

The Government's response to recommendations 1 and 3 of Coroner Somes' inquest into a death at Quamby

Report Number 10

Standing Committee on Education, Community Services and Recreation

August 2001

Legislative Assembly for the Australian Capital Territory



Committee membership

Ms Kerrie Tucker MLA	Chair
Mr Wayne Berry MLA	Deputy Chair
Mrs Jacqui Burke MLA	(appointed 13 February 2001)
Mr Harold Hird MLA	(discharged 13 February 2001)

Secretary: Ms Judith Henderson

Administration: Mrs Judy Moutia

Resolution of appointment

The following general purpose standing committees be established to inquire into and report on matters referred to it by the Assembly or matters that are considered by the committee to be of concern to the community:

...a Standing Committee on Education, Community Services and Recreation to examine education, schooling, training services, children's, youth and family services and sport and recreation and any other related matter.

Minutes of Proceedings, No 2, 28 April 1998, pp 15-19. Amended 25 November 1999.

Terms of reference

Inquire into and report on the Government's response to recommendations 1 and 3 of Coroner Somes' report on the inquest into the death at Quamby of Mark Watson.¹

¹ Legislative Assembly for the Australian Capital Territory, *Minutes of Proceedings No 56*, 24 August 1999.

Preface

This inquiry has looked at the implementation of two recommendations in the coroners report following a death at Quamby in 1997. The recommendations of this report deal with the administrative structure of Youth Justice Services, the mix of young people at Quamby, the support available to them, preventative measures and the availability of post release programs.

The committee also recommended that a task force be set up to examine issues related to substance abuse. As many as 75 per cent of Quamby residents have substance abuse issues.

The stories of the young people in detention in Quamby are a reflection of serious social failure. It is clearly established that supportive intervention and prevention strategies need to be given a high priority to address these failures. These young people who come into contact with youth justice services are clearly at high risk of being continually socially isolated unless such strategies are carefully implemented.

It is particularly important to recognise the need to address the causes of offending behaviours which are often complex and require intense and sensitive support.

Also important is the need to ensure as much as possible that young people are empowered to participate in the community through education and employment training. If this occurs in combination with supported post release programs, most of these young people could look forward to fulfilling lives as positive and contributing members of our community. Any costs incurred providing this support would be repaid many times over in the lives of individuals and their families, as well as in the broader community.

Quamby has in recent years made significant advances, however there is no room for complacency. There are several areas where resourcing and support need to be reviewed or improved. There needs to be continual evaluation of programs as well as practices in the centre. It is challenging work and staff need to be well supported and provided with regular and ongoing professional development and training opportunities. The lives of the young people in their care hang in the balance, we will all benefit if the balance is tipped the right way.

Kerrie Tucker MLA
Chair

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Summary of recommendations

Recommendation 1

- 2.32. The committee recommends that as a matter of urgency the Government
- attend to the safety issues at Quamby, particularly in the Brindabella Unit;
 - provide an indoor recreation facility; and
 - build an induction unit.

Recommendation 2

2.43. The committee recommends that the Government develop separate accommodation and support arrangements for girls in Quamby in line with current research and best practice.

Recommendation 3

2.45. The committee recommends that the Government provide a therapeutic facility at Quamby.

Recommendation 4

2.55. The committee recommends that the Government address the need for accommodation and support options for some young people who offend whose placement in Quamby would be inappropriate.

Recommendation 5

2.60. The committee recommends that, until it is able to provide more appropriate accommodation and support options for young people whose placement in Quamby is considered inappropriate, the Government ensure that Quamby is resourced to provide specialised professional skills and services for these young people as required.

Recommendation 6

2.63. The committee recommends that protocols be developed between the police and relevant agencies concerning arrangements for after-hours assessments of specific young people who have come in contact with the police.

Recommendation 7

2.87. The committee recommends that Quamby provide individualised professional programs (including therapeutic programs) in line with current research findings for residents to address their offending behaviours and the underlying issues.

Recommendation 8

2.88. The committee recommends that a review of the effectiveness of the intervention programs in meeting individual needs of Quamby residents be conducted along with a review of how the programs provided by external agencies are funded and that these reviews be tabled in the Assembly.

Recommendation 9

2.97. The committee recommends that the Government improve access to therapeutic mental health and drug and alcohol services for Quamby residents to ensure they have strong support in these areas. This may mean buying in specialist services.

Recommendation 10

2.100. The committee recommends that the Government review the availability of child clinical forensic psychology services to the Children's Court.

Recommendation 11

2.117. The committee recommends that the Government implement the recommendations of the committee's inquiry into adolescents and young adults at risk of not achieving satisfactory education and training outcomes in relation to early intervention and family support and the establishment of a task force to examine how to deal with the drug and alcohol problem.

Recommendation 12

2.127. The committee recommends that on release the Government ensure that all young offenders have a program that covers:

- their supported accommodation needs;
- their training and/or educational needs;
- continued therapeutic interventions as required; and
- employment support when relevant.

Recommendation 13

3.12. The committee recommends that the Government ensure that:

- the administration and operation of Youth Justice Services remains separate from the administration of adult corrections; and
- there is no diminution in real terms of resourcing to Youth Justice Services.

Recommendation 14

3.14. The committee recommends that by August 2004, the Government provide the Assembly with an independent evaluation of the administrative and resourcing arrangements for Youth Justice Services.

Recommendation 15

3.17. The committee recommends that the Government review the systems in place for the sharing of information between agencies and ensure the instigation of a collaborative approach.

1. Introduction

Background

1.1. On 28 June 1999, Coroner Some handed down his findings on the inquest into the death of Mark Watson who died in hospital on 21 September 1996 following a suicide attempt at Quamby on 16 September 1996.

1.2. The Government tabled its response to Coroner Some's recommendations in the ACT Legislative Assembly on 24 August 1999.

1.3. Also on 24 August 1999, the Assembly referred to the Standing Committee on Education, for inquiry and report, the Government's response to recommendations 1 and 3 of Coroner Some's report on the inquest.²

1.4. The Assembly resolution required the committee to report to the Assembly by the last sitting day in June 2000. However due to other priorities and the need for the Government to seek an extension to enable it to complete its submission the Assembly motion was amended on 25 May 2000 by removing the requirement to report on a specific date.³

1.5. Recommendation 1 of Coroner Some's report related to the problems caused by the mix of children resident at Quamby.

1.6. Recommendation 2 related to the need for one government division to be responsible for the administration of ACT corrections.

Conduct of the inquiry

1.7. The inquiry was advertised in the local press in the second week of September 1999. In addition letters inviting input were sent to 30 organisations expected to have an interest in the inquiry. The initial closing date for submissions was 4 February 2000.

1.8. The committee received five submissions.

1.9. It heard from 17 people at public hearings.

² The motion to refer the inquiry to the Standing Committee on Justice and Community Safety was amended to refer it to the Standing Committee on Education. The Standing Committee on Education became the Standing Committee on Education, Community Services and Recreation on 25 November 1999.

³ Legislative Assembly for the Australian Capital Territory, *Minutes of Proceedings No 91*, p 884.

2. The mix of young people at Quamby Youth Detention Centre

2.1. Recommendation 1 of the Coroner's report outlines the issue of the mix of young people at Quamby Youth Detention Centre. It reads as follows

(1). 1 would recommend as a matter of urgency that there be an inquiry into the problems caused by the dynamics of the children residents at Quamby. It is clear from the evidence that if the situation which existed as at September 1996 is to continue, particularly in so far as the mix of children, then there needs to be much more careful selection and training of staff to manage the institution. There would need to be included in this inquiry consideration of whether it is appropriate to continue to contain within the one institution all of the types of people currently held at Quamby. It may be undesirable for this situation to continue. The evidence would suggest that such an inquiry ought to be held in public and perhaps desirably might be referred to a standing committee of the Legislative Assembly.

2.2. The Government responded as follows.

Quamby Youth Detention Centre is a 26 bed residential facility which places young men and women 10-18 years of age who have been sentenced by the Magistrates Court to a period of detention. The average number of young people at the Centre at any one time is approximately 16.

The Government accepts the need for an inquiry into problems that may be caused by the dynamics of the mix of young people resident at Quamby. Accordingly, this issue will be referred to the Standing Committee on Justice and Community Safety as soon as possible.

At the same time the Government acknowledges the need to ensure properly qualified and experienced staff are available to work with the difficult mix of young people sentenced to detention and has already taken action to ensure this occurs.

The Centre is now managed with the appointment of a permanent manager and two deputy managers who possess a high level of knowledge in institutional management and the fields of Juvenile Justice, Social Work, Education and Corrections Management.

The facility offers a range of programs incorporating case management, education, health, and behaviour management. All young people have a case plan and a range of supports from relevant professional staff. The Centre has recently enhanced its program provision with the appointment of five tertiary qualified program staff, a full-time psychologist a nursing and GP clinic based service and a part time mental health trained practitioner. The Centre also has a fully accredited education facility named Hindmarsh Education Centre. The institution also provides fully accredited TAFE courses through partnership with the Canberra Institute of TAFE.

The Centre has also recently undergone a structural change with all operational positions being upgraded and redeveloped. These changes are in line with other States and Territories and require all staff to be tertiary trained and professionally qualified.

All employed staff at the Centre are undertaking tertiary study in the Certificate IV Youth Worker course at the Canberra Institute of TAFE. This course has been customised to meet the needs of the Centre and has received industry recognition. The profile of young people within Quamby is similar to the profile of young people in a range of facilities within other States and Territories. The Centre is well placed to accept a wide range of young people who exhibit a range of needs. The introduction of an enhanced staffing profile along with a comprehensive case management system and the introduction of unit management will better meet the needs of young people entering detention.

Also as a result of the Government's awareness of the inherent difficulties in the mix of young people detained at Quamby, the Children's Service Act 1986 (CSA) has recently been amended (November 1997). These amendments include provision to administratively transfer young people to other facilities within the New South Wales Juvenile Justice Services which has a wider range of accommodation options. The CSA has provision under Division 1 Section 69 C to administratively transfer young people who present a range of behaviours which can be better met within more secure facilities.

The use of this legislative provision allows the Department the opportunity to better place young people within other facilities which better meet their needs. This legislative change enhances the Department's capacity to achieve a better balance in the mix of young people within the facility.

Issues raised concerning the mix of young people at the centre

Client profile

2.3. Quamby is a 26 bed residential facility which accommodates young men and women between the ages of 10 and 18 years who have been sentenced by the Magistrates Court to a period of detention or remanded in custody.

2.4. Table 1 profiles the age range of residents at Quamby over the last few years.⁴

Table 1 Age profile by year—Quamby Youth Detention Centre

	10 years	11 years	12 years	13 years	14 years	15 years	16 years	17 years	18 years
1998-1999	0	0	5	10	20	19	39	33	3
1999-2000	0	0	5	7	17	16	36	46	2
2000-2001	0	0	5	10	20	19	39	35	3

Note: Age count is based on age at reception in custody, and counts first visit only

2.5. Tables 2⁵ and 3⁶ provide some details of the characteristics of Quamby residents over the last few years.

Table 2 Client profile — 1998-99, 1999-00, 2000-01

	1998-1999		1999-2000		2000-2001	
	Remand	Committal	Remand	Committal	Remand	Committal
Total population ¹	230	25	233	25	288	32
No males	126	18	136	17	182	21
No females	42	3	50	4	46	3
No ATSI males	49	4	42	4	48	7
No ATSI females	13	0	5	0	12	1
Identified mental health issues ²	NA	NA	47	17	51	5
Identified with violent crime ³	35	4	32	7	45	12
Identified with property offences ⁴	84	9	85	10	79	11

⁴ Minister for Health, Housing and Community Services, correspondence dated 19 July 2001.

⁵ *ibid*

⁶ Minister for Health, Housing and Community Services, correspondence dated 13 August 2001.

Notes

- 1 Population count is based on those youths in custody at the end of the previous financial year and all new receptions in the new financial year
- 2 All residents are assessed within 24 hours of entering Quamby.
- 3 Violent crime is based on youths charged or convicted of: homicide/attempted homicide, assault/sexual assault, armed robbery
- 4 Property offences are based on youths charged or convicted of: robbery, extortion and related robbery, burglary, break and enter, received stolen goods, theft.

Table 3 Incidents of drug and alcohol issues

Financial year	Incidents of drug issues	Incidents of alcohol issues
1999-2000	204	110
2000-2001	207	131

Note: The figures in the above table represent the number of instances where drug and alcohol issues were recorded in the resident population. Therefore individuals with multiple receptions at Quamby may be counted more than once in this data.

2.6. The Government experienced some difficulty in collating the instances where drug and alcohol issues were recorded because until recently it did not have a standard methodology in place to capture this data. The committee is pleased to note that this information is now being collected in a standard format.

2.7. From Tables 2 and 3 it can be seen that Quamby residents frequently experience any or all of the following:

- mental health issues, including mental illness and/or dysfunction;
- drug and/or alcohol issues; and
- aggressive, violent and/or destructive behaviour.

2.8. In addition residents of Quamby were also reported as often having an intellectual disability, of engaging in 'self harming behaviour' including suicidal behaviour, of having experienced child abuse, neglect, and/or sexual abuse.⁷

2.9. Quamby residents themselves may be:

- young women;
- young men;
- indigenous young people;
- on short term remand;

⁷ Submission 4, Community Advocate. Office of the Community Advocate, *Statutory involvement of ACT Youth Justice Services and ACT Family Services: 1999 Research Project*, ACT Government.

- on long-term detention for serious offences;
- as young as 10 years;
- as old as 18 years (and up to 21 years in some circumstances).⁸

The dynamics of the young people detained at Quamby

2.10. Recommendation 1 of Coroner Some's inquest covers two issues regarding the dynamics of the young people detained at Quamby, namely:

- their accommodation; and
- their management.

2.11. The Community Advocate expressed the view that 'as an agency vested with the power to detain some of the ACT's most vulnerable and disadvantaged young people, the ACT Government must - as a basic operating principle, and at all times - provide safe and effective care, confinement and rehabilitation for all residents of Quamby'.

2.12. While acknowledging the extensive improvements at Quamby, the Community Advocate claimed that Quamby does not have the physical nor human resources necessary to enable it to accommodate the mix of residents it must accommodate in a manner consistent with the above principle.

Physical facilities at Quamby

2.13. The physical structure imposes restrictions on the management of the mix of young people.

2.14. Within Quamby there are three residential units, the Brindabella Unit (six bed facility), the Murrumbidgee Unit (eight bed facility) and the Ngunnawal Unit (twelve bed facility). The Brindabella Unit is used to accommodate new inductions, but may also accommodate other young people as it is a designated special needs unit and provides 24-hour surveillance into all rooms. Young people are assessed during their initial placement in custody before being moved to the Ngunnawal or Murrumbidgee units. The Ngunnawal unit accommodates older males in the age ranges from 15 years upwards. The Murrumbidgee Unit accommodates young boys under the age of 15 years and all young women.

2.15. At any one time each of the units will have a mix of people of different gender, ethnicity, criminal history and/or personal needs.

2.16. Due to the physical structure of Quamby at present and the population of young people held there at any one time, providing separate accommodation areas is currently not always an option.

⁸ Submission 1, Law Society of the ACT; Submission 4, Community Advocate; Submission 5, ACT Government; *Children's and Young People's Act 1999*.

2.17. The Minister for Health, Housing and Community Services advised that the Government has recognised for a number of years that the need for separate accommodation areas is imperative to the management and well being of young people. There are distinct differences between young people placed on remand, in comparison to young people serving a committal period. Also, age, gender, mental health, behavioural and drug and alcohol issues place an additional challenge in ensuring the right mix of young people placed in custody together.⁹ A further issue identified during the inquiry is the reported growing number of young sexual offenders. Given that many young offenders themselves have been sexually abused this situation creates further complications in determining placement. At the public hearing on 19 July 2001, the Minister and officials told the committee that even though the new facility at Quamby is only a few years old, it is out of date and inadequate in almost all respects. It is also not secure.¹⁰

2.18. At the time of the inquiry Quamby was attempting to deal with this unsatisfactory situation through the operational management of the centre. A review process commenced in mid 2001 to determine how to design modifications to the physical structures at Quamby to better meet the needs.¹¹

Specific areas of concern about the physical structure

2.19. The committee visited Quamby and observed first hand the problems with the physical aspects of the centre.

Separate accommodation on induction

2.20. The Government reported that one of the major areas of concern is the lack of a separate accommodation option for young people when they are first received into Quamby. A large proportion of total admissions to Quamby is attributable to young people who are in custody for a very short time (one or two nights).¹² At present remandees and committals are accommodated together.

2.21. In its submission, the Government advised that research into other jurisdictions in Australia shows that most detention centres have an area dedicated to the admission and intake of young people into custody. After thorough assessments, young people can then be dispersed to accommodation throughout the centres according to their specific needs. The development of a separate accommodation area for admissions would assist in reducing negative interaction between new and current detainees.¹³ It would also assist in reducing negative interactions between remandees and committals.

2.22. At the time of finalisation of the inquiry a separate accommodation area for new inductees had not been developed nor, it appeared, had any long-term plans been made to proceed with its development. In a letter to the committee the Minister for

⁹ Minister for Health, Housing and Community Services, correspondence dated 19 July 2001.

¹⁰ Transcript, p 86.

¹¹ Transcript, p 84.

¹² Submission 5, ACT Government.

¹³ Submission 5, ACT Government.

Health, Housing and Community Services advised that this issue is being considered as part of a feasibility study to determine future needs.¹⁴ Given the Government's concern with the situation for some time, the committee considers the situation most unsatisfactory and is of the view that the provision of a separate accommodation area for inductees needs urgent action.

Recreation facilities

2.23. There is no indoor recreation facility at Quamby apart from a small room that has been set up as a workout room to accommodate two or three residents at one time.

2.24. Concerns about the lack of a large indoor recreation facility have been raised for many years and were also raised during this inquiry.¹⁵

2.25. The committee understands a gymnasium was planned for Quamby but has never been built.

2.26. The location of the outdoor swimming pool next to the fence separating Quamby from the adult weekend detention facility is unacceptable. It results in the young people being subjected to inappropriate verbal harassment from the adult detainees.

2.27. The committee considers that there is an urgent need for a multi-purpose indoor recreational facility to be built at Quamby.

2.28. The committee also considers that activities available during the week such as woodwork and metal work should be available at weekends.

Safety issues

2.29. On its visit to Quamby the committee observed a number of safety issues that require attention such as padding of the time-out room, and changes to some fittings and some architectural features to ensure potential for self harm is reduced. The committee raised these matters with the Minister for Health, Housing and Community Services who advised that these matters will be considered as part of the planned feasibility study to look at the design, structure and safety of the centre.¹⁶ The committee is concerned that the timeframe for the feasibility study seems open ended. These safety concerns need to be addressed urgently.

2.30. The Minister also advised that:

youth detention centre designs are influenced by *Design Guidelines for Juvenile Justice Facilities in Australia and New Zealand 1996*. The environment at Quamby reflects these guidelines. The guidelines make a number of recommendations on how a youth justice facility should be designed and fitted. The Residential Unit's design provides a balance

¹⁴ Minister for Health, Housing and Community Services, correspondence dated 19 July 2001.

¹⁵ Annual Report of the Official Visitor 1996-97. Submission 4, Office of the Community Advocate.

¹⁶ Minister for Health, Housing and Community Services, correspondence dated 13 August 2001.

between community expectations of security and the need to ensure a humane rehabilitative environment for young offenders.

Although the present layout is dependent on the already defined physical environment, a number of improvements in accordance with these guidelines have already been implemented. These include:

- the installation of light fittings, designed in such a way that they do not support weight;
- the modification of bathroom facilities, to minimise potential hanging points from the rooms; and,
- the extension of camera surveillance to cover all internal communal areas.¹⁷

2.31. The committee is of the view that best practice detention facility design needs to be continually reviewed to ensure total safety and notes the Minister's commitment to attend to the issues it has raised.

Recommendation 1

2.32. The committee recommends that as a matter of urgency the Government

- **attend to the safety issues at Quamby, particularly in the Brindabella Unit;**
- **provide an indoor recreation facility; and**
- **build an induction unit.**

Gender mix

2.33. The current physical arrangements at Quamby do not allow for the separation of boys from girls. Depending on their needs girls are placed in the Murrumbidgee Unit with boys under 15 years of age or if required in the Brindabella Unit (which serves as an induction and special needs unit).

2.34. When Quamby is full the options for girls are further reduced. For example it may not be possible to separate a girl who may have been sexually abused from a young sexual offender. There are male sexual offenders as young as 14 in Quamby.

2.35. A number of people expressed concern about girls and boys being accommodated in the same unit.¹⁸ The committee shares those concerns.

2.36. The Youth Coalition of the ACT stated:

¹⁷ Minister for Health, Housing and Community Services, correspondence dated 13 August 2001.

¹⁸ For example—Children's Magistrate, Transcript, p 8. Director Youth Justice, Transcript, p 84. Youth Coalition of the ACT, Transcript, p 63. ACT Ombudsman, Transcript, p 47.

Young women should not be accommodated with young men, as young women have very different needs and issues. Furthermore, the knowledge that the majority of young women who come into custody have been subjected to abuse, should make us more innovative in our responses to young women coming into contact with the juvenile justice system.

If young women are to be accommodated in Quamby, there must be a recognition of their different needs within programming, and the ability of programming to accommodate these needs. Currently, the Youth Coalition is unclear as to how the specific needs of young women are being addressed in Quamby.¹⁹

2.37. The issue is complicated by the fact that the number of girls at Quamby at any one time is low. At the time the committee visited there were three girls resident at the facility. At times there may only be one or even none.

2.38. In discussing accommodation options for girls at Quamby, the Minister for Health, Housing and Community Services and the Official Visitor raised the issue of the viability of a separate unit for girls in terms of its size and the availability of peers with whom residents could interact.²⁰ The Minister also stressed the importance of placing priority on the best way of addressing the needs rather than allowing finances to dictate decision making.²¹

2.39. However the committee notes that the Women's Alcohol and other Drug Working Party and the ACT Prison Women's Working Group recommended that

correctional service delivery for women incarcerated in any new ACT correctional facilities must be completely separate to facilities for men.²²

2.40. In making this recommendation the group drew on recent research and practice in other jurisdictions, particularly New South Wales, which is regarded as quite progressive in dealing with women detainees.

2.41. The committee is of the view that the accommodation arrangements for girls at Quamby are unsatisfactory and changes must be made.

2.42. The establishment of a small residential unit for girls is an option that needs serious consideration as part of the review recently initiated.

¹⁹ Submission 3, Part 2, Youth Coalition of the ACT.

²⁰ Transcript, p 44. Transcript p 84.

²¹ Transcript, p 85.

²² The Women's Alcohol and other Drug Working Party and the ACT Prison Women's Working Group, *Women and Prison, the ACT Picture—Position Paper*, July 2000.

Recommendation 2

2.43. The committee recommends that the Government develop separate accommodation and support arrangements for girls in Quamby in line with current research and best practice.

Therapeutic facility

2.44. Another oversight in the design of the building is the lack of a therapeutic facility. Both the Community Advocate and the Official Visitor raised this matter.²³ Such a facility is needed to provide a private and supportive environment for residents who may be severely distressed due to mental illness or withdrawal from drugs.

Recommendation 3

2.45. The committee recommends that the Government provide a therapeutic facility at Quamby.

Management of young people detained at Quamby

2.46. The Government advised that in response to issues raised by the Coroner together with issues raised in an independent performance review a number of structural changes have been implemented which have resulted in a reduction in the problems caused by the mix of young people. These include:

- the upgrading and redevelopment of all operational positions;
- a requirement for staff to have qualifications appropriate to their position;
- the development of a comprehensive system for case management and unit management;
- an increase in the number of young people having access to educational and vocational programs;
- young people having programs designed to challenge their offending behaviour;
- young people having access to a health service that is at least comparable to that provided to young people in the community.²⁴

²³ Submission 4, Office of the Community Advocate. Transcript, p 40.

²⁴ Submission 5, ACT Government.

2.47. While these structural changes have been significant and well supported by participants in this inquiry, there are a number of issues that continue to be of concern.

Suitability of Quamby for some young people

2.48. While acknowledging the significant and highly commendable improvements that have occurred at Quamby since the death of Mark Watson, the Community Advocate raised serious concerns about the suitability of Quamby for some groups of offenders such as those with mental illness, intellectual disability and/or drug and alcohol issues.

It does need to be stressed that accommodation and support options outside of Quamby for young people who offend, and, in particular, those experiencing mental health, intellectual disability and/or drug and alcohol issues, are severely limited (or non-existent), and frequently the ACT Children's Court has no option but to send such young people to Quamby - even when doing so is clearly inappropriate, pointless or potentially unsafe.

Similarly, young people who are 'homeless' or 'difficult to place', are frequently remanded to Quamby for what appears to be no other reason than a lack of alternative accommodation.²⁵

2.49. The Official Visitor also raised this issue in her 1999-2000 annual report.

Another issue outside the control of Quamby is the number of young people who seem to be sent to the centre because of a lack of alternatives for them. The very young age of some of the residents is also a concern for the community as a whole.²⁶

2.50. The committee also heard from the parent of a young person with an intellectual disability who was remanded in Quamby following an incident at a Disability Program group house.²⁷ This placement was considered by the Children's Magistrate to be most inappropriate²⁸. While the young person concerned was cared for in a compassionate manner at Quamby the questions are:

- what other options did the Disability Program have
- why were charges pressed?

2.51. The committee requested information on the protocols existing between the police and the Disability Program setting out how such incidents should be dealt with. The Minister for Health, Housing and Community Services advised that 'the Disability Program has an effective working relationship with the police, which ensures wherever possible a pro-active approach that prevents individuals being

²⁵ Submission 4, Community Advocate p 3.

²⁶ ACT Department of Justice and Community Safety, *Annual Report 1999-2000*, Volume 1, p 234.

²⁷ Transcript, pp 106 - 114.

²⁸ Transcript, p 15.

involved in the justice system unnecessarily.’²⁹ In the case cited above the approach outlined by the Minister seems to have broken down. It is hoped that this was an isolated case and it does not happen again.

2.52. Because the committee had been told that there are increasing numbers of young people with intellectual disabilities being caught up in the criminal justice system,³⁰ it requested information on the number of residents identified with an intellectual disability. The Minister advised that at the time of the inquiry ACT Corrective Services did not collect statistics on residents with intellectual disability. That information needs to be derived from individual case files, however efforts are being made to incorporate a wider data capture than existed at this time.³¹

2.53. The committee considers that it is imperative that data on residents with intellectual disability is collected to give a better picture of the profile of residents as well as to inform any assessment of need at the time the young person enters Quamby.

2.54. The situation where young people are placed inappropriately in Quamby because of a lack of other suitable alternatives is most unsatisfactory and must be addressed. The Government must develop a service response to meet these needs.

Recommendation 4

2.55. The committee recommends that the Government address the need for accommodation and support options for some young people who offend whose placement in Quamby would be inappropriate.

2.56. In the meantime it seems likely that Quamby will continue to be called upon to accommodate young people who may well be better placed elsewhere and therefore the Government must ensure that appropriate services are provided at Quamby until alternative arrangements are in place.

2.57. The committee notes the significant improvements that have been made to the training and recruitment of staff in the last few years. By September 2001 all operational staff at Quamby will have a tertiary qualification.

2.58. However, there will be frequent times when the level of training of staff will not equip them to deal with the complex issues they are faced with. More specialised professional skills will be required in these circumstances.

2.59. The committee considers that the Government must ensure that Quamby has the ability to quickly bring in appropriate skills and services for individual young people where such skills or services are not within the capacity or professional training of existing staff.

²⁹ Minister for Health, Housing and Community Services, correspondence dated 13 August 2001.

³⁰ Transcript, p 26.

³¹ Minister for Health, Housing and Community Services, correspondence dated 19 July 2001.

Recommendation 5

2.60. The committee recommends that, until it is able to provide more appropriate accommodation and support options for young people whose placement in Quamby is considered inappropriate, the Government ensure that Quamby is resourced to provide specialised professional skills and services for these young people as required.

2.61. Some of the inappropriate placements may be able to be avoided if the police were better supported by other agencies out of hours so that they could be assisted in their assessment of a situation. The committee was told that quite often the police are stuck with a child after hours and because they cannot talk to any other agencies about the circumstances and discuss options other than Quamby, the child ends up in Quamby.³²

2.62. The committee is of the view that in some situations, the police need to be able to discuss a case with other agencies out of hours and this could be facilitated by the development of further protocols with the police and the relevant agencies.

Recommendation 6

2.63. The committee recommends that protocols be developed between the police and relevant agencies concerning arrangements for after-hours assessments of specific young people who have come in contact with the police.

Therapeutic protection orders

2.64. Under the *Children and Young People Act 1999*, there is provision for the court to make a therapeutic protection order to a child or young person if satisfied that there are reasonable grounds for believing that:

- the child or young person is in need of care and protection and therapeutic protection should be arranged for the child or young person: or
- the child or young person would be in need of care and protection if therapeutic protection were not provided.³³

2.65. At the beginning of July 2001, the Children's Magistrate told the committee that he had not issued any therapeutic protection orders since the commencement of the Act because he was not satisfied that the Department of Education and Community Services had any resources or had put anything in place to manage the scheme if such an order had been made. At that time, the Children's Magistrate

³² Transcript, p 90.

³³ *Children and Young People Act 1999*, s 235.

indicated that there would have been about six boys potentially in need of a therapeutic protection order.³⁴

2.66. The committee discussed this matter with the Minister for Health, Housing and Community Services and officials and was assured that the support was in place to manage and resource such an order.

2.67. Despite these assurances it is of great concern to the committee that just two weeks earlier the Children's Magistrate expressed a lack of confidence in the resources and systems available to manage a therapeutic protection order. The committee considers that the Department of Education and Community Services must contact the Children's Magistrate and advise him of how it would resource and manage therapeutic protection orders.

Interventions to address offending behaviours

2.68. A large proportion of those detained at Quamby are there for drug related offences. There also seems to be a growing number of young men, some as young as 14 years who are sex offenders.³⁵ Some of these have been sexually abused themselves.

2.69. One of the stated aims of Quamby is to effect change in the lives of the young people who are sent there.³⁶

2.70. The Youth Coalition of the ACT and the Official Visitor called for a greater emphasis on therapeutic interventions for young offenders. The Youth Coalition argued that such programs are essential in assisting young offenders to address their offending behaviours and to reduce recidivism.³⁷ The Official Visitor questioned the adequacy of the programs in place for young sex offenders. In her view the Sex Offender' course is not enough—such young people need a full 24 hour program.

2.71. The committee noted that in its response to Coroner Somes' findings the Government stated the following:

The facility offers a range of programs incorporating case management, education, health and behaviour management.

There is no mention of therapeutic interventions to address offending behaviours or underlying issues.

2.72. The committee was advised that a therapeutic approach to working with young offenders currently exists within the Intensive Programs Unit of the NSW Department of Juvenile Justice. The Unit is staffed by social workers and psychologists with a number of therapeutic programs to target different offending behaviours (drug and alcohol related, violent, habitual). The Unit assesses young offenders in detention centres for early-release based on their willingness to address their offending

³⁴ Transcript, pp 18-19.

³⁵ Transcript, p 41.

³⁶ Transcript, p 87.

³⁷ Submission 3, Part 2, Youth Coalition of the ACT. Transcript, p 41, 42.

behaviours and to be engaged in an appropriate program. As such, the Unit provides intensive post-release support, with the capacity to undertake family work. Such a system, which bases early release on the young person's willingness to address offending behaviours, rather than on the ability of a young person to behave well whilst in detention may have more success in reducing recidivism.³⁸

2.73. The committee is of the view that a key component in addressing offending behaviours to effect change is addressing some of the underlying issues that have led to the behaviour. For example, why is a young person engaging in violent crime or sexual offences?

2.74. The Children's Magistrate gave the committee an interesting example of the underlying issues that led to a young person engaging in criminal behaviour to support a drug habit. That young person had unresolved grief issues. His mother had died at childbirth a few years before he began engaging in the criminal behaviour to support his drug habit, but his grief had never been addressed. That young person's needs are now being addressed outside Quamby.

2.75. However for many there is no option but Quamby and therefore these underlying issues and the offending behaviour need to be addressed within Quamby.

2.76. The committee sought more details on the therapeutic programs offered at Quamby to address offending behaviours. The Minister advised the following.

Before amalgamation, the only educational programs available to the young people at Quamby were basic literacy, numeracy and wood technology. Since amalgamation with Corrective Services, Quamby has actively taken a holistic approach to the management of offending behaviour. The young people have access to programs operating within the Centre and also to programs run by external agencies.

The Centre currently ensures that individual clients can access programs or services that are considered appropriate to their needs, including education, counselling, cultural awareness, vocational training, personal development, post release accommodation and support services.

The following programs have been offered since amalgamation with ACT Corrective Services.

Sex Offenders Program:

All young people sentenced to Quamby for sexual offending behaviour now attend the young sex offenders program, and also receive additional supervision and management from within the Centre. This program has been developed by Corrective Services' psychologists with expertise in the area of sexual offending. The psychologists are currently engaged in the Corrective Services' Social Capital Program and are delivering a sex offender program relevant to young people on community based court orders and those in custody.

³⁸ Submission 3, Part 2, Youth Coalition of the ACT.

Educational Programs:

The education program has been enhanced since amalgamation. Core literacy and numeracy programs include the delivery of courses from primary level to college level. Year 10 certificates are conducted, with subjects being English, Maths, Science, Metal Technology, Wood Technology, Sports and Recreation, Cooking, Art and Craft, Music, Media, IT, the Road Ready Program and Health Education.

Road Ready Program:

The Road Ready Program aims to limit risk taking behaviour whilst driving a vehicle. The residents of Quamby are able to access this program.

Health Programs:

The program consists of a general investigation of relationships, sex education and drug and alcohol issues. The Centre nurse delivers this program.

Caloola:

The Freshstart/Self-Start program aims to assist the young people at the Centre to address the issues that place them at risk and to divert them from future offending behaviour. Young people can benefit from gaining new skills and by making positive lifestyle changes. There is also assistance with resume preparation and interview techniques.

Resourceful Adolescent Programs (RAP):

These are cognitive behavioural programs that look at depressive symptoms. This is offered by the Educational Coordinator at the Centre.

Winnunga Nimmityjah:

Aboriginal Health Services ACT (Inc) offer assistance to residents in a number of areas, including:

comprehensive medical practitioner services;

alcohol and drug assessments;

anger management sessions;

positive choices sessions; and

self esteem and self confidence sessions.

All Quamby clients are welcome to attend the programs offered by Winnunga Nimmityjah – Aboriginal Health Services ACT (Inc).

Drug and Alcohol Services:

The Women's Information Resources and Education on Drugs and Dependency (WIRED) provide educational counselling to residents with

drug and alcohol issues. WIRED currently provide drug and alcohol training to all Quamby staff.

Supported Accommodation Program:

This program offers a stable accommodation option to at risk youths by providing emergency accommodation. This is particularly important for young people exiting Quamby without family support. This program has been developed and implemented as part of the Corrective Services' Social Capital Program.

Case Management Support:

A case management system is in place at Quamby, this system relies on the functions of the case managers and key workers for the development of the individual case plans for each young person.³⁹

2.77. The above answer from the Government covers programs broader than therapeutic programs. The committee does not have a picture on how adequate these programs are in meeting client needs.

2.78. The committee notes that some of the programs listed above are not ongoing, and possibly infrequent, for example the Self Start program which only operated at Quamby for a six week period and finished in June 2001.⁴⁰ Delays in the tendering process will result in this program not being offered again for at least six months.⁴¹ Others are planned, for example the supported accommodation program which at the time of the inquiry was only available to indigenous youth—a program for non-indigenous youth is to be developed in 2001-2002.

2.79. The committee has also been advised that Winnunga Nimmityjah is not remunerated for services provided to Quamby,⁴² which places stress on its resources. Winnunga Nimmityjah reported that it is developing strategic and operational plans that will identify present and future outcomes, roles and responsibilities and performance measures.⁴³ The committee looks forward to seeing the Government's response to these plans.

2.80. The committee questions the statement 'before amalgamation, the only educational programs available to the young people at Quamby were basic literacy, numeracy and wood technology'. The Government's response is unclear about when some of the reforms were initiated. The committee understands that the education program offered at Quamby was revised and significantly improved before the administration of Quamby was transferred to ACT Corrections.

2.81. While there has been significant expansion and improvements in programs available at Quamby in the last few years, the availability of professional therapeutic programs to address offending behaviours and underlying issues appears to be

³⁹ Minister for Health, Housing and Community Services, correspondence dated 13 August 2001.

⁴⁰ Manager, Caloola, correspondence dated 16 August 2001.

⁴¹ *ibid*

⁴² Chief Executive Officer, Winnunga Nimmityjah, correspondence dated 15 August 2001.

⁴³ *ibid*.

extremely limited. The young sex offenders program, some health programs and the cognitive behavioural program that looks at depressive symptoms are the only programs listed providing any professional therapeutic input.

2.82. As the Minister for Health, Housing and Community Services told the committee, if we do not address the real issues facing young people in Quamby we will be faced with much greater expense, at \$60,000 to \$70,000 a year for a large part of their lives, if they end up in the criminal justice system.⁴⁴

2.83. At the time of the inquiry Quamby did not appear to have the professional resources to enable it to assist young offenders to address their offending behaviour through therapeutic interventions. The position of psychologist at Quamby has been vacant for some time. Apart from the teacher, the psychologist and the health services that are purchased there are no other positions among the staff at Quamby that require professional qualifications.⁴⁵ In relation to the vacant psychologist's position, the Minister advised that it has been advertised three times and each time failed to attract a suitable field of applicants. Discussions have been held with ACT Mental Health Services to attempt to reach a satisfactory conclusion.⁴⁶ Maybe its time to review the conditions and salary attached to the position and adopt a more creative approach.

2.84. While the research on intervening with offenders demonstrates that there is still much to be learnt about what are the most effective interventions some interventions are clearly not effective. These include counselling programs and diversion programs. Cognitive approaches such as cognitive behaviour therapy and programs that teach children special skills such as teaching violent offenders that aggression is often counterproductive have shown promising results as preventative measures.⁴⁷

2.85. The committee considers that for Quamby residents there is a clear need to provide research based therapeutic programs aimed at addressing offending behaviours and the underlying issues.

2.86. The committee also considers that a review of the effectiveness of the programs in meeting individual needs of Quamby residents is required along with a review of how these programs provided by external agencies are funded.

⁴⁴ Transcript, p 85.

⁴⁵ Minister for Health, Housing and Community Services, correspondence dated 13 August 2001.

⁴⁶ Minister for Health, Housing and Community Services, correspondence dated 13 August 2001.

⁴⁷ McCord Joan, 'Interventions: Punishment, Diversion, and Alternative Routes to Crime Prevention' in Allen K Hess and Irving B Weiner editors, *The Handbook of Forensic Psychology*, John Wiley and Sons, New York, 1999.

Recommendation 7

2.87. The committee recommends that Quamby provide individualised professional programs (including therapeutic programs) in line with current research findings for residents to address their offending behaviours and the underlying issues.

Recommendation 8

2.88. The committee recommends that a review of the effectiveness of the intervention programs in meeting individual needs of Quamby residents be conducted along with a review of how the programs provided by external agencies are funded and that these reviews be tabled in the Assembly.

Support for residents with mental health or drug and/or alcohol issues

2.89. The committee was advised that young people with mental health and/or drug and alcohol issues are provided services by the Child and Adolescent Mental Health Service (CAMHS) and the Child, Youth and Women's Health Service which include cognitive therapy programs, drug and alcohol programs, personal development and counselling.

2.90. In December 1999 CAMHS entered into a Memorandum of Understanding with Quamby for the provision of psychology services. At the time the service was provided 3 days a week. However from November 2000, the service increased to 5 days a week with an on call service available over the weekend. Every young person who is received into Quamby is given a mental health assessment and a risk assessment by a qualified CAMHS member. If a mental health issue is identified in a young person, a follow up service is provided by CAMHS with all other young people referred to their Case Managers. CAMHS provides ongoing therapeutic intervention to identified individuals, and will continue this services during the post release stage with referrals to their community team.⁴⁸

2.91. Despite some improvements in the availability of mental health services to Quamby, the committee continues to hear that these services are inadequate. The main reason given to the committee for this inadequacy is under resourcing at CAMHS. The Community Advocate told the committee that CAMHS is doing its best with the resources it has—but it is incredibly under resourced.⁴⁹

⁴⁸ Minister for Health, Housing and Community Services, correspondence dated 19 July 2001.

⁴⁹ Transcript, p 30.

2.92. The committee raised this matter with the Minister for Health, Housing and Community Services and was told that, while in comparison with other States that area is over resourced, there are particular issues with a small jurisdiction that mitigate against those direct comparisons which must be considered.⁵⁰

2.93. In relation to drug and alcohol services detoxification is supervised by the General Practitioner and nurse engaged by Quamby. The Youth Coalition of the ACT told the committee that this support is not adequate. It is too big a responsibility for workers at Quamby. According to them there should also be on site a trained drug and alcohol worker as detoxing is a health issue.⁵¹

2.94. Following the engagement under contract of the Women's Information Resources and Education on Drugs of Dependency (WIREDDD) in May 2001, WIREDDD will be delivering training to staff members regarding drug dependency, as well as education programs to young people regarding the use of drugs.

2.95. However the Director of Youth Justice advised the committee that while staff expertise is growing in relation to drug and alcohol issues, additional funds and training are needed to develop better skills in the area.⁵²

2.96. The availability of adequate therapeutic mental health and drug and alcohol services is critical in the work of Quamby.

Recommendation 9

2.97. The committee recommends that the Government improve access to therapeutic mental health and drug and alcohol services for Quamby residents to ensure they have strong support in these areas. This may mean buying in specialist services.

Child clinical forensic psychology services for the Children's Court

2.98. Another example of the under resourcing at CAMHS was provided by the Children's Magistrate. Magistrate Madden told the committee that he was not satisfied with the availability of child clinical forensic psychology services to the Children's Court.⁵³

2.99. The committee considers that this matter needs further investigation

⁵⁰ Transcript, p 104.

⁵¹ Transcript, p 57.

⁵² Transcript, p 102.

⁵³ Transcript, p 5.

Recommendation 10

2.100. The committee recommends that the Government review the availability of child clinical forensic psychology services to the Children's Court.

Staffing issues

2.101. The committee noted that staffing of the Hindmarsh Education centre comprises three permanent and two contract positions. The Program Co-ordinator and the Metal Work Teacher positions are on short-term contracts.⁵⁴ The committee considers that lack of permanency may result in Quamby failing to attract and retain good staff. The committee believes that these positions should be permanent along with the other positions in the Education Centre.

2.102. It appears that there are also some changes to be made in the Case Management Unit. The Minister for Health, Housing and Community Services advised that the temporary structure of three case managers (ASO 5) will change to consist of a Senior Case Manager (ASO 6) and a Case Manager (ASO 5). No reasons were given for this proposed change.⁵⁵ The committee finds this curious given the emphasis placed on case management by Quamby.

Interstate transfers

2.103. In its response to recommendation 1 of Coroner Somes' report, the Government drew attention to the provision in the Children and Young People Act to administratively transfer young people to other facilities interstate (New South Wales) that better met the needs of a young person.

2.104. While this may be an option, the committee does not consider the emphasis placed on this provision in the Government's response is warranted. The conditions under which an interstate transfer can occur are limited by the Act. The committee understands that interstate transfers are only an occasional occurrence and in April 2001 there were no ACT young offenders in New South Wales institutions.⁵⁶

Preventative measures

Early intervention and family support

2.105. Evidence was provided to the committee about the need to try to prevent some young people from ending up in Quamby by intervening early.

⁵⁴ Minister for Health, Housing and Community Services, correspondence dated 13 August 2001.

⁵⁵ Minister for Health, Housing and Community Services, correspondence dated 13 August 2001.

⁵⁶ Standing Committee on Finance and Public Administration, Inquiry into Appropriation Bill 2000-2001(No 2), Uncorrected Proof Transcript, 18 April 2001, p 13.

2.106. The Community Advocate told the committee that there are increasing numbers of young people with intellectual disability and increasing numbers of young people who are sexually offending who are being caught up in the criminal justice system.

2.107. Many offenders have been subjected to sexual and/or physical abuse at a young age.

2.108. The drug problem among young people is of great concern. The Children's Magistrate told the committee that about three-quarters of the residents at Quamby have committed drug related offences.⁵⁷

2.109. These are just some of the social problems which may contribute to the development of criminal behaviour in young people. There are also other predictors.

2.110. For example, the report by the Australian Institute of Criminology *Aggression and the Development of Delinquent Behaviour in Children*,⁵⁸ reveals that aggression at age five is a very strong predictor of the following at age fourteen:

- continuing adolescent aggressive behaviour;
- delinquent behaviour;
- contact with agencies known to deal with delinquents; and
- suspension from school.

2.111. The report argues for effective early intervention programs during the preschool years, such as those that emphasise parent management training as a strategy to reduce such behaviour in the teenage years and as a crime prevention measure.

2.112. International research has revealed some promising programs in reducing delinquency and crime by focussing on home visits aimed at parent skills training from the time the mother becomes pregnant through the child's first two years.⁵⁹

2.113. Another major research study, the *Early Years Study* conducted in Ontario, Canada in 1998 and 1999 provides a strong argument for the need to ensure that children receive the best possible opportunities for development from infancy as a means of improving educational outcomes, behaviour and health for at-risk children. The report recommends the establishment in Ontario of a new system for early childhood development and parenting support involving all sectors of society.

⁵⁷ Transcript, p 8.

⁵⁸ Bor W, Najman J M, O'Callaghan M, Williams G M, and Anstey K, 'Aggression and the Development of Delinquent Behaviour in Children', *Trends and Issues in Crime and Criminal Justice*, Australian Institute of Criminology, Canberra, May 2001.

⁵⁹ McCord Joan, 'Interventions: Punishment, Diversion, and Alternative Routes to Crime Prevention' in Allen K Hess and Irving B Weiner, editors, *The Handbook of Forensic Psychology*, John Wiley and Sons, New York, 1999.

2.114. It argues that if this challenge is not taken up, all that can be done is to continue the way we are now without any real hope of changed outcomes. We can continue to hope that schools, social, and health services will be able to cope, even though they say they are not coping now. We can hope that children will 'grow out of' behaviour and learning problems that were set in early life, even though evidence suggests that many will have great difficulty doing so and will not reach their full potential. We can put more funds into policing and correctional services and other special services even though that will be expensive and unlikely to make much of a difference.⁶⁰

2.115. These issues are discussed in more detail in the committee's report *Adolescents and young adults at risk of not achieving satisfactory education and training outcomes*.⁶¹

2.116. The committee urges the Government to implement the recommendations of this report related to early intervention, family support and the establishment of a drug and alcohol task force.

Recommendation 11

2.117. The committee recommends that the Government implement the recommendations of the committee's inquiry into adolescents and young adults at risk of not achieving satisfactory education and training outcomes in relation to early intervention and family support and the establishment of a task force to examine how to deal with the drug and alcohol problem.

Post release support

2.118. The support offered during the early post release period was seen by several witnesses as very important in reducing recidivism.

2.119. Community youth services suggested that community based youth workers be engaged earlier in the case management of young people at Quamby to enable the development of supportive relationships which could extend to the post release period.⁶² Such a scheme would provide general support in accessing accommodation, training, employment and referral to specialist health and welfare services.

2.120. Post release support in the youth justice system in the ACT has been lacking until recently. The Government established a supported accommodation service for young indigenous offenders in 2000-01, which is filling a much-needed gap. The Government announced in the 2001-02 Budget that \$350,000 will be allocated to establish a supported accommodation facility for non-indigenous offenders. It is

⁶⁰ McCain Margaret and Mustard J Fraser, *Early Years Study: Reversing the real brain drain*, April 1999 [cited 21 February 2001] Available from Internet: URL: www.childsec.gov.on.ca

⁶¹ Standing Committee on Education, Community Services and Recreation, *Adolescents and young adults at risk of not achieving satisfactory education and training outcomes*, Report No 9, ACT Legislative Assembly, July 2001.

⁶² Submission 3, part 2, Youth Coalition of the ACT.

anticipated that a six-bed cottage style facility will be purchased to accommodate young people for short to medium periods. Young offenders often find it difficult to access existing accommodation services because of their behaviour. This service will also provide a non-custodial option for the Children's Court.

2.121. While the committee welcomes this supported accommodation service, it is also aware of recent research that cautions against placing young offenders together as that can lead to increased recidivism. Professor Joan McCord of Temple University in the United States has drawn attention to research that indicates that interventions that reinforce peer or group identification with young people with similar behaviours can make things worse.⁶³

2.122. Not only do young offenders need accommodation on release they also need ongoing therapeutic support and employment support.

2.123. The Children's Magistrate suggested that Caloola could be used as a training centre for training for young offenders after release. This is certainly an option worth considering.

2.124. However along with the supported accommodation proposal the use of Caloola as a training centre needs to be considered in light of current research and accompanied by a rigorous long-term evaluation strategy

2.125. Concern was expressed to the committee about delays in tendering processes for some programs accessed by Quamby residents on release. For example, Caloola advised that the contract for the Fresh Start program runs out at the end of 2001. At the time of the completion of this inquiry new tenders for the program had not been called.⁶⁴ The committee understands that there are a number of young people who have been released from Quamby who will not have completed their program by the end of 2001. Interruptions to or discontinuation of this program could seriously disadvantage some of these young people's successful re-entry into the community.

2.126. On release, there are two broad groups of young offenders those returning to the school system and those not. All need support with accommodation and may need continued therapeutic interventions. Those returning to the school system need support to re-enter that system. Those not returning to the school system need support with accommodation, training, employment and possibly continued therapeutic intervention.

⁶³ Professor Joan McCord, *Counterproductive Juvenile Justice*, Australian Institute of Criminology Occasional Seminar, 20 July 2001, Canberra, ACT. Dishion T, McCord J, Poulin F, 'When Interventions Harm—Peer Group and Problem Behaviour', *American Psychologist*, Vol 54, No 9, pp 755-764, September 1999.

⁶⁴ Manager Caloola, correspondence dated 16 August 2001.

Recommendation 12

2.127. The committee recommends that on release the Government ensure that all young offenders have a program that covers:

- their supported accommodation needs;**
- their training and/or educational needs;**
- continued therapeutic interventions as required; and**
- employment support when relevant.**

3. The administration of Quamby

3.1. Recommendation 3 of the Coroner's report deals with the administration of Quamby Youth Detention Centre. It reads as follows.

(3): I would recommend that there be only one government division responsible for all administration of corrections within the Territory. The further consideration of this recommendation might usefully be part of any inquiry held as I have recommended in recommendation (1) above.

3.2. The Government responded as follows.

The Government has announced its acceptance of the Coroner's recommendation that a single government division be responsible for all administration of corrections within the Territory. It is acknowledged that there are supporting arguments for the provision by one service as equally as there are arguments against.

While the merits of particular arrangements can be debated, in a jurisdiction the size of the ACT, the location of these services in a Department with other corrective services responsibilities provides opportunities for administrative efficiencies and the development of appropriate programs. Similarly, a Department which is responsible for programs for young offenders as well as those for adult offenders is better placed to develop a single philosophical approach to the management of all offenders.

Under these arrangements programs for young offenders will be quite separate from those for adult offenders. There will be a continued close co-operation with the Department of Education and Community Services in relation to the provision of education and training, and the joint management of common clients will be a feature of the new system.

Moreover, the new model of service recently introduced to Quamby will continue under the new administration.

Issues raised concerning the administration of Quamby

Should Quamby be administered by ACT Corrections?

3.3. In mid 1999 the administration of Quamby was transferred from the Department of Education and Community Services to ACT Corrections a part of the Department of Justice and Community Safety.

3.4. The Australian Institute of Criminology advises that over the past one hundred years a separate system has operated for processing young offenders to the system for adult offenders. This has been shaped by the welfare system, and for the most part welfare departments manage the juvenile justice system. However, there has been a

shift towards a stronger law and order stance over the past decade or so, and some agencies are managed by correctional services departments.⁶⁵

3.5. New South Wales has a separate department of Juvenile Justice. In Queensland youth justice is included in the Department of Youth, Families and Community Care. In South Australia, Victoria and Tasmania youth justice is part of the Department of Human Services.

3.6. Western Australia and the ACT include youth justice within their departments of Justice or equivalent, while the Northern Territory has a separate Department for Correctional Services which includes youth justice.

3.7. Two submissions to the inquiry offered general support for the move of the administration of Youth Justice into ACT Corrections.⁶⁶

3.8. Two submissions to the inquiry argued strongly for youth justice services in the ACT to be taken out of ACT Corrections.⁶⁷ The main reasons given were:

- the nature of youth justice issues is incompatible with the wider ethos and models used in adult corrections;
- youth justice services must maintain a rehabilitation focus and young offenders must not become stereotyped as hardened criminals;
- youth justice is underpinned by fundamentally different policies to adult correction.

3.9. However by the time of the committee's public hearings those initially opposing the change in administrative arrangements indicated that they were satisfied with the administrative arrangements in place at the time.

3.10. It was stressed to the committee that to ensure the maintenance of the positive changes that have occurred in the last few years a number of safeguards must be put in place. These include:

- no cross utilisation of staff between Quamby and Adult Corrections as staff in the two sectors require fundamentally different skills;
- no commonality of training for workers in the two sectors in most instances;
- the Government must ensure that Quamby's funding is maintained in real terms;
- Quamby must not be privatised;

⁶⁵ Australian Institute of Criminology Internet site, [cited 30 July 2001] URL: <http://www.aic.gov.au/research/corrections/juvenile/index.html>.

⁶⁶ Submission, 1, Law Society of the ACT, Submission 4, Community Advocate.

⁶⁷ Submission 2, Community, Youth and Family Agencies of the ACT. Submission 3, Youth Coalition of the ACT.

- close links must be maintained between the substitute care system and Youth Justice; and
- close links must be maintained between Youth Justice and Family Services.

3.11. The evidence received during this inquiry does not support a change in the administrative arrangements for Youth Justice Services so long as there is a clear separation of youth justice from adult corrections and resource levels are maintained in real terms.

Recommendation 13

3.12. The committee recommends that the Government ensure that:

- **the administration and operation of Youth Justice Services remains separate from the administration of adult corrections; and**
- **there is no diminution in real terms of resourcing to Youth Justice Services.**

3.13. The committee believes that to ensure that the administrative arrangements for Youth Justice continue to be appropriate in changing times, the Government should commission an independent evaluation of these arrangements and provide the evaluation report to the Assembly by August 2004.

Recommendation 14

3.14. The committee recommends that by August 2004, the Government provide the Assembly with an independent evaluation of the administrative and resourcing arrangements for Youth Justice Services.

Interagency collaboration

3.15. Sharing of information between agencies in relation to Youth Justice clients continues to appear to be a problem.⁶⁸ There is no evidence that this problem is a result of the administrative changes. The main problems appear to be with Family Services. The committee raised this matter with the Minister responsible, Mr Moore MLA, who agreed to look into the matter.

3.16. The committee considers that it is critical that relevant information on Youth Justice clients is shared among agencies dealing with those clients.

⁶⁸ Transcript, p 35, p 68.

Recommendation 15

3.17. The committee recommends that the Government review the systems in place for the sharing of information between agencies and ensure the instigation of a collaborative approach.

Kerrie Tucker MLA
Chair
16 August 2001

Appendix 1 - Submissions received

1. The Law Society of the Australian Capital Territory
2. Community, Youth and Family Agencies of the ACT
3. Youth Coalition of the ACT Inc (2 parts)
4. Office of the Community Advocate
5. ACT Government

Appendix 2 - Witnesses at public hearings

Thursday 5 July 2001

Magistrate Shane Madden Children's Magistrate

Thursday 12 July 2001

For the Office of the Community Advocate

Ms Heather McGregor Community Advocate

Mr Alasdair Roy Child Advocate

As the Official Visitor to Quamby

Ms Janet Rickwood

For the ACT Ombudsman's Office

Mr Philip Moss Senior Assistant Ombudsman

Ms Phyl Crawford A/g Director of Investigations

For the Youth Coalition of the ACT

Ms Susan Pellegrino Policy and Projects Officer

Mr Lester Ferguson Board Member

For Community, Youth and Family Agencies of the ACT

Mr Wilf Rath Director, Richmond Fellowship

Mr Greg Aldridge Manager High Support Program, Marymead

For the Mental Health Consumer Network

Ms Pat Daniels Secretary

Thursday 19 July 2001

For the ACT Government

Mr Michael Moore MLA Minister for Health, Housing and Community Services

Mr Tim Keady Chief Executive, Department of Justice and Community Safety (JACS)

Mr James Ryan Director Corrective Services, JACS

Mr Frank Duggan Director Youth Justice Services, JACS

Ms Sue Birtles

Executive Director, Children's, Youth and Family Services Bureau,
Department of Education and Community Services

As an individual

Mrs Vicki Morris