilitate them.
- Prisons do not address underlying causes of crime.

# PRISONS FAIL, EXPENSIVELY

---

- In Tasmania, it costs about \$130,000 each year to keep one person in prison.
- Tasmania spends \$360 a day per person – 25% higher than the national average.
- Recidivism (or re-offending) rates for imprisoned offenders are rising.
- Building a new prison – well over \$400 million and rising.

# JUSTICE REFORM INITIATIVE

---

- “Policymakers need to recognise that jailing is failing and that a different approach is needed to break the cycles of disadvantage and re-offending and build safer communities.”
- Tasmania spent more than \$100 million last year on prisons, an increase of 77% over the past decade. Over two-thirds (66.8%) of the people in prison in Tasmania have been in prison before and about half of people released from prison return there within two years.
- “It’s time to stop the revolving door,” Dr Sotiri said. “The true cost of incarceration, and why we should be investing in proven alternatives to prison are evident in our unacceptable recidivism rates.”

# JAILING IS FAILING

---

- The current system of criminal justice does little to deter offending, is plagued by recidivism, produces future crime, and stigmatises offenders, victims and communities.
- Alternatives to current practice include proposals and practices such as **justice reinvestment** and **restorative justice** and **therapeutic jurisprudence** approaches.

# EIGHT MEASURES TO IMPROVE JUSTICE

---

1. Justice Reinvestment – invest in the community
2. Restorative Justice – put repairing harm at the centre of justice processes
3. Therapeutic Jurisprudence – address underlying problems and co-morbidities
4. Trauma-informed Approaches – recognise and respond to grief and pain
5. Mentoring – link people to those they respect and will emulate
6. Raise the Age of Criminal Responsibility – keep people out of criminal justice
7. Systems of Accountability – monitoring of standard operating procedures and everyday practices
8. Victim Engagement – mechanisms for active participation and meeting needs



**Past**

[who we are,  
what was done]

**Future**

[who we will be,  
what we can do]

# WHAT IS RESTORATIVE JUSTICE?

---

Restorative Justice refers to a **process**:

- it involves communities, offenders and victims coming together to discuss the nature of the transgressions and harms committed. The emphasis is on participation and dialogue.

Restorative Justice refers to a **desired outcome**:

- it involves offenders *repairing the harm* and being accountable by engaging in action themselves. The emphasis is on learning lessons, putting things in context, and 'making things right'.

# DIFFERENT JUSTICE ORIENTATIONS

---

Justice is a social process that incorporates different understandings and approaches. Each has a different orientation to the offender and to activity. Offenders may be passive or active in the justice process.

- Something done **to** you – punishment
- Something done **for** you - welfare
- Something done **by** you - restoration

Different models of Restorative Justice include amongst others victim-offender mediation; juvenile conferencing; circle sentencing; and reparative probation.

# WHAT MAKES RESTORATIVE JUSTICE DIFFERENT?

---

In many cases of restorative justice, there is an emphasis on **active agency**. This refers to the idea that people are to be held directly accountable in some way, and that they are meant to do things, themselves, rather than simply being passive actors in the criminal justice system.

Importantly, when they engage in **doing something** (e.g., painting a fence), this is generally constructed as being to the **benefit of somebody else** (e.g., a victim of graffiti).

Restorative justice thus involves **acts of giving**, as well as acts of forgiving. The offending act may be condemned, and respect for the offender maintained, but offenders are nonetheless expected to repair the harms they have caused.

# KEY ELEMENTS OF RESTORATIVE JUSTICE I

---

- victim involvement and participation in the process (including primary and secondary victims of crime), with more satisfactory and positive outcomes for victims;
- the use of alternative forums and formats for restorative processes, such as the 'conference' format (instead of institutions such as courts);
- a focus on the personal harms caused by criminal events rather than the criminal laws broken;
- attention to the human consequences of criminal and anti-social behaviour and a commitment to repairing the harm done directly to the victim and the community;

# KEY ELEMENTS OF RESTORATIVE JUSTICE 2

---

- a less elevated role for legal professionals and major institutions and their systems of knowledge, in favour of lay people, whose skills and knowledge (of people, situations and communities) may be of equal, if not greater value;
- a high premium placed on voluntariness – people should not be coerced into taking part in restorative processes;
- a focus on symbolic or token forms of restitution – rather than attempting to squeeze equivalent amounts of money or goods from people who don't have them;
- forgiveness and reconciliation as positive and desirable, though not always feasible outcomes for victims, offenders and communities;
- a focus on the reintegration of offenders back into communities and families.

# TOWARD A RESTORATIVE COMMUNITY ETHOS

---

- . Whole-of-community participation: parents, children, neighbours, representatives, service providers;
- . More than just 'conflict resolution': it is a way of being and interacting;
- . Restorative community ethos = knowing boundaries through principles and guiding rules, such as 'respect for oneself', 'respect for others', and 'respect for place'.

# DUALITY OF RESPONSIBILITY

---

## **On the one hand:**

- Offender rehabilitation is a societal imperative, to help balance the social disadvantages and personal injuries suffered by many offenders.
- Society will benefit by giving something to the offender in order for them to go beyond offending.

## **On the other hand:**

- Taking responsibility requires the individual offender to have an interest in making things right, in repairing the harm, in addressing the wrongs.
- The offender has to give something to society, to someone else, for the sake of doing the right thing.

# SELF-RESPECT AND THE CHANCE TO GIVE

---

- Self-respect is about being able to achieve a sense of one's self as being a good person. For all of us, this means dealing with the harms we have received and that we have perpetrated, in ways that allow us to nevertheless continue into the future in a positive way – this kind of respect demands a sense of the victim (including the offender themselves) and of victimisation.
- *By being given the chance to give* the offender is provided hope. The act of giving itself feels good. It is accompanied by a feeling of satisfaction. It is life affirming. Thus, the inner world of the offender and the outer world of the society can be intricately linked and restored by the process of giving.
- Offenders have a responsibility to society to do something to make things better. Even the most hardened offender may learn to feel about the world in a different way, even if they are initially compelled to do things they might not ordinarily do.

# STRATEGIC FORGIVENESS

---

Strategic use of forgiveness is essential in motivating people to make things right, and to instigate changes in their own life – for example, parole is granted **on the condition** that parolees take action in some way, by repairing harm and by engaging in programmes and services that will enhance their personal development and wellbeing.

Seat belts save lives – even if wearing them is based on coercion. Sometimes we need to be compelled to do the right thing. This is about changing behaviour.

# TWO-WAY BENEFIT

---

- Both society and the offender benefit from **the offender** taking social and moral responsibility for offending.
- Society then feels justified to help balance the social disadvantages and personal injuries suffered by many offenders.
- Both society and the offender benefit from **society** giving something to the offender that helps them to go beyond offending

# COMMUNITIES AND OFFENDERS

---

- Building a sense of empathy – with other people, with victims, with themselves – is about being connected and social belonging.
- Doing something meaningful can assist the process of building community.
- Shared experiences and shared knowledge helps to create, maintain and build a (positive) community where none may have existed before.

# JAILING AND JUSTICE

---

- Many of those caught up in the criminal justice system either should not be there in the first place (e.g., those with brain injury whose behaviour may be considered deviant or unusual by authority figures) or will not have their personal issues addressed by imprisonment and/or a punitive response (e.g., people associated with issues arising from drug and alcohol use).
- Alternatives to imprisonment do work.
- Repairing the harm requires a whole-of-community approach and commitment – and is much more difficult than the ‘soft’ option of putting people in prison.

# JUSTICE AS AN IDEAL

---

Justice is something that should be an active participatory process that involves offenders, as whole persons, engaging in activities that make sense to them. Moreover, it should be done in ways that involve respect for and by people, and that tap into the social and emotional dimensions of the human experience.

Justice will mean different things to different people. Offenders will respond differently according to what 'justice' means for them, and where they are at when it comes to awareness of and insight into their own actions and lives. To be effective, justice needs to be tailored to the individual, and to serve more than one purpose.

# JUSTICE ORIENTATIONS

---

## Want To

- What people *ought* to do, and what they *can* do, is further distinguished by what they *want* to do.
- Prisoners are involuntary clients (they are held against their will) and individuals who have their own unique biographies and social experiences (they understand themselves better than others do).
- Most hate 'rehab' imposed from above; many appreciate developmental opportunities that start from where they are at and how they are feeling. Some don't like anything.

## Can Do

- The restorative perspective is driven by the idea that all offenders deserve respect and dignity (they are persons), and that they already have basic competencies and capacities which need to be developed further (if they are not to re-offend). The emphasis is on what the person *could* do, rather than what they *should* do. What is important is that the offender accomplishes things at a concrete level, for themselves, including making reparation to their victim.

# WHAT OUGHT TO BE

---

- Offenders individually should be sanctioned for their wrongdoing.
- Offenders collectively should repair the harm of what they have done.
- Offenders should be supported in transforming both themselves and the community conditions that lead to harms being done in the first place.

**We have to do justice to people in the same moment that we get them to do justice for us.**

# PUTTING MONEY WHERE IT MATTERS

---

ROB WHITE

EMERITUS DISTINGUISHED PROFESSOR OF CRIMINOLOGY

UNIVERSITY OF TASMANIA

# PUTTING MONEY WHERE IT MATTERS

---

## **Putting Money Where It Matters**

- We should prioritise spending in areas that will make a difference in justice outcomes rather than reinforcing the high recidivism rates of those imprisoned - there is need to improve community wellbeing such as bolstering resources at the local level where offending originates such as housing and health.

# EIGHT MEASURES TO IMPROVE JUSTICE

---

1. Justice Reinvestment – invest in the community
2. Restorative Justice – put repairing harm at the centre of justice processes
3. Therapeutic Jurisprudence – address underlying problems and co-morbidities
4. Trauma-informed Approaches – recognise and respond to grief and pain
5. Mentoring – link people to those they respect and will emulate
6. Raise the Age of Criminal Responsibility – keep people out of criminal justice
7. Systems of Accountability – monitoring of standard operating procedures and everyday practices
8. Victim Engagement – mechanisms for active participation and meeting needs

# DO PRISONS WORK?

---

Despite outlining encouragement of reform, rehabilitation, personal development and safer communities, the reality is that prisons do not achieve these outcomes. Opportunities for reform are limited, as are opportunities for holistic through-care and reintegration. Very little is done to rehabilitate offenders whilst in custody and even less is done to repair the communities to which they are returning. Most prisoners return at some stage back to prison. Prisons do not work.

# HOW MUCH DO PRISONS COST US?

---

The result is that offenders are being warehoused at a cost of \$317.00 a day, per inmate (compared to \$20.00 for a community-based order) and are released to the community having been punished, but not having been provided the tools and skills they need to function and survive pro-socially within their societies. Consequently, a term of imprisonment does not improve the safety of a community, but rather decreases the chances that an individual will be reintegrated and accepted as a valued and productive member of society.

# WHAT ARE THE PRACTICAL REASONS FOR COMMUNITY-BASED ALTERNATIVES? I

---

- **Reducing prison over-crowding**

An expanding prison population means too many people for too few beds. It also places enormous pressure on prison staff who are already under-resourced, over-worked, stressed and unable to provide adequate care and rehabilitative supports for prisoners.

- **Punishing more effectively and economically**

Community-based programs offer a much lower-cost alternative to traditional incarceration, both in absolute and relative terms. This includes measures such as drug-court diversion programs, mental health diversion courts and so on, which initially seem expensive but in comparison with imprisonment are far cheaper to operate.

- **Protecting the future**

Community-based programs, including court-ordered diversion, result in much better outcomes for offenders, their families and the wider community. They offer hope and connection and an opportunity to achieve rehabilitative goals because of proximity to greater support networks and institutional assistance.

# WHAT ARE THE PRACTICAL REASONS FOR COMMUNITY-BASED ALTERNATIVES? 2

---

- **Prisonisation makes things worse**

Prison culture is one characterised by compulsion and diminishment of responsibility (prisoners' days are bounded by the rules of the total institution), and the setting itself tends to perpetuate violence, bullying, conflict and personal stress and anxiety. People leave prison in more damaged and vulnerable states than when they enter prison.

- **Prisons Create More Crime**

Employment and housing prospects are radically reduced for ex-prisoners, in part due to the stigma of having spent time in prison. Fewer economic and social opportunities translate into greater likelihood of re-offending after release.

## WHY THE NEED FOR A NEW CRIMINAL JUSTICE ORIENTATION?

---

- Prisons are costly, most often over-crowded and do little to prevent future crime.
- The answer to this dilemma is to stop spending so much on expensive facets of criminal justice, that tend to do more damage than good, and start spending more on prevention and rehabilitation.

# WHAT IS JUSTICE REINVESTMENT?

---

Justice Reinvestment is based on the idea of re-directing money from prisons and youth detention centres to those *communities* that feed directly into the prisons.

In some cases, it may involve re-directing money from prisons to *individuals* needing drug rehabilitation and other therapeutic support.

# HOW DOES IT WORK

---

- Justice and asset mapping

This involves mapping offending and incarceration rates in regions to find out where offenders come from in order to identify contributing factors to the offending (e.g., housing shortages), and the assets available to the community (e.g., community organisations, educational facilities).

- Budget allocations at the local level

This involves giving local authorities greater budgetary oversight and responsibility so that they can fund creative initiatives for and by the community (e.g., job creation, housing construction) at the grassroots level.

# COMMUNITY ENGAGEMENT

---

It is important that there be substantial community buy-in and engagement with relevant projects and programs.

Imposition from above can alienate communities and undermine potential positive outcomes.

# WHO BENEFITS?

---

Attention is given to people and communities and what they need at the local level to enable better access to health care, housing, education, and jobs and dealing with interpersonal violence and substance abuse.

Rather than locking more people up, the focus is on rebuilding communities, effectively reducing the demand for prisons.

Justice Reinvestment is particularly relevant to Indigenous communities given the high rates of over-representation of Indigenous people in criminal justice institutions. Indigenous communities take greater control over how to address social problems within their communities.

It transforms the issues from viewing community as 'the problem' to seeing community as 'the solution'.

# DO WE NEED PRISONS?

---

Yes and no.

For the purposes of community safety there are certain crimes which do warrant an incarceration response.

However, these instances are relatively infrequent, and most offences and most offenders can be dealt with more productively, cheaply and safely in the community.

# WHAT ALTERNATIVES ARE THERE TO IMPRISONMENT? I

---

## **Fines**

- the payment of money

## **Restitution**

- paying back or undertaking unpaid work

## **Community Service**

- undertaking unpaid work and/or engaging in rehabilitative programs

## **Probation and Parole**

- living in the community under supervision and/or subject to activity and association restrictions

# WHAT ALTERNATIVES ARE THERE TO IMPRISONMENT? 2

---

## **Home Detention**

- restricted to one's home, with the exception of provisions to attend work and education

## **Mental Health List**

- supervised rehabilitative and treatment options served within the community

## **Court Mandated Diversion**

- restrictions on substance use and compulsory attendance in regards drug rehabilitation programs

# WHY SHOULD WE USE ALTERNATIVES TO INCARCERATION? I

---

- **Financial considerations**

It is far cheaper to run community-based programs than put someone in prison. Moreover, rather than spending most of the money on 'bricks and mortar' and 'security', community alternatives focus spending on specific rehabilitative programs, treatments, supports and services.

- **Flexibility**

People commit crimes for a wide variety of reasons. These include not having enough money to pay rent, drug and alcohol addictions, inability to regulate and self-control behaviour, getting in with the wrong crowd, gambling addiction and so on. There is greater scope to tailor programs and responses best suited to each situation in a community context compared to prison.

- **Reducing Vulnerability**

Offenders are frequently themselves vulnerable people (for example, survivors of family violence, drug users, lower levels of education, greater rates of mental illness and intellectual disability, chronic unemployment). Community support not only allows for greater likelihood that they can take responsibility for the harms they have caused, but to be supported in creating a better life for themselves so as to prevent future harmful events.

# WHY SHOULD WE USE ALTERNATIVES TO INCARCERATION? 2

---

- **Giving Back**

Community-based interventions not only can better address issues of offender vulnerability but provide opportunities for offenders to give something back to the wider community. This can take the form of direct victim-offender reparation (as in 'restorative justice' type juvenile conferencing schemes) or engagement in work and education programs that will enhance the local community in some way. They can also be mobilised to assist with emergency situations such as bushfire responses, on a voluntary basis.

- **Addressing Trauma**

For offenders and victims there is often a need for services that can provide traumainformed care and support, as well as repairing the harms caused and doing what we can as a society to 'make things right'. Prisons and prison practices such as strip searches exacerbate the trauma. Community-based programs and services can diminish it.

# BUT WHAT ABOUT VICTIMS? I

---

There are two key issues here.

One is how best to **give victims a forum** in which they can best and most positively voice their feelings.

The second is how to arrange for **offenders to 'hear' the victims' voice**, without compromising their own safety, future opportunities and rehabilitation processes.

Discussion of the preparation of prisoners for release, including via pre-release leave programs, requires that offenders at least begin to understand the impact of their actions on victims. More than this, however, many jurisdictions also now demand some kind of involvement in restitution, reparation or restorative justice activities, both while an offender is in prison and while they are on leave from prison or on parole. Where appropriate, and where suitable human and material resources have been put into place, restorative justice mechanisms can be usefully applied in relation to pre-release programs and strategies

# BUT WHAT ABOUT VICTIMS? 2

---

Options can range from face-to-face meetings between individual victims and individual offenders (in the community, or in prison confines), family or juvenile group conferences that involve family members and support people, through to 'surrogate victims' in the form of panels of victims telling their stories to offenders.

Raising consciousness among prisoners of the harms that they have caused can be achieved in different ways.

- **Classes designed for adult and juvenile offenders**, both non-violent and violent, in diversion, probation, incarceration, detention, parole and offender re-entry settings.
- **Victim Impact Panels** that involve a small panel of volunteer victims addressing a group of offenders, in different settings, and where victims are not allowed to speak on any panel in which the offender in their case is present.
- **Community Based Discussion Groups** that involve a structured program in which convicted offenders of a particular offence (such as burglary) are subjected to a probation order that brings them into contact with burglary victims.

# PUTTING MONEY INTO PEOPLE AND PLACES

---

## **People**

Victims

Offenders

Communities

## **Places**

Housing

Community based jobs

Disaster and emergency management

Health

# TREATING OFFENDERS SERIOUSLY

---

ROB WHITE

EMERITUS DISTINGUISHED PROFESSOR OF CRIMINOLOGY

UNIVERSITY OF TASMANIA

# TREATING OFFENDERS SERIOUSLY

---

## **Treating Offenders Seriously**

- Many of those caught up in the criminal justice system either should not be there in the first place (for example, they have a brain injury) or will not have their personal issues addressed by a punitive response (for example, drug and alcohol issues).

# EIGHT MEASURES TO IMPROVE JUSTICE

---

1. Justice Reinvestment – invest in the community
2. Restorative Justice – put repairing harm at the centre of justice processes
3. Therapeutic Jurisprudence – address underlying problems and co-morbidities
4. Trauma-informed Approaches – recognise and respond to grief and pain
5. Mentoring – link people to those they respect and will emulate
6. Raise the Age of Criminal Responsibility – keep people out of criminal justice
7. Systems of Accountability – monitoring of standard operating procedures and everyday practices
8. Victim Engagement – mechanisms for active participation and meeting needs

# DRUG USE AND CRIME

---

- *What is the relationship between involvement in drugs and engagement in criminal and anti-social behaviour?*
  - Drugs lead to crime because of the need to fund an expensive drug habit.
  - Engagement in crime leads to increased substance use, because, for example, people engaged in crime take drugs and encourage newcomers to do the same.
  - It might be just that those who take drugs and those who engage in crime have characteristics in common and they are not causally related
- *What are the effects of drugs, legal (e.g., alcohol) and illegal (e.g., 'ice'), on reducing inhibitions and so increasing risk-taking behaviour, especially violence?*

# DRUGS, CRIME AND CO-MORBIDITY

---

- There is a major *problem of co-morbidity amongst those presenting to the criminal justice system*. For instance, psychiatric wellbeing is intertwined with drug use, and these in turn are linked to issues of accommodation and income.
- Poly drug use is prevalent among those most deeply implicated in the criminal justice system. The extent and nature of drug use is profoundly socially patterned, with the most public and harmful uses associated with low socio-economic background and those with few social resources.
- Harmful and problem drug use is intrinsically tied into issues of co-morbidity – that is, the overlapping problems of homelessness, abuse, family difficulties, mental illness and deteriorating physical health.

# CAN DO JUSTICE

- The restorative perspective is driven by the idea that all offenders deserve respect and dignity (they are persons), and that they already have basic competencies and capacities which need to be developed further (if they are not to re-offend).
- The emphasis is on what the person *could do*, rather than what they *should do*.
- What is important is that the offender accomplishes things at a concrete level, for themselves, including making reparation to their victim.

# CORE INTERVENTION CONCEPTS

---

- Nature, type and extent of intervention is now being discussed in ever greater detail and case management models are being re-jigged to incorporate **strengths-based approaches** and concepts.
- The new 'old' thinking about rehabilitation and reintegration is premised upon a high degree of **client participation, client choices** and **client engagement**.
- The essential need for **collaboration** and for **a constellation of services** has been highlighted across the board for diverse interventions.

# THE IDEAL PRACTICE

---

- Ideally, intervention strategies should involve positive, active participation of, and partnerships between, government, state organisations, non-government agencies and the wider community.
- Ideally, community-building perspectives see issues such as crime and safety as being related to wider social problems such as unemployment and substance abuse.
- Ideally, community-oriented measures are meant to be about social inclusion through a variety of measures that enhance community participation and the use and availability of local resources through community development strategies.

# WHAT IS THERAPEUTIC JURISPRUDENCE?

---

## **Therapeutic**

- refers to treatment or therapy and the taking of remedial action to address a problem or condition

## **Jurisprudence**

- refers a theory, perspective or philosophy of law that guides judicial officials such as magistrates and judges in the use of law-in-practice

# IMPLICATIONS OF TJ

---

Therapeutic Jurisprudence argues for law reforms that centre on:

- addressing criminal tendencies through treatment and rehabilitation
- mitigating the negative effects of offending by dealing with their underlying causes
- promoting positive behavioural change and the enhancement of individual wellbeing.

This rehabilitation approach occurs alongside justice principles, such as community protection, offender accountability and desistance.

# JUSTICE AND TJ

---

In this framework, justice is:

- something done **for** you (in the form of treatment) and
- something done **by** you (in the form of taking responsibility in your rehabilitation process).

# DRUG-RELATED OFFENDING AND TJ

---

- The response to drug offending has generally been weighted toward a **harm minimisation** model.
- The point of intervention is at least twofold:
  - *to provide for a reduction in or cessation of drug use; and*
  - *to provide for a reduction in or cessation of drug or drug-related offending*

# PROBLEM-SOLVING COURTS

---

## *Courts as case managers:*

- primary function of the court is to work collaboratively with partner agencies in case management and programme delivery for each offender
- court maintains significant and ongoing contact with the offender to enhance rehabilitation
  - e.g., drug courts, mental impairment courts

## *Courts as diversionary operators and case monitors:*

- level of judicial monitoring is periodic and primarily for case determination
- a review process provides information for consideration in sentencing
  - e.g., drug court diversion programmes, family violence courts

# COURT MANDATED DIVERSION - TASMANIA

---

- The Court Mandated Diversion (CMD) program is a sentencing option available in the Magistrate's Court in Tasmania, and since February 2017 in the Supreme Court.
- Sentencing to a Drug Treatment Order (DTO) is a decision that is made by the Court.
- It is a therapeutic jurisprudence approach designed to assist people with a demonstrable illicit drug use problem whose drug use is linked with their offending.
- CMD aims to break the drug-crime cycle using the authority of the court to ensure that offenders access the services and treatment necessary to address the issues that contribute to their drug use and offending.

# CMD ELIGIBILITY

---

To be *eligible* to be sentenced to a Drug Treatment Order the following conditions must be met:

- Be 18 years of age or over
- Have entered pleas of guilty or have been found guilty to all offences referred for assessment to the CMD program
- Be facing a penalty of imprisonment for the offences that would not otherwise be wholly or partially suspended if they were not being assessed for the program
- Have a demonstrable history of illicit drug use that contributed to the offences currently before the Magistrate
- Be willing to participate in supervised treatment with the CMD program

A person is *not eligible* to be sentenced to a Drug Treatment Order if they:

- Have sexual offences outstanding in any Court
- Have offences involving the infliction of actual bodily harm that is not considered minor outstanding in any Court

# GENERAL FEATURES

---

- A DTO includes a *custodial component*. This is a term of imprisonment that the Court has imposed for the offences attached to the DTO. The custodial component is effectively 'on hold' whilst the participant maintains engagement with CMD and complies with the conditions of the DTO. Should the participant no longer meet these conditions, the Court is able to activate the custodial component of the sentence.
- A DTO has no set time limit; however, it must be reviewed by the Court at 24 months from the commencement date.
- Usually, participants will take between 18 and 24 months to complete the program. A DTO is comprised of three phases, which also, have no set time limit. Progression through the phases is a result of the participant's performance:
  - Stabilisation
  - Consolidation and
  - Reintegration.

# OBLIGATIONS

---

- Offenders sentenced to a DTO have many restrictions placed on them and are required to meet various obligations, to help support the individual to break the drug-crime cycle and recover from drug abuse. Whilst on a DTO an offender must abstain from all illicit drug use. Other conditions that are generally included on a DTO are that the offender must:
  - Submit to regular, random urinalysis
  - Attend regular face-to-face case management appointments with a CDO
  - Attend regular court reviews with a Magistrate
  - Attend individual counselling and group programs
  - Additional conditions added to a DTO during the course of an order to better manage a participant's progress will be explained to the offender by the court or their supervising CDO
- The *Magistrate* has an ongoing role in regularly reviewing the progress of individuals on a DTO through regular court appearances. They will ask the *Court Diversion Officer* (CDO) to provide progress reports regarding the offender's participation in the program for each court review.

# PENALTIES - TASMANIA

---

The sanctions if offenders fail to fulfill certain obligations:

- Verbal warning
- Increased supervision
  - number of court appearances
  - counseling
  - drug testing
  - days of imprisonment
- Cancellation of the order
- Return to an earlier program phase

# INCENTIVES

---

*Sentencing Act 1997* Section 27K Compliance reward,

Sub-section 1(d) Conferring on the offender any other reward that the court considers appropriate.

- Verbal Praise
- Decreased frequency of court visits
  - supervisions
  - drug testing
  - community work
  - periods of imprisonment
- Removal of sanction days, thus reducing the balance of days to be served
- Moving to the next phase

# DRUG COURT OUTCOMES

---

- A drop in recidivism rates [i.e., engagement in offending] for those who partake in treatment programs compared to custodial sentences
- Treatment groups have greater decline in offending frequency [i.e., number of occasions of offending] than non-treatment groups
- Treatment groups offend at lower rate [i.e., number of offences] than non-treatment group and many achieve total abstinence after graduating from the program

# JUST DESSERTS

---

- Established in Tasmania in 2017, with representation from a variety of organisations and individuals, *Just Desserts* was formed to assist and complement the work of the Court Mandated Drug (CMD) treatment program of the Magistrates Court.
- Rewards are available for individuals exhibiting conforming behaviour and that recognise special efforts. Incentives to positively engage in such programs can also benefit from additional ideas and input from independent groups such as *Just Desserts* that interact with but are nonetheless separate from the official institutions of governmental control.
- The mission of *Just Desserts* is to assist in building up the 'rewards' side of the drug use equation. Working with community members, the key task is to establish and maintain a wide range of valuable items and services for use in rewarding participants in the CMD program as they achieve various stage-related goals.

# AIMS OF JUST DESSERTS

---

- To assist the drug court in providing tangible rewards to offenders in a way that is transparent and supports the practices of the program;
- To provide a link between the community and the drug court by being the key group for the tangible rewards scheme, steering fundraising efforts and ensuring a successful collaboration between local charities, corporates and the drug court;
- To discuss issues of concern such as criticisms, and ensure appropriate rewards are acquired through communication with the public, the Chief Magistrate and Community Corrections.
- To be a positive promoter of the therapeutic justice courts operating in Tasmania in order to increase public awareness and muster local support;
- To operate as a partner with the Magistrates Court with respect to the promotion of the drug court; and
- To operate within the rules and procedures of the Law Society and other relevant laws and regulations.

# WHAT WE DO

---

- Collect incentives (e.g., teddy bears) for offenders engaged in the drug diversion program
- Raise money to buy suitable incentives (e.g., movie tickets)
- Speak to community groups (e.g., Rotary) about criminal justice issues
- Participate in community forums dealing with criminal justice and alternatives to incarceration
- Distribute information about drug diversion alternatives and related progressive criminal justice reforms (e.g., briefing papers)

# WHAT WE DO NOT DO

---

- Just Desserts is not part of the formal system of criminal justice and courts in Tasmania.
- It is not involved in the 'penalties' side of the drug use equation.
- It is oriented toward positive outcomes for CMD clients and positive interactions between offenders and the rest of the Tasmanian community now and into the future.

# INCENTIVES AND INNOVATIONS

---

*1. Tailoring the incentive to the individual and their specific circumstances*

- Food vouchers
- Bus tickets
- Vouchers for tangible goods
- Football game tickets
- Toys for children
- Books and book vouchers

# INCENTIVES OVER TIME

---

2. *Picking the right moments and special occasions* to provide an incentive 'reward'

- Significant milestones (such as 50, 100, 250 or 365 drug free days)
- Progression to Phase 2 (Stabilisation to Consolidation)
- Progression to Phase 3 (Consolidation to Reintegration)
- Graduation – where participants receive a certificate, a personalised gift (e.g., a clock, keyring, book) and a cake (their 'just dessert').

# RESPONDING POSITIVELY TO COMPLEX PROBLEMS

---

- The problem is not simply one of consumption, production, and supply of prohibited substances. A major issue is the effect of psychoactive drugs on people's behaviour in ways that make them a danger to others.
- Although the relationship between drug use and antisocial behaviour is not direct, it is clear that it is closely associated with damaging effects, from violence outside pubs and clubs to dangerous driving. Nor is the harm limited to victims, since many drugs also have serious health consequences for users.
- For these reasons, any consideration of drug use necessarily crosses the boundaries between criminal justice, health and welfare, and education. Responding to drug use and abuse requires both a sensitivity to social context and an appreciation of adopting holistic and multifaceted approaches.

# SOME FINAL THOUGHTS

---

- We *do not* reward offending – but we *do* provide incentives for healing
- Individuals are part of communities, which are part of societies – healing is a collective project with individual, communal and societal benefits
- Building *positive futures* is far more important than simply penalising people for their pasts – consequences matter
- There is a *duality of responsibility* on the part of the individual (for the harms associated with offending) and society (for the harms associated with social circumstance) – all must contribute to the wellbeing of all



# SOCIAL INEQUALITY AND PROBLEM-SOLVING JUSTICE

---

ROB WHITE

EMERITUS DISTINGUISHED PROFESSOR OF CRIMINOLOGY

UNIVERSITY OF TASMANIA

# WHO IS IN PRISON?

---

Predominantly men and boys

Indigenous men, women and children over-represented

People with brain injury and cognitive disability

Homelessness, poverty and unemployment

Substance use and misuse

Sex offenders

Offenders and **co-morbidity** – poor, illiterate, homeless, drug and alcohol use, health issues

# YOUNG PEOPLE & THE CRIME PROBLEM

*Issues:*

---

- Individual agency is fostered through neo-liberal reorganisation of institutions (school, family, welfare, criminal justice) where the key focus is on **personal responsibility** for 'success/failure', doing 'good/bad' and 'advantage/disadvantage', rather than shared structural conditions, opportunities and experiences.
- There is a strong link between the **socio-economic status** of individuals (and communities) and the incidence of **criminal offending**.
- The crux of state intervention is how best to **manage the problem of disadvantaged groups** (their presence and activities), rather than to **eradicate disadvantage**. Crime and delinquency is socially patterned: certain categories of young people are criminalised more than others and this is entirely related to social circumstance.

# SOCIO-ECONOMIC STATUS & OFFENDING

---

- **structural factors** such as the overall state of the economy, levels of unemployment generally, welfare provision and so on, and how the dynamics of the labour market are reflected in the 'warehousing' capacities of the prison
- **situational factors** relating to the personal characteristics of offenders relative to their opportunities in the competition for jobs, and how marginalisation and the attractions of the criminal economy contribute to offending
- **factors relating to social disorganisation**, as manifest at family and community levels, as for example when the intergenerational effects of the unemployment-criminality nexus translates into less knowledge about ordinary work and concentrations of similarly placed people in the same geographical area.

# JUVENILE JUSTICE & SOCIAL JUSTICE

## *Issues:*

---

- Most juvenile justice systems deal predominantly with offenders from working class backgrounds (including indigenous and ethnic minority people), and thereby reflect the **class biases in definitions of social harm and crime**, as well as basing responses on these biases.
- Since there are strong connections between **community circumstances** that give rise to street crime (such as economic marginalisation), and the **community relations** that sustain them (such as ethnic identification), **community processes** are also most likely to provide the best opportunities for their transformation.

# CRIMINAL JUSTICE AND WELFARE PROVISION

---

**Intervention** that targets basically the *same* group of children:

Young people and children 'at risk' – notions of vulnerability

Young people and children 'as risk' – notions of culpability

**Social processes** underpinning this:

- Racialisation
- Marginalisation
- Stigmatisation
- Criminalisation

# WHAT IS A DTO?

---

- The Court Mandated Diversion (CMD) program is a sentencing option available in the
- Supreme Court and the Magistrate's Court in Tasmania. Sentencing to a *Drug Treatment Order* (DTO) is a decision made by the Court designed to assist people with a demonstrable illicit drug use problem whose drug use is linked with their offending.
- Offenders sentenced to a DTO have many restrictions placed on them and are required to meet various obligations, to help support the individual to break the drug-crime cycle and recover from drug abuse. Whilst on a DTO an offender must abstain from all illicit drug use. Other conditions that are generally included on a DTO are that the offender include regular face-to-face meetings with a Court Diversion Officer (CDO) and they attend individual counselling and group treatment programs.

# WOMEN AND MEN ON DTOS

---

Historically the CMD program has been male dominated. While this remains the case, anecdotal information suggests that the referral and participation of women onto a DTO is increasing. This is parallel to the trends of incarceration, where more males than females are incarcerated, but the rates of female imprisonment are increasing.

CMD participants consist of individuals whose offending warrants a period of incarceration, and which the Magistrate or Judge would not ordinarily consider suspending either partially or wholly. This consequently rules out a number of offenders involved with the criminal justice system, including a large number of women. Women do not commit the same levels and seriousness of crime, nor at the same frequency as their male counterparts.

Consequently, they are often being placed on leaner sentences such as suspended sentences or alternative community-based orders due to the lower risk nature of their offending.

# NEEDS SPECIFIC TO WOMEN PARTICIPANTS I

---

Many women who participate on a DTO are victim of or witness to *family violence*.

- The CMD team have good working relationships with external services such as the Hobart Woman's Shelter and the Family Violence Support Service to aid in assisting their clients, along with having staff trained in identifying and responding to family violence. For many women on the CMD program, there is a direct correlation between their illicit/harmful substance use and a violent partner or relationship.

# NEEDS SPECIFIC TO WOMEN PARTICIPANTS 2

---

Women's involvement and engagement in *childcare and child protection*.

- As statistically women are often the primary carer of dependants, parenthood is a key consideration for female CMD participants. Given that the program can include swift, brief periods of incarceration, childcare responsibilities must be taken into consideration. This includes pregnancy and providing education and support around the impact that harmful substance use has on a developing foetus.

# NEEDS SPECIFIC TO WOMEN PARTICIPANTS 3

---

Research and experience show us that women who struggle with substance abuse often have a history of *physical and/or sexual trauma*.

- This frequently comes with complex diagnoses and the need for guidance around medication regimes. More importantly, these experiences impact engagement with treatment. As with any poorly represented cohort, intervention programs are limited. AoD treatment often comes in the form of group therapy. For women with trauma backgrounds, group participation and attendance can be daunting.

# PROBLEM-SOLVING COURTS

---

## ***Courts as case managers:***

- primary function of the court is to work collaboratively with partner agencies in case management and programme delivery for each offender
- court maintains significant and ongoing contact with the offender to enhance rehabilitation o e.g., drug courts, mental impairment courts

## ***Courts as diversionary operators and case monitors:***

- level of judicial monitoring is periodic and primarily for case determination
- a review process provides information for consideration in sentencing o e.g., drug court diversion programmes, family violence courts

# WHY DO WE NEED PROBLEM-SOLVING COURTS

---

- Over-representation of indigenous men, women and children in criminal justice and coercive welfare systems
- There has been much discussion about “crossover kids”, those young people who seem to inevitably “graduate” from the Care and Protection Jurisdiction to the Youth Justice area and then to the Adult Criminal Jurisdiction.
- Different needs of men, women and children in regards criminal justice, welfare and health systems

# FAMILY DRUG COURT - VICTORIA

---

- In Victoria there is a *Family Drug Court* that supervises program rehabilitation for those parents whose children have been removed into the Care Jurisdiction. The Court looks at treatment programs for the issues behind that removal such as addictions to drugs and alcohol with a view to ultimate reunification of the family.
- It involves a judicially monitored, therapeutic 12-month program conducted in a highly supportive non-adversarial environment. The program seeks to engage parents whose children have been removed from their care due to parental substance use or dependence and uses intensive case coordination and holistic therapeutic intervention to address issues of substance use with the aim of achieving safe and sustainable family reunification of parents and their children.

# DRINK DRIVER COURT - TASMANIA

---

- As recommended by the Tasmanian Law Reform Institute, a *Drink Driver Court* could be established to deal with the large number of recidivist offenders who are sent to prison for offending against the Road Safety (Alcohol and Drugs) Act for repeated breaches of the Legislation.
- There is a significant body of research and experience from the United States that supports the “Drug Court” approach has significant positive effects with this cohort of offenders. The Sentencing Act provisions which set up the Drug Court deal only with offenders who are addicted to illicit substances and as the Law Reform Institute noted the deletion of that word would enable those court processes to include drink driving offender.

# RE-ENTRY COURTS I

---

“A *re-entry court* is a court that manages the return to the community of individuals being released from prison, using the authority of the court to apply graduated sanctions and positive reinforcement and to marshal resources to support the prisoner's reintegration, much as drug courts do, to promote positive behaviour.

Built on specialty courts research and experience, a re-entry court is a specialised court for offenders who leave prison early and “re-enter” society. Its purpose is to make the transition from incarceration to tax-paying citizen more likely.

- Participant Recruitment, Intake, Assessment and Planning. The first step in re-entry and all problem-solving courts is intake, assessment, and planning. For re-entry courts, the literature suggests that pre-release recruitment and planning is ideal, but that it is hard to achieve, and that target populations are those that courts can access.
- Recruitment in re-entry courts. Assessment and planning prior to release helps re-entry participants move quickly into housing, medical care, and employment services, which increases chance of success.
- Intake and needs assessment. Intake should occur as quickly as possible after participants are identified, and include immediate work opportunities, which are one ingredient in effective programs. Offenders without jobs are not likely to have many immediate resources, and the speed with which employment proceeds is critical.

# RE-ENTRY COURTS 2

---

- Early oversight. The Re-entry Court model stresses that active oversight begins with court appearances as immediately as possible after release from prison. Managing the key, early transition phase is crucial.
- Judicial interaction. Oversight processes can also be understood to include the nature of interactions in court appearances, and the drug and re-entry court experience suggests that the nature of a judge's interaction with participants in court has a direct effect on success
- Team oversight. The importance of a team approach to oversight is another factor stressed frequently by evaluations of re-entry and other problem-solving courts.
- Employment & training services. Employment services and training are particularly key for re-entry and fathering courts, since this population so often has poor education, few job skills, and limited knowledge about job hunting”.

# EIGHT MEASURES TO IMPROVE JUSTICE

---

1. Justice Reinvestment – invest in the community
2. Restorative Justice – put repairing harm at the centre of justice processes
3. Therapeutic Jurisprudence – address underlying problems and co-morbidities
4. Trauma-informed Approaches – recognise and respond to grief and pain
5. Mentoring – link people to those they respect and will emulate
6. Raise the Age of Criminal Responsibility – keep people out of criminal justice
7. Systems of Accountability – monitoring of standard operating procedures and everyday practices
8. Victim Engagement – mechanisms for active participation and meeting needs



**Past**

[who we are,  
what was done]

**Future**

[who we will be,  
what we can do]

# BUT WHAT ABOUT VICTIMS?

---

ROB WHITE

EMERITUS DISTINGUISHED PROFESSOR OF CRIMINOLOGY

UNIVERSITY OF TASMANIA

# VICTIM PARTICIPATION

---

- (a) A focus on **prosecution processes** which centre on the court case itself and the offender. Thus, the use of victim impact statements is to assign penalty, and to assist in the prosecution of offenders. It is not necessarily victim-centred per se, even though the victim may possibly gain some sense of satisfaction by doing a victim impact statement and being more actively involved in the court case
- (b) A focus on **conflict resolution processes** which involve some form of mediation and 'restorative justice'. The intention here is on restoring dominion or personal liberty, both for the offender and the victim. Rather than focusing exclusively on the prosecution process, there is promotion of more active victim participation, and attempts to 'make good the harm' in a way which shames the deed, but not the offender

# VICTIM PARTICIPATION

---

- (c) A focus on **compensation** so that the victim gains some type of financial recompense for harms suffered. The victim may be actively involved in determination of levels and nature of compensation. However, how payments are organised and administered is largely a matter for the courts and/or state compensation agencies to determine
- (d) A focus on **provision of support services** which refers to areas such as counseling, funding of safe and secure refuges, the provision of information to victims so that they are better able to understand their victimisation in a wider context, and so on. Central to this orientation is the idea of meeting victim needs directly, rather than dealing with the offender

# VICTIM ASSISTANCE PROGRAMS & PROCEDURES

---

- Victim notification
- Victim Impact Statements
  - written (open, formatted)
  - verbal
- Court orientation
- Transportation
- Escorting
- Compensation
  - physical injury (Crimes Compensation Tribunal)
  - property (court restitution, civil proceedings)
- Victim-offender mediation
- Family conferencing/police cautioning

# VICTIM IMPACT STATEMENTS

## Arguments in favour

---

### **1. System Consequences**

- recognition of victim's party status & individual dignity
- increased victim co-operation
- enhanced system efficiency
- better reflection of community's response to crime
- may increase proportionality and accuracy in sentencing
- fairness to consider victim as well as offender perspectives

### **2. Victim Needs**

- victim satisfaction with justice
- psychological healing and restoration
- reduce feelings of helplessness and lack of control
- symbolise importance of victim in the process

# VICTIM IMPACT STATEMENTS

## Arguments in favour

---

### **3. Sentencing goals**

- enhance retribution by measuring extent of harm
- increase deterrent effect by increasing prosecutorial efficiency
- incapacitation if victim has knowledge of defendant's potential for future criminal activity
- promotes rehabilitation as offender confronts reality of harm they have caused the victim
- crime as act against victim increases emphasis on restitution as sentencing objective

# VICTIM IMPACT STATEMENTS

## Arguments against

---

### ***1. System Consequences***

- undermine court's insulation from unacceptable public pressure
- substitutes victims' subjective approach for objective one practiced by the court
- sentence disparity depending upon nature of VIS
- inconsistency depending upon vindictive or forgiving victim
- delays and additional expenses in already overburdened system
- longer trials
- actual harm actually taken into account in criminal law
- limited relevance in jurisdictions which employ a determinate sentencing scheme

# VICTIM IMPACT STATEMENTS

## Arguments against

---

### **2. *Victim Needs***

- issues of victims' health and welfare
- may be subject to unpleasant cross-examination
- creates unrealisable expectations in victims
- VIS requirement may be traumatic for victims

### **3. *Legal and Human Rights***

- rights gained by victims may be rights lost to the defendant
- reversion to retributive, repressive & vengeful punishment
- issue of unfounded or excessive allegations of victims
- shifts focus away from enlightened & progressive responses

# VICTIM I

*Proposition:*

Victims differ from each other. Consider the following scenarios. In each case the victim has suffered a physical assault at the hands of an assailant.

*Victim I*

*Retribution and punishment* are all that this person can think about. The assault had a devastating impact on the life of the victim, who is angry and hostile. This victim wants a punitive response and to make the offender to suffer pain in some way.

A VIS provides one mechanism to vent such emotions and to make the offender pay for the harm caused.

## VICTIM 2

---

*Forgiveness and understanding* are the ultimate goals of this person.

They have been raised in a religious tradition that emphasises peacekeeping, forgiveness and love of one's enemies. They want to understand why the offender did what they did. They also want to assist with ways in which the offender can somehow find redemption for their deeds.

A VIS is less important than the need to work with offenders to change their ways.

# VICTIM 3

---

*Forgetting and submerging* the event, and not wanting to know any more about the offender, is what this person wants.

They were traumatised by the assault and just want to forget that it ever happened. They do not want to be bothered with confronting the offender, to forgiving the offender or to contributing to a VIS. They simply do not want to re-live the event in any way, shape or form. It is time to move on and look to the future.

**The orientation and role of victims within systems will also vary according to the aims of the system as a whole: retribution, rehabilitation, or restoration.**

# BUT WHAT ABOUT VICTIMS? I

---

There are two key issues here. One is how best to **give victims a forum** in which they can best and most positively voice their feelings.

The second is how to arrange for **offenders to ‘hear’ the victims’ voice**, without compromising their own safety, future opportunities and rehabilitation processes. Discussion of the preparation of prisoners for release, including via pre-release leave programs, requires that offenders at least begin to understand the impact of their actions on victims. More than this, however, many jurisdictions also now demand some kind of involvement in restitution, reparation or restorative justice activities, both while an offender is in prison and while they are on leave from prison or on parole. Where appropriate, and where suitable human and material resources have been put into place, restorative justice mechanisms can be usefully applied in relation to pre-release programs and strategies

# BUT WHAT ABOUT VICTIMS? 2

---

Options can range from face-to-face meetings between individual victims and individual offenders (in the community, or in prison confines), family or juvenile group conferences that involve family members and support people, through to 'surrogate victims' in the form of panels of victims telling their stories to offenders.

Raising consciousness among prisoners of the harms that they have caused can be achieved in different ways.

- **Classes designed for adult and juvenile offenders**, both non-violent and violent, in diversion, probation, incarceration, detention, parole and offender re-entry settings.
- **Victim Impact Panels** that involve a small panel of volunteer victims addressing a group of offenders, in different settings, and where victims are not allowed to speak on any panel in which the offender in their case is present.
- **Community Based Discussion Groups** that involve a structured program in which convicted offenders of a particular offence (such as burglary) are subjected to a probation order that brings them into contact with burglary victims.

# ISSUES & SERVICES FOR VICTIMS

---

- Crisis Support for crime victims  
(emotional, psychological, financial)
- Information Provision  
(investigation, prosecution, trial, disposition, release)
- Treated with Dignity  
(reducing indifference or insensitivity of system)
- Crime Prevention  
(steps to minimise the impact of victimisation)

# ISSUES & SERVICES FOR VICTIMS

---

- Social Crime Prevention  
(social development as victim safety)
- Victim/Offender Reconciliation  
(interaction, including restitution)
- Formation of Support Groups  
(information and services)
- Production of factual material about crime-risks  
(to counter-balance exaggerated fear of crime)

# VICTIM CONCERNS

---

*For many violent victims, the thought of living in the same community as the person who caused them such terrible harm and deep psychological trauma is foreboding. Re-entry partnership professionals and volunteers must accept this factor and find ways, to the degree possible, to honour the victim's wishes. This may mean establishing a geographic 'safe zone' perimeter around the victim (for example, in California it is 30 miles from the victim's place of residence), and developing strict conditions of supervision that centre on the victim's need for safety. (Seymour, 2001 : 8)*

**Victims** deserve and have a right to be engaged with the criminal justice system in different ways and in relation to diverse rights and needs

---

- That any participation by victims be subject to the proviso that what they submit be 'legally relevant' and be based upon objective evidence when it comes to considerations of release as such
- That victim participation based upon subjective fears and misgivings about offenders be directed at the conditions of release rather than release itself
- That the exercise of victim rights explicitly acknowledge certain responsibilities as part of this, as in the case of 'confidentiality' considerations in relation to information about offenders

- That victim satisfaction cannot be guaranteed by the operation of the criminal justice system; only that victim needs and rights be respected within an overall climate of rights-respecting institutions and human rights considerations

---
- That victim rights do not automatically mean the diminishment of offender rights; but that rights are always constituted in relation to other rights, in relation to the intrinsic needs of specific categories of people, and in relation to universal standards (such as human rights)
- That an important role of the state is to safeguard citizens, including prisoners, from community prejudices and abuse of authority, and to protect victims from becoming offenders themselves (for example, by taking the law into their own hands and engaging in violence against prisoners)

# **Exiting Prison with Complex Support Needs: The Role of Housing Assistance**

**Tasmanian Report**

Pat Burton & Rob White  
School of Social Sciences  
University of Tasmania, Australia

Funded by the Australian Housing and Urban Research Institute (AHURI)  
2021

## **Contents**

*Acknowledgements*

*List of Acronyms*

## **Executive Summary**

## **Introduction**

## **Background**

*The Tasmanian Prison Context*

*Housing Service Provision for Prisoners*

## **The Present Study**

### **A. Quantitative Data**

*SHIP: Specialist Homelessness Information Platform*

### **B. Qualitative Data**

*Complex Needs: Housing and Support Issues*

*Assistance with Finding Housing*

*Housing Availability and Utility*

*Non-Housing Agencies and Services*

*Parole and Supply*

*Inter-Agency Coordination and Cooperation*

*Front Door Concept and Practice*

*Housing Waiting Lists*

*Housing Debt*

*Persons with Complex Support Needs*

## **General Observations**

*The Covid-19 Pandemic*

*Competitive Tendering*

## **Conclusion**

*Sector-based Recommendations*

## **Further Reading**

## **List of Tables**

Table 1:  
Opportunities and Barriers to Agency Collaboration

Table 2:  
Key Stakeholder and Initiatives

Table 3:  
Needs Identified, Services Provided and Referrals Arranged – services counted once per support period

Table 4:  
Needs Identified, Services Provided and Referrals Arranged – count of any instance a service contact was recorded

Table 5:  
Interview Participants

Table 6:  
The Housing Options Landscape

Table 7:  
Specific Housing and Accommodation Services

## **List of Case Studies**

Case Study 1:  
Returning Home

Case Study 2:  
A Collaborative Process

Case Study 3:  
Complexities of Dealing with Complex Needs

## **Acknowledgements**

We are grateful to the agencies that supplied information about housing issues, both generally and with respect to ex-prisoners within Tasmania, and those who participated in interviews about the ‘state of play’ in this area. Our special thanks go to the ex-prisoners who we interviewed.

This project was funded by Australian Housing and Urban Research Institute (AHURI) as part of a joint New South Wales and Victoria research initiative.

## **List of Acronyms**

A&OD - Alcohol and other drugs  
ABI - Acquired Brain Injury  
AIHW - Australian Institute of Health and Welfare  
AHURI - Australian Housing and Urban Research Institute  
BTW - Beyond the Wire Program  
CHL - Community Housing Limited  
CMD - Court Mandated Drug Diversion  
DSP - Disability Support Pension  
EBT - Electronic Benefits Transfer  
GP - General Practitioner  
HC - Housing Connect  
ITSS - Intensive Tenancy Support Service  
NDIS - The National Disability Insurance Scheme  
PROP - Post Release Options Project  
PRRH - Prisoner Rapid Rehousing Initiative  
REO - Reintegration of Ex-Offenders Program  
SHIP: Specialist Homelessness Information Platform  
SHS - Specialist Housing Agency  
TAC - Tasmanian Aboriginal Centre  
TPS - Tasmania Prison Service  
UTAS - University of Tasmania

## Executive Summary

The particular difficulties experienced by ex-prisoners in accessing suitable housing has been acknowledged in parliamentary reports, policy statements and dedicated housing action plans. In Tasmania, people leave prison under several different circumstances. They leave:

- From prison at the expiration of their sentence
- From prison on parole to complete their sentence in the community
- From court after being remanded in custody and having charges dropped or receiving a non-custodial sentence.
- From prison to engage in a court mandated diversion program.

The interrelationship between complex needs and homelessness is well established in the literature and is likewise reflected in the present Tasmanian research. A significant number of those preparing to leave prison face homelessness, rough sleeping, emergency accommodation and great uncertainty regarding where they will stay.

The present study originated with an Australian Housing and Urban Research Institute project that aimed to provide new theoretical and policy-relevant understandings of the role of post-release housing assistance for persons with complex support needs (in particular, mental health disorders and/or cognitive disorders) and its impact on housing pathways, reoffending and re-integration. For present purposes the focus is on findings related to the research question *What do CJS workers, housing workers and ex-prisoners say about the coordination and delivery of housing assistance?*

The framework of housing provision for ex-prisoners is *Housing Connect* (HC), usually described as a 'Front Door' model where all public and social housing applications are processed and involving an agency which provides housing related support. Housing Connect is meant to be a one-stop shop for all housing and support needs, involving one assessment for everything from emergency accommodation to a long-term home. It processes housing applications but does not do any of the allocation of property as such. It refers clients to housing support workers.

A component of HC is the *Prisoner Rapid Rehousing Initiative* (PRRH) designed specifically to assist people exiting prison in Tasmania. The Prisoner Rapid Rehousing scheme is designed so that tenants will be provided with support to transition back into the community, to access and maintain stable accommodation, and to address issues which may contribute to reoffending. It is operated through the *Beyond the Wire* Salvation Army. The program emerged from collaboration between a number of non-government organisations which sought to provide a state-wide service, with the Salvation Army acting as the lead agency. Its goals are to provide access to a broad range of services provided by each organisation (Anglicare Tasmania; CatholicCare; Colony 47; Hobart City Mission; Salvation Army Tasmania). The term of the agreement is from January 2018 until 31 December 2021. Each contributing organisation to the strategy has specified roles and responsibilities which are detailed later.

### A. Quantitative Data

The system of use and referral in regards housing provision involves interactions between Tasmania Prison Service, Housing Connect and Beyond the Wire. Referrals from the prison

to HC and BTW for the 12 months; 1 September 2019 and 2 September 2020 included the following : Housing Connect – 216; Beyond the Wire, – 47.

Data were provided by BTW that provided profiles of their clientele and their interaction with the service between August 2019 and 2020. In the year up to August 2012, BTW engaged 80 clients most of whom have been recently released from prison. This number included 67 men (83.8%) and 13 women (16.3%). The age profile of those within the system included 20 clients between 20-29; 29 clients between 30-39; 19 clients between 40-49; 7 clients between 50-59; and 4 clients over 60 years of age. 70 of the 80 clients were non-Indigenous, with 10 identifying as Aboriginal and Torres Strait Islander. All of the clients were born in Australia.

In regards to whether the clients had previously been diagnosed with a mental health condition by a health professional, the responses were ‘yes’ (17 = 20%), ‘no’ (8 = 9.5%), ‘don’t know’ (58 = 69%) and one ‘not applicable’. It was reported that about a third of clients had no difficulty with self-care, mobility and communication – but little was known about the other two-thirds of the clients and their relevant needs. Data on diagnostic information and client needs appears to be less than adequate. A wide range of service assistance is provided.

## B. Qualitative Data

The Tasmanian study involved interviews with 22 respondents across the prisoner-housing-complex needs spectrum of service provision and included government and non-government service providers as well as ex-prisoners. The issues raised by respondents included: Housing and Support Issues; Assistance with Finding Housing; Housing Availability and Utility; Non-Housing Agencies and Services; Parole and Supply; Inter-Agency Coordination and Cooperation; Front Door Concept and Practice; Housing Waiting Lists; Housing Debt; and Persons with Complex Support Needs. Additional matters raised included the impact of Covid-19 on housing provision and services, and the impact of competitive tendering on service providers.

## Highlights

Ex-prisoners in Tasmania are competing for secure accommodation that is already in short supply, and without family and other support, the situation for many is bleak.

There are a range of agencies and personnel who assist with housing and accommodation. While the prison service ostensibly assists individuals with planning for release and post-release settlement, for people leaving prison the perception is that it is up to them to chart their own course. Structured, well-resourced throughcare is still an aspiration for most.

The interviews exposed the paradox that while they were often the most appropriate places for individuals to be released to, in terms of availability of housing and family support, families may not present a pro-social environment conducive to successful re-entry. Nor is this support always unconditional, as some may be experienced as a transactional relationship based upon ‘scratching each other’s back’.

Factors that are relevant to housing assistance, availability and utility include pre-release planning, corrections-related accommodation, crisis accommodation, transitional housing,

social housing, Commonwealth Rent Assistance, bond loans/grant, brokerage services, case work and legal information and advice.

A number of issues emerged in relation to housing and parole. One of the most significant, in addition to matters of supply, was the question of timing. Perhaps the most significant barrier to successful parole applications is the requirement to have an approved address prior to securing release on parole. There is no doubt that there is a direct relationship between a tighter housing market and chances of securing parole. People are being held in custody having satisfied all of the parole criteria, simply due to the unavailability of suitable housing. Even when an approved housing option is found, there is often the added complication of how long the housing provider can hold that option while the parole process and release from prison is actioned.

Many opportunities exist for inter-agency contact, cooperation and coordination, including areas such as initiating plans for post-release housing, planning processes, referrals, information sharing, and follow up. Information sharing was interpreted variously. Some respondents spoke of making client information available to collaborating agencies. Others made mention of the reciprocal sharing of information between agencies as it related to their respective programs and service offerings; and one made the point that access to shared databases was restricted to agencies which relied on data to do their work effectively.

Trying to elicit consensus on just whose responsibility it is to provide navigable pathways to accommodation was difficult. The interviews revealed structural anomalies and systemic deficiencies in many areas, as well as difficulties stemming from the ex-prisoner's aptitude, attitude, resolve and/or capability.

The concept of a 'front door' via the Housing Connect was a major departure to the way homeless people accessed housing previously. Before HC there was degree of autonomy within community housing agencies, crisis shelters and others working with the homeless, including government agencies. It was built on their ability to achieve good housing outcomes based on their individual knowledge and experience of the local housing sector. This was underpinned by networking, collaborating with other housing agencies and through an ability to place certain individuals in places to reduce their vulnerability or having them influenced by undesirable persons or circumstances. This model, while not perfect, has effectively been replaced by a HC, yet there is little evidence so far to suggest that outcomes for people exiting prison into homelessness, have been enhanced.

Housing wait lists were variously described:

- Numerically - the number of people on the public housing wait list.
  - Descriptively - generally 'huge'.
  - Categorically - public and social housing, crisis shelters, rehabilitation programs.
  - Time related - such as how someone might spend on a waiting list
- Whatever the description or categorisation, ex-prisoners were substantially disadvantaged and vulnerable to extended wait times for whatever housing is on offer.

There were many references to ex-prisoners having a housing debt and how this is a limiting factor when they reapply for public housing. The circumstances around incurring debts need to be examined as these varied.

This report demonstrates that housing and accommodation for individuals needing complex needs support is inadequate, and while processes and procedures are in place to assist this cohort, the structure of the housing market itself severely restricts the placement of ex-prisoners in suitable accommodation. Nonetheless, there are a range of measures that could be adopted to improve existing systems of support and enhance service provision. Specific issues, such as the advent of the Covid-19 pandemic and the funding framework of competitive tendering, are also impinging upon service provision as well.

Housing options for ex-prisoners in Tasmania are limited, as are service providers both in the first instance and with respect to specialist services for people with complex needs.

In undertaking this research, there were important commonalities with other states. For example, considering the unanimous views in regards the importance of providing timely planning, too many people end up in crisis style accommodation, which all agree is unsuitable.

In Tasmania specifically, the introduction of a specialist housing worker in the prison was raised. Also, the planning officers, whose job it is to coordinate the support needs, are very much under resourced. Moreover, it appears that most facilities do not have pro-active mental health nurses, which points once again to a general problem of lack of staff resources. The evidence in Tasmania is that the resources in this area have not changed since the prison population was around 400. It is now approaching 700.

A common theme of the research and scholarship is that where infrastructure is established, resources are expended with no real expectation of outcomes simply due to the lack of housing. In a similar vein, the expectation that people who have never managed a tenancy before will succeed, is misplaced. The end result is that people cycle or churn through the systems – both emergency housing and the prison.

On the basis of the interviews and the background research, a number of recommendations pertaining to service provision and housing and prison issues were suggested. Key messages revolved around matters such as communication and inter-agency collaboration; addressing criminogenic need; financial resources; adopting a housing first approach; maximising the utility of current resources; examining parole processes; ensuring greater policy input by practitioners and those are the coal face of the issues including ex-prisoners; reduce prison demand; support further research and education; address issues pertaining to the impact of stigmatisation of ex-prisoners; and implement throughcare strategies and practices.

One bottom line is that there simply needs to be more housing, in a variety of forms, to meet the widespread social demand for accommodation in Tasmania. Another is that suitable professional throughcare support and service provision is essential if ex-prisoners are to be settled back into the community in ways that will genuinely reduce or eliminate recidivism. Each of these are systemic issues and fiscal matters that ultimately go to the heart of the problem – and thus each is inherently about political choices and actions.

## Introduction

This report stems from a project funded by Australian Housing and Urban Research Institute (AHURI) as part of a joint New South Wales, Victoria and Tasmania research initiative. The overarching research aim of the AHURI project is to provide new theoretical and policy-relevant understandings of the role of post-release housing assistance for persons with complex support needs (in particular, mental health disorders and/or cognitive disorders) and its impact on housing pathways, reoffending and re-integration. The study involved documentation and interviews with professionals and ex-prisoners about re-integration services and/or post-release housing assistance for ex-prisoners.

Our intent in this report is to provide an extended discussion of the issues in the hope that the materials and insights herein will be a resource for those people and agencies working to enhance accommodation and resettlement outcomes for ex-prisoners in Tasmania.

The report makes extensive use of quotations from respondents – who include people with extensive experience working in the sector especially where access to housing is a significant factor, newer workers experiencing the day-to-day challenges of engaging with these issues, and ex-prisoners whose stories and comments present a unique perspective.

Housing provision is considered an important government objective and intervention focus. This is reflected in “Tasmania’s Affordable Housing Strategy 2015-2025”, which includes reference to the Prisoner Rapid Rehousing Initiative. Strategic interventions to address housing assistance and supply across Tasmania include:

1. Preventing housing stress of low-income earners by increasing the supply of affordable homes.
2. Targeted Early Intervention to assist Tasmanians in need who are at risk of housing stress or homelessness.
3. Rapid Response and Recovery aimed at people who are at immediate risk or experiencing homelessness to find safe and secure housing.

The particular difficulties experienced by ex-prisoners in accessing suitable housing has been acknowledged in parliamentary reports, policy statements and dedicated housing action plans.

This report provides a brief summary and analysis of prisoner-related housing research carried out in Tasmania by Pat Burton and Rob White. The interviews took place under Covid-19 restrictive conditions (consisting mainly of telephone interviews - in addition, there were three live ‘Zoom’ calls and three face to face interviews) over the months of July-September 2020. For present purposes our focus is on findings related to the research question *What do CJS workers, housing workers and ex-prisoners say about the coordination and delivery of housing assistance?*

As with the other states, the Tasmanian contribution to this project was conducted during a time of huge social and economic uncertainty, as this country and the world dealt with the COVID-19 pandemic. The pandemic, and its bearing on the research process and outcomes, was an unplanned component of the research, and could not be uncoupled from the process itself. It will also be dealt with as an additional consideration affecting housing for ex-prisoners.

## Background

For many years in Tasmania housing pathways for people exiting prison have been problematic. The lack of affordable accommodation and associated issues such as stigma, poor health, psychological difficulties and addiction have inevitably contributed to this 'perfect storm', creating major barriers for people exiting prison.

Describing the cohort and their ability to 'compete' for housing stock with others, one respondent to the present study, Phoebe, stated:

*...prisoners would probably be one of the most disadvantaged because not only do they maybe have - as you've noted, different complex mental intellectual issues; a whole range of issues. But on top of that, they are not seen as easy to house - particularly in the private rental market because that's a very competitive market where people need to compete with other prospective tenants uhm, and those with different ranges of income....*

These observations are by no means new in the Tasmanian context. For example, in the mid-2000s, the Post Release Options Project began as an initiative of Bethlehem House, in association with the then School of Sociology and Social Work, University of Tasmania, funded by the ANZ Trustees (Charitable Works). The objectives of the project were to:

- assess current issues and problems in relation to prisoner post-release needs, and
- develop strategies and protocols for greater co-ordination between relevant government and non-government agencies and a more collaborative approach to service issues in this area

Key issues considered by the project team at that time included:

- the lack of a maintaining and co-ordinating structure with recurrent funding
- potential duplication of post-release services
- developing a more formal collaborative framework involving key stakeholders
- identifying the opportunities and barriers to collaborative service delivery
- recognising that failure to co-ordinate services adequately is linked to higher recidivism rates

These issues were discussed at a roundtable forum on 4 September 2006 organised by the authors of the present report. It was attended by key government and non-government representatives. The forum was addressed by the Hon Steve Kons, then Minister for Justice, who participated in a series of workshops to identify critical post-release issues for prisoners and opportunities and barriers to collaborative service delivery.

Post-release needs were framed in terms of 'relationships', in the context of spatial, financial, emotional and social needs, and the issues identified included stable accommodation, employment, financial planning, education and training, sport and recreation, transport, life skills, legal aid, family support and so on. Opportunities and barriers to service collaboration were separately grouped under several broad headings (Table 1).

**Table 1:  
Opportunities and Barriers to Agency Collaboration**

<b>Opportunities for collaboration</b>	<b>Barriers to collaboration</b>
Leadership and accountability Shared vision and resources Diversity in decision-making Levels of Commitment Relationship & Information Sharing Improved Service Delivery Evaluation and monitoring	Locality Funding and resources Governance, Leadership & accountability Relationships, Information Sharing & Communication Conflicting culture Processes Workplace dynamics
<b>Issues surrounding post-release service delivery</b>	
Pre-release preparation Communication/Relationships Resources Organisational/Cultural issues Community perception Political will	

(Source: PROP Workshop, 2006)

Not much has changed in the intervening years between the 2006 workshop and the present study carried out in 2020.

### *The Tasmanian Prison Context*

Tasmania has just the one adult prison, with multiple sections. This is located in Hobart in the south of the island. It is comprised of:

#### Risdon Prison Complex

- Male inmates in maximum and medium security

#### Ron Barwick Minimum Security Prison

- Male inmates in minimum security and independent living units

#### Mary Hutchinson Women's Prison

- Female inmates of all security classifications

#### Hobart Reception Prison

- People new to system, at-risk, requiring protection or attending court

There is also the Launceston Reception Prison, which caters for people new to system, at-risk, requiring protection or attending court.

### Parole Board

The Board recognises that stable housing is one factor conducive to successful reintegration from custody to the community, and also for succeeding for the duration of any parole period. Despite non-government stakeholders assisting prisoners to find accommodation on release from custody, including the Salvation Army's *Beyond the Wire* program, the lack of affordable accommodation across all sectors of the community remains ongoing.

The Parole Board records statistics of applications for parole that have either been refused or had their matters adjourned due to a lack of suitable approved accommodation being available. There are often multiple reasons why a prisoner might be refused parole, with accommodation not being the sole one. For 2018-19, these figures included 9 prisoners refused parole due to not having access to suitable housing; and 32 prisoner's cases adjourned due to not having access to suitable housing (Tasmanian Parole Board Annual Report, 2020).

To put these figures into context, Tasmania now has over 600 persons in prison at any one time, and prisoner numbers have been steadily increasing in recent years (ABS, 2020). Parole is an important mechanism for reducing existing pressures on an already over-crowded system. Central to this, however, is housing provision.

#### The Custodial Inspector

In November 2018, the Tasmanian Government received the 'Custodial Inspector of Adult Custodial Services in Tasmania, 2017 Care and Wellbeing Inspection Report.' The report highlighted a number of deficiencies within the state's prison system which, if not redressed, would impact negatively on the delivery of rehabilitative programs. The report prioritised the issue of overcrowding in the following terms: "at present the prison service is over-stretched at almost every point due to the continual increase in prisoner numbers and existing infrastructure constraints, and this is creating system pressures in many areas" (Connock, 2018: 3).

Prior to the 2018 report, the Tasmanian Government had committed to a wholesale increase in the state's prison capacity. As present, there is a new prison being built in the north of the State, designed to accommodate several hundred more prisoners. Yet, the 2020 Custodial Inspector report highlighted that Tasmanian prison staff are already working excessive hours and shifts, and that chronic understaffing means that Tasmanian rehabilitation programs have become almost non-existent (Connock, 2020). This has serious implications for both preparation for release and in regards potential throughcare provision, both of which hinge to some extent on housing and allied service provision.

#### *Housing Service Provision*

The 2017 *Breaking the Cycle* Report noted that the Department of Justice was working with non-government organisations to finalise the scope of arrangements for a new program to provide assistance to prisoners in securing transitional accommodation.

In January 2018, the Department of Justice and the Salvation Army finalised an agreement for the delivery of a Specialist Throughcare Reintegration Program – *Beyond the Wire*. The purpose of this program is to offer a multi-partner throughcare service for high and complex needs prisoners who are exiting prison and who have chronic accommodation and support needs. This cohort of offenders have a history of prior convictions and relapse, often returning to prison following release into the community without appropriate accommodation and specialist support.

The program provides prisoners exiting prison with access to case management, service coordination and planning, with an initial pre-release focus meant to be part of seamless throughcare to post release and ‘graduation’ from the service. The program emerged from collaboration between a number of non-government organisations which sought to provide a state-wide service, with the Salvation Army acting as the lead agency. Its goals are to provide access to a broad range of services provided by each organisation (Anglicare Tasmania; CatholicCare; Colony 47; Hobart City Mission; Salvation Army Tasmania). The term of the agreement is from January 2018 until 31 December 2021.

### The Transitional Housing Provision Context

As indicated a number of agencies, government and non-government, are involved in housing matters relevant to offenders and ex-prisoners. Table 2 provides a snapshot of key agencies. Their activities are guided by the “Housing Connect” framework, with specific implementation taking the form of the Prisoner Rapid Rehousing Initiative (PRRH). We should add that there are other agencies involved in this area (for example, Magnolia House, a women’s shelter), however the ones listed are representative of those involved in the current project.

**Table 2:**  
**Key Stakeholders and Initiatives**

Agency/program(s)	Type of service
Housing Connect	Non-government one stop ‘front door’ housing agency
Tasmania Prison Service (TPS)	Government custodial correctional facility
Community Corrections	Government probation and parole agency
Anglicare	Financial counselling and chaplaincy
Salvation Army - Beyond the Wire	Non-government ex-prisoner community rehabilitation
The Parole Board	Early release
The Salvation Army Bridge Program	Therapeutic drug and alcohol recovery program
Prisoner Rapid Rehousing Initiative (PRRH)	Specialist prisoner housing program.
Onesimus Foundation	Support for prisoners and their families
St Vincent de Paul - Bethlehem House	Crisis accommodation
Dudley House	Accommodation and support
Nation Disability Support Scheme	Australian government disability
Court Mandated Drug Diversion (CMD)	Diversion from prison for treatment in the community
Missiondale	Therapeutic drug and alcohol recovery program

### Housing Connect

The framework of housing provision for ex-prisoners is *Housing Connect* (HC), usually described as a ‘Front Door’ model where all public and social housing applications are

processed and involving an agency which provides housing related support. Housing Connect is meant to be a one-stop shop for all housing and support needs, involving one assessment for everything from emergency accommodation to a long-term home. It processes housing applications but does not do any of the allocation of property as such. It refers clients to housing support workers.

A component of HC is the *Prisoner Rapid Rehousing Initiative* (PRRH) designed specifically to assist people exiting prison in Tasmania. The Prisoner Rapid Rehousing scheme is designed so that tenants will be provided with support to transition back into the community, to access and maintain stable accommodation, and to address issues which may contribute to reoffending. It is operated through the *Beyond the Wire* Salvation Army Throughcare Service (DHHS, 2018). Each contributing organisation to the strategy has specified roles and responsibilities.

Housing Tasmania will:

- Have oversight of the administration of the initiative including authorisation of Suitable Properties, monitoring and reporting on this initiative
- Provide Community Housing Providers with a tenancy management payment for approved Suitable Properties

The Tasmania Prison Service will:

- Identify Suitable Prisoners for the initiative
- Through the Prisoner Rapid Rehousing Panel (the Panel) facilitate the matching of Suitable Prisoners with Suitable Properties

Community Corrections Tasmania will:

- Supervise parolees and work with the community and other stakeholders to provide opportunities for reintegration

The Salvation Army will:

- Provide support to prisoners through the Beyond the Wire Salvation Army Throughcare Service
- Collaborate and liaise with the Tasmania Prison Service, Community Corrections and the Parole Board to assist prisoners meet their conditions
- Work with the Housing Connect Front Door to support exit planning out of Prisoner Rapid Rehousing into stable accommodation, social housing or affordable private rentals

Community Housing Providers will:

- Either find private rental properties or nominate properties from their portfolio that are suitable for the initiative
- Ensure private property owners provide evidence of current insurance documentation for their property (including tenant damage cover)
- Ensure properties are furnished, secure and suitable for occupancy
- Allocate properties to Suitable Prisoners in collaboration with the Tasmania Prison Service
- Receive \$12 000 per approved property per annum to assist with tenancy management costs
- Enter into a residential tenancy agreement with Suitable Prisoners to a maximum term of 12 months

- Provide tenancy management services in accordance with the *Residential Tenancy Act 1997*
- Manage vacancies and meet the costs of any rental arrears
- Recover costs associated with tenant damage

Private property owners (or their agents) will:

- Ensure their property is clean, tidy and fit for initial occupancy
- Provide evidence of current insurance for their property (including landlord and tenant damage cover)
- Enter into a head lease with a Community Housing Provider for a one- or two-year term that takes effect from the date that the Community Housing Provider enters into a residential tenancy agreement with the tenant
- Prescribe and receive rent from the Community Housing Provider
- Be responsible for the payment of council rates, maintenance repairs (excluding fair wear and tear) or improvements and all other property owner obligations as per the *Residential Tenancy Act 1997*
- Liaise with Community Housing Providers regarding tenancy and property management

The Housing Connect Front Door will:

- Provide advice and information on the initiative
- Provide intake and assessment services
- Work with the Salvation Army to support exit planning

This is the key policy and practice context within which ex-prisoner housing matters are dealt with and responded to. It comes on the back of significant ‘program churn’ occurring over a number of years in Tasmania.

For instance, recent research carried out at UTAS sought to develop an understanding of the consequences of removing a transitional support and accommodation program and the pattern of ‘program churn’ within the Tasmanian context (Herrlander Birgerson, 2019). It focussed on the dissolution of the Reintegration for Ex-Offenders’ (REO) program, which was part of a period of program churn that had seen close to thirteen years of different programs, from XCELL, to the Parolees Transitional Accommodation Project, to the Post-Release Options Program, to the Transitional Support Model for ex-Prisoners, the REO program, and lastly the Intensive Tenancy Support Services (ITSS) program.

The study identified four overarching themes:

- that transitional support programs are ineffective without ongoing funding and continuity, due to the relationship breakdown and diminished trust between returning citizens and service providers, and further disconnect from the community due to perpetuated system failure.
- the lack of commitment towards reintegration programs has consequences for inmates and returning citizens, such as remaining in the system for longer than necessary, and increased risk of reoffending upon release.

- specific program dissolution and ongoing program churn lead to negative consequences for service providers, such as loss of professional relationships, frustration and health implications; and
- the consequences of program churn and further reincarceration have larger implications for the community, such as ongoing and increased social costs of imprisonment, that include monetary as well as intangible emotional costs, such as suffering experienced by victims, victims' families, and offenders' families.

These themes, too, are relevant to this research project.

Indeed, we begin the report basically with how we end it. Namely, that there is lack of a long-term commitment by governments to properly resourced, targeted, best practice and needs-based programs proportionate to the prison population. This is undoubtedly a significant factor contributing to the maintenance of current imprisonment levels but also to the rising prison population. Specifically, there is compelling evidence that links recidivism to the lack of post release housing and support and extended prison sentences due to the lack of housing for parolees.

Moreover, the lack of intervention with and the availability of programs for people with short sentences is tantamount to nothing more than warehousing offenders and does nothing to enhance their prospects of successful housing pathways post release. Likewise, stigma continues to emerge as a significant factor in determining the housing outcomes of ex-prisoners – especially those with complex needs. The problems and the solutions are both well known. This report summarises where we are placed in regards to each at this moment in time.

## The Present Study

### A. Quantitative Data

The system of use and referral in regards housing provision involves interactions between the Tasmania Prison Service, Housing Connect and Beyond the Wire. Referrals from the prison to HC and BTW for the 12 months from 1 September 2019 to 2 September 2020 included the following: Housing Connect – 216; Beyond the Wire – 47.

#### *SHIP: Specialist Homelessness Information Platform*

As discussed above, BTW is currently the only specialist supported accommodation provider for ex-prisoners in Tasmania. It uses the *SHIP: Specialist Homelessness Information Platform* to electronically record client data. The features and benefits of this data base are described as follows:

SHIP is free for any SHS agency to use and allows agency workers to record client information, case notes, case plans and client goals. Data files and reports can also be generated to help manage your agency, your clients and your clients' needs. SHIP will ensure that your client data continues to be secure and confidential.

SHIP will:

- help eliminate duplicate client records through its search functions
- allow unlimited space for client case notes
- produce standard and customised reports for agencies
- provide functionality to copy relevant information and case notes from the presenting unit head to other family members
- accept documents <2MB each to be scanned and attached to a client record

#### Data security and privacy

SHIP is a web-based system provided and hosted by Infoxchange Australia. The Infoxchange SHIP platform provides a secure web session for SHS agencies. This secure connection protects the data and information within SHIP from being accessed or hacked by external threats.

Note: The AIHW and state/territory departments do not have access to individual agency databases. The SHS extracts submitted to the AIHW by agencies only contain de-identified data and state/territory departments receive reports generated from these extracts (Australian Government, 2020).

The following de-identified data were provided by BTW and have been extracted from the SHIP Data base. They provide profiles of their clientele and their interaction with the service between August 2019 and 2020.

In the year up to August 2020, BTW engaged 80 clients most of whom have been recently released from prison. This number included 67 men (83.8%) and 13 women (16.3%). The age profile of those within the system included 20 clients between 20-29; 29 clients between 30-39; 19 clients between 40-49; 7 clients between 50-59; and 4 clients over 60 years of age. 70 of the 80 clients were non-Indigenous, with 10 (12.5%) identifying as Aboriginal and Torres Strait Islander. All of the clients were born in Australia.

In regards to whether the clients had previously been diagnosed with a mental health condition by a health professional, the responses were 'yes' (17 = 20%), 'no' (8 = 9.5%), 'don't know' (58 = 69%) and one 'not applicable'. It was reported that about a third of clients had no difficulty with self-care, mobility and communication – but little was known about the other two-thirds of the clients and their relevant needs. Data on diagnostic information and client needs appears to be less than adequate.

A wide range of service assistance is provided, as illustrated in the next two tables supplied via the SHIP information system.

Needs, Services and Referrals for SHS Support Periods between 20/08/2019 and 20/08/2020.

<b>Table 3: Needs Identified, Services Provided and Referrals Arranged - services counted once per support period</b>						
<b>Services</b>	<b>Needs Identified</b>		<b>Support Provided</b>		<b>Referral Arranged</b>	
	<b>Frequency</b>	<b>%</b>	<b>Frequency</b>	<b>%</b>	<b>Frequency</b>	<b>%</b>
Short term or emergency accommodation	10	2.9%	2	0.8%	2	12.5%
Medium term/transitional housing	11	3.2%	1	0.4%	2	12.5%
Long term housing	12	3.5%	1	0.4%	3	18.8%
Assistance to sustain tenancy or prevent tenancy failure or eviction	2	0.6%	0	0.0%	0	0.0%
Assistance to prevent foreclosures or for mortgage arrears	0	0.0%	0	0.0%	0	0.0%
Assistance for family/domestic violence - victim support services	0	0.0%	0	0.0%	0	0.0%
Assistance for family/domestic violence - perpetrator support services	0	0.0%	0	0.0%	0	0.0%
Assistance for domestic/family violence	0	0.0%	0	0.0%	0	0.0%

Assertive outreach for rough sleepers	0	0.0%	0	0.0%	0	0.0%
Assistance to obtain/maintain government allowance	5	1.4%	2	0.8%	0	0.0%
Employment assistance	1	0.3%	1	0.4%	0	0.0%
Training assistance	0	0.0%	0	0.0%	0	0.0%
Educational assistance	0	0.0%	0	0.0%	0	0.0%
Financial information	5	1.4%	2	0.8%	0	0.0%
Material aid/brokerage	22	6.4%	21	7.9%	0	0.0%
Assistance for incest/sexual assault	0	0.0%	0	0.0%	0	0.0%
Family/relationship assistance	4	1.2%	1	0.4%	1	6.3%
Assistance for trauma	2	0.6%	2	0.8%	0	0.0%
Assistance with challenging social/behavioural problems	15	4.3%	12	4.5%	0	0.0%
Living skills/personal development	13	3.8%	12	4.5%	0	0.0%
Legal information	12	3.5%	11	4.2%	0	0.0%
Court support	18	5.2%	18	6.8%	0	0.0%
Advice/information	83	24.0%	83	31.3%	3	18.8%
Retrieval/storage/removal of personal belongings	12	3.5%	11	4.2%	0	0.0%
Advocacy/liaison on behalf of client	24	6.9%	23	8.7%	0	0.0%
School liaison	0	0.0%	0	0.0%	0	0.0%
Child care	0	0.0%	0	0.0%	0	0.0%
Structured play/skills development	1	0.3%	0	0.0%	0	0.0%
Child contact and residence arrangements	3	0.9%	2	0.8%	0	0.0%
Meals	4	1.2%	4	1.5%	0	0.0%
Laundry/shower facilities	0	0.0%	0	0.0%	0	0.0%
Recreation	2	0.6%	1	0.4%	0	0.0%
Transport	20	5.8%	20	7.5%	0	0.0%

Other basic assistance	52	15.0%	34	12.8%	0	0.0%
Child protection services	1	0.3%	0	0.0%	0	0.0%
Parenting skills education	0	0.0%	0	0.0%	0	0.0%
Child specific specialist counselling services	0	0.0%	0	0.0%	0	0.0%
Psychological services	3	0.9%	0	0.0%	1	6.3%
Psychiatric services	1	0.3%	0	0.0%	1	6.3%
Mental health services	2	0.6%	0	0.0%	0	0.0%
Pregnancy assistance	0	0.0%	0	0.0%	0	0.0%
Family planning support	0	0.0%	0	0.0%	0	0.0%
Physical disability services	0	0.0%	0	0.0%	0	0.0%
Intellectual disability services	0	0.0%	0	0.0%	0	0.0%
Health/medical services	2	0.6%	0	0.0%	1	6.3%
Professional legal services	1	0.3%	1	0.4%	0	0.0%
Financial advice and counselling	0	0.0%	0	0.0%	0	0.0%
Counselling for problem gambling	0	0.0%	0	0.0%	0	0.0%
Drug/alcohol counselling	1	0.3%	0	0.0%	0	0.0%
Specialist counselling services	0	0.0%	0	0.0%	0	0.0%
Interpreter services	0	0.0%	0	0.0%	0	0.0%
Assistance with immigration services	0	0.0%	0	0.0%	0	0.0%
Culturally specific services	0	0.0%	0	0.0%	0	0.0%
Assistance to connect culturally	0	0.0%	0	0.0%	0	0.0%
Other specialised service	2	0.6%	0	0.0%	2	12.5%

*Note that this table displays the distinct number of support periods where the client had a Service Type where 'Needs Identified', 'Service Provided' or 'Referral Arranged' was checked in the report period. For example, if the same person was provided the same service on 3 occasions within the one support period, this would be counted as 1 in this Table. This table includes all contact types, including File Notes.*

Source: SHIP, 2020: Table 45a.

**Table 4: Needs Identified, Services Provided and Referrals Arranged - count of any instance a service contact was recorded**

Services	Needs Identified		Support Provided		Referral Arranged	
	Frequency	%	Frequency	%	Frequency	%
Short term or emergency accommodation	20	0.4%	3	0.1%	2	11.8%
Medium term/transitional housing	35	0.6%	1	0.0%	2	11.8%
Long term housing	29	0.5%	2	0.0%	4	23.5%
Assistance to sustain tenancy or prevent tenancy failure or eviction	3	0.1%	0	0.0%	0	0.0%
Assistance to prevent foreclosures or for mortgage arrears	0	0.0%	0	0.0%	0	0.0%
Assistance for family/domestic violence - victim support services	0	0.0%	0	0.0%	0	0.0%
Assistance for family/domestic violence - perpetrator support services	0	0.0%	0	0.0%	0	0.0%
Assistance for domestic/family violence	0	0.0%	0	0.0%	0	0.0%
Assertive outreach for rough sleepers	0	0.0%	0	0.0%	0	0.0%
Assistance to obtain/maintain government allowance	6	0.1%	3	0.1%	0	0.0%
Employment assistance	1	0.0%	1	0.0%	0	0.0%
Training assistance	0	0.0%	0	0.0%	0	0.0%
Educational assistance	0	0.0%	0	0.0%	0	0.0%
Financial information	7	0.1%	2	0.0%	0	0.0%
Material aid/brokerage	54	1.0%	52	1.0%	0	0.0%
Assistance for incest/sexual assault	0	0.0%	0	0.0%	0	0.0%
Family/relationship assistance	4	0.1%	1	0.0%	1	5.9%
Assistance for trauma	4	0.1%	3	0.1%	0	0.0%
Assistance with challenging social/behavioural problems	24	0.4%	19	0.4%	0	0.0%

Living skills/personal development	27	0.5%	24	0.5%	0	0.0%
Legal information	14	0.3%	13	0.2%	0	0.0%
Court support	52	0.9%	52	1.0%	0	0.0%
Advice/information	4847	86.7 %	4822	91.3 %	3	17.6%
Retrieval/storage/removal of personal belongings	18	0.3%	13	0.2%	0	0.0%
Advocacy/liaison on behalf of client	81	1.4%	78	1.5%	0	0.0%
School liaison	0	0.0%	0	0.0%	0	0.0%
Child care	0	0.0%	0	0.0%	0	0.0%
Structured play/skills development	1	0.0%	0	0.0%	0	0.0%
Child contact and residence arrangements	4	0.1%	3	0.1%	0	0.0%
Meals	6	0.1%	6	0.1%	0	0.0%
Laundry/shower facilities	0	0.0%	0	0.0%	0	0.0%
Recreation	2	0.0%	1	0.0%	0	0.0%
Transport	94	1.7%	92	1.7%	0	0.0%
Other basic assistance	241	4.3%	87	1.6%	0	0.0%
Child protection services	1	0.0%	0	0.0%	0	0.0%
Parenting skills education	0	0.0%	0	0.0%	0	0.0%
Child specific specialist counselling services	0	0.0%	0	0.0%	0	0.0%
Psychological services	3	0.1%	0	0.0%	1	5.9%
Psychiatric services	1	0.0%	0	0.0%	1	5.9%
Mental health services	2	0.0%	0	0.0%	0	0.0%
Pregnancy assistance	0	0.0%	0	0.0%	0	0.0%
Family planning support	0	0.0%	0	0.0%	0	0.0%
Physical disability services	0	0.0%	0	0.0%	0	0.0%
Intellectual disability services	0	0.0%	0	0.0%	0	0.0%
Health/medical services	2	0.0%	0	0.0%	1	5.9%
Professional legal services	1	0.0%	1	0.0%	0	0.0%

Financial advice and counselling	0	0.0%	0	0.0%	0	0.0%
Counselling for problem gambling	0	0.0%	0	0.0%	0	0.0%
Drug/alcohol counselling	1	0.0%	0	0.0%	0	0.0%
Specialist counselling services	0	0.0%	0	0.0%	0	0.0%
Interpreter services	0	0.0%	0	0.0%	0	0.0%
Assistance with immigration services	0	0.0%	0	0.0%	0	0.0%
Culturally specific services	0	0.0%	0	0.0%	0	0.0%
Assistance to connect culturally	0	0.0%	0	0.0%	0	0.0%
Other specialised service	3	0.1%	0	0.0%	2	11.8%

*Note that this table displays the total number of times each service was identified in contact notes. For example, if the same person was provided the same service on 3 occasions within the one support period, this would be counted as 3 in this table. If there were two related people provided the service, each with their own support period, it would be counted as 2 in this table, even if the services were recorded via the same case note. This table includes all contact types, including File Notes.*

Source: SHIP, 2020: Table 45b.

The data provided above is partial and only provides part of the picture of housing issues and ex-prisoner needs in Tasmania. Attempts by the research team were made to incorporate other data from agencies such as Housing Connect, but the information made available was of limited use in regards the specific needs and housing trajectories of ex-prisoners with complex needs. Interviews with those directly involved with these issues is thus particularly important in gaining perspective as well as revealing of system processes.

## B. Qualitative Data

The Tasmanian part of the study involved interviews with 22 respondents across the prisoner-housing-complex needs spectrum of service provision and included government and non-government service providers as well as ex-prisoners (see Table 5).

- *Ex-prisoners* - who are all clients of a Salvation Army program *Beyond the Wire* which is the only recognised reintegration program incorporating a housing component currently being delivered in Tasmania;
- *Practitioners* – who are well versed in the day-to-day grind of working with prisoners and ex-prisoners; and
- *Criminal Justice Actors* – who are in positions of administration, policy and advocacy, and as such aware of the gravity of the issues facing the ex-prisoner cohort.

Two housing providers failed to respond to invitations to take part and one agency, the Parole Board, thanked us for the invitation but declined to participate. State Community Corrections agencies were supportive and cooperative, making suitable candidates available to be interviewed. To supplement this data, an extensive review of the literature was conducted.

**Table 5:**  
**Interview Participants**

	<i><b>Participant Background</b></i>	<i><b>Position</b></i>
	<b>Ex-Prisoners</b>	
1	Ex-prisoner	Unemployed (male)
2	Ex prisoner	Unemployed (female)
3	Ex-prisoner	Unemployed (male)
	<b>Non-Government Organisations</b>	
4	Colony 47- Housing Connect	Acting Front Door Coordinator
5	Anglicare	Financial Counselor
6	Salvation Army BTW	Team Leader
7	Salvation Army	Manager Alcohol and Other Drug and Corrections (retired)
8	Salvation Army BTW	Case Worker
9	Salvation Army BTW	Case worker
10	Onesimus Foundation	Executive Officer and Pastor
11	Anglican Health and Welfare	Prison Chaplain and Chaplaincy Coordinator
12	Bethlehem House	Senior Case Worker
13	Shelter TAS	Chief Executive Officer
14	Dudley House	Manager
	<b>Government Organisations</b>	
15	Dept of Communities – Housing	Policy Advisor/Program Manager
16	Tasmania Prison Service	Planning Officer
17	Tasmania Prison Service	Planning Officer
18	Community Corrections	Court Diversion Officer
19	Community Corrections	Probation and Parole Officer
20	Community Corrections	Probation and Parole Officer
21	Community Corrections	Probation and Parole Officer
22	Community Corrections	Team Leader

A wide range of issues were canvassed, most of which followed from the project interview schedule but others, like Covid-19, emerged organically due to the circumstances of the day. The following sections present highlights and summaries of key concerns and issues that were raised in the course of the interviews.

### *Complex Needs: Housing and Support Issues*

In Tasmania, people leave prison under several different circumstances. They leave:

- From prison at the expiration of their sentence
- From prison on parole to complete their sentence in the community

- From court after being remanded in custody and having charges dropped or receiving a non-custodial sentence.
- From prison to engage in a court mandated diversion program.

The interrelationship between complex needs and homelessness is well established in the literature and is likewise reflected in the present Tasmanian research. A significant number of those preparing to leave prison face homelessness, rough sleeping, emergency accommodation and great uncertainty regarding where they will stay.

Ex-prisoners in Tasmania are competing for secure accommodation that is already in short supply, and without family and other support, the situation for many is bleak.

*Generally, the housing pathways are limited at the moment. In my opinion the prisoners that I see that don't have either family or friends that are able to provide accommodation on exit or don't already have their own accommodation, perhaps a partner and a house already that they can go to, they all have to go through the HC model and there's benefits in having just the one-stop shop but there seems to me that inmates are frustrated that when they go down that pathway, they don't have much success ( ).*

Finding somewhere to stay is both contingent upon personal circumstance and where in the State a person lives.

*Obviously, it's just really dependent on the individual so, obviously some people do have some family support or some good support networks in the community so that's always a good thing if we know that they're not leaving prison and have absolutely no one. There's a lot of people that leave and don't have that, yet they might be able to couch surf or something. There's a lot of people who are just released to homelessness and obviously shelters and the sort of crisis accommodation, things like that, is so limited. In Tasmania, Hobart is okay sometimes, but the further north they go, and north-west, it's just; we don't have enough of those types of places I don't think. So then, people want to come back to custody because they've then got a roof over their head. They don't have to worry; they're getting fed, they can stay warm; those types of things ( ).*

Existing pressures and constraints related to housing have been exacerbated by release into homelessness during the Covid-19 pandemic.

*I mean there's one here you haven't included; which is interesting, we've recently quite a few requests for people that get released on bail, after hours that can't travel up north, because they've missed the bus. So, we put people up overnight in the house that I've got in Risdon Vale still and we accommodate them simply because they can't get to the bus even to go to the place where they're supposed to go -where they've been released to and so the courts... and this has happens quite a bit, and just doesn't matter whether it goes into the recording or not, but one of the things this has led to is actually; taking up with Justice and the Attorney about people being released during the COVID situation into society after hours without a*

*house, without money and their place of release is essentially up at Burnie but that the courts have let them loose here, so what does that do? ( [REDACTED] ).*

Practitioners also spoke about how COVID restrictions meant that some major shelters in Hobart were not being able to accept further clients. Specific agencies and particular population groups are especially vulnerable to rising waiting lists.

*For the females exiting into homelessness and trying to get into the shelters. Just last week at a Shelter meeting, it was announced by one of the housing, ah, Hobart Women's Shelter, that they are turning away 350-400 cases per month. Now that might be people ringing up every day, uhm, but that is indicative of the numbers that are actually happening .... that's changed. That was interesting to hear that last week whereas, three months ago, we were talking those numbers of 200-250; was indicative across three female shelters in Southern Tasmania. Hobart Women's Shelter announced those figures and Jirah House gave the nod to say that that's indicative of what they are seeing as well ( [REDACTED] ).*

### *Assistance with Finding Housing*

As previously indicated, there are a range of agencies and personnel who assist with housing and accommodation. To these stakeholders, we can also add private sector actors such as landlords, real estate agents, boarding house proprietors and caravan park operators. While the prison service ostensibly assists individuals with planning for release and post-release settlement, for people leaving prison the perception is that it is up to them to chart their own course. Structured, well-resourced throughcare is still an aspiration for most.

The Tasmanian interviews exposed the paradox that while they were often the most appropriate places for individuals to be released to, in terms of availability of housing and family support, families may not present a pro-social environment conducive to successful re-entry. Nor is this support always unconditional, as some may be experienced as a transactional relationship based upon 'scratching each other's back'.

### **Case study 1: Returning Home**

*There was one young fella who; all he needed to do was ring his mum and accept her support, financial support, to get into Beth House. I sat with him and I said, this is all you need to do, you need to call this number. I had talked to his mum she seemed quite pro-social, quite healthy and had for many years supported this young person through all of the issues that he had. So even when it's a positive, pro-social relationship, there's still often a difficulty in inmates...*

Interviewer- They're hesitant?

*Yeah, pride comes in and that debt feeling; being in someone's debt. So, that guy ended up doing another twelve months of imprisonment just because he wasn't going to call his mum that one time. Yep, it blew my mind - It was the frustration as well because I'd been with him to Beth House and helped with the interview and the support network that he*

*needed, to get accommodation and get released on probation and yeah. I think there were also a number of internal influences on him so the inmates around him, you know, he was enjoying himself as a young fella in the prison system. I think he regretted that later but, yeah ( ).*

A consistent problem was the lack of staffing and resources for agencies to adequately assess and track how individuals are doing post-release. Compounding this is the difficulties that families experience in accommodating the needs of those with complex needs.

*I guess, because these people do have complex needs, quite often, their family don't want them to stay with them, or for various reasons. So, a lot of times they've got very limited options for accommodation ( ).*

*Well, in the cases that I've dealt with there hasn't been any family involvement, mostly because they've either been estranged before they went or whatever they've done, has been significant enough for the family not to be able to deal with it and not want anything to do with them to start with ( ).*

There are also structural or institutional issues pertaining to housing that inhibit the settlement plans of ex-prisoners. This has particular application and negative consequences for those individuals with children. Despite this, the occasional positive outcome was also acknowledged.

*I recently had a client who had two children who were in care and Child Safety had said to him that he wouldn't get his kids back until he had a house. But housing would only give him a one-bedroom house because he didn't have his kids in his care ( ).*

*Currently there's a gentleman there who was an ex-prisoner, who has full time custody of his daughter and he is living in that property at the moment -a three-bedroom property- and he's aboriginal. Aboriginal ex-prisoner in the property with his daughter. He didn't have full time custody but now has ( ).*

*One other pattern I have seen in terms of a barrier to housing is where female clients are working with Child Safety to be reunited with their children, and they're only able to secure perhaps a one bedroom property and I think females pass on a property, a public housing property, because it's only a one bedroom and their set in their mind that they're going to have their three or four children back in their care within six months. So, they just can't process that the option of going into a one bedroom at this time. And obviously they're not eligible for further bedrooms because obviously they're a single person ( ).*

Another interesting barrier to finding secure accommodation was having a 'pet'.

*Most definitely and we've had clients pass on properties which are otherwise suitable and perfect for them bar the fact that they are able to*

*take their pets and sometimes, you know, they would rather couch surf or be homeless than be separated from their animals. Yes, I have seen that a lot, yeah. And these are situations where they've actually accepted a call to say there is a property available, but no, you won't be able to take your pet. So, it's actually ready there to go, but the pet is a barrier. Definitely, seen that ( ).*

*Yeah, I guess some of the one's we haven't talked about would be pets. Now a large percentage of our clients have a close affinity with their dogs and it is almost universally a barrier to getting a housing property -having a dog. And often, they are really, really unwilling to, ah that pet has been a companion through some of their hardest times and has probably slept on the streets with them and protected them and stayed by their side when everybody else has abandoned them and they're unwilling to separate themselves from the pet even if it means finding accommodation ( ).*

*...in the case of pets, putting them into care which, has been incredibly expensive for some people. More expensive than renting. I did research; it was cheaper to rent a three-bedroom house in Burnie than it was to put two dogs into care. You could have rented the house and put your dogs into it [laughs]. It's mad ( ).*

The private housing market in Tasmania, particularly in Hobart but also in the north, has been very tight for renters for several years now. There is indication that, although not strictly speaking legal, some real estate agents are now asking for police checks and credit checks before candidates are even considered for a private rental property.

Tasmania has no corrections related accommodation in the community, although it does have purpose-built cottages within the prison precinct. The O'Hara units are designed as a step-down facility for minimum security classified male inmates approaching the end of their sentences.

State housing agencies tend to be stretched to the limit, given the restrictive nature of the housing market generally, and the low stock of public and community housing relative to need. From a management perspective, it is also easier to deal with those tenants who do not exhibit mental illness and/or engage in anti-social behaviour (or who have a track record of doing so).

### *Housing Availability and Utility*

Factors that are relevant to housing assistance, availability and utility include pre-release planning, corrections-related accommodation, crisis accommodation, transitional housing, social housing, Commonwealth Rent Assistance, bond loans/grant, brokerage services, case work and legal information and advice.

Responses to questions about availability and assistance were telling. Much depends upon who is talking and who has actually gained the requisite assistance. One ex-prisoner said:

*Nothing, nothing from the prison. You basically get kicked out the door and kicked in the guts and say; go do whatever you need to do. See ya ( ).*

On the other hand, if you are a repeat prisoner, assistance may well be easier to obtain due to previous experience in and with 'the system'.

*I think this is a numbers game. I used to work at the prison years ago and the total population at the prison was about 400 at the time and I don't know what it is, easily doubled and the amount of reintegration officers has not grown with that. And unfortunately, we have a situation where known offenders come in - the squeakiest wheel will get a bit more attention - yeah, there's just not enough to go around so there's not any planning and it was standard for us to release people from prison knowing that they had nowhere to go to. It was not a concern of the prison. We had to push them out the gate; by that time on that day, and they're on their own. I don't feel that a lot has changed unfortunately ( ).*

*But when people come into our service, and they've actually had some time spent on them in prison, worked with a planning officer, done these referrals already. They're aware of time limits and constraints, it's so much easier to work with someone who knows the way this all works so, pre-release planning is good for us as well ( ).*

If individuals are released into homelessness with no pre-release planning, the challenges can be significant. Conversely, when the resources are available and utilised, the process can often go well, as the following describes:

*It can depend on the person. Housing do book phone calls with people to, you know, go through all of their paperwork and let them know what the next steps will be, so they're good at informing clients (I'll just use the word clients) about what they need to do post-release and they will also email me if it's my client as well, mutual client, and let me know that they've had this discussion, this is what they've informed them, so, I always repeat that message just before the person gets out, remind them, especially if someone has an ABI or something where memory loss maybe a problem for them or retention of information, so I always try and have that discussion with them before they get out.*

*Housing will also if we've requested that they're linked with a support worker. That support worker will usually make contact with the individual before they're released and talk through what their options might be. So, from a HC perspective, they do a really good job of informing both the client and the worker within the prison of what's happening. So, when it comes to planning processes internally for someone before they go out, obviously we want to make sure that we have all of those little things sorted like their Medicare card, do they need to see health before they go? Do they need to be connected to a GP in the community for whatever reason? Their follow ups or, are there medications they need to get new prescriptions for - things like that ( ).*

The general opinion is that crisis accommodation is under resourced and in very high demand, although not always seen as appropriate. However, it is often the only option and named up as such in pre-release assessments. In some regions and with respect to some population groups, its use is essential, but overall, there is a clear shortfall in needed places.

*In terms of crisis accommodation, on the North West there seems to be catering to females in that we have some family violence related emergency housing opportunities such as Warrawee and Oakleigh. In terms of males, we tend to find there's no specific emergency facility and there instead have funds allocated to them by way of housing for perhaps hotel accommodation in emergency situations. That tends to be the difference between males and females in the north-west coast. We don't have anything formal up on the north-west in terms of transitional housing ( ).*

Transitional housing is linked to the *Beyond the Wire* program run by the Salvation Army. It seems to offer positive possibilities.

*Well what BTW has, and we call transitional housing, because it is furnished and it is for people up to 12 months but that's the limit. I'm hoping we can use that as a base to grow it. And hoping that, I guess we've had a situation where somebody has gone into one of those properties who has a housing debt. So, they don't have access to Housing Tas but they've gone into one of the BTW properties and paying their debt slowly - little by little - but because they've done so well in their accommodation and they've fitted into the complex world, they've now been offered that they can stay there permanently; which is a first.*

*And, what I would like to see happen, and I think it could be something that could work across the board is that that should free up, if that person can be classed as long term housed, that then could free up another property somewhere to be handed over to us so we've got our four properties back again, and we do the same thing again.*

*I know a lot of people talk about when people are exiting prison; they don't deserve anything, they shouldn't be given housing, there are people on that housing list that haven't been to jail, they should be housed first!*

*So, I think, in doing it this way with transitional and putting somebody in and seeing how they go and then if they're doing the right thing, they're paying their rent, they're paying their debt or not, if they don't have it. But, if that seems to work for them and it fills that need and it's the right location, why move them? Why say your 12 months is up and you have to go through all that stress of moving again. Why not just move the support and gain another property? I think that could work really well, if it's done properly ( ).*

However, the BTW program is limited by its relatively small scale. For example, the current situation provides one funded program catering to a prison population of approximately 600 that is growing in size. Compare this to 2007, when there was a prison population of approximately 450, and when there were three funded reintegration programs operating with a combined workforce of seven people. Even then, the demand on those services outstripped their capacity and many people left prison with nothing. According to one respondent who was commenting on service provision in the Launceston area:

*I guess the only specific service for people coming out of prison is BTW. That's only staffed by one case worker and, I mean she does an absolutely fantastic job and she goes above and beyond in supporting people. She roams across the north of the state and works out of her car effectively supporting people. Aside from that were back with Housing Connect and Catholic Care and they don't really have any specific programs for people coming out of custody from my understanding ( ).*

The Tasmanian interviews also provided insight into why the PRRH initiative is not working in some instances. They also helped to explain why brokerage funds have been exhausted by some operators only halfway through the financial year. Basically, the difficulty stems from the fact that potential accommodation providers, rather than drawing funds from the PRRH initiative, are not taking up this option. This means that brokerage tends towards putting people up in motels and hotels instead of social housing.

*Now, we have people who provide accommodation who say, oh, I don't want to be part of the Rapid Rehousing for Prisoners program because it's a cohort that we don't want to work with or it's a cohort that we're not used to working with and I say to them 'You are already working with these people, but you don't know it because they haven't ticked the box through Housing Connect to say that they were once incarcerated. So, you don't know that but you're actually missing out on the potential of getting \$13K cash injection to be able to support that tenancy to, you know provide establishment costs, to be able to look at lost rent and a number of different things such as security upgrades. So what we're saying to these people is 'this is an absolute benefit to you – not only in a monetary sense, but you're actually providing a tenancy to somebody that comes with case management and a linkage into a wholistic version of case management that brings a whole heap of responses to this person's particular needs to play. So, it makes the chances of your person maintaining their tenancy much much higher; exponentially higher as a result.*

*So, brokerage services, uhm, we've got three out of the five Housing Connect Services that have worked through their annual brokerage by December last year. So, half way through the cycle, three of the five, had run out of brokerage dollars ( ).*

There is no evidence that that the PRRH initiative is being utilised in the Launceston area. Again, the main problem is not necessarily related to the amount of funding available. As one practitioner from the North commented:

*Yeah, so what we often find with brokerage from HC and CatholicCare who both have the ability to provide brokerage, they often aren't able to provide brokerage to certain accommodation options for example a number of the hotels and boarding houses and accommodation services in the area refuse to take brokerage from either of those services because they don't want the clients referred from those services in their accommodation. So, even though the funds are available, if the funds come from those agencies, the accommodation doesn't eventuate ( [REDACTED] ).*

### *Non-Housing Agencies and Services*

Non-housing agencies and programs, such as Commonwealth provided employment services, local alcohol and other drug services, and legal aid and advice were all considered valuable and of positive influence, albeit somewhat limited in scope and reach when it comes to ex-prisoners. Agencies such as Community Corrections are stretched to their limits and officers do not always have the time to devote to practices over and above compliance and the preparation of reports for the courts and parole board.

Successful housing pathways may sometimes need to incorporate detours via appropriate alcohol and other drug treatment services. The reason for this is the very high prevalence of alcohol and other drug use prior to imprisonment, the lack of treatment during incarceration, drug use in prison and therefore, a need to re-engage post release. Comment was also made about huge wait lists for dedicated drug and alcohol rehabilitation services and detox units.

The National Disability Insurance Scheme (NDIS) featured prominently in the discussions, however. The NDIS is seen as an option for people with disabilities exiting prison. However, barriers exist which make referrals difficult.

*I think the really tricky thing, especially when we're identifying complex needs as we work with a person, once things like disability come into it, possible NDIS. I was literally talking to someone as you called me before about, you know, this person definitely has an ABI; there's a diagnosis there for it back in the day. Again, that's really hard for me to access that information. I'm trying to work with therapeutics in here about doing some sort of assessment to help guide whether we can do an application but you know we don't officially diagnose people when they're in custody. So, it makes it very hard to, if you know someone would benefit from having certain support, you can't link them in because the service needs evidence of them it. In the end, they need NDIS and it's really hard for them to get that while they're in custody So, DSP, the Disability Support Pension as well; it expires in two years. So, if they're not out in the community they can't claim the DSP any more so housing obviously can be affected by that as well ( [REDACTED] ).*

In recent times NDIS packages have been approved for ex-prisoners. The current status of prisoner access to the scheme is, however, unclear. Despite this, a number of respondents have cited instances where clients have been assisted through the NDIS where resources are being utilised to assist with housing and post-release support. This is, by all accounts, a fairly new phenomenon.

*For people with complex support needs, something that is new of late that I have noticed, is that I've been able to refer a few people to the NDIS into housing accommodation for agencies that may be able to assist. So, given the NDIS funding is new, I've had some people who have had some ongoing disabilities that have never really been recognised and managed and that's been a new pathway that we've been able to refer to NDIS and have a little bit of success for people being eligible for packages which has helped them secure housing but the traditional pathway for people with complex support needs is still just straight through HC and that's just the central agency that we refer everybody through.*

*I have to say, the NDIS funding has been like another door that's opened for us that. It can be a delicate topic to bring up but a lot of our clients may be eligible for NDIS funding because it's quite broad. It might help people who have trauma and complex histories. People can be eligible for some funding.*

*...there are so many new agencies opened up to work with people with NDIS funding, and they all have access to little pots of money here and there and help to secure housing. So, NDIS has opened up a few more options for us and it's also we work with people with acquired brain injuries which is reasonably common for our client group as well ( ).*

And

*Look, say for instance, something that not many clients fall into this, but something like NDIS, if I had connected someone to NDIS and they'd gone through, you know, their little assessment and been accepted, I would have an expectation that NDIS would assist and support to find long term accommodation. I've seen that happen before. But I think it can vary between the sort of agencies and local area coordinators that work with people. There seems to be a bit of a variance in how they work. NDIS clients are sort of new to me so, I don't have a lot to add. I'm still kind of learning about how NDIS works, but I am seeing that it seems to differ ( ).*

There is also the Disability Support Pension (DSP), but this has certain limitations. For example, the DSP currently allows for a recipient to resume the pension if they are released from prison within two years of being incarcerated (as previously pointed out by a respondent). After two years, people then need to reapply for the DSP, and this can be a lengthy and very complicated process, even more so for those with an illness or disability and who have recently been released from custody. Whether they are successful or not, it still leaves people disadvantaged.

### *Parole and Supply*

A number of issues emerged in relation to housing and parole. One of the most significant, in addition to matters of supply, was the question of timing. Perhaps the most significant barrier to successful parole applications is the requirement to have an approved address prior to securing release on parole. There is no doubt that there is a direct relationship between a tighter housing market and chances of securing parole. People are needlessly being held in

custody having satisfied all of the parole criteria, simply due to the unavailability of suitable housing. Even when an approved housing option is found, there is often the added complication of how long the housing provider can hold that option while the parole process and release from prison is actioned.

*Look, I think that it can have an impact. It could be very difficult if someone wants to apply for parole and use Beth House as their parole address. That can be such a difficult process. It can happen but Beth House have to have a place, parole board have to approve it, like the timing just has to be so spot on ( [REDACTED] ).*

*...because obviously for them to obtain parole they need to have that accommodation secured before the parole board would grant release ( [REDACTED] ).*

The availability of housing thus undoubtedly comes in to play when a sentenced inmate decides whether or not to apply for parole. This is one of the issues driving the increased prison population in Tasmania today: that is, not having accommodation for prisoners applying for parole. It works in other directions as well.

*Not having accommodation is of course one of the biggest obstacles for inmates applying for parole. Many give up and say they will serve their sentence out, even though they would likely be granted parole if it weren't for their lack of accommodation to go to after release. Inmates often tell me that their return to prison at a later date is almost inevitable due to lack of accommodation options ( [REDACTED] ).*

The lack of accommodation options in general places pressure on all of those trying to access an approved address. As there are very few bail options in Tasmania and this impacts directly on the number of people remanded in custody who might otherwise secure bail, we have a situation where people exiting prison on parole and people requiring a bail address may be competing for the same properties and brokerage.

### *Inter-Agency Coordination and Cooperation*

Many opportunities exist for inter-agency contact, cooperation and coordination, including areas such as initiating plans for post-release housing, planning processes, referrals, information sharing, and follow up. The Tasmanian research found that there is evidence of good coordination between agencies:

*Okay, so [name] from BTW; he does a lot of liaising with say, most of my supports, uhm - Red Cross, CatholicCare and Housing and Mission Australia - all of these places, they liaise with each other on my behalf and it usually works pretty well with all of them. He really advocates for me but, ah, most of them; they do pretty well at communicating with each other and keeping each other in the loop ( [REDACTED] ).*

Information sharing was interpreted variously. Some respondents spoke of making client information available to collaborating agencies. Others made mention of the reciprocal

sharing of information between agencies as it related to their respective programs and service offerings; and one made the point that access to shared databases was restricted to agencies which relied on data to do their work effectively. They commented:

*Information sharing is good. With the sector, I would say, but with BTW it's difficult, it's challenging. We all sit across the sector through Housing Connect and the ancillary services, through the shelters and BTW, we sit on the SHIP Database - the info exchange SHIP database. The difficulty is that BTW sits out in an excluded group outside the other activities of all the other services.*

*So, what we don't get access to, is we don't get access to Housing Tas applications to see if someone's in priority or what they need to do if they're not. We don't get reports to say that this person's dropped off the list because they failed to respond to their audit letter. So, we don't get to see all of that of that sort of stuff. We don't get to see the notes where they've been into Housing Connect because it sits in a different cluster. Now that's one of the bugbears that we've got and if it wasn't for me being able to come across BTW and SHIP, then I wouldn't be able to provide that information and our workers throughout BTW would be totally oblivious to actually getting that information ( ).*

It was largely agreed that information sharing is critical to effective case management:

*a lot of them misunderstand that and think, not allowed to share personal information or even sensitive information and they are allowed and in some instances, they have to get the person's consent but in many others they don't because the sort of things you would expect agencies to share in order to make the best plans and forward programs for the particular individual; otherwise their likely to miss the pressure point for certain individuals ( ).*

*I guess my experience has been really positive working with the planning officers in the prison. There's usually some phone calls and toing and froing about what the client needs and putting together a post release plan and it sort of for the most; seems to be a bit of a combination of what has come out in our assessment as well as what the planning officer has been working with the client on. So, in my experience, that's been a positive thing. If they've missed something then I'm able to let them know and in the same way. They are certainly really good at passing on information to people in prison about things like doctors' appointments and mental health appointments so they can be aware of that before they get out ( ).*

Where agencies have specialist coordinators whose role encompasses stakeholder engagement and information sharing, there is greater communication across agencies and coordination of service provision.

Trying to elicit consensus on just whose responsibility it is to provide navigable pathways to accommodation was difficult. Ex-prisoners who have been able to take control and overcome

the barriers are highly unlikely to be subjects of this discussion. It is those who struggled or failed that have found themselves under this particular spotlight. Perhaps, for some commentators, it is easier to blame someone for making poor choices, rather than identifying the barriers that many of these people face. The interviews revealed structural anomalies and systemic deficiencies in many areas, as well as difficulties stemming from the ex-prisoner's aptitude, attitude, resolve and/or capability.

*So, really unless we go through a very intensive interrogation of all of the different services, there's a lot of barriers that keep people out even if there are existing services. So, existing services may be quite small scaled; they can't meet the need. So that means in the end, a lot of the responsibility does fall back onto the individual person when they're exiting prison to know how to negotiate it and the if they have a supportive family /friends then that's very important to them ... We'll have different expectations, but everyone's expecting someone else is doing the work. So, what you really need is a real clear strategy where all of those people connect up and there's case management if a person needs it ( [REDACTED] ).*

*...it's a positive thing for me to see the number of clients that I have in the community now that are doing well and I'd have to say they're doing well because of their attitude, but their attitude is met with housing and that's where we can hopefully have engagement with people prior to release, some time prior to release, so we can see where they are, assess where they are as far as ready to sort of take a different path and a better path and encourage them in that way to do that so they are ready for some accommodation and they are appreciative of it. But, I mean, you don't - always get that right - that's for sure ( [REDACTED] ).*

Blurred lines of responsibility were evident especially in whose job it was to actually secure housing. This can and often does result in duplication of services. There is ample evidence to suggest that practitioners whose primary role is to work within their area of expertise, in this case community supervision, were called upon to take on the task of finding suitable accommodation.

*In case work, we discuss housing options all of the time with our clients; they're very limited. Everybody knows it's straight to HC and people get very frustrated by that. You know, there's probably a more efficient way of doing things rather than a referral here and there. I feel that it really frustrates our clients because they feel that nothing is happening - but it's something we do all of the time; discuss housing options ( [REDACTED] ).*

### *Front Door Concept and Practice*

The concept of a 'front door' via the Housing Connect was a major departure to the way homeless people accessed housing previously. Before HC there was degree of autonomy within community housing agencies, crisis shelters and others working with the homeless; including government agencies. It was built on their ability to achieve good housing outcomes based on their individual knowledge and experience of the local housing sector. This was underpinned by networking, collaborating with other housing agencies and through an ability to place certain individuals in places to reduce their vulnerability or having them

influenced by undesirable persons or circumstances. This model, while not perfect, has effectively been replaced by a HC, yet there is little evidence so far to suggest that outcomes for people exiting prison into homelessness, have been enhanced.

There is today, as there was back then, a reluctance by many ex-prisoners to disclose their status when applying for accommodation, especially crisis accommodation. This adds another layer of difficulty which often precludes them from specialist support and may further impact their chances of obtaining accommodation post release.

The efficacy of the HC gateway model has been questioned and the need for clarification in the sector has been raised:

*There still seems to be, even though we're looking at maybe nearly six or so years since we've gone to the gateway model, there still seems to be lots of confusion in the community about how it is structured now and uhm, you know a lot will think that they will still need to directly go to the individual services as opposed to knowing that there's that that centralised point. So, there might be some benefit from some further education in that regard ( [REDACTED] ).*

*Here it is in action! Recently, I've had a parolee that moved out of his house over a weekend without permission - because we're not available on a weekend - due to neighbours who were causing him significant anxiety - and he's very aware of his temper and his anger management, I suppose, so his choice was to leave and to go to his Dad's house, which I previously assessed as not suitable due to their relationship being very difficult. But, in that scenario, it was a better option and I think he made a good choice, but then I had some serious concerns with him being at his father's so, there was a lot of run around and some telephone calls made by myself and another colleague who was helping me because she seemed to have contacts that I didn't have, so she made a few phone calls; uhm, someone at Bilton Lodge, I think she might have contacted; like an actual direct contact and someone at Beth House. So, we basically, within the space of an hour and a half of an afternoon, had emergency options for him to go to that night or the next day. But that was purely due to having just contacts from previous experience, whereas normally things need to go through the HC hotline number which can be a wait and they just basically take information and then perhaps sit and wait for a phone call. So, we had, the lady at Bilton Lodge said we have a spot he can have, but not until tomorrow, and what he needs to do is he needs to call HC and get a referral from them to us and they will basically take him the next day. And so, I called HC because I couldn't get hold of this offender, and asked if they could do that for us and he they said 'he really needs to call, we can't really do this without him, so, I got hold of him, he called and they said 'there's no space at Bilton Lodge'. So, their record had; no space at Beth House, no space at Bilton Lodge - we can't do that, we can't do that, but we had direct contact with both of those that said that they would take him. So, it is a ridiculous process and things... and there's just so many gaps and holes and we're only limited to nine to five timeframes that we can work with this, and this was at four 'o'clock in the afternoon. So, I guess, post release we have a lot of constant barriers. I find that's the worst*

*phone call you can get when someone say's I have nowhere to go tonight ( [REDACTED] ).*

Standardisation of work practices within and across agencies was not always evident. Some practitioners even suggested that they lacked direction and were left to work things out for themselves. The notion that their work practices are determined at an individual level on a 'what works best for me' basis was evident. The effective delivery of services often depends on who happens to be working on the day, rather than agency standards.

This calls into question the ability of an agency – whether it be community or government – as to how they are able to develop a strategic approach to housing pathways based on such an ad-hoc approach. Despite the nuances of practitioners' interaction across the sector, basic procedures are important. If someone is seen to departing from an acceptable standard of work practices, how is it that we can steer them back toward something that was not there in the first instance? Human service delivery should be based on a high level of conformity to acceptable practice standards and not necessarily on who happens to be on duty at the time. It is apparent that there is still a way to go before a semblance of consistency emerges.

However, it needs to be acknowledged that the major barrier to successful housing pathways is a lack of housing stock and no matter how committed somebody is, and how much effort they and the client put in; if there are no housing options available, then that needs to be accepted.

## **Case study 2: A Collaborative Process**

*I've had an application for a parolee where he applied - his application was actually to go to Missiondale, at Evandale in Launceston - and so the planning officer that he had at the time was very pro-active and really good. So for me to be able to assess that, we had the appropriate conversations that needed to happen during that short six week period that I had to do the report, and my collateral contact with Missiondale, I guess cemented that, you know, because the prison aren't able to speak to these kinds of organisations about what we do and what we expect them to do while they're there. So, the conversations that I was able to have with Missiondale that clearly outlined what our expectations are going to be whilst they're on parole, I guess that assisted that application process for the parolee and he was expected in that. So, there are times when; we do play an important role, but it's normally just us gathering information about what they can offer; whether he's going to be able to come straight from prison and how that will all look and providing them with information as to what it looks like or what are the conditions of parole might be - that sort of thing.*

*So, that referral comes from the planning officer whilst they're in prison and the offender plays a big role in what approach they take and where they go. So, they make the decisions, the offender themselves. It all sort of comes with them and as much as there's been times when we've been able to support their plan to go into The Bridge and Missiondale and those sorts of things. If that's what they really want to do, it can work very well, if we work with the prison's planning officers. But, as I said, we can only do so*

*much in the short period of time that we have the application and if for instance within that timeframe before my report was due to the board, if we aren't able to cement a place for them because there's no place or anything, the parole board have the ability to adjourn it for even two weeks and then that gives me an opportunity to keep in contact with Missiondale or the Bridge until that place comes up. So, there is room for things if plans have got to a point where they've been accepted, but they have to wait for a spot, then there's ways that we can support that reintegration ( [REDACTED] ).*

The above is an example of three agencies working together: Community Corrections, the Prison, and the Drug and Alcohol rehabilitation provider. It also highlights the limitations of prison staff and the need to engage with community agencies to ensure a throughcare approach is taken.

*A lot of people have utilised the planning officers in the prison. So, often we're in touch with them as to what they have spoken to the offender about prior to their application about their plans, and given them support in regards to housing and things like that. But, as I said there, I think what they do is quite limited. It's just that referral process. That's where BTW has been the main support for offenders because they start working with them with the planning officer and they can work with us to keep us informed as to when a certain type of accommodation becomes available and we can assess it and use them as a collateral contact ( [REDACTED] ).*

There is evidence however of an ad-hoc approach to throughcare, possibly due to systemic inconsistencies; as suggested by the same respondent:

*So, community organisations such as BTW and Salvation Army, Hobart City Mission, they can be referred to those programs but yeah, I think it's a very, ah, there's not a lot of throughcare and there's not a lot of pre-planning in regards to them exiting prison. It's my understanding anyway. A lot of times they come through us with their application and it's all very up in the air. So, you know, it would be really nice to work with them several months before that application process even starts so that we can put some things in place, but it just doesn't happen. Yeah, it's not that great ( [REDACTED] ).*

### *Housing Wait Lists*

Housing wait lists were variously described:

- Numerically - the number of people on the public housing wait list.
- Descriptively - generally 'huge'.
- Categorically - public and social housing, crisis shelters, rehabilitation programs.
- Time related - such as how someone might spend on a waiting list

Whatever the description or categorisation, ex-prisoners were substantially disadvantaged and vulnerable to extended wait times for whatever housing is on offer.

There is a general perception among respondents that differentiating between people with and without complex support needs is difficult, although the distinction between ex-prisoner and other housing assistance applicants does seem to make a difference. However, when it comes to accessing housing – individuals with complex needs are not necessarily viewed as significantly more disadvantaged than others.

*An overall view is that they've all got complex needs, when compared to Freddie Average in the community, or when Freddy Average in the community looks at people leaving prison - whether that be someone with a mental disability, a cognitive disability or other disability and so forth or indigenous or women. Freddie Average in the community who's me; I'm pretty average, would suggest they've all got complex needs. Housing pathways for those people are certainly more complex because of those needs, but with the availability of services as they are, all you are going to get out of that is a little bit of extra time from the agencies delivering those housing services. But that I mean, that once you're out in the community, after having left prison, the way you are going to get treated is the same as everyone else. To have the complex needs criteria is going to help a little bit, but not much. It might rank you up the queue a little bit but, housing pathway is not going to be much different from anybody else seeking that sort of accommodation ( ).*

On the other hand, their circumstances have a direct impact on their housing futures.

*So, I think one of the major barriers is that a lot of those options that you and I and others in the community have, in terms of having a social network; a stable social network, aren't available to these clients and that encompasses all sorts of issues. The family are aware of offenses in relation to past drug use, mental health issues and so on which combine. And then obviously, on the other hand in terms of offenders coming out, the priority is not always putting their income towards accommodation. For many of them the primary objective is to score perhaps prohibited substances or alcohol and having stable accommodation where they're required to apportion a percentage of their income every week or fortnight, is not something that they're wanting to commit to and they then get into that pattern of catch up and so on ( ).*

### **Case study 3: Complexities of Dealing with Complex Needs**

This case study tells the story of an ex-prisoner with very complex needs and how a number of agencies have worked around the issues to have him resettled in the community. The subject was also interviewed for this research:

*Just working off an example, a guy with complex needs, very low IQ, alcohol dependent, sex offender and he was in for probably, I think, ten to*

twelve years; a long, long sentence. In the lead up to him getting out he tried to get probation (sic) and his dad was offering that support. But, in that situation they said no to the dad being the accommodation due to a number of reasons. One was anger. They felt the dad was too angry and police couldn't go and knock on the door which if fair, if it's true. But, in the lead up to him getting out, multiple people within the system tried to find accommodation. In the end, he went to Launceston and slept on a bench for several nights for several nights so, I dropped him to the City Mission emergency accommodation. They've got one bed which is in high demand and, he was able to get that for the first night but not the second and he came in and out over the next three weeks. He came and used that several times, that emergency bed. But other than that, there wasn't anything really for him to access up there and so, in winter, he slept on a bench in a park. He didn't touch a drop of alcohol which was amazing. He was a newly baptised fellow and he drew on a lot of the relationships that he had built with visiting chaplains and ministers he'd met over the years in prison. So, he'd call them up and had regular contact with them. So, availability, very limited. Accessibility is really a fact in his experience with complex needs, he sat in his initial meeting. So, he actually did. The planning and reintegration were actually able to set up a time for him on his first day to get out to go into HC and sit with someone which was amazing so he was able to actually sit down with someone. When we turned up, there had been some issues so, they didn't expect him. At the time he turned up, so, even though they'd made the booking, it wasn't there when we got there so that so changed it to an hour or two later in the afternoon and he was able to go and they were able to squeeze him in. He came in and I came in half way through that interview with him and it was apparent to me that he was saying what he thought they wanted to hear and he had very limited understanding of what they were actually asking. So, there was no way they would have been able to contact him after he left that interview. There was no way he was going to get any accommodation support because he didn't know where he needed to go to get it after he left and it would have just been an open wish kind of situation so, they would have thought that he was okay when he left and he would have felt completely distressed because he said what he thought that he needed to say but, at the end of the day, he didn't know what he needed to do. So, thankfully I'd stuck around so he got a lift to City Mission, got the emergency accommodation that night, made a really key contact there; one of the workers there took a liking to him, say he was doing well and really wanted to make a change and helped him over the next couple of weeks. He also had a worker from BTW who made contact several times through those three weeks and went out of her way to help secure accommodation. So, I think within probably four to five weeks he had a unit up in Burnie and that is probably the best-case scenario. There were still so many things that could have gone wrong [laughs]. ( ).

In reference to securing housing post release, much of the interview material confirmed the challenges posed by navigating a complex system, the need for advocacy, dealing with stigma, the shortage of housing stock, prohibitive costs, social isolation, health and addiction

issues, family and children, and employment. If we throw trauma into the mix (including being traumatised by the system), and being diagnosed with PTSD, it puts them at a further disadvantage, and in need of specialist support.

Respondents were asked to reflect on work-arounds to overcome the barriers. The overarching barrier is that this cohort has been effectively locked out of a very tight housing market. Consequently, there is an acute need of “work-arounds” and creative thinking to keep these people out of primary homelessness in the hope that suitable accommodation might come along eventually. For example, one agency is providing housing where people are not able to access public housing:

*So, with Community Housing Limited, they run a similar model to a real estate agent where there's not necessarily a waiting list as such but people apply to them. They have properties in some of the suburbs which have lower socioeconomic populations and they're not always places that people want to live but they are able to find people accommodation there and if a property becomes available it's offered to somebody who's actively working with that agency and if they can match somebody up with a property, then they can get a property much quicker than they would if they were going through Housing Tasmania.*

*One of my co-workers had a crazy situation recently where she had a long term homeless person who; they finally found a property for with CHL but because the bond loan wasn't available for those properties, he had to come up with two weeks rent and a bond for the property obviously on very limited income and so that wasn't available and it looked like it was going to be a huge barrier to him; being able to get into that property, even though the property was available to him. Luckily a lot of phone calls and a lot of pressure put on various community agencies and there was a combined response with some agencies providing some funding and others providing the gaps and eventually they found enough money to cover that expense. But that's not available in every circumstance unfortunately ( ).*

### *Housing Debt*

There have been many references to ex-prisoners having a housing debt and how this is a limiting factor when they reapply for public housing. The circumstances around incurring debts need to be examined; for example, with reference to people being sent to prison straight from court and having no opportunity to secure their house or possessions which are often subject to loss and/or damage as a result. Quite often those people left residing at the address are not on the lease and are therefore not accountable - in terms of compliance with the terms of the lease (especially in regard to the care and maintenance of the property). There is also the issue of the payment of utilities as well. So, quite apart from coming up with a bond and paying the rent, previous debts were often cited as a financial barrier. Some, when alerted, managed to pay off the required debt while in prison, thus alleviating this barrier post release; others entered into a payment plan post release.

Planning officer:

*When it comes to borrowing money and things like that I guess, it's really good we have a guy from Anglicare come in and he will see people and talk a little bit more specifically about loans and if people need to claim for bankruptcy or things like that and to do with their housing.*

*Some people have housing debt. They can chip away at it with the money that they get in here but you know it's often thousands of dollars and they might not actually be considered to be put back on the list or through a service they've used before because of things not working out and they have said no, we won't deal with them again or support them in any way so, that's a massive barrier ( [REDACTED] ).*

The [REDACTED] – the financial counsellor:

*Re-integration services within the prison have the most significant role. Many inmates who have leased Housing Department properties have debt associated with those properties - the Housing Department has a rule that a former tenant must pay off 80% of the debt before they are eligible for re-entry to their waiting list. This does not preclude former inmates being eligible for accommodation with other providers through the Housing Connect gateway.*

*In my financial counselling role, I have assisted inmates with re-connecting with former housing providers to address debt. Some providers are willing to accept former tenants back even where there is some residual debt from previous leases. Others such as Housing Tasmania require all or a large proportion of the debt to be paid off before an application for housing will be considered*

*The very nature of becoming a prisoner quite often involves additional costs - the inmate often is taken into custody and cannot clean up the property and the landlord imposes costs to do the cleaning. Often the property is left unattended and the property is prone to vandalism. The costs of repairing the damage reverts to the inmate ( [REDACTED] ).*

Planning officer:

*I'll really just talk as a whole if that's okay. People who have housing debts; they need to have repaid 80% of that debt before their social housing application with Housing Tasmania is active. They can still get other social housing but that's limited, but they could still get a property through somewhere like Anglicare or CatholicCare, but they only have so many properties available. So, I think housing debt is a real barrier.*

*A lot of people have housing debts. Some of the debts that I've seen have been for quite serious things like someone burning a house down; but I totally get that but then I've seen debt from them having to remove property from someone's old house.*

*The amount they charge to do stuff like that is actually quite disgusting, I'm going to use that word. Yeah, thousands of dollars to remove a few*

*belongings. So, I've seen itemised invoices because I usually will get copies once I've got a person's consent and a Housing Tasmania consent form, I can get copies of that stuff, cause I like to be able to give it to my clients and double check with them they understand where the debt has come from. And just some of the costings I've seen on these invoices; I've never said anything to clients about it because that would be unprofessional, but just in my own mind I've actually been horrified at some of the charges that Housing Tasmania have put on these involves. So that's a barrier ( ).*

To assist with the need to come up with the full amount for bond, legislation now enables people to pay it off in instalments:

*Well, again we've changed the law working with Justice so that people can pay their bond in instalments, but that's available now for the community but that's not available in the private market. It's a pity because with a bit more law reform we could get that. That would be really good. Because people often can't come up with the full whack, which is about \$800.00 or something. Uhm, and so if they could pay it in instalments that would be really good ( ).*

#### *Persons with Complex Support Needs*

This section features comments that highlight the complex support needs of the ex-prisoner population seeking housing and accommodation.

#### *Multiple Interacting Issues*

*Yeah, these people do have a lot of complex issues. Usually, mental health's a big one for people who become homeless. Also, a lot of these people also have problems because of the fact that their relationships have been ruined. Be it with their marriages, be it their family; because a lot of these people have mucked all that up. Uhm, sex offenders. Often the family totally pushes them away. Recently we had a gentleman in here who had a long history of sex offenses against younger people, and he was caught again doing it after release and so therefore went back and did some more time, but that person had very, ah lots of issues with lots of things. He was having fits, he had diabetes, mental health troubles, health troubles, joint problems, hearing issues. It was just very complex for that particular person ( ).*

And

*Now mental health issues, other disabilities and certainly multiple diagnoses accounts for a significant chunk of the prison population. As well as all of the people engaged with the justice system. Comorbidities become multi morbidities if you like. You don't just have a drug an alcohol problem, you have other problems, be they mental health issues or a physical disability of where there's always more than one reason. And working as I did for the SA for over 20 years, I could honestly say that there was never one person, never one client who came to us with just one specific need. There were always multiple diagnoses, multi morbidities that*

*brought someone to that point of needing the sort of support we could offer ( [REDACTED] ).*

## Women with Complex Support Needs

Women generally receive shorter sentences than men and under Tasmania Prison Service protocols, do not qualify for support if their sentence is less than six months.

*Women, so generally, for me, I've definitely had a few women on my case load because them getting a sentence over six months isn't as likely as the male population, so to speak. But in saying that, I've had a few under six months and due to their needs and complexities, and having contact with outside services, it's been very beneficial so they're sort of the ones like fell off the side of your desk unofficially but officially when it comes to women, a lot of complexity with the housing is; a lot of the services and shelters won't take people as a bail address or for parole and the wait lists are so huge, it's not even really an option for them as well so, they're going back out couch surfing or doing whatever else and when they've got kids that's a whole other complexity as well to be able to have housing options that will have children looked after as well ( [REDACTED] ).*

For women especially, there is a need to recognise the importance of trauma and addiction within this cohort and seeing 'recovery' and provision of safe and secure housing as going hand in hand.

*So, regarding complex support needs for women significantly will relate to issues of childcare and issues of family violence. Now while males can experience family violence as well, if we look at a cross section of those engaged with justice, as far as we are concerned, you'd have to rate family violence as being one of those key drivers and any housing pathway would need to take that into account big time. I suggest that while those opportunities exist in the system, there are not nearly enough of them. The ability to stay safe would certainly affect woman's' recovery by being in a safer community – a safer environment. I think this is critical about recovering ( [REDACTED] ).*

## Indigenous People

*Reflecting specifically on those three groups, first nations people certainly have overrepresentation in our prison system, actually in Tasmania as well. My personal view being that if there were different housing arrangements, some of those people would [if housed] effectively reduce the percentage of First Nations people in prison. If there were much more emphasis on community control, on community development within first nations communities, I think we could reduce the number of people in prison and therefore reduce the need for complex support needs for first nations people. Let's work on the First Nations communities first ( [REDACTED] ).*

*The TAC [Tasmanian Aboriginal Centre] are obviously the main contact we use. They're a really great service for the indigenous persons with*

*complex support needs and they're a really all-round service. So, they have counselling that can assist them in many ways and also housing. They will support - they're a sort of support for someone who's looking for housing. I've haven't specifically referred someone to that whilst they've been in prison and I'm not sure whether planning officers do very often but, that definitely, while they're on an order with us, is someone I would want to work closely with if they identify as aboriginal and indigenous and so, yeah, a fair bit in the past, but it's usually; once they're on an order with us, my approach is they sort of lead where their case management goes. It's sort of their own focusses and things. So, if they identify the TAC as a major support for them or someone they'd like to link with, then that's encouraged from our perspective and I do understand that they do assist with housing and things like that. But it would be in the same way that we would referrals and phone calls and just sort of waiting. There's not a whole lot that we can do ( ).*

And

*Well, funnily enough, the clients I can talk about recently, the indigenous ones definitely had, from my perspective - more support than a lot of the other regular prisoners who were released. Which is great, and some of them, because of the fact that you've got the Aboriginal Health Service nearby and you've got other Aboriginal Organisations like Karadi. So, yeah, at the moment we do have quite a few clients who are being well looked after, after exiting prison by the services. So yeah, I think that's a positive more than a negative. They certainly are receiving great support ( ).*

## **General Observations**

This section begins with a few general comments about issues raised in the course of the interviews before zeroing in on several key areas that emerged that require further scrutiny and critical reflection.

The research questions did not mention “throughcare” and the researchers did not emphasise it, except to name it up occasionally when the concept came up in conversation, and on a few occasions, respondents were asked whether they were aware of the term. Despite this, it featured consistently throughout the interviews. The need for continuity of service across the prison-community divide was frequently highlighted.

The context of a tight housing market has implications for the perception of the PRRH and its operation. For example, if scarce public/social housing is provided to ex-prisoners while others are being denied, this would not be particularly well received politically and in the general media. In such circumstances it may be more advantageous for individuals to apply for housing separate to the PRRH without disclosing their corrections record. This, in turn, raises a number of contradictory and problematic issues.

The notion of institutionalisation perhaps needs reconsideration. This particularly applies to problems associated with existing boarding houses in the sense that poorly staffed and poorly funded housing alternatives do not provide the services required to attend to people with complex needs. Currently, individuals are put at risk for substance abuse, crime and anti-

social behaviour insofar as support systems are not adequate and living conditions generally poor.

Related to the issue of “institutionalisation” is the fact that offending simply to go back to prison is undoubtedly more than an urban myth. It was referred to as a common occurrence with recidivists and was described by some respondents as a significant issue. Prison, at least, provides a roof overhead and three meals a day.

*And even for people that do have accommodation it's often the pressures of life in the community are such that the structured lifestyle in custody is far less stressful for them and it is a preferable option for them to go back into custody even in that situation. So, if they're sleeping rough it's yeah, I think it's often an option for some people to get a roof over their head ( [REDACTED] ).*

### *The Covid-19 Pandemic*

The timing of this research was interesting as early field work began at a time when the full impact in Australia of lockdowns, border closures and other social distancing regulations were beginning to become a reality. Ironically, the term ‘lockdown’, prior to Covid-19 in Tasmania, would have been far more relatable to people in this state, following media reports of prison lockdowns due to industrial issues, staff shortages and the rising prison population. Later, as Covid-19 restrictions were being lifted in Tasmania, a report released by the Tasmanian Custodial Inspector once again put prison lockdowns and other issues back on the agenda and the question of whether prisoners should be released in an effort to reduce their susceptibility to infection became a state issue.

The initial public reactions to the pandemic, such as the rush on toilet paper and hand sanitizer, also had implications for the subjects of this research, that is, people released from prison trying to secure accommodation. All of a sudden, they had another challenge to face. They too had to ensure they had somewhere to stay, enough to eat and adequate provisions (including toilet paper).

For practitioners, reference was made to how it had affected service delivery through the lack of face-to-face contact with clients in the community, and in the case of the prison, the withdrawal of contact visits. Until the pandemic, outreach visits, incorporating face to face contact with clients, has been an accepted part of service delivery models. Covid-19 has changed that virtually overnight. Workers have had to make huge adjustments to their work practices. Most face-to-face contacts went on-line either by phone or video streaming. Some comments reflected the changing work practices and the effect on their work and roles. The pandemic would almost certainly have made practitioners reassess their work practices.

The following comment refers to the pandemic bringing extra pressure to bear on an already challenging situation where a client is in crisis - on a Friday afternoon:

*Yep, and it always falls late in the afternoon or on a Friday and it's just awful, because we can't - we try - we ring these places - we make these calls - but then they say so, we have to call us. And particularly at the moment, when we're not having face to face contact. Now, I would normally have the offender sitting here opposite me and I'm like, well they're here with me, but you know, we can't do that. They don't have the capacity to have these conversations and understand what's going on. It's incredibly difficult ( [REDACTED] ).*

The current Covid-19 restrictions, added to parole conditions, orders and curfews, have added yet another layer to an already tight housing situation.

*Transitional housing; I know at the moment, a lot of the services that I've worked with and the team - you know it's meant to be short term but nobody's really moving at the moment because of Covid, so there's extra backlog in having that transitional housing for people and again, it depends on whether they're on an order. It's harder to get into emergency accommodation with an order than not, because of the conditions around it and what they look at ( ).*

On the other hand, despite the general negativity, there were some positive outcomes. One respondent commenting on access to accommodation during the pandemic stated:

*Yeah, we've seen a dramatic change in people's ability to access accommodation and so a lot of the hotels and hostels in the area have now opened up to people who would normally be marginalised and not have access to accommodation and not be able to afford that accommodation so, the two things that have changed that is that all those people who are normally catering to tourism and industry had to seek other forms of income. So, they've been more willing to take people that normally they wouldn't accommodate and those people looking for accommodation have had a general increase in their income on benefits and that's enabled them to access accommodation a bit better as well ( ).*

Another respondent spoke about the extra funding for the homeless sector:

*It came up recently, because of the Covid -19 and because of the extra funds that were released for brokerage and I was told at one stage our service wouldn't be included in that. That people that were being supported by our service wouldn't be able to access any assistance that way. I made further enquiries and found out that they could. If you're homeless, you're homeless; whether you've come out of prison or whether you haven't. And that's what those services were there for. So, I have had people access that for a night here or there but I find they're less likely access that than the general public. Whether that's that they don't feel worthy or they don't have the confidence; I'm not really sure but I find that they're less likely to access the brokerage services ( ).*

Another mentioned that Centrelink had reviewed its practices:

*We can definitely connect them with Centrelink before they are released. That's probably one of the easiest things to do. At the moment Centrelink are not coming into the prison anymore. I think we are one of the only states where Centrelink actually come into the prison - when it's not a pandemic obviously, but Centrelink are just doing phone stuff and they will leave paperwork and EBT cards if people need those, so if people don't have bank accounts which is quite common, Centrelink will leave that EBT card and paperwork at the Visitor Reception Centre on site ( ).*

The North West of Tasmania was impacted heavily by the Covid-19 pandemic, but despite this, it did not seem to have a huge impact from the perspective of this worker in the region:

*Covid-19 is obviously having a huge impact on us in the North West. Generally, in respect of our offenders, accommodation hasn't been one of those sort of, one's I guess other [challenges] have perhaps overtaken that, yeah ( [REDACTED] ).*

The pandemic is placing more pressure on a backlog of court cases leading to further complications and time delays for those on remand:

*I'm noticing that some of the court dates are, you know, being stretched right out. So they usually have to appear around every for weeks just to be re-remanded in custody, but things like; if someone's pleading not guilty and has to go to a trial I'm seeing stuff that's not going to start till until August, and people have already been here since, you know, January and February and so, the length of time that people will be on remand is likely to be longer than usual at the moment. So again, that's just going to make it even more difficult because by the time they get around to being sentenced, they will have been here for a long stretch and that's taken off their sentence. So, it really cuts down on the time we have to work with them. Sometimes we will have people that have a couple of months, yeah, it's time to do the referrals and connect them but it doesn't give you time to actually do any decent work with them. You know, it doesn't give you the time to build rapport with someone and talk about what was really happening for them and so it's getting down to the really important stuff. And that get be quite frustrating. Surface work stuff is good, you know your tick and flick, your referrals, yeah, it's good to get that done, but doing actual decent quality work with people is when you start to see things actually happening. So, I get quite frustrated sometimes, if you can't already tell. But anyway ( [REDACTED] ).*

The effect of COVID on the pace of processing people through the court system is significant.

### *Competitive Tendering*

The research revealed a need to critically examine competitive tendering in Tasmania. Further, the implications for metrics driven outcomes which determine the viability and ongoing funding of the present competitive tendering funding model also needs to be discussed in greater depth. An evaluation of the PRRH initiative and its relationship with BTW and how the de-funding of post release programs has impacted on the outcomes of ex-prisoners would be an ideal case study.

*While working for the Salvation Army, I can remember having a discussion with some government officials at one stage. They said "Oh, people come to us when they're in real trouble, when they're absolutely desperate, they'll come to us". This was the state health service and I said "yeah, that's great, between nine to five Monday to Friday, they might come to you, but after nine to five Monday to Friday, or on the weekends, or on the public holidays of when they do not meet criteria required by the state housing or health or other service centre. When people don't satisfy those criteria, where do they go? And my argument was, they came and banged on the door of people like the SA. There are many many instances of people being turned away from health agencies because it was five to five on Friday or that they didn't meet the criteria or that they were just not in the right zone to be helped by state services and they end up in the hands of*

*community organisations. Those community organisations had to cover the overtime costs, cover the crisis intervention costs - all those sorts of things while, to some degree community agencies are funded for that, there's too big of a gap between what the state can offer and what the community services can provide. Community services are underrated significantly in their capacity, in their professional capability. There should be more interaction at high level between those organisations with high level skills and state organisations with more of an organisational overview rather than a competitive services overview. Let's not compete to deal with the same clients.*

Interviewer - So, would you argue that the outsourcing philosophy that's crept in isn't working particularly well?

*Yeah, if you're going to outsource, outsource. Give people the capacity to service those needs. Don't mess about with it, don't compete with it. For instance, working in Alcohol and Other Drugs, we found ourselves competing with the state who funded us; to meet the needs of the clients. If the clients didn't like the answers they were getting from us, they'd go to the state or if they didn't like the answers they were getting from the state, they'd come to us. You know, it's double doing staff, it's not effective and I think the state can learn an awful lot from the experiences of people working at that level and the state needs to give community services credit for working with the very, very hardest in that community sector bracket. I don't believe that many senior officials in the state service understand the depths to which some people can sink, before they reach out for help. Statistics can drive discussion apart when you look down at individual cases. I think we can do a lot better. So, outsourcing, yep, it's certainly got great commercial benefit, but if you're going to outsource it -outsource it! Don't hinder it. Hindering drives people's capacity to do good work to the bottom of the barrel. By tendering and taking the least value service because of cost, reduces in the end the capacity of the service to provide what the clients need. If for instance, services were to be offered on more of a negotiated level or expression of interest level and monitored over many years by a state authority, that's a little different, so that if, for instance, I was working at Drug and Alcohol sector service and my capacity to perform was questioned, then would the state step in and say, look you're not doing a good enough job, we'll help you to perform better and give you guidance to perform better, that's still way cheaper than re-tendering or if for instance, on monitored review your found to be delivering some really fantastic innovative cutting edge services, would the state not then say, this is fabulous, let's fund you to do some more. You know, if there were opportunities like that rather than just taking the best price for the job. Without fundamental shifts that resolve some of the questions arising in state housing agencies, state corrections services and community organisations and issues and accepting responsibility to deliver services doesn't mean that you've got to micromanage the guys. Just fund the service, fund it direct and negotiate it and give it a surprise every so often and give it five years to run at least.*

Interviewer - So, given that programs would be funded over longer periods, would you agree that you are going to attract a better more dedicated workforce?

*High quality workforce given decent career paths, less start up, shut down time lost. It's a Blind Freddie argument you know. Blind Freddie could see it. I don't know why we don't do it more regularly and routinely? Just negotiate contracts don't tender them – simple ( ).*

The interviews produced various discussions on this subject, including the following by a prison chaplain.

*Keep on encouraging charities to collaborate and make the tender process - not necessarily competitive - So, if people are doing the right thing, don't feel that you need to necessarily go out to tender. If they've got good staff and they're meeting results, perhaps make it easier for some charities to continue on for at least one more three year process rather than chuck everything up in the air and so the same staff get chucked up in the air and they end up in a different charity and you'll all have to start again and there's so much cost involved in that. Cut that down, let the tender process go from three years and another three years if they've done everything right. Most charities would be happy with that. Most that would have gone for that tender would be like, yeah, that makes sense, go for it, give them another three years, you know, yeah ( ).*

The above exchanges clearly consider the need to take a pragmatic approach based on the best possible use of taxpayers' money given the track record of organisations' service delivery and outcomes. The following observation, however, comes from a housing agency well positioned to comment as it does not receive government funding.

*Now, I'm in between all of the agencies and that's how I know that they don't really talk to each other. Some of them do, but they've all got their own funding streams and the bottom line is they're all businesses too. So, they all sort of, need to look after their own nest before anyone else's.*

*But, if someone turns up to say, HC and HC can't help, they'll probably say look, you'll probably need to go to Anglicare or Anglicare will say, they'll probably need to go to CatholicCare and stuff like that. They'll certainly move them on to an agency that they think might be able to help them, but they certainly won't have a meeting with Anglicare and CatholicCare in my office at the same time. Because they are different entities and some of them provide different levels of service but, I deal with all of them but I can only deal with one at a time but I swap and change between all of them because I'm not obligated to sort of stick with one particular service so, I'm in a good position because I get to access everything.*

*But I know of workers that do get a bit hamstrung because if their service can't provide something, then they can't really send them anywhere else or*

*access another one. They've actually got to take them off the books and send them over the road to somewhere else ( [REDACTED] ).*

There are some instances where, reading between the lines, there is evidence of point scoring, discrediting other services and not acknowledging the good work that others are currently doing in the sector or indeed those initiatives which have actually existed within agencies before the time of current practitioners but have been discontinued for one reason or another.

Returning to the metric driven performance indicators, the following draws the distinction between outputs and outcomes or doing stuff and achieving results: the output in question is recording the clients' contact and giving them a list of phone numbers. It relates to the agency achieving performance indicators which are tied to funding.

*...most of the time they rock up and they're given a piece of paper with a number of phone numbers on it and then that's it. So, you can go now. You've got your list of phone numbers. You call them. So, the expectation, working down the list here from state housing agencies is; that I think we don't have the resources to sit down and help everybody. They have to say something before we will do that and if a person comes to the front and we give them the information that's required and they walk away, then the assumption there is that, they'll be okay. They'll know what to do. The truth is; a lot of those guys are illiterate or unable to -some of them- are unable to follow up, make phone calls. A lot of them don't have mobiles when they get released and there's a reduced motivation to follow up as well ( [REDACTED] ).*

A key message of the Tasmania research is that for any real change to occur the voice of the frontline workers and ex-prisoners is needed. These are missing a lot of the time and what you see on paper and in reports does not actually give an accurate picture of what it actually looks like and means on the ground. Particularly valuable is the views of those individuals who have got out and haven't gone back, as well as those that do go back.

## Conclusion

The purpose of this report has been to summarise the Tasmanian interview materials associated with the exiting prisons research project. As demonstrated, housing and accommodation for individuals needing complex needs support is inadequate, and while processes and procedures are in place to assist this cohort, the structure of the housing market itself severely restricts the placement of ex-prisoners in suitable accommodation. Nonetheless, there are a range of measures that could be adopted to improve existing systems of support and enhance service provision. Specific issues, such as the advent of the Covid-19 pandemic and the funding framework of competitive tendering, are also impinging upon service provision as well.

Housing options for ex-prisoners in Tasmania are limited (see Table 6), as are service providers both in the first instance and with respect to specialist services for people with complex needs. This table provides examples of the types of short-term, medium-term and long-term housing options available to ex-prisoners. For a more comprehensive overview of current Tasmanian offerings, please go to specific agency websites or generalist websites such as:

Find Help Tas website, Housing,

[https://www.findhelptas.org.au/programs/?p\\_cat=housing&p\\_loc=](https://www.findhelptas.org.au/programs/?p_cat=housing&p_loc=) ; and

Shelter TAS, Looking for Emergency Accommodation,

<https://sheltertas.org.au/housing-in-tasmania/homelessness/are-you-looking-for-emergency-accommodation/>.

**Table 6:**  
**The Housing Options Landscape**

<i>Time Period</i>	<i>Type of Accommodation</i>	<i>Example</i>	<i>Location</i>
<b>Short-term</b>	Crisis/Emergency	Safe Space	North, South, North-West
	Temporary	Orana House	North
		Bethlehem House	South
		Hobart Women's Shelter	South
		Dudley House	North
		Oakleigh House	North-West
<b>Medium-term</b>	Transitional	Brokered Accommodation	Statewide
		Boarding House	Statewide
		Caravan Park	Statewide
		Bethlehem House	South
		Orana House	North
<b>Long-term</b>	Social Housing	CentaCare Evolve Housing	South
	Private Sector	Boarding House	Statewide
		Caravan Park	Statewide
		Private Rental	Statewide
	Not For Profit	SAHT Campbell Street	South
		Dudley House	North
		Bilton Lodge	South
		Bayview Lodge	South
		Indigo Lodge	North
		Aboriginal Housing Service Tasmania	Statewide

**Table 7:**  
**Specific Housing and Accommodation Services**

Safe Space	The program launched in December 2019 in partnership with The Salvation Army and has already changed the lives of people living on the streets of Hobart. It is a safe and secure place for people to find shelter from the elements, rest and link with support services such as Housing Connect, Mental Health and Alcohol and Other Drug doctors. The program is run out of the YouthARC space on Collins St, which is provided free of charge by the Hobart City Council.
Orana House	24-hour crisis accommodation service for single men over 21 years of age. They offer supportive and professional service where clients are encouraged to make their own decisions in regards to their future. This facility includes crisis and sobering up services.
Bethlehem House	Crisis support service for single men over 20 yrs. Offers a range of services including crisis accommodation, referrals for housing, information and referrals, social and recreation activities, financial support, meals, laundry and showers. 24hr service. Services Southern Tasmania only.
Hobart Women's Shelter	Crisis accommodation for women & children. Hobart Women's Shelter core business is providing safe, emergency accommodation and support to women and children who are affected by family violence and those who are homeless.
Indigo Lodge, Bilton Lodge, Bayview Lodge	Anglicare also provide communal, long term accommodation in 4 supported residential facilities across the State. Eligibility is the same as for public housing, targeting people on low incomes. Facilities cater for singles and couples over 18 years of age who wish to live in a communal setting. Rent/board is calculated at 85% of people's income (excluding CRA); this covers 3 meals a day, electricity, weekly linen service for sheets and towels and some recreational activities. The facilities are staffed by a Lodge Manager who lives on site.
SAHT Campbell Street	Crisis support service for single men over 20 yrs. Offers a range of services including crisis accommodation, referrals for housing, information and referrals, social and recreation activities, financial support, meals, laundry and showers. 24hr service. Services Southern Tasmania only.
Dudley House	Private supportive short or long term accommodation house catering for 30 residents. Catering for men and women with various health needs eg mental illness, disability and ageing.
Oakleigh House	Emergency accommodation run by the Salvation Army, to men and women with or without accompanying children

In undertaking this research, we have also been struck by commonalities with other states. For example, considering the unanimous views in regards the importance of providing timely planning, too many people end up in crisis style accommodation, which all agree is unsuitable.

Yet it is crisis accommodation that is taking the present spotlight. For example, to cater to the needs of rough sleepers in Hobart, The Salvation Army recently partnered with Hobart City Mission to pilot a program, initially called Safe Night Space. It is now called Safe Space - Night Program (South) and this and similar operations have received government funding and have commenced in the North and North West of the State. In the State's south, this intervention has the following features:

### **Safe Space – Night Program (South)**

Safe Space Night Program (South) is a place to shelter overnight, rest and connect to support such as mental health services, drug and alcohol services, doctors and more permanent housing solutions.

The Safe Night Space is:

- Located at the YouthArc building - 44 Collins Street, Hobart.
- Offering a place to sleep overnight (8pm – 7am) for people experiencing homelessness
- Supplying all beds and bedding
- Providing meals
- Providing GP services by the Moreton Group (roughly once a week)
- Providing clothes washing through Orange Sky Laundry (roughly once a week)
- Accommodating males and females; and has some capacity to accommodate families. Up to 20 people per night
- Staffed by two support workers on site each night
- Connecting clients to Housing Connect and other services as required
- Usually on a night-by-night basis but can negotiate an extended stay if a person is discharged from hospital into homelessness to allow for some recovery process.

The Safe Space program is also available in Launceston and Burnie where it is operated by the Launceston City Mission and The Salvation Army respectively. Access to all Safe Space services is through Housing Connect.

Other issues pertaining to the nature of service provision also persist. For instance, in Tasmania specifically, the introduction of a specialist housing worker in the prison was raised. Also, the planning officers, whose job it is to coordinate the support needs, are very much under resourced. Moreover, it appears that most facilities do not have pro-active mental health nurses, which points once again to a general problem of lack of staff resources. The evidence in Tasmania is that the resources in this area have not changed since the prison population was around 400. It is now approaching 700.

A common theme of the research and scholarship is that where infrastructure is established, resources are expended with no real expectation of outcomes simply due to the lack of housing. In a similar vein, the expectation that people who have never managed a tenancy before will succeed, is misplaced. The end result is that people cycle or churn through the systems – both emergency housing and the prison.

### *Sector-based Recommendations*

On the basis of the interviews and the background research, a number of recommendations pertaining to service provision and housing and prison issues are suggested. Specifically, all respondents were given the opportunity to sum up and provide some ‘key messages’ at the conclusion of the interviews. It is principally from this data that the following recommendations have been drawn.

#### Communication and interagency collaboration

- Incorporate a flag in the Corrections’ shared information system which will notify key stakeholders of significant dates (e.g., parole application dates). Incorporate throughcare into these data bases and streamline housing application processes.
- Maintain the current communication and information sharing practices which foster good collaborative practices (it may be useful to have a cross sector review of these practices so as to inform innovative work going forward).
- Provide living skills for people who will be living independently post-release.
- Consider ways of reducing the barriers to housing which a criminal record attracts.
- Highlight the benefits of being released on parole with supervision and support.
- Explore an option for people to be able to refer to a post release program after they have been released if they are experiencing difficulties.
- Clarify the process for securing housing support workers for clients deemed in need of such support.
- Incorporate perspective on the positive outcomes in the system as well as the deficits.
- Reward NGO service providers with extensions of funding based on performance rather than putting programs out to tender, and re-evaluate the competitive tendering environment to bring some flexibility into funding guidelines.
- Ensure there is a strong focus on cross sector collaboration and support, especially where agencies are working under stressful conditions.

#### Criminogenic need

- Understand the special needs of the clients.
- Emphasise trauma-informed practice.
- Consider employment opportunities.
- Address criminogenic need through adequate provision of prison programs.
- Ensure equitable access to programs, especially literacy, across the prison.
- Improve access across the prison to programs and education.
- Revisit the concept of the prison farms to enhance employment opportunities.
- Examine the prevalence of the view expressed by many inmates that it is inevitable they will return to prison because of being unable to find housing.
- Assess peoples’ basic living skills to assess the need for independent living support.

- Consider the implications of institutionalisation on housing pathways post release and how they could be mitigated via pre-release programs.
- Identify and cater to the special support needs of clients.

#### Financial resources

- Ensure people exiting prison have sufficient financial resources to transition into the community.
- Ensure ex-prisoners have the financial means to cover housing and other needs upon release.
- Tackle the issues surrounding “housing debt” both pre and post-release.

#### Housing specific

- Adopt a housing first approach - crisis shelters are not the answer for people exiting prison.
- Build low cost housing that is integrated across the community.
- Evaluate the efficacy of a public housing system which effectively does little else but maintains applications and advises people they will be put on the public housing wait list which has been variously estimated to comprise between three and four thousand people and the wait up to 18 months.
- Create a ‘housing planning officer’ position within the prison.
- Provide more accessible housing.
- Streamline the housing process, as it can be complicated and confusing and hard to navigate.
- Provide more access to housing support workers and provide clarity around the process of engaging one.
- Provide transitional housing to ensure people are not released into crisis shelters or homelessness.
- Ensure housing needs are assessed early in someone’s sentence and that HC referral is lodged.
- Increase the number of affordable houses across a variety of suburbs.

#### Maximise utility of current resources

- Fully utilise the O’Hara units (on-site transnational housing units at Risdon) as they were intended incorporating a programed throughcare component.
- Ensure that corrections policy is informed by input from, and take into account, the experiences of front-line workers.
- Ensure that corrections policy is informed by input from, and take into account, the experiences of people with lived experiences, both from those who succeed in their rehabilitation as well as the recidivists.
- Ensure that corrections policy is informed by world’s best practice.
- Ensure the front-line workers are carefully selected for their ability to relate to ex-prisoners and their needs.

#### Parole specific

- Examine the process around the parole compliance, release dates, approval of suitable accommodation options and the availability of housing and why it comes up constantly as a barrier to post release housing.
- Recognise the importance of having a parole address, as this pertains to the practicalities post release but also to create some peace of mind pre-release, to assist with other issues and dealing with prison life.
- Scale up post release services (including housing) to encourage successful parole applications and reduce recidivism.
- Acknowledge the benefits of supervision and support on parole.

#### Policy input

- Ensure people who are working at the coal face are consulted when policy decisions and funding allocation decisions are made. Funding needs to be targeted where it is most effective.
- Ensure there are adequate financial resources post release. The Centrelink payment is inadequate and sets people up to fail.
- Ensure that adequate financial resources are available to cover housing expenses on release (crisis shelters who do not have the capacity to cover the costs themselves).
- Revisit the process around parole decisions and actual release dates to ensure that crisis beds are not held which could otherwise be utilised for other clients.
- Acknowledge the successful completion, and foster the use of education/training programs, especially where they might enhance employability post-release.
- Scale up evidence-based responses.
- Make available transitional supported housing (i.e., scale up programs such as BTW).
- Recognise the sector wide resource deficits in housing and related services.
- Consider an option to facilitate referrals to a program following release, where peoples' plans go awry - this may overcome the need to breach parolees resulting in reimprisonment.
- Advocate for policy to be informed by front line workers and service users.
- Ensure the consultation process involves service users and specialist workers (e.g., a specialist Indigenous worker).
- Ensure resource allocation is evidence based and outcome driven.
- Emphasise the central role that stable housing takes in relation to other needs.
- Employ a community led approach to corrections and community safety.

#### Reduce prison demand

- Utilise court mandated diversionary alternatives (for example, in areas such as domestic violence, mental health and substance abuse).
- Exercise caution in moving toward or use of mandatory sentencing.
- Advocate for bail accommodation options.

#### Research and education

- Further investigate the phenomenon of people committing crime to return to prison to escape homelessness, where they can receive three meals a day and a roof over their head.

- Educate the public on the cost implications of carceral sanctions versus community-based alternatives.
- Highlight the many factors driving recidivism including institutionalisation and the many barriers facing ex-prisoners post release.
- Examine the prevalence of post release substance abuse and recidivism brought on through inadequate housing and support (especially financial) and implement strategies to mitigate.
- Investigate the reasons behind illicit drug use in the prison such as boredom due to lack of programs.

### Stigma

- Highlight how stigma plays a part in employment opportunities post release.
- Work toward cultural change in the community where ex-prisoners are accepted and not stigmatised.
- Acknowledge the despair and lack of hope in securing housing after prison.
- Accept the norm that the rules imposed by Housing Tasmania for re-entry to the wait list are essentially a lifetime ban from inmates ever accessing one of those properties again.
- Recognise the reality of criminal record discrimination for people applying for housing.

### Throughcare

- Ensure adequate post release supports are in place.
- Ensure that participants in the Apsley unit (prison-based A&OD treatment program) are not exposed to illicit drug use as they reenter the prison's general population on competition.
- Ensure adequate funding of post release programs.
- Establish in the early stages of release planning, whether or not an ex-prisoner is welcome to return to family or into former arrangements.
- Address the frustration felt by sector workers that throughcare has been much talked about, but not much is happening on the ground.
- Emphasise the importance of ensuring people with complex needs have integrated intensive support (e.g., which might mean physically taking them to post release appointments - not merely expecting them to turn up).
- Consider working with families wherever possible to encourage familial post-release support.
- Ensure adequate support is in place to assist with access to and custody of children.
- Encourage, as much as possible, the fostering of pro-social interaction and relationships post release.
- Ensure ex-prisoners have the required practical skills to access services including medical, transport, banking and Internet.
- Consider the creation of support groups where ex-prisoners who are susceptible to relapse and have thoughts of returning to prison could support each other.
- Enquire whether the Reunification Action Plan is being utilised and is useful.
- Mandate throughcare planning to include post release housing and support.
- Provide a structured and supported tenancy option.

Perhaps in summary the final word on housing service provision for ex-prisoners with complex needs ought to be from the practitioners themselves. Their views are varied but nonetheless consistent and represent the wealth of experience and insight amongst those working directly in the field. Some final take-away messages:

*Not only do they [the homeless population] need that 'Housing First' approach, they also need support because we find often people that come out of communal settings like a prison where they've got comradery and a whole range of different things that actually going into a house that's available away from all of your networks, can be good and bad in some situations. It's actually quite traumatising for people to just be left. But we need that first step - we need to get them housed first ( ).*

*We know that when people come out with support their opportunities for succeeding and successful reintegration are massively enhanced. Housing is significant, employment is a huge one. We've always talked about therapeutic reintegration services are massive as well. If we make a consideration just for one particular iteration of people that are experiencing or have had trauma in their lives, if we don't deal with that underlying cause of that trauma, then that trauma is going to manifest itself in so many different things; in committing crime, in relationship breakdowns, in drug and alcohol substance abuse, it's going to keep manifesting itself. If we don't deal with that root cause analysis, that aspect, we're going to have no capacity to actually support people ( ).*

*I suppose the key things that come up for me, assessment for housing needs to commence at the beginning of somebody's sentence. When they come into custody, it's a question that should be asked as soon as they get in there and see someone - "where were you living at the time, what are your options?" They might say "yep, going back to my wife, going to mums" and that's fine, that's done. But if not, initial planning needs to happen at that stage. So, the HC referral in, so it can be up to one or two years earlier than we'll get to do it. Three or four years earlier so that referral can be ticking away while they are in custody so, initial planning needs to happen very early on and referrals happening at that entry point ( ).*

*I think for most of them, they've worked the system out and it's almost like a safe environment even though we think it's not. But sometimes, for some of them, it's safer than out here. So, the difficulty is that if they don't have accommodation they don't get released on parole, they have no monitoring in the community. So then, they are released at the end of their jail sentence and there's no parole. So, they don't have accommodation but who cares, they don't need it; they're not out on parole. They're out the door, they're homeless, they're used to being looked after so, quite a lot of them don't have the living skills to manage outside. They've got no support and they've got nowhere to live so, to me it doesn't make sense to do that ( ).*

*Probably, and I'm being honest and the biggest thing I'd like to see and I don't know if policy is going to address it is just obviously more accessible housing. But even*

*before you get to that, is just making the process more streamlined. You know, the housing process has changed a few times whilst I've been a social worker and it only appears to get more complicated ( [REDACTED] ).*

*It would be nice if they actually bothered to talk to the people that work on the ground before they write their policies or throw money at these programs and what not, because we've got some programs that have been funded by Commonwealth Government and this is crap. They're not what people want. They've never bothered to ask prisoners 'what do you want?' Talk to the plebs that have to do the work, you know the pen pushers like myself, what will work, can you actually do this? Because, working in a prison, you're quite restricted in what you can do ( [REDACTED] ).*

*Yeah, so I think that again, going back to that last point that 'nothing good happens without stable accommodation', and people often achieve sobriety and stability and things like effective medication for mental health and some effective program involvement for criminogenic needs and things like that while they are in custody, and come out at a point in their lives where they want to make some changes and that can be very quickly undone and any positive work that was done in the prison setting quickly evaporates if a person finds themselves homeless or without stable accommodation ( [REDACTED] ).*

*The other key message I would say is if we can tap into the culture in Tasmania of caring for people who are unhoused and move that towards culture that not only helps those that are unhoused but helps ex-offenders as being crucial helpful members of our community, with no stigma attached. If we can get some of the way to that; that would be brilliant. And that takes leadership from policymakers. That means, sometimes a bit of an investment in re-education, creating possible jobs for people who have been released. I'm not pretending to know all of the answers but seeing how it's done elsewhere around the world; I think we can... Tassie's got a unique position to do that ( [REDACTED] ).*

One bottom line is that there simply needs to be more housing, in a variety of forms, to meet the widespread social demand for accommodation in Tasmania. Another is that suitable professional throughcare support and service provision is essential if ex-prisoners are to be settled back into the community in ways that will genuinely reduce or eliminate recidivism. Each of these are systemic issues and fiscal matters that ultimately go to the heart of the problem – and thus each is inherently about political choices and actions.

## Further Reading

Alcohol and Drug Foundation, 2019, Prison, alcohol and drug use – a volatile combination, viewed 28<sup>th</sup> July 2020, <<https://adf.org.au/insights/prison-aod-use/>>

Anthony, T. 2020, ‘Why releasing some prisoners is essential to stop the spread of coronavirus’ in the Conversation newsletter, viewed 15<sup>th</sup> August 2020, <<https://theconversation.com/why-releasing-some-prisoners-is-essential-to-stop-the-spread-of-coronavirus-133516>>

Australian Bureau of Statistics, 2020, 4512.0 - Corrective Services, Australia, December Quarter 2019, viewed 21<sup>st</sup> April 2020. <<https://www.abs.gov.au/ausstats/abs@.nsf/0/C57B3CAC8D0EDB87CA25825000141F8F?OpenDocument>>

Australian Criminal Intelligence Commission, 2018, National Wastewater Drug Monitoring Program—Report 6, December.

Australian Government Department of Australian Government Department of Human Services Disability Support Pension, Budget 2018-19, aligning suspension periods for imprisoned recipients, viewed 26th July 2020, <<https://www.servicesaustralia.gov.au/sites/default/files/2018/05/2018-19-budget-55.pdf>>

Australian Government Productivity Commission 2020, Report on Government Services, 8 Corrective Services, viewed 15th Aug 2020, <<https://www.pc.gov.au/research/ongoing/report-on-government-services/2020/justice/corrective-services>>

Australian Government, Senate, Community Affairs References Committee, 2015, ‘Impact on service quality, efficiency and sustainability of recent Commonwealth community service tendering processes by the Department of Social Services’, Final report, viewed 29<sup>th</sup> March 2020. <<http://fecca.org.au/wp-content/uploads/2015/09/DSS.tendering.pdf>>.

Australian Institute of Health and Welfare 2019, The health of Australia’s prisoners 2018. Cat. no. PHE 246. Canberra: AIHW

Australia Department of Employment 2017, Prison to Work-Employment Service Offer 2018-2021: consultation paper, Department of Employment, [Canberra], viewed 05 Apr 2020, <<https://www.employment.gov.au/consultation-prison-work-employment-service-offer>>.

Australian Government, Department of Employment 2017, ‘Consultation Paper, prison to work-employment service offer 2018–2021, viewed 20<sup>th</sup> March 2020, <<https://www.voced.edu.au/content/ngv%3A78683>>

Baker, E., Leishman, C., Bentley, R., Pham, N.T.A., and Daniel, L. 2020, ‘Social Housing exit points, outcomes and future pathways, AHURI Final Report 326’, Australian Housing and Urban Research Institute Limited, Melbourne, <<http://www.ahuri.edu.au/research/finalreports/326>, doi: 10.18408/ahuri-3119901>.

Breen, A. 2011, 'The Effects of Labeling and Stereotype Threat on Offender Reintegration', A Thesis Submitted in Partial Fulfillment of the Requirements for the Degree of Masters of Arts in Criminology, University of Ontario

Burton, P 2007 'Mad, bad and nowhere to live; The limitations of treating homeless forensic clients in the community', field project, University of Tasmania.

Bushnell, A. 2018, 'Australia's criminal justice costs - An international comparison: Making community corrections work', Institute of Public Affairs, viewed 10 February 2019, <<https://ipa.org.au/wp-content/uploads/2017/08/IPA-Report-Australian-Criminal-JusticeCosts-An-International-Comparison.pdf>> accessed 08/02/2019>.

Carlisle, P. 2013, Bethlehem House Experience of Operating a Post-Release Options Project (PROP). Senate Legal and Constitutional Inquiry: Value of a justice reinvestment approach to criminal justice in Australia.

Chamberlain, C. & MacKenzie, D. 2008 Counting the homeless 2006. Canberra: Australian Bureau of Statistics, Catalogue No. 2050.0.

Chamberlain, C. 2014, Homelessness: re-shaping the policy agenda? AHURI Final Report No.221. Melbourne: Australian Housing and Urban Research Institute.

Chamberlain, A., Gricius, M., Wallace, D., Borjas, D., Ware, V. 2017, Parolee–Parole Officer Rapport: Does It Impact Recidivism? International Journal of Offender Therapy and Comparative Criminology 1–22

Cheng Q, Kinner SA, Lee XJ, et al. 2018 Cost–utility analysis of low-intensity case management to increase contact with health services among ex-prisoners in Australia. BMJ Open, viewed 23<sup>rd</sup> July 2020, <<https://bmjopen.bmj.com/content/bmjopen/8/8/e023082.full.pdf>>

Coggan, M. 2018, Government Backflips on DSP Suspension Cut for Prisoners, Pro Bono Australia website, viewed 27th July 2020, <<https://probonoaustralia.com.au/news/2018/12/government-backflips-dsp-suspension-cut-prisoners/>>

Connock, R. 2019, Custody Inspection Report, Inspection of Adult Custodial Services in Tasmania, 2018, Tasmanian Custodial Inspector, Hobart.

Council of Australian Governments 2016, *Prison to work*, report, Commonwealth of Australia, viewed 12 June 2019, <<https://www.coag.gov.au/sites/default/files/reports/prison-to-work-report.pdf>>.

Custodial Inspector 2018, *Inspection of adult custodial services in Tasmania 2017: Care and wellbeing inspection report*, annual report, Custodial Inspector, Hobart, Tas., viewed 12 June 2019, <[https://www.custodialinspector.tas.gov.au/\\_data/assets/pdf\\_file/0020/451613/FINAL-TPS-Care-and-Wellbeing-Inspection-Report-Appendices-30-October-2018-PDF.PDF](https://www.custodialinspector.tas.gov.au/_data/assets/pdf_file/0020/451613/FINAL-TPS-Care-and-Wellbeing-Inspection-Report-Appendices-30-October-2018-PDF.PDF)>.

Department of Communities 2019, *Tasmania's affordable housing action plan 2019-2023*, action plan, Department of Communities, viewed 13 June 2019, <[https://www.communities.tas.gov.au/\\_data/assets/pdf\\_file/0028/31699/TAH\\_Action-Plan-2019-2023-WCAG.pdf](https://www.communities.tas.gov.au/_data/assets/pdf_file/0028/31699/TAH_Action-Plan-2019-2023-WCAG.pdf)>.

Department of Communities 2020, Contact Housing Connect, viewed 12 Aug 2020, <<https://www.communities.tas.gov.au/housing/housing-connect/contact-housing-connect>>

Department of Health and Human Services Housing Tasmania 2018, *Prisoner rapid rehousing: Information for service providers*, fact sheet, Department of Health and Human Services, viewed 13 June 2019, <[http://www.dhhs.tas.gov.au/housing/about/rapid\\_rehousing/prisoners\\_rapid\\_rehousing\\_fact\\_sheet](http://www.dhhs.tas.gov.au/housing/about/rapid_rehousing/prisoners_rapid_rehousing_fact_sheet)>.

Department of Communities Tasmania 2018, Fact Sheet, Prisoner Rapid Rehousing, *Information for Service Providers*, (V4.A November 2018), viewed 25th June 2020, <[https://www.communities.tas.gov.au/housing/tasmanian\\_affordable\\_housing\\_strategy/key-projects/rapid-rehousing/fact-sheet-prisoner-rapid-rehousing](https://www.communities.tas.gov.au/housing/tasmanian_affordable_housing_strategy/key-projects/rapid-rehousing/fact-sheet-prisoner-rapid-rehousing)>.

Department of Justice 2018, *Breaking the cycle – a safer community: Strategies for improving throughcare for offenders 2016-2020 - Major initiatives*, report, Department of Justice, viewed 12 June 2018, <[https://www.justice.tas.gov.au/\\_data/assets/pdf\\_file/0009/453069/Major\\_Initiatives\\_9\\_November\\_2018\\_accessible.pdf](https://www.justice.tas.gov.au/_data/assets/pdf_file/0009/453069/Major_Initiatives_9_November_2018_accessible.pdf)>.

Department of Premier and Cabinet, 2010, Women in Tasmania; Housing and homelessness <[http://www.dpac.tas.gov.au/\\_data/assets/pdf\\_file/0020/137162/Housing\\_and\\_Homelessness\\_Information\\_Sheet.pdf](http://www.dpac.tas.gov.au/_data/assets/pdf_file/0020/137162/Housing_and_Homelessness_Information_Sheet.pdf)> viewed 6th April 2020.

Donoghue, J 2017, *Intensive tenancy support services (ITSS) for ex-offenders*, report, Shelter Tas, viewed 13 June 2019, <[http://www.sheltertass.org.au/wp-content/uploads/2017/05/Parity-ITSS-for-ex-offenders\\_May17.pdf](http://www.sheltertass.org.au/wp-content/uploads/2017/05/Parity-ITSS-for-ex-offenders_May17.pdf)>.

Donaldson, D 2015, 'Competitive tendering hurts service collaboration, but what's the fix?', The Mandarin, viewed 31st March 2020, <<https://www.themandarin.com.au/59150-competitive-tendering-hurts-service-collaboration/>>

Dossetor, K 2011, 'Cost-benefit analysis and its application to crime prevention and criminal justice research'. Technical and background paper series no. 42. Canberra: Australian Institute of Criminology, viewed 28<sup>th</sup> Oct 2019 <<https://aic.gov.au/publications/tbp/tbp042>>

Economic Justice Australia 2018, 'Budget 2018: DSP suspension periods for people who are in custody', viewed 15<sup>th</sup> Aug 2020, <<https://ejaustralia.org.au/briefing-paper/budget-2018-dsp/>>

Financial Counselling Australia, 2018 'Double Punishment; How People in Prison Pay Twice' viewed 24 Dec 2019, <<https://www.financialcounsellingaustralia.org.au/docs/double-punishment-how-people-in-prison-pay-twice-2018/>>

Graffam, J 2019, 'Australia must break the cycle of disadvantage-incarceration-disadvantage', blog, 20 April, Committee for Economic Development of Australia, viewed 12 June 2019, <<https://ceda.com.au/Digital-hub/Blogs/CEDA-Blog/April-2018/Australia-must-break-the-cycle-of-disadvantage-incarceration-disadvantage>>.

Greenwood, R., Manning, R., O'Shaughnessy, B., 2018, 'Homeless Services Users' Experiences of Housing and Recovery': Preliminary Findings from Eight European Countries Psychology Department, University of Limerick, Ireland, in Home\_Eu Project1 (2018). Interim Seminar on Homelessness as Unfairness. An Ecological Perspective (Deliverable H2020 GA/726997 - D7.1).

Gregoire, P. & Nedim, U, 2018, Tougher Bail Laws Have Led to a Sharp Rise in Refusals. In NSW Criminal Lawyers Blog, viewed 4th Sept 2020, <<https://www.sydneycriminallawyers.com.au/blog/tougher-bail-laws-have-led-to-a-sharp-rise-in-refusals/>>

Griffiths, A., Wicks, A., Zmudzki, F., & Bates, S. 2016, Evaluation of Extended Throughcare Pilot Program: Evaluation Plan. Sydney: Social Policy Research Centre, UNSW Australia.

Hands, J 2017, Making the Case for Re-Institutionalization, Berkeley Political Review, viewed 25th Aug 2020, <<https://bpr.berkeley.edu/2017/10/31/making-the-case-for-re-institutionalization/>>

Hardcastle, L, Dowse, L, McGillivray, J, Newton, D, Rowe, S, Crosbie, J, Giles, M. 2018, '*A future beyond the wall: Improving post-release employment outcomes for people leaving prison*', qualitative study, University of New South Wales, viewed 12 June 2019, <[https://socialsciences.arts.unsw.edu.au/media/SOSSFile/A\\_qualitative\\_study\\_of\\_the\\_experiences\\_of\\_exprisoners\\_who\\_are\\_seeking\\_employment\\_the\\_experiences\\_of\\_practitioners\\_who\\_work\\_with\\_exprisoners\\_who\\_are\\_seeking\\_employment\\_and\\_models\\_of\\_practice\\_used.pdf](https://socialsciences.arts.unsw.edu.au/media/SOSSFile/A_qualitative_study_of_the_experiences_of_exprisoners_who_are_seeking_employment_the_experiences_of_practitioners_who_work_with_exprisoners_who_are_seeking_employment_and_models_of_practice_used.pdf)>.

Halsey, M. 2010, Imprisonment and prisoner re-entry in Australia, in *Dialectical Anthropology*, 34:545–554, viewed 20th July 2020, <<https://link.springer.com/content/pdf/10.1007/s10624-010-9173-y.pdf>>

Hardcastle, L., Dowse, L., McGillivray, J., Newton, D., Rowe, S., Crosbie, J. 2018, A qualitative study on the experiences of ex-prisoners who are seeking employment, the experiences of practitioners who work with ex-prisoners who are seeking employment and the models of practice used. Sydney: UNSW Sydney. <<http://doi.org/10.26190/5b4fd5e63e8c6>>, viewed 18<sup>th</sup> Oct 2019.

Hayes, J 2019, 'How Tasmania's housing crisis is adding to prisoner overcrowding', *ABC News*, 19 April, viewed 12 June 2019, <<https://www.abc.net.au/news/2019-04/19/how-tasmanias-housing-crisis-is-adding-to-prisoner-overcrowding/11028186?pfmredir=sm>>.

Herrlander Birgerson, E 2018, 'A REAL GAP': Consequences of Defunding Tasmania's Reintegration for Ex-Offenders' Program, Masters Thesis, University of Tasmania.

Hinton, T 2008, 'Just another manic Monday; The challenge of working with clients with alcohol and other drug issues in community service organisations, Social Action Research Centre, Anglicare, Tasmania.

Homelessness Australia 2020, viewed 8th Aug 2020,  
<<https://www.homelessnessaustralia.org.au/about/what-homelessness>

Johnson, G & Moschion, J 2016, 'Ex-prisoners are more likely to become homeless but the reverse isn't true', *The Conversation*, 4 April, viewed 12 June 2019,  
<<https://theconversation.com/ex-prisoners-are-more-likely-to-become-homeless-but-the-reverse-isnt-true-113570>>.

Johnson, G, Parkinson, S, Parsell, C, 2012, 'Policy shift or program drift? Implementing Housing First in Australia', AHURI Final Report No.184. Melbourne: Australian Housing and Urban Research Institute.

Johnson, I. (2017) 'Just Support Project Report: Throughcare for women exiting Mary Hutchinson Women's Prison: towards a gender responsive approach'. Women's Health Tasmania, viewed 26 July 2019,  
<[http://womenshealthtas.org.au/\\_literature\\_170256/Just\\_Support\\_Project\\_Report](http://womenshealthtas.org.au/_literature_170256/Just_Support_Project_Report)>

Justice Connect, 2020, Accessing Australian courts and tribunals during COVID-19, viewed 4th Sept 2020 <<https://justiceconnect.org.au/resources/accessing-courts-during-covid-19/>>

Kinner, S and Young, J 2018 'Understanding and Improving the Health of People Who Experience Incarceration: An Overview and Synthesis', *Epidemiologic Reviews*, vol. 40. 4-11, viewed 7th April 2020, <<https://academic.oup.com/epirev/article/40/1/4/4979519>>

Kuzmanovski, D. 2018 'The ongoing road home: Revisiting Australia's 2008 national approach to homelessness with regard to housing first principles and the public housing sector', [online]. *Parity*, vol. 31, No. 10, Dec 2018: 34-35, viewed 06 Apr 20. <<https://search-informit-com-au.ezproxy.utas.edu/documentSummary;dn=212570640930132;res=IELHSS>>

Law and Justice Foundation of New South Wales 2008, *Taking justice into custody: The legal needs of prisoners*, report, The Law and Justice Foundation of New South Wales, viewed 12 June 2019,  
<[http://www.lawfoundation.net.au/ljf/site/articleIDs/4DC35D5A0C06F1C4CA25748D00131D8C/\\$file/TakingJusticeIntoCustody.html](http://www.lawfoundation.net.au/ljf/site/articleIDs/4DC35D5A0C06F1C4CA25748D00131D8C/$file/TakingJusticeIntoCustody.html)>.

Legal Aid Commission of Tasmania 2017, *annual report*, Legal Aid Commission of Tasmania, Hobart, Tas., viewed 13 June 2019, <<https://www.legalaid.tas.gov.au/wp-content/uploads/2018/11/LACTAnnualReport2017-2018.pdf>>.

Legal Aid Commission of Tasmania 2020, Emergency Accommodation, viewed 27th July 2020,  
<<https://www.legalaid.tas.gov.au/referral-list/categories/emergency-accommodation>>

Lloyd, B, Stafford, J, & Gabriel M 2013, Evaluation of New Homelessness Service in Tasmania, *Report two; Evaluation of Re-Integration for Ex-Offenders Program*, Housing and

Community Research Unit (HACRU), School of Sociology and Social Work, University of Tasmania.

Martin, C 2020, 'Rents can and should be reduced or suspended for the coronavirus pandemic', *The Conversation* 8th April, viewed 15th April 2020  
<<https://theconversation.com/rents-can-and-should-be-reduced-or-suspended-for-the-coronavirus-pandemic-135929>>

Matthews, S 2020, 'Lack of housing can severely jeopardise rehabilitation', Russell Webster blog, viewed 25<sup>th</sup> August 2020, <<https://mailchi.mp/russellwebster/shelter?e=11a3adea83>>

McDonald, T 2017, 'Shelter Tasmania details sector recommendations in budget submission' *The Examiner*, 4 February, viewed 12 June 2019,  
<<https://www.examiner.com.au/story/4445282/calls-for-housing-support/>>.

Mental Health Council of Tasmania 2014, *Long-term supported housing for mental health consumers in Tasmania*, advocacy paper, Advocacy Tasmania Inc., viewed 13 June 2019,  
<<http://www.mhct.org/wp-content/uploads/2015/12/Long-term-Supported-Accommodation-Briefing-Paper-2805.pdf>>.

Moore, L. 2019, Talking Point, Not just lock em up and lose the key, *Mercury*, 29th November.

Muir, K., Powell, A., Flanagan, K., Stone, W., Tually, S., Faulkner, D., Hartley, C., Pawson, H. 2020 'A pathway to where?' Inquiry into understanding and reimagining social housing pathways, AHURI Final Report No. 332, Australian Housing and Urban Research Institute Limited, Melbourne, <https://www.ahuri.edu.au/research/final-reports/332>,  
doi:10.18408/ahuri-7118001.

New South Wales Parliament 2015, Legislative Council. Standing Committee on Social Issues Service coordination in communities with high social needs / Standing Committee on Social Issues. [Sydney, N.S.W.]: The Committee, 2015. – [xiv, 114] pages; 30 cm. (Report; no. 50) "December 2015". ISBN: 9781922258069

Nyamathi, A, Leake, B, Albarran, C, Zhang, S, Hall, E, Farabee, D, Marlow, E, Marfisee, M, Khalilifard, F, Faucette 2011, 'Correlates of Depressive Symptoms among Homeless Men on Parole', *Issues in Mental Health Nursing*, vol. 32, pp 501–511.

Parole Board of Tasmania, Annual Report, 2018-2019, viewed 2<sup>nd</sup> Aug 2020,  
<[https://www.justice.tas.gov.au/\\_\\_data/assets/pdf\\_file/0010/552727/Parole-Board-of-Tasmania-Annual-Report-2018-2019.pdf](https://www.justice.tas.gov.au/__data/assets/pdf_file/0010/552727/Parole-Board-of-Tasmania-Annual-Report-2018-2019.pdf)>

Petrusma, J (Minister for Human Services) 2015, *Ex-prisoner housing support to continue through housing connect*, media release, Tasmania, 27 April, viewed 13 June 2019,  
<[http://www.premier.tas.gov.au/releases/exprisoner\\_housing\\_support\\_to\\_continue\\_through\\_housing\\_connect](http://www.premier.tas.gov.au/releases/exprisoner_housing_support_to_continue_through_housing_connect)>.

Pleace, Nicholas. Housing first overseas [online]. *Parity*, Vol. 31, No. 10, Dec 2018: 36-37. Availability: <<https://search.informit-com.au.ezproxy.utas.edu.au/documentSummary;dn=212589273901390;res=IELHSS>> ISSN:

1032-6170. [cited 06 Apr 20].

Please, N 2018, 'Using Housing First in Integrated Homelessness Strategies; A Review of the Evidence', Centre for Housing Policy, University of York, viewed 6th April 2020.  
<[https://www.york.ac.uk/media/chp/documents/St%20Mungos%20Review%20-%20FINAL%20\(14-2-18\).pdf](https://www.york.ac.uk/media/chp/documents/St%20Mungos%20Review%20-%20FINAL%20(14-2-18).pdf)>

Priest RG. Homeless men. A USA-UK comparison. Proc R Soc Med. 1970;63(5):441-445, viewed 8th August 2020  
<<https://journals.sagepub.com/doi/pdf/10.1177/003591577006300506>>

Quilter, J. 2014, Not for punishment: we need to understand bail, not review it, The Conversation, <<https://theconversation.com/not-for-punishment-we-need-to-understand-bail-not-review-it-28651>>

Smiley, S 2015, 'Axing Tasmanian housing scheme for ex-prisoners will affect public safety, former minister says', ABC News, 27 April, viewed 12 June 2019,  
<<https://www.abc.net.au/news/2015-04-27/calls-to-reinstate-axed-housing-scheme-for-ex-inmates/6424438>>.

Schwartz, M, Russell, S Baldry, E, Brown, D, Cunneen, C, Stubbs, J, 2020, Obstacles to Effective Support of People Released from Prison: Wisdom from the Field (Rethinking Community Sanctions Project, UNSW, 2020)

Scott, C, 2020, 'Risdon is no place for rehabilitation' Tasmanian Times, viewed 15<sup>th</sup> July 2020,  
<<https://tasmaniantimes.com/2020/04/risdon-prison-is-no-place-for-rehabilitation>> .

Stop the Debt Track Alliance, 2019 THE DEBT TRAP, how payday lending is costing Australians, viewed 27th July 2020, <[https://consumeraction.org.au/wp-content/uploads/2019/11/Payday-Lending-Report\\_FINAL\\_UPDATED\\_WEB-1.pdf](https://consumeraction.org.au/wp-content/uploads/2019/11/Payday-Lending-Report_FINAL_UPDATED_WEB-1.pdf)>

Street, E. 2018, 'Tenants of Hobart social housing worried about their future under new landlord', ABC News, viewed 16th August 2020, <<https://www.abc.net.au/news/2018-06-22/tenants-of-housing-development-worried-about-their-futures/9894726>>

Tasmania Corrections Think Tank, 2011, Establishing a Bail Hostel for Adults in Tasmania: Scoping the Issues and Opportunities, Discussion paper, September.

Tasmanian Government, 2017, Department of Justice, *Breaking the cycle—a safer community, strategies for Improving throughcare for offenders* 2016-2020, Major Initiatives, viewed 28<sup>th</sup> Dec 2019,  
<[https://www.justice.tas.gov.au/\\_\\_data/assets/pdf\\_file/0009/395298/Major-Initiatives.pdf](https://www.justice.tas.gov.au/__data/assets/pdf_file/0009/395298/Major-Initiatives.pdf)>.

Tasmanian Government Submission 2019, House of Assembly Select Committee on Housing Affordability, viewed 13 Feb 2020,  
<<http://www.parliament.tas.gov.au/ctee/House/Submissions/HAffordability/Tasmanian%20Government%20Submission%20%20Select%20Committee%20on%20Housing%20Affordability%20-%20FINAL.pdf>>.

Tasmanian Greens n.d., *Reintegration for ex-offenders program: Hodgman government cuts compromise community safety*, Tasmanian Greens, viewed 12 June 2019, <<https://tasmmps.greens.org.au/content/reintegration-ex-offenders-program>>.

Tasmanian Liberals 2014, *New prison infrastructure*, party plan, Tasmanian Liberals, viewed 12 June 2019, <<https://www.tas.liberal.org.au/sites/default/files/New%20Prison%20Infrastructure.pdf>>.

Tasmanian Times 2015, 'Dear Mrs Petrusma: This decision is short-sighted', blog, posted 21<sup>st</sup> May, viewed 30 March 2020, <<https://tasmaniantimes.com/2015/05/dear-mrs-petrusma-this-decision-is-short-sighted/>>

Tegg, J ABC News, 'Ex -prisoners left homeless in Tasmania after housing help program axed, documents reveal', viewed 13<sup>th</sup> June 2019 <<https://www.abc.net.au/news/2016-10-10/prisoners-left-homeless-in-tasmania-after-release/7919772>>

Tenants' Union of Tasmania 2019, *annual report*, Tenants' Union of Tasmania, Hobart, Tas., viewed 12 June 2019, <<http://tutas.org.au/wp-content/uploads/2016/10/Annual-Report-2016-17.compressed-2.pdf>>.

The Salvation Army 2019, *Housing and homeless services*, web page, The Salvation Army, viewed 13 June 2019, <<https://www.salvationarmy.org.au/locations/tasmania/social-support-services/housing-and-homeless-services/>>.

Trilling, D 2016 'Chronic homelessness and the Housing First program: Research review of how programs have worked' Journalist's Resource, viewed 6th April 2020, <<https://journalistsresource.org/studies/society/housing/chronic-homeless-housing-first-research/>>.

Uniting Vic. Tas 2017, *Housing and homelessness in Tasmania*, position paper, Uniting Vic. Tas, viewed 13 June 2019, <[https://www.vt.uniting.org/wp-content/uploads/Uniting-VT-2018-HomelessnessInTas\\_Report.pdf](https://www.vt.uniting.org/wp-content/uploads/Uniting-VT-2018-HomelessnessInTas_Report.pdf)>.

Uniting Vic. Tas 2018, *Our position on housing for the Tasmanian state election*, position statement, Uniting Vic. Tas, viewed 12 June 2019, <<https://www.vt.uniting.org/our-position/on-housing-for-the-tasmanian-state-election/>>.

University of Queensland 2018, *Australian Homelessness Monitor 2018*, study, Launch Housing, viewed 13 June 2019, <[https://issr.uq.edu.au/files/3347/FINAL\\_for\\_print\\_AHM\\_full\\_report.pdf](https://issr.uq.edu.au/files/3347/FINAL_for_print_AHM_full_report.pdf)>.

van Aaken, B 2010, *Final Report on the Evaluation of Parolee Transitional Accommodation Project (PTAP)*.

Van Aaken, B 2019, *Getting Out-Going Straight? The Narratives of Men and Women Leaving Prison: An Intersectional Analysis*, a thesis in fulfilment of the requirements for the degree of Doctor of Philosophy, University of New South Wales.

van Dyken E, Lai FY, Thai PK, Ort C, Bruno R, Hall W, Kirkbride KP, Mueller JF, Prichard J. 2016, 'Challenges and opportunities in using wastewater analysis to measure drug use in a small prison facility' in *Drug Alcohol Rev* 2016;35:138-47.

White, R & Graham, H 2010, *Working with Offenders*. London: Routledge.

White, R 2015, 'State of imprisonment: Tasmania escapes 'law and order' infection', in *The Conversation*, viewed 18th August 2020, <<https://theconversation.com/state-of-imprisonment-tasmania-escapes-law-and-order-infection-38988>>

World Health Organisation 2020, 'Preparedness, prevention and control of COVID-19 in prisons and other places of detention: Interim guidance', 15 March. Viewed 3rd April 2020. <[http://www.euro.who.int/\\_\\_data/assets/pdf\\_file/0019/434026/Preparedness-prevention-and-control-of-COVID-19-in-prisons.pdf](http://www.euro.who.int/__data/assets/pdf_file/0019/434026/Preparedness-prevention-and-control-of-COVID-19-in-prisons.pdf)>

Young J, van Dooren K, Claudio F, Cumming C & Lennox N 2016. Transition from prison for people with intellectual disability: A qualitative study of service professionals. *Trends & issues in crime and criminal justice* no. 528. Canberra: Australian Institute of Criminology. Viewed 4th APRIL 2020, <<https://aic.gov.au/publications/tandi/tandi528>>

Young J, Snow K, Southalan L, Borschmann R, Kinner S 2019, 'Submission to the Productivity Commission's Issues Paper on The Social and Economic Benefits of Improving Mental Health; The role of incarceration in addressing inequalities for people with mental illness in Australia', Justice Health Unit, Melbourne School of Population and Global Health, The University of Melbourne, viewed 13<sup>th</sup> April 2020. <[https://www.pc.gov.au/\\_\\_data/assets/pdf\\_file/0017/240902/sub339-mental-health.pdf](https://www.pc.gov.au/__data/assets/pdf_file/0017/240902/sub339-mental-health.pdf)>

## **Prison Talk**

You are what and how you speak. Words matter.

When people are sentenced to prison, the initial jolt is not just deprivation of liberty. It is the shock of having to learn a whole new set of words and meanings that each in their own way are fit for purpose in the carceral environment.

‘Screw’ means prison officer. ‘Dog’ refers to someone who dobs in a mate to the authorities. Lots of words and loads of new interpretations are part and parcel of prison acclimatisation.

Prison talk shapes prison life. It determines whose side we are on. It determines what our future trajectories will be.

Consider this. Indigenous adults only comprise 2 to 3 per cent of the total Australian population, Indigenous children under 18 in the order of 5 per cent. Yet the over-representation of Indigenous people in both adult and juvenile prisons frequently translates into a majority population inside (for example, over 50 per cent of all young people in youth detention centres around the country are Indigenous – the trauma and grief for this community is ongoing).

The language ‘inside’, however, has attraction for impressionable people on the ‘outside’. Hearing the previously incarcerated speak, especially to each other, can be mystifying and strangely exhilarating for those who personally do not know the code. Learning the lingo, by going to that place, is not fear inspiring, particularly when it is filled with your familiars.

The language of the prison therefore has its attractions beyond the detractions of its four walls.

It also has its own peculiar ongoing repressive legacy.

I met ‘Peter’ when he was on day release from maximum security at Risdon. He was, somewhat ironically in the circumstances, studying criminology at the university.

In his last year of university, during the exam period, Peter was granted parole and shovelled out into the wider community. He quickly became known to others as, and reconfirmed for himself, ‘ex-con’. This label came to dominate his life, a process that he himself fostered to his advantage.

For instance, Peter continued his studies, undertaking an Honours degree and later commencing a PhD. He worked part-time as a tutor during this period. Imagine the response when mid-tutorial Peter would announce to his class that he was an ex-con and then proceed to tell his criminology charges the ‘real story’ about life inside. Criminological study was never more ‘applied’ and ‘relevant’ than when Peter supplied the insights.

But the manner of the ex-con, at least in Peter’s case, is to puff up and speak lots. It is to pontificate and to ‘know everything’, to stretch the limits of credibility, and to lean on experiences outside the ken of the everyday person. Peter’s status outside the prison very much depended upon his former status as prisoner. It became his stock coin in trade. His self-

image was moulded by it, his speech patterns punctuated by expressive and explicit reference to his periods of imprisonment.

Five years after release and Peter still relied upon secret prison knowledge, squirrelled away slang words, and public huff and bluff to make his mark on the community around him. He was unable to escape his past as now the past was what constituted his most precious resource in the present – a unique, compelling and colourful identity. He was a ‘someone’ precisely because he was ‘one of a kind’ in the academic cloisters that he now inhabited.

Peter was locked in a linguistic cage of his own making; his self-worth intimately constructed on a platform of past transgression to which he was living memorial.

By one of those strange quirks of fate, Peter found a job in another city, because of his academic expertise. Those hiring him did not care about his recent past. They did not care about his former illegal exploits. They wanted to employ someone whose knowledge of a particular field excelled their own.

For Peter, this was a slow moment of revelation. Slow, because even as newly formed acquaintances and employment situation diminished the social power of his ex-con persona, his speech patterns took literally years to change.

Today, Peter speaks like a free man. Exaggeration occasionally slips through, bluster surfaces once in a while. But as the prison talk receded, so too did the limited mentality to which it made reference. Now, the words he uses are suited to a different reality. Now, his speech is free of old affectations. Now, Peter is oriented toward the future – instead of being mired in the past.

Prison talk has consequences for those inside, for those outside, and for those coming outside. It is a divide and conquer language of survival and coping. Yet far too often it also signals the death of hope and shredding of horizons.

Some offenders ought to be in prison but many, indeed most, should not be there. There are other ways to define who we are and what we might become. There are other ways to punish, repair the harm and make things right.

Without prisons, there would be no prison talk. We need fewer prisons.

*Rob White is Professor of Criminology in the School of Social Sciences at the University of Tasmania.*

Citation: White, R. (2018) ‘Prison Talk’, blog for [Chatter Matters](#), Hobart, Tasmania.

## **Prisoners of a Mindset**

**Rob White**, Professor of Criminology at the University of Tasmania, explains the failure of current models of imprisonment and explores opportunities for healthier outcomes

If a person is sent to prison, chances are they will return to prison. In large measure, imprisonment does not deter, repair harm or prevent future crime and victimisation. Because of their very nature, prisons basically fail.

### **Past and Present**

The difference between a 19<sup>th</sup> century convict and a 21<sup>st</sup> century prisoner couldn't be clearer. One works hard doing useful things and subsequently finds a place in the local community; the other does little (or at least little that the public knows about) while separated from the rest of humanity. For the latter, 'fitting in' again is extremely difficult.

The British Empire shipped off its rogues and villains, its poor and vulnerable, and its deviants and dangerous, to Van Diemen's Land. The criminal and perishing classes were transported halfway around the world to suffer for their sins. Out of sight, out of mind.

Leaving behind the poverty, squalor and choking smoke of industrial England or rebellious (and starving) Ireland, the convicts were made to work, and work hard, in order to live. Those who did not work were punished harshly and sent off to Port Arthur or returned to the Female Factory.

But, in this distant place, these same people were integral to local transformations. In relatively short time they, too, were to become respected and respectable members of Tasmanian society. Their pasts (even if at first actively covered up and 'forgotten' due to a sense of 'convict stain') became increasingly irrelevant over time as a new community was forged.

Indigenous people were systematically dispossessed. But for non-Indigenous convicts who had next to nothing, colonial life offered some reward.

Convicts, male and female, generally had a chance to work in the community. The work varied greatly, as did the conditions. For many, the traumas of childhood and the brutalities of home and street life in the old country remained present and carried into the future. For some, local employers were cruel. But not for all. Many grasped with open arms the chance to do something in a normal context – even if under coercive threat of the lash and the prison. Better to be outside and working for someone, than inside and working as punishment only.

The convict had a future. Education and hard work counted much, as did the hope provided by the availability of employment across many trades, services and professions, and the possibility of marriage. Making a home in Tasmania (or on mainland Australia) was achievable once time was served.

However, today, ex-prisoners are not valued, nor considered members of legitimate society. The stigma of 'ex-con' sticks – and repels. The only community-building here is in the society of captives.

Now, being inside ruins chances outside. Outside, however, is inevitably where most prisoners end up. Ultimately we have to live with those we punish, yet we ostracise people in the short term in ways that penalise them in the long term. Under these circumstances there are no winners, just victims and more victims.

## **Soft and Hard Options**

Imprisonment is a soft option. An expensive soft option, but soft nonetheless. We call prison the 'hard' option because we are lazy, ignorant and rarely consider the consequences of our opinions, policies, and actions.

We throw people into prison (wishing in some cases to also 'throw away the key'), ostensibly because of their bad behaviour. There are the usual provisos that deprivation of liberty is itself meant to be the punishment. Banishment to the bedroom has its adult equivalent in the prison cell.

According to some, prisons are meant to be horrible places. 'Harsh treatment will smarten you up,' they say. 'Discipline is good for the soul,' they say. In practice, this easily translates into over-crowded cells, deprivation of normal human rights and activities (yes, including sex), and lack of empathy for any suffering that arises (the hypocrisy of those who ostensibly follow in the footsteps of their loving and forgiving God knows no bounds). Moral panics erupt when stories featuring so-called extravagant lifestyles emerge: of televisions, computers, healthy food and recreational opportunities.

'Do the crime, do the time', they say. What they really mean is to lock individuals up, under brutal conditions, with others who may be similarly traumatised by life experience and inadequate care. 'Shut up and suck it up,' they say.

The message is clear: we do not care about you, because of what you have done and who you are. Yet, several months or years later, the imprisoned are somehow meant to exit these environments enlightened and reformed. A better person is not built by being locked in a room and shouted at or constantly living in fear.

It is not only the controversies over prison conditions that reinforce the otherness of the imprisoned. It is also the invisibility of their daily travails and the depressing nature of the institutional regime itself. Many people enter the prison having experienced mental instability and emotional turmoil, which are exacerbated by the bleak and sensation-deprived place within which they now live. Coping with a problem is not the same as its alleviation.

Over time, the doing of time does, however, become easier. To those pontificating on the outside, there is system and order. To those experiencing it on the inside, there is regularity, routine and little choice or accountability. When to wake up, eat, exercise and sleep are not at the prisoner's will; hardly a recipe for developing greater personal responsibility.

Incarceration is not about learning to be a better person, to ponder the harms in which one is implicated, or to envisage a better life outside. It is about survival and sides, about knowing the difference between 'us' and 'them' ('screws' are the bad guys watching over us; 'dogs' are those amongst us who do us in to the screws). This is an embodied process. It defines who the prisoner is and is not. And this continues well after the gates have been opened.

## **Difference and Deceit**

Prisons are filled with 'social junk', those who do not have the resources to buy a good lawyer, compensate the victim, pay the fine, live at a fixed address, return to work, address their addiction, find service for their intellectual disability or brain injury, or cope with intergenerational grief and systemic disadvantage.

Some inmates are imprisoned for serious offences – murder and manslaughter must be socially acknowledged. Lines do have to be drawn somewhere.

Nor can child sexual assault be ignored. Herein lie the exceptions to the general rule, for frequently these culprits are well-educated, employed, white, male and privileged, here

because of the gravity of the offence and the essential need for social protection through offender incapacitation.

But most offenders are not in prison for such serious offences. Most, as well, are not inside for their offence only, but because of who they are and where they come from.

The most serious harms in Australian society are those perpetrated by the white-collar and corporate criminal. More deaths, maiming and financial loss stem from the actions of those at the top end of town rather than those subject to postcode bias.

Preventable workplace homicide is just one example; bank rip-offs are another. The Panama and Paradise papers reveal widespread corruption (moral and direct) amongst the world's elites – paying taxes an affront to their perceptions of entitlement.

In countries that still retain it (or, such as Trump's America, want to expand it), capital punishment means punishing those without capital. The same logic extends to those who fill our prisons today.

The deceit lies in allowing the wealthy to hide behind the corporate veil when we know that wrongdoing is rampant. The deceit resides in the defence of wealthy mates by wealthy mates who perennially make robust contributions to the political process. The deceit is in the rationalisations of those who find it hard to accept even the slap-on-the-wrist fine for what ought to be imprisonable offences.

The so-called pillars of society have much to answer for. But mediascape attention directed at the down and out, the criminal family and the weekend fisticuff deflects the focus from elite criminality. And it is those without who pay the price.

## **Duality of Responsibility**

Good citizenship is undermined by imprisonment. Prisons do not stop offenders being criminals. Many prisoners end up re-offending and therefore hurting new victims.

Given this, we need to think about what happens before prison, as well as during prison and after prison. Offenders enter into prison with a lot of personal baggage and leave with even more. Each addition weighs down their life chances even further. This raises questions about society and social resources in general.

The duality of responsibility is lost in the usual conversations about the 'law and order' problem. On the one hand, offenders who harm others ought to be held accountable in some way for their actions. On this, most reasonable commentators agree. On the other hand, and this is the side of the equation that makes the populist demagogue less than comfortable, society has a responsibility to care for its most vulnerable and marginalised. It is from these ranks that prisoners are most likely to be drawn.

Where and when this does occur, circumstances are radically altered. In Scandinavian countries, for example, high taxes for all ensure that all have the benefit of free health, education, and welfare and services of the highest standard. Notably, Finland was recently reported to be the 'happiest' country on the planet, followed by last year's winner, Norway. These countries also have crime and imprisonment rates amongst the world's lowest.

There are still prisons in these countries, but not many. Those who are put inside, however, are provided with extensive supports and opportunities to learn new skills and knowledge. The programs on offer reveal an intentional mission to prevent crime after release. The negative consequences of imprisonment are well known. But, in this case, they are responded to positively and institutionally. The forms of punishment are thus consciously shaped to minimise their harm and to maximise offender prospects

In these systems, offenders are respected as human beings. Offenders are cared for, and given every chance to redeem themselves and contribute something back to their community. The link is understood between simultaneously being offender and victim.

Like the Tasmanian convict of old, the offender is valued for what they can contribute now but also what they can contribute in future. They are thus valued for the person they may yet become.

To achieve better outcomes in the Australian context, the best place for the offender is in the community. Instead of sit-down time, they can contribute something meaningful and reconnect with others in healthy and constructive ways.

Consider how prisoners who help local communities after cyclones and bushfires are treated differently. Locals appreciate their efforts. The offenders likewise feel satisfaction in actually giving something to the community and doing good. They are 'out there' and everyone can see their hard work, their sweat and toil, their collective efforts, their passion to perform volunteer service.

A freely chosen opportunity to give back is instrumental in repairing harm and addressing community need. It also makes people feel better about themselves. Surely this is a better alternative to making people languish in a failed prison system.

Rob White is Professor of Criminology at the University of Tasmania. He has published extensively in criminology, sociology and youth studies, and has particular interest in social, ecological and innovative justice. He is a member of the Tasmanian Sentencing Advisory Council.

Citation: White, R. (2018) 'Prisoners of a Mindset', Island Magazine, #153: 68-71. Hobart.

<ROBERT DOUGLAS WHITE, affirmed: [2.13 pm]

<EXAMINATION BY MS BENNETT:

MS BENNETT: Q. Professor, could you please tell the Commissioners your full name and professional address?

A. I am Robert Douglas White, I am Emeritus Distinguished Professor of Criminology at the University of Tasmania.

Q. And you've made a statement to assist this Commission; is that right?

A. Yes, I have.

Q. Have you read that statement recently?

A. Yes, I have.

Q. And are its contents true and correct?

A. Yes, they are.

Q. Thank you, Professor. Could you tell the Commissioners about how you came to be involved with Ashley Youth Detention Centre?

A. I became involved in two different capacities: as a Professor of Criminology, obviously I was teaching Juvenile Justice and so I was familiar with the institutions of Juvenile Justice in Tasmania.

The specific way in which I became familiar with Ashley was, I was a member of a special investigation team at the end of 2010 and 2011, and it was to investigate the death of a young boy at Ashley, and that's when I became very familiar with aspects of Ashley Youth Detention Centre.

Q. And as part of that very familiar association, you visited Ashley Youth Detention Centre?

A. We visited and we interviewed, I think, 29 staff - as a team we interviewed 29 staff and we had multiple visits of Ashley, yes.

Q. So, when was this?

A. This was mainly in 2011.

Q. And, who asked you to do this?

A. This was an investigation initiated from within the Department of Health and Human Services.

Q. So, it was with the full cooperation of the department and the staff?

A. Yes, it was established by the department.

Q. Can you offer some reflections based on your observations of the physical space at Ashley; what's it like?

A. The physical infrastructure of Ashley is, to put it crudely, is awful. It's incredible to think that we would house children and young people in that kind of a place. It's physically unattractive, it's basically a prison and we need to get beyond the euphemisms of calling it a detention centre, it really is a prison. It looks like a

prison, it smells like a prison, it feels like a prison, it's physically unattractive and very oppressive. The colour scheme is such that basically there is no visual stimulation, and it's basically one large lock up; very cold and imposing kind of place.

Q. What do you mean by cold and imposing? Can you tell the Commissioners about what causes you to use those descriptors?

A. It's basically, it's basically a prison, that's all I can say, but it's not a modern contemporary prison, so in fact it doesn't incorporate any prison design or architectural design of a modern contemporary prison.

COMMISSIONER BROMFIELD: Q. I believe in your statement you actually say that another person on your committee who was an officer in adult prisons was appalled by the state of Ashley.

MS BENNETT: I think the Commissioner is referring to paragraph 13 of your statement, you say there you worked with an officer who said he had visited prisons all over the world, especially in the United Kingdom. Can you tell the Commissioners about that observation?

A. He had been an adult prison corrections officer for over 30 years, he had visited the United States, Canada, all through Europe and other places, including the UK, and basically the moment he walked in the door he turned to me as an aside and said, "This is the worst institution that I have seen", and it's worst of any of the adult institutions that he had visited on his various study tours and so on. So, basically physically it was particularly uninviting, and when you think it's meant to be the home for children, it becomes even worse, but it's also a place where people work, so as a workplace as well as a place to live, it was oppressive.

Q. These are observations that you made in 2011 and 2012, have you had any cause to go back since?

A. No, not since. So, these are retrospective and they're very much directly related to that incident, and I was a member of both the special investigations team. After we submitted our report they put together a review steering committee to look at the implementation of the recommendations, and that group that I was part of, we kept going out to Ashley for another 18 months and our job was actually to try and review and assist the implementation of the recommendations, particularly around standard operating procedures.

Q. While we're speaking about physical infrastructure, you mentioned the colour scheme and it being a dull environment; is that fair?

A. Yes. So, there might have been some colour, but the colour itself was drab, it's sort of hard to describe. So, it's not necessarily that it was all grey, but even if there was a reddish colour, it would be a drab reddish colour. So, the colour scheme was just visually unexciting.

Q. Was there anything that reflected a cultural safety for First Nations or Indigenous children?

A. In 2010, 2011, 2012, I don't recall anything like that.

Q. You say in your statement, around paragraph 12, that the atmosphere was one of cold indifference on the part of those living and working there. Can you tell us why you say that?

A. I need to qualify that a little bit. I'll say that, from the point of view of the support staff, the therapeutic staff, the education workers and so on, I got the sense that there was a - a mission and there was some enthusiasm about the work that was being done. That sense of coldness and indifference was really amongst what I would consider the custodial staff. Again, a misnomer, they were called youth workers but I think again that's a euphemism that describes basically people who lock people up, and I found that there was the sense that, "Well, this is a job".

Q. You speak in your statement about social infrastructure, what do you mean by that concept?

A. Well, that's what I mean in terms of the workforce, and obviously any institution's going to have multiple components to that workforce. Most of my negative comments and remarks have to do with the so-called youth workers. We interviewed 29 different people, most of whom were amongst the youth workers, but also included medical staff, the nurse, for example. But the sense I got - and later as part of the review team the sense we got, there's quite a bit of resistance to having outsiders talking to them or questioning how they did their job, and certainly a resistance to some of the implementation of new standard operating procedures and so on.

Q. I think you say in your statement that there was an orientation towards control and a lock-up mentality; how did that manifest itself?

A. Well, basically that's how the so-called youth workers saw their role: it was basically to provide security and, in their terms security meant basically to make sure that the kids are locked up and that there's secure movement through the institution. So, there's nothing particularly innovative or progressive about the role of the youth

worker: again, it's a misnomer to call them youth workers because the usual sense of the word youth worker means it's a professional youth and community worker who works to support children and to address their immediate needs. This is by no means what we mean by youth worker in the case of Ashley.

PRESIDENT NEAVE: Q. Could I just follow up on that? We know now that some of them have, I think it's a certificate qualification, I think it might be Certificate IV. Were the people that you talked to then qualified in that way? Is that an improvement, and do you have any views about that particular qualification?

A. Well, it depends on what the qualification is and what it's for.

Q. Yes.

A. So, usually a Certificate IV is a basic qualification and often, but not always, it's a tick and flick exercise.

Q. Yes, okay.

A. So, it's substantively not particularly onerous and doesn't really do much more than provide minimal training, but it's not training as a youth worker, it's training as a custodial, and there's a big difference. There was additional training and in-service training relating to, say, first aid, but then the question is, how do you professionalise that workforce to incorporate a whole range of their skills and knowledge into a supportive rehabilitative process, and certainly that wasn't part of it.

Q. And is that possible when you're taking people whose level of qualification is not very high at the time and not oriented to being a youth worker, you could take this group of people and bring them up to the level, or leaving aside the cultural issues which I think you were talking about, is that possible?

A. Well, I think it is, but you have to have the proper training and education scheme in place, and it has to be both in-service and pre-service, so that you have to couple it, and it has to be ongoing, because issues and our concepts are changing, so you need continuous education of any workforce, but particularly when you're talking about Human Services, and that's how I'd construct this activity, it's Human Services, but it's actually in practice comes simply as lock-up and corrective services, but not a Human Service as such.

MS BENNETT: Q. Do you have any observations you can offer the Commissioners about how accountability was perceived within the staff at Ashley at the time that you were involved?

A. Okay, again, mainly concentrating on the custodial staff, that is the youth workers, the impression we got was basically a lot of people coming up with rationales and reasons for why the particular event happened, but nothing that directly squared with taking responsibility and accountability amongst themselves, either individually or as an institution.

So, the general response tended to be along the lines of, "Well, this is the first time this has happened with us, it's never happened before", rather than saying what are the specific conditions, and without going into details of this particular death, the specific conditions were horrendous and for those who have looked at this case there's absolutely no excuse why this event should have happened, but beyond that, there's also that notion that, "Well, we've been doing this kind of stuff for a long time and that's just how we roll".

PRESIDENT NEAVE: Q. And "we haven't had any deaths before"?

A. Yeah.

Q. "This is unfortunate"?

A. Yeah, "This is an accident". The underlying premise is that, "Oh well, this is an accident, this is an unforeseen accident", rather than, "This is something we could have stopped if we'd engaged in risk adverse kind of professional activity".

MS BENNETT: Q. And that kind of professionalism that you're talking about, as I understand your statement, you think that was lacking as a mindset and as a cultural approach; is that a fair observation?

A. Absolutely, and in fact it's not just my opinion, it's the opinion of the special investigation team. There are six of us on the team and basically the report itself, that's one of the key things that we point out is the lack of professionalism. And even in cases where people appeared to be well meaning, there is a demonstration of that lack of professionalism.

Q. Can you give the Commissioners an example of what you mean by that?

A. What I mean by that is somebody talking about this young boy who died and saying, "Well, as a mother I know that, when I deal with my kids, this is how I deal with them", so talking as a mother rather than as a professional about how they would deal with these issues and that manifests in certain types of practice. And the practice in this case was that the custodial officers were outside the cell asking the boy if he was okay and he was saying, "Yeah, I'm okay", and they're accepting that at face value,

and this is a boy who had been vomiting and vomited all over himself and a few hours later was dead.

Q. You made a number of observations --

COMMISSIONER BROMFIELD: Sorry, Ms Bennett, can I just?

MS BENNETT: Please.

COMMISSIONER BROMFIELD: Q. I appreciate the example in terms of a lack of professionalism, but you also speak in your statement about more than a lack of professionalism, you talk about a lack of empathy.

A. Again, I wouldn't want to generalise across all of the youth workers because I think that's unfair, but there were some where, if you look at the transcript you're not gonna pick that up, right; but if you're talking face-to-face with somebody, then you pick up the vibe and the vibe in this case was that they just didn't care. The lack of empathy struck me, and this was by somebody who was a senior youth worker at the time, and I was just astonished and appalled actually. And, of course, as we were doing the interviews you can't challenge that or you can't give anything away, but afterwards we as an investigation team discussed that at length and that's reflected in some of our comments in the report that we submitted to the department.

Q. Given it was in the context of a formal interview, did it strike you - I'm trying to phrase this question - I suppose it strikes me that that is the kind of context where you'd be motivated to put your best foot forward. So, is it more striking then to demonstrate a lack of empathy in the context of a formal investigation?

A. I was astonished, and really, the sense I got was, that the person wasn't even being defensive, so there was none of that defensiveness that was coming across in their body language or their voice or anything, they were just trying to state it matter-of-factly, that "this is how we do stuff around here", it was presented back to us that this was, "Stuff happens, it's an accident". They didn't use the word "accident" but that's how they were sort of - the feel of what they were saying was along those lines. And the abrogation of both specific responsibility for the case happening and also the transfer of responsibility to the young person implicitly and saying, "Well, basically they died because they were saying they were okay". So, yeah, amazing stuff actually.

PRESIDENT NEAVE: Q. So, is this to do with the fact that these children were regarded as "other", they weren't really real children, they were - is that what it's about? Is that why there's a custodial mentality?

A. No, again, different youth workers present in slightly

different ways.

Q. Yes.

A. So, a couple of them said, "We've known this kid, the kid's spent a lot of his life in Ashley and they actually quite like the kid, they said that explicitly, they felt comfortable, they felt sad that he'd died and so on, so there was feelings of empathy amongst these people but it was in a sense misplaced because it was personalised rather than professional.

Q. Yes.

A. But on the part of this particular person, the senior youth worker it was like, "Well, it happened, we've been here for 10 years, this is how we do things around here". Then some of the chickens came home to roost a bit later when we were doing the review and implementation of recommendations, and you could just see the resistance to the idea, "Well, this is extra work for us" --

MS BENNETT: Q. I wanted to ask you about that, if I could pause you there, if I could ask you to silence your phone for me.

A. Sure.

Q. How did you perceive that resistance to manifest itself? What did it look like? Well, perhaps we should go back, sorry, let's do this chronologically. You did your review, you spoke with these people, you made your observations and you did a report; is that right?

A. Yes.

Q. I think you've summarised the key findings and key observations from that report, paragraph 21 of your statement, and importantly there's a lack of risk-based decision-making, the youth workers were not professional and there was a lack of formal approach to the delivery of care, a failure to provide humanitarian conditions, and training provided to staff was inadequate, they were trained to lock kids up and perhaps they were given a bit of first aid training but little or inadequate training was provided in the area of critical incidents. That's a summary of your --

A. (Witness nods.)

Q. You provided that report to the department?

A. To the department, yep.

Q. What happened next? After you provided that report you were provided - what happened next?

A. There was four of us then asked to be part of a review committee to monitor and review the implementation of recommendations; most of that work involved advising on the introduction of new standard operating procedures and to go for visits, periodic visits to Ashley and talk to the

manager, to talk to some of the workers and get a sense of, are new things being put into place, and for 18 months we did that.

Q. And that's the standard operating procedures that you were just saying to the Commissioners you felt there was resistance to the implementation?

A. Yes, we got the sense, by some of the youth workers, that it was a burden, that it was an additional workload, that basically, if you're doing lock-up work, why are you getting us to do all this other stuff? So, there was that sense in conversations and also, again, body language, stuff that sometimes is not tangible but you're picking it up.

Q. So, you monitored that implementation of the new standard operating procedures for 18 months; is that right?

A. My estimate was around 18 months that we were involved, and then it stopped.

PRESIDENT NEAVE: Q. And, how did it stop? Sorry, I may have anticipated you, do you want to follow up with that, Ms Bennett?

MS BENNETT: Q. Just before we get to why did it stop, I just wanted to ask you further about the resistance. Did you observe that resistance to change at all levels?

A. Well, in fact, we discussed it with the manager because he was concerned about that issue as well.

Q. What was the nature of his concern?

A. Well, the resistance and just that, if you're trying to undertake cultural change, then sometimes there are sections of the troops who are resisting that change, and that was clear to senior manager as well as to us when we were discussing it with people.

Q. And, among the youth workers who were resisting change, were they junior, were they senior, what was the general profile? Was there a general profile?

A. No, it would be a mix, and it's not every - not every person would be resisting but there was certainly resistance.

Q. I think Commissioner Neave then asked you, what happened towards the end of your review, you continued these reviews, you reported back, I take it?

A. We reported back to another section within the Department of Health and Human Services, and we'd been doing this I think it was around eight - it might have been 12 months but I think it was around 18 months, and then the communication stopped and there was no explanation, we just --

PRESIDENT NEAVE: Q. So, you were communicating but not getting anything back from the department or?

A. We were having regular meetings as a monitoring group and they were set up through the department and then we would go to Ashley and do some stuff there, but we could do some stuff remotely because of standard operating procedures and that kind of thing. Then to me it appeared suddenly and all of a sudden there was no more contact and when we were asking about it they said, "Well, the group's no longer in existence", and it's partly because the person who we were reporting to, she was moved somewhere else within the department, somebody else moved in to oversee the monitoring and review group, but that meant the end of the group because we never met again.

MS BENNETT: Q. So, it was a reform steering committee, was that your committee as far as you know, comprised of oversight the implementation of recommendations from the CAT and SRI reports?

A. Yes.

Q. And that was chaired by the Deputy Secretary for Children, was that your recollection?

A. Our group was chaired by the Director of Nursing, I think, .

Q. And, who did you report to?

A. We reported to --

Q. ?

A. , I think, yes. Again, I'm trying to remember all the --

PRESIDENT NEAVE: Q. And she was then moved, have I got that right?

A. That's my recollection, yes.

MS BENNETT: Q. Had your recommendations been implemented at the time you finished carrying out your monitoring function?

A. They were being implemented, so it was a process.

Q. What I'm asking is: did you stop doing it because the job was done and done properly?

A. No. No. And, in fact, one of the clear things that - and we were quite keen to keep the monitoring going - one of the clear things was that it had to be a continuous process well into the future, because that was the way to have culture change and to make sure that - you can have a whole bank of new standard operating procedures, but if you don't do your monitoring and auditing, then they can just be ignored like the previous ones were.

PRESIDENT NEAVE: Q. Can I ask you who was head of the department at that time, do you remember? We can find out, but I'd be interested to know?

A. I know the name but I'm --

Q. It's gone.

A. It's gone, yeah.

PRESIDENT NEAVE: That's all right, we can follow up on that, thank you.

MS BENNETT: Q. You say in your statement that there were no alternatives to Ashley as a detention facility. Tell us about the significance of that in the context of remand. Was remand treated as a different category, in your observation?

A. Well, in Tasmania we've had a longstanding issue with putting juveniles on remand and then putting them into detention, in part because of the lack of alternatives for young people, depending on which part of the state they're living in. So, if you're not living at home and you're in a vulnerable situation, you would often be put into remand which means that you're put into detention. And over time, I mean, as a criminologist we know that often it was well meaning police and magistrates doing this because they were concerned about the kids because the kids had nowhere else to go, but we've had series of reports from the Criminology Research Council from the Children's Commissioner's various reports and so on that I have looked at the use of remand and unfortunately it's mainly due to the lack of adequate housing or alternative places to put kids.

Q. So there's a relationship there between out-of-home care and intersects with the Juvenile Justice System; is that fair?

A. That's another issue.

Q. What is it about that issue?

A. So, you can have - there's a lot of crossover, we know nationally a lot of crossover between children in out-of-care child protection type systems who end up being put into the juvenile system for a variety of reasons, partly because of background and activities, but also, it's part of the movement from one silo to another, so there's a lot of crossover.

Q. Then there seems to be another relationship you identify in your statement at around paragraph 52 about the relationship between Ashley and Risdon; can you tell the Commissioners about what the flow-through is like between those two?

A. Yeah, I've reflected on this and I think the key question is, is there anybody who's been at Ashley who hasn't ended up at Risdon Prison? So, invert the question, because when I've looked at this in the past it was very hard to find any of the young people who have been at Ashley who haven't ended up in the adult prison system, so it's really an indictment of the pipeline.

Q. Speaking as a criminologist, is that in any way

normal, that a youth facility would have, it seems, such rates of recidivism?

A. Um, no, not really. The fact is that coercive institutions like prisons, whether it's a youth prison or an adult prison, have a tendency to fail precisely in this way. So, if you put somebody into, say, a youth prison there is a whole bunch of things that accompany that, detachment from home, from school, a whole bunch of things, but also the stigma that's attached to spending time inside, all that then generates a track record which makes it more difficult for young people to succeed into the future and a similar process with the adult prisons as well.

PRESIDENT NEAVE: Q. Just to follow up on that, would you say that statistically it's worse in Tasmania than in some of the other states? I understand the relationship between being in Youth Detention and ending up in an adult prison; is that more likely to happen here, less likely, about the same, do you have any feeling for that?

A. I'd probably - okay. It's very difficult to do direct comparisons of Tasmania with other states and territories.

Q. Of course, yep.

A. Because we have, relatively speaking, a small population of both young people in detention and the adult prison compared to many other jurisdictions.

Q. Yes.

A. We are unique in the sense, though, that because of our size that, when you've only got one Youth Detention Centre and one adult prison in essence, or a prison system, then that pipeline becomes more clear. So, it's a very clear relationship and it's virtually 100 per cent.

MS BENNETT: Q. Tell the Commissioners, you speak in your statement about green criminology, I'd like to ask you to explain what you mean by that and what its role might be in preventing that re-offending?

A. Green criminology refers to taking into account issues relating to the environment. And, in the specific case of rehabilitation, for example, green criminologists and mainstream criminologists would be interested in looking at how young people can do meaningful, creative, energising activities associated with the environment: it could be partly about learning about the environment. So, there are Indigenous programs worldwide which are not simply about connecting the country but also doing environmental related activities.

There are various programs that involved - a particularly good one is the skill mill based in the UK where they have young people engaged in a series of

reclamation projects and cleaning up the waterways in the UK. People are learning about plants and botany and all that kind of stuff, so they're developing a whole bunch of different kinds of knowledge. It's physical, a lot of it, so the physicality of this kind of activity.

The analogy as well, not just the environment as such, but would be, when we've had various kinds of natural disasters, whether it's cyclones in Queensland or bushfires here in Tassie, when prisoners have gone out and done volunteer work they've been regarded really differently by the local community because they're doing something and they're doing something that's physical and they feel good about doing that, they're outside breathing fresh air and basically providing something back to the community, so there's a whole bunch of benefits associated with environmental projects specifically and just giving back more generally.

Q. And in the context of Indigenous children and young people, that involves consultation with local First Nations communities, I assume?

A. Yes.

Q. And is that something you saw any evidence of in your time working in the Ashley context?

A. No, we didn't deal with that specifically, but there has been a longstanding program of Indigenous young people who spent time at Ashley going to an island and going through cultural education and stuff with Indigenous elders.

PRESIDENT NEAVE: Q. That's the Clarke Island program?

A. Yep.

Q. I'm sorry, I can't remember the Aboriginal name for it. Is that still going, that program, do you know?

A. I'm not sure.

PRESIDENT NEAVE: Okay, thank you.

MS BENNETT: Q. My learned friend for the state tells me it was defunded a little while ago. I want to ask you a final question which is, what would you say to the Commissioners about how to change Ashley? What needs to shift, in your view, coming from your perspective and with your experiences? What needs to shift?

A. I know I've only got limited time. Okay, the negative is, I would raze Ashley to the ground. I would destroy the physical infrastructure tomorrow, I wouldn't wait, and we don't have three years of transition: I would get rid of it immediately and transfer the children to other places, houses, secure houses or whatever, but I would certainly knock it down.

On the positive side, I think that what we need is a

rethink of the philosophy and the mission of Juvenile Justice, and we know worldwide that the best Juvenile Justice practice is driven by about six key propositions: one is justice re-investment, so don't put your money in physical infrastructure, bricks and mortar of a prison, put your money into community and housing and projects at the community level.

Restorative justice is about repairing the harm and bringing people meaningfully into the process of accountability, so restorative justice, but making restorative justice not simply at the front-end but make it the centre of your Juvenile Justice system, so the most problematic and troubled and vulnerable and marginalised children are often those who don't get a chance to go through a juvenile conferencing system because that's only dealing with trivial offending and first-time offenders.

What we need is to put restorative justice at the centre.

A third thing is a trauma-informed approach because many of the children that we're describing in places like Ashley come from extremely vulnerable backgrounds and we need to talk about issues such as drug and alcohol use and mental illness and cognitive impairment and brain injury, and trauma-informed care is really important as part of this approach.

Another component is mentoring. Mentoring for me is huge for young people, and the mentor doesn't have to necessarily be a member of their family but somebody who they respect: it could be a sportsperson, it could be a musician, it could be other people who want to go back in and work with young people, but it's all about respect.

So, that's another component.

Two other things in passing I would say as well: the age of criminal responsibility, let's align ourselves to the United Nations Convention on the Rights of the Child and make it 18. Does that mean we're not going to deal with children who commit crimes under 18? No, of course it doesn't, but it means that we approach it very differently. So we take it out of the punishment regime and put it into a rehabilitation and restorative regime.

The sixth thing I would do is talk seriously about therapeutic jurisprudence, which basically is a fancy way of saying, many of the children that we're talking about need support. We have a Drug Court in Tasmania, we can learn from the example of the Drug Court, and deal with underlying issues rather than the superficial issues of the offending itself. So, take a deep dive into, why do people act out in the way they act out.

What we need in essence is a holistic multi-pronged

approach that puts relationships at the centre, and we have to always remind ourselves that we're dealing with children and we're dealing with the most vulnerable marginalised children in our society. That's the short answer to all this.

And, I'll complete the answer with one final comment: that more than simply restorative justice as conflict resolution, we need to have a restorative ethos ingrained in our institutions. We can do it, we have examples here in Tasmania of some primary schools that have got a beautiful restorative ethos where basically it's premised on three ideas: respect yourself, respect others and respect our place. If you get everybody on-line doing that, so the teachers, the groundskeepers, the accountants, the youth workers, if we can instil that, then you have a restorative ethos and it works way much better.

MS BENNETT: Please the Commissioners, those are the questions I had for Professor White.

COMMISSIONER BROMFIELD: No questions, but thank you very much for your evidence.

PRESIDENT NEAVE: Q. I just wanted to ask, there are always difficulties in transposing models from elsewhere into a particular context, but if we were to be looking at other models, where would we look, within Australia, let's say?

A. I think that we can establish the Tasmanian model. We are a small jurisdiction, we are in a sense a self-contained island; we're not talking about a huge number of children, and I think that we can learn from many jurisdictions on the mainland and worldwide, but those propositions that I've just put forward, if you distil the essence of that, what we need is community-based, what we need is small institutions.

So, if we're going to have an institution where we need some kind of secure accommodation, make it a house; and rather than isolating and segregating our children who are in trouble and who are troublesome, we need to surround them with professional support and with mentors. That's the way to do it.

MS BENNETT: Please the Commissioners.

PRESIDENT NEAVE: Thank you very much, Professor White, that was very helpful.



## WITNESS STATEMENT OF ROBERT DOUGLAS WHITE

I, Robert Douglas White of [REDACTED] in the State of Tasmania, Emeritus Distinguished Professor of Criminology, University of Tasmania and [REDACTED] do solemnly and sincerely declare that:

1. I make this statement on the basis of my own knowledge, save where otherwise stated. Where I make statements based on information provided by others, I believe such information to be true.

### BACKGROUND AND QUALIFICATIONS

2. I have the following qualifications:
  - (a) Bachelor of Arts – Honours (Sociology / Philosophy) from Queen's University, obtained in 1978;
  - (b) Master of Arts (Sociology) from Carleton University, obtained in 1980;
  - (c) Doctor of Philosophy (Sociology) from The Australian National University, obtained in 1984;
  - (d) Certificate in Men's Health from Curtin University of Technology, obtained in 1997; and
  - (e) Master of Laws from University of Tasmania, obtained in 2017.
3. Attached to this statement and marked **RDW-01** is a true copy of my curriculum vitae.

### Current role

4. I am currently Emeritus Distinguished Professor of Criminology in the School of Social Sciences at the University of Tasmania. I commenced my association with UTAS in January 1999.
5. In this role I am responsible for:
  - Contributing to research, scholarship, and publishing in relevant areas of expertise
  - Mentoring of staff and providing general academic advice where appropriate; and

- Engaging in supervision of post-graduate students.

## **Publications**

6. I have authored and published a number of books and articles throughout my career. My most relevant publications to this inquiry are:
  - (a) Chris Cunneen, Rob White and Kelly Richards, *Juvenile Justice: Youth and Crime in Australia* (Oxford University Press, 2015);
  - (b) Rob White, Johanna Wyn and Brady Robards, *Youth and Society* (Oxford University Press, 2017);
  - (c) Rob White, *Youth Gangs, Violence and Social Respect* (Palgrave Macmillan, 2013);
  - (d) Max Travers, Rob White and Michael McKinnon, 'The Children's Court in Tasmania: Challenges, Possibilities and Future Directions' (Conference Paper, Conference Proceedings, 28 to 30 September 2011);
  - (e) Rob White, 'Concepts shaping juvenile justice' (2008) 27(2) *Youth Studies Australia* 45; and
  - (f) Rob White, 'Restorative Community Justice: Community Building Approaches in Juvenile Justice' (2001) *Fourth National Outlook Symposium on Crime in Australia* 22.

## **INVOLVEMENT WITH AYDC**

### **Serious Incident and Investigation Committee**

7. From around late 2010 to 2011, I was a member of the investigation committee for a Serious Incident Investigation review into the death of a young boy whilst he was in custody at Ashley Youth Detention Centre.
8. The committee investigation was named the Serious Incident Investigation of the Ashley Youth Detention Centre in relation to the Death of a Youth on Remand (**Committee**). The Committee comprised six people, including myself. The Committee consisted of me, the Chair who was Gina Butler (Director of Nursing Safety and Quality), George Cercez (Director, Medical Workforce and Integration), Chris Wake (Clinical Director, Forensic Health

Services), Ann Marie Mallet (Manager, Forensic Health Services), and Gary Hancl (Manager, Organisation Development and Compliance, Tasmanian Prison Service).

9. The Committee was formed in response to the death of a young boy in 2010 whilst he was in custody at Ashley Youth Detention Centre. The series of events leading up to his death was as follows:
  - (a) shortly before entering Ashley Youth Detention Centre, the boy had been in a car crash;
  - (b) the boy was on remand at Ashley Youth Detention Centre and was placed in a cell by himself;
  - (c) shortly after entering Ashley Youth Detention Centre, the boy was assaulted by another detainee;
  - (d) the boy began to display cold and flu symptoms. The relevant Ashley Youth Detention Centre staff at the time did not watch or monitor the boy closely enough. At one point, the boy had vomited in his cell;
  - (e) the night shift team leader was called to the unit by the night staff and was told the detainee had vomited on the floor of his cell;
  - (f) the night youth workers allegedly asked the boy how he was feeling and offered him a glass of water. When the boy said he was fine, and asked for the light to be switched off, the youth workers did nothing further. No one entered the cell to clean the vomit or to check on the boy, despite being able to see the vomit from the glass panel; and
  - (g) the boy continued to vomit throughout the night, was in distress and then died in his cell. He was found dead during shift change by a worker.
10. As part of the special incident investigation, the members of the committee interviewed 29 people and visited Ashley Youth Detention Centre several times.
11. In my role on the committee, I visited the Ashley Youth Detention Centre on more than one occasion. I saw firsthand that it was a hugely repressive, horrible place. This is essentially a prison. The colour scheme throughout was

institutional bland, the individual cells cold and bare. The atmosphere was one of casual indifference on the part of those living and working there.

12. I recall one of the people on the committee, an officer in an adult prison, was appalled by the state of Ashley Youth Detention Centre and mentioned he had "never seen an adult prison this bad". I considered that this observation was telling, particularly given that Ashley Youth Detention Centre was designed for children and young people. He said that he had visited prisons all over the world, especially in the UK, Europe and the USA and in his opinion, AYDC stood out for the harshness of its architecture, basic prison design, and poor facilities. He considered it antiquated and far removed from modern or contemporary prison infrastructure.
13. The physical infrastructure of Ashley Youth Detention Centre has been problematic for a long time. This is indicated in both affective responses (how I felt going into what I experienced as a tired old institution) and expert opinion (as expressed by my colleague who was an experienced prison officer). Criticisms of Ashley and its predecessors (boy's home), across many different reviews (before and since this specific investigation), have consistently mentioned the physical and social limitations and shortfalls of the institutions.
14. In addition to the issues with the physical infrastructure, I considered that there were clear issues with the social infrastructure at the Ashley Youth Detention Centre. The social infrastructure refers to the staffing situation including staff culture, and in particular to the 'youth workers' who basically are in charge of security and control within the institution. One of the issues was that the workforce was only accountable to itself. The custodial workforce did not appear to embrace a greater sense of accountability or responsibility beyond the immediate job. For example, there was no sense of a rehabilitation, welfare, or restorative mission. The orientation was toward social control and a lock-up mentality, rather than attempting to make institutional conditions that would foster a more pleasant place in which to live and/or provide opportunities for individual betterment. I perceived this attitude to be due to a lack of adequate training and professionalism, as well as staff having little exposure to, for example, the principles and practices of trauma-informed care. The workforce was also leveraged by the fact that most people were locals, and no one would touch the workforce (i.e., criticise workers or in extreme cases fire

them) because it was a point of local employment. The makeup of the Ashley Youth Detention Centre workforce thus meant that any criticism was effectively dismissed by those who were employed there. I consider that this led to a workforce at the Ashley Youth Detention Centre which was embedded in its own culture. There may be periodic instances where individuals transgress, but it is the workplace culture as a whole that supports and protects and allows that to happen. This is certainly the impression gained during the interviewing of the 'youth workers'. For instance, the boy's death was explained by a senior youth worker as 'stuff happens' and basically the event was shrugged off. The phrase they used was "the way we have managed the night shift...has pretty much served us well for the last ten years". Regardless of whether this was said as a defence mechanism, it did indicate a general reluctance to take on or accept either specific responsibility (given the damning circumstances under which the boy died) or overarching responsibility (that individuals are not solely responsible for their own actions and health, and that there is an institutional duty of care). This attitude, in turn, is related to the wider Tasmanian community insofar it is very hard to recruit people with professional and/or well-credentialled backgrounds to work in non-metropolitan coercive institutions. Accordingly, the fall-back position is reliance on coercion and control; this involves fewer and different skills and knowledge than more fully qualified and better trained custodial officers.

15. The key people at the Ashley Youth Detention Centre are the youth workers. However, another issue with the social infrastructure is that the people at the Ashley Youth Detention Centre are not 'youth workers' in the conventional sense that denotes a community worker who works with young people and has a professional skill and knowledge base for doing so. In this instance, the Ashley Youth Detention Centre youth workers are basically "lockup people". Their role is essentially a prison guard role, and that role is reflected in both their approach and their training, as explained earlier. It is not tied directly to the rehabilitation or restoration ideals which are commonly associated with juvenile justice.
16. Additionally, and as mentioned earlier, one of the most striking things I observed during my role on the Committee was a senior youth worker with poor attitude, who sought to justify a duty of care issue that had arisen

amongst the Ashley Youth Detention Centre staff by saying that up to that point things had been fine. The apparent lack of empathy displayed by this person and several other Ashley Youth Detention Centre staff during my visits was, for me, utterly astounding. To be specific, some, perhaps a minority, of 'youth workers' seemed to be there 'because it was a job', and there was no sense of vocation or higher institutional mission. This extended to their lack of enthusiasm for new 'standard operating procedures' or for in-service training that was intended to lift their performance and standards of practice.

17. During my visits to the Ashley Youth Detention Centre, I observed that the external providers and service support staff, such as the educators, therapeutic staff and welfare workers were highly committed, and they were positive towards the children and young people. These providers knew what the Convention on the Rights of the Child was, and what it meant. My comments here do not relate to these workers.
18. The findings of the Committee included observations that:
  - (a) there was a lack of risk-based decision making at Ashley Youth Detention Centre;
  - (b) the youth worker staff at the Ashley Youth Detention Centre were not professional and there was a lack of a formal approach to delivery of care;
  - (c) there was a failure to provide humanitarian conditions; and
  - (d) training provided to staff was inadequate; they were trained to lock kids up and perhaps they were given a bit of first aid training, but little or inadequate training was provided in the area of critical incidents.
19. Once the Committee concluded its investigation, it submitted its report entitled 'Serious Incident Investigation Report Ashley Youth Detention Centre – Death of a Youth on Remand' dated 30 March 2011 (**Report**). The Report was damning on all levels. It provided detailed summary of the 'sequence of events'. It then examined issues specific to the young man's death – including matters such as person-specific factors related to the young man, support services, youth worker related factors, education and training, workplace factors, health service organisation, communication systems, and equipment and resources. The report then discussed systemic issues – including the

prevailing culture, communication systems, AYDC health service, location, youth workers, operational issues, governance, and model of care. The key recommendations included:

- A review of the philosophy and model of care for youth detention
- That immediate action be taken to address concerns re the culture at AYDC
- The youth worker role be reviewed
- Standard Operating Procedures and lack of compliance be reviewed
- AYDC Health Service be improved
- Communication Systems be reviewed and improved
- Respectful engagement and communication with parents and significant others be mandated within the policy framework for AYDC and the operating system

20. At the health organisational level, we found that the nurse was only available occasionally and the doctor was not easily accessible due to distance. We also found issues within the workplace including the youth workers, communication between staff (such as staff hand-over communication and recordkeeping), equipment and resources (such as medical supplies), and education and training.

#### **Monitoring Group**

21. In response to the Report, the Government appointed an AYDC Review and Monitoring Committee. The monitoring group consisted of four people, including myself, Gina Butler (Chair), George Cerchez and Gary Handl.
22. A key focus of the monitoring group was to try and prevent an incident of the kind I describe above at paragraph 9, from happening again. Its key purpose was to monitor the improvements in the health and wellbeing of AYDC residents and report periodically to the Secretary of Health.
23. I was very happy to become part of the monitoring group and felt that it was an important and much needed step in the context of Ashley Youth Detention Centre.

24. From October 2011 to sometime in 2012, an important task of the monitoring group was to assist with designing, rewriting and drafting of Standard Operation Procedures (SOPs). An example of one of these SOPs was in relation to vulnerability monitoring, which included a series of protocols relating to how a child or young person who appears to be vulnerable should be dealt with. I recall that the monitoring group discovered there were also a number of procedures and practices that were inadequate for the occasions the procedures and practices were supposed to be addressing.
25. The Ashley Youth Detention Centre management took charge of this process of designing, rewriting and drafting SOPs, and the monitoring group monitored and provided advice from October 2011.
26. I thought the process of designing, rewriting and drafting SOPs was a great initiative as it was an attempt to embed a new systematic way of doing things at the Ashley Youth Detention Centre.
27. A great deal of work was being done by the then general manager of Ashley Youth Detention Centre, Bill Smith, with respect to the SOPs in the period 2011 to 2012].
28. The monitoring group also assessed whether the SOPs were being implemented by Ashley Youth Detention Centre staff. Through this process the monitoring group observed there was a culture of resistance at the Ashley Youth Detention Centre. This was mainly associated with the 'youth workers', some of whom seemed reluctant to take on what they perceived as 'extra' responsibilities and tasks. The monitoring group formed the view in addition to the design and rewriting of the SOPs, the culture among the workforce at the Ashley Youth Detention Centre needed to change. The monitoring group was of the view that the way the culture at Ashley Youth Detention Centre needed to, or could, be changed was through recruitment (e.g., more diverse, more qualified, more experienced people), active monitoring (e.g., regular supervision meetings and workplace audits) and enforcement of regulations and procedures (e.g., work-based performance incentives and penalties related to compliance with SOPs). In my experience, the acts of monitoring and compulsion can translate into cultural change.

29. After about 18 months from when the monitoring group was created, the monitoring work abruptly stopped and soon thereafter the monitoring group ceased to exist. From my perspective, it appeared that the monitoring group ceased to exist because the person within the Department of Health and Human Services who was the executive lead [the oversight person] was shifted elsewhere, and somebody else had replaced them. The monitoring group then did not receive formal communications anymore, it did not undertake any further monitoring activities, and all the momentum the monitoring group had was completely lost. Within a few weeks of this higher-level personnel change the monitoring group no longer existed. It was not communicated at the time, but I believe that there may have been an intention to end the work of the monitoring group by senior members of the Department.

#### **PROBLEMS UNDERPINNING ASHLEY YOUTH DETENTION CENTRE**

30. There have been deep-rooted and ongoing issues with the Ashley Youth Detention Centre for a significant period of time. I outline those issues in this section of the witness statement.

##### **Conflict between punitive system and rehabilitation**

31. One key issue is the inherent conflict between punitive and coercive systems on the one hand, and restorative ethos, trauma-informed care and rehabilitative practices on the other hand.
32. It is my view that, as a social infrastructure asset, an institution like Ashley Youth Detention Centre should have 'relationships at the centre'. However, this focus is not feasible in a coercive system. The primary reason why relationships are not at the centre and empathy is not the focus at Ashley Youth Detention Centre is because there is a toxic culture and a lack of training, or a lack of inappropriate training, of the workforce, and specifically the youth workers who work at Ashley Youth Detention Centre.
33. Over the years there has been an acknowledgement of the need for change in the way Ashley Youth Detention Centre operates. There have been various reviews, reports and other initiatives undertaken in relation to Ashley Youth Detention Centre in the recent past. In practical terms, none of these initiatives

appear to have changed what is happening to children and young people in Ashley Youth Detention Centre in any meaningful way.

34. As I recall, around five to seven years ago, there was a team of psychologists who were given/promised significant funding by the Tasmanian government and they were invited to revamp the whole juvenile justice system. The plan developed by this team was very progressive, and involved trauma-informed care, holistic approaches and was based on building relationships. The team was disbanded within approximately 18 months of emerging. It is not clear to me what happened, although I speculate that the plan was going to cost millions of dollars to implement, and that the Government could not justify spending that amount of money. I believe that this project was called the Ashley Youth Detention Centre Therapeutic Model of Care project.
35. As with many proposed reforms in both juvenile justice and adult corrections, there is often appropriation of the right language by politicians and senior bureaucrats – for example references to the need for rehabilitation of offenders – but this rarely translated into the implementation of any actual change or real action. There is a difference, therefore, between the language of proposed policy and reform, and the way in which any such policy and reform is given effect.

#### **Lack of alternatives to detention**

36. Another key issue is that detention at Ashley Youth Detention Centre currently appears to be the only option from a juvenile justice perspective, not only for children who have been found to have committed criminal offences, but also for children who are on remand and are yet to be sentenced. In the case of the latter, children and young people are ending up at Ashley Youth Detention Centre before it has even been established that they are offenders.
37. This is a longstanding issue in Tasmania, and it was examined in a report by the Australian Institute of Criminology entitled 'Review of data on juvenile remandees in Tasmania'.<sup>1</sup> This report examined, amongst other things, the main characteristics of Tasmanian juvenile remandees and remand episodes over a one year period, and the time served on remand and wherever possible,

---

<sup>1</sup> Julia Tressider and Judy Putt, *Review of data on juvenile remandees in Tasmania: Final Report* (Archive No 65, 11 November 2005).

sentencing outcomes over the one year period. The data which was in the report indicated that for the group as a whole whose sentence outcomes were complete, 39% did not receive a sentence of detention in the 12 months data. The data in the report also indicated that many young people spent a considerable amount of time on remand, and over a third of the young people spent over 11 weeks in custody on remand. Attached to this statement and marked **RDW-02** is a copy of this report.

38. In my view, these data reflect the lack of refuge, support and alternative housing available for children and young people in Tasmania. These alternatives are only viable options if there are sufficient staff, resources and community programs to run these services. Without these alternatives, children and young people who appear to be in danger, or who are at risk, are ending up at Ashley Youth Detention Centre and for long periods of time.

#### **Crossover between children in care and children at Ashley Youth Detention Centre**

39. There has also been an unfortunate practice of children in out of home care ending up at Ashley Youth Detention Centre. I am aware for example of instances when social workers or case workers employed by non-government organisations in out of home care considered that children had been acting out, they would call the police. The child would then be arrested, and the police would then have to figure out where to put the child. The children would be transferred to Ashley Youth Detention Centre. This phenomenon is very well known in NSW and other jurisdictions as well.
40. The behaviours which are considered to be acting out resulting in the police being called in could be conduct such as underage drinking, smoking a joint or smashing the wall out of frustration.
41. This practice of referring young people in care to the police has resulted in the child being transferred from the care and welfare system into the criminal justice system.
42. This practice undermines the group home as being a place of nurture and support of children who are in need of it.

43. The Tasmanian statistics on child protection and juvenile justice, as well as the national statistics compiled and analysed by the Australian Institute of Health and Welfare, reflect that there is a huge crossover between juvenile justice and child protection. For instance, nationally, more than half of young people aged 10–17 under youth justice supervision, during 2018–19, had received a child protection service in the 5 years from 1 July 2014 to 30 June 2019 (AIHW 2020).
44. The whole point of trauma-informed care is to take the child's behaviour on board and try to understand why they are acting in that way. It is difficult to implement this kind of care. I consider that a service provider may be reluctant to implement this care for children with comorbidity of varying kinds because it is more complex, particularly if the service provider is on a shoestring budget, which is often the case.
45. Around 10 years ago, I started a unit at the University of Tasmania called 'Juvenile Justice and Child Protection'. Attached to this statement and marked **RDW-03** is a copy of this unit outline. I discovered that juvenile justice as taught within criminology deals with issues of restorative justice, policing, and youth detention. The key concepts would always be restorative justice and desistance from crime i.e. how do you help a child desist from crime? On the other hand, child protection related units were predicated on concepts such as trauma-informed care, but did not consist of material relating to the criminal justice system including juvenile justice. What I found interesting was that child protection was only taught from the point of view of family, holistic care, child first principles and embedded concepts. The two institutions, child protection and juvenile justice didn't interact with each other, despite their interrelated nature. I joined up the study of these two institutions in the one unit, in an endeavour to bring together these two fields that, in my view, are very relevant to each.
46. One of the practical difficulties in the broader area of children's rights and protecting and securing the wellbeing of children, is that there is a silo effect between the institutions. As well, there is the strategic use of the systems against each other, where a child acting out in child protection is simply handed over to juvenile justice. With this kind of practice, the underlying issues or

reasons for the child acting out are never addressed, they are just moved elsewhere and become someone else's problem.

#### **Trajectory from Ashley Youth Detention Centre to Risdon Prison**

47. There is unfortunately not only a correlation between children who grow up in the out of home care system then ending up at Ashley Youth Detention Centre, and in some cases on multiple occasions; there is also a correlation between children who are detained at Ashley Youth Detention Centre eventually becoming incarcerated at Risdon Prison when they become adults.
48. It seems to be the case that virtually every child or young person who ends up at Ashley Youth Detention Centre ends up in the adult system. So whatever systems are in place and strategies and methods of care being undertaken at Ashley Youth Detention Centre (relying on coercive control but incorporating service elements such as education and welfare), they obviously are not working, as the children and young people are ending up in adult criminal detention. I consider that this is occurring because these children and young people are not being given love. Based on my review of the SOPs at Ashley Youth Detention Centre, which I provide further detail on below, children are being segregated and isolated when they act out. I consider that what children and young people require when they act out are workers and support staff who display love and care.
49. Children and young people require mentors. This is especially important for vulnerable children in our child protection and juvenile justice systems. Children and young people who are acting out need mentors who care enough to find out why they are acting a certain way, and whose first resort is not to punish and isolate the child. The bond and the attachment that children form with mentors that can really help them in the long term.

#### **SOLUTIONS TO THE ISSUES AT Ashley Youth Detention Centre**

50. The issues with Ashley Youth Detention Centre that I have discussed above raise the question of whether the Government should lock children and young people up under the age of 18. My view is that children and young people should not be locked up. Children and young people do need to be put into secure facilities on occasion, but they never need to be put into prisons.

'Detention centre' is a euphemism for 'prison', and prisons by their very nature fail, as evident in performance measures such as recidivism rates.

#### **Greater funding in prevention**

51. In terms of money and the cost to society, the long term cost of children and young people with criminal backgrounds is far greater for society than the cost of what appears to be expensive interventions. I discussed this in my 2001 paper titled 'Restorative Community Justice: Community Building Approaches in Juvenile Justice'. Attached to this statement and marked **RDW-04** is a copy of this paper.
52. There is a whole body of literature that talks about crime prevention including children from age 1, from birth or pre-birth in the context of foetal alcohol syndrome. This body of work states that if funding is allocated to the front end of prevention, this will reduce the expenses at the back end. With an existing system like Ashley Youth Detention Centre, so much money is invested into the physical infrastructure and it costs approximately \$10 million a year to operate. This funding could be better deployed in paying for children and young people to live in housing.

#### **Community based solutions for children and young people**

53. Most of the children and young people who end up in Ashley Youth Detention Centre have suffered extensive trauma and abuse, they often have brain injuries, are not literate and have had poor educational experiences.
54. There are also a range of individual characteristics in child and young offenders, or children and young people who are accused of offending, that need to be addressed.
55. In my view, such children and young people should be placed in the community, for example in a house where there is a lot of supports and/or specialists available. These supports could include educators, speech pathologists and people who can assist with literacy.
56. I consider that ideally youth justice should be treated as a community project, whereby child and young offenders are embedded in the community. This generically means that children and young people should not be sent to prison

as a first solution. However, the practical reality of the situation is that some children are dangerous to themselves and to others and therefore pose a risk to other children.

- 57. However, the Ashley Youth Detention Centre is a one size fits all institution for children and young people.
- 58. I consider that it is important that, whatever replaces Ashley Youth Detention Centre, it is designed in a way that takes into account quite a wide variety of needs and opportunities. Perhaps the Wilfred Lopes Centre could be used as a starting point. The Wilfred Lopes Centre is not a prison, it is a secure psychiatric facility. Children and young people should be housed or detained together based on specific needs, in relation to their offensive behaviour, with regard to their vulnerabilities, and on the basis of factors pertaining to sex/gender, ethnicity, Indigeneity and age/maturity.

#### **Empowerment programs and mentoring**

- 59. In my experience, children and young people who become involved in the criminal justice system, particularly given their background and life experiences, can often feel disempowered.
- 60. I consider that it is important to surround children and young people in the criminal justice system with people who can talk to them and want to understand and help them. It does not benefit them to be around people who simply talk down to them or punish them.
- 61. A method of empowering these children and young people could involve providing them with a mentor. In the event that a mentor cannot be a family member, someone outside of the family who is appropriate for that specific child should be sought as a mentor. It might be a sports personality or an uncle or auntie.
- 62. Children and young people should be able to connect with a mentor, being someone who is non-judgmental towards the young person but does not agree with what they do.
- 63. My work in criminology has taught me that, in general, if you can get people to be part of giving back to children and young people in some way, not in a coercive way, then that can open up doors and eyes.

## Training the workforce

64. In my experience, to successfully implement community focused solutions for children and young people who have offended, or are at risk of offending, there needs to be specialist programs and adequate resources. There also needs to be a cohort of workers who have the right attitude and philosophy, who have the appropriate education, and who are well trained and supported.
65. There is a large cohort of criminology students going through the system every year. There is also a large cohort of social workers which continues to grow, particularly in the north and northwest of Tasmania. My understanding is that places like Launceston and Burnie are actively growing in areas such as social work. There is therefore a larger pool of social workers, criminologists, law students and psychology students now available to assist in the development of areas that form part of or provide support to the criminal justice and youth justice systems.
66. Around 16 years ago, I was approached by the Head of Programs at Risdon Prison and the Head of Community Corrections to set up an induction program for workers coming into Risdon Prison and Community Corrections.
67. I subsequently set up a unit at the University of Tasmania called 'Working with Offenders'. Attached to this statement and marked **RDW-05** is a copy of this unit outline. We decided to set this unit up so we could expose criminology students, law students, psychology students and social work students to help give them the context and some practical skills as to what to do if they were going to work with offenders. We have tried to pair it, to some extent, with other units such as 'Juvenile Justice and Child Protection' to impart theoretical knowledge and practical skills that complement each other. My view is that if they have studied these two units, and the other units forming part of the respective courses, students are better prepared as potential workers in the workforce in these areas.
68. The University of Tasmania also teaches the Working with Offenders unit to middle managers employed at the Risdon Prison and senior managers from Community Corrections.
69. The units are taught as a one week intensive, so that people can get leave from work and attend the classes or have the option to attend online. The units

are designed to be flexible; and it could be an induction unit for the whole workforce at Ashley Youth Detention Centre and more broadly.

70. I consider that it would be beneficial if these units were mandatory for all staff at Ashley Youth Detention Centre.
71. I also continue to be involved with the Department of Justice. The University of Tasmania prepared a Memorandum of Understanding, which subsequently became a notice of intent, which basically provided that the Department of Justice will work alongside the criminology department at the University of Tasmania. Specifically, the work will involve interactions around the Working with Offenders unit, training programs and professional development for correctional officers and community corrections staff. A similar notice of intent or memorandum of understanding between the Department of Health and Human Services and Criminology at UTAS focussing on juvenile justice and child protection would be of benefit to each party and the wider community generally.

#### **How to change organisational culture and entrench best practice**

72. There is a noticeable pattern of great processes, programs and initiatives being introduced in criminal justice and youth justice systems, but then those being undone relatively quickly for some reason or another. For example, in New South Wales, Jenny Barga spent years putting together a brilliant juvenile justice program based on restorative justice, and this was then dismantled within one year when a 'law and order' right-wing politician decided that this was too 'soft on crime'.
73. In my experience, unless systems and safeguards are entrenched, then even the best of programs and initiatives will not have a long term impact.
74. In my view, to change culture and entrench best practice the following need to occur:
- (a) recruitment of appropriate people for their field;
  - (b) there are SOPs that are tailored and make sense for that particular place and that kind of work;

- (c) there is active engagement in monitoring and enforcing regulations and procedures;
  - (d) there is a well-resourced oversight body that is independent, such as the Ombudsman or Children's Commissioner, which has the powers to not only make recommendations, but also enforce action and provide external monitoring in a hands-on manner; and
  - (e) there is a leader at the top who gets it – that is, who has a deep understanding of the needs, vulnerabilities and potentials of children and young people and is well versed in models of care reflecting this, such as restorative justice and trauma-informed care.
75. This process will then hopefully lead to a restorative ethos, rather than a punitive, coercive ethos.
76. In terms of an institution like Ashley Youth Detention Centre, which has a problematic physical and social infrastructure, my view is that it is the social infrastructure that fundamentally matters, and that a restorative ethos needs to be embedded in that social infrastructure. This involves managing and supporting children through relationships, rather than through locking them up or keeping them isolated and controlled by way of coercive behaviours.
77. This will only be effective if it is implemented at a 'whole of institution' level. For example, it is not simply the youth workers who need to be brought into that restorative ethos, but the therapeutic workers, the gardeners, transport officers and the IT specialists. Everyone who forms part of an institution needs to believe in this ethos for it to work properly and have an impact on the children and young people.
78. Relationships have to be at the centre of any way in which children and young people are dealt with. For some children and young people, the ability to deal with, care for and build relationships with people can come quite naturally. For others, which is what we seem to see time and time again at Ashley Youth Detention Centre, building these relationships is not a priority and does not form part of their approach. In the case of the latter, this poses as a real challenge in terms of entrenching human rights, and entrenching a system that does not torture or abuse children and young people.

### **Positive learnings from school programs and initiatives**

79. In the education system, alternative schools are designed for children who are too troublesome for the mainstream system. I have been involved with and have heard about some alternative schools that are designed for children with difficulties who have a tailored approach to educating children. I set out some of these examples below.

#### *Geelong alternative school*

80. Peter Flint worked at a Geelong alternative school as principal during in the early 1990s.
81. This school operated in accordance with four main rules or guidelines; the key rule being that everyone must respect each other. Both the teachers and students had to abide by the rules.
82. As part of tailoring the structure of the school day to the needs of the children, the school would organise for some children to go surfing in the morning before starting the official school day. This provided an enjoyable way to use up energy, combine in a joint activity, have fun and generally bond in a more informal manner.
83. The basis of the school program was to start from where the students were at, and then build its pedagogy from there.

#### *Cairns alternative school*

84. In Cairns, there was an alternative school that was located within a mid-sized shopping centre. The shopping centre security manager and his staff approached their role in security by getting to know the school children and interacting with them – by name – whenever they entered or exited the shopping centre. The security staff treated the children as people, and not as a threat or danger to the security of the shopping centre.
85. There was an incident once at this school where graffiti was found in the back of the shopping centre, and it was determined that it was not done by the children at the alternative school. The school children were given a chance to reveal who did the graffiti and, if they did not know, they were asked to find out. Due to this approach, the school children took ownership, found out from their

networks which kids had done the graffiti, and got the relevant kids to clean up the graffiti. The interesting thing is that because these so-called alternative and troublesome school children were trusted and given a sense of ownership, they protected and assisted the security for the shopping centre. This illustrates that, when children are engaged with, they become part of the solution rather than always being seen as the problem.

*Gagebrook Primary School*

86. During the period 2015-2018, I did some work at Gagebrook Primary School (**Gagebrook**) with Hannah Graham and Rosie Martin after I had met the vice principal who was in charge of discipline and who had invited me to come and observe. Over this three-year period, we worked with three different principals and vice-principles, but fortunately they all had the same idea with respect to how to manage Gagebrook. The way Gagebrook operated changed and evolved over time, but the core ideas remained the same.
87. The background to this is that the area of Gagebrook in Tasmania is known as one of the most economically depressed areas. There are a lot of vulnerable and marginalised communities, including Indigenous people, who attend Gagebrook.
88. My engagement was twofold. First, I wanted to find out more about how certain educational features were related to juvenile justice processes. In particular, I had heard about the 'pat a pony' program which was led by juvenile offenders (of around 15 and 16 years of age) and involving primary school students much younger. The animals (the ponies) provided a mechanism which allowed the young offenders to exercise responsibility while providing a pleasant and calming influence on vulnerable children attending the school. Second, I supervised an Honours project that investigated how education and social control occurred in ways that were progressive and enlightened.
89. For Gagebrook Primary School, during the period in question, pedagogy and community interaction was guided by the central concept of 'respect'.
90. When I first visited Gagebrook, it was one of the most tranquil, calm and pleasant school environments I had seen. The classroom setting was happy and friendly, and the kids were very well behaved. I was shocked by this as it

was not what I had expected, given the things I had heard about the Gagebrook area and demographic.

91. During my involvement with Gagebrook, and the team of myself, Hannah Graham and Rosie Martin, we discovered that over a period of two or three years the school had developed a restorative ethos. A lot of discussion of restorative justice only focuses on conflict resolution. There is more to it than that. I had spoken to various school leaders and they all agreed that coming down hard on school children does not achieve anything. Instead of doing that, they decided to try and understand what is going on in the lives of their students, and realised that if you adopt the trauma-informed care approach from the beginning, you look at the situation completely differently. From there, all the teachers, office staff and grounds people were told to adopt the same approach. The thinking was that if a child is acting out there is a reason for it, so instead of reacting to the child acting out, find out why they are acting in that way.
92. Hearing and seeing this approach at Gagebrook reminded me of standard practices of restorative justice. The senior staff we spoke to at Gagebrook described how it took two years to instil this type of thinking and discipline amongst staff and students, which went hand in hand with the goal for Gagebrook to be a place that is friendly and happy.
93. I prepared a slide pack for the University of Tasmania called 'Crafting Respect: Innovative Justice and Youth Offending', in which I describe some of the methods and techniques used by Gagebrook in a general context. Attached to this statement and marked **RDW-06** is a copy of this slide pack.
94. One of the principals of Gagebrook that we interacted with developed a system based on the "3 R's", which referred to Respect yourself, Respect each other, and Respect our place. This message was repeated at least three times a day in public assemblies to reinforce it to the staff and students.
95. Another thing we observed was that if a student was misbehaving in Gagebrook, the staff would sit the student down and have a conversation with them. Whilst this meant that staff acknowledged the issue and the student's misbehaviour, it was early non-intervention as opposed to conflict resolution. This type of discipline system that is perceived as fair, respectful and effective

in solving underlying problems contributes to the restorative ethos displayed at Gagebrook.

96. The reason I was interested in Gagebrook at the time was because a juvenile justice worker in Tasmania was volunteering at Gagebrook, with the assistance of two juvenile offenders, as part of the 'pat a pony' program with the students. It was the juvenile offenders who taught the students how to pat the pony. From this program I could see the young offenders developed empathy, but also gained a sense of responsibility because they were in charge of the program. The Gagebrook students, some of whom had been traumatised or were experiencing ongoing trauma, enjoyed the interaction with the pony. In the following years, there were other programs which enabled the students to interact with and look after different animals. The programs with animals seemed to do wonders for the kids; the animals had a calming and therapeutic effect on the children, and having the responsibility to look after the animals made the children more empathetic as they were thinking about something beyond themselves.
97. The final key thing I observed during my involvement with Gagebrook was the approach to trauma-informed care. The last of the three principals I engaged with was of the view that, as a school, the primary focus is on education, and that trauma-informed care was a foundation for how people should interact with one another. Trauma-informed care was used as a tool but it was not at the centre, which I found incredibly important. My view is that there is always room for therapeutic intervention, but it should not be the dominant focus in any institution because it can be repressive if it results in abuse or trauma being the defining factor of a child's identity.
98. I consider that Gagebrook exemplified a positive innovation embedded within a system that was generally reluctant for schools to take approaches which may cost money or require resources.
99. The initiatives taken by Gagebrook were independent of the Department of Education, and were driven by the people of Gagebrook themselves. The Department of Education did not provide the infrastructure for some of the IT work Gagebrook needed, so the school organised that on their own accord. The programs implemented by Gagebrook were not required or facilitated by the Department of Education, and therefore were not programs embedded in

the system. The input of the principals was a key element of the success of the initiatives at Gagebrook. If it wasn't for the three principals of Gagebrook being in charge one after another, all the positive and effective changes introduced at Gagebrook could have been undone at any point.

## **WHAT IS WORKING WELL IN TASMANIA**

### **Children's Court**

100. The Children's Court division of the Magistrates Court of Tasmania includes the family division and the juvenile criminal division.
101. In my view, the Children's Court is one of the things that is working well in Tasmania. This is predominantly due to some of the changes that have been implemented in relation to the Children's Court.
102. Until about 10 years ago, there was hardly any conferencing in the family division of the Children's Court; all the attention given to conferencing was in the juvenile justice system. There is now more conferencing that takes place in the family division, as well as the juvenile division. This reflects a shift towards a more restorative justice type approach in the family division of the Children's Court.
103. Separate to this, but something that has also changed for the better, is the shift in the training process, requirements and makeup of the magistrates in the Children's Court. It used to be the case that if a child or young person went through the court system, they would sit before a magistrate who was a generalist. Around 15 years ago, it was well known that there was a magistrate in northern Tasmania who was very harsh on children and young people, and who would resort to putting children and young people in detention. In southern Tasmania, however, the magistrates would not be anywhere near as likely to put children and young people in detention. The approach was therefore very inconsistent across Tasmania.
104. In recent years, the Magistrates Court has created a specialist role for certain magistrates. To my knowledge, there are now two magistrates who are designated as Children's Court magistrates. So, if there is a Children's Court

matter, it goes to one of those two magistrates to be dealt with. This allows more specialised training for these two magistrates based on the types of matters they are dealing with.

105. These two magistrates are essentially specialist magistrates, who deal with cases involving children and young people. The idea behind this specialisation is that the magistrates are culturally sympathetic to children and children's rights. An understanding of and sensitivity to children's rights, and implementation of the principles in the UN Convention on the Rights of the Child, is key to developing this expertise over time.

#### **Therapeutic oriented judges and magistrates in Tasmania**

106. In addition to specialist magistrates, which I think is a very positive development, I would love to see more therapeutic oriented judges and magistrates in Tasmania who are specially trained, fostered by specialist court divisions that could support this.
107. In my view, there are a combination of things required to effectively work towards having therapeutic oriented judges and magistrates. One such thing is by having a criterium in the recruitment of judges and magistrates that includes minimum knowledge of restorative justice.
108. Another element that could support therapeutic oriented judges and magistrates in practice is sentencing provisions that allow judges and magistrates to do things that are alternatives to detention. Part of the reason why children and young people were being put into detention in north Tasmania was because, for example, if a judge decided that a child would be put into a community program, practical issues would arise due to there being no community agencies or community programs in the northwest. As I mentioned above, without sufficient staff, resources or community programs, a child cannot be put into an alternative to detention because there are no alternatives. In such circumstances, the child is either let go or is put into detention. The topic of sentencing and the question of what options are available to a judge or a magistrate becomes really important.

109. It is my view that since the time former Chief Magistrate Michael Hill assumed that position, there has been some good progressive initiatives by the Magistrates Court generally.

## **ABORIGINAL AND TORRES STRAIT ISLANDER CHILDREN IN TASMANIA**

### **Issues around identity in Tasmania**

110. I consider that the topic of Aboriginal and Torres Strait Islander children and their over representation in the juvenile justice system in Tasmania is extremely complicated.
111. There have been some significant changes in the past 20 years, such as changes in terms of profile and culture surrounding Indigenous people, but there are some ongoing and/or underlying issues that are yet to be resolved.
112. I consider that issues around identity, specifically Indigenous identity, are extremely problematic in the Tasmanian context.
113. During my time in Adelaide, Perth and Melbourne in the period 1986-1999, I did a lot of research and wrote about Indigenous young people in each of these three cities. This is important given that the high levels of over-representation of Indigenous children in Australian justice systems. When I came to Tasmania, I found that as a non-Indigenous researcher and academic, it was more difficult to engage in a two-way dialogue with Indigenous leaders about juvenile justice, particularly operational matters that dealt with general policies, programs and projects. This is changing for a variety of reasons. For example, the hiring of an Indigenous criminologist at UTAS allows for greater collaboration between Indigenous and non-Indigenous, and projects and teaching about Indigenous people is led by Indigenous people.
114. In the mid-1990s, I was doing work in Melbourne in conjunction with the Australian Multicultural Foundation in relation to so called 'ethnic youth gangs'. As part of a national study I undertook, funded by an ARC grant, my team (mainly comprised of local youth and community workers) interviewed people from all around Australia including Hobart. From this research, we noticed that the discourse was highly racialised everywhere [interviews were held in all capital cities, plus Canberra], except for Hobart; for example, people in every

state or territory had a generalised perception that the prominent gangs in their state or territory was dominated by a specific [minority] ethnicity. Hobart was the only exception to this. The public image of youth gangs in Hobart, or even Tasmania more broadly, was what appeared to be Caucasian or 'White' youth [a description which, while ethnocentric, is not deemed as racialised discourse]. The project team in Hobart (of which I was a part) subsequently realised that these youth gang members were in fact from Indigenous families.

115. From my involvement in this national study, I observed that stigma and stereotypes are associated with people's understanding and perception of different cultures.
116. I consider that the question of identity and the political sensitivities associated with it make it a confusing and difficult topic to understand and navigate, particularly when the intention is not to perpetuate stereotypes and stigma surrounding race and culture.
117. For these reasons, I have never publicly spoken or written about the fact that the "Glenorchy Mafia" [our Hobart sample] consisted primarily of Indigenous young people even though the image was one of [White] 'Bogans'.

#### **Growing knowledge about culture and community**

118. At Lungtalanana Island (which is also known as Clarke Island) there was a juvenile justice program specifically for Indigenous young offenders, where Indigenous leaders would do cultural outings and teach the children various things.
119. In the early 2000s, when it was first introduced, the approach of Lungtalanana Island was touted as the 'alternative' to mainstream juvenile justice programs and approaches;
120. In my view, there has been a significant change in the last 20 years in regards Indigenous public profile, although the periodic 'gap' reports still present a damning picture of overall Indigenous health and wellbeing. Nonetheless, change is evident around Australia, and certainly in Tasmania. For instance, there is an increase in the embedding of Indigenous words into our everyday language, for example the way we refer to Kunanyi, Mount Wellington.

Tasmania has an Indigenous name, Hobart has an Indigenous name, and there are Indigenous names and words that are used all over Australia.

121. I have observed that what has happened as well in the last 10 years especially, is that there has been a reclaiming of language so that Indigenous language is being taught within the Indigenous community. There is now also widespread knowledge and awareness of the Palawa people, who are the Indigenous people of Tasmania.
122. The growth in general appreciation and respect for Indigenous culture and community means that having specialist responses for Palawa children is more conceivable in the present day. For example, having tailored Indigenous cultural programs for young offenders today makes more sense, from the point of view of public perception and reception, than it did 20 years ago.

#### **Green criminology**

123. Cultural training that Indigenous children and young people receive today in Tasmania includes a range of things involving nature. This involves getting children and young people out into the bush, teaching them the bush, and teaching them the country.
124. This ties into the sphere of green criminology, and the importance of the environment and environmental projects, and the notion that health and wellbeing is tied to nature.
125. I think that embedding young people in nature, regardless of whether they are of Indigenous or non-Indigenous background, is always helpful and enriching.

I make this solemn declaration under the *Oaths Act 2001* (Tas).

Declared at [place]

on [date]

.....  
[Signature of witness]

Before me

.....  
[Full name of Justice, Commissioner for Declarations or Authorised Person]

draft



## ATTACHMENT RDW-01

This is the attachment marked **RDW-01**, referred to in the witness statement of Robert Douglas White, dated [day] [month] 2022.

draft

## **ATTACHMENT RDW-02**

This is the attachment marked **RDW-02**, referred to in the witness statement of Robert Douglas White, dated [day] [month] 2022.

draft

### **ATTACHMENT RDW-03**

This is the attachment marked **RDW-03**, referred to in the witness statement of Robert Douglas White, dated [day] [month] 2022.

draft

## **ATTACHMENT RDW-04**

This is the attachment marked **RDW-04**, referred to in the witness statement of Robert Douglas White, dated [day] [month] 2022.

draft

## ATTACHMENT RDW-05

This is the attachment marked **RDW-05**, referred to in the witness statement of Robert Douglas White, dated [day] [month] 2022.

draft

## **ATTACHMENT RDW-06**

This is the attachment marked **RDW-06**, referred to in the witness statement of Robert Douglas White, dated [day] [month] 2022.

draft