

Statement of Michael PERVAN

RFS-TAS-052

Name	Michael Pervan
Address	Level 7, 1 Franklin Street Hobart in Tasmania
Position	Secretary, Department of Communities Tasmania

1. This statement is made by me in response to RFS-TAS-052, issued on 25 May 2022 by the President of the Commission of Inquiry into the Tasmanian Government's Responses to Child Sexual Abuse in Institutional Settings (the Commission), the Honourable Marcia Neave AO.
2. My name is Michael Pervan and I am the Secretary of the Department of Communities Tasmania.
3. A reference in this statement to 'the Department' refers to the Tasmanian Government department which is responsible for Ashley Youth Detention Centre ('AYDC'). As of July 2022, this is the Department of Communities.
4. While this statement is made by me, all the opinions, analysis and material other than statement of fact are as provided to me by senior practitioners within the Children, Youth and Families ('CYF') Division of the Department of Communities Tasmania.
5. At the outset of this statement I wish to acknowledge the survivors of child sexual abuse and other forms of abuse that occurred at AYDC. I have and continue to be personally deeply impacted by the survivors' experiences at AYDC and as Secretary of the Department, I sincerely apologise to each and every young person that Tasmanian Government Departments did not provide safe and secure care for at AYDC.
6. I acknowledge that the trauma that survivors suffered has, and will continue to cause severe physical, mental, emotional, and cultural pain. I also acknowledge that your pain will be life-long. That the abuse impacts who you are, who you wanted to be, and how you feel about yourselves and others. I acknowledge that trauma has been transmitted into your relationships with your families including your children. The pain is lifelong.

Q.1 Describe the following information in relation to the ability of the Secretary of the Department to delegate their powers under s. 165(1) of the Youth Justice Act 1997 (Tas) during the relevant period:

7. The Youth Justice Act 1997 (YJ Act) prescribes specific powers and functions to the Secretary of the Department unless the Secretary delegates any of the prescribed functions or powers to another person, namely senior Departmental employees, under s 165 of the YJ Act. A copy of the YJ Act as of 7 June 2022 is Annexed at Annexure 1.

a) whether the Secretary has delegated any such powers.

8. As Secretary of the Department and as a prescribed person under the Youth Justice Regulations 2009 (Tas) ('YJ Regulations'), I have delegated a number of powers and functions pursuant to s 165 of the YJ Act. The Instrument of Delegation dated 9 March 2022 is Annexed at Annexure 2.

b) When the Secretary delegated those powers.

9. The detailed and comprehensive delegation of powers from the Secretary to subordinate positions within the agency has been practice since the declaration of the current YJ Act in 2000. Delegations are regularly reviewed and updated to maintain currency with legislative amendments and organisational changes.

10. As stated above, on 9 March 2022, I executed the current Instrument of Delegation located at Annexure 2. This Instrument of Delegation revokes all previous delegations made by me under the YJ Act and is subject to the conditions stipulated within the Instrument.

c) Which powers were delegated (and what, if any, conditions or limitations were those delegations subject to), and

d) To whom the powers were delegated.

11. The powers and functions delegated to Departmental staff are described in Table 1 below. Table 1 is a simple summary of the delegated power/function for the purpose of this statement and does not operate in lieu of the section of legislation to which the delegation relates.

Table 1 – delegations under Youth Justice Act 1997 (Tas):

Delegated section of the Youth Justice Act:	Delegates	Restrictions
Diverting youths from court system – Part 2 YJ Act		
Section 6A: approval of activities that may be performed as community service, including programs that constitute education or training, or programs run for the purpose of assisting youths who have committed offences to reintegrate into the community.	Deputy Secretary – CYF Director – Children and Families Area Manager – Youth Justice Services (South) Manager – Community Youth Justice (North)	
Section 12A: determine whether to convene a second community conference with reference to	Deputy Secretary – CYF	Deputy Secretary – CYF, only with

s 9(1) after youth fails to participate in first community conference.	Director – Children and Families Area Manager – Youth Justice Services (South) Manager – Community Youth Justice (North) Team Leader – Community Youth Justice	respect to s 12A(2)(b).
Section 14: assigning a facilitator to convene and facilitate a community conference.	Deputy Secretary – CYF Director – Children and Families Area Manager – Youth Justice Services (South) Manager – Community Youth Justice (North) Team Leader – Community Youth Justice	
Arrest, search, bail and custody of youth – Part 3 YJ Act		
Section 25: if youth is denied bail, determining whether youth is detained in detention centre or in prison.	Deputy Secretary – CYF Director – Children and Families Manager – Custodial Youth Justice Assistant Manager – AYDC Operations Manager – AYDC Coordinator – Training and Admissions AYDC	Operations Manager – AYDC, only if Manager – Custodial Youth Justice, is vacant or the incumbent is on leave or unable for any other reason to perform the relevant function. Coordinator – Training and admissions AYDC, only if incumbent is on after-hours roster and positions of Manager, Custodial Youth Justice and Assistant Manager are vacant or the incumbent to the positions are on leave or unable for any other reason to perform the relevant function.
Court proceedings against a youth – Part 4 YJ Act		
Section 31: information sharing exemptions between Government Agencies on disclosure of information on court matters concerning youths.	Deputy Secretary – CYF Director – Children and Families	

<p>Section 45: information sharing exemptions between Government Agencies on disclosure of information concerning community conferences.</p>	<p>Deputy Secretary – CYF</p> <p>Director – Children and Families</p>	
<p>Section 55(1): authority to make an application for an order concerning release and adjournment order if circumstances of youth have changed since adjournment, or youth is unable to comply with a condition, from the time the order was made.</p>	<p>Deputy Secretary – CYF</p> <p>Director – Children and Families</p> <p>Area Manager – Youth Justice Services (South)</p> <p>Manager – Community Youth Justice (North)</p> <p>Team Leader – Community Youth Justice</p> <p>Senior Worker Facilitator, Complex Case Management</p> <p>Community Youth Justice Worker (6 positions)</p> <p>Youth Justice Worker – Community Development (3 positions)</p>	
<p>Section 56(1): authority to apply to the court for an order to continue, extend, remove or amend condition, or revoke the order, if it appears the youth has contravened a condition of the order.</p>	<p>Deputy Secretary – CYF</p> <p>Director – Children and Families</p> <p>Area Manager – Youth Justice Services (South)</p> <p>Manager – Community Youth Justice (North)</p> <p>Team Leader – Community Youth Justice</p> <p>Senior Worker Facilitator, Complex Case Management</p> <p>Community Youth Justice Worker (6 positions)</p> <p>Youth Justice Worker – Community Development (3 positions)</p>	
<p>Section 65: probation orders – youth required to obtain written permission of delegate to leave State and must submit to alcohol or drug testing as directed by the delegate.</p>	<p>Deputy Secretary – CYF</p> <p>Director – Children and Families</p> <p>Area Manager – Youth Justice Services (South)</p>	<p>Area Manager – Youth Justice Services (South), Manager – Community Youth Justice (North) and Team Leader – Community Youth Justice, only in respect of s 65(4).</p>

	<p>Manager – Community Youth Justice (North)</p> <p>Team Leader – Community Youth Justice</p>	
<p>Section 67(1): authority to apply to the Court concerning probation order (discharge, continue, amend period, amend conditions or revoke).</p>	<p>Deputy Secretary – CYF</p> <p>Deputy Secretary – CYF</p> <p>Area Manager – Youth Justice Services (South)</p> <p>Manager – Community Youth Justice (North)</p> <p>Team Leader – Community Youth Justice</p> <p>Senior Worker Facilitator, Complex Case Management</p> <p>Community Youth Justice Worker (6 positions)</p>	
<p>Section 68(1): authority to apply to the court if a youth has contravened a probation order or special condition.</p>	<p>Deputy Secretary – CYF</p> <p>Director – Children and Families</p> <p>Area Manager – Youth Justice Services (South)</p> <p>Manager – Community Youth Justice (North)</p> <p>Team Leader – Community Youth Justice</p> <p>Senior Worker Facilitator, Complex Case Management</p> <p>Community Youth Justice Worker (6 positions)</p> <p>Youth Justice Worker – Community Development (3 positions)</p>	
<p>Section 69: for a youth subject to a community service order, to submit to testing for a controlled substance or alcohol, as directed by the delegate.</p>	<p>Deputy Secretary – CYF</p> <p>Director – Children and Families</p> <p>Area Manager – Youth Justice Services (South)</p> <p>Manager – Community Youth Justice (North)</p> <p>Team Leader – Community Youth Justice</p>	

<p>Section 76(1): authority to apply to court for review of community service order if circumstances of the youth have changed, detention status has changed or youth no longer willing to comply with community service order.</p>	<p>Deputy Secretary – CYF</p> <p>Director – Children and Families</p> <p>Area Manager – Youth Justice Services (South)</p> <p>Manager – Community Youth Justice (North)</p> <p>Team Leader – Community Youth Justice</p> <p>Senior Worker Facilitator, Complex Case Management</p> <p>Community Youth Justice Worker (6 positions)</p> <p>Youth Justice Worker – Community Development (3 positions)</p>	
<p>Section 77(1): authority to apply to court if it appears a youth has contravened a community service order within 6 months after the alleged contravention.</p>	<p>Deputy Secretary – CYF</p> <p>Director – Children and Families</p> <p>Area Manager – Youth Justice Services (South)</p> <p>Manager – Community Youth Justice (North)</p> <p>Team Leader – Community Youth Justice</p> <p>Senior Worker Facilitator, Complex Case Management</p> <p>Community Youth Justice Worker (6 positions)</p> <p>Youth Justice Worker – Community Development (3 positions)</p>	
<p>Section 82: warrant by court directing delegate to take youth into custody.</p>	<p>Deputy Secretary – CYF</p> <p>Director – Children and Families</p> <p>Manager – Custodial Youth Justice</p> <p>Assistant Manager – AYDC</p> <p>Operations Manager – AYDC</p> <p>Coordinator – Training and admissions AYDC</p>	<p>Operations Manager – AYDC, only if Manager – Custodial Youth Justice, is vacant or the incumbent is on leave or unable for any other reason to perform the relevant function.</p> <p>Coordinator – Training and admissions AYDC, only if incumbent is</p>

		on after-hours roster and positions of Manager, Custodial Youth Justice and Assistant Manager are vacant or the incumbent to the positions are on leave or unable for any other reason to perform the relevant function.
Section 90: if a suspended detention order is imposed on a youth, the youth must submit to a direction by the delegate to test for controlled substances or alcohol.	Deputy Secretary – CYF Director – Children and Families Area Manager – Youth Justice Services (South) Manager – Community Youth Justice (North) Team Leader – Community Youth Justice	Area Manager – Youth Justice Services (South), Manager – Community Youth Justice (North) and Team Leader – Community Youth Justice, only in respect of s 90(3).
Section 93(1): authority to apply to the court for a review of a suspended detention order if: the circumstances of the youth have changed since the order was made, or the youth is unable to comply with order or condition, or youth is no longer willing to comply with order.	Deputy Secretary – CYF Director – Children and Families Area Manager – Youth Justice Services (South) Manager – Community Youth Justice (North) Team Leader – Community Youth Justice Senior Worker Facilitator, Complex Case Management Community Youth Justice Worker (6 positions)	
Section 94(1): authority to apply to court if it appears that a youth has contravened a condition or special condition of a suspended detention order.	Deputy Secretary – CYF Director – Children and Families Area Manager – Youth Justice Services (South) Manager – Community Youth Justice (North) Team Leader – Community Youth Justice	

	<p>Senior Worker Facilitator, Complex Case Management</p> <p>Community Youth Justice Worker (6 positions)</p> <p>Youth Justice Worker – Community Development (3 positions)</p>	
Section 99A(1): authority to apply to the court if a youth has contravened a rehabilitation program order.	<p>Deputy Secretary – CYF</p> <p>Director – Children and Families</p> <p>Area Manager – Youth Justice Services (South)</p> <p>Manager – Community Youth Justice (North)</p> <p>Team Leader – Community Youth Justice</p> <p>Senior Worker Facilitator, Complex Case Management</p> <p>Community Youth Justice Worker (6 positions)</p> <p>Youth Justice Worker – Community Development (3 positions)</p>	
Section 100A: authority to apply to the court to vary or revoke a sentence imposed by the court concerning a youth.	<p>Deputy Secretary – CYF</p> <p>Director – Children and Families</p>	
Supervised Release Orders – Part 5 YJ Act		
Section 110: the making of a supervised release order prior to or at time of youth's release from detention.	<p>Deputy Secretary – CYF</p> <p>Director – Children and Families</p>	
Section 111: Statutorily prescribed conditions on a supervised release order, and discretionary conditions that are reasonable in the circumstances and power to amend.	<p>Deputy Secretary – CYF</p> <p>Director – Children and Families</p>	
Section 112: requirement to explain a supervised release order to youth, or if under 15 years old, a guardian.	<p>Deputy Secretary – CYF</p> <p>Director – Children and Families</p> <p>Manager – Custodial Youth Justice</p> <p>Assistant Manager – AYDC</p> <p>Operations Manager – AYDC</p>	<p>Operations Manager – AYDC, only if Manager – Custodial Youth Justice, is vacant or the incumbent is on leave or unable for any other reason to perform the relevant function.</p> <p>Coordinator – Training and</p>

	Coordinator – Training and admissions AYDC	admissions AYDC, only if incumbent is on after-hours roster and positions of Manager, Custodial Youth Justice and Assistant Manager are vacant or the incumbent to the positions are on leave or unable for any other reason to perform the relevant function.
Section 113: requirement for written copy of supervised release order and any special conditions to be given to youth and guardian.	Deputy Secretary – CYF Director – Children and Families	
Section 114: temporary suspension of special conditions of a release order for finite time period by reason of circumstances beyond youth's control, in writing.	Deputy Secretary – CYF Director – Children and Families	
Section 115: amendment or cancellation of special conditions after 6 months. Note s 120, including new conditions.	Deputy Secretary – CYF Director – Children and Families	
Section 117: contravention of supervised release order options if new offence is not committed. May issue a written warning of contravention. After warning, may apply to the court to amend special conditions.	Deputy Secretary – CYF Director – Youth and Family Violence Services Director – Children and Families Area Manager – Youth Justice Services (South) Manager – Community Youth Justice (North) Team Leader – Community Youth Justice Senior Worker Facilitator, Complex Case Management Community Youth Justice Worker (6 positions) Youth Justice Worker – Community Development (3 positions)	Area Manager – Youth Justice Services (South), Manager – Community Youth Justice (North), Team Leader – Community Youth Justice, Senior Worker Facilitator, Complex Case Management, Community Youth Justice Worker (6 positions) and Youth Justice Worker – Community Development (3 positions), only in respect of s 117(2) and 117(4).
Detention Centres – Part 6 YJ Act		
Section 124: issuing instructions concerning management of detention centre and safe custody and wellbeing of detainees consistent with the YJ Act.	Deputy Secretary – CYF Director – Youth and Family Violence Services	
Section 125: Determining the detention centre where the youth is to be detained when on	Deputy Secretary – CYF	Operations Manager – AYDC, only if

remand, sentenced, or for transfer.	<p>Director – Youth and Family Violence Services</p> <p>Manager – Custodial Youth Justice</p> <p>Assistant Manager – AYDC</p> <p>Operations Manager – AYDC</p> <p>Coordinator – Training and admissions AYDC</p>	<p>Manager – Custodial Youth Justice, is vacant or the incumbent is on leave or unable for any other reason to perform the relevant function.</p> <p>Coordinator – Training and admissions AYDC, only if incumbent is on after-hours roster and positions of Manager, Custodial Youth Justice and Assistant Manager are vacant or the incumbent to the positions are on leave or unable for any other reason to perform the relevant function.</p>
Section 126: admission of detainees on warrant, or refusal of bail, or for transfer, or in accordance with sentence of imprisonment.	<p>Deputy Secretary – CYF</p> <p>Director – Youth and Family Violence Services</p> <p>Manager – Custodial Youth Justice</p> <p>Assistant Manager – AYDC</p> <p>Operations Manager – AYDC</p> <p>Coordinator – Training and admissions AYDC</p>	<p>Operations Manager – AYDC, only if Manager – Custodial Youth Justice, is vacant or the incumbent is on leave or unable for any other reason to perform the relevant function.</p> <p>Coordinator – Training and admissions AYDC, only if incumbent is on after-hours roster and positions of Manager, Custodial Youth Justice and Assistant Manager are vacant or the incumbent to the positions are on leave or unable for any other reason to perform the relevant function.</p>
Section 130: Written notice for temporary leave of absence from detention centre for employment, education or training, family visit, sport or recreation, cultural or entertainment, medical treatment, attend a funeral, or any other appropriate reason for a specified period of time and subject to conditions.	<p>Deputy Secretary – CYF</p> <p>Director – Youth and Family Violence Services</p> <p>Manager – Custodial Youth Justice</p>	<p>Operations Manager – AYDC, only if Manager – Custodial Youth Justice, is vacant or the incumbent is on leave or unable for any other reason to</p>

	Assistant Manager – AYDC Operations Manager – AYDC Coordinator – Training and admissions AYDC	perform the relevant function. Coordinator – Training and admissions AYDC, only if incumbent is on after-hours roster and positions of Manager, Custodial Youth Justice and Assistant Manager are vacant or the incumbent to the positions are on leave or unable for any other reason to perform the relevant function.
Section 133A: allowing police officer to visit detainee in detention centre for the purpose of a police investigation if the detainee has no objection, subject to time, duration, supervision, setting, secrecy or otherwise determined by the delegate.	Deputy Secretary – CYF Director – Youth and Family Violence Services Operations Manager – AYDC Coordinator – Training and admissions AYDC	Coordinator – Training and admissions AYDC, only if incumbent is on after-hours roster and positions of Manager, Custodial Youth Justice and Assistant Manager are vacant or the incumbent to the positions are on leave or unable for any other reason to perform the relevant function.
Section 133B: allowing detainee removal from detention centre for no more than 6 hours if satisfied that it is for the purpose of a police investigation and police access or under s 133A will not suffice for the purpose.	Deputy Secretary – CYF Director – Youth and Family Violence Services Operations Manager – AYDC Coordinator – Training and admissions AYDC	Coordinator – Training and admissions AYDC, only if incumbent is on after-hours roster and positions of Manager, Custodial Youth Justice and Assistant Manager are vacant or the incumbent to the positions are on leave or unable for any other reason to perform the relevant function.
Section 134: delegate authorised to consent to any medical, dental, psychiatric, psychological or drug counselling or treatment of detainee in specified circumstances.	Deputy Secretary – CYF Director – Youth and Family Violence Services Manager – Custodial Youth Justice	Operations Manager – AYDC, only if Manager – Custodial Youth Justice, is vacant or the incumbent is on leave or unable for any other reason to

	Assistant Manager – AYDC Operations Manager – AYDC Coordinator – Training and admissions AYDC	perform the relevant function. Coordinator – Training and admissions AYDC, only if incumbent is on after-hours roster and positions of Manager, Custodial Youth Justice and Assistant Manager are vacant or the incumbent to the positions are on leave or unable for any other reason to perform the relevant function.
Section 134A: removal of detainee to a secure mental health unit if the Chief Forensic Psychiatrist and any treating medical practitioner or psychologist is necessary.	Deputy Secretary – CYF Director – Youth and Family Violence Services Manager – Custodial Youth Justice Assistant Manager – AYDC Operations Manager – AYDC Coordinator – Training and admissions AYDC	Operations Manager – AYDC, only if Manager – Custodial Youth Justice, is vacant or the incumbent is on leave or unable for any other reason to perform the relevant function. Coordinator – Training and admissions AYDC, only if incumbent is on after-hours roster and positions of Manager, Custodial Youth Justice and Assistant Manager are vacant or the incumbent to the positions are on leave or unable for any other reason to perform the relevant function.
Section 138: Upon receipt of a complaint under s 137, delegate has authority to provide written notice to the complainant and detainee containing details of the complaint and how the complaint will be dealt with unless the delegate reasonably believes the complaint is trivial or made only to cause annoyance.	Deputy Secretary – CYF Director – Youth and Family Violence Services Manager – Custodial Youth Justice Assistant Manager – AYDC Operations Manager – AYDC Coordinator – Training and admissions AYDC	Operations Manager – AYDC, only if Manager – Custodial Youth Justice, is vacant or the incumbent is on leave or unable for any other reason to perform the relevant function. Coordinator – Training and admissions AYDC,

		only if incumbent is on after-hours roster and positions of Manager, Custodial Youth Justice and Assistant Manager are vacant or the incumbent to the positions are on leave or unable for any other reason to perform the relevant function.
Section 139: detention offences committed by detainee while in detention centre, including assault or contravening a condition of a leave of absence.	Deputy Secretary – CYF Director – Youth and Family Violence Services Manager – Custodial Youth Justice Assistant Manager – AYDC Operations Manager – AYDC Coordinator – Training and admissions AYDC	Operations Manager – AYDC, only if Manager – Custodial Youth Justice, is vacant or the incumbent is on leave or unable for any other reason to perform the relevant function. Coordinator – Training and admissions AYDC, only if incumbent is on after-hours roster and positions of Manager, Custodial Youth Justice and Assistant Manager are vacant or the incumbent to the positions are on leave or unable for any other reason to perform the relevant function.
Section 140: dealing with a detention offence; confer with guardian of detainee and consider how to deal with offence before filing a complaint.	Deputy Secretary – CYF Director – Youth and Family Violence Services Manager – Custodial Youth Justice Assistant Manager – AYDC Operations Manager – AYDC Coordinator – Training and admissions AYDC	Operations Manager – AYDC, only if Manager – Custodial Youth Justice, is vacant or the incumbent is on leave or unable for any other reason to perform the relevant function. Coordinator – Training and admissions AYDC, only if incumbent is on after-hours roster and positions of Manager, Custodial Youth Justice and Assistant Manager are

		vacant or the incumbent to the positions are on leave or unable for any other reason to perform the relevant function.
Section 142: changes to earliest release date if detention offence committed and decision concerning detention offence impacts the earliest release date.	Deputy Secretary – CYF Director – Youth and Family Violence Services	
Section 144: offences in respect of detention centre (possession of alcohol, unauthorised medicine, drugs, or weapons).	Deputy Secretary – CYF Director – Youth and Family Violence Services Manager – Custodial Youth Justice Assistant Manager – AYDC Operations Manager – AYDC Coordinator – Training and admissions AYDC	Operations Manager – AYDC, only if Manager – Custodial Youth Justice, is vacant or the incumbent is on leave or unable for any other reason to perform the relevant function. Coordinator – Training and admissions AYDC, only if incumbent is on after-hours roster and positions of Manager, Custodial Youth Justice and Assistant Manager are vacant or the incumbent to the positions are on leave or unable for any other reason to perform the relevant function.
Section 145: child of detainee accommodated if appropriate.	Deputy Secretary – CYF Director – Youth and Family Violence Services	
Section 146A: laws applicable to detainees in prison setting and prisoner in detention setting.	Deputy Secretary – CYF Director – Youth and Family Violence Services Manager – Custodial Youth Justice Assistant Manager – AYDC Operations Manager – AYDC Coordinator – Training and admissions AYDC	Operations Manager – AYDC, only if Manager – Custodial Youth Justice, is vacant or the incumbent is on leave or unable for any other reason to perform the relevant function. Coordinator – Training and admissions AYDC, only if incumbent is on after-hours roster and positions of

		Manager, Custodial Youth Justice and Assistant Manager are vacant or the incumbent to the positions are on leave or unable for any other reason to perform the relevant function.
Interstate transfer of certain offenders – Part 7 YJ Act		
Section 149: upon entry into transfer agreement by Minister, delegate is to make transfer arrangement to or from Tasmania.	Deputy Secretary – CYF Director – Youth and Family Violence Services	
Section 153: delegate to direct person with custody to deliver offender to the custody of escort and authorise custody of offender for purpose of transferring.	Deputy Secretary – CYF Director – Youth and Family Violence Services	
Section 158: delegate may revoke a transfer to or from Tasmania any time before offender is delivered with consent to the revocation. If this occurs, delegate must make arrangements for the return of the offender to Tasmania.	Deputy Secretary – CYF Director – Youth and Family Violence Services	
Section 166A: Appointment of youth justice workers to carry out functions of a youth justice worker under the Act.	Deputy Secretary – CYF Director – Youth and Family Violence Services Director – Children and Families	
Section 167: delegate to appoint facilitators for specified period subject to terms and conditions specified in instrument of appointment.	Deputy Secretary – CYF Director – Youth and Family Violence Services Director – Children and Families	

Q2. Provide the following data relating to children detained at Ashley Youth Detention Centre for each year of the Relevant Period, including:

12. The Department has retained data concerning young people at AYDC between the period of 1 July 2006 and 2022. On 1 July 2006, the Youth Custodial Information System ('YCIS') was launched as the central repository of information concerning young people detained at AYDC. Prior to this date, records were kept in individual files for young people detained at AYDC.

- (a) the number of detainees, including:
 - (i) the overall number of detainees
 - (ii) the number of detainees who are Aboriginal and/or Torres Strait Islander
 - (iii) the number of detainees with disability, and
 - (iv) the number of detainees who were previously in Out of home care

- (b) the number of detainees on remand
- (c) the number of detainees sentenced
- (d) the nature of offences committed, by percentage
- (e) the average and range of length of detention, and
- (f) the number of detainees who had previously been detained at Ashley Youth Detention Centre.

13. Table 2 directly responds to question 2(a)(i),(iii),(iv), 2(b), 2(c), 2(e) and 2(f) during each financial year between the period of 1 July 2006 to 9 March 2022. There are notes for interpreting the data in Table 2 directly below the table.
14. In response to question 2(a)(iii), the Department does not capture information concerning young people with disabilities in YCIS. However, if a young person has a disability that is known to them at the time they are admitted and inducted to AYDC, information concerning their disability, medications, assistance and management are contained in the young person's case notes in a secure electronic file. Similarly, if a young person is diagnosed with a disability during their time at AYDC, that information is stored in the same manner as described above.
15. In response to question 2(d), the Department does not reliably enter offence type in YCIS and the Department is unable to provide accurate data. Staff are aware of the charges that a youth faces or have been sentenced on. However, that data is not recorded in YCIS and as such has not been provided because it would require a manual review of all warrants.

Table 2.

Financial Year	Number of distinct Young People at AYDC during the year	Number of detainees who are ATSI	Number of those young people who have ever been in Out of home care	Number of detainees on remand	Number of detainees on a sentenced detention order	Average length of time in custody at AYDC (days)	Range of length of time in custody at AYDC (days)	Number of detainees who had previously been detained at AYDC
2006-07	113	43	32	111	51	66	2 - 419	65
2007-08	131	43	28	129	49	43	2 - 910	81
2008-09	145	42	32	143	51	49	2 - 458	98
2009-10	146	39	38	145	50	43.5	2 - 436	97
2010-11	107	26	33	102	48	35	2 - 546	74
2011-12	103	17	27	101	44	40.5	2 - 599	74
2012-13	72	10	20	71	37	52.5	1 - 385	51
2013-14	56	8	17	53	27	35	2 - 1601	44
2014-15	52	10	16	49	24	20	2 - 533	39
2015-16	33	7	6	32	19	93	2 - 1430	24
2016-17	65	23	20	64	22	37	2 - 967	37
2017-18	58	17	16	55	16	37	2 - 770	40
2018-19	62	18	16	62	21	38	2 - 364	43
2019-20	54	22	11	53	24	64	2 - 296	36
2020-21	47	17	20	47	15	29	2 - 630	32
YTD 2021-22 (to 9 March 2022)	32	13	12	32	10	20	1 - 355	24

Notes for interpretation regarding each data item in Table 2

16. With respect to question 2(a)(i), the overall number of detainees:
- Table 2 data includes the number of distinct young people in custody at AYDC during each financial year from 1 July 2006 (start of YCIS records) to 9 March 2022.
 - Table 2 includes data that has been sourced from the CYS Datawarehouse for all data items and may differ from nationally published information due to continual data entry and use of different business rules.

- Received and release dates are both included as a day in custody.
- Young people detained within a Tasmanian Prison Service facility are excluded (as per national counting rules).
- Each young person is counted only once in each financial year, but a given young person may be counted in more than one financial year if they either remained in custody or were readmitted to custody. This point applies to all data displayed in Table 2.

17. With respect to question (2)(ii), the number of detainees who are Aboriginal and/or Torres Strait Islander:

- Aboriginal status recorded at AYDC is through self-identification and it may be updated throughout a young person's involvement with Youth Justice, which results in data that is changeable over time.
- For this reason, data may not be consistent with any related nationally released data.

18. With respect to question 2(iv), the number of detainees who were previously in out of home care:

- Table 2 includes data that has been sourced from the CYS Datawarehouse. Person records were matched between YCIS (Youth Justice) and CPIS2 (Child Safety) using an automated process that matches records using names and dates of birth. Unmatched records were manually investigated, and correct matches applied where available. However, false positive and false negative matches can still occur and therefore common client data should be interpreted with caution.
- Young people in third-party guardianship placements are excluded as an Out-of-home care placement because this placement type no longer comes under the definition of Out-of-home care.
- Out of home care records were searched for the Person Key for each young person in the AYDC dataset, and a record returned if that young person had ever been in Out of home care. This includes if they were in Out of home care before their first admission to AYDC, upon a release from AYDC, or after their last episode at AYDC (i.e., Any admission to Out of home care has been included).
- This data is not consistent with any related nationally released data due to different counting rules and methodologies.

19. With respect to question 2(b), the number of detainees on remand:

- The number displayed is a distinct count of young people who were on remand for any portion of any episode in custody at AYDC during each financial year, including remand periods that were concurrent with a period of sentenced detention.
- Note legal status data entry errors may impact this data.

20. With respect to question 2(c), the number of detainees sentenced:

- The number displayed is a distinct count of young people who had a sentenced detention order for any portion of any episode in custody at AYDC during each financial year, including sentenced detention periods that were concurrent with a period of remand.
- Periods of sentenced detention were not backdated in the preparation of this data. This means that sentenced detention periods start at the sentencing date (rather than the backdated start date, during which time the young person was held on remand) and finish at the young person's release or completion of the order.
- Note legal status data entry errors may impact this data.

21. With respect to question 2(d), the average range and length of time in custody at AYDC:

- The 'Average length of time in custody at AYDC' displayed in Table 2 is the median number of days of all completed episodes at AYDC from each financial year.

- The median was used as the measure of centre for this data rather than the average because the median is not skewed by a single high-length episode ending in a given financial year. For example, an episode of 1430 days in length ended in 2015-16 when the next longest episode was 365 days. The median length in that year was 93 days while the average was 144.4 days. If the 1430 length episode is excluded from the dataset as an outlier these two figures become 85.5 days and 101.5 days respectively. For this reason, the median is used as a more accurate measure of centre to represent length of detention data.
- Episodes are included if they ended during the financial year.
- The entire length of the episode is included, irrespective of the admission date falling before the start of the given financial year. Thus, the episode length is calculated as the number of days between the admission date of the episode and the release date of the episode. Given an episode may span several financial years the length of an episode can be great than 365 days.
- This data is not consistent with any related nationally released 'Average length of detention' data due to different counting rules and methodologies.
- Table 1 also includes the 'Range of length of time in custody at AYDC', which displays the minimum and maximum number of days of episodes in each financial year.
- Note as per the 'Average length of time in custody at AYDC' data, the episode length is calculated as the number of days between the admission date of the episode and the release date of the episode irrespective of the admission date falling before the start of the financial year.

22. With respect to question 2(e), the number of detainees who had previously been detained at Ashley Youth Detention Centre:

- The 'Detainees who had previously been at AYDC' data includes all young people admitted to AYDC during that financial year who had been admitted to AYDC previously.
- A prior episode may have occurred during the same financial year or in a previous financial year.
- This data is not consistent with any related nationally released 'Returns to sentenced supervision' data due to different counting rules and methodologies.

Q.3 Explain the roles and responsibilities of the Department in managing and operating the Ashley Youth Detention Centre.

23. The YJ Act prescribes the parameters of the Department's roles and responsibilities concerning the management and operation of AYDC. The AYDC environment is influenced by, and the YJ Act is consistent with, the Australasian Youth Justice Administrators Standards for Juvenile Custodial Facilities and the United Nations Conventions on the Rights of a Child. AYDC incorporates the United Nations Standards Minimum Rules for Administration of Juvenile Justice ('the Beijing Rules') and Custodial Inspectors Standards.
24. The Department's primary responsibility in managing and operating AYDC is to provide safe and secure care to children and young persons detained or on remand under the YJ Act. The Secretary (and delegates) is the custodian for young people detained at AYDC and is responsible for detainees' health, housing, food, education, and support during the time they are detained at AYDC.
25. AYDC is located at Deloraine, northern Tasmania. AYDC operates 365 days of the year and can accommodate up to 40 young people between the ages of 10 and 18 years old at any given time.

26. The guiding principles of the YJ Act are restorative justice through diversion and rehabilitation. Detention is a last resort under the YJ Act. The decision to detain any individual and the period of that detention is determined solely by a Court and is not at the discretion of the Secretary or any delegate. The point at which a young person is detained generally corresponds to diversionary attempts having been unsuccessfully made by Tasmanian Courts and various Government bodies; such as Tasmania Police, CYF, and, at times, others.
27. The objectives and general principles of youth justice are upheld at AYDC through the policies and procedures that give operational effect to the provisions of the YJ Act.
28. As of 2022, the primary policies that govern the operation of AYDC are the Ashley Youth Detention Centre Practice Framework, annexed at Annexure 3, and the Ashley Youth Detention Centre Learning and Development Framework, annexed at Annexure 4.
29. Further Departmental policies give operational effect to the Department's powers and functions under the YJ Act. Departmental policies relevant to AYDC are located in the Department's Children and Youth Services Practice Manual under the tab "Custodial Youth Justice". The login details to this page, including all policies, is Annexed at Annexure 5.
30. Departmental policies and procedures cover admission and induction of young people to AYDC, case management, exit planning and discharge, supervision and safety, site security, program management, reporting concerns, young people in custody and health care at AYDC.

Q.4 Provide a detailed description of the organisational structure of Ashley Youth Detention Centre during the Relevant Period, including any charts or graphs that may assist your explanation. In your response, you should identify whether and how the structure has materially changed during the Relevant Period.

Current organisational structure of AYDC

31. The organisational structure of AYDC is hierarchical. The Secretary, while not referenced in the organisational structure of AYDC sits at the top of the organisation. The Deputy Secretary, CYF sits underneath the Secretary and reports directly to the Secretary. The Director, Youth and Family Violence Services ('the Director') is the Senior Executive responsible for the administration and operation of AYDC and reports to the Deputy Secretary CYF.
32. The organisational structure of AYDC as of July 2022 is annexed at Annexure 6. In the organisational structure, under the Director, the positions then cascade from management positions down to operational positions. There are two streams of positions that sit under the Director. One stream is operational and the other stream is services. The services stream supports the operational function of AYDC, including case management, policy, practice development and training development and delivery. The operational stream and services stream work collaboratively through multidisciplinary teams, weekly review meetings, and program meetings.

Changes to organisational structure of AYDC

33. The Department has been responsible for AYDC since 1 July 2018. Prior to that, the Department of Health and Human Services was responsible for AYDC. The Secretary of the Department that is responsible for AYDC has remained at the apex of the organisational structure between the relevant period, namely, from 1 January 2000 to today.
34. The Department has located records of the organisational structure of AYDC between 2007 and 2022, save for the years of 2009, 2011, 2012, 2015 and 2017.
35. The organisational structure of AYDC in 2007 is annexed at Annexure 7. While the organisational structure has changed since 2007, core aspects of that structure has remained constant:
 - (a) The Secretary of the relevant Department is ultimately responsible for AYDC;
 - (b) the structure of the organisation of AYDC has remained hierarchical; and
 - (c) the two streams of positions referred to at paragraph 32 above have continued, largely following the same reporting lines.
36. The aspects of the organisational structure that have been changed over the period between 2007 and 2022 are:
 - (a) Since 2015, the Director, Youth and Family Services (several title changes) has been inserted between the Secretary and the Manager, Custodial Youth Justice.
 - (b) Operations Coordinator FTE has been increased by 0.6FTE, and new positions have been reclassified or created in both streams, including Trainer, Case Manager, Policy and Project Support Officer, Assistant Manager and Practice Manager;
 - (c) Practice Manager, AHP04 (1FTE)
 - (d) Training Coordinator, AHP03 (1FTE), and
 - (e) the names of the positions have been altered over this period.
37. The organisational structure of the following years are:
 - (a) Organisational structure of AYDC in 2007 is annexed at Annexure 7;
 - (b) Organisational structure of AYDC in 2008 is annexed at Annexure 8;
 - (c) Organisational structure of AYDC in 2010 is annexed at Annexure 9;
 - (d) Organisational structure of AYDC in 2012 is annexed at Annexure 10;
 - (e) Organisational structure of AYDC in 2013 is annexed at Annexure 11;
 - (f) Organisational structure of AYDC in 2014 is annexed at Annexure 12;
 - (g) Organisational structure of AYDC in 2016 is annexed at Annexure 13 (February), Annexure 14 (April), and Annexure 15 (July);

- (h) Organisational structure of AYDC in 2017 is annexed at Annexure 16
- (i) Organisational structure of AYDC in 2018 is annexed at Annexure 17;
- (j) Organisational structure of AYDC in 2019 is annexed at Annexure 18;
- (k) Organisational structure of AYDC in 2020 is annexed at Annexure 19;
- (l) Organisational structure of AYDC in 2021 is annexed at Annexure 20; and
- (m) Organisational structure of AYDC in 2022 is annexed at Annexure 6.

38. I note that other Tasmanian Government Departments operate from within AYDC, which are not within the organisational structure of the Department. Further details about those Tasmanian Government Departments are provided in response to questions 6 and 7 of this statement.

Q.5 In relation to the organisational structure of Ashley Youth Detention Centre, provide the following details in relation to the Relevant Period:

- (a) the title of the roles of any Officials within the organisational structure***
- (b) the public service level (or equivalent) of each role***
- (c) a brief description of these roles***
- (d) any reporting lines and lines of supervision***
- (e) the number of Officials***
- (f) any team structure***
- (g) a brief description of each team, and***
- (h) location of teams and offices.***

39. In response to question 5(a) – (e) inclusive, Table 3 below provides the title of the roles of any officials within the organisational structure, the public service level (or equivalent) of each role, a brief description of the role and reporting lines/lines of supervision and the number of officials.

Table 3: Roles at AYDC, descriptions, reporting lines/supervision and numbers of officials:

Title	Reports to:	Qualifications	Requirements	Roles and responsibilities	Position History
Director — Youth and Family Violence Services (SES 1) (IFTE)	Deputy Secretary — Children, Youth and Families	Desirable: Relevant tertiary qualifications or demonstration of an equivalent level of skills together with experience at a senior management level.	Essential: <ul style="list-style-type: none"> • Current registration WWVP • Conviction check • Identification check • Disciplinary action in previous employment check 	<p>Strategically develop, lead and facilitate collaboration and cooperation among government agencies and between government and the community sector to strengthen community youth support and family violence services in Tasmania, in particular the service systems that recognise youth at risk in Tasmania.</p> <p>Develop and deliver strategic outcomes and engagement of staff and stakeholders in influencing and building productive working relationships and achieving priority outcomes.</p> <p>In 2022 this became a dedicated role. Previously the position had governance over other outputs in Family Violence and Youth Justice, which is a broader portfolio.</p>	<ul style="list-style-type: none"> • 22/10/06 - position created as Area Director – South West • 24/05/2013 – Statement of Duties (SoD) revised • 21/06/15 – position retitled as Director – Services to Young People and SoD revised • 30/7/17 – position retitled as Director -Strategic Youth Services and SoD revised • 11/10/2019 – SoD revised • 17/05/2020 – position retitled as Director – Youth and Family Violence Services and SoD revised

Title	Reports to:	Qualifications	Requirements	Roles and responsibilities	Position History
<p>Manager — Custodial Youth Justice (Band 8) (1 FTE)</p>	<p>Director — Youth and Family violence Services</p>	<p>Desirable: Appropriate experience in and professional and/or tertiary qualifications in a Youth Services/Justice related field.</p>	<p>Essential:</p> <ul style="list-style-type: none"> • current registration WWVP • pre-employment conviction check (Schedule 1) • pre-employment identification check and disciplinary action in previous employment check <p>Desirable:</p> <ul style="list-style-type: none"> • Current Driver's Licence 	<p>Responsible for the development and leadership of a management team, while implementing significant cultural change and system-wide reform to the policies, procedures and practices within the centre.</p> <p>Responsible for providing direction and leadership regarding the programs of AYDC and managing the operations of the centre including provision of high-level advice and services to the Ministers, Secretary, CYF Executive Leadership Team and the Director, Services to Young People.</p> <p>Senior representative of custodial youth justice services at an operational program level.</p> <p>Exercises powers, functions and obligations as AYDC manager under the Youth Justice Act 1997.</p> <p>Provides broad management and direction and leadership of AYDC management team.</p>	<ul style="list-style-type: none"> • Position created 31/08/2016

Title	Reports to:	Qualifications	Requirements	Roles and responsibilities	Position History
OPERATIONAL					
Assistant Manager — Ashley Youth Detention Centre (Band 7) (1 FTE)	Manager — Custodial Youth Justice (Band 8)		Essential: <ul style="list-style-type: none"> • current registration WWVP • pre-employment conviction check (annulled)) • pre-employment identification check and disciplinary action in previous employment check 	<p>Assist the Manager, Custodial Youth Justice with the overall strategic direction, management and coordination of Ashley Youth Detention Centre (AYDC), while overseeing and guiding operations, policy and programs, business operations services (Administration, Stores and Catering).</p> <p>Provide high level advice and support to the Manager, Custodial Youth Justice and the AYDC Management Group regarding policy, business activities, human resources, asset management, finance and procurement.</p> <p>responsible for the provision of appropriate and timely reports and advice on AYDC's business activities in relation to business plans and budgetary requirements.</p> <p>Represent AYDC with the authority to negotiate activity outcomes with a range of relevant Communities Tasmania and external stakeholders.</p>	<ul style="list-style-type: none"> • Position created 1/6/2020 • 25/09/2020 – SoD revised

Title	Reports to:	Qualifications	Requirements	Roles and responsibilities	Position History
<p>Operations Manager — Ashley Youth Detention Centre (Band 6)</p> <p>1 FTE</p>	<p>Assistant Manager — Ashley Youth Detention Centre</p>		<p>Essential:</p> <ul style="list-style-type: none"> • current registration WWVP • pre-employment conviction check (annulled)) • pre-employment identification check and disciplinary action in previous employment check 	<p>Manage the day-to-day operations of Ashley Youth Detention Centre (AYDC) and lead teams of staff to deliver timely, efficient and integrated therapeutic services to young people in detention in accordance with relevant legislation and policies.</p> <p>Provide leadership, supervision and rostering of operational staff and drive quality improvement to ensure legislative requirements are maintained and staff display high levels of ethical and professional behaviour to ensure best practice procedures and processes are delivered.</p> <p>Provide reports and advice on AYDC's operational activities in relation to trauma informed care of young people in detention.</p> <p>Identify issues and initiate actions to support the day-to-day management of Centre operations.</p> <p>Undertake reviews of compliance with procedures and manages complaints in line with procedures.</p>	<ul style="list-style-type: none"> • Position created 1/7/03 under the title Operations Manager • 4/10/20 – position retitled as Operations Manager - AYDC and SoD revised

Title	Reports to:	Qualifications	Requirements	Roles and responsibilities	Position History
<p>Operations Coordinators (Band 5)</p> <p>4.6 FTE</p>	<p>Operations Manager — Ashley Youth Detention Centre</p>	<p>Desirable:</p> <p>Formal educational qualifications relevant to the provision of services for young people</p>	<p>Essential:</p> <ul style="list-style-type: none"> • current registration WWVP • pre-employment conviction check (annulled)) • pre-employment identification check and disciplinary action in previous employment check 	<p>Ensure that all client services and programs are undertaken in a therapeutic, safe and secure environment and conform to Agency principles, practices, standards and legislation relevant to youth justice services.</p> <p>Participate in the development, promotion and implementation of operational standards and practices for youth justice services.</p> <p>Ensure the effective management of financial and human resources. Provide operational coordination and supervision of Youth Workers consistent with AYDC policy, legislative requirements and Agency directives.</p>	<ul style="list-style-type: none"> • 1st Ops Coordinator position created 1/7/03 • Positions reclassified from band 4 to band 5 effective 8/3/09 as per the TSSUA translation • 24/08/2012 – SoD revised • 29/11/2021 – SoD revised

Title	Reports to:	Qualifications	Requirements	Roles and responsibilities	Position History
<p>Youth Worker — Custodial Youth Justice (Band 4) (42 FTE)</p> <p>Includes casual pool</p>	<p>Operations Coordinators</p>	<p>Desirable:</p> <ul style="list-style-type: none"> • current first aid certificate 	<p>Essential:</p> <ul style="list-style-type: none"> • current registration WWVP • pre-employment conviction check (Schedule 1) • pre-employment identification check and disciplinary action in previous employment check • able to meet the psychological suitability and physical fitness deemed appropriate for custodial youth justice duties <p><i>Required to undergo psychological testing and consent to an independent medical assessment to confirm their suitability.</i></p> <p>Desirable:</p> <ul style="list-style-type: none"> • current Driver's Licence • knowledge and expertise consistent with qualifications at Certificate IV or above, relevant to youth work, youth justice or correctional practice/administration. 	<p>Assist in the daily operation of a residential unit in conjunction with operational management, and is responsible for the support and supervision of young people attending programs and activities during the course of their shift, and the promotion of a safe, therapeutic and secure environment for young people and staff.</p> <p>Supervise and support young people in custody (including participating in physical activity) as they participate in daily routines, allocated tasks and programs</p> <p>Actively participate positively in continuous improvement processes to support rehabilitation and positive reintegration of young people into the community.</p> <p>exercise care in the performance of duties consistent with the relevant workplace safety requirements, contemporary best practice, and international and national standards and within operating procedures and policy.</p>	<ul style="list-style-type: none"> • Positions reclassified from YW to band 4 effective 30/5/10 as per the Targeted Occupational Group requirements of the Tasmanian State Service Unions Agreement and SoD revised. • 8/7/19 - SoD revised

Title	Reports to:	Qualifications	Requirements	Roles and responsibilities	Position History
Policy and Program Support Officer (Band 6) (1 FTE)	Director — Youth and Family Services	Desirable: <ul style="list-style-type: none"> • suitable tertiary qualification 	Essential: <ul style="list-style-type: none"> • current registration WWVP • pre-employment conviction check (annulled) • pre-employment identification check and disciplinary action in previous employment check 	<p>ensure that the programs and services that are delivered to young people in contact with the youth justice system achieve enduring positive outcomes, meet agreed quality standards and promote safety, health and well-being</p> <p>Provide a high level of research, analysis and contemporary advice on policy and/or project issues relevant to restorative justice and therapeutic responses for young people who are offending.</p> <p>Provide Custodial (Ashley Youth Detention Centre) and Community Youth Justice staff with high level contemporary advice, coordination, development, and support for the ongoing effective and efficient delivery of contemporary services and programs for young people.</p> <p>Ensuring that custodial and community youth justice service provision and practice guides are consistent with policy direction and legislative frameworks.</p>	<ul style="list-style-type: none"> • Position temporarily reclassified in 25/08/21 from Band 4 to 6 to continue the contemporising of AYDC Policies and Procedures and alignment with training and practice.

Title	Reports to:	Qualifications	Requirements	Roles and responsibilities	Position History
Senior Stores and Catering Officer (Band 3) 3.93 FTE	Assistant Manager - AYDC	Desirable: <ul style="list-style-type: none"> a recognised formal qualification or significant experience in the preparation and presentation of nutritious meals in an institutional or other food services context. 	Essential: <ul style="list-style-type: none"> current registration WWVP pre-employment conviction check (annulled) pre-employment identification check and disciplinary action in previous employment check Desirable: <ul style="list-style-type: none"> current Driver's Licence 	<p>Coordinate and oversee the effective operation of catering and stores at Ashley Youth Detention Centre (AYDC), ensuring highest quality services to residents, visitors and staff in accordance with the Government Procurement requirements, legislative requirements, Agency policy and relevant trade standards and competencies.</p> <p>Under general direction, supervision and support from the Coordinator Business Operations,</p> <p>Ensure that timeframes and quality standards relating to food production and stores are met, including compliance with relevant legislation, policies, established procedures, the AYDC Food Safety Program and ongoing quality improvement, by directing and coordinating day-to-day staffing requirements and activities.</p> <p>Supervise a small team of Stores/Catering staff to meet the needs of the residents, staff and programs within the centre.</p>	<ul style="list-style-type: none"> Position created 1 July 2003 under the title Catering/Stores Utility Officer 6/05/18 – position reclassified from HSO5 to Band 3 under the amended title Senior Stores and Catering Officer. SoD revised.

Title	Reports to:	Qualifications	Requirements	Roles and responsibilities	Position History
Administrative Officer (Band 3) 3.3 FTE	Assistant Manager - AYDC		Essential: <ul style="list-style-type: none"> • current registration WWVP • pre-employment conviction check (annulled) • pre-employment identification check and disciplinary action in previous employment check 	<p>In a multi-skilled and dynamic environment, provide a wide range of administrative services to Centre clients, staff and management to support business activities and projects.</p> <p>Maintain staffing rosters and ensure appropriate staffing levels in the Catering/Stores unit to meet the ongoing needs of the Centre.</p> <p>Supports the daily administrative operations of AYDC by performing a broad range of administration and business support activities.</p> <p>Monitors the work flow within the Business Operations Unit which includes identifying service delivery improvement for administrative processes.</p>	<ul style="list-style-type: none"> • Position created 1/07/03 under the title Executive Assistant • 3/02/14 - SoD revised and title amended to Administrative Officer

Title	Reports to:	Qualifications	Requirements	Roles and responsibilities	Position History
Manager — Professional Services and Policy (AHP 4) 1 FTE	Manager — Custodial Youth Justice	Essential: <ul style="list-style-type: none"> University acquired degree or diploma in relevant field. 	Essential: <ul style="list-style-type: none"> current registration WWVP pre-employment conviction check (Schedule 1) pre-employment identification check and disciplinary action in previous employment check Desirable: <ul style="list-style-type: none"> Current Driver's Licence 	<p>Under the guidance of the Manager Custodial Youth Justice, lead a multidisciplinary team to effectively support the development, review and implementation of relevant policies, procedures, programs and case management strategies relating to the effective functioning of a youth custodial and rehabilitation service.</p> <p>Manages and supervises Professional Services and Policy staff and the quality assurance of service delivery at AYDC.</p> <p>Participates in the development and implementation of enhanced practice standards to ensure improved service delivery to clients.</p> <p>Leads AYDC staff and services as part of the management team.</p>	<ul style="list-style-type: none"> Position created 1 July 2003 19/03/2014 – SoD revised 19/12/17 – position reclassified from general stream band 7 to the professional stream AHP 4. SoD revised.

Title	Reports to:	Qualifications	Requirements	Roles and responsibilities	Position History
Practice Manager (AHP 4) 1 FTE	Manager — Custodial Youth Services	Essential: Satisfactory completion of an appropriate course of study at a recognised tertiary institution, and registered with the relevant Board or, in the case of unregulated professions, eligible for membership of the relevant professional association	Essential: <ul style="list-style-type: none"> • current registration WWVP • pre-employment conviction check (annulled) • pre-employment identification check and disciplinary action in previous employment check Desirable: <ul style="list-style-type: none"> • Current Driver's Licence 	A significant degree of professional leadership within the overall practice and operating framework of AYDC. Provides professional leadership, supervision, mentorship and practice support to AYDC operational staff and the AYDC Training Coordinator. In consultation with Workforce Development, lead the development of learning and development programs at AYDC. Lead the evaluation of the effectiveness of learning and development programs	<ul style="list-style-type: none"> • Position created 10/01/99 (position may have existed earlier, only information available is post 1999) under the title of Senior Practice Consultant. • 24/7/11 – position retitled as Senior Quality and Practice Advisor • 12/6/12 – SoD revised • 7/06/19 – SoD revised • 8/03/21 – position retitled as Practice Manager and SoD revised.

Title	Reports to:	Qualifications	Requirements	Roles and responsibilities	Position History
Trainer – Custodial Youth Justice (HP03) 1 FTE	Practice Manager	Essential: <ul style="list-style-type: none"> University acquired degree or diploma in a humanities/youth/justice field. 	Essential: <ul style="list-style-type: none"> Current registration WWVP Pre-employment conviction check (Annulled) Pre-employment identification check and disciplinary action in previous employment check 	Lead the development and implementation of professional learning and development programs for staff of Ashley Youth Detention Centre. Responsible for the development, implementation and evaluation of staff training and professional development activities that support AYDC. The Trainer AYDC is expected to work under the direct supervision from the Practice Manager whilst independently prioritising their own work demands to meet agreed objectives. The Trainer AYDC will liaise and consult with the Manager, Workforce Development and Senior Practitioners to develop training and specialist support services.	<ul style="list-style-type: none"> Position created 1/07/03 under the title Operations Supervisor 7/5/05 – SoD revised 5/6/19 – SoD revised under the amended title of Coordinator – Training and Admissions 14/9/21 – SoD revised under the amended title of Training Coordinator 13/12/21 – Position temporarily reclassified from band 5 to HP03 to attract suitable applicants, with the knowledge and understanding of professional development and training in a therapeutic setting of a detention centre. SoD revised

Title	Reports to:	Qualifications	Requirements	Roles and responsibilities	Position History
Program Coordinator (Band 5) 1 FTE	Manager — Professional Services and Policy	Desirable: <ul style="list-style-type: none"> • Tertiary qualifications relevant to the field. 	Essential: <ul style="list-style-type: none"> • current registration WWVP • pre-employment conviction check (annulled) • pre-employment identification check and disciplinary action in previous employment check 	<p>In consultation with the Centre's Executive Management Team and the Principal, Ashley School (Department of Education), coordinate and facilitate the provision of programs that maximise education, rehabilitation and reintegration for young people in custody, in accordance with legislative and educational requirements and individual case management plans.</p> <p>Design, development, implementation and evaluation of programs as determined by the Principal, Ashley School and Centre Executive Management Team and in conjunction with other key stakeholders. Responsible for effective and efficient liaison between personnel of Communities Tasmania and DoE at the AYDC.</p>	<ul style="list-style-type: none"> • Position created 1/7/03 • 19/7/13 SoD revised

Title	Reports to:	Qualifications	Requirements	Roles and responsibilities	Position History
<p>Case Management Coordinator (AHP 3)</p> <p>1 FTE</p>	<p>Manager — Professional Services and Policy</p>	<p>Essential</p> <p>Satisfactory completion of an appropriate course of study from a recognised tertiary institution.</p>	<p>Essential:</p> <ul style="list-style-type: none"> • current registration WWVP • pre-employment conviction check (Schedule 1) • pre-employment identification check and disciplinary action in previous employment check 	<p>In consultation with the Manager Professional Services and Policy establish, maintain and develop an effective case management system for Ashley Youth Detention Centre (AYDC). Provide high quality case management services, including assessments and the development of assessment tools, referrals, case plans and the provision of professional advice on case management within AYDC.</p> <p>Responsible for the provision of professional direction and support for staff involved in the case management system.</p> <p>Supervise case management staff in an efficient, effective and safe manner.</p>	<ul style="list-style-type: none"> • Position created 1/7/03 under the title Coordinator, Case Management • 26/6/14 – SoD revised, under the amended title of Case Management Coordinator

Title	Reports to:	Qualifications	Requirements	Roles and responsibilities	Position History
Case Management Officer (AHP 1-2) 1 FTE	Manager — Professional Services and Policy	Essential: Satisfactory completion of an appropriate course of study from a recognised tertiary institution.	Essential: <ul style="list-style-type: none"> • current registration WWVP • pre-employment conviction check (Schedule 1) • pre-employment identification check and disciplinary action in previous employment check 	Be responsible for the provision of administrative support and assisting with the provision of assessment and case management services for young persons in detention as required. Assist with the provision of integrated and coordinated services aimed at the reintegration of young people in detention back into the community. Assist in the development, establishment and maintenance of effective case management systems, processes, and procedures for young people in custody. Be required to exercise judgment and initiative consistent with the possession of sound knowledge in this area.	<ul style="list-style-type: none"> • Position created 25/11/21
Fire, Safety and Security Coordinator (Band 5) 1 FTE	Manager — Custodial Youth Justice		Essential: <ul style="list-style-type: none"> • current registration WWVP • pre-employment conviction check (annulled) • pre-employment identification check and disciplinary action in previous employment check 	Responsible for the coordination of fire, safety and security, the supervision of maintenance staff, and activities exercising a high degree of initiative, independent judgement, and leadership in solving complex operational problems. Develop, implement, monitor, and evaluate standardised security and safety plans and procedures, including training for staff and residents of the Centre. Provide high level analysis of overall security and safety requirements for the Centre, including practical development of improved security systems.	<ul style="list-style-type: none"> • Position created 1/7/03. • 1/09/17 – SoD revised

Title	Reports to:	Qualifications	Requirements	Roles and responsibilities	Position History
Maintenance/ Grounds Officer (HSO4) 1 FTE	Fire, Safety and Security Coordinator		Essential: <ul style="list-style-type: none"> • current registration WWVP • pre-employment conviction check (Schedule 1) • pre-employment identification check and disciplinary action in previous employment check Desirable Requirements <ul style="list-style-type: none"> • Current Driver's Licence. • Current Tractor Licence. 	<p>Provide direct maintenance of buildings, equipment and grounds at the Ashley Youth Detention Centre, and ensure services and equipment are functioning in a safe manner and meet duty of care standards.</p> <p>Be required to exercise reasonable care in the performance of duties consistent with the relevant Work Health and Safety legislation.</p> <p>Comply with security policies and procedures in the performance of duties.</p>	<ul style="list-style-type: none"> • Position created 25/09/05 • 7/1/19 – SoD revised.
Site Services Support Officer (Band 3) 1 FTE	Assistant Manager - AYDC		Essential: <ul style="list-style-type: none"> • Physical fitness and medical suitability appropriate for the performance of maintenance duties. • current registration WWVP • pre-employment conviction check (Schedule 1) • pre-employment identification check and disciplinary action in previous employment check 	<p>Provide direct maintenance of buildings and equipment at the Ashley complex, to be responsible for the Security system and ensure services and equipment are functioning in a safe manner and meet duty of care standards.</p> <p>Maintain property, equipment and grounds including water supply, sewerage and plumbing including regular checks of property, equipment, and other plant and where necessary order servicing or replacement items.</p>	<ul style="list-style-type: none"> • Position created 1/7/03

Operational Rostering

40. The rostering of operational staff at AYDC is based on fixed teams however this is very flexible to ensure an equitable spread of skills, gender and experience. There is a 24-hour roster, made up of three eight-hour shifts per day. The three shifts are made up of day, afternoon and night shifts. The day and afternoon shifts have a ratio of eight youth workers to one operations coordinator. The night shift has a ratio of four youth workers to one operations coordinator. The ratio is not fixed and can vary based on the number of young people detained at AYDC and the level of complexity of the environment, or particular young people. In those circumstances, additional staff are rostered on to provide for closer supervision.
41. Operations coordinators operate across the residential units to support staff, and have an office located in the administration building, collocated with managers and the Fire Safety and Security Officer.
42. Outside of the operational staffing/rostering of AYDC, there are a number of teams that operate within AYDC.

Location of staff

43. The location of staff at AYDC are as follows:

- (a) Administration staff are located in the gatehouse building;
- (b) Managers are located in the administration building. Professional Services staff, now called Ashley Team Support, ('ATS') are located in another building. This is a long building that also houses the Meander and Esk residential units (previously Huon Unit) and school rooms.
- (c) Youth workers are based within the residential units across four designated blocks.

Teams

44. AYDC operates as a multi-disciplinary centre. The AYDC Practice Framework is the central tenet of AYDC's multi-disciplinary approach and is aided by the Learning and Development Framework. The Practice Framework is annexed at Annexure 3. The Practice Framework replaced the Ashley Plus approach, which was a combination of various models including the Attachment, Regulation and Competency Practice Model or 'ARC'; the Tasmanian Child Youth and Wellbeing Framework and an adaptation of the Safe Wards mental health model of conflict resolution and the creation of a calmer work environment.

45. The Practice Framework took effect at AYDC in December 2020. The Practice Framework identifies the values, principles and elements of how Departmental staff work, and encourages staff from other Tasmanian Government Agencies to do the same. At a high level, the AYDC Practice Framework is a therapeutic, evidence-based framework which clearly states the practice principles for AYDC using shared knowledge bases and a common elements approach. The AYDC Practice Framework is incorporated in all recruitment, induction, ongoing learning and development, service delivery, policies, procedure, and future planning. Further information on the AYDC Practice Framework is provided at paragraphs 153 to 156 of this statement.
46. Multi-disciplinary teams operate in all aspects of AYDC, in accordance with the AYDC Practice Framework.

Induction

47. When a young person is admitted, and inducted, to AYDC, the procedure detailed below at paragraph 310 is undertaken. A copy of the Induction Program Checklist is annexed at Annexure 22.
48. All young persons admitted and inducted to AYDC are placed in the residential unit named “Liffey” for the period of their induction, prior to their placement in one of the remaining three residential units. Separate arrangements are made for female residents if the Liffey unit is unavailable. The induction process is extensive and can take up to seven days to complete all requisite processes.
49. I do note that there are instances where young people are detained at AYDC for a very short period (24 – 48 hours). In those instances, the below procedure is followed as much as reasonably practicable for the duration of the young person’s detention at AYDC:
- (a) Young person risk questionnaire (Youth Worker);
 - (b) Tier 1 Assessment completed (Correctional Primary Health Service Nurse);
 - (c) Medical Assessment completed (Doctor);
 - (d) Living skills assessment completed (Youth Worker);
 - (e) Explanation of rights and responsibilities (Operations Coordinator, Children and Young Person Advocate and Case Managers);
 - (f) Evacuation procedures explained by a youth worker.
 - (g) Case planning and management (multiple roles, including Case Management Officer, Operations Coordinator);
 - (h) Program planning (Program Coordinator and Ashley School Principal)

Multi-Disciplinary Team

50. The AYDC Multi-Disciplinary Team ('MDT'), formerly known as the Multi-Disciplinary Review Team, provides assessment, review, monitoring and referrals to address the needs of young people detained at AYDC for the purpose of optimising health outcomes, addressing other risk factors and planning for the young person's return to the community. A copy of the MDT Team Terms of Reference is annexed at Annexure 23. MDT meetings take place every Thursday between 1-2:30pm. An MDT meeting is required to be undertaken in respect of each young person detained at AYDC every four weeks, at a minimum. Urgent MDT meetings can take place outside of scheduled meetings at the direction of the Manager, Custodial Youth Justice.
51. The MDT consists of the following positions:
- (a) Chairperson: Manager, Professional Services & Policy (or delegate, Care Management Coordinator);
 - (b) General Members:
 - a. Operations Coordinator;
 - b. Case Management Coordinator;
 - c. Conference Convenor;
 - d. Ashley School Principal (or delegate nominated by Principal);
 - e. Clinical Psychologist;
 - f. Ashley Nurse;
 - g. Senior Practice & Quality Advisor (CYF).
52. I note that the Manager, Custodial Youth Justice can attend any MDT meetings. I also note that the Chairperson may invite the participation of other staff or stakeholders as considered relevant and appropriate. For example, Youth Justice Worker, Child Safety Officer, Youth Workers or Program Coordinator.
53. Matters determined at MDT meetings vary. The key tasks and responsibilities of MDT meetings are listed in Annexure 23 and include discussing care/case management plans of young people at AYDC, identifying and developing plans to address risk factors, inclusive of responses from young people and unit placement of young people post-induction.
54. Minutes of these meetings are maintained and case plans, safety plans and exit plans are updated from discussions at MDT meetings. Young people are involved in the collation of information about them, their views are considered in discussion and they are updated on decisions and the reasons for them. This is done with Case management staff and/or Operations Coordinators or Operations Manager.

55. Minutes of each MDT are circulated to management staff and direct health care providers, i.e. Correctional Primary Health. Minutes of these meetings are maintained and case plans, safety plans and exit plans are updated from these discussions. Young people are involved in the collation of information about them, their views are considered in discussion and they are updated on decisions and the reasons for them. This is done with Case Management staff and/or Operations Coordinators or Operations Manager.

Weekly Review Meetings

56. Weekly Review Meetings take place weekly to review information and reports received regarding young people for the purpose of determining their colour level in the Behaviour Development Program. The Terms of Reference of the Weekly Review Meetings are annexed in Annexure 24. Further information concerning the Behaviour Development Program is provided in response to question 19 at paragraphs 219 to 229.

57. The Weekly Review Meeting is the process in which each young person at AYDC is provided with information about their allocated colour level and the outcome of any of their requests. Requests from young people may be to add telephone numbers, in person visits, requests to purchase items with allowance, off property activities or unit moves.

58. The membership of Weekly Review Meetings is:

- (a) Chairperson - Operations Manager
- (b) General Members - Operations Coordinator, Case Management Coordinators, Youth Worker representative from each residential unit and Practice Manager.
- (c) Additional stakeholders - clinical psychologist, Ashley Principal.
- (d) Executive Support – Administrative Officer.

59. Weekly Review Meetings take place on Monday mornings at 9:30, or on Tuesdays if Monday is a public holiday. Youth Workers provide information on the young person's weekly engagement by referring to YCIS shift notes, daily incentive points form and program points form.

Risk Assessment Process Team

60. The Risk Assessment Process Team ('the RAPT') provides a reliable process for decision making, analysis, planning and implementation of risk management strategies to support staff with the ongoing care of young people at AYDC. The Terms of Reference of the RAPT are annexed at Annexure 25.

61. The RAPT responds to events and incidences in accordance with the categories nominated for responding to risk. The RAPT's roles and functions include; applying a risk management framework to review the level of risk to an individual, analyse why the incident occurred, review CCTV, incident reports, past risk assessments and consultation with internal staff. The RAPT helps to inform the behavioural management plan for a young person or young people involved in a significant incident. The risk assessment is considered by MDT and Weekly Review Meeting groups to ensure appropriate strategies and safety plans are in place concerning operations practices and procedure.

62. The membership of the RAPT is:

- (a) Chairperson - Operations Manager
- (b) General members – Assistant Manager, Case Management Coordinator, Practice Manager, Operations Coordinator, Ashley Principal and Clinical Psychologist.

Program Assessment Team

63. The Program Assessment Team ('the PAT') assesses the suitability of programs for young people to participate in either in groups or individually. The PAT Terms of Reference are annexed at Annexure 26. The PAT gather information from the Behaviour Development Program, information and referrals from the multi-disciplinary team meetings and from Corrections Primary Health, as well as the wishes and needs of young people. The information is then used and appropriate programs selected to support each young person's transition to community through individualised, trauma informed educational programs that promote positive values and improve decision making skills and capacity of young people.

64. As of July 2022, outside of the educational programs, the following programs are provided to young people at AYDC:

- (a) Delta Therapy Dogs attend AYDC and the young people at AYDC interact with the dogs (Tuesdays);
- (b) Cooking breakfast on Sunday with [REDACTED];
- (c) Drop-in skate program every second week;
- (d) Weekly craft challenge;
- (e) Weekend cooking task; and
- (f) Personal Training every Sunday

65. The PAT also assess program outlines developed by community volunteers and service providers in partnership with the Program Coordinator.

66. The PAT apply a Hazard Identification Matrix to each program outline to assess risks associated with equipment identified for use in each program.

67. The PAT further monitors the progression and implementation of each young person's timetable and incorporates feedback from other teams.
68. The membership of the PAT is as follows:
- (a) Chairperson – AYDC Program Coordinator
 - (b) General Members – AYDC Coordinator Case Management, AYDC Operations Manager, AYDC Operations Coordinator, Ashley School Principal.
69. The PAT meets weekly, on the last work day of the week.
70. Further facilities are located at AYDC that can be used by young people, such as; an indoor gym with a basketball court and fitness area, an outdoor swimming pool, outdoor basketball court, cricket nets and a barbeque area.

Q.6 What other areas of the Department assist with the management and operation of the Ashley Youth Detention Centre? How do these other areas fit within the organisational structure outlined in your response to paragraph 4?

71. The management and operation of AYDC as a custodial detention centre is undertaken by the Department of Communities through each of the positions identified in the organisational structure at Annexure 6, as well as the Deputy Secretary, CYF, and other officers as set out in the delegations copied at pages 3-16 of this statement. Notwithstanding the Department's responsibility to manage and operate AYDC, there are other teams within the Department that may come in contact with young people, or provide services to young people. Where employees from other parts of the Department come in contact with a young person at AYDC, those employees are subject to their own reporting lines and organisational structure. However, any person who attends AYDC is required to comply with AYDC policy and procedure related to visitors and to any directions from AYDC staff. Visitors have designated visiting areas and are not permitted outside of these. The Commissioner for Children and Young People and her Advocate has unfettered access to young people with the exception of inside their bedrooms.
72. Child Safety Services employees may come into contact with young people at AYDC if there is a care and protection order in place concerning the young person. This most commonly occurs during MDT discussion or exit planning for a young person. Another way in which Child Safety Services may come in contact with a young person is if an investigation is taking place into the young person's family and Child Safety wishes to speak to the young person. The young person can refuse consent to speak to Child Safety.
73. Youth Justice employees may also come into contact with young people at AYDC if there is a supervised release order for the young person when they leave AYDC. Youth Justice are responsible for the young person's supervision in a supervised release order when the young person returns to the community. At times, Youth Justice will remain in contact with the young person during their time at AYDC to maintain rapport.

Q.7 What other Government Institutions assist with the management, operation and provision of services of the Ashley Youth Detention Centre? Including:

74. As stated in paragraph 71 of this statement, only the positions identified in the organisational structure, as well as the Deputy Secretary, CYF, and Secretary of the Department, are responsible for the management and operations of AYDC. However, there are other Tasmanian Government Departments that provide healthcare, education and services to young people at AYDC.

Department of Health

75. The Department of Health, through Forensic Mental Health Services, and more specifically, Correctional Primary Health Services, provides general and mental health services to young persons detained at AYDC.

76. Structurally, the Department of Health provides a service to young people at AYDC that is independent of the Department of Communities organisational structure. The Department of Health is responsible for staff appointments, support and running of the service provided at AYDC.

77. There is some cross-over where matters concern resident care, program and on-site activities between Department of Communities Staff and Department of Health Staff. In those circumstances, staff work collaboratively through weekly multi-disciplinary team meetings.

78. The Memorandum of Understanding between the Department of Communities and Forensic Mental Health Services is annexed at Annexure 27. Schedule I of the Memorandum of Understanding prescribes the services provided by Correctional Primary Health Services to young people at AYDC and includes, among other things, assessment of residents at initial reception and induction, provision of advice to AYDC staff 24 hours a day, assessment of residents presenting as being at risk of suicide or self-harm, assessment and treatment of residents following accident or injury, provision of a clinical psychologist and child psychiatrist.

79. Correctional Primary Health Service are subject to Department of Health reporting lines, legislation, policy and procedure.

Department of Education

80. The Department of Education provides educational services to young people detained at AYDC. Structurally, the Department of Education provides a service to young people at AYDC that is independent of the Department of Communities organisational structure. The Ashley School is located at the AYDC site. The Department of Education is responsible for staff appointments, support and running of the service provided at AYDC. The Memorandum of Understanding between the Department of Education and the Department of Health and Human Services is annexed at Annexure 28.

81. The Ashley School Principal is a member of, and makes a meaningful contribution to, weekly meetings of the Multi-Disciplinary Team meetings, Weekly Review Meetings and Program Assessment Team meetings. The Ashley School Principal's membership in those Department of Communities Teams is because the provision of educational services to young people at AYDC is inextricably linked with the safe and secure care of all young persons detained at AYDC.

Department of Justice

82. Tasmania Prison Service provides the transfer of youths and adults to and from AYDC and to and from TPS facilities in certain circumstances. The Memorandum of Understanding between the Department of Health and Human Services and the Department of Justice is annexed at Annexure 29. The MoU, in essence, provides that the Manager, Custodial Youth Justice (Department of Communities) can make a request to the Director of Tasmania Prison Services for the transfer of a young person to a Tasmania Prison Service facility. The circumstances in which a request of this nature is made is where a high level of secure care of a young person is needed because the young person represents a risk to the security or safety of, inter alia, themselves, other young persons at AYDC, staff, physical assets or the operation of AYDC.
83. Where a young person is transferred from AYDC for a period exceeding 14 days, the Transfer Assessment Panel convenes and reviews the transfer and makes recommendations concerning any programs, treatment or secure care requirements. The nuanced details of transfer assessments are contained in Annexure 29. Tasmania Prison Services are subject to any relevant Department of Justice reporting lines, legislation, policy and procedure.

Tasmania Police

84. Tasmania Police may at times seek to visit, or remove, a young person detained at AYDC. If Tasmania Police make a request to visit, or remove, a young person from AYDC, AYDC staff are required to follow the *Police access to young people detained at AYDC procedure*. This procedure is annexed at Annexure 30.
85. Tasmania Police are subject to Tasmania Police reporting lines, legislation, policy and procedure. Generally, where Tasmania Police's request does not involve a court issued warrant, Tasmania Police are required to liaise with AYDC staff. AYDC staff liaise with the young person and ascertain whether the young person wishes to provide consent to the police visit. If the young person refuses consent, the visit from Tasmania Police does not occur.

(a) How do these other Government Institutions fit within the organisational structure outlined in your response to paragraph 4?

86. As detailed to above in response to question 7, each Tasmanian Government Agency that has contact with, or provides services to, young people detained at AYDC is subject to the respective agency's reporting lines, legislation, policy and procedure.

87. I note that any person from any agency or external service is bound by AYDC operating policy and procedure while on the AYDC premises. This includes maintaining confidentiality of young people, being accompanied by a youth worker through the centre, storing personal and technology items in a secure locker outside of the secure area of the centre, a working with vulnerable people clearance, sufficient identification and compliance with Public Health Directions concerning COVID-19.

(b) Which Government Institution has ultimate responsibility where more than one Government Institution is providing management, operation and/or services to a detainees (For example, the provision of educational services by the Department of Education or nursing or psychiatric services by the Department of Health)?

88. The Department of Communities has the overall responsibility for the health, safety and welfare of young people detained at AYDC, visitors and staff employed by the Department of Communities as well as all management functions of AYDC as a site, and operational matters, such as safety and security.

89. Each Agency has its own statutory obligations, powers and functions in respect of what it delivers to young people at AYDC. The question of responsibility, in any context, will depend on what power or function is being exercised.

90. Where more than one Tasmanian Government Agency is providing a service to a young person, ultimately responsibility is situational and dependent on what statutory powers or functions are being fulfilled, and by whom. For example, if a young person damages property at the Ashley School, the Department of Education is responsible for replacing the damaged property. If the young person who destroyed the property is dysregulated and presents as a risk to themselves or others, Department of Communities staff, such as a youth worker, would be responsible for assisting the young person and Correctional Primary Health, Department of Health, would undertake a mental health assessment on the young person.

Q.8 What budget and resourcing does the Department provide for the operation of the Ashley Youth Detention Centre?

91. Government determines the budget and resourcing for the operation of the Ashley Youth Detention Centre as part of the annual State Government budget process. The 2021-22 Budget for Ashley Youth Detention Centre was \$9.884 million. This included \$8m for salary and wage related expenditure and \$1.9m for non-salary related items.

Q.9 What are the Department's governance practices, including oversight and reporting lines, in relation to the Ashley Youth Detention Centre and its Officials? What governance mechanisms and practices are in place in relation to the obligations of other Government Institutions to detainees at Ashley Youth Detention Centre?

92. Administrative, managerial and operational oversight of AYDC is undertaken by the senior executives of the Department of Communities, and specifically include, Manager, Custodial Youth Justice, Director, Youth and Family Violence Services, Deputy Secretary, CYF and the Secretary of the Department. The reporting lines of the Department are as detailed in the organisational chart and in response to questions 3 and 4 of this statement.
93. External oversight is provided by the Custodial Inspector. The *Custodial Inspector Act 2016* prescribes the powers and functions of the Custodial Inspector. The Custodial Inspector undertakes themed inspections of AYDC focusing on particular inspection standards to evaluate and analyse areas that require improvement based on an established inspection framework. I note that the Custodial Inspector is appointed as the Tasmanian representative on the National Prevention Measures Agreement under Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPTCAT).
94. The Commissioner for Children and Young People provides continuous external oversight through the Advocate for Young People position, which is 1 FTE, is positioned within AYDC and is accessible to young people, with direct funding from the Tasmanian Government. The Commissioner for Children and Young People also visits AYDC fortnightly. Easy read information concerning the Commissioner and the Advocate for Young People, and their respective contact details, are placed throughout AYDC. The Commissioner for Children and Young People is provided with copies of minutes from Weekly Review Meetings, monthly use of force summaries, isolation summary and search reports.
95. Additional “external” resources may be provided for the review of significant incidents. This includes activation of a Serious Events Review Team (SERT) to undertake a review when a child or young person, who is who is known to CYF, has experienced a serious event, and it appears that the CYF service system (including contracted services) may have contributed to the event through action or inaction. This mechanism can be reactivated as an independent review function.
96. A “serious event” refers to an event or series of events leading to:
- death;
 - a serious physical injury or chronic emotional and/or psychological harm; or
 - a ‘near miss’ event such as a serious mishap or error that had potential to cause a serious event but failed to do so because of chance or because it was intercepted.
97. The findings of the SERT are provided to a Children and Youth and Families Serious Events Review Committee (SERC). SERC is a multi-disciplinary panel of clinical and practice experts with a membership derived from CYF, Communities Tasmania and external agencies that brings together the necessary skills and experience to valuably contribute advice to CYF Executive on recommendations arising from reviews of serious events.

98. The SERC will then provide advice to the Secretary on system wide recommendations arising from SERT Reviews of specific incidents where recommendations are designed to support potential actions for systemic preventative and/or corrective action that influence and strengthen practice, process and policy and deliver systemic improvement across CYF.
99. I am unable to comment on the governance mechanisms in place for other Tasmanian Government Departments in relation to young people at AYDC because that is a matter for the respective Department. However, all persons working or visiting AYDC are required to comply with AYDC operating policy and procedure while on the AYDC premises. This includes policies about maintaining confidentiality of young people, storing personal and technology items in a secure locker outside of the secure area of the centre, working with vulnerable people clearance, sufficient identification and compliance with Public Health Directions concerning COVID-19.

Q.10 Describe the Ashley Youth Detention Centre site over the Relevant Period and any changes made to it, including:

- (i) the number of buildings***
- (ii) the purpose of each building***

100. It is my understanding by reference to historical site plans that:
101. There were 15 buildings located on the Ashley Youth Detention Centre site ("the site") as of October 1999. These buildings consisted of two cottages, (one originally used for accommodation and later used for training, which is no longer in regular use as there is a new training building; the second cottage was a relocatable building that was also used for accommodation, predominately for females, and has now been demolished), a garage, a workshop, a gymnasium, a dairy, a hay barn, water storage and windmill, two accommodation areas, change rooms, an administration building which included a dining area and kitchen. It is not clear from the site maps exactly where perimeter fencing was located at this time. The detailed site plans are located at Annexure 31. At this time a multipurpose hall and two further accommodations buildings were being developed, which included shared common rooms, time out rooms, stores and offices

102. During the year 2000, the Liffey building and an additional educational building were constructed. The Liffey building contained accommodation and common areas, interview rooms, conference rooms, offices and a nurse room. There were 19 buildings located at the site as of July 2000. These buildings consisted of accommodation areas, a school building, a multipurpose hall, a cottage, carport, water storage and windmill, a dairy, a hay barn, a pump house, a gymnasium (demolished during 2000), the administration building which included a dining area and kitchen and the relocatable building mentioned above that was used for overflow accommodation and was later demolished. At this time the other accommodation buildings were known as Bronte, Franklin (labelled as Quamby on some site plans) and Huon. The cottage, dairy, hay barn, water storage and windmill were located external to the perimeter fencing that surrounded the areas used for the purposes of the detainees ("perimeter fencing"). The detailed site plans are located at Annexure 32.
103. In 2003 work commenced to build a new learning centre. Site plans for the construction of the centre show the perimeter fencing, and existing Bronte, Liffey, Franklin and Huon Buildings along with existing multi-purpose hall, school building. Building E, sally port, admin and kitchen areas. These site plans are located as Annexure 33.
104. During 2006 a maintenance shed and a storage shed were constructed on the site, within the perimeter fencing. The site plans are located at Annexure 34.
105. During 2007 an additional education building was constructed on the site, within the perimeter fencing. The site plans are located at Annexure 35. During 2009 this building was extended and the relevant site plans are located at Annexure 36.
106. The current site plans are located at Annexure 37. The four accommodation buildings, Liffey, Huon, Franklin and Bronte, remain. Interview, pharmacy, consulting and holding rooms are located within the Liffey building. The administration, kitchen and dining area remains. The gymnasium, maintenance shed, education facilities and storage shed remain. There is an additional music building that appears as an unnamed building on the 2006 site plans, annexed above, but not the earlier plans.

(iii) the category of detainee housed in each building, and

107. Young people are not strictly categorised and detained according to classification together in units. During a young persons' induction to AYDC, they are placed in the Liffey Unit to become familiar with AYDC rules, staff and routine. During the process of admission and induction, multi-faceted processes assist to identify, among other things, the appropriate unit placement for the particular young person. A Risk Assessment Process Team meeting then occurs to determine unit allocation for a young person. The Procedure for Commissioning and Decommissioning a Unit is annexed at Annexure 38. Matters relevant to unit allocation include, the age of the young person (younger people are generally housed apart from older detainees), gender, safety and security needs, individual needs or special requirements, rehabilitation needs, relationship dynamics and the views of youth workers who have been working with young people.

(iv) the placement of security cameras.

108. The use of closed-circuit television (“CCTV”) was introduced as a form of video surveillance on a limited trial basis in the Franklin Unit during 2007.
109. In 2009 Installation of security cameras across AYDC was underway with site plans (Annexure 39) showing locations and coverage.
110. By 2014 there were a total of 41 CCTV cameras located on the site; seven in the admissions area, 11 in the Franklin Unit, 11 in the Huon Unit, eight in the Bronte Unit and four in the Liffey Unit. The CCTV Surveillance Cameras Procedure at that time is located at Annexure 40 and that lists the locations of the cameras within the common areas.
111. During 2020 upgraded electrical services were provided to the Huon, Bronte and Liffey Units, and the site entry and carpark. The electrical plans are located at Annexure 41. The plans show the existence of CCTV cameras in the common areas in the Huon, Bronte and Liffey Units including the recreation yard, music room, multi faith room, quiet area, living room, de-escalation rooms, entry area and kitchen. Additionally, CCTV cameras were installed in the holding areas, secured air locked areas, public visitor rooms and corridors.
112. As at the time of making this statement, following a refurbishment during 2022, there are a total of 155 CCTV cameras located on site. 80 of those are digital cameras that were installed during 2022 and are located as follows:
- Car Park – 3
 - Gatehouse – 10
 - Gym – 2
 - Henty – 4
 - Meander – 13
 - Esk – 13
 - Liffey – 15
 - Rubicon – 9
 - Sally Port – 3
 - Waratah - 8
113. All cameras are set to retain recordings for 3 months or 90 days. Any incidents recorded on the CCTV cameras are stored in accordance with the Department’s policy on archives. The only people who can access those records are the Assistant Manager and the Safety Manager. Any time that a Serious Incident Review is lodged, any relevant CCTV is locked off and stored for review.

Q.11 Describe the Department's response to the announcement by the former Premier Peter Gutwein and Minister for Children and Youth Sarah Courtney on 9 September 2021 that Ashley Youth Detention Centre would close in three years and be replaced by two new smaller facilities in the north and south of Tasmania including:

(a) any planned implementation or operationalisation of the proposed reforms (including any relevant timeframes); and

(b) any implementation or operationalisation already undertaken or underway.

114. From 1 October 2022, the implementation and operationalisation of the reforms will be undertaken by the soon-to-be-created Department of Education, Children and Young People. A reform team has been created and the Executive Director of the team is due to commence on 1 August 2022. Once the Executive Director commences, it is expected that a timeline for implementation of youth justice reforms will be developed and released. A volume of functional briefs regarding preferred site options consistent with the therapeutic models of care are being developed.

Q. 12 Describe the policies and procedures in relation to the recruitment of Ashley Youth Detention Centre Officials during the Relevant Period, including:

(a) How positions are advertised

115. All permanent positions are advertised externally. Fixed term positions may be advertised externally or, for periods of less than six months, filled under Expression of Interest or Higher Duties arrangement. There is rolling advertisement for the casual youth worker positions and Catering Stores/Utility.

(b) How the selection process is undertaken, including whether written applications and interviews are always required

116. The selection process undertaken is dependent upon the type and duration of the vacancy.

117. All recruitment is managed in accordance with guidelines issued by the State Service Management Office (SSMO). For permanent positions, or fixed term positions of more than six months, this requires external advertisement and a selection process based on merit. Detail can be found on the website of the SSMO.

118. Between 2000 and April 2021, all recruitment was managed by the relevant hiring manager in accordance with agency recruitment procedures in accordance with the State Service Act and SSMO guidelines.

119. In April 2021, recruitment activity began to move from a transaction-based service to a centralised recruitment model. The new service model shifted administrative and recruitment-based tasks from service delivery managers to a dedicated recruitment team, whilst keeping the decision-making with the hiring manager/chair as the subject-matter experts.

- I20. As a first step, centralised recruitment was rolled out across CYF to provide specialist recruitment advice and support to hiring managers/panels and reduce the burden of recruitment processes by managing processes, providing expertise and advice on attraction methods, and undertaking administrative tasks. This allows the hiring manager/panels to focus on providing subject-matter expertise on assessing candidates for suitability.
- I21. The current recruitment process is detailed as follows:
- I22. An appropriate selection panel is approved by the Director, and usually consists of staff from AYDC and an external agency.
- I23. Applications are screened by the panel to assess suitability. That is, ensuring that the applicants have either relevant experience or transferable skills relevant to the youth and custodial environment, that they can satisfy the required selection criterion and any position specific requirements. Further detail on specific position requirements has been provided in answer to question 5 above.
- I24. Applicants that meet this criterion are shortlisted to advance to next stage. Those applicants are invited to participate in Safe Select, Online Psychometric Testing. Psychometric testing was introduced to the process of recruiting youth workers to AYDC in February 2000.
- I25. The results of the testing will be reviewed by staff who are trained to interpret the results. Recommendations will be made to the panel on the applicants that are most suited to advance to further assessment.
- I26. The selection panel will then run an assessment day for applicants who have been recommended through the Safe Select process as suitable to advance, and this usually occurs before interviews take place. The day will involve a variety of individual and group assessments to determine further suitability of skills and attributes. This is an additional suitability and screening activity that was introduced in 2021. It is a nationally recognised screening tool that is used for a number of frontline roles including police, corrections and ambulance.
- I27. A selection panel interview is subsequently undertaken with each applicant using predetermined questions and scenarios.
- I28. A member of the selection panel will request referee reports for each applicant, to verify claims made by the applicant and clarify questions to understand applicant suitability.
- I29. At this stage additional questions may be asked of applicants from the Safe Select, Online Psychometric Testing process by the staff trained to interpret these results. This will occur where an item has been unanswered by the applicant, where that item is deemed as critically relevant. The question will be revisited with the applicant, to ensure that the applicant is best suited to work within a youth detention centre.

130. When an applicant is recommended by the selection panel as most suitable for appointment, the applicant must undergo a criminal conviction check, medical assessment and receive their Working with Vulnerable People clearance. If those clearances are received, the applicant is offered the position.
131. Recruitment is now a rolling process to ensure that vacancies are filled proactively and to prevent avoidable workforce gaps. Previous reviews into AYDC have noted gaps in the workforce as a weakness in the system. The rolling process means that multiple vacancies can be filled from one recruitment process as suitable. This system supports proactive management of vacancy control, which does not always result from resignations. It can result from absenteeism for a number of reasons such as illness, unforeseen circumstances, or an ED5 process.
132. Direct selection may be approved subject to all mandatory pre-employment checks for fixed term positions, or for short term vacancies of less than six months, where there is a need and a suitable staff member identified.
- (c) ***Whether there are any minimum requirements for employment or engagement of Ashley Youth Detention Centre Officials including:***
 (a) ***Any qualifications, accreditations, certificates, licences or experience***
 (b) ***Any screening processes (including police checks and Registration to Working with Vulnerable People)***
 (c) ***Knowledge and skills in relation to custodial settings, including juvenile detention***
 (d) ***Knowledge and skills in relation to caring for children particularly those with special needs (for example, disability, trauma background or mental health issues) and;***
 (d) ***Any screening assessment conducted by the Department in relation to the risk that potential employees will engage in sexually inappropriate behaviours towards children***
133. Please see the paragraphs immediately above and also my answer to question 5.
134. Referee checks, assessment activities and interview questions are scenario-based and designed to assess applicants' values, beliefs and boundaries, interaction with people and understanding of trauma behaviours and therapeutic responses.
135. Screening for the risk that potential employees might engage in sexually inappropriate behaviours is undertaken throughout the selection and recruitment stage and includes a national police check, Working with Vulnerable People check, and conduct in prior employment check. In addition, psychometric testing, induction and probation has a focus on respectful behaviours, workplace conduct, bullying and harassment and boundaries. This focus continues under supervision following completion of probation.
- Q. 13 Identify the roles at Ashley Youth Detention Centre that require particular experience or expertise in relation to preventing, identifying, reporting or responding to child sexual abuse. What experience and expertise is required for those Ashley Youth Detention Centre Officials holding those positions?**
136. All staff working at AYDC have mandatory reporting obligations under the *Children, Young Persons and Their Families Act 1997* and are responsible for identifying, reporting and responding to child sexual abuse.

- I37. Mandatory reporting is a compulsory component of induction training undertaken by all staff and has an accompanying procedure. A copy of the policy regarding reporting concerns for the safety of a young person is located at Annexure 42.
- I38. The Correctional Primary Health, Case Management, and Practice Manager roles are available to provide or facilitate access to clinical or specialised direction in preventing and responding to individual matters, including child sexual abuse, to staff in Youth Worker and Operations Coordinator positions.

Harmful Sexual Behaviours

- I39. Specialised guidance is provided to AYDC staff by psychology services and the Sexual Assault Support Service ('SASS') on identifying and responding to all sexual abuse and harmful sexual behaviours.
- I40. AYDC staff receive therapeutic training to understand and support residents displaying harmful sexual behaviour. The Sexual Assault Support Service (SASS) "Keeping Kids Safe" two-day workshop was delivered to AYDC staff on 22 November 2021 and 20 December 2021. A further session is being delivered by SASS on 15 July 2022. A copy of the slides for that training are located at Annexures 43 and 44. The workshop is a specialised professional development workshop which aims to give participants skills to minimize harm and assist others in trauma recovery. The workshop covers identifying and responding to child sexual abuse, including grooming behaviour, boundary breaches and harmful sexual behaviours.
- I41. After Ms Maxwell's evidence before the Commission of Inquiry, and on 18 May 2022, senior AYDC staff met with SASS staff to discuss establishing a formal arrangement whereby AYDC staff can access SASS for consultation to provide recommendations for identifying, preventing and responding to harmful sexual behaviour, and child sexual abuse more generally.
- I42. Since the meeting on 18 May 2022, the Practice Manager of AYDC has attended a weekly session with a SASS clinician to discuss any incidents or concerns regarding harmful sexual behaviours of young people at AYDC. It is intended that this arrangement will extend to all AYDC staff, to enable them to engage directly with a SASS clinician to gain clinical guidance in preventing, identifying and responding to matters concerning harmful sexual behaviour.

Responding to disclosures of child sexual abuse

- I43. The Practice Manager at AYDC was previously classified as a AHP3 position but recently was promoted to AHP4. The change in classification reflects the role being a specialised clinical manager. The Practice Manager role includes clinical supervision of youth workers to ensure that their processes for dealing with disclosures of child sexual abuse are contemporaneous and consistently aligned with the advice received from SASS.

144. The Tasmanian Government has committed to the development of a legislative framework that supports the intent of the National Child Safe Principles and provides a plan for the implementation of the Royal Commission's recommendations relating to Child Safe Standards.
145. The Children, Youth and Family Services ('CYF') Practice Manual is structured to align with the overarching CYF policy framework. All CYF procedures, policies, practice advice and guidelines are located under 14 overarching policy pillars within their practice areas, such as Child Safety, Out of Home Care, Advice and Referral, and AYDC.
146. A number of AYDC Policies, Procedures, Practice Advice and Guidelines are in the process of being updated to reflect contemporary practices and terminology. Only those which are identified by AYDC as being currently in use, or those current in the CYF Practice Manual have been included in this response.
147. A Practice Framework for AYDC was developed in 2020 which provides the key platform for working therapeutically and in a trauma-informed way with young people to address their offending behaviour and develop social responsibility. The Practice Framework is based on a strengths-based approach to build relationships that foster safety, communication, respect, and achievement of goals resulting in healthy young people and staff. This is carried out through social modelling of pro-social behaviour, accountability, active listening, play, problem solving, recreational learning, recovery, restorative practices, resource building and wellbeing. The Practice Framework dovetails with the Learning and Development Framework which is the mechanism for bringing all staff up to date with current practice via a comprehensive training program. A copy of the Practice Framework is annexed at Annexure 3.
148. In 2021, work was undertaken to contemporise all AYDC policies and procedures to be compliant with Child Safe Standards and commence implementation of the Learning and Development Framework. The audit was used to identify areas of highest priority for attention and where there were gaps in policy that needed addressing.
149. In 2022, the continuous improvement priorities are:
- Embedding the Practice Framework across AYDC
 - Updating the priority areas identified in the policy and procedure audit, with lower priority processes following later
 - Supporting and training staff through the ongoing implementation of the Learning and Development Framework.

Q.14 What monitoring, evaluation or compliance checks are undertaken by the Tasmanian Government of Ashley Youth Detention Centre Officials?

150. AYDC is subject to independent inspections performed by the Custodial Inspector under the *Custodial Inspector Act 2016* and as the OPTCAT, National Preventative Mechanism.
151. AYDC operational leadership monitors compliance with organisational requirements such as record keeping and documentation of key actions and decisions.

I52. Internally, the AYDC Learning and Development Framework provides a structure for supervision which includes compliance with policies and procedures as well as reflection and development regarding individual performance. Strategies for reflective practice include:

- Individual supervision
- Informal Supervision
- Group Supervision
- Review after performance of new duty or task
- Incident Debriefing
- Case specific mentoring
- Ashley Team Support engagement and practice

Q.15 Describe any training, policies, procedures, other guidance material or resources provided to Ashley Youth Detention Centre Officials during the Relevant Period including:

Practice Framework and Learning and Development Framework

I53. In 2020, the Department commissioned a Literature Review of Best Practice in Provision of Therapeutic Custodial Youth Justice Services. The Literature Review is annexed at Annexure 45. The Literature Review informed the basis of the development of the AYDC Practice Framework and Learning and Development Framework (Annexure 4). All policies and procedures have either been reviewed or are under review to ensure they align with the Practice Framework and are consistent with Child Safe Organisation principles and standards.

I54. The AYDC Practice Framework (Annexure 3) provides the key platform for working therapeutically and in a trauma-informed way with young people to address their offending behaviour and develop social responsibility. The Practice Framework is premised on a strengths-based approach to build relationships that foster felt safety, communication, respect, and achievement of goals resulting in healthy young people and staff.

I55. The essence of the AYDC Practice Framework is to provide trauma-informed principles for all Departmental employees working at AYDC. The use of principles, rather than prescriptive procedure, for staff working with young persons is to identify the common elements of therapeutic and trauma informed practices in a custodial youth justice setting. This approach recognises that highly prescriptive procedures curtail achieving therapeutic trauma informed care because one size does not fit all. The common elements/principles approach allows staff to work alongside young people.

156. The AYDC Learning and Development Framework (Annexure 4) supports staff collaboration and excellence in trauma-informed practice, working with young people to address their offending behaviour, and support the development of social responsibility. The Learning and Development Framework uses the best practice model of 70:20:10. This approach to learning recognises that 70% of learning is through experience, 20% is through exposure and 10% is through direct education and training. The framework identifies mandatory training required of operational staff and subsequent learning and development pathways.

Induction and Safety training

157. Prior to staff commencing work at AYDC, induction and safety training is delivered to relevant staff on the following areas:

- First Aid
- Mental Health First Aid
- Trauma Informed Care
- CPR
- Fire Safety
- Suicide and Self Harm Training ('SASH')
- Non-Violent Crisis Intervention
- Control Restraint & Theory
- Manual Handling
- Motivational Interactions
- Report Writing and Case Notes
- Emergency Response Drills
- Food Safety
- Basic Disability Awareness
- Basic Signs of Safety

158. During 2020 and to a lesser extent 2021, COVID-19 impacted the delivery of training to staff. The delivery of staff training was also impacted by the Training Coordinator position at AYDC being vacant for a period of 12 months.

159. The position of Training Coordinator was advertised but the recruitment process was unsuccessful and the position has since been readvertised as an AHP 3 consistent with Workforce Development positions in CYF. By aligning the position with the CYF Workforce Development opportunities for collaborative and integrated work will allow for collaborative work with CYF Workforce Development trainers and the opportunity to leverage relevant work already done in that space.

160. Training spreadsheets are manually maintained for mandatory training attendance and electronic records of completed online training are captured as part of the Department of Communities online training platform (THEO).

(a) record keeping, including with regard to incidents of violence or other inappropriate behaviour by detainees, the conduct of personal searches and the Ashley Youth Detention Centre isolation register

Incidents

161. The Department's AYDC Incident Reporting Procedure prescribes the steps that Departmental staff are required to take following an incident that has arisen from the behaviour of a young person or young people. Compliance with this procedure is mandatory. The Incident Reporting Procedure is annexed at Annexure 46. The Incident Reporting Procedure applies to all incidents ranging from yelling, abusive language, disorderly conduct, interpersonal physical harm, sexually indecent acts.

162. Where an incident occurs, staff are required to fill in the AYDC Incident Reporting Form. A copy of the Incident Reporting Form is annexed at Annexure 47. The form requires information about the incident, location, operations coordinator or other senior staff the incident is reported to, who was present, notifications to other staff/agencies/contractors, an explanation of what happened, identification of the available evidence (CCTV, physical evidence) and a classification of the seriousness of the incident, from recorded incident, to minor incident, to detention offence (as defined under the YJ Act). After the initial staff member involved completes the relevant parts of the Incident Reporting Form, an Operations Coordinator reviews the relevant parts of the form for quality assurance. From there, a management assessment is undertaken concerning the incident where it is determined whether to refer the incident to the Manager, Custodial Youth Justice and whether other referrals, such as Tasmania Police, Guardian, Advice and Referral Line, Child Safety or Community Youth Justice, are required. The management assessment also considers whether an independent investigator should be engaged.

163. Any witnesses to an incident, including staff, young people and visitors, are required to complete a witness statement concerning the incident. The AYDC Witness Statement form is annexed at Annexure 48. If a young person at AYDC is required to fill in a statement a Youth Worker is available to assist if the young person wishes for assistance.

164. Incident Reports are collated by administrative staff and are discussed at the next Weekly Review Meeting. If an incident is urgent, an urgent Review Meeting is convened.

165. Staff are training to keep records of Incident Reports in YCIS and in the young person's physical folder which is held in the administrative area of AYDC in a locked and secure filing cabinet.

Personal Searches

166. AYDC operational staff can conduct three types of searches:
- (a) Room search – the room normally occupied by the young person and/or items in the young person's possession;
 - (b) Personal clothed search – the young person is searched while clothed by pat down/want; and
 - (c) Personal unclothed search – the young person is searched by removing items of clothing.
167. Searches of AYDC residential units and grounds occur on occasion as a part of normal security routine or when there is reason to believe prohibited and/or unauthorised items may be present.
168. AYDC's Standard Operating Procedure #7 Searches ('SOP #7') prescribes the procedure for searches of young people and their surroundings that take place at AYDC. The SOP #7 is annexed at Annexure 49.
169. Personal unclothed searches are conducted when a young person is a new admission to AYDC, a visit has occurred and contact has taken place or if a young person returns from an on-site program or off-site activity or in other circumstances where there is a reasonable belief that they are in possession of a prohibited or unauthorised item(s) and the level of concealment required an unclothed search. The SOP #7 prescribes that at no time during a personal unclothed search is the searching staff member to touch the body of the young person. Two staff members are required for a personal unclothed search. The search is required to take place in a room with privacy. One staff member is required to conduct the search and the other staff member is required to have a clear line of sight to the staff member conducting the search. The specific prescriptions of how a personal unclothed search is conducted is contained within the SOP #7.
170. After a personal unclothed search is completed, both staff sign the search register and ask the young person if they have any issues with the way the search was conducted and note any comments. A search register is kept in each Unit and in the Admissions Unit.

Isolation

171. The Department's *Use of Isolation Procedure* is annexed at Annexure 50.
172. The Use of Isolation Procedure prescribes the steps that AYDC staff must follow when a young person at AYDC is isolated. Isolation is prohibited except in very specific circumstances. Where isolation is authorised it must be kept to the minimum time necessary to ensure the safety of individuals or property.

173. The circumstances in which isolation may be authorised are when the young person's behaviour presents a risk to his or her safety, the safety of another person or to property. In those circumstances, isolation will only be authorised if the young person's behaviour presents an immediate threat to themselves, the safety of any other person or to property, and all other reasonable steps have been taken, and those attempts have been unsuccessful. Specific guidance is provided in the *Use of Isolation Procedure* which set out the taking of reasonable steps to prevent or stop harm, including removing the trigger for the behaviour, interrupting the chain of behaviour, using effective listening, offering an activity, informing the young person of the consequences of continued poor behaviour.
174. Isolation can only be authorised by the Manager, Custodial Youth Justice or their delegate. Where isolation is authorised, it is used for the shortest possible period. Operations Coordinators are delegated to authorise an initial period of isolation of up to 30 minutes. The maximum period of any extension that the Manager, Custodial Youth Justice can authorise is three hours, inclusive of the initial 30 minutes. An isolation beyond the period of 3 hours requires comprehensive assessment, inclusive of consultation with a Correction Primary Health Nurse or medical practitioner, the multi-disciplinary team, and the Director. Subject to the above, an authorisation for the extension of isolation may be completed. An observation schedule is required to be followed by staff for any period of isolation for a young person. The following forms are required to be completed for any period of isolation:
- Authorisation for use of Isolation Form, annexed at Annexure 51;
 - Authorisation for Extension of Isolation Form, if relevant, annexed at Annexure 52;
 - Observation Record Form, annexed at Annexure 53; and
 - Isolation Register, annexed at Annexure 54.
175. After a young person has been subject to a period of isolation, an Operations Coordinator or Manager, Custodial Youth Justice must put in place a plan, if considered necessary, to address how to implement post-release conditions of isolation. The plan would include consideration to the level of observation/staffing required when the young person is released from isolation and setting behaviour goals with the young person, and debriefing for the young person.
176. All isolations are recorded and incident reporting processes are followed. The authorisations for the use of isolation are referred to AYDC administration.
177. Post isolation an evaluation of the isolation episode is conducted at the next multi-disciplinary team meeting. If an evaluation is urgent, an urgent multi-disciplinary meeting is called.
- (b) behavioural management techniques for detainees, including isolation, removal of privileges and use of restraints**

178. The Practice Framework and Learning and Development Framework underpin the basis upon which the behavioural management techniques used by staff at AYDC for young people. I have provided a detailed response to behaviour management techniques, namely the Behaviour Development Program, used by AYDC staff in response to question 19 below.

179. The use of isolation by AYDC staff is described in response to question 15(a) above.

Use of Restraints

180. The use of restraints is governed by the Department's Use of Mechanical Restraints (Handcuffs) Procedure, annexed at Annexure 55. Handcuffs can only be used where the use is proportionate, reasonable and necessary, in circumstances where there is an unacceptable risk to the safety of a person or property or in response to an incident where a young person's behaviour presents an immediate threat to safety or property and all reasonable steps have been unsuccessful. Critically, handcuffing young people must never be used as a punishment. Only staff trained in the application and removal of handcuffs are permitted to use handcuffs on young people. Accompanying the Procedure for the Use of Mechanical Restraints (Handcuffs) is a Practice Advice for staff on the Use of Mechanical Restraints, annexed at Annexure 56.

Use of Physical Force

181. The use of physical force is a prohibited action unless it is reasonable and necessary to prevent harm to a person or property. Where it is reasonable and necessary, the minimum amount of force must be used for the shortest time possible. The goal is to ensure the safety of all concerned and to help the young person regain control of their behaviour as quickly as possible. Staff at AYDC are subject to the Use of Physical Force Procedure, annexed at Annexure 57. The use of physical force may occur to conduct a search, to prevent a detainee from injuring themselves or anyone else, to prevent a detainee from damaging property, ensure the security of the centre or to place a young person in isolation. Critically all reasonable steps must be taken, and have been unsuccessful, before the use of physical force against a young person at AYDC. A Practice Advice for staff on the Use of Force is annexed at Annexure 58. If force is used, after the event the Operations Manager or delegate must review any CCTV footage and an incident report must be made and a report must be made to the Manager, Custodial Youth Justice. Any use of force against a young person is required to be recorded in the Use of Force Register. A blank copy of the Use of Force register is annexed at Annexure 59.

Use of Chemical Agents and Restraints

182. AYDC staff are prohibited from using chemical agents and restraints. A copy of the Use of Chemical Agents and Restraints Procedure is annexed at Annexure 60.

(c) trauma-informed responses to detainee behaviour

183. AYDC staff operate using the Practice Framework and Learning and Development Framework which provide that staff provide trauma informed care of young people detained at AYDC. Further detail on the Practice Framework and Learning and Development Framework are contained in the response to question 15(a).

- ***child sexual abuse***
- ***harmful sexual behaviours***

184. AYDC does not have a policy specifically concerning child sexual abuse or harmful sexual behaviours. However, the existing practices and policies concerning incidents and reporting cover instances of harmful sexual behaviour.

185. The Department's policies and procedures concerning allegations of child sexual abuse apply to all staff working at AYDC, including Employment Direction 5.

- ***de-escalation techniques***

186. All Departmental policies, procedures, Practice Advice and the Practice Framework and Learning and Development Framework incorporate de-escalation techniques as a primary principle for behaviour management at AYDC.

- ***personal searches***

187. I have provided information about personal searches in response to question 15(a).

- ***use of force***

188. I have provided information about use of force in response to question 15(b).

- ***occupational health and safety***
- ***sexual harassment and discrimination***
- ***professional conduct in the workplace or codes of conduct, and***
- ***complaint and grievance processes.***

189. Training and information on work health and safety, sexual harassment and discrimination, professional conduct and complaint and grievance processes for AYDC staff are part of agency induction processes required for all agency personnel.

- ***hygiene for detainees***

190. Basic food handling training is undertaken by residents as part of their curriculum with the Department of Education. This is run regularly and reflected in the Program activity sheets. All residents initially complete the 'I Am Food Alert' course. Residents who have completed the 'I Am Food Alert' training can undertake in addition 'Do Food Safe' training. Each Sunday a qualified Chef is on site to cook with the Residents. The Chef reinforces/ensures food handling safety in this program.

191. Personal hygiene picture prompts are used to support young people to develop appropriate personal hygiene standards. Residents are encouraged and trained in expectations of showering, teeth care etc. in their daily routine. This is reinforced in daily routines sheet and recorded in the Behavior Development Program points which is to incentivize and reward positive behavior. This assists in highlighting areas of concern regarding hygiene which is discussed at Weekly Review Meeting and referrals are made to either Ashley Team Support or Health to work with the individual. Department of Education run a program on health. School holiday programs also run a personal care information session such as how to clean nails, hygiene, skin care.
192. A hairdresser visits the Centre. The Health Service will advise if a resident needs to be taken to the Dentist off site for dental care or checks.
193. Notwithstanding the difficulties with recruitment, and the impact of COVID-19, the following training has been provided to staff at AYDC in 2021:
- Anti-discrimination and Workplace Behaviours Training in May 2021 delivered by Equal Opportunity Tasmania; and
 - Child Safe Fundamental Training on the National Principles for Child Safe Organisations took place on 2 December 2021 and 8 December 2021 and was delivered by Child Wise.

Q.16 In relation to any training identified in your response to paragraph 15, is this training mandatory or optional and is it undertaken on a regular basis (for example, annually)?

194. The Ashley Learning and Development Framework is aimed at establishing learning and development pathways for AYDC staff. It incorporates both mandatory and elective learning components. Mandatory components are:
- Signs of Safety
 - Motivational Engagement Techniques
 - Alcohol Tobacco and Other Drugs
 - First Aid
 - Working with Kids from Hard Places
 - Fire Safety and Centre Security
 - Child and Adolescent Development
 - Respond Safely to Critical Situations
 - Vicarious Trauma and Worker Wellbeing
 - Professional Conduct and Practice

- Aboriginal Cultural Awareness
- Engagement, De-escalation and Restraint
- Mental Health First Aid
- Report and Case Note Writing
- Disability Awareness Training
- The Youth Justice Act in Practice

195. Elective training may include:

- Training workshops offered through CYF Workforce Development Team.
- Individual study towards formal qualifications.
- Online modules via Tasmania Health Education Online (THEO).

196. Workplace leaders will attend and complete the mandatory training provided within the Advance Practice program:

- Advanced Signs of Safety
- PASE Training
- Human Resources
- Manager Essentials
- Leading Trauma-informed Practice
- Workplace Coaching and Mentoring
- AYDC Practice Framework
- Leading a Therapeutic Environment
- Safety Reporting and Learning System Training
- Youth Justice Beginning Practice
- Leading Through Crisis
- Professional Framework and Values

197. Mandatory Components are undertaken as part of Beginning Practice. The Beginning Practice program will be completed over six weeks and will include the following learning and development strategies;
- Online introduction units, to be completed prior to first day of onsite training
 - Class based training sessions covering each competency unit
 - Class based and onsite introduction to the varying roles throughout the centre
 - Eight days of onsite 'buddy shifts' across all shift types working alongside mentors and opinion leaders who have been specifically selected for their practice abilities and leaderships skills (specific training provided to mentors)
 - Buddy shifts with Ashley Team Support to gain exposure to varying roles within the centre
 - Individual supervision sessions
 - Teamwork activities
 - Group supervision
198. A variety of assessment tools are introduced into the Beginning Practice program that need to be completed and evaluated before new staff can independently work within the centre.
- Buddy shift feedback document
 - Scenario observations and checklists
 - On the job observations
 - Beginning Practice Workbook
 - Varying types of written or verbal assessments
199. Each induction group or individuals return for a specific group supervision session after they have been independently working on site for five months. Individuals finalise and submit their Beginning Practice Workbook at this time and are presented with a certificate of course completion.

Q.17 How does the Department monitor and record that Ashley Youth Detention Centre Officials have completed the training identified in your response to paragraph 15?

200. AYDC staff attendance at training is tracked in the Mandatory Training Attendance database. A copy of the database, with employee names withheld, is annexed at Annexure 61.

201. Completion of training is recorded on a tracking sheet maintained by the AYDC Training Coordinator. The position is currently vacant but is in the process of recruitment. In the interim completion of training is being recorded by the Practice Manager.

Q. 18 How does the Department monitor and record that Ashley Youth Detention Centre Officials are complying with any policies identified in your response to paragraph 15?

202. The AYDC Learning and Development Framework provides a structure for mandatory and elective training for AYDC personnel. The mandatory training units support and are directly connected with the AYDC Practice Framework and have been individually mapped back to the units of competency. Elective training allows for the further development of knowledge and skills in specific areas of practice.
203. Staff training provides the underpinning theory, guidelines and legislation for how staff operate within the centre complements and considers Departmental policies and procedures.
204. Staff are provided with supervision in a variety of formats which includes compliance with policies and procedures as well as reflection and development regarding individual performance. These include:
- Individual Supervision
 - Informal Supervision
 - Group Supervision
 - Review after performance of new duty or task
 - Incident Debriefing
 - Case specific mentoring
 - Ashley Team Support engagement and practice
205. Compliance with Departmental policy and procedure is monitored through supervision which includes reflection on current practice as a part of discussion of ordinary duties, and through review after undertaking a new task or encountering a new or challenging situation.
206. When dealing with specific incidents, operational staff complete incident reports in the Ashley Incident Monitoring System (AIMS). The Incident Report form is completed based on the Incident Report Procedure.
207. When an incident is reported the Operations Manager, and other senior staff are notified and review the incident report. At the next multi-disciplinary team meeting, staff discuss the incident, and consider any practice issues relevant to policy implementation. . Reflective practice is also utilised by staff to provide feedback on any issues with policy implementation or compliance.
208. The response may include additional training, supervision or a review of policy as required.

Site Visitors

209. Site visitors are expected to abide by AYDC policies. On entry to the site visitors are informed of the expectation of behaviour and are restricted to specific areas. Any interaction with a young person is co-attended with an AYDC staff member. Contractors undertaking work onsite either perform their duties away from young people or else the young people are removed while the work is undertaken.
210. Entrance to the AYDC is monitored and there is a sign in/sign out process.
211. There is extensive CCTV camera coverage and cameras are monitored and the footage reviewed in the event of incidents.
212. COVID 19 infection control measures and relevant health requirements are enforced and monitored.

Working with Vulnerable People

213. Visitors to AYDC who are visiting young people in the facility, such as family, do not need to have Working with Vulnerable People (WWVP) registration. Visits are supervised and at no time is a person left unattended with a young person.
214. Contractors who are not working in areas that are occupied by young people or accessible by young people are not required to have WWVP registration. Contractors do not and cannot come into contact with young people.
215. Regular contractors who work in areas within the AYDC such as on-call maintenance, external cleaners are required to have WWVP registration and must show their WWVP card before they can enter the facility.
216. If there is an urgent need for works to occur and the contractor sent to do the work by the relevant organisation does not have WWVP registration, the risk mitigation strategy is to ensure the contractor is always accompanied or escorted by an AYDC staff member while the work is undertaken.
217. Service providers who regularly attend the AYDC to run programs, deliver services or provide education to young people at AYDC are required to have WWVP registration and to show their cards to enter the premises. These will generally be staff from the Departments of Health and Education.
218. WWVP registration cards are required to be sighted by AYDC staff prior to the service provider or contractor (where relevant) entering the facility.

Q.19 With reference to any relevant legislation, policies and procedures, describe the Behaviour Management System used at Ashley Youth Detention Centre during the Relevant Period, including:

- (a) What is the Behaviour Management System?***
- (b) What is its purpose?***
- (c) How is it used?***

219. A Behaviour Development Program was implemented at Ashley Youth Detention Centre during 2001. The Program was, and remains, a colour system that seeks to incentivise engagement and positive behaviour with young people. The Program was redeveloped in April 2022, informed by the AYDC Practice Framework.
220. The process of redeveloping the Behaviour Development Program was undertaken in collaboration with young people, changes were trialled and assessed with several iterations occurring before the current Behaviour Development Program was finalised.
221. Changes to the Behaviour Development Program have included a more positively focused and less punitive system that affirms changed behaviour immediately it occurs. Young people are also involved in what rewards they are working towards to ensure that it is meaningful to them, with encouragement of young people to identify rewards that support their important relationships. The current Procedure is located at Annexure 62. The previous version of the Program is located at Annexure 63.
222. The current Behaviour Development Program prescribes the framework used by all staff working with young people at Ashley Youth Detention Centre to individualise behaviour management and recognise positive behaviours. Points are earned by young people on a daily basis. Earned points result in the young person having access to more privileges. Points are not deducted from young people. Youth workers allocate points to young people based on their participation and engagement in routines and programs. An example of the AYDC daily incentive points sheet is annexed at Annexure 64. Department of Education staff are responsible for recording a young person's timetable engagement by selecting the most appropriate point level for any school-based program.
223. A Weekly Review Meeting is held to give young people an overall colour, to allow for reflective discussions and interventions about current behaviour and engagement. Daily discussions are also held between staff and young people regarding point accumulation and related issues.
224. The points awarded are moderated by a range of operational and case management staff at Weekly Review Meetings to ensure consistent decision making and compliance with the procedure attached. Young people can appeal decisions made about their allocation of points/colours which will then be reviewed by the Assistant Manager/Manager, Custodial Youth Justice. A blank copy of the Weekly Review Meeting minutes is annexed at Annexure 65. Weekly review feedback is generated by the staff in attendance at the Weekly Review Meeting. On Mondays, young people are provided with their feedback and informed about their colour level for the week. A blank copy of the Weekly Review Feedback Form is annexed at Annexure 66.
225. The purpose of the Behaviour Development Program is to assist young people to modify challenging behaviour and develop social responsibility. The aim is for the staff to work together to maximise a young person's potential and participation on return to the community by providing therapeutic opportunities for rehabilitation and reintegration of young offenders.

226. All young people within the Ashley Youth Detention Centre engage with the Behaviour Development Program. Young people gain points to earn Green, Yellow, Orange or Red vouchers. Green is the highest value voucher, Red the lowest. Young people can redeem their coloured voucher to obtain rewards in recognition of their success. Additionally, at any time of the day young people who have accumulated a certain number of points can access items or activities for use. Young people can also choose to accrue their points to purchase vouchers to use in stores following their release.

227. On admission, all young people enter with an allocated colour of Yellow as they begin their engagement in the Behaviour Development Program. Daily incentive points are gathered each day for a young person. This is the primary method of reporting on a young person's daily behaviour and engagement. The daily points are accumulated throughout the daily routines, engaging in a process of restorative conferencing, or engaging in educational or individualised programs.

(d) How is the use of the Behaviour Management System monitored by the Department to ensure it is being used in compliance with any relevant legislation, policies and procedures?

228. The Practice Manager of Ashley Youth Detention Centre will convene and chair a Behaviour Development Program Committee meeting bimonthly for the first 12 months of implementation, to review continual improvement of the Behaviour Development Program process. Behaviour Development Program Committee membership will be nomination based, with interested parties rotated and invited as available. The Behaviour Development Program is aligned with current policies and procedures and is cross referenced by the Policy Support Officer. Young people will be invited to attend or inform Behaviour Development Program Committee meetings.

229. The Behaviour Development Program has been reviewed at least twice during the reference period to determine whether it provided for the safety and wellbeing of young people. The current program was revised in the context of the new AYDC Practice Framework (Annexure 3).

Q.20 With reference to any relevant legislation, policies and procedures, describe the isolation process of detainees during the Relevant Period including:

230. High level details of the Department's Isolation Procedure have been provided in this statement in response to question 15(a).

a) in what circumstances would a detainee be placed in isolation

231. Isolation is a prohibited action except in certain circumstances.

232. Isolation is always about safety; either protection of someone else or the young person in isolation. Isolation is always for the shortest period possible. The aim of isolation is to de-escalate, diffuse and reset, not punitive.

233. Using isolation to address the risk that a young person's behaviour presents to his or her safety, the safety of any other person or to property is only be authorised if:

- The detainee's behaviour presents an immediate threat to his or her own safety or the safety of any other person or to property, and
 - All other reasonable steps have been taken to prevent the detainee from harming himself or herself or any other person or from damaging property. This includes, but is not limited to, one or more of the steps referred to in the section 'Taking Reasonable Steps to Prevent or Stop Harm', and
 - All other reasonable steps taken have been unsuccessful.
234. Situations where isolation is authorised 'in the interests of the security of the centre' might include:
- To prevent or control a security breach, including incidents such as, but not limited to a riot, a power failure, breach of the perimeter, an escape or attempted escape.
 - To allow order or control to be restored to the Centre (or to prevent its anticipated loss).
235. These types of incidents may result in more than one young person requiring isolation at a time, or the entire Centre being locked down.
- b) the Department's definition of isolation**
236. Isolation means locking a detainee in a room separate from others and from the normal routine of the detention centre.
- c) the purpose of isolation**
 - d) how a detainee is placed in, monitored while in and exited from isolation**
 - e) what medical services are provided to the detainee whilst in isolation, and**
 - f) record keeping.**
237. The CYF Practice Manual contains the *Use of Isolation Procedure 2017*, which specifically requires the Manager, Custodial Youth Justice (or delegate) to forward all completed *Authorisation for Use of Isolation* and *Authorisation for Extension of Isolation* forms, and Observation Records to AYDC Administration.
238. The AYDC Administration records the details on the Isolation Register, which is provided to the Commissioner for Children and Young People and Custodial Inspector monthly. This register is also reviewed monthly by the Director.
239. Isolation is always linked to an incident. Incidents are recorded electronically and centrally using the Ashley Incident Monitoring System (AIMS). Within AIMS, numerous statements are recorded from all staff involved including the young people involved, which tell the story of what occurred and the actions thereafter. AIMS also stores the isolation forms which need to be authorised by the Operations Coordinator.
240. All staff at Ashley Youth Detention Centre are trained in the reporting and recording of incidents on AIMS. This system came into operation in January 2021. The "Help File AIMS draft" is currently in draft form, but once approved will guide the recording of incidents in AIMS in alignment with the Incident Management and Reporting procedure.

Q.21 How is the use of isolation monitored by the Department and the Secretary to ensure it is being used in compliance with any relevant legislation, policies and procedures?

241. As stated in Question 20, isolation should only be used for short periods for safety reasons.
242. Each month a report which includes the Isolation Register and associated documents is sent to the Director, as well as the Commissioner for Children and Young People and the Custodial Inspector. The Director is informed contemporaneously with any periods of isolation that extend beyond three hours. The Manager, Custodial Youth Justice is required to authorise any extensions to isolation between 30 minutes and three hours.
243. Any period of isolation must to be entered onto a register, and reported through the Director and the Deputy Secretary monthly to the Custodial Inspector and the Commissioner for Children and Young People,
244. The isolation register identifies the young person, youth worker, type of incident and length of isolation. This data can be analysed monthly to identify any patterns or issues arising.
245. Isolation should only be used for short period for safety reasons. If any anomalies appear on the isolation register the Director will seek an explanation, as will the Commissioner for Children and Young People.
246. The isolation register identifies the young person(s) involved, youth worker(s), type of incident and length of isolation. The data is analysed monthly for the Director, including the number of incidents, young people and staff involved and if a pattern is identified, the Director will ask the Manager, Custodial Youth Justice for more information to determine whether there is an issue with the young person or staff member.

Q.22 In reference to the decision of *Lusted v ZS* [2013] TASMC 38:

(a) Describe the circumstances in which it is appropriate to isolate a detainee in the manner described in this case?

247. Under no circumstances is the isolation of a young person as described in the case of *Lusted v ZS* appropriate.

(b) What power under the Youth Justice Act 1997 (Tas) was your delegate relying on to isolate a detainee in his room?

248. The delegate was purporting to rely on sections 133 and 124(2) of the YJ Act. That interpretation of the YJ Act was incorrect. There is no capacity under the YJ Act to enforce an isolation regime as used in that case.

(c) Was this type of isolation accurately recorded in the isolation register?

249. No. Records from 2013 were stored in physical hard copy files in a locked filing cabinet and in excel spreadsheets which were stored on an external hard drive. The information on the forms during this period was minimal and often not populated or signed off. With respect to this case, the records appear incomplete and have been inaccurately recorded in the isolation register. This may not have been classified as “isolation”. A practice developed known as the “blue program” which was known to be for purported restricted movement and unit bound. The “blue program” was not a formalised or approved program and was not contained in any policy or procedure documents from the time. It does appear, however, that it had some level of acceptance among AYDC staff as being operationally utilised at that time.

(d) To the best of your knowledge has this type of isolation occurred before or since this case?

250. I am aware of a subsequent time where the movement of three young people was restricted between the evening of 13 December 2019 and the morning of Tuesday 17 December 2019. The young people’s movement was restricted by housing them in the Huon unit, which is a secure unit. During the period of restricted movement, one young person was allowed out of their room and the other two were in their rooms). This was alternated over the period of restricted movement. The Department’s Use of Isolation Procedure was not complied with by staff and authorisations for the isolation were not obtained. The three young people whose movement was restricted between that period was due to an incident in the afternoon of Friday 13 December 2019, in which the three young people climbed on the roof and remained on the roof for a number of hours.

251. After the initial incident and period of restricted movement the Department briefed James Cumming Investigations to review and prepare a report on the Department’s response to the three young people on the roof on Friday 13 December. A copy of James Cumming’s report is annexed at Annexure 67. James Cummings’ report, in essence, found that the Department’s policies and procedures are sound, but the manner in which staff responding to the incident interpreted and applied the policies and procedures was problematic.

(e) What were the policies and procedures in relation to isolation and behaviour management at the time?

252. The policies and procedures in relation to isolation and behaviour management at the time of the isolation on [REDACTED] 2013 were included in the Ashley Youth Detention Centre Behaviour Development Program (SOP’s 15 and 16 inclusive) and are annexed at Annexure 68. The policies and procedures were not significantly different to today, but as explained under (d) above, the manner in which they were interpreted and applied by staff responding to the incident was problematic.

(f) Was the treatment of this detainee in compliance with those policies and procedures? If not, was any action taken to ensure this treatment did not occur again?

253. The treatment of the young person was not in compliance with policies and procedures in place at the time. The Behaviour Development Program was subsequently reviewed in 2018 and again in 2020. Policies and procedures and associated training have been changed as described in (g) below.

(g) Have the policies and procedures around isolation changed since this time? If yes, please explain how.

254. Policies and procedures emphasise the essential elements of isolation being for safety, immediate, and last resort. These are named up as critical elements that must be applied. New facilities have been built to provide for de-escalation and sensory support for young people. The Ashley incident Monitoring System now electronically records resident incidents and requires a statement in more detail at each level of delegation. Increased CCTV coverage is cross referenced with statements for increased accountability. CCTV is also used for critical reflection as part of continuous practice improvement.

255. Since 2017 the isolation register has been recorded electronically, with monthly oversight by the Director, Custodial Inspector and Commissioner for Children and Young People.

(h) Do you believe the treatment of this detainee was in accordance with the communities expectations. If yes, explain why. If not, what would you have done differently?

256. I believe that the treatment of this young person was in conflict with the community's expectations. I consider the young person's treatment to be excessive and not, in any manner, therapeutic.

(i) If the same circumstances arose again, what would you do differently? Explain your answer.

257. If a similar trigger event were to occur today it is my expectation that the young person would be de-escalated and managed in a trauma informed manner with support provided to the young person concerning self-harm. The initial focus of engagement with the young person would be on re-setting and re-engaging with routines and programs, not segregation. The current practice of the multi-disciplinary team would provide oversight and risk assessment alongside the development of appropriate safety planning and behaviour management. The Behaviour Development Program, in its current form, is intended to, and I believe, has the effect of assisting engagement and motivation among the young people at AYDC.

Q.23 How does the Department ensure that the diverse needs of children and young people are met at the Ashley Youth Detention Centre—particularly those who are Aboriginal and/or Torres Strait Islander, identify as LGBTIQ+, come from culturally and linguistically diverse backgrounds, have disability, experience socio-economic disadvantage or lack protective parental figures?

258. The admission and induction process ask direct questions concerning aboriginality, cultural, disability, gender and sexual orientation. All necessary referrals are made through Correctional Primary Health and planned and discussed more fully as a part of the multi-disciplinary team.
259. I note that generally young people arrive at AYDC from a background of socio-economic disadvantage and lack of protective parental figure. Direct questions are asked about the young person's home environment at induction.

Q. 24 The Commission may make findings in relation to the Institutional or organisational culture and workplace environment at the Ashley Youth Detention Centre, in particular in relation to preventing, identifying, reporting and responding to child sexual abuse in Institutional Contexts. Comment on any findings you consider the Commission should make in relation to these issues, including with reference to the following matters:

260. I acknowledge and recognise that the Department has failed to prevent, identify, report and respond to child sexual abuse in an institutional context in the past.

(a) the number and nature of claims for workers compensation by Ashley Youth Detention Centre Officials, and

261. I note that operational staff employed in Custodial Youth Justice engage in intensive work that can have an emotional, and at times, physical impact, on those in the sector.
262. Since July 2021 the Department has positioned a People and Culture Partner at AYDC to actively work with staff on the organisational values (respect, inclusion, kindness and connectivity). The People and Culture Partner focuses on workplace behaviours, manages return to work plans, makes regular contact with staff and conducts welfare checks on staff.
263. All Departmental staff at AYDC have access to the Employee Assistance Program which provides confidential consultation to employees. The Department has also funded a private psychologist who reaches out to staff, and who staff can consult with, if they wish.

(b) the findings of previous reviews, including those listed in paragraph 46.

264. Strategies for the prevention, identification, reporting and responding to allegations of child sexual abuse in Institutional Contexts are informed through various means, including, but not limited to reports arising from:
- Serious Event Review Team (SERT) and the Serious Event Review Committee (SERC). SERT and SERC were established in 2017. The Department commissioned a review of the process in late 2020. The process for undertaking serious event reviews in the CYF Division, has developed over time and is now embedded into the overall operations of CYF and is applied across the Division, not just the Child Safety Service. A SERC may still be convened to consider a serious event review reports and provide advice to the Secretary if deemed necessary.

- Ombudsman Reviews
- Custodial Inspector Reviews
- Commissioner for Children and Young People citing concerns that prompt reviews
- Departmental reviews including policy and practice reviews and/or development; and
- Legislative review and amendment.

265. CYF comprises Children and Families and Youth Justice Services and is responsible for keeping children safe, secure and well. It does this through the delivery of key services to children, young people and families in Tasmania. CYF is responsible for the delivery of the Advice and Referral Line (ARL) and the Child Safety Service. The role of the ARL is to be the first point of contact for anyone with a concern about the safety and wellbeing of a child. The ARL is responsible for providing advice to the caller, information about referral pathways, and support options for responding to the needs of children and families. If there is a wellbeing concern for a child, the ARL will complete an assessment and, where there is a safety concern that cannot be addressed through other services, will refer a family to the Child Safety Service for further assessment, support and or investigation.

266. The role of the Child Safety Service is to ensure the safety and wellbeing of children and young people who are at risk of abuse or neglect, where concerns cannot be responded to otherwise. The Child Safety Service is responsible for providing interventions that prioritise supporting the family as the preferred environment for providing care and recognises that the responsibility for the protection of a child rests primarily with the child's parents and family. In Tasmania, the safety of children and young people is covered by the *Children, Persons Young and their Families Act 1997*.

267. The relevant Child Safety Service team to which the child or young person is allocated is responsible for managing referrals of sexual abuse related to children who are subject to care and protection orders. This team will undertake the initial assessment process, manage any referrals, and the safety and risk assessment. If the ARL receive relevant information, from someone who is unaware of the child or young person's status with the Child Safety Service, ARL will receive the information and transfer this through to the relevant team/worker/practice-lead for management.

268. The AYDC is responsible for identifying and responding to risks with young people in custody when they are admitted to AYDC and throughout their custody at AYDC and ensuring the safety of other young people in custody and staff.

269. The Joint Review Team, a collaboration between CYF and Police, was tasked with:

- implementing the recommendations from the Tasmania Police Outcomes Report relating to the police investigation of James Geoffrey Griffin;
- delivering an historical complaints review process; and
- Providing recommendations to Government on structural reform for best practice service provision to victim-survivors of sexual violence.

270. The Keeping Children Safe Memorandum of Understanding between Department of Communities Tasmania (Children and Family Services) and Department of Police, Fire and Emergency Management (Tasmania Police) was also developed. During their investigations the Joint Review Team found there were no children identified as being at risk of harm.
271. CYF is responsible for developing and implementing policies, procedures and protocols for staff to provide them with direction on identifying, investigating and responding to concerns about children and young people.
272. CYF's responsibilities around child safe practices include:
- implementing departmental recruitment processes for staff and carers
 - ensuring CYF staff and carers have Working with Vulnerable People registration
 - policies and procedures based on child safe practices and regularly reviewed
 - ensuring staff and carers are educated and trained in child safe practices
 - ensuring children and young people in the child safety and youth justice systems are aware of their rights, know who to contact if they have concerns and have the ability to contact that person or service
273. CYF executive promote and support departmental policies and procedures from People and Culture on child safe practices in relation to staff.
274. In 2019 Communities Tasmania launched its agency values, which are respectful, connected, committed and kind, along with a supporting program of work to further embed the values within the workplace. Specific initiatives included:
- An Inclusion and Culture Committee, comprised of Communities Tasmania employees, to advise on inclusion and culture matter within Communities Tasmania;
 - Values Champions, to champion agency values within the workplace;
 - The Culture Pulse check, a quick and regular workplace survey to help understand the level of values-based behaviours occurring in the workplace, and how people were generally feeling about work;
 - The Champion's Cup, which gave employees the opportunity to recognise their peers who go above and beyond in demonstrating the agency values in their day-to-day working lives
275. The *Our Inclusive and Positive Workplace Strategy 2019-2022* was a plan to further develop workplace culture in Communities Tasmania. Following the establishment and appointment of the Director, People and Culture in 2020, this plan was incorporated into a broader People Strategy for the agency.
276. In November 2020, People and Culture ran dedicated workshops with AYDC employees to further embed the values into their day-to-day operations, specifically examining what these values-based behaviours look like in the AYDC context and gaining commitment from AYDC employees to work in ways consistent with the agency values while maintaining operational requirements.

277. Numerous employees of AYDC were nominated for the Champion's Cup across 2019 – 2022 and the AYDC administration team was awarded the Teams award in June 2021.

Q.25 Describe the Ashley+ Therapeutic Approach, including:

- (i) What is the Ashley+ Therapeutic Approach?**
- (ii) What is the purpose of the Ashley+ Therapeutic Approach?**
- (iii) How was the Ashley+ Therapeutic Approach implemented and monitored?**
- (iv) Is it still operational? If not, why not?**
- (v) Which areas of the Department were or are part of the Ashley+ Therapeutic Approach (including its inception, implementation and monitoring)?**
- (vi) What were or are the roles and responsibilities of each of these areas?**
- (vii) What information and training was or is provided to Ashley Youth Detention Centre Officials in relation to the Ashley+ Therapeutic Approach?**
- (viii) How was or is the success of the Ashley+ Therapeutic Approach measured?**

278. Ashley+ was an attempt to establish a practice framework incorporating features from other practice models across health care and other detention settings.

279. The intention of Ashley+ was to ensure a contemporary, trauma informed, therapeutic service system consistent with national and international best practice.

280. Ashley+ was never fully implemented and was superseded by the current Practice Framework.

281. Ashley+ was being developed within Youth Services. A Change Program Governance Committee was established which was chaired by the then Director Strategic Youth Services.

282. The Ashley+ Working group was also established to scope the development and implementation of the Ashley Plus Approach and included contracted advice from the Australian Childhood Foundation as well as representation from Children and Youth services and AYDC

283. Work on Ashley+ by the Australian Childhood Foundation, to develop a Practice Framework, did not progress because there were competing and conflicting tools and pre-existing frameworks that were not customised to the environment which is a small residential facility. For example, one component, "Safe Wards", came from a mental in-patient setting.

284. Ashley+ was therefore never fully developed or implemented. The Working group developed an internal document that outlined the policy framework to deliver a therapeutic custodial service system. The document was not put to Government nor did it seek to commit the Government to any specific action of funding.

285. The Government subsequently committed \$7.28 million for a major redesign and upgrade of AYDC in line with the themes and concepts of the Ashley+ Approach. This resulted in the development of the current AYDC Practice Framework.

Q.26 Describe the AYDC Practice Framework and AYDC Learning Development Framework. What is the purpose of each of these frameworks?

286. The AYDC Practice Framework is a therapeutic, evidence-based framework which clearly states the practice principles for AYDC using shared knowledge bases and a common elements approach to guide therapeutic work with young people in detention. The framework is designed to support staff to develop their expertise to undertake therapeutic interventions in working with young people who have experienced trauma and are remanded or in custody in a detention centre environment. The AYDC Practice Framework is incorporated in all recruitment, induction, ongoing learning and development opportunities, service delivery, policies and procedures and future planning and applies to all AYDC employees across the AYDC workforce.
287. The AYDC Practice Framework was specifically constructed for use at AYDC. The process of development included
- A literature review, undertaken by the University of Tasmania, as quality assurance for the evidence-based approach of the Practice Framework. The commissioning of the Australian Childhood Foundation to undertake a Rapid Discovery Phase, looking at the current state of AYDC practice and to make recommendations about scoping and methodology for the development of a therapeutic practice model that built on what was being done well.
 - Consultation with staff, young people and other key stakeholders.
288. The AYDC Practice Framework was initially developed in 2020, implemented in 2021 and is now due for review. The review will look at whether the Practice Framework meets the objectives of the reforms to Youth Justice.
289. The AYDC Learning and Development Framework identifies mandatory training, knowledge and skills that a youth worker needs to perform their job at AYDC. It establishes the AYDC Learning and Development Pathways which outline the progression from a Youth Worker's Beginning Practice (Induction) to becoming a workplace leader or pursuing further formal qualifications.
290. The AYDC Learning and Development Framework has been designed in conjunction with the AYDC Practice Framework to support the translation of the framework into practice. The framework is underpinned by the principles of trauma-informed practice. It reflects and incorporates existing practice while introducing applicable elements of therapeutic models suitable to the AYDC environment. Strategies within this framework are designed to support the transitional implementation of a therapeutic model of operation which promotes healing and positive outcomes for young people.
291. The strategies outlined within the framework have been specifically selected for AYDC and are achievable within the AYDC operational context and environment. All learning and development programs and materials are continuously developed and reviewed to support and promote a safe and secure working environment.

292. The impact of the AYDC Learning and Development Framework is monitored through regular weekly meetings and reflective practice.

Q.27 Describe any policies and procedures in relation to the movement of detainees outside of Ashley Youth Detention Centre (for example to medical or court appointments or on excursions).

293. There are several policies and procedures relating to the movement of detainees outside of Ashley Youth Detention Centre.

294. Procedure *Admission of a Young Person into Detention Custody*, annexed at Annexure 69, provides instructions on booking secure transport when admitting a young person to Ashley Youth Detention Centre; the process when the young person arrives at the Centre; and instructions on how to book transport if the young person is required to appear in Court in the same week of admission.

295. Form *Notice of Engagement Secure Transport*, annexed at Annexure 70, relates to the *Admission of a Young Person to Ashley Youth Detention Centre procedure*. The form, that is sent to Wilson Security, provides details about the young person, including any special health and security considerations.

296. Procedure *Transfer to and from In person Court and Reception Centres (staff only)*, annexed at Annexure 71 provides instructions when Centre staff transport young people. The procedure outlines key steps and responsibilities including preparation, during transport and on arrival, and after court.

297. The Memorandum of Understanding – Ashley Youth Detention Centre and Department of Justice - Transfer of Offenders between AYDC and TPS annexed at Annexure 29, includes:

- Schedule 1 Application to Transfer Person from Ashley Youth Detention Centre/Tasmanian Prisons Service Facility
- Schedule 2 – Special Reasons for Transfers to be Authorised by the Director of Prisons and the Director Operations, Children and Youth Services
- Schedule 5 – Summary Table outlining responsibilities of Tasmania Prison Services and Youth Justice Services

298. These Schedules provide details of the process when transferring young people between the Centre and Tasmania Prison Service facilities.

299. Wilsons Security is contracted to provide secure vehicle transport to and from AYDC. All security drivers are required to have Working with Vulnerable Person registration and a National Police Check.

300. When a young person leaves AYDC for a medical appointment such as dental, orthotic or optometry, or to attend an excursion, they are accompanied by a youth worker. A risk assessment is completed by the Risk Assessment Policy Team. A risk assessment occurs for all off property activities to determine the level of security and safety strategies. Otherwise AYDC policies continue to apply.

Q.28 What is the process for making a complaint to the Secretary under sections 129, 137 or 138 of the Youth Justice Act 1997 (Tas)? How are these complaints responded to? What proportion are determined to be trivial or made only to cause annoyance under section 138(2) of the Youth Justice Act 1997 (Tas).

301. Under section 129(1)(d) of the YJA, a detainee is entitled to complain to the Secretary or the Ombudsman about the standard of care, accommodation or treatment they are receiving at the detention centre.

302. Under section 137 of the YJA, a detainee, a member of the detainee's family or a guardian may complain to the Secretary or the Ombudsman about a matter that affects or is connected with a detainee

303. Section 138 of the YJA provides:

Section 138 Complaint procedure

(1) On receipt of a complaint made under section 137, the Secretary must provide written notice to the complainant and the detainee containing details of the complaint and how the complaint will be dealt with.

(2) The Secretary need not deal with a complaint made under section 137 that the Secretary reasonably believes is trivial or made only to cause annoyance.

(3) A complaint is to be dealt with in accordance with instructions issued under section 124(2)

304. Despite the language in section 138(2), every complaint that AYDC receives is taken seriously. All complaints are managed with the understanding that what may appear to be a 'trivial' initial complaint may lead to serious allegations. For example, a complaint from a young person that they do not like a certain youth worker being around them could be a partial disclosure of a serious conduct matter.

305. The YJA Instrument of Delegation dated 9 March 2022, provides the delegates the power and functions of Section 138 to the Deputy Secretary of CYF; Director, Youth and Family Violence Services; Manager, Custodial Youth Justice; Assistant Manager, AYDC; Operations Manager; Coordinator – Training and Admissions. A copy of the Instrument of Delegation is annexed at Annexure 2.

306. The complaints process is conducted consistent with section 138 of the Youth Justice Act and outlined in the AYDC Admissions and Inductions processes.

307. A new procedure is being developed to formalise the complaints process as an instruction issued pursuant to section 124(2) of the YJA. The draft procedure *Responding to Feedback, Concerns and Complaints* is annexed at Annexure 72. It outlines the steps that staff must follow to support young people to have a say at AYDC, to ensure their worries and concerns are taken seriously, to enable young people to make a complaint confidentially, all in a manner that is respectful and feels safe for young people. It sets out the process for responding to feedback, concerns and complaints. It also lists the steps and responsibilities for ensuring that all young people know about the AYDC feedback, concerns and complaints process.

308. The AYDC complaints process recognises that early response to feedback or concerns can help young people feel listened to and prevent issues from escalating. If at any point a young person discloses abuse by another resident an incident must be raised. Discussed in more detail at Question 33 of this Statement, all AYDC staff are mandatory reporters. As such, they are required to report allegations or concerns of abuse or neglect in accordance with the *Contacting the Advice and Referral Line* procedure (Annexure 41) and *Reporting Concerns Fact Sheet* annexed at Annexure 73.
309. Every resident at AYDC undergoes an induction where the rights of detainees are explained in detail including the steps for making a complaint to the Commissioner for Children and Young People, Child Advocate or the Ombudsman, as well as the Secretary. In providing this information, the youth worker considers the resident's literacy level and capacity to process the information being provided and the presentation of the young person.
310. The *AYDC Procedure – Induction Program for Young People 2017/01/01* annexed at Annexure 74 outlines the youth worker's responsibility for delivering and determining the relevant tools and pace to ensure full understanding by the resident.

Making written complaints

311. Complaint forms have recently been updated to a more user friendly, pictorial format (Annexure 75). There are numerous staff at AYDC who can assist a resident in making a written complaint. Frequently youth workers are asked by residents to assist with making a written complaint. Residents making a complaint in paper form, put the complaint in an envelope and place it into the locked complaints box located at AYDC Administration area. AYDC Administration empties the complaints box regularly and registers the envelope as outward correspondence. The envelope is not opened and is forwarded to the Ombudsman or Secretary.
312. By ticking a checkbox, the resident can select who their complaint is sent to: the Secretary, Ombudsman, Child Advocate (for children on orders) or Commissioner for Children and Young People. Complaints to the Ombudsman and Commissioner for Children and Young People are not opened and sent straight through to the relevant statutory officer.

Advocacy

313. The Commissioner for Children and Young People has an Advocate for the residents based at AYDC to enhance the safety and support for young person in accordance with Section 8(1)(b) of the *Commissioner for Children and Young People Act 2016*. The Advocate's role includes providing additional advocacy services for young persons under the Act to help ensure young people have a voice in decisions that affect them, and services provided to them. For approximately the last six months, the Advocate is regularly on site with the residents at AYDC.

314. The Advocate meets face to face with residents on a regular basis. This is a mechanism for prevention of child sexual abuse by means of having the ongoing awareness of what is happening 'on the ground' for the young person, and capacity to discuss concerns or complaints about sexual abuse or harmful sexual behaviours with residents and AYDC staff.
315. A young person at AYDC can also contact the Ombudsman, Commissioner for Children and Young People or Child Advocate directly.
316. If a young person complains to the Ombudsman or the Commissioner, verbally, or by official letter, this would be raised with the Centre by that official through the Secretary. Generally, these complaints are emails from the Ombudsman or Commissioner for Children.
317. The Commissioner for Children and Young People's Advocate can also support a young person to make a comment, complaint, or suggestion.

Responding to complaints to the Secretary

318. All forms directed towards the Secretary are investigated. The Secretary acknowledges receipt of all complaints that come from residents.
319. The Secretary may delegate less serious complaints to the Director who will determine the level at which it is dealt with. The investigation process includes talking with residents, staff and visitors, and reviewing CCTV. The delegate determines whether the complaint is substantiated or not.
320. If the complaint concerns the conduct of an existing DCT employee at AYDC or other Government Agency employee, People and Culture are involved with the management (and possible referral) of the complaint.
321. If the complaint is serious (such as a disclosure of abuse) the complaint is referred to the Director and managed in accordance with the procedure *Assessing and Responding to Sexual Abuse* annexed at Annexure 76 and mandatory reporting requirements.
322. If the complaint involves possible criminal conduct, Tasmania Police is notified and leads the investigation.
323. Regardless of whether substantiated or not, when a complaint that comes from a resident, the recipient of the complaint discusses the outcome with the resident and provides a written response to the youth.
324. When a complaint has been substantiated, the appropriate person takes action to address the complaint. This may include, providing counselling, banning or limiting visitors, reprimanding staff and/or referring to People and Culture.
325. Other parties can also email through complaints on behalf of a resident. Other parties can also verbally communicate a complaint on behalf of a resident (e.g. parents/guardian) to either the Secretary, Ombudsman or Commissioner for Children.

326. As discussed at paragraph 307 above, the complaints process is currently under review. Telephones are being installed in each unit with pre-programmed numbers young people can dial at any time to a help line or to make a complaint; one will go to the Commissioner for Children.
327. The Ombudsman conducts their own investigations and sends a written response to the young person in a sealed envelope. The envelope is contained within another sealed envelope addressed to the Manager, Custodial Youth Justice, which outlines how the response should be provided to the young person. There is a slip that the young person signs to acknowledge that they receive the letter unopened. The Manager, Custodial Youth Justice is then responsible for returning the signed slip to the Ombudsman.
328. The AYDC policy officer and Commissioner for Children's advocate are also transitioning the Residents' Advisory Group (RAG) to be more child centred in consultation with residents. A particular focus is on creating a forum for residents to raise suggestions, concerns, or provide feedback about their experience in the centre.

Recording of complaint

329. Complaints records are filed electronically in a complaints file. This includes the outcome of complaints.
330. Electronic complaint registers are maintained at the centre and in the Directorate. More serious complaints are referred to People and Culture.
331. Where the offender is another resident, the outcome is recorded in the resident's Youth Justice Information Systems file and in the Ashley Incident Monitoring System, which is used to report nationally.

Q.29 Where a complaint is made to the Ombudsman under section 129 of the Youth Justice Act 1997 (Tas), is this communicated to the Secretary and, if so, what response is made?

332. If the Ombudsman receives a complaint about the Department of Communities, a letter addressed to the Secretary is sent by the Ombudsman's Office either directly to the Secretary's email address or to the Office of the Secretary general inbox.
333. If sent to the Office of the Secretary general inbox, the Secretary is advised a complaint has been received, either by forwarding the email to the Secretary or telling the Secretary in person.
334. The letter is then emailed to the relevant division within the Agency to prepare a response on behalf of the Secretary. The Secretary reviews the response, including any data that is connected with the subject matter of the complaint, and emails the final version to the Ombudsman Office.
335. The Ombudsman Office will provide a deadline for a response. The Department makes every effort to achieve this but sometimes the preparation of the response requires identifying records or speaking with staff, which can take some time. In that case, an extension may be sought from the Ombudsman Office.

Q.30 Describe any reporting lines in relation to allegations or incidents of child sexual abuse (including harmful sexual behaviour) within the Department, including a description of the reporting lines both within Ashley Youth Detention Centre and between:

- (i) **Ashley Youth Detention Centre Officials and Out of Home Care providers**
- (ii) **Ashley Youth Detention Centre Officials and the Department, or**
- (iii) **the Department and other Government Institutions that assist with the management, operation and provision of services at Ashley Youth Detention Centre (for example, the Department of Health)?**

336. In the case of harmful sexual behaviour staff will first immediately intervene through immediate separation and action to ensure the safety of the young person or people involved (See Q40 for therapeutic services and supports that would be offered.)

337. Following immediate intervention the processes for responding and reporting lines are set out in the response to Question 15 a).

338. Where an incident occurs, staff are required to fill in the AYDC Incident Reporting Form. The form requires information about the incident, location, operations coordinator or other senior staff the incident is reported to, who was present, notifications to other staff/agencies/contractors, an explanation of what happened, identification of the available evidence (CCTV, physical evidence) and a classification of the seriousness of the incident, from recorded incident, to minor incident, to detention offence (as defined under the Youth Justice Act).

339. After the staff member involved completes the relevant parts of the Incident Reporting Form, an Operations Coordinator reviews the relevant parts of the form for quality assurance. From there, a management assessment is undertaken concerning the incident where it is determined whether to refer the incident to the Manager, Custodial Youth Justice and whether other referrals, such as Tasmania Police, Guardian, Advice and Referral Line, Child Safety or Community Youth Justice, are required. The management assessment also considers whether an independent investigator should be engaged.

340. In the case of child sexual abuse only historical matters have been reported to operational areas to date.

341. If an event was observed on site staff would immediately respond to protect the young person involved and ensure medical and psychological supports are in place. For events reported after the fact there is an immediate referral from the Director to People and Culture and the Deputy Secretary, and discussion around immediate action. If it relates to a current employee, the employee is directed to stay at home, being advised that an allegation has been made and that they will receive further information in due course. A referral will be made to the Advice and Referral Line and Tasmania Police. Parents and guardians will be notified. If the person believed responsible was employed from another agency that agency would be advised.

Q.31 Describe any allegation or incident of child sexual abuse at Ashley Youth Detention Centre or in relation to Ashley Youth Detention Centre Officials from 20 July 2021 to the date of this Notice, including:

- (a) *the name of any complainant(s) or reporter(s)*
- (b) *the name of any alleged victim-survivor(s)*
- (c) *the name of any alleged perpetrator(s)*
- (d) *the date(s) of the alleged incident*
- (e) *the date(s) of the complaint or report*
- (f) *a summary of the allegation or incident*
- (g) *the name of any Ashley Youth Detention Centre Officials or Department Officials involved in:*
 - (i) *receiving the complaint or report, and*
 - (ii) *investigating and responding to that allegation or incident*
- (h) *(h) any action taken in response to that allegation or incident, including any reporting or referral of that allegation or incident to relevant law enforcement, regulatory agencies or professional bodies or otherwise outside of Ashley Youth Detention Centre or the Department*
- (i) *any outcome in relation to that allegation or incident, including:*
 - (a) *Disciplinary procedures or actions*
 - (b) *Consequences for any relevant professional registration*
 - (c) *Compensation, or*
 - (j) *any other redress or supports for children or Officials including any relevant referrals to services.*

342. A description of any allegations or incidents of child sexual abuse at Ashley Youth Detention Centre or in relation to Ashley Youth Detention Centre Officials received by the Department from 20 July 2021 to the date of this Notice is attached at (Annexure 77).

343. 54 claims were received in that period, of which five were civil claims and 49 were claims made under the National Redress Scheme, for incidents or allegations dating between 1997 and 2016.

Q.32 Describe any legal support, including any funding of that support, available for Ashley Youth Detention Centre detainees in relation to allegations or incidents of child sexual abuse at Ashley Youth Detention Centre during the Relevant Period.

344. Young people in AYDC can access legal support in relation to allegations or incidents of child sexual abuse. Most young people detained at AYDC already are engaged with a solicitor at the time of their detention. If not, this can be facilitated through Legal Aid by AYDC staff or through the Advocate from the Commissioner for Children and Young People.

345. Legal support would be provided in addition to therapeutic intervention and support on site, as well as visits from the Commissioner for Children, access to telehealth counselling and immediate referral to Police.

Q.33 How does Ashley Youth Detention Centre comply with its reporting obligations in relation to child sexual abuse at the Ashley Youth Detention Centre (for example, mandatory reporting to Tasmania Police, Child Safety Services, reports to the Registrar under the Registration to Work with Vulnerable People Act 2013 (Tas) and professional bodies). Does Ashley Youth Detention Centre have memoranda of understanding with any Government Institution?

346. All AYDC staff are mandatory reporters. As such staff are required to report allegations or concerns regarding child sexual abuse to the Child Safety Service through the Advice and Referral line.

347. AYDC management will be alerted to any alleged abuse through the Ashley Incident Monitoring System (AIMS).

348. If a complaint is made about sexual abuse of an Ashley Youth Detention Centre resident by a current Ashley Youth Detention Centre Official, the Manager, Custodial Youth Justice will refer the complaint to:

- the ARL (in accordance with procedure Contacting the Advice and Referral Line and Reporting Concerns fact sheet). Nightly uploads from the ARL to the WVVP provides a timely referral to the WVVP unit.
- the complaint may be referred to the Department's People and Culture division. This is the case, whether it is made by the resident, another resident or another person.

349. The People and Culture governance process ensures that:

- The safety of a child or young person is the primary consideration when responding to an allegation;
- Support is made available to a complainant who makes a direct disclosure of abuse to the Department;
- Fair and due process is afforded to State Service employees against whom allegations have been made; and
- Tasmania Police and the Registrar of Working with Vulnerable People are notified.

350. AYDC and, more broadly, Youth Justice Services and Children and Youth Services, have in place a range of MOUs and partnership agreements which relate to sharing information, transportation of young people, and provision of health and welfare services. Government Institutions with MOUs relevant to AYDC are:

- the Department of Health and the Tasmanian Health Service,
- the Department of Education
- the Department of Police and Emergency Services, and,
- the Department of Justice.

351. If the complaint relates to an AYDC Official from another Agency (e.g. nurse or teacher), People and Culture would notify the respective Agency and continue to work with that Agency in accordance with any MOU in place.

If the complaint related to a non-government AYDC Official, in addition to notifying the ARL, Tasmania Police and the Registrar for Working With Vulnerable People, AYDC Management would notify the respective employer/ volunteer organisation and work with that Agency/ Organisation. Strict rules for volunteers and contractors avoid the risk of contact with young people for safety and privacy reasons.

Q.34 Describe the following information in relation to Ashley Youth Detention Centre:**(a) the Department's management of allegations or incidents of child sexual abuse in Ashley Youth Detention Centre**

352. The priority within AYDC is to ensure the safety and wellbeing of young people resident in the centre. If a staff member sees an incident of abuse, they will intervene to ensure the safety of the young person involved following the Situational Risk Assessment practice advice (Annexure 78) and an Incident report will be filed.

353. As described in Question 33, staff will, as mandatory reporters, also contact the Advice and Referral Line. There is a procedure to guide contacting the Advice and Referral Line attached at Annexure 42 as well as a Fact Sheet attached at Annexure 73 Reporting Concerns).

(b) any strategies, activities or consultations designed to improve child safety in relation to grooming, inappropriate behaviours and child sexual abuse in Ashley Youth Detention Centre

354. AYDC has undertaken a practice approach built on strengthening safety for young people within the centre as a whole, rather than specifically focusing on grooming behaviours. The AYDC Practice Framework and the Learning and Development Framework are aimed at supporting young people by providing trauma informed care and supporting AYDC staff to engage positively and responsively.

355. Strategies to ensure safety and minimise risk include the use of observers for all site visitors who have contact with young people in line with *Standard Operating Procedure #9 Site Entry/Exit – Visitors and Service Providers* (Annexure 79). CCTV cameras are also installed throughout the centre.

356. The practice of same gender searches, second person observer occurs in line with the procedure *Personal searches of young people detained at AYDC* (Annexure 80).

(c) the supports and referrals which are available to complainants, witnesses and others connected to an investigation of allegations or incidents of child sexual abuse in Ashley Youth Detention Centre

357. AYDC provides integrated supports for young people based on their specific needs. Sexual abuse will be responded to in a therapeutically informed way (see Question 39) and the Sexual Assault Support service is now available to support young people who were victims or witnesses as well as to provide support and guidance to AYDC staff in supporting affected young people.

358. Staff have access to the Employee Assistance Program support from The [REDACTED] Clinic (psychological support service) through telehealth.

(d) any current policies, procedures, training or other guidance material provided to Ashley Youth Detention Centre Officials (including teachers or Department of Health Officials) in relation to child sexual abuse

359. The AYDC Practice Framework, while not specifically targeted at child sexual abuse, provides the key platform for working therapeutically and in a trauma-informed way with young people. The Practice Framework is based on a strengths-based approach to build relationships that foster felt safety, communication, respect, and achievement of goals resulting in healthy young people and staff.
360. The AYDC Learning and Development Framework (2020) supports collaboration and excellence in trauma-informed practice in working with young people. The Learning and Development Framework takes a 70:20:10 model of workplace education. This approach to learning recognises that 70 per cent of learning is through experience, 20 per cent is through exposure and 10 per cent is through direct education and training. The framework identifies mandatory training required of operational staff and subsequent learning and development pathways.
361. Sexual Trauma First Aid Training was held on 22 November 2021, 21 December 2021 and scheduled for 15 July 2022. This training is delivered by Sexual Assault Support Service.
362. Child Safe Fundamental Training was held on 2 and 8 December 2021 by Child Wise and covered the National Principles for Child Safe Organisations.
363. Since 18 May 2022, the Practice Manager of AYDC has attended a weekly session with a SASS clinician to discuss any incidents or concerns regarding behaviours of young people at AYDC. It is intended that this arrangement will extend to all AYDC staff, to enable them to engage directly with a SASS clinician to gain clinical guidance in preventing, identifying and responding to matters concerning harmful sexual behaviour.
364. Staff from other services working at AYDC are expected to work within the AYDC Practice Framework. Specific onboarding sessions for new and existing staff from external agencies is being developed for implementation.
- (e) ***(including harmful sexual behaviours) that are alleged to occur in Ashley Youth Detention Centre any information sharing arrangements entered into by the Department or Ashley Youth Detention Centre in relation to allegations or incidents of child sexual abuse in Ashley Youth Detention Centre, including:***
- a) ***how these arrangements are operationalised, and***
- b) ***what systems are used to support the information sharing (for example, information technology systems or training)***
365. Information related to child abuse, including sexual abuse is shared between AYDC and Child Safety Services as needed and required under mandatory reporting provisions of the *Children, Young Persons and Their Families Act 1997*. The principles of the Memorandum of Understanding between Tasmania Police and Children and Family Services and sections of the MOU and Handbook relating to mandatory reporting and reporting offences to Tasmania Police apply to Youth Justice Services.

Q.35 How does the Department ensure the processes described in your response to paragraph 34 meet the diverse needs of children and young people—particularly those who are Aboriginal and/or Torres Strait Islander, identify as LGBTIQ+, come from culturally and

linguistically diverse backgrounds, have disability, experience socio-economic disadvantage or lack protective parental figures?

366. On entry to AYDC, residents are carefully assessed through the Induction Program for Young People (Annexure 74). This assessment can take up to a week so that it is able to gather sufficient information to ensure that appropriate services and systems are in place to meet the needs of the young person. (Annexure 22).
367. The gathering of information to support induction assessment can begin before the young person enters AYDC with discussions between AYDC staff and the young person's guardians and other key people involved. (Annexure 87)
368. If the young person has a disability support worker or other relevant support, they will be contacted to seek additional information to support the young person. If the young person is a member of the Aboriginal or Torres Strait Islander community connection with community elders will be sought. If the young person has a lack of parental oversight or support staff will attempt to identify significant others in the young person's life to provide them with that support.
369. The induction assessment identifies the young person's background, physical and mental health, literacy, drug use, disability, indigenous status, familial and personal relationships and the young person's identified gender and sexuality (as identified by them). The assessment then allows for meaningful supports to be put into place that address their specific needs, and that they are stable and informed about their rights and routine before moving into a unit with other young people.

Q.36 Describe any training, support or guidance offered to Ashley Youth Detention Centre Officials to enable them to make assessments about whether conduct between children and young people constitutes harmful sexual behaviour. Is there any scrutiny of such assessments by these Officials?

370. As described in Question 13, specialised guidance is provided to AYDC staff by psychology services and the Sexual Assault Support Service on identifying and responding to all sexual abuse and harmful sexual behaviours.
371. AYDC staff receive therapeutic training to understand and support residents displaying harmful sexual behaviour. The Sexual Assault Support Service "Keeping Kids Safe" two-day workshop was delivered to AYDC staff on 22 November 2021 and 20 December 2021. A further session is being delivered by SASS on 15 July 2022. A copy of the slides for that training are located at Annexures 42 and 43. The workshop is a specialised professional development workshop which aims to give participants skills to minimize harm and assist others in trauma recovery. The workshop covers identifying and responding to child sexual abuse, including grooming behaviour, boundary breaches and harmful sexual behaviours.

372. Since 18 May 2022, the Practice Manager of AYDC has attended a weekly session with a Sexual Assault Support Service clinician to discuss any incidents or concerns regarding harmful sexual behaviours of young people at AYDC. It is intended that this arrangement will extend to all AYDC staff, to enable them to engage directly with a Sexual Assault Support Service clinician to gain clinical guidance in preventing, identifying and responding to matters concerning harmful sexual behaviour

373. All incidents of sexualised behaviours are discussed at the Weekly Review Meeting and Multi-Disciplinary Team meetings. This provides additional safeguards and shared agreement about best interventions. Representatives of Correctional Primary Health are members of the Multi-Disciplinary Team.

Q.37 Describe what steps are recommended by the Department to Ashley Youth Detention Centre Officials to ensure the safety of any victim-survivors or other children in response to allegations or incidents of harmful sexual behaviour.

374. Various steps are recommended by the Department to AYDC Officials to ensure the safety of any victim-survivors or other children in response to allegations or incidents of harmful sexual behaviour.

- At AYDC, the Risk Assessment Process Team identifies and responds to risks with young people in custody when they are admitted to Ashley Youth Detention Centre, to ensure the safety of other young people in custody and staff. Once admitted, young people are continuously monitored in day-to-day interactions and through case management to identify emerging risk behaviours, including harmful and sexualised behaviours which are responded to through therapeutic interventions and supports.
- AYDC Officials are required to report to the Advice and Referral Line any concerns relating to harmful sexual behaviours of residents at AYDC.
- AYDC Standard Operating Procedure No #34 Healthcare Procedures provides guidelines for AYDC staff on their responsibilities and delegations when there are concerns about a resident's physical and mental wellbeing. A copy of the Standard Operating Procedure is annexed to this Statement (Annexure 81).
- AYDC Staff are instructed to have any residents harmed in an incident to be assessed by THS staff – this would include victims of harmful sexual behaviours. This instruction is outlined in the AYDC Incident Reporting Procedure, which is annexed to the Statement (Annexure 46).
- Some of the actions AYDC Officials are instructed to undertake include immediate separation between residents to allow physical distance; ensure ongoing counselling occurs for all parties; and to increase supervision to all affected parties by Youth Workers.

- The young person exhibiting harmful sexual behaviour will be referred to the Prevention, Assessment, Support and Treatment program, which is a harmful sexual behaviours program delivered by the Sexual Assault Support Service. Tasmanian Government funding for this service commenced on 1 April 2022.

Q.38 To what extent are Ashley Youth Detention Centre Officials responsible for implementing the Department's policies and procedures in relation to harmful sexual behaviour and ensuring that all Officials know about those policies and procedures?

375. AYDC Management is responsible for ensuring all officials know, understand and implement the Department's policies and procedures in relation to harmful sexual behaviour.
376. The knowledge and application of these procedures is validated through supervision and review of incidents using reflection to continuously improve practices.

Q.39 What therapeutic services and supports are provided to detainees who display harmful sexual behaviours while at Ashley Youth Detention Centre?

377. Once admitted to AYDC, residents are continuously monitored in day-to-day interactions and through case management to identify emerging risk behaviours, including harmful and sexualised behaviours which are responded to through therapeutic interventions and supports. This includes any disclosures or observations made in the health or education settings at AYDC.
378. When a resident displays harmful sexual behaviours, the observations are documented in case notes and reported to line supervisors. The behaviours are then discussed at the Weekly Review Meeting and the Multi-Disciplinary Team (MDT) meeting through the resident's Case Manager. The case manager will then make appropriate referrals for the young person and maintain the residents care plan.
379. The MDT will also consider the risks to other residents. The MDT is responsible for ensuring implementation of the plan.
380. The [REDACTED] Clinic provides brokered psychology services directly to residents at AYDC. These services are provided for three hours per week via a digital platform and are used to inform case management. Referrals are also made for young people displaying harmful sexual behaviours with the Sexual Assault Support Service (SASS) to receive one to one counselling.
381. Where required, customised psychological services are provided for young people with higher needs. Where the need is ongoing the young person may be transferred to the Wilfred Lopez clinic.

382. The Chief Executive Officer of SASS, Ms Jillian Maxwell, gave evidence before the Commission of Inquiry that SASS has offered services to AYDC for a number of years but this has never been accepted. Prior to Ms Maxwell giving evidence, I understand that AYDC staff had made a number of referrals to SASS concerning harmful sexual behaviours committed by young people detained at AYDC against other young people detained at AYDC and staff at AYDC. SASS experienced a delay in appointing a counsellor. After some time, the relevant AYDC staff member received an email containing a “secondary consult”, which I understand SASS unilaterally determined as appropriate in the circumstances. SASS describe a secondary consult as a written advice with recommendations on managing harmful sexual behaviour. The secondary consult was sent to AYDC on 25 October 2021 and is annexed at Annexure 82.
383. AYDC staff receive therapeutic training to understand and support residents displaying harmful sexual behaviours. The Sexual Assault Support Service (SASS) “Keeping Kids Safe” two-day workshop was delivered to AYDC staff on 22 November 2021 and 20 December 2021. A further session is being delivered by SASS on 15 July 2022. A copy of the slides for that training are located at Annexures 43 and 44. The workshop is a specialised professional development workshop which aims to give participants skills to minimize harm and assist others in trauma recovery. The workshop covers identifying and responding to child sexual abuse, including grooming behaviour, boundary breaches and harmful sexual behaviours.
384. After Ms Maxwell’s evidence before the Commission of Inquiry, and on 18 May 2022, senior AYDC staff met with SASS staff to discuss establishing a formal arrangement whereby AYDC staff can access SASS for consultation to provide recommendations for identifying, preventing and responding to harmful sexual behaviour, and child sexual abuse more generally.
385. Since the meeting on 18 May 2022, the Practice Manager of AYDC has attended a weekly session with a SASS clinician to discuss any incidents or concerns regarding harmful sexual behaviours of young people at AYDC. It is intended that this arrangement will extend to all AYDC staff, to enable them to engage directly with a SASS clinician to gain clinical guidance in preventing, identifying and responding to matters concerning harmful sexual behaviour.

Q.40 What therapeutic services and supports are provided to detainees who are subject to harmful sexual behaviours while at Ashley Youth Detention Centre?

386. Any resident who is subject to harmful sexual behaviours whilst at AYDC are supported therapeutically by the on-site Correctional Primary Health Service (CPHS) nurse, the visiting doctor and the brokered psychologist.
387. The CPHS nurse is a trained mental health practitioner.
388. The process for reporting concerns about residents who are subject to harmful sexual behaviours is the same as explained in Question 39. The resident’s Case Manager is advised. The Case Manager consults with various professionals including the psychologists, seeking advice to adjust the residents care plan.

389. The updated care plan is discussed at the weekly Multi-Disciplinary Team (MDT) meeting. As stated earlier, MDT also considers the risks to other residents. The MDT is responsible for ensuring implementation of the plan.
390. This consistent approach is important to ensure a holistic and tailored support approach is developed by the MDT. It also helps AYDC to identify preventative measures to protect other residents, and to deliver therapeutic behavioural change programs.
391. More broadly, the School at AYDC delivers various programs directly to young people through the school curriculum, including “Consent is a conversation”. This program aims to promote healthy relationships and ethical sexual decision making. It aims to educate young people to stop intimate partner violence and sexual harm from occurring by promoting healthy, respectful intimate relationships

Q.41 Describe any information or guidance given to Ashley Youth Detention Centre Officials and detainees to make it clear that they are able to come forward to this Commission.

392. The whole-of-Agency communications and supports provided to staff contain consistent messaging around staff being able to come forward to the Commission.
393. Key communications and supports include:
- A dedicated Inquiry Support Unit intranet presence. Please see annexed screenshots of some of our pages (Annexure 83).
 - Factsheets, which are provided on our intranet – please see annexed:
 - a. Fact sheet #1 – Notice to appear in an official capacity (Annexure 84);
 - b. Fact sheet #2 – Appearing before a Commission of Inquiry (Annexure 85); and
 - c. Fact sheet – Indemnity Legal Assistance (Annexure 86).
 - All staff emails – regarding the Commission of Inquiry and the supports available to them.
394. All of the above mentioned whole-of-Agency communications direct our people to the Commission of Inquiry website (<https://www.commissionofinquiry.tas.gov.au/home>), for further information on how they can share their experiences and ideas with the Commission.
395. Specific excerpts from All Staff correspondence are shown below which demonstrate that staff were supported in coming forward to the Commission.
396. Commission of Inquiry - All Staff Message - Tuesday 3 August 2021 – Secretary:
- “The Commission will also be gathering information by conducting consultations with stakeholders across Tasmania; this includes public sector employees.

- Stakeholder consultations will focus on current systems, including what is working well, what the current problems, gaps and challenges are, and what changes need to be made to prevent child sexual abuse from occurring and to improve responses to, and the reporting of, abuse. Your experiences, insights and views will ultimately help us to better protect Tasmanian children.”

397. All Staff Email - Commencement of Commission of Inquiry – 20 August 2021 - Secretary:

- “The Commission may also contact key staff directly and will be conducting stakeholder consultation activities across the state. Participation in stakeholder consultations is entirely voluntary and is in a personal capacity.
- The Department supports the participation of staff in these consultations and will approve absence from the workplace where required.”

398. All Staff Email Commission of Inquiry Hearings 29 April 2022 – Secretary):

- “Staff appearing as witnesses are supported in their release from duties and should inform their relevant Manager of their required absence.”

399. All Staff Email Commission of Inquiry Message from Head of State Service 2 May 2022:

- “I would like to take this opportunity to reiterate that all State Servants have my, and that of all Heads of Agencies, full support in coming forward to the Commission.
- If you have any concern, have made an observation, or have something to say in relation to child sexual abuse in government institutions, please speak up, without fear of reprisal. The Commission of Inquiry is a unique opportunity for us to ensure that our systems protect our most vulnerable.”

Q.42 Describe any information or guidance provided to Ashley Youth Detention Centre Officials and detainees in relation to the protections that are available to them if they choose to come forward to this Commission.

400. As stated above in item 107, all of the above mentioned whole-of-Agency communications direct our people to the Commission of Inquiry website. Specific sections worth highlighting around protections available are included below.

401. “In providing information to the Commission, participants also have rights and protections under the *Commissions of Inquiry Act 1995*, including that:

- your employer cannot prejudice or dismiss you;
- others cannot try to prevent you from providing information to the Commission;
- and

- others cannot punish you or cause you damage, loss or disadvantage because you provide information to the Commission.”

402. “These rights and protections, and the treatment of information provided to the Commission, are outlined in two documents

- providing information to the Commission: Information for members of the public; and
- providing information to the Commission: Information for public sector employees and officer.”

403. In addition, an officer, employee or contractor of the Department (or other public body) will be protected under the *Public Interest Disclosures Act 2002* when reporting improper conduct or detrimental action.

Q.43 Describe any information or guidance given to management within the Department to ensure that no Ashley Youth Detention Centre Official or detainee or suffers reprisals for providing information to this Commission.

404. All communications to staff (including management) included positive, supportive language concerning about their ability to provide information to Commission.

405. Documentation specific to Managers states: “Managers must ensure that all employees are supported and encouraged to provide evidence to the Commission of Inquiry, as it is only when we have a shared culture of speaking up will we ensure children are protected and safe.”

Q.44 Describe any allegations or reports you are aware of that individuals in the Department have discouraged Ashley Youth Detention Centre Officials or detainees from engaging with the Commission. Outline the steps taken by the Department in response to such allegations or reports.

406. I have not been made aware of any allegations or reports that individuals in the Department have discouraged Ashley Youth Detention Centre Officials or detainees from engaging with the Commission.

Q.45 Describe any allegations or reports of which you are aware that Ashley Youth Detention Centre Officials have intimidated or offered other inducements to detainees to provide false information about their experiences at Ashley Youth Detention Centre to this Commission. Outline the steps taken by the Department in response to such allegations or reports.

407. I have not been made aware of any allegations or reports that Ashley Youth Detention Centre Officials have intimidated or offered other inducements to detainees to provide false information about their experiences at AYDC to this Commission.

Q.46 The Commission may wish to refer to and rely on the findings of previous reports into the Ashley Youth Detention Centre. As such please identify any findings or parts of findings in any of the following which the Department disputes:

- a) *Review for the Secretary DHHS of Ashley Youth Detention Centre, Tasmania Department of Health and Human Services (September 2005)*
- b) *Ashley, Youth Justice and Detention, Legislative Council Select Committee (2007)*
- c) *Investigation into the Unlawful Detention of a Young Person Following the Contravention of a Supervision Release Order, Ombudsman Tasmania (3 March 2014)*
- d) *Independent Review of Ashley Youth Detention Centre, Tasmania, Heather Harker, Metis Management Consulting (June 2015)*
- e) *Custodial Youth Justice Options Paper: Report for the Tasmanian Government Department of Health and Human Services, Noetic Solutions Pty Ltd (October 2016)*
- f) *Inspection of Ashley Youth Detention Centre in Tasmania 2017: Health and Wellbeing Inspection Report, Custodial Inspector Tasmania (October 2018)*
- g) *Memorandum of Advice: Searches of children and young people in custody of custodial facilities in Tasmania, Commissioner for Children and Young People Tasmania (7 May 2019)*
- h) *Inspection of Custodial Services in Tasmania, 2018: Custody Inspection Report, Custodial Inspector Tasmania (August 2019)*
- i) *Inspection of Youth Custodial Services in Tasmania, 2019: Equal Opportunity Inspection Report, Custodial Inspector Tasmania (September 2019)*

408. I note that the findings of (a)-(d) were made between 2005 and 2015 in response to circumstances at the time, and that many recommendations have since been implemented.

409. In relation to (e) *Custodial Youth Justice Options Paper: Report for the Tasmanian Government Department of Health and Human Services, Noetic Solutions Pty Ltd (October 2016)* I note that two options were chosen by the Government:

- In relation to Option 1: Upgrade the existing AYDC facility, the Government implemented Option 1B: Major refurbishment of AYDC
- In relation to Option 4: Two purpose built secure detention facilities, the then Premier announced Option 4 in 2024 to be completed by 2024 with the decommissioning of AYDC.

410. In relation to (f), (g) and (h), all recommendations were accepted either in full, in part or in principle.

411. In relation to (i) *Inspection of Youth Custodial Services in Tasmania, 2018: Custody Inspection Report, Custodial Inspector Tasmania (August 2019)* I note that of 38 recommendations made, four were not supported. These were:

- Recommendation 5: provide signage on the highway to indicate the entrance to AYDC. It is not considered that additional signage on the highway is required. AYDC is visible from the highway and the placement of signage on the road would only draw further attention to the site, decreasing privacy and potentially creating additional security issues

- Recommendation 6: remove the boom gate closer to the highway and provide a turnaround bay at this point. There would be little benefit to moving the boom gate especially given the cost that this would involve. When the boom gate is closed, there is a carpark on the entrance side that can be used as a turnaround bay.
- Recommendation 10: review the integrity of AYDC's perimeter fence, investigates possible detection systems, and implements changes to prevent young people from unlawfully leaving the Centre undetected. The February 2019 AYDC Site Infrastructure Strategy deemed the perimeter fence to be sufficient to the needs of the centre
- Recommendation 21: in the interests of security, consider recording telephone calls made by young people at AYDC apart from calls to legal representatives and other professionals. Recording of calls itself does not provide increased security without monitoring of the recordings and while Communities Tasmania is happy to explore what other jurisdictions do in this space, does not support any immediate changes

Q.47 Describe any diversion programs available for youth and the role the Department plays in these programs.

412. Part 2 of the YJ Act describes how youths, who have committed an offence, are diverted from the court system. If a young person admits the commission of an offence Police have the option to informally caution (s8), formally caution (s9) or require the Secretary, Department of Communities Tasmania to convene a community conference to deal with the matter (s13).
413. The Department of Communities Tasmania does not play a part in administering informal and formal cautions.
414. If Tasmania Police do not caution or refer to conference, they may file a complaint before the Court.
415. Once the file is before the Court, there is one further opportunity for diversion. The Court may order the Secretary, Department of Communities Tasmania to convene a community conference instead of proceeding to sentence a youth (s37).
416. The *Receipt and Allocation of a Community Conference Referral* (Annexure 88) outlines the steps that Team Leaders and Area Managers must follow to assess the appropriateness of a community conference referral, determine the contract fee and allocate to a facilitator.

417. The decision that a young person is appropriate to participate is made between the facilitator, the Team leader and the referring police officer from the Youth Crime Intervention Unit. Reasons that a young person may be unsuitable to participate can include:

- the young person has withdrawn consent
- the young person has not admitted to doing the offence
- offending has continued to escalate so police withdraw the file to add to other matters and send to court
- new details about the offending emerge during the preparation stage that change the severity of the offence (up or down)
- the young person has indicated that they will be disruptive / non-cooperative during the conference and further preparation is unlikely to result in a remorseful attitude. In these situations the decision balances the safety of the victim who is in the conference.

Q.48 In relation to community conferences under Division 3 of Part 2 of the Youth Justice Act 1997 (Tas):

a) **How often are you required to convene community conferences?**

418. For 2020-21, police referred 123 young people to be conferenced state-wide. The number of young people referred for conferencing has been steadily declining since the Act was proclaimed (Table 4).

(a) Table 4: Community Conference Referrals (by their DateToCommence)

Financial Year	Community Conferences Referred by Police	Community Conferences Ordered by Court	Total Community Conference Referrals
2006-07	648	12	660
2007-08	465	12	477
2008-09	441	15	456
2009-10	422	21	443
2010-11	321	15	336
2011-12	356	28	384
2012-13	263	14	277
2013-14	253	18	271
2014-15	192	11	203
2015-16	164	21	185
2016-17	142	3	145
2017-18	142	8	150
2018-19	127	7	134

2019-20	107	27	134
2020-21	123	4	127
YTD 2021-22 (to 9 March 2022)	96	3	99

*Not all referrals resulted in a conference being held. In a few cases the young person could not be located or was deemed unsuitable to participate.

b) Describe the conduct and outcomes of these conferences and identify any policy documents which guide how they are conducted.

419. Community Conferencing is not just a meeting. It is a process that requires thorough preparation followed by a gathering where a young person, who has admitted to the offence, the victim, support persons for both, a Police officer, a youth justice worker and the facilitator come together to discuss the offence and its impact on the victim.
420. The conference facilitator is an independent community member contracted by the Department of Communities Tasmania.
421. After exploring the impact of the offending, the conference moves to a discussion of what the young person can do to repair the harm. The Youth Justice Act allows for the following sanctions: a caution against further offending, payment of compensation for injury or property damage, restitution of offence-affected property, hours of community service, an apology or anything else that may be appropriate in the circumstances. If practicable, the conference aims for consensus on the number and type of sanctions. At a minimum, sanctions must be agreed to by the young person who committed the offence, the police officer, and the victim, if present.
422. Following the conference, Community Youth Justice staff monitor the completion of the sanctions and report back to Police.
423. If the young person fails to attend the conference, the conference fails to reach a decision, or the young person fails to complete the agreed sanctions Police may file a complaint before the Court.
424. Procedures relevant to the conduct of community conferences sit on the CYF Practice Manual and include Receipt and Allocation of a Community Conference Referral; Monitoring and Finalising Outcomes from a Community Conference; Payment of Compensation to Victims by MPES after a Community Conference. There is also a suite of documents relevant to the Recruitment, Selection and Training of Community Conference Facilitators.

c) Are children and young people offered therapeutic treatment or other support alongside the community conference?

425. The primary purpose of a community conference is to determine how a youth who has committed an offence is to be dealt with. The Youth Justice Act specifies this is to be done in a way that helps the youth take responsibility for their actions and to provide an opportunity for the youth to repair the harm caused to the victim and the community. The conference process is also designed to reinforce the roles of guardians, families and communities in sanctioning and rehabilitating the youth.
426. The primary purpose of a community conference is to determine how a youth who has committed an offence is to be dealt with. The Youth Justice Act specifies this is to be done in a way that helps the youth take responsibility for their actions and to provide an opportunity for the youth to repair the harm caused to the victim and the community. The conference process is also designed to reinforce the roles of guardians, families and communities in sanctioning and rehabilitating the youth.
427. Sanctions are particularly powerful when they are linked to the cause of offending. The sanction 'anything else that may be appropriate in the circumstances' is used to capture these types of interventions. A young person driving without a license or at excess speed may be required to attend a session with the Brain Injury Association of Tasmania; a young person in possession of drugs may be referred to Holyoake and a young person without prosocial supports may be referred to the Supported Youth Program.
428. The community supported nature of conferences is to prevent unnecessary contact with the criminal youth justice system. Contact with the criminal justice system can increase the risk of further offending as labels are applied and these labels shape a young person's forming identity.
429. Therapeutic treatment is not provided as part of the community conference. There are other, more appropriate pathways to meet the health and wellbeing needs of young people other than contact with the criminal justice system.
430. Conferencing sexual offences differ to conferencing other types of offences in that the preparation stage is longer and more complex. Prior to the conference the young person is referred to SASS or an appropriate psychologist to determine their readiness to conference. In many cases this support is already in place. The conference is held when the treating practitioner considers the young person ready.

Q.49 How often are you required under Division 4 of Part 4 of the Youth Justice Act 1997 (Tas) to convene Court-ordered community conferences?

431. For 2020-21, 27 young people state-wide were ordered by the court to attend a community conference. Court ordered conferences have not experienced the same decline over time as police referred conferences. The data concerning court ordered community conferences is in Table 4 at paragraph 418 of this statement.
432. Describe the conduct and outcomes of these conferences and identify any policy documents which guide how they are conducted.

433. Except to the extent that they are ordered by the Court, court-ordered conferences are convened and conducted in the same way as a police-referred conference. Court-ordered conferences then differ in how they are finalised. Instead of notifying Police of the outcome, the District Registrar is notified. If the conference was successful, the charges against the youth are then dismissed. If the conference was unsuccessful, the Court must then sentence the youth. The Court may dismiss the charge, release the youth and adjourn on conditions, impose a fine or make an order that requires the young person to report to and follow the direction of a youth justice worker.
434. The procedures relevant to the conduct of police referred community conferences, on the CYF Practice Manual, also include reference to court-ordered community conferences.

Are children and young people offered therapeutic treatment or other support alongside the community conference?

435. As per Question 48c.

Q.50 Provide an overview of the current regime of external oversight of Ashley Youth Detention Centre including the roles of the Commissioner for Children and Young People, Custodial Inspector, the National Preventive Mechanism and the Ombudsman.

436. The Commissioner for Children and Young People has an important role in monitoring the safety and wellbeing of young people in detention by providing external independent advocacy to young people in detention and conduct visits to the Centre every three weeks. In addition, the Commissioner for Children and Young People's Advocate is on site most days.
437. If the Commissioner becomes aware of an allegation of child abuse in an institutional setting, she may refer the information to the agencies and authorities best placed to investigate them (e.g. Tasmania Police, Department of Communities Tasmania).
438. From February 2022, the Department has provided additional funding to the Commissioner for Children and Young People to employ a representative who is based at AYDC for the purpose of receiving complaints directly from young people in detention. Ongoing funding for that position was confirmed in the 2022/23 State Budget.
439. The Custodial Inspector has an important role in monitoring the safety and wellbeing of young people in detention by providing independent mandatory inspections of the Ashley Youth Detention Centre. The Inspector provides independent, proactive, preventative and systemic oversight of the Centre and reports to the Minister and Parliament. The functions of the Custodial Inspector are set out in the Custodial Inspector Act 2016.

440. Custodial Inspector is also appointed as the Tasmanian Representative on the National Preventive Measures Agreement under OPTCAT and operates as the National Preventive Mechanism in Tasmania.
441. The Inspector has jurisdiction over detainee transport vehicles.
442. Since commencement in May 2017, the Custodial Inspector has undertaken eight themed inspections. Six of the inspections were announced and two inspections one in September 2020 and the other in February 2021 were unannounced inspections.
443. The Ombudsman is an independent officer appointed by the Governor, and answerable to the Parliament. Detainees can direct complaints to the Ombudsman to investigate in an impartial and objective way. The Ombudsman will work to resolve the complaint and to address systemic problems to improve the quality and standard of the administration at the Centre.
444. From February 2022, the Department has provided additional funding to the Commissioner for Children and Young People to employ a representative who is based at AYDC for the purpose of receiving complaints directly from young people in detention. Ongoing funding for that position was confirmed in the 2022/23 State Budget as “CCYP additional staff to support Ashley Youth Detention Centre”.

Q.51 Describe your relationship with these oversight bodies, including the nature and frequency of meetings and any reporting protocols or agreements.

445. The Director meets with all oversight bodies as needed and regularly responds to information requests. There is ongoing and regular contact with the Commissioner for Children and Custodial Inspector, and less frequent contact with the Ombudsman.
446. The Commissioner for Children and Young People, as an independent statutory officer, is required to provide annual reports to the Minister and the Secretary.
447. The Commissioner and the Ombudsman, when acting as an advocate for a detainee, may direct to the Secretary detainee concerns and grievances. The Secretary is required to provide a response to the Commissioner.
448. The Custodial Inspector prepares reports following any inspections at AYDC. Prior to the report being published in Parliament, the Secretary is consulted.

Q.52 Provide views on the efficacy of the current external oversight mechanisms, strengths and challenges of the systems and means to improve external oversight.

449. Robust external oversight, including an external complaints review process for young people in detention is critical and strongly supported and embraced by the Secretary, Deputy Secretary and senior officers of the Children and Young Families Division of the Department of Communities Tasmania. This support has extended to the Secretary diverting Departmental funds to the Commissioner for Children and Young People to increase the resources that office can commit to advocacy for young people and oversight of the AYDC including an on-site Child Advocate Liaison officer at AYDC available directly to young people and reporting directly to the Commissioner who is also able to assist and support any young person coming forward with allegations of abuse. Young people at AYDC frequently have complex needs. It is important for complaint processes to be easily understood, accessible and for young people to feel safe and supported in making a complaint.
450. External oversight bodies currently include the Ombudsman, the Custodial Inspector and the Commissioner for Children and Young People. In contrast to the Commissioner's systemic monitoring role for children in out of home care, the Commissioner has a role in providing individual advocacy for young people at AYDC.
451. The establishment of the Child Advocate Liaison Position in 2021 provides an increased on-site presence at least three days per week for the Commissioner for Children and Young People. The on-site presence provides for one-on-one support as well as raising awareness of the role of the Commissioner in advocating for youth people in detention.
452. The Commissioner for Children and Young People is an advocate for individual residents at AYDC and her evidence before the Commission of Inquiry suggests where this relates to advocacy as on a systems level, the Commissioner can and does monitor the implementation of any recommended changes.
453. Both the Custodial Inspector and the Commissioner for Children and Young People receive reports from AYDC on all critical incidents and follow up action(s) taken. AYDC provides both these officials with copies of the AYDC Incident, Isolation and Search Registers monthly, and copies of minutes from Weekly Review Meetings.
454. The Custodial Inspector has the right to visit and examine the Centre; the power to obtain information, access documents and information relating to the Centre or persons being detained.
455. The Commissioner for Children and Young People is an advocate for individual residents at AYDC. The Commissioner does not have any function to monitor or review the way in which a government agency investigates or otherwise deals with a specific allegation to ensure that the matter has been dealt with appropriately. While the Commissioner does not have a complaint handling function, she can and does assist and support a resident to make a complaint to the Ombudsman.

456. The Custodial Inspector cannot investigate individual complaints except so far as they relate to the systemic issues present in the Centre. However, I note that the Ombudsman can perform this function. I do not believe there is a conflict with the same person holding both positions. Indeed, an understanding of the detention centre management and operations thought the role of Custodial Inspector, could, in some circumstances, assist in an investigation/review of a complaint handling at AYDC.
457. The Ombudsman, Commissioner for Children and Young People and Integrity Commissioner all gave evidence before the Commission concerning the potentially complicated oversight processes for complaint management for residents at AYDC.
458. The Ombudsman and Commissioner for Children and Young People both gave evidence of the low number of child sexual abuse complaints their respective offices have received over the years.
459. When compared with the number of historical claims the Agency has received through common law claims, national redress, and other avenues in recent years, an understanding of why external review bodies did not receive these claims could assist with a review for continual improvements to external body oversight roles.

Q.53 Under section 83 of the Youth Justice Act 1997 (Tas), youth in detention are under your custody. How do you understand your obligations to these youth in your custody?

460. If a Court makes an order for a youth to serve a period of detention, then pursuant to Section 83 (3) of the Youth Justice Act (the Act), the youth is taken to be in the custody of the Secretary.
461. If a Court makes an order for a youth to serve a period of detention, then pursuant to Section 83 (3) of the YJA, the youth is taken to be in the custody of the Secretary.
462. I take this statutory obligation very seriously.
463. Pursuant to s. 124 of the YJA, the Secretary is responsible for the security and management of detention centres and the safe custody and wellbeing of detainee. One way this is facilitated is through the issuance of instructions with respect to:
- the management, control, organisation and security of detention centres; and
 - the management, control, health, treatment and security of detainees; and
 - programs for detainees; and
 - contact between detainees and members of the public; and
 - da) contact between detainees and police officers; and
 - educational, recreational and social activities of detainees; and

- any other matter connected with the management of detention centres and the management and wellbeing of detainees.

464. The Deputy Secretary, CYF and Director, Youth and Family Violence Services are the only positions to be delegated the functions and powers of section 124 of the Act. Currently there are instructions issued for:

- Admission of a young person to AYDC
- AYDC Emergency Management
- AYDC Incident Reporting
- AYDC Resident Advisory Group
- Calling a Code
- Code Black - Request for Assistance
- Code Red – Fire within the Centre but not in the accommodation units
- Commissioner for Children and Young People's access to detention centres and detainees
- Emergency - Fire in Accommodation Units
- Induction Program for Young Person
- Personal searches of young people detained at AYDC
- Police access to young people detained at AYDC
- Procedure - Behaviour Development Program
- Suicide and Self-harm Prevention
- Swimming Pool Usage
- Transfer to and from In-Person Court and Reception Centres (staff only)
- Unit Commissioning, De-Commissioning and Allocation to a Young Person
- Use of Isolation
- Use of Mechanical Restraints (Handcuffs)
- Use of Physical Force

465. Sitting underneath these instructions are standard operating procedures (SOPs). These are listed and electronically linked as the 'how to do' in the manual and framework. Current SOPs are:

- SOP# 2 Cutlery (4.3)
- SOP# 3 Escapes (4.3)
- SOP# 4 Nightshift (4.3)
- SOP# 5 Perimeter – building – room checks (4.3)
- SOP# 6 site entry and exist staff (4.3)
- SOP #7 Searches (4.2)
- SOP# 8 Supervision Movement of YP (4.2)
- SOP# 9 Site Entry Visitor and Providers (4.3)
- SOP #11 Bedding- clothing and related items (7.3)
- SOP# 14 site entry and exist vehicles (4.3)
- SOP# 16 Program equipment (5.1)
- SOP# 19 Keys- swipes – Radios -Pagers (4.3)
- SOP# 23 prohibited and unauthorised items (4.3)
- SOP# 24 Conferencing (4.1)
- SOP# 25 phone calls and written correspondence (7.3)
- SOP# 26 Fitness Program Areas (5.1)
- SOP# 27 Jewellery (4.3)
- SOP# 31 Communications- Processes (4.3)
- SOP# 33 Program Rooms (5.1)
- SOP# 34 Health Care (8.2)
- SOP#37 CCTV Surveillance- Cameras (4.3)

466. There are numerous AYDC procedures sitting under SOPS. These include:

- CHART accreditation and competency (2.2)
- Confirming Aboriginal and Torres Strait Islander Status (1.1)
- Contacting the Advice and Referral Line (6.2)
- Developing Pre-sentence Reports (2.3)
- Exit Planning and Review for young people detained at AYDC (3.1)

- Initial Case Plan Meeting for Young People at AYDC (2.1)
- Making a Supervised Release Order (3.2)
- Provision of Admission Information by CYJ to AYDC (1.1)
- Reasonable inquiry and efforts to contact or locate a client or guardian (1.2)
- Reasonable inquiry and efforts to contact or locate a client or guardian (3.2)
- Safe Families Coordination Unit (SFCU) MAP access and use (2.4)
- Using the CHART Program (2.2)

Q.54 Describe how you ensure that you are meeting your obligations under Part 6 of the Youth Justice Act 1997 (Tas) in relation to the treatment of detainees, including in relation to:

- ***the security and management of detention centres and the safe custody and wellbeing of detainees (section 124)***
- ***the rights of detainees (section 129)***
- ***searches of detainees and their possessions (section 131)***
- ***prohibited actions (section 132)***
- ***isolation (section 133)***
- ***access to a detainee by a prescribed officer (section 135A)***
- ***complaints (sections 137-138), and***
- ***dealing with detention offences (section 140).***

467. As Secretary, I am ultimately responsible for discharging the Secretary's statutory obligations under the YJ Act. I have oversight through:

- Authorisation of appropriate delegations
- Oversight of the development that supports the management of AYDC and the well-being of residents transitioning to a therapeutic model of care.
- Oversight of a governance structure that supports interagency MOUs, policies, procedures, and processes for AYDC management and support to residents in a therapeutic model of care.
- Oversight of a governance structure that supports mentoring and training to staff on procedures, policies, and processes at AYDC in the transition to a therapeutic model of care.
- Ensuring support and training to staff holding any delegation regarding discharging their delegated functions and duties supporting a therapeutic model of care.
- Oversight of appropriate disciplinary processes and procedures for the management of concerns relating to AYDC Officials either acting outside of their

delegations or not discharging their duties and functions in a manner consistent with training of the therapeutic model of care.

Q.55 Describe how you monitor Ashley Youth Detention Centre Officials' compliance with Part 6 of the Youth Justice Act 1997 (Tas).

468. Monitoring of incidents, isolation, searches and complaints is described in response to above questions.
469. If there was any concern relating to an AYDC Official's conduct relating to non-compliance with any statutory responsibilities under the Youth Justice Act it would be managed and monitored in accordance with established Agency disciplinary processes.

Q.56 Produce a copy of any document referred to in response to any paragraph in this Notice.