

THE LEGISLATIVE COUNCIL SELECT COMMITTEE ON ASHLEY, YOUTH JUSTICE AND DETENTION MET IN THE LEGISLATIVE COUNCIL CHAMBER, PARLIAMENT HOUSE, HOBART ON TUESDAY 27 MARCH 2007.

Ms ALISON JACOB, DEPUTY SECRETARY, DEPARTMENT OF HEALTH AND HUMAN SERVICES, AND **Mr STEPHEN BAYLISS**, DIRECTOR, YOUTH JUSTICE, DEPARTMENT OF HEALTH AND HUMAN SERVICES, WERE CALLED, MADE THE STATUTORY DECLARATION AND WERE EXAMINED.

CHAIR (Mr Hall) - We have a submission from the Department of Health and Human Services. Would either of you like to give a very brief overview of your report?

Ms JACOB - We attempted to provide you with as much data and information as we could. We were taking the view that the more information you had the better you were placed to address your terms of reference.

Mr WILKINSON - With education, it seemed there might have been some tension between DHHS and Education in relation to the delivery of proper programs for the school. Do you believe there is tension and do you believe that can be sorted out?

Ms JACOB - I worked in education before I came into DHHS and I have had responsibility for youth justice for a little over 12 months. So I have seen it from both sides of the table. In my view, the people who are involved in the delivery of education and training programs, whether they are working for DoE or DHHS, are deeply committed to providing the best and most extensive programs they can within the resourcing that they have available to them. From that point of view I do not honestly believe there is any tension. Nobody saying it is a low priority or we do not think these kids are worth spending time on. I think there is a very deep commitment to providing the best that can be done.

Mr WILKINSON - No question about the commitment. It is a question about the resources for the extra programs.

Ms JACOB - In an ideal world, we would all like to have more resources for the work we do. I think education has made a strong commitment, certainly over the last three or four years, to put a lot more energy, resources and teacher time into the school at Ashley. So I think there has been a commitment from Education to do that. Would we like to do more? I think, as Mr Smith said, yes, we would love to do more. We all recognise that education and training are important, not just for the young people at Ashley but also for what happens before they come into Ashley and when they go out of Ashley. I think you have to keep those two things in mind. It would be useless, in my view, to simply concentrate on the programs at Ashley if we were not also considering the pre-Ashley and post-Ashley links. From my point of view it is very important that it is linked into other Education department programs in schools.

Mr WILKINSON - There seems to be more communication now; the pilot scheme in Launceston I think is a typical example of that. We were told that there were 10 hours a week in education, as opposed to 30 hours a week in other States. That, to me, is not enough. We were told 15 hours yesterday and, with the extra from DHHS, it goes up to

25 hours. There seems to be a problem in relation to the output of education whilst at Ashley, which is exacerbated by the fact that, over Christmas time and during the holiday period, people who might be there for a short time have to pull up stumps and not have any education at all.

Ms JACOB - I would make several points. The first one is that when young people are at the school they are getting a very intensive input of education because the ratio is very good. They are getting pretty well one-to-one, direct, intensive teaching. So from that point of view they get a pretty good deal. That is combined, obviously, with group programs, more general recreational programs, as would happen in any school environment. Kids would not be sitting down one-to-one and having direct interaction with the teacher all the time, but they are on site.

Should we do more during school holiday time? Yes, I believe that we should. I think that is a really big gap and I know Education agrees with that. With Education running the school at Ashley there are many positives because I think it is really important that the school is part of Education and seen as part of the continuum of educational programs. It has the same curriculum, it has the same standards of teacher registration and so on. I think that is really important. However, one of the downsides obviously is holidays. Ashley operates all year round whereas schools operate for 40 weeks. There is a big gap there and I think that is significant issue.

CHAIR - Other States seem to cover that off?

Ms JACOB - Yes, and I think that ought to be something we could do. Clearly that would raise issues for the education system in terms of their recruitment of staff and principals and so on, who would be used to having normal education conditions. That is something that would have to be sorted out. When I talk to the young people up there, they love going to school. There are very few who do not. They love the computers. They like the direction and they like the attention. The teaching staff are very skilled and they are able to work with the young people at the level they are coming from, recognising that often it is very low. Many of the young people at Ashley arrive virtually illiterate.

Mr WILKINSON - People I have acted for in another life love showing you their certificates when they come out of prison. They have all these certificates and they would show them to you without you really having to ask. Are there enough certificates awarded for the courses that are being undertaken by these people?

Ms JACOB - Are they all getting formal accreditation?

Mr WILKINSON - Yes.

[10.15 a.m.]

Ms JACOB - The ones that can be accredited are being accredited but many of the young people do not reach the standards required for accreditation. Do they get acknowledgment and recognition in the form of informal certificates? I can only answer that by saying that I went to the award ceremony at the end of the last year and gave out the certificates and it took well over an hour. I do not think there was a young person in the whole place who didn't get a certificate for something. I know how much the young people value that. Despite the fact that there was the typical behaviour of hanging the

head and not making eye contact and treating it as if it was incidental, they loved it. From the point of view of giving them some tangible evidence of their progress and recognition of where they had made effort, that certainly happens and I think it is terrific.

Mr MARTIN - One of the issues that have been identified is that a large percentage of kids at any time are on remand and that makes it very hard in terms of their schooling and education. Can you think of any ways of overcoming those issues?

Ms JACOB - I think that the major way of doing it is not to treat Ashley as if it were a separate educational provision but to see it as part of a continuum, which really has to be linked to where they have come from and what happened afterwards.

Mr MARTIN - I agree with that, and that is probably what I was leading to. We have been told that it is not happening enough.

Ms JACOB - No, I don't think it is. That is the reason we got people together towards the end of last year with people in Education and Human Services. It was to look at how we could address that, not just for the young people of Ashley - bearing in mind that many of them come in and out very frequently - but more generally for young people in the Youth Justice system. As a group, young people are very poor attenders and their general achievement levels are low. They are not the young people who easily fit into the school system per se, so they present a much broader issue for education than simply while they are in Ashley and then go back to a school because they don't fit back into school. They are the ones whom when I was in Education I would have recognised as the most difficult people for us to work with.

Mr MARTIN - This is really important because if you get a 12-year-old who goes into Ashley their past probably means that they have not spent a lot of time in school and if you could devote the time at Ashley to get them into the mode of thinking about school you could have a real impact on rehabilitating the child.

Ms JACOB - And that often does happen. I have seen that happen. What you then have to work on is being able to link them into an appropriate program once they leave Ashley. That is the critical thing, getting that sort of continuity. Again, some schools are terrific about that and some accept the fact that those young people are definitely their responsibility and they do it absolutely spot on. Other schools have difficulty accepting that responsibility.

Mr MARTIN - Just on this point, whose responsibility is it to make that link happen? Is it DHHS or Education or -

Ms JACOB - I think it is a combined responsibility. I don't think anyone really benefits from siloing it and saying, 'It's not our problem; it's your problem'. We need to work together on that, and often on the ground you get people who work really well together. Where you can get that happening you can see the results and you get the success stories, but it does tend to depend on real commitment at the grassroots level of people being willing to go the extra mile. These kids are not easy to link into the school system and it is very easy for them to get lost in the process.

Mr DEAN - In relation to education, there has been review on review on top of review at Ashley. The education system and the differences between education at Ashley and the holiday period is a real concern. DHHS has a responsibility for Ashley in the rehabilitation of youth there. Why hasn't DHHS done something about this a long time before this to try to make these changes and improve Ashley and have the education built up to where it ought to be? Why has there been this long delay? That is what people are asking questions about.

Ms JACOB - I don't think there has been a sense of people sitting back and doing nothing. Obviously what DHHS has done is put in extra recreational programs over the holiday period so they do up the activities which are provided in the holiday period in recognition of the fact that the young people aren't going to school during that time, so I do not think it is a question of saying that nothing is ever done and no-one has ever done anything. I think people have done quite a lot. If you look at the staffing levels at Ashley, you will see that there are a lot of people there precisely to provide diversionary activities, other sorts of training programs, recreation programs during the non-school time and that is important as well.

Should we do more to work with education so that there is a more focused kind of educational program during the holiday time? I reckon that is where we ought to go. The point I am making though is that it would be, in my view, not very productive to just do that with Ashley kids. I think we need to be really looking at all the Youth Justice kids and how we can link them in across that whole continuum.

Mr DEAN - How often do you talk to the Department of Education about your perceptions and the way you see things going with education at Ashley? Do you talk to them regularly and say, 'We have concerns because we have visited some of these other sites and we believe that they have got it right'? How often do you talk to them?

Ms JACOB - I know that there are constant conversations back and forth between Education people and DHHS people and I have been involved in them from both sides over many years so it is not as if it is a stand-off and people have never spoken to each other. I know at the moment that what we are doing is within a group that was specifically convened for that purpose late last year and we are working on that. Again, that pilot program that I know you heard about yesterday was one of the products of that. It is a constant process with people wanting to do more, I guess.

Mr DEAN - There is a lot of evidence that has been brought forward that there are dual responsibilities and dual roles and things do not go the way they ought to go in those situations. Do you believe that Ashley would operate much better if DHHS had absolute control over it all and told the Department of Education what you wanted and needed for the purposes of rehabilitation? That is what Ashley is all about. It is about rehabilitation.

Ms JACOB - You will not have any argument from me on that.

Mr DEAN - Right.

Ms JACOB - I would strongly support the view that what we are talking about here is rehabilitation and clearly that is what Ashley primarily exists for. If you are suggesting

that I should be in a position - and I think you said 'to tell Education what they should do'

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Mr DEAN - No -

Ms JACOB - I do not think that is necessarily the way to proceed.

Mr DEAN - No, what I said is to tell Education of the number of programs, the things that you want, not to tell them how to deliver them but to structure their programs more so there is more activity. We have spoken to one youth worker who has been there who says the reason they get into trouble is that they are bored, absolutely bored. There is nothing to do and if they get bored they want to play up. It was as simple as that.

Ms JACOB - I have heard young people in the community say exactly the same thing so I do not think that is unique to young people at Ashley. That is a common characteristic that kids talk about. If you are asking me whether there should be a really clear way in which there is responsibility and acceptance of responsibility for the education and training programs that are provided both at Ashley and for the children and young people who are coming in and out of Ashley, I absolutely agree that that ought to be a very clearly defined line of responsibility. In my view, it would be very retrograde for DHHS to take on responsibility for providing educational programs. We are not the experts in providing educational programs and I think that would increase the separation of Ashley schooling from what is provided before and after. I also believe that the expertise that people in Education bring to that field is invaluable and we would have great difficulty recruiting educational experts if they were not part of a broader education system.

I believe that that is very firmly Education's responsibility. If you are asking me are there ways in which we can make sure that we are a lot clearer about what should be provided during school time and non-school time, holiday time, after-school time and what the links are there, absolutely, and I think there has been a lot of progress made on that in the last few years but clearly that can improve.

Mr WILKINSON - This dual agency response is like anything else: if you have to go through one department and then another department, sometimes the process breaks down.

Ms JACOB - In my view, where you get people working together it is because they have a commitment to really want to work together and at all levels of staffing they make that happen. In my view, it makes very little difference whether you are part of one department or another department. You can have as much difficulty getting cooperation and liaison between people in the same agency as you can between different agencies. So in that sense I think that the critical point there is how you get people's commitment to working together. In my view, it always happens where the focus is on the needs of the young person and I have seen that happen really well.

Mr WILKINSON - So to the question of whether Ashley would be more efficiently managed if it was controlled by the one government department, your answer would be no, because I think there has to be that dichotomy between -

Ms JACOB - That would be my view.

Mrs JAMIESON - I am interested in having some early intervention - getting to the families before the kids get to Ashley. So is there a link between health and education for having a way of getting families on track, because we know there is this generational group of people who seems to go through our justice system? Any comment to make about how we can do that sort of thing better? I know that we have confidentiality problems, but -

Ms JACOB - I would absolutely endorse your comments and if you asked me the question, 'What could we do to improve the circumstances of young people at Ashley?', my view would be not having them ever get to Ashley. Clearly the evidence suggests that we can usually identify fairly early on the young people who are likely to end up on that sort of trajectory. I was looking at a New Zealand report just recently and they were making the point about the adult prison system that you can usually identify those kids and you can even define the characteristics of their mothers when they are born.

So it is not as if that is a difficult thing to do. We know there is a huge link between the child protection system and the young people who end up at Ashley. I think David Fanning's report mentioned that if you have the Secretary of the DHHS as your guardian, you are 20 times more likely to end up at Ashley than you would otherwise. There is no question about that. But if you look at some of the factors - poverty, lack of housing options, family characteristics of unemployment -

Mrs JAMIESON - So how much emphasis is DHHS putting on that prevention?

Ms JACOB - A fair amount and increasingly we want to do more. If you have had a look at any of the work that we have done on child protection, you will see that what we are suggesting there is that if we really want to do something about stemming the group of people who end up in child protection, and often go on to end up at Ashley or in the youth justice system, the answer is really in Family Support Services, Early Intervention Services and doing a lot more to support families and young people at that very early stage. There is absolutely no question that the evidence supports that view and that is where we ought to be putting most of our effort. Even if you look at the budgetary circumstances for youth justice, the lion's share of the budget is in Ashley. We do not have sufficient capacity to put extra to -

CHAIR - We will move on to the Youth Justice Act in a moment if you like. In your submission on page 30 you state that there is an options paper being discussed by the Department of Education and it is expected to be available in 2007. Is that available yet?

Ms JACOB - I think you had a look at the paper about the pilot project with the 20 young people yesterday. And that is certainly -

CHAIR - It was discussed; we did not look at the paper.

Ms JACOB - Okay. That is clearly Department of Education paper. I have a draft of it but I have not got a final version.

Mr WILKINSON - How many hours per week are residents made to spend at the school? You are 12 years old, you go to school, and you have to be there for 10 hours or whatever it might be.

Ms JACOB - I do not think it is a case of how many hours they are made to attend. It is more a case of how many, within the staffing the capacity of the school, we are able to fit in, given the ratios of staff that are needed. My understanding is that varies from between about 10 and 15 hours, but it does depend on how many young people we have in at the time and so on.

CHAIR - Just a final comment on programs. The committee visited interstate and took evidence and it would seem that the structured programs that are available on the mainland are far superior to what we have here. Is that an indication that we are a small State with only the one facility and there is need for government to put in extra resources to try to bring those programs up to speed? In terms of using even the school farm and those sorts of things, we have had a lot of evidence to say that in the past the school farm was used well and productively and now it is not. Would you like to comment on any of that?

[10.30 a.m.]

Ms JACOB - I think that there is always room to do more. That is the classic answer isn't it? If we had more resources and if we had more capacity we could do more. But as Bill Smith pointed out to you, the staffing ratios are very good and the amount of 1:1 attention and the incidental activity that occurs between the workers and the detainee is very good. I have often been up there and watched them engaged in various recreational or sporting activities, so that happens.

In terms of the more formal activities, certainly they do have everything from yoga to music to various sporting activities. Obviously one of the difficulties there is where Ashley is situated and being able to pull in the appropriate people who are prepared to take on those kinds of programs for a period of hours in a week.

CHAIR - But it is close to the centre of the universe.

Laughter.

Ms JACOB - We had to put an end to rock climbing.

Laughter.

Mrs JAMIESON - It raises the question: would Ashley be better located somewhere else? Near other resources, for example - would that be a departmental thought?

Ms JACOB - That is not even something that we would think about. We recognise that the facility is where it is and we have to live with that and be able to work with it. There are clearly advantages with it as well but, yes, it is a disadvantage from the point of view of being able to, for example, link in to expert services. So, for example, we have been having some recent discussions with Legal Aid about how we can increase the access of young people to lawyers. Clearly the site is one of the issues there but there are ways around it.

Mr WILKINSON - There would seem to me that you have the ability to be on-line with the courts through the television proceedings. There does not appear to be that facility

available for the solicitors. If the solicitors could, maybe, go down to the courts, link up with Ashley to get their instructions they may be able to cut the remand time down quite markedly, which I think would be a great improvement to what is there at the moment.

Ms JACOB - They can do that and they do, and we are looking at how that can be facilitated. Certainly we have had a lot of discussions with court officials and with Legal Aid about what would make them more comfortable using the videoconference facilities. Part of this is the technical thing; we need to be able have all the technical things ironed out so they can hear each other and all of that kind of thing. It is happening more and certainly the technical side has been hugely improved but I do not think there is any replacement for face-to-face contact with your lawyer, certainly in the first instance, and Legal Aid agree with that. Because of the work we are doing in following up the recommendations of the detainee report, we have been negotiating with Legal Aid as to how they can ensure weekly visits to Ashley by Legal Aid so that looks at this aspect and is something that will be able to be done fairly easily. So that combined with videoconferencing is probably the answer. We did talk about whether it would be helpful to put the videoconferencing facility into the Legal Aid office and they were a bit lukewarm about that as a possibility but they basically made the point that they can access it when they need to and that that is not a major impairment.

Mr DEAN - We have heard Bill Smith saying he was doing what he could do with the resources that he had. We are talking about the rehabilitation of youths, we are talking about putting youths back on the right path as it were or giving them a good direction. How long can the Department of Health and Human Services continue to live with this notion that we can only do a certain thing with these resources and the finances that we have? How long is it before we can say that the rehabilitation of youth is critical and that we will provide them with the best possible option for rehabilitation?

Ms JACOB - I think if you look at the increase of funds that has gone into Youth Justice and specifically Ashley over the last few years you can see that there has been a pretty strong commitment to do more. There is no question in my mind that the rehabilitation of the young people is a very high government priority.

I have in my portfolio Housing, Disability, Children and Families and Youth Justice. All of those are issues which we would all argue could do with lots more resources and there is obviously a question of prioritising. Have I any doubt that the Government has a strong commitment to all of those areas? Absolutely none at all, and, within what I am able to do, I make absolutely certain that those kinds of young people who are involved with the youth justice system do get the maximum that we are able to provide for them.

I would make the point that I think that the young people who are not at Ashley are equally worthy, if not more so in many cases, of a focus for government resources than Ashley. If we look at the Youth Justice budget of \$11.5 million, \$8 million of that goes into Ashley. That does not leave a lot for the other 500 young people in the youth justice system so I am making a point that you have to look at the whole thing holistically.

I would also make the point that looking at youth justice in isolation from disability, child protection, housing and so on, is also not a good thing to do. We have to look at all that infrastructure and the resourcing that surrounds that group of young people.

CHAIR - Once again time moves along and we have covered but one of our terms of reference so I think at this stage we will move on to the adequacy of the Youth Justice Act.

Mr MARTIN - Alison, your last answer led into this perfectly because there is a large percentage of the Youth Justice money going into Ashley. One of the reasons for that may be that there are too many kids in Ashley who should not be there.

One of the things that shocked me in this process was the remand issue - the fact that there are too many kids in Ashley on remand and some spend far too long in Ashley before they get their day in court, which I found appalling.

I think with the evidence provided to us we might be reinventing the wheel because David Fanning investigated in 2005 and a review was conducted. He came up with five very good recommendations. In your report you have said that there is an inter-agency working party that has been formed to progress that. Can you tell me what progress has been made?

Ms JACOB - I chair that working party and we have had some very productive and useful meetings. I think it has been really good to bring people from Justice, Police, Education and Health together to work through the issues. The first recommendation was really to look at all of the things that came out of a youth justice workshop that had been convened by magistrates in the year before the report came out. That involved some relatively minor things such as videoconferencing facilities, provision of information to prosecutors, facilitating the court processes and speeding up the pre-sentence reports and all those kinds of things.

There has been a quite substantial amount of progress made on all those things. We have looked at all the things to do with the technical aspects of links, videoconferencing and so on. We have set up a group between Youth Justice people and the court officials that is meeting on a regular basis to iron out some of the glitches and to facilitate communication and scheduling of cases so that you do not get delays in the system. There has been good progress made on those kinds of things.

We have had really good discussions with Legal Aid about improving representation of young people who are at Ashley and that again has resulted in some productive decisions about increasing visits, which links with the things we have talked about previously. So there is a whole heap of things there that I think we have made good progress on. That was the first recommendation.

The second was around having better inter-agency protocols between Child and Family Services and the youth justice system. That started but we were in such early stages of reforming the child protection system and Child and Family Services that to proceed with an MOU before that happened would simply be to provide the piece of paper. It wasn't going to be very productive, so we are working together. Bearing in mind that I am responsible for both of them, it is not difficult to bring those people together, but I would say that we really need to do the initial work in the reform of Child and Family Services before we can productively get better links in with the youth justice system. So that is what is happening.

The third recommendation was that at that time the database was very poor. But that has been addressed and the database now meets all of the things that were asked for in the report.

Mr MARTIN - And the two databases are linked?

Ms JACOB - Yes, they are and there are also groups where people in different agencies are meeting more regularly to make sure that those issues around links are better. That brings us to the last two, and they are very much linked, the hard ones.

The first one was looking at the legislation around remand and bail and the other was to look at the bail options. What we are doing at the moment is a very detailed piece of work on what bail options are available, recognising that until we do that it is a bit premature to talk about changes to the legislation.

Mr MARTIN - What is the time frame? I really see these two as critical.

Ms JACOB - I agree. I have a full-time officer I have pulled off everything else to work on this at the moment. He has been given three months to complete that work. What we have been doing is looking at what other States and New Zealand are doing. We have the documentation from other places. We had a really good presentation - for example, we brought someone over from Western Australia last week to give us a very useful afternoon's workshop on the kind of very intensive program they have there that is getting phenomenal results - a reduction in repeat crime of the young people who are habitual offenders who are involved in that program from between 20 per cent and 70 per cent, which is an incredibly large reduction. So we are looking at that program. We have looked at what they have done in New Zealand and we are bringing that together.

CHAIR - Obviously New Zealand in your view is a good model. They have done some pretty innovative stuff there.

Ms JACOB - Everybody is doing very similar sorts of things but in slightly different models. The basic premise, I suppose, is to provide very intensive one-to-one support for young people during that period when either they are on bail or we are trying to prevent them coming back in through the system. I think there is no question that where you do that well - and by doing it well I mean it is more than simply throwing staff at it; it is having a properly theoretically-based model, it is having the right level of supervision and, most importantly, having the right people to do the work. I think that is the critical issue. The West Australian program, which is based on an American model that seems to have been used in pretty well every country now very successfully, so therefore it has good generality from one program to the other, that is obviously where we would like to go. Certainly the evidence would suggest that doing that is less expensive than putting people into custody. It is kind of like a chicken-and-egg thing. If we can save young people from going into Ashley that would give us some capacity to provide the programs we need to provide in order to stop them going into Ashley. We have to break the circuit somewhere to do that.

Mr MARTIN - I think the committee was fairly impressed with what they are doing in Victoria. I can't remember off the top of my head, but if you look at the statistics, the young people in detention in Victoria as a percentage of the youth population compared

to that of Tasmania is amazingly different. When you look at some of the kids in Ashley there are far too many there that shouldn't be.

Ms JACOB - We would certainly want to keep the remandees out if we possibly could and we would want to reduce the number of young people who end up at Ashley. We have a high rate of young people under the supervision of Youth Justice, so that is the general Youth Justice population. Our actual rate of detention is not hugely high, so you need to keep those two things separate.

CHAIR - I will selectively quote a statement that was made by somebody in evidence who has been very close to Ashley:

'The high number of remand admissions and the subsequent low numbers actually convicted and sentenced to a detention centre order are at the heart of Ashley's problems.'

Would you agree with that statement?

Ms JACOB - I think that was really the point behind the report on remandees by the former Commissioner for Children and why he recommended we ought to do as much as we could to reduce the number of young people on remand at Ashley. The fact that we are progressing those recommendations as quickly and as powerfully as we can, would mean that we agree with that. We want to keep as many young people out of Ashley as we can, even bearing in mind that many of the young people who are there on remand have that period of time taken off their sentence if and when they are sentenced. Everyone would agree that it is not a good model so if we can avoid having the young people going in there in the first place -

Mr MARTIN - I am looking for an assurance - it always worries me when there is more than one government department in play fixing the problem.

[10.45 a.m.]

Ms JACOBS - Welcome to my world.

Mr MARTIN - I suppose what I am looking for is the assurance that this review and this inter-agency work that is going on to fix those points 4 and 5 from Fanning's report is really a top priority. Can you give me that assurance?

Ms JACOB - I can give you the assurance that I have someone working on it in terms of providing the information and the evidence. We really need to look at the options because we didn't know what the options were. That that report will be completed as soon as possible. As I say, I have given my officer a three-month time frame.

Mr MARTIN - Is there a commitment from the other departments?

Ms JACOB - Certainly, the people who are around the table from all of the other agencies are very committed to getting that work done. If some of the implications exposed by the options impinge on other departments, as inevitably they will, certainly I do not have any sense at all that there isn't a really strong commitment to do something about it.

Mr WILKINSON - One of the problems with the remand is that sometimes there is nowhere else to go and magistrates do not like doing it but they say, 'Look, nowhere else to go, therefore you have to go to Ashley'. So what are we doing in relation to that? Some say a half-way house has been mooted. Will that be looked into or do you have any ideas about that?

Ms JACOB - There have been at least two pilots that I am aware of where there has been some money put into housing options in particular and support options for young people involved in the juvenile justice system precisely to provide them with an alternative to ending up in Ashley. We always come down to the problems around the number of available options and the number of available people to provide that care, because it is not just a case of providing a house, it is a case of providing the right staff to do the support for those young people. I suppose I come back to what I said earlier, that that is clearly where I think I want to put more emphasis in my portfolio - to put the right staff in place to do some of those programs better. It is certainly not an easy thing to do because these young people are not easy to deal with. So you do have to have the right sort of staff, the right training, and proper supervision and support, otherwise they burn out very quickly. They feel that they are working against the tide and what they are doing is not really part of a bigger system. That is what we have to try to make it.

Mr WILKINSON - It would seem to me you could get some synergy between this half-way house and other youth work within that same half-way house.

Ms JACOB - Absolutely, providing the accommodation, whether it was a half-way house or whether it was a hostel or whatever, is one part of it but another part is providing the staffing, the links and the programs. The young people have to be linked in to the school system so it is getting all of the ducks lined up, I suppose, to make it work, which is why the commitment from the other agencies is vital. The DHHS just cannot do this on its own and I suppose that is why the Government was committed to setting up the inter-agency working group to make it happen.

Mr WILKINSON - To what degree is there a follow-up of further case management of young offenders released from Ashley?

Ms JACOB - Again, we do employ case managers and they do do follow-up within the limits of the numbers that they can cope with. If you look at some of the figures that are quoted in that submission, you will see clearly the amount of work that is generated by community service orders, by community conferencing and so on - the growth there has been incredible and while there has been an increase in resources and there has been an increase in staff to do that to a certain degree, the staff can only cope with the numbers that they can do.

Mr WILKINSON - They are under a huge amount of pressure, aren't they? The probation officers are under a huge amount of pressure, I would imagine, the same type of pressures involved with the youth as well.

Mr JACOB - I think that there is a real commitment by all of the Youth Justice workers to some of those diversionary strategies - community conferencing - they have added in another layer of looking at conferences for very complex clients, recognising that they needed a much more intensive way of operating and they are deeply committed to inter-

agency support teams that the police initiated. Again, that is a really positive way to work. There is no question that all of the tools are there, all the processes are there, the commitment is there and the staff are there; it is just that the work keeps increasing and we are constantly up against it.

Mrs JAMIESON - Would the department have any comment on the Bracks camps idea - nature camps or whatever?

Ms JACOB - No, I wouldn't have any comment. I do not know enough about it.

Mrs JAMIESON - Does the department or Ashley have the capacity to get dollars from the Commonwealth for individual programs or something like that?

MS JACOB - Where there are various Commonwealth contributions to programs in education or whatever else, certainly we are aware if those funds are available and we would certainly do our best to leverage them. However, in most of the areas within Youth Justice that is pretty well the State's responsibility.

Mrs JAMIESON - So Ashley itself wouldn't have the capacity to get dollars from the Commonwealth?

MS JACOB - They might get some in small grants for particular purposes.

Mrs JAMIESON - But they are not being supported because there is quite a lot of Commonwealth money around and there is much more emphasis now on youth justice and the issues involved with it.

MS JACOB - I would be pretty confident that we knew about all of the funds. If there were any paths we would have gone down them.

Mr DEAN - When is there likely to be another review of the Youth Justice Act? I notice in your submission you say that 2002 was the last amendment of any consequence. I ask that because we have been given evidence that the act is very restrictive in sentencing opportunities.

MS JACOB - The act has been in operation since 2002.

Mr DEAN - It started in about 2000.

MS JACOB - There have been a number of minor amendments over the last couple of years and we have a couple going through this year.

Mr DEAN - Can we expect one to deal with sentencing options?

MS JACOB - Certainly the ones we are looking at this year are not sentencing options. They are on some specific characteristics of police interviewing and so on. It certainly has been brought to my attention on a number of occasions that the act is probably due for a full-scale review. I think that would be a useful thing to do but I don't want to do it until I have the capacity to do it properly; otherwise it will simply be a half-hearted attempted. I really want to do it properly. I know people in Youth Justice have put up some fairly

strong arguments that we need to revisit it, not necessarily from the point of view of sentencing options - though I don't know the specific thing you are talking about. We really need to go back to the intent of the act and see how well it performs some of its philosophical commitments in terms of diversion and so on. I think there is a case for doing that and it certainly would be on our agenda, but I would want to do it properly so that really needs resources.

Mr DEAN - Things like home detention have been mentioned to us. The Youth Justice Act seems quite restrictive as to where youth are remanded. Where a youth is remanded in custody in Hobart at say 12 o'clock at night or even later, a car from Ashley comes down to Hobart, picks them up, gets them back to Ashley for breakfast, then they are back in the car and brought back down to Hobart again.

MS JACOB - That is one of the disadvantages of where Ashley is, isn't it? I know that has been brought to my attention as well.

Mr DEAN - Can we expect to see changes with the amendments to allow for retention here in Hobart. It specifically relates to Hobart, I think, more so than the north-west coast.

MS JACOB - I can remember David Fanning raising the same issue so it certainly is not a new one. Yes, the act is something that we would like to review but, as I say, I don't want to commit to doing that without knowing that I can do it well. That means it needs to be within some of the other priorities of legislation that we have on the go at the moment. I don't want to give an off-the-cuff response to whether or not that should be a specific part that is amended because I haven't looked at that specific issue. I think we would all agree that where technical anomalies result in that sort of activity for no good reason, then that is a good reason for doing something about it in a full-scale review of the act.

Mrs JAMIESON - I notice in your notes that you say, 'The formal diversionary procedures only apply to young people'. We are only talking about young people, so is there an age limit in there when we are talking about youth conferencing and things like that? How strenuously is youth conferencing applied and how effective is it?

Ms JACOB - Certainly community conferencing is very strenuously applied. In fact we have no control over that workload because that is something where we are basically directed to do a community conference. I think the figures show something like a 48 per cent increase over the last year.

Mr BAYLISS - Yes, it has increased about 40-something per cent.

Ms JACOB - It is a massive increase in the number of community conferences. We have a project in Youth Justice at the moment looking at how effective community conferencing is and what we can do to improve it, bearing in mind that it has been done regionally and there are regional differences. We do not have a really good database of outcomes and things like that, so there are a lot of things we could do to improve it. We probably need to revisit the training of our facilitators and to look at some of the other procedural issues. So that is something we are conscious of and ought to be working on as much as we can. We do have people working on that at the moment. Is it a successful strategy? Anecdotally, if you talk to the people involved in that process they would say it can be

an extremely powerful and very effective process when it is done well. It is like everything else, you have to do it well.

Mr WILKINSON - Statistics can be swayed, though, can't they? There are a lot of people who go those diversionary conferences who are not going to commit offences again. Some are brought in for very petty matters and up go the statistics because those kids are not going to do it again.

Ms JACOB - That is always a problem when people compare young people who go through that process as opposed to Ashley; it is not comparing apples with apples. However, I think any diversionary strategy that we can bring to bear is worth doing if we can possibly do it.

Mrs JAMIESON - So is a young sex offender, for example, put through conferencing?

Ms JACOB - An assessment is made as to whether or not this would be a suitable case for community conferencing. That would depend on a huge number of factors - the nature of the offence, the nature of the young person, circumstances and everything else - so I cannot give you a watertight answer to that. It is an individual assessment.

CHAIR - The public perception is that the actual culture within Ashley is so bad that the centre ought to be pulled down to make a fresh start. If money were no object, what would be your view?

Ms JACOB - I am always wary of 'if money is no object' questions. In a State the size of Tasmania the economies of scale dictate that we will never have the capacity to have the number of options that you would like to have.

CHAIR - Like New South Wales, where they have nine centres, for example, and they can segregate people. I understand that.

Ms JACOB - You could start afresh and build a new Ashley but I think you would have the same issues - a relatively small number of people for whom you are providing a service and inevitably not being able to provide all the different options you might want to provide.

Since I came into this job, I have visited Ashley seven, eight or nine times - I cannot remember exactly. I have talked to the young people. I have talked to the staff. I have been in and out on many occasions. I have been there when some incident has happened. I have been there when things have been relatively calm. When you walk around you never get the sense that it is chaotic, disordered or badly run, despite the anecdotal evidence you have been provided with. I am provided with that evidence as well.

[11.00 a.m.]

Staff culture is the critical thing; buildings, in my view, are incidental to the culture of the staff. You could build a completely new building and put the same staff in and you would have exactly the same circumstances. That is not to imply that there is anything wrong with the staff. We do really take that seriously. For example, in all of the areas that I am responsible for, last year we did an organisational health survey. It was entirely confidential and open to all staff to participate in. It was really looking at what was

going on in the place we work, how do decisions get made, what is the leadership like, what is the culture of acknowledging success and performance, and the way all of those things are interrelated. We used a firm to provide that service; we had used it in Education and I had seen it work. I had seen it really turn schools around. If you can provide people with the information their own people are saying about their culture and their workplace then you then have something to work with. If you just go on anecdotal evidence, what somebody said last week or whatever else, you have no information and people can deny it or say it is not true. All of that information was entirely confidential. I just wanted to make the point that we are providing that service and we are following up from the information that was provided in that survey. We will be repeating it again this year so that we can work with staff on some of the issues of culture that they identify as requiring support, help or whatever else.

I just want to make that point because I think it is really important that you do not think I sit here in blissful ignorance of issues that need to be addressed or that we don't have to work on all of those things. There are cultural dysfunctions. I am not singling Ashley; it could equally apply to any of the other areas of my portfolio. Organisational health has to be my top priority because my services, whether I am talking Disability Services or Child and Family or anything else, will only be as good as the staff and the staff will only be as good as the support and help we provide in the workplace.

CHAIR - Thank you, Alison; it is stumps and I think we will play again on another day.

THE WITNESS WITHDREW.