



WITNESS STATEMENT OF ROBERT DOUGLAS WHITE

I, Robert Douglas White of [REDACTED] in the State of Tasmania, Emeritus Distinguished Professor of Criminology, University of Tasmania and [REDACTED], do solemnly and sincerely declare that:

1. I make this statement on the basis of my own knowledge, save where otherwise stated. Where I make statements based on information provided by others, I believe such information to be true.
2. I make this statement in a professional capacity.

BACKGROUND AND QUALIFICATIONS

3. I have the following qualifications:
 - (a) Bachelor of Arts – Honours (Sociology / Philosophy) from Queen's University, obtained in 1978;
 - (b) Master of Arts (Sociology) from Carleton University, obtained in 1980;
 - (c) Doctor of Philosophy (Sociology) from The Australian National University, obtained in 1984;
 - (d) Certificate in Men's Health from Curtin University of Technology, obtained in 1997; and
 - (e) Master of Laws from University of Tasmania, obtained in 2017.
4. Attached to this statement and marked **RDW-01** is a true copy of my curriculum vitae.

Current role

5. I am currently an Emeritus Distinguished Professor of Criminology in the School of Social Sciences at the University of Tasmania. I commenced my association with the University of Tasmania in January 1999.
6. In this role I am responsible for:
 - (a) contributing to research, scholarship, and publishing in relevant areas of expertise;

- (b) mentoring staff and providing general academic advice where appropriate; and
- (c) engaging in supervision of post-graduate students.

Publications

7. I have authored and published a number of books and articles throughout my career. My most relevant publications to this inquiry are:
- (a) Chris Cunneen, Rob White and Kelly Richards, *Juvenile Justice: Youth and Crime in Australia* (Oxford University Press, 2015);
 - (b) Rob White, Johanna Wyn and Brady Robards, *Youth and Society* (Oxford University Press, 2017);
 - (c) Rob White, *Youth Gangs, Violence and Social Respect* (Palgrave Macmillan, 2013);
 - (d) Max Travers, Rob White and Michael McKinnon, 'The Children's Court in Tasmania: Challenges, Possibilities and Future Directions' (Conference Paper, Conference Proceedings, 28 to 30 September 2011);
 - (e) Rob White, 'Concepts shaping juvenile justice' (2008) 27(2) *Youth Studies Australia* 45; and
 - (f) Rob White, 'Restorative Community Justice: Community Building Approaches in Juvenile Justice' (2001) *Fourth National Outlook Symposium on Crime in Australia* 22.

INVOLVEMENT WITH ASHLEY YOUTH DETENTION CENTRE

Serious Incident and Investigation Committee

8. From around late 2010 to 2011, I was a member of the investigation committee for a Serious Incident Investigation review into the death of a young boy whilst he was in custody at Ashley Youth Detention Centre.
9. The committee investigation was named the Serious Incident Investigation of the Ashley Youth Detention Centre in relation to the Death of a Youth on Remand (**Committee**). The Committee comprised six people, including

myself. The Committee consisted of me, the Chair who was [REDACTED] (Director of Nursing Safety and Quality), [REDACTED] (Director, Medical Workforce and Integration), [REDACTED] (Clinical Director, Forensic Health Services), [REDACTED] (Manager, Forensic Health Services), and [REDACTED] (Manager, Organisation Development and Compliance, Tasmanian Prison Service).

10. The Committee was formed in response to the death of a young boy in 2010 whilst he was in custody at Ashley Youth Detention Centre. The series of events leading up to his death was as follows:
 - (a) shortly before entering Ashley Youth Detention Centre, the boy had been in a car crash;
 - (b) the boy was on remand at Ashley Youth Detention Centre and was placed in a cell by himself;
 - (c) shortly after entering Ashley Youth Detention Centre, the boy was assaulted by another detainee;
 - (d) the boy began to display cold and flu symptoms. The relevant Ashley Youth Detention Centre staff at the time did not watch or monitor the boy closely enough. At one point, the boy had vomited in his cell;
 - (e) the night shift team leader was called to the unit by the night staff and was told the detainee had vomited on the floor of his cell;
 - (f) the night youth workers allegedly asked the boy how he was feeling and offered him a glass of water. When the boy said he was fine, and asked for the light to be switched off, the youth workers did nothing further. No one entered the cell to clean the vomit or to check on the boy, despite being able to see the vomit from the glass panel; and
 - (g) the boy continued to vomit throughout the night, was in distress and then died in his cell. He was found dead during shift change by a worker.
11. As part of the special incident investigation, the members of the Committee interviewed 29 people and visited Ashley Youth Detention Centre several times.

12. In my role on the Committee, I visited the Ashley Youth Detention Centre on more than one occasion. I saw firsthand that it was a hugely repressive, horrible place. It is essentially a prison. The colour scheme throughout was institutional bland; the individual cells were cold and bare. The atmosphere was one of casual indifference on the part of those living and working there.
13. I recall one of the people on the Committee, an officer in an adult prison, was appalled by the state of Ashley Youth Detention Centre and mentioned he had “never seen an adult prison this bad”. I considered that this observation was telling, particularly given that Ashley Youth Detention Centre was designed for children and young people. The officer said that he had visited prisons all over the world, especially in the United Kingdom, Europe and the United States of America and, in his opinion, Ashley Youth Detention Centre stood out for the harshness of its architecture, basic prison design, and poor facilities. He considered it antiquated and far removed from modern or contemporary prison infrastructure.
14. The physical infrastructure of Ashley Youth Detention Centre has been problematic for a long time. This is indicated in both affective responses (how I felt going into what I experienced as a tired old institution) and expert opinion (as expressed by my colleague who was an experienced prison officer). Criticisms of Ashley Youth Detention Centre and its predecessors across many different reviews (before and since this special incident investigation), have consistently mentioned the physical and social limitations and shortfalls of the institutions.
15. In addition to the issues with the physical infrastructure, I considered that there were clear issues with the social infrastructure at the Ashley Youth Detention Centre. The social infrastructure refers to the staffing situation including staff culture and, in particular, to the youth workers who basically are in charge of security and control within the institution. One of the issues was that the workforce was only accountable to itself. The custodial workforce did not appear to embrace a greater sense of accountability or responsibility beyond the immediate job. For example, there was no sense of a rehabilitation, welfare or restorative mission. The orientation was toward social control and a lock-up mentality, rather than attempting to make institutional conditions that would foster a more pleasant place in which to live and/or provide opportunities

for individual betterment. I perceived this attitude to be due to a lack of adequate training and professionalism, as well as staff having little exposure to, for example, the principles and practices of trauma-informed care.

16. The workforce was also leveraged by the fact that most people were locals, and no one would touch the workforce (i.e. criticise the workers or in extreme cases fire them) because it was a point of local employment. The makeup of the Ashley Youth Detention Centre workforce thus meant that any criticism was effectively dismissed by those who were employed there. I consider that this led to a workforce at the Ashley Youth Detention Centre which was embedded in its own culture. There may be periodic instances where individuals transgress, but it is the workplace culture as a whole that supports and protects and allows that to happen. This is certainly the impression gained during the interviewing of the youth workers.
17. For instance, the boy's death was explained by a senior youth worker as 'stuff happens' and basically the event was shrugged off. The phrase they used was, 'the way we have managed the night shift... has pretty much served us well for the last ten years'. Regardless of whether this was said as a defence mechanism, it did indicate a general reluctance to take on or accept either specific responsibility (given the damning circumstances under which the boy died) or overarching responsibility (that individuals are not solely responsible for their own actions and health, and that there is an institutional duty of care). This attitude, in turn, is related to the wider Tasmanian community insofar it is very hard to recruit people with professional and/or well-credentialed backgrounds to work in non-metropolitan coercive institutions. Accordingly, the fall-back position is reliance on coercion and control; this involves fewer and different skills and knowledge than more fully qualified and better trained custodial officers.
18. The key people at the Ashley Youth Detention Centre are the youth workers. However, another issue with the social infrastructure is that the people at the Ashley Youth Detention Centre are not youth workers in the conventional sense that denotes a community worker who works with young people and has a professional skill and knowledge base for doing so. In this instance, the youth workers are basically "lockup people". Their role is essentially a prison guard role, and that role is reflected in both their approach and their training, as

explained earlier. It is not tied directly to the rehabilitation or restoration ideals which are commonly associated with juvenile justice.

19. Additionally, and as mentioned earlier, one of the most striking things I observed during my role on the Committee was a senior youth worker with poor attitude, who sought to justify a duty of care issue that had arisen amongst the Ashley Youth Detention Centre staff by saying that up to that point things had been fine. The apparent lack of empathy displayed by this person and several other Ashley Youth Detention Centre staff during my visits was, for me, utterly astounding. To be specific, some, perhaps a minority, of youth workers seemed to be there 'because it was a job', and there was no sense of vocation or higher institutional mission. This extended to their lack of enthusiasm for new Standard Operating Procedures (**SOPs**) or for in-service training that was intended to lift their performance and standards of practice.
20. During my visits to Ashley Youth Detention Centre, I observed that the external providers and service support staff, such as the educators, therapeutic staff and welfare workers were highly committed, and they were positive towards the children and young people. These providers knew what the Convention on the Rights of the Child was, and what it meant. My comments here do not relate to these workers.
21. The findings of the Committee included observations that:
 - (a) there was a lack of risk-based decision making at Ashley Youth Detention Centre;
 - (b) the youth workers at Ashley Youth Detention Centre were not professional and there was a lack of a formal approach to delivery of care;
 - (c) there was a failure to provide humanitarian conditions; and
 - (d) training provided to staff was inadequate; they were trained to lock kids up and perhaps they were given a bit of first aid training, but little or inadequate training was provided in the area of critical incidents.
22. Once the Committee concluded its investigation, it submitted its report entitled 'Serious Incident Investigation Report Ashley Youth Detention Centre – Death of a Youth on Remand' dated 30 March 2011 (**Report**). The Report was

damning on all levels. It provided a detailed summary of the 'sequence of events'. It then examined issues specific to the young man's death, including matters such as person-specific factors related to the young man, support services, youth worker related factors, education and training, workplace factors, health service organisation, communication systems, and equipment and resources.

23. The Report then discussed systemic issues, including the prevailing culture, communication systems, Ashley Youth Detention Centre health service, location, youth workers, operational issues, governance, and model of care. The key recommendations of the Report included:
- (a) a review of the philosophy and model of care for youth detention;
 - (b) that immediate action be taken to address concerns re the culture at Ashley Youth Detention Centre;
 - (c) that the youth worker role be reviewed;
 - (d) that SOPs and lack of compliance with SOPs be reviewed;
 - (e) the Ashley Youth Detention Centre health service be improved;
 - (f) communication systems be reviewed and improved; and
 - (g) respectful engagement and communication with parents and significant others be mandated within the policy framework for Ashley Youth Detention Centre and the operating system.
24. At the health organisational level, we found that the nurse was only available occasionally and the doctor was not easily accessible due to distance. We also found issues within the workplace including the youth workers, communication between staff (such as staff hand-over communication and recordkeeping), equipment and resources (such as medical supplies), and education and training.

Monitoring Group

25. In response to the Report, the Government appointed an AYDC Review and Monitoring Committee. The monitoring group consisted of four people, including myself, [REDACTED] (Chair), [REDACTED] and [REDACTED].

26. A key focus of the monitoring group was to try and prevent an incident of the kind I describe above at paragraph 9, from happening again. Its key purpose was to monitor the improvements in the health and wellbeing of Ashley Youth Detention Centre residents and report periodically to the Secretary of Health.
27. I was very happy to become part of the monitoring group and felt that it was an important and much needed step in the context of Ashley Youth Detention Centre.
28. From October 2011 to sometime in 2012, an important task of the monitoring group was to assist with designing, rewriting and drafting of SOPs. An example of one of these SOPs was in relation to vulnerability monitoring, which included a series of protocols relating to how a child or young person who appears to be vulnerable should be dealt with. I recall that the monitoring group discovered there were also a number of procedures and practices that were inadequate for the occasions the procedures and practices were supposed to be addressing.
29. The Ashley Youth Detention Centre management took charge of this process of designing, rewriting and drafting SOPs, and the monitoring group monitored and provided advice from October 2011.
30. I thought the process of designing, rewriting and drafting SOPs was a great initiative as it was an attempt to embed a new systematic way of doing things at the Ashley Youth Detention Centre.
31. A great deal of work was being done by the then general manager of Ashley Youth Detention Centre, [REDACTED], with respect to the SOPs in the period 2011 to 2012.
32. The monitoring group also assessed whether the SOPs were being implemented by Ashley Youth Detention Centre staff. Through this process the monitoring group observed there was a culture of resistance at the Ashley Youth Detention Centre. This was mainly associated with the youth workers, some of whom seemed reluctant to take on what they perceived as 'extra' responsibilities and tasks. The monitoring group formed the view in addition to the design and rewriting of the SOPs, the culture among the workforce at the Ashley Youth Detention Centre needed to change. The monitoring group was of the view that the way the culture at Ashley Youth Detention Centre needed

to, or could, be changed was through recruitment (e.g. more diverse, qualified and experienced people), active monitoring (e.g. regular supervision meetings and workplace audits) and enforcement of regulations and procedures (e.g. work-based performance incentives and penalties related to compliance with SOPs). In my experience, the acts of monitoring and compulsion can translate into cultural change.

33. After about 18 months from when the monitoring group was created, the monitoring work abruptly stopped and soon thereafter the monitoring group ceased to exist. From my perspective, it appeared that the monitoring group ceased to exist because the person within the Department of Health and Human Services who was the executive lead (i.e. the person with oversight) was shifted elsewhere, and somebody else had replaced them. The monitoring group then did not receive formal communications anymore, it did not undertake any further monitoring activities, and all the momentum the monitoring group had was completely lost. Within a few weeks of this higher-level personnel change the monitoring group no longer existed. It was not communicated at the time, but I believe that there may have been an intention to end the work of the monitoring group by senior members of the Department.

PROBLEMS UNDERPINNING ASHLEY YOUTH DETENTION CENTRE

34. There have been deep-rooted and ongoing issues with the Ashley Youth Detention Centre for a significant period of time. I outline those issues in this section of the witness statement.

Conflict between punitive system and rehabilitation

35. One key issue is the inherent conflict between punitive and coercive systems on the one hand, and restorative ethos, trauma-informed care and rehabilitative practices on the other hand.
36. It is my view that, as a social infrastructure asset, an institution like Ashley Youth Detention Centre should have 'relationships at the centre'. However, this focus is not feasible in a coercive system. The primary reason why relationships are not at the centre and empathy is not the focus at Ashley Youth Detention Centre is because there is a toxic culture and a lack of

training, or a lack of appropriate training, of the workforce, and specifically the youth workers who work at Ashley Youth Detention Centre.

37. Over the years there has been an acknowledgement of the need for change in the way Ashley Youth Detention Centre operates. There have been various reviews, reports and other initiatives undertaken in relation to Ashley Youth Detention Centre in the recent past. In practical terms, none of these initiatives appear to have changed what is happening to children and young people in Ashley Youth Detention Centre in any meaningful way.
38. As I recall, around five to seven years ago, there was a team of psychologists who were given / promised significant funding by the Tasmanian Government and they were invited to revamp the whole juvenile justice system. The plan developed by this team was very progressive, and involved trauma-informed care, holistic approaches and was based on building relationships. The team was disbanded within approximately 18 months of emerging. It is not clear to me what happened, although I speculate that the plan was going to cost millions of dollars to implement, and that the Government could not justify spending that amount of money. I believe that this project was called the Ashley Youth Detention Centre Therapeutic Model of Care project.
39. As with many proposed reforms in both juvenile justice and adult corrections, there is often appropriation of the right language by politicians and senior bureaucrats — for example references to the need for rehabilitation of offenders — but this rarely translated into the implementation of any actual change or real action. There is a difference, therefore, between the language of proposed policy and reform, and the way in which any such policy and reform is given effect.

Lack of alternatives to detention

40. Another key issue is that detention at Ashley Youth Detention Centre currently appears to be the only option from a juvenile justice perspective, not only for children who have been found to have committed criminal offences, but also for children who are on remand and are yet to be sentenced. In the case of the latter, children and young people are ending up at Ashley Youth Detention Centre before it has even been established that they are offenders.

41. This is a longstanding issue in Tasmania, and it was examined in a report by the Australian Institute of Criminology entitled 'Review of data on juvenile remandees in Tasmania'.¹ This report examined, amongst other things, the main characteristics of Tasmanian juvenile remandees and remand episodes over a one year period, and the time served on remand and wherever possible, sentencing outcomes over the one year period. The data which was in the report indicated that for the group as a whole whose sentence outcomes were complete, 39% did not receive a sentence of detention in the 12 months data. The data in the report also indicated that many young people spent a considerable amount of time on remand, and over a third of the young people spent over 11 weeks in custody on remand. Attached to this statement and marked **RDW-02** is a copy of this report.
42. In my view, this data reflects the lack of refuge, support and alternative housing available for children and young people in Tasmania. These alternatives are only viable options if there are sufficient staff, resources and community programs to run these services. Without these alternatives, children and young people who appear to be in danger, or who are at risk, are ending up at Ashley Youth Detention Centre and for long periods of time.

Crossover between children in care and children at Ashley Youth Detention Centre

43. There has been an unfortunate practice of children in out of home care ending up at Ashley Youth Detention Centre. For example, I am aware of examples where social workers or case workers employed by non-government organisations in out of home care who considered that children had been acting out, they would call the police. The child would then be arrested, and the police would then have to figure out where to put the child. The children would be transferred to Ashley Youth Detention Centre. This phenomenon is very well known in New South Wales and other jurisdictions as well.

¹ Julia Tressider and Judy Putt, *Review of data on juvenile remandees in Tasmania: Final Report* (Archive No 65, 11 November 2005).

44. The behaviours which are considered to be acting out resulting in the police being called in could be conduct such as underage drinking, smoking a joint or smashing the wall out of frustration.
45. This practice of referring young people in care to the police has resulted in the child being transferred from the care and welfare system into the criminal justice system.
46. This practice undermines the group home as being a place of nurture and support of children who are in need of it.
47. The Tasmanian statistics on child protection and juvenile justice, as well as the national statistics compiled and analysed by the Australian Institute of Health and Welfare, reflect that there is a huge crossover between juvenile justice and child protection. For instance, nationally, more than half of young people aged 10–17 under youth justice supervision, during 2018–19, had received a child protection service in the 5 years from 1 July 2014 to 30 June 2019.²
48. The whole point of trauma-informed care is to take the child's behaviour on board and try to understand why they are acting in that way. It is difficult to implement this kind of care. I consider that a service provider may be reluctant to implement this care for children with comorbidity of varying kinds because it is more complex, particularly if the service provider is on a shoestring budget, which is often the case.
49. Around 10 years ago, I started a unit at the University of Tasmania called 'Juvenile Justice and Child Protection'. Attached to this statement and marked **RDW-03** is a copy of this unit outline. I discovered that juvenile justice as taught within criminology deals with issues of restorative justice, policing, and youth detention. The key concepts would always be restorative justice and desistance from crime, i.e. how do you help a child desist from crime? On the other hand, child protection related units were predicated on concepts such as trauma-informed care, but did not consist of material relating to the criminal justice system including juvenile justice. What I found interesting was that child protection was only taught from the point of view of family, holistic care, child first principles and embedded concepts. The two institutions, child protection

² Australian Institute of Health and Welfare, *Young people under youth justice supervision and in child protection 2018-19* (Report, 15 October 2020).

and juvenile justice did not interact with each other, despite their interrelated nature. I joined together the study of these two institutions in the one unit, in an endeavour to bring together these two fields that, in my view, are very relevant to each.

50. One of the practical difficulties in the broader area of children's rights and protecting and securing the wellbeing of children, is that there is a silo effect between the institutions. As well, there is the strategic use of the systems against each other, where a child acting out in child protection is simply handed over to juvenile justice. With this kind of practice, the underlying issues or reasons for the child acting out are never addressed, they are just moved elsewhere and become someone else's problem.

Trajectory from Ashley Youth Detention Centre to Risdon Prison

51. There is unfortunately not only a correlation between children who grow up in the out of home care system then ending up at Ashley Youth Detention Centre, and in some cases on multiple occasions; there is also a correlation between children who are detained at Ashley Youth Detention Centre eventually becoming incarcerated at Risdon Prison when they become adults.
52. It seems to be the case that virtually every child or young person who ends up at Ashley Youth Detention Centre ends up in the adult system. So whatever systems are in place and strategies and methods of care being undertaken at Ashley Youth Detention Centre (relying on coercive control but incorporating service elements such as education and welfare), they obviously are not working, as the children and young people are ending up in adult criminal detention. I consider that this is occurring because these children and young people are not being given love. Based on my review of the SOPs at Ashley Youth Detention Centre, which I provide further detail on below, children are being segregated and isolated when they act out. I consider that what children and young people require when they act out are workers and support staff who display love and care.
53. Children and young people require mentors. This is especially important for vulnerable children in our child protection and juvenile justice systems. Children and young people who are acting out need mentors who care enough to find out why they are acting a certain way, and whose first resort is not to

punish and isolate the child. The bond and the attachment that children form with mentors can really help them in the long term.

SOLUTIONS TO THE ISSUES AT ASHLEY YOUTH DETENTION CENTRE

54. The issues with Ashley Youth Detention Centre that I have discussed above raise the question of whether the Government should lock children and young people up under the age of 18. My view is that children and young people should not be locked up. Children and young people do need to be put into secure facilities on occasion, but they never need to be put into prisons. 'Detention centre' is a euphemism for 'prison', and prisons by their very nature fail, as evident in performance measures such as recidivism rates.

Greater funding in prevention

55. In terms of money and the cost to society, the long term cost of children and young people with criminal backgrounds is far greater for society than the cost of what appears to be expensive interventions. I discussed this in my 2001 paper titled 'Restorative Community Justice: Community Building Approaches in Juvenile Justice'. Attached to this statement and marked **RDW-04** is a copy of this paper.
56. There is a whole body of literature that talks about crime prevention including children from age 1, from birth or pre-birth in the context of foetal alcohol syndrome. This body of work states that if funding is allocated to the front end of prevention, this will reduce the expenses at the back end. With an existing system like Ashley Youth Detention Centre, so much money is invested into the physical infrastructure and it costs approximately \$10 million a year to operate. This funding could be better deployed in paying for children and young people to live in housing.

Community based solutions for children and young people

57. Most of the children and young people who end up in Ashley Youth Detention Centre have suffered extensive trauma and abuse, they often have brain injuries, are not literate and have had poor educational experiences.

58. There are also a range of individual characteristics in child and young offenders, or children and young people who are accused of offending, that need to be addressed.
59. In my view, such children and young people should be placed in the community, for example in a house where there is a lot of supports and/or specialists available. These supports could include educators, speech pathologists and people who can assist with literacy.
60. I consider that ideally youth justice should be treated as a community project, whereby child and young offenders are embedded in the community. This generically means that children and young people should not be sent to prison as a first solution. However, the practical reality of the situation is that some children are dangerous to themselves and to others and therefore pose a risk to other children.
61. The Ashley Youth Detention Centre is a one size fits all institution for children and young people.
62. I consider that it is important that, whatever replaces Ashley Youth Detention Centre, is designed in a way that takes into account quite a wide variety of needs and opportunities. Perhaps the Wilfred Lopes Centre could be used as a starting point. The Wilfred Lopes Centre is not a prison, it is a secure psychiatric facility. Children and young people should be housed or detained together based on specific needs, in relation to their offensive behaviour, with regard to their vulnerabilities, and on the basis of factors pertaining to sex/gender, ethnicity, Indigeneity and age/maturity.

Empowerment programs and mentoring

63. In my experience, children and young people who become involved in the criminal justice system, particularly given their background and life experiences, can often feel disempowered.
64. I consider that it is important to surround children and young people in the criminal justice system with people who can talk to them and want to understand and help them. It does not benefit them to be around people who simply talk down to them or punish them.

65. A method of empowering these children and young people could involve providing them with a mentor. In the event that a mentor cannot be a family member, someone outside of the family who is appropriate for that specific child should be sought as a mentor. It might be a sports personality or an uncle or auntie.
66. Children and young people should be able to connect with a mentor, being someone who is non-judgmental towards the young person but does not agree with what they do.
67. My work in criminology has taught me that, in general, if you can get people to be part of giving back to children and young people in some way, not in a coercive way, then that can open up doors and eyes.

Training the workforce

68. In my experience, to successfully implement community focused solutions for children and young people who have offended, or are at risk of offending, there needs to be specialist programs and adequate resources. There also needs to be a cohort of workers who have the right attitude and philosophy, who have the appropriate education, and who are well trained and supported.
69. There is a large cohort of criminology students going through the system every year. There is also a large cohort of social workers which continues to grow, particularly in the north and northwest of Tasmania. My understanding is that places like Launceston and Burnie are actively growing in areas such as social work. There is therefore a larger pool of social workers, criminologists, law students and psychology students now available to assist in the development of areas that form part of or provide support to the criminal justice and youth justice systems.
70. Around 16 years ago, I was approached by the Head of Programs at Risdon Prison and the Head of Community Corrections to set up an induction program for workers coming into Risdon Prison and Community Corrections.
71. I subsequently set up a unit at the University of Tasmania called 'Working with Offenders'. Attached to this statement and marked **RDW-05** is a copy of this unit outline. We decided to set this unit up so we could expose criminology students, law students, psychology students and social work students to help

give them the context and some practical skills as to what to do if they were going to work with offenders. We have tried to pair it, to some extent, with other units such as 'Juvenile Justice and Child Protection' to impart theoretical knowledge and practical skills that complement each other. My view is that if they have studied these two units, and the other units forming part of the respective courses, students are better prepared as potential workers in the workforce in these areas.

72. The University of Tasmania also teaches the 'Working with Offenders' unit to middle managers employed at the Risdon Prison and senior managers from Community Corrections.
73. The units are taught as a one week intensive, so that people can get leave from work and attend the classes or have the option to attend online. The units are designed to be flexible; and it could be an induction unit for the whole workforce at Ashley Youth Detention Centre and more broadly.
74. I consider that it would be beneficial if these units were mandatory for all staff at Ashley Youth Detention Centre.
75. I also continue to be involved with the Department of Justice. The University of Tasmania prepared a Memorandum of Understanding, which subsequently became a notice of intent, which basically provided that the Department of Justice will work alongside the criminology department at the University of Tasmania. Specifically, the work will involve interactions around the Working with Offenders unit, training programs and professional development for correctional officers and community corrections staff. A similar notice of intent or memorandum of understanding between the Department of Health and Human Services and Criminology at the University of Tasmania focussing on juvenile justice and child protection would be of benefit to each party and the wider community generally.

How to change organisational culture and entrench best practice

76. There is a noticeable pattern of great processes, programs and initiatives being introduced in criminal justice and youth justice systems, but then those being undone relatively quickly for some reason or another. For example, in New South Wales, ██████████ spent ten years putting together a brilliant juvenile

justice program based on restorative justice, and this was then dismantled within the space of one year.

77. In my experience, unless systems and safeguards are entrenched, then even the best of programs and initiatives will not have a long term impact.
78. In my view, to change culture and entrench best practice the following need to occur:
- (a) recruitment of appropriate people for their field;
 - (b) there are SOPs that are tailored and make sense for that particular place and that kind of work;
 - (c) there is active engagement in monitoring and enforcing regulations and procedures;
 - (d) there is a well-resourced oversight body that is independent, such as the Ombudsman or Children's Commissioner, which has the powers to not only make recommendations, but also enforce action and provide external monitoring in a hands-on manner; and
 - (e) there is a leader at the top who gets it — that is, a leader who has a deep understanding of the needs, vulnerabilities and potential of children and young people and is well versed in models of care reflecting this, such as restorative justice and trauma-informed care.
79. This process will then hopefully lead to a restorative ethos, rather than a punitive, coercive ethos.
80. In terms of an institution like Ashley Youth Detention Centre, which has a problematic physical and social infrastructure, my view is that it is the social infrastructure that fundamentally matters, and that a restorative ethos needs to be embedded in that social infrastructure. This involves managing and supporting children through relationships, rather than through locking them up or keeping them isolated and controlled by way of coercive behaviours.
81. This will only be effective if it is implemented at a 'whole of institution' level. For example, it is not simply the youth workers who need to be brought into that restorative ethos, but the therapeutic workers, the gardeners, transport officers and the IT specialists. Everyone who forms part of an institution needs

to believe in this ethos for it to work properly and have an impact on the children and young people.

82. Relationships have to be at the centre of any way in which children and young people are dealt with. For some children and young people, the ability to deal with, care for and build relationships with people can come quite naturally. For others, which is what we seem to see time and time again at Ashley Youth Detention Centre, building these relationships is not a priority and does not form part of their approach. In the case of the latter, this poses as a real challenge in terms of entrenching human rights, and entrenching a system that does not torture or abuse children and young people.

Positive learnings from school programs and initiatives

83. In the education system, alternative schools are designed for children who are too troublesome for the mainstream system. I have been involved with and have heard about some alternative schools that are designed for children with difficulties who have a tailored approach to educating children. I set out some of these examples below.

Geelong alternative school

84. ██████████ worked at a Geelong alternative school as a principal during the early 1990s.
85. This school operated in accordance with four main rules or guidelines; the key rule being that everyone must respect each other. Both the teachers and students had to abide by the rules.
86. As part of tailoring the structure of the school day to the needs of the children, the school would organise for some children to go surfing in the morning before starting the official school day. This provided an enjoyable way to use up energy, combine in a joint activity, have fun and generally bond in a more informal manner.
87. The basis of the school program was to start from where the students were at, and then build its pedagogy from there.

Cairns alternative school

88. In Cairns, there was an alternative school that was located within a mid-sized shopping centre. The shopping centre security manager and his staff approached their role in security by getting to know the school children and interacting with them — by name — whenever they entered or exited the shopping centre. The security staff treated the children as people, and not as a threat or danger to the security of the shopping centre.
89. There was an incident once at this school where graffiti was found in the back of the shopping centre, and it was determined that it was not done by the children at the alternative school. The school children were given a chance to reveal who did the graffiti and, if they did not know, they were asked to find out. Due to this approach, the school children took ownership, found out from their networks which kids had done the graffiti, and got the relevant kids to clean up the graffiti. The interesting thing is that because these so-called alternative and troublesome school children were trusted and given a sense of ownership, they protected and assisted the security for the shopping centre. This illustrates that, when children are engaged with, they become part of the solution rather than always being seen as the problem.

Gagebrook Primary School

90. During the period 2015 to 2018, I did some work at Gagebrook Primary School (**Gagebrook**) with [REDACTED] and [REDACTED] after I had met the vice principal who was in charge of discipline and who had invited me to come and observe. Over this three-year period, we worked with three different principals and vice-principals, but fortunately they all had the same idea with respect to how to manage Gagebrook. The way Gagebrook operated changed and evolved over time, but the core ideas remained the same.
91. The background to this is that the area of Gagebrook in Tasmania is known as one of the most economically depressed areas. There are a lot of vulnerable and marginalised communities, including Indigenous people, who attend Gagebrook.
92. My engagement was twofold. First, I wanted to find out more about how certain educational features were related to juvenile justice processes. In particular, I had heard about the 'pat a pony' program which was led by juvenile

offenders (of around 15 and 16 years of age) and involving primary school students much younger. The animals (the ponies) provided a mechanism which allowed the young offenders to exercise responsibility while providing a pleasant and calming influence on vulnerable children attending the school. Second, I supervised an Honours project that investigated how education and social control occurred in ways that were progressive and enlightened.

93. For Gagebrook, during the period in question, pedagogy and community interaction was guided by the central concept of 'respect'.
94. When I first visited Gagebrook, it was one of the most tranquil, calm and pleasant school environments I had seen. The classroom setting was happy and friendly, and the kids were very well behaved. I was shocked by this as it was not what I had expected, given the things I had heard about the Gagebrook area and demographic.
95. During my involvement with Gagebrook, and the team of myself, [REDACTED] and [REDACTED], we discovered that over a period of two or three years the school had developed a restorative ethos. A lot of discussion of restorative justice only focuses on conflict resolution. There is more to it than that. I had spoken to various school leaders and they all agreed that coming down hard on school children does not achieve anything. Instead of doing that, they decided to try and understand what is going on in the lives of their students, and realised that if you adopt the trauma-informed care approach from the beginning, you look at the situation completely differently. From there, all the teachers, office staff and grounds people were told to adopt the same approach. The thinking was that if a child is acting out there is a reason for it, so instead of reacting to the child acting out, find out why they are acting in that way.
96. Hearing and seeing this approach at Gagebrook reminded me of standard practices of restorative justice. The senior staff we spoke to at Gagebrook described how it took two years to instil this type of thinking and discipline amongst staff and students, which went hand in hand with the goal for Gagebrook to be a place that is friendly and happy.
97. I prepared a slide pack for the University of Tasmania called 'Crafting Respect: Innovative Justice and Youth Offending', in which I describe some of the

methods and techniques used by Gagebrook in a general context. Attached to this statement and marked **RDW-06** is a copy of this slide pack.

98. One of the principals of Gagebrook that we interacted with developed a system based on the "3 R's", which referred to Respect yourself, Respect each other, and Respect our place. This message was repeated at least three times a day in public assemblies to reinforce it to the staff and students.
99. Another thing we observed was that if a student was misbehaving in Gagebrook, the staff would sit the student down and have a conversation with them. Whilst this meant that staff acknowledged the issue and the student's misbehaviour, it was early non-intervention as opposed to conflict resolution. This type of discipline system that is perceived as fair, respectful and effective in solving underlying problems contributes to the restorative ethos displayed at Gagebrook.
100. The reason I was interested in Gagebrook at the time was because a juvenile justice worker in Tasmania was volunteering at Gagebrook, with the assistance of two juvenile offenders, as part of the 'pat a pony' program with the students. It was the juvenile offenders who taught the students how to pat the pony. From this program I could see the young offenders developed empathy, but also gained a sense of responsibility because they were in charge of the program. The Gagebrook students, some of whom had been traumatised or were experiencing ongoing trauma, enjoyed the interaction with the pony. In the following years, there were other programs which enabled the students to interact with and look after different animals. The programs with animals seemed to do wonders for the kids; the animals had a calming and therapeutic effect on the children, and having the responsibility to look after the animals made the children more empathetic as they were thinking about something beyond themselves.
101. The final key thing I observed during my involvement with Gagebrook was the approach to trauma-informed care. The last of the three principals I engaged with was of the view that, as a school, the primary focus is on education, and that trauma-informed care was a foundation for how people should interact with one another. Trauma-informed care was used as a tool but it was not at the centre, which I found incredibly important. My view is that there is always room for therapeutic intervention, but it should not be the dominant focus in any

institution because it can be repressive if it results in abuse or trauma being the defining factor of a child's identity.

102. I consider that Gagebrook exemplified a positive innovation embedded within a system that was generally reluctant for schools to take approaches which may cost money or require resources.
103. The initiatives taken by Gagebrook were independent of the Department of Education, and were driven by the people of Gagebrook themselves. The Department of Education did not provide the infrastructure for some of the IT work Gagebrook needed, so the school organised that on their own accord. The programs implemented by Gagebrook were not required or facilitated by the Department of Education, and therefore were not programs embedded in the system. The input of the principals was a key element of the success of the initiatives at Gagebrook. If it was not for the three principals of Gagebrook being in charge one after another, all the positive and effective changes introduced at Gagebrook could have been undone at any point.

WHAT IS WORKING WELL IN TASMANIA

Children's Court

104. The Children's Court division of the Magistrates Court of Tasmania includes the family division and the juvenile criminal division.
105. In my view, the Children's Court is one of the things that is working well in Tasmania. This is predominantly due to some of the changes that have been implemented in relation to the Children's Court.
106. Until about 10 years ago, there was hardly any conferencing in the family division of the Children's Court; all the attention given to conferencing was in the juvenile justice system. There is now more conferencing that takes place in the family division, as well as the juvenile division. This reflects a shift towards a more restorative justice type approach in the family division of the Children's Court.
107. Separate to this, but something that has also changed for the better, is the shift in the training process, requirements and makeup of the magistrates in the Children's Court. It used to be the case that if a child or young person went

through the court system, they would sit before a magistrate who was a generalist. Around 15 years ago, it was well known that there was a magistrate in northern Tasmania who was very harsh on children and young people, and who would resort to putting children and young people in detention. In southern Tasmania, however, the magistrates would not be anywhere near as likely to put children and young people in detention. The approach was therefore very inconsistent across Tasmania.

108. In recent years, the Magistrates Court has created a specialist role for certain magistrates. To my knowledge, there are now two magistrates who are designated as Children's Court magistrates. So, if there is a Children's Court matter, it goes to one of those two magistrates to be dealt with. This allows more specialised training for these two magistrates based on the types of matters they are dealing with.
109. These two magistrates are essentially specialist magistrates, who deal with cases involving children and young people. The idea behind this specialisation is that the magistrates are culturally sympathetic to children and children's rights. An understanding of and sensitivity to children's rights, and implementation of the principles in the UN Convention on the Rights of the Child, is key to developing this expertise over time.

Therapeutic oriented judges and magistrates in Tasmania

110. In addition to specialist magistrates, which I think is a very positive development, I would love to see more therapeutic oriented judges and magistrates in Tasmania who are specially trained, fostered by specialist court divisions that could support this.
111. In my view, there are a combination of things required to effectively work towards having therapeutic oriented judges and magistrates. One such thing is by having a criterion in the recruitment of judges and magistrates that includes minimum knowledge of restorative justice.
112. Another element that could support therapeutic oriented judges and magistrates in practice is sentencing provisions that allow judges and magistrates to do things that are alternatives to detention. Part of the reason why children and young people were being put into detention in north

Tasmania was because, for example, if a judge decided that a child would be put into a community program, practical issues would arise due to there being no community agencies or community programs in the northwest. As I mentioned above, without sufficient staff, resources or community programs, a child cannot be put into an alternative to detention because there are no alternatives. In such circumstances, the child is either let go or is put into detention. The topic of sentencing and the question of what options are available to a judge or a magistrate becomes really important.

113. It is my view that since the time former Chief Magistrate Michael Hill assumed that position, there has been some good progressive initiatives by the Magistrates Court generally.

ABORIGINAL AND TORRES STRAIT ISLANDER CHILDREN IN TASMANIA

Issues around identity in Tasmania

114. I consider that the topic of Aboriginal and Torres Strait Islander children and their over representation in the juvenile justice system in Tasmania is extremely complicated.
115. There have been some significant changes in the past 20 years, such as changes in terms of profile and culture surrounding Indigenous people, but there are some ongoing and/or underlying issues that are yet to be resolved.
116. I consider that issues around identity, specifically Indigenous identity, are extremely problematic in the Tasmanian context.
117. During my time in Adelaide, Perth and Melbourne in the period 1986 to 1999, I did a lot of research and wrote about Indigenous young people in each of these three cities. This is important given that the high levels of over-representation of Indigenous children in Australian justice systems. When I came to Tasmania, I found that as a non-Indigenous researcher and academic, it was more difficult to engage in a two-way dialogue with Indigenous leaders about juvenile justice, particularly operational matters that dealt with general policies, programs and projects. This is changing for a variety of reasons. For example, the hiring of an Indigenous criminologist at the University of Tasmania allows for greater collaboration between Indigenous and

non-Indigenous, and projects and teaching about Indigenous people is led by Indigenous people.

118. In the mid-1990s, I was doing work in Melbourne in conjunction with the Australian Multicultural Foundation in relation to so called 'ethnic youth gangs'. As part of a national study I undertook, my team (mainly comprised of local youth and community workers) interviewed people from all around Australia including Hobart. From this research, we noticed that the discourse was highly racialised everywhere except Hobart (interviews were held in all capital cities, plus Canberra). For example, people in every state or territory had a generalised perception that the prominent gangs in their state or territory was dominated by a specific minority ethnicity. Hobart was the only exception to this. The public image of youth gangs in Hobart, or even Tasmania more broadly, was what appeared to be Caucasian or 'White' youth (a description which, while ethnocentric, is not deemed as racialised discourse). The project team in Hobart, of which I was a part, subsequently realised that these youth gang members were in fact from Indigenous families.
119. From my involvement in this national study, I observed that stigma and stereotypes are associated with people's understanding and perception of different cultures.
120. I consider that the question of identity and the political sensitivities associated with it make it a confusing and difficult topic to understand and navigate, particularly when the intention is not to perpetuate stereotypes and stigma surrounding race and culture.
121. For these reasons, I have never publicly spoken or written about the fact that the "Glenorchy Mafia", the Hobart sample in the national study, consisted primarily of Indigenous young people even though the image was one of 'White Bogans'.

Growing knowledge about culture and community

122. At Lungtalanana Island (which is also known as Clarke Island) there was a juvenile justice program specifically for Indigenous young offenders, where Indigenous leaders would do cultural outings and teach the children various things.

123. In the early 2000s, when it was first introduced, the approach of Lungtalanana Island was touted as the 'alternative' to mainstream juvenile justice programs and approaches.
124. In my view, there has been a significant change in the last 20 years in regards to Indigenous public profile, although the periodic 'gap' reports still present a damning picture of overall Indigenous health and wellbeing. Nonetheless, change is evident around Australia, and certainly in Tasmania. For instance, there is an increase in the embedding of Indigenous words into our everyday language, for example the way we refer to Kunanyi, Mount Wellington. Tasmania has an Indigenous name, Hobart has an Indigenous name, and there are Indigenous names and words that are used all over Australia.
125. I have observed that what has happened as well in the last 10 years especially, is that there has been a reclaiming of language so that Indigenous language is being taught within the Indigenous community. There is now also widespread knowledge and awareness of the Palawa people, who are the Indigenous people of Tasmania.
126. The growth in general appreciation and respect for Indigenous culture and community means that having specialist responses for Palawa children is more conceivable in the present day. For example, having tailored Indigenous cultural programs for young offenders today makes more sense, from the point of view of public perception and reception, than it did 20 years ago.

Green criminology

127. Cultural training that Indigenous children and young people receive today in Tasmania includes a range of things involving nature. This involves getting children and young people out into the bush, teaching them the bush, and teaching them the country.
128. This ties into the sphere of green criminology, and the importance of the environment and environmental projects, and the notion that health and wellbeing is tied to nature.
129. I think that embedding young people in nature, regardless of whether they are of Indigenous or non-Indigenous background, is always helpful and enriching.

I make this solemn declaration under the *Oaths Act 2001* (Tas).

Declared at [REDACTED] Tasmania
on 16 August 2022

[REDACTED]

.....

Robert Douglas White

Before me

[REDACTED]

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[REDACTED]