



Tasmania

DEPUTY PREMIER
MINISTER for
HEALTH and HUMAN SERVICES

16 AUG 2005

Ms Mary Porter MLA
Chair
Standing Committee on Education, Training and Young People
GPO Box 1020
CANBERRA ACT 2601

	
A.C.T. LEGISLATIVE ASSEMBLY COMMITTEE OFFICE	
SUBMISSION NUMBER	15
DATE AUTH'D FOR PUBLICATION	30/8/2005

Dear Ms Porter

Thank you for your letter of 20 April 2005 concerning restorative justice practices in youth justice settings. I apologise for the delay in responding.

In the context of your inquiry into restorative justice practices I think the Conferencing Program operating at Tasmania's only youth detention centre might be of interest to you.

Here in Tasmania youth justice matters are dealt with under the *Youth Justice Act 1997* which itself reflects the principles of restorative justice. Ashley Youth Detention Centre (Ashley) in Northern Tasmania is established under the *Youth Justice Act*. Since the Tasmanian Youth Justice system operates to divert young offenders and provides for detention only as a last resort it is generally only persistent or serious offenders that are accommodated at Ashley.

The *Youth Justice Act* provides for a conference to be conducted with a young person who has committed an offence whilst at Ashley. As with community conferencing, which is also established under the *Youth Justice Act*, the aim here is to divert young people from the Court system as well as encourage responsibility for their behaviour.

Apart from the restorative nature and informal, yet no less effective, outcomes of the actual conference itself the *Youth Justice Act* also legislates for the following formal outcomes;

- Caution
- Good behaviour bond up to two months with or without conditions
- Add up to three days to detainee's Early Release Date
- Cause a complaint to be filed (ie refer to court)

Conferencing has been conducted at Ashley since April 2002 with over 700 conferences completed since that time. A part time position (.6) is dedicated to coordination and facilitation of the Conferencing process and experience suggests that conferencing is a key factor in reducing the number of serious incidents at the detention centre.

Elements of the five basic principles of restorative justice; responsibility, reparation, diversion, rehabilitation and deterrence, are to be found in the conferencing process. Experience at Ashley has been that the majority of young people respond appropriately and positively to intervention at this level. I believe this is a significant achievement considering that most are deeply entrenched within the juvenile justice system and community conferencing as an intervention strategy would have been abandoned for them as a useful intervention well before they had reached detention.

A limiting factor is that the intervention, and a young person's response to it, is confined to the Ashley environment, the community of Ashley. Even in this regard, however, there is evidence to suggest that many young people are able to transfer their learning, awareness and improved attitudes, developed via conferencing, back into the community.

The Youth Justice Act requires that the approach to conferencing at Ashley follows a particular process. Only Detention Centre Offences, which are defined under the *Youth Justice Act*, are conferenced. Detention Centre Offences are ratified by the Centre Support Team (CST) each Monday morning and then are scheduled for conference on Wednesday. Apart from the Conferencing Convenor, those in attendance are, at a minimum, the offender, a victim (if any), and representatives of Ashley Case Management and Operations. Where possible an independent/support person, family, Learning Centre, Community Youth Justice Worker and other significant people are also encouraged to attend. Geographic location, however, is a major determinant in regard to the latter group.

During the conference the young person and their perspective are treated respectfully and fairly. The focus is on encouraging all participants to accept an appropriate degree of responsibility for their part in the incident, to determine how the damage can be repaired and how we can all move on by ensuring similar incidents/behaviours are reduced or do not occur in the future. Agreements are reached and commitments are made. By a process of monitoring and reinforcing these arrangements the young person and/or staff remain accountable to carry through on their commitments or return to conference at a later date to review the situation.

Obviously, the description of the conferencing process I have provided here is only an outline. But I hope you find it relevant to your review. If you would like further information about the process please do not hesitate to contact the Detention Centre directly at PO Box 126, Deloraine, Tas, 7304.

Thank you for writing to me.

Yours sincerely

A handwritten signature in black ink, consisting of a large, stylized capital 'D' followed by a horizontal stroke and a small loop at the end.

David Llewellyn, MHA
DEPUTY PREMIER

