



LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

**STANDING COMMITTEE ON EDUCATION, TRAINING AND
YOUTH AFFAIRS**

(Reference: [Inquiry into Human Rights Commission
report into the ACT youth justice system](#))

Members:

**MS A BRESNAN (The Chair)
MR J HANSON (The Deputy Chair)
DR C BOURKE**

TRANSCRIPT OF EVIDENCE

CANBERRA

MONDAY, 14 NOVEMBER 2011

**Secretary to the committee:
Mr A Snedden (Ph: 6205 0199)**

By authority of the Legislative Assembly for the Australian Capital Territory

Submissions, answers to questions on notice and other documents, including requests for clarification of the transcript of evidence, relevant to this inquiry that have been authorised for publication by the committee may be obtained from the Legislative Assembly website.

WITNESSES

ROY, MR ALASDAIR, Children and Young People Commissioner **1**

WATCHIRS, DR HELEN, Human Rights and Discrimination Commissioner **1**

Privilege statement

The Committee has authorised the recording, broadcasting and re-broadcasting of these proceedings.

All witnesses making submissions or giving evidence to committees of the Legislative Assembly for the ACT are protected by parliamentary privilege.

“Parliamentary privilege” means the special rights and immunities which belong to the Assembly, its committees and its members. These rights and immunities enable committees to operate effectively, and enable those involved in committee processes to do so without obstruction, or fear of prosecution.

Witnesses must tell the truth: giving false or misleading evidence will be treated as a serious matter, and may be considered a contempt of the Assembly.

While the Committee prefers to hear all evidence in public, it may take evidence in-camera if requested. Confidential evidence will be recorded and kept securely. It is within the power of the committee at a later date to publish or present all or part of that evidence to the Assembly; but any decision to publish or present in-camera evidence will not be taken without consulting with the person who gave the evidence.

Amended 9 August 2011

The committee met at 12 noon.

ROY, MR ALASDAIR, Children and Young People Commissioner

WATCHIRS, DR HELEN, Human Rights and Discrimination Commissioner

THE CHAIR: Welcome, Dr Watchirs and Mr Roy, to this public hearing of the Standing Committee on Education, Training and Youth Affairs inquiry into recommendations 4.3, 4.15, 4.16 and 15.1 of the Human Rights Commission report into the ACT youth justice system published in July. These recommendations are relevant to the education committee, which is why we felt it would be useful to have you here today.

I am sure you are familiar with the privilege card in front of you, but I just draw your attention to that. Before we go to questions, would either of you like to make an opening statement?

Mr Roy: Yes, I have a brief opening statement I would like to make to the committee. The commission welcomes the opportunity to appear today to speak about our report. It was a major piece of work, encompassing significant consultation, information gathering and analysis. As requested by the Assembly in December 2010, the report includes an inquiry into the youth justice system by the Children and Young People Commissioner and a human rights audit of the Bimberi Youth Justice Centre by the Human Rights and Discrimination Commissioner.

As an independent and impartial statutory agency that brings together expertise in children and young people, human rights discrimination, health, disability services, complaints investigation and an understanding of contemporary research evidence, the commission was uniquely placed to undertake this review. The commission also has well-established networks across the government, community and youth justice sectors, and these networks proved invaluable throughout the review in obtaining information from participants, including young people, current and former staff of Bimberi and the youth justice system and external stakeholders. Additionally, the Human Rights and Discrimination Commissioner had previously conducted a human rights audit of the Quamby Youth Detention Centre in 2005.

The review was co-led by the Children and Young People Commissioner and the Human Rights and Discrimination Commissioner, and the two commissioners were supported by a team of five reviewers with expertise in law, youth work, human rights, discrimination, social work and public policy. For the purpose of this review, the commission obtained information from a wide range of sources. This is a long list, and I am going to read it to you to demonstrate not only how thorough the review was but also the evidence base which informed the findings of the review.

We researched national and international literature to understand the evidence base underlying the provision of services to young people in the youth justice system. We interviewed 147 people, including 25 young people currently or formerly residents of Bimberi, five young people in the Alexander Maconochie Centre, 34 current or former staff of Bimberi, 14 current and former staff of Community Youth Justice, 18 executive and senior managers from the Community Services Directorate, 18 current and former staff of other government agencies connected with the youth

justice system or Bimberi and 33 non-government stakeholders.

We wrote to over 100 government and non-government stakeholders inviting them to participate in the review, and we received and reviewed 62 written submissions. We requested material from the ACT government and examined 14 legal folders of documents that were provided in response. We inspected records stored on site at Bimberi, and we distributed posters and surveys inviting community involvement in the review at 16 locations across Canberra, including the ACT Children's Court, Legal Aid ACT centres and other venues accessible to young people and their families.

We conducted four focus groups of 12 young people in Bimberi exploring such issues as early intervention and prevention, diversion, safety and security at the centre, community connectedness, programming and support, relationships with staff, discipline, through-care and after-care and complaints handling.

We conducted a four-day community forum with 32 participants from a wide range of government and non-government service providers and stakeholders. The forum included workshops presented by experts in youth justice from the Australiana Institute of Criminology, the University of Canberra and headspace ACT.

We conducted an afternoon forum for parents and families of Aboriginal and Torres Strait Islander young people in the youth justice system, and this forum was attended by 18 parents and family members and represented the first such forum to be held in the ACT. We also conducted three drop-in sessions in the city, Tuggeranong and Belconnen for members of the community to share their views with the commission.

Importantly, we also established a young person's reference group made up of eight residents of Bimberi. The reference group met on five occasions to provide advice to the commission about how we could best communicate with young people in Bimberi and involve them in the review process. We also formally engaged three expert consultants to provide advice to the review in specialist areas.

In light of the above, the commission believes the recommendations contained in the report, if implemented in the spirit they were intended, will lead to a more effective system, safer workplaces and improved outcomes for young people, staff, families, victims of crime and the broader community.

The report is large and contains 224 recommendations about all aspects of the youth justice system. We are conscious of the size and breadth of the report but note that the terms of reference were set by the Assembly, not the commission. The structure of the report outlines the essential components of an effective youth justice system. The first six chapters discuss important big picture issues, including human rights standards, engagement with community, a clear vision, a cultural performance, a skilled and supported workforce and evidence-based practice.

The next eight chapters examine the fundamental elements of a system designed to respect, protect and fulfil human rights and achieve rehabilitation, including prevention and diversion, therapeutic programming, meeting the needs of vulnerable population groups, education and health services, oversight and human rights compliance.

Human rights standards were a key feature of the report, both in relation to the audit of Bimberi and in relation to the inquiry into the broader youth justice system. Each chapter of the report begins with a summary of the international human rights standard relevant to the subject of the chapter. A version of the report was published in a language and format more accessible to young people, and copies of this version were provided to all young people living in Bimberi and to other young people involved in the broader youth justice system.

We recognise the government's commitment to the review and welcome the recent government response. We also recognise the support provided to the review and the report by many members of the Assembly. We are pleased to see that only six of the 224 recommendations were formally rejected. However, we are concerned about some aspects of the government response and will be providing a detailed response to their response in the next few weeks.

In summary, we question whether many of the recommendations, including some of those which have been agreed to or agreed to in principle by the government, will be fully implemented in accordance with the detail or intent of the recommendations contained in the report. We also question some of the assumptions contained in the government's response and are of the view that some of the recommendations and the evidence behind these recommendations may have been misinterpreted.

We do, however, welcome the government's establishment of the youth justice implementation task force and encourage the group to consult broadly with all stakeholders, including members of the Assembly as it undertakes the significant task of developing a blueprint for youth justice in the ACT. Without meaningful and ongoing engagement with all stakeholders, we are concerned that the blueprint will fail to achieve its stated aims. The commission will be holding a forum on 23 November to continue our conversation with the community about this issue, and we understand that representatives of the government, the opposition and the Greens have already accepted an invitation to attend the forum.

We note the committee's terms of reference today have a particular focus on the recommendations in chapters 4 and 15, which discuss the role of the Legislative Assembly and this standing committee in improving the youth justice system. We welcome the committee's interest in these recommendations and note that the overall intention of these recommendations is to improve bipartisan understanding of and support for the youth justice system, including its purpose and vision, and to introduce a range of mechanisms to improve the ongoing accountability and evaluation of the system. Whether these recommendations are accepted is, obviously, a matter for the committee and the Assembly to determine, and our motivation in raising them in the report was simply to progress the discussion.

THE CHAIR: As you said in your opening statement, we have had those recommendations and they have been referred to the committee because they specifically mention the education committee. We all, as a committee, want to get a bit of a sense from you of the role which you see the education committee providing in progressing some of the issues that have been raised in the report and the recommendations.

I have a couple of specific questions about the recommendations. The first is how you see the education committee being involved. The first recommendation, 4.3, talks about more meaningful engagement of the education committee in the youth justice system. Do you see that as being met by the other recommendations you made that refer to the education committee? It is a long question. It is the overall question of how you see the committee being involved, bearing in mind the specific recommendations you have outlined. How do you see that involvement happening?

Mr Roy: As you may know, chapters 3 and 4 of the report talk a lot about embedding the vision for the youth justice system in the broader community. By “broader community”, we are talking about all stakeholders involved in the system, not just the community services. Included in “key stakeholders”, we would obviously include the government and this standing committee.

Chapter 4 talks about vision and the need to develop a vision. During the process of the review, we formed the view that the youth justice system in the ACT did not have a clearly articulated long-term vision. Certainly individuals working within the system have a vision. But in terms of a long-term, clearly articulated, documented and, ideally, bipartisan vision, we found it lacking.

The thinking behind involving the standing committee in the development of the vision links to one of the recommendations which we made, which was that the strategic board establish a subcommittee on vulnerable children and young people and their families, that that strategic board, as an across-government mechanism, would develop a vision for children and young people in the youth justice system and that, to ensure that all relevant stakeholders would be a party to the development of that vision, the standing committee would be actively consulted.

THE CHAIR: Do you see the committee having engagement through those other recommendations about having regular updates from the organisations or bodies involved in youth justice reporting processes or would it be some formal involvement with the strategic board?

Mr Roy: We would see that the standing committee would be involved in the initial development of the vision, which is quite a significant task in itself, particularly if the vision is to be a bipartisan, long-term vision. We outlined in the report evidence which suggests that having a long-term, bipartisan vision—and by “bipartisan” I mean, in essence, that all members of the Assembly agree to the vision and we get on with the task of implementing the vision. The standing committee, representing all areas of the government, would be a key player in the development of that vision. Similarly, the standing committee would have a key role in monitoring the implementation of the vision. So we make a number of recommendations in terms of having, every two years, an open public hearing for oversight agencies to return to talk about how the government is going in implementing the vision and also, annually, inviting key independent agencies to come back and raise issues of concern. It is an accountability mechanism that does not currently exist.

THE CHAIR: In that vision setting do you see that the government would be formally consulting with this committee, or would it be, I guess, through an inquiry

process that we would be looking at that actual vision that is eventually set?

Mr Roy: There are a number of ways of doing it. I guess, to some extent, it is up to the government and the standing committee as to how they want to do it. We were just making the recommendation that the standing committee be involved in it somehow, that it is not just a vision developed by one area of government in isolation; it is a vision which is developed across government in cooperation with all areas of government.

MR HANSON: Did you put a time line on that vision in your recommendations?

Mr Roy: In terms of the implementation?

MR HANSON: In your discussions with government in terms of, if we are going to have this bipartisan vision, when would it become effective? Did you put a time line on that?

Mr Roy: No, we did not. Because of the number of recommendations it was not practical to put time lines on all of them. It is all well and good to say that you can do one recommendation in six months, but if you have got 200 of them it might be a little bit difficult to do it in some months. We gave 18 months as an overall time frame in which we would expect the majority of recommendations could be substantially progressed—within 18 months.

MR HANSON: So you would expect to see that vision, in whatever form it takes, to be produced within about 18 months?

Mr Roy: I would hope it would be produced sooner than that. In the government's response they talk about the vision. They have moved away somewhat from a vision for vulnerable children and young people. In the response they say that the government feel that the vision for vulnerable children and young people and their families should be under the umbrella of a broader vision for children and young people and that vision already exists in the children's plan and the young people's plan. That is not quite how we see it. We think we need a specific vision for vulnerable children and young people and their families. In terms of a time line, again it is up to the policy agenda of government.

MS HUNTER: In their response to this recommendation it appears that the government said that the vision already exists, and the vision exists in the Canberra plan and social plan and the children's plan and young people's plan. These are quite broad statements or visions, aren't they?

Mr Roy: I would think so, yes. We had a different vision in mind. We are certainly not criticising the children's plan and the young people's plan. They are very valuable policy documents to guide the broad statements about how we see and respond to children and young people in the ACT. It is about having a specific vision, particularly for vulnerable children and young people and their families, with the aim of keeping these young kids out of the youth justice system, having prevention and diversion systems in place as early as possible which respond as early as possible. As young people do get through that first force-field, I suppose, of diversion and

prevention and they enter the system, it is about keeping them out of Bimberi as much as possible. When they end up in Bimberi it is about getting them out of Bimberi as quickly as possible and, while they are there, having a significant focus on rehabilitation.

MR HANSON: Can I just clarify that? Is this going to occur or not? Is government saying it already exists or is the government saying that it is going to do it, or is someone else going to do it? It is not clear to me.

Mr Roy: That is up to government, really. The government's response would suggest they will be moving slightly away from the original intent of our recommendation. However, the government have also noted that they have established a youth justice task force which will be developing a blueprint for youth justice. We would certainly hope that we would see a clearly articulated vision in that blueprint.

THE CHAIR: Anything further, Mr Hanson?

MR HANSON: Not on that specific issue, no.

THE CHAIR: Dr Bourke?

DR BOURKE: Not at the moment, no.

MS HUNTER: I have a follow-on question around the development of the vision of the statement of purpose which comes out of your recommendations. That is the following recommendation, and it talks about the Community Services Directorate establishing a youth justice advisory panel to guide the development of the statement of purpose and to monitor the ongoing translation of this purpose into practice. What do you take from the response that has been provided by government to that recommendation?

Mr Roy: As I noted before, the government is establishing a youth justice implementation task force which, in the response to that particular recommendation, it says will be taking on the task of developing the blueprint and presumably the vision statement.

MS HUNTER: What I want to understand is this. There is this task force that has been set up. I am assuming that it is the same task force that has already been in place to look at the report that will be doing the implementation.

Mr Roy: Yes. I think it has got slightly more members now, but yes, basically the same. It is not the same as the youth justice—

MS HUNTER: Okay. I just want you to explain what is the difference between that and the youth justice advisory panel that you had in mind in that recommendation.

Mr Roy: We basically use the youth justice advisory panel, again on national and some international evidence, which suggests that if you have a panel or a group of people who are experts in youth justice, and you can call it whatever you want and debate whether it should be a panel, a group or whatever, who again represent a broad

range of stakeholders, including government representatives, community representatives, independent agency representatives, academics et cetera, and that group advises that—the way this recommendation would in theory work, the advisory panel would advise the Community Services Directorate on a range of issues, including dollar division, output measures, statement of performance et cetera.

MS HUNTER: So again it seems to come back to this expertise, particularly, say, more academic expertise, if you like, which, from my viewing of it, does not appear in the current task force. This was an issue we touched on during annual reports on Friday.

Mr Roy: We welcome the establishment of the task force and we are certainly familiar with most of the people on the task force, if not all of the people on the task force. Certainly they are well-respected individuals and have expertise in their own individual areas. But I would question whether the expertise, individually or collectively, is the expertise that we were envisaging when we made the recommendation about an advisory panel which would be, in a sense, specialists in terms of what is specifically required to achieve the most out of the youth justice system.

MR HANSON: I want to follow up on the task force. Do you know if that task force is ongoing or whether it is going to complete this blueprint and then expire—whether it is an ongoing task force to provide advice to the government?

Mr Roy: I do not know, but I would expect that, once it has developed the blueprint and presumably—my suspicion is that it is short term.

Dr Watchirs: My impression also was that it would be short term, which would also increase the practical-ness of the recommendation we have made that this committee be monitoring and have an implementation role once that body—

MR HANSON: Once that body goes, yes.

Dr Watchirs: We are concerned with some parts of the government response. They say they agree in principle, but in fact they have agreed to half the recommendation, not the full one or not at all.

MR HANSON: I notice that in a letter that you have written to the minister—Ms Hunter was a cc on that, as were others—you raise that particular point: that it seems that there has been either a breakdown in communication or a misinterpretation or whatever. The result is that the government are doing things with recommendations where they have said that they have agreed which are not what you envisaged was going to occur. You put some examples here, but have you received a response from the minister on this or what is the course of action? If they are going to say, “We have done what the Human Rights Commission said they wanted us to do and we have agreed to those recommendations,” what is your course of action if the government do not change their view or do not respond satisfactorily? What do you do next?

Mr Roy: What we are currently doing is putting together a recommendation-by-recommendation response to the government’s response, which means that we will be

looking at each recommendation and simply saying that the government has said it is going to do A, B or C and that is consistent with what we recommended, not consistent or heading in a different direction from what we intended et cetera. So we will be critiquing, I suppose, the government's response. We hope to have that available in the next week or so. That will be provided.

Dr Watchirs: We do not have any statutory power to do anything except report to—

MR HANSON: Report to the Assembly I suppose.

Dr Watchirs: And the public, and that was why we thought this committee would have a valuable non-partisan role in bridging the oversight agencies—not just us but the Public Advocate and—

MR HANSON: Sure. Are you going to have an auditing function as it moves forward as well to just say where they have agreed and it meets what you thought the intent would be, to make sure that action gets taken on a number of the recommendations?

Dr Watchirs: We do not have the resources.

Mr Roy: We do not have the resources. We would like to.

Dr Watchirs: We were given five people as resources and consultants to do this massive report. Like the Quamby report; we did that in a five-week period. We monitored to an extent but we just do not have the resources to cover both AMC and Bimberi with our small amount of resources.

MR HANSON: Whose role is it then to audit that the government has actually implemented the recommendations that it has agreed to? If you are not auditing it, who is?

Mr Roy: The report was provided to the Legislative Assembly, so I would think that individual members of the Assembly may have an interest in whether the government is implementing it. As Dr Watchirs said, we will also be keeping an eye on it as much as we can within the resources we have got. We have written to the minister seeking additional resources—one staff person to oversee or to monitor the implementation.

Dr Watchirs: Certainly our annual report would contain that information. How detailed that is depends on our resources.

DR BOURKE: The implementation of your recommendation 4.15, that we hold a public hearing every two years to assess the vision and outcomes of vulnerable young people in the youth justice system, would fulfil that role, would it not?

Mr Roy: If the government accepts that recommendation and the standing committee takes on that role, we would certainly play a significant part in ensuring that we are on track with whatever vision, performance measures, statement of purpose et cetera we have. I guess it would be up to the standing committee to determine whether its scope would cover whether the government has implemented all the recommendations.

DR BOURKE: Presumably in a public hearing people would be able to tell us whether they think the government has implemented recommendations or not, and the minister would come and tell us whether the recommendations had been implemented or not and then we would come to a conclusion.

Mr Roy: I agree. It is certainly feasible for the standing committee to take that role. As I said, it is not up to me to determine the role the standing committee takes in that. But, certainly, if the standing committee is to hold public hearings every two years, it would play a significant role in ensuring the government was on track in implementing its recommendations.

THE CHAIR: You made the point that you envisaged the advisory group as an ongoing thing that would feed into these other processes with expertise which a committee like this cannot.

Relating to that, one of the other recommendations at 4.16 talks about the oversight bodies such as the Public Advocate, the commission and the Official Visitor reporting annually to this committee and also to that strategic board. I want to get a bit more clarity on that. Does that recommendation propose that those oversight bodies would jointly report about the state of youth affairs and that that would be a formal reporting process?

Mr Roy: Yes. We envisage that we would all be able to report jointly. There may, of course, be times when we have a different view on a particular issue or one of us has an interest in a particular issue that the others do not. We—that is, the Public Advocate, the Official Visitor and the Human Rights Commission—have already established a process to meet regularly to talk about issues of concern. One of the issues we have identified through the report was that there are a number of oversight agencies—those three agencies in particular—that visit Bimberi. We acknowledge in the report that we can do better by coordinating discussion of issues of concern.

We have met three times so far since the release of this report and already in those meetings we are discovering that we are similarly aware of the same issues. We are thinking that, as we are all aware of that, perhaps we all need to do something about it, and one of the things we can do about it is to come back more. Obviously throughout the year we will do things about it in accordance with our statutory functions, but this recommendation is that on an annual basis we can come back to the standing committee and say: “We still remain concerned about X. We have exhausted all mechanisms that we can think of to try and resolve it, but it is still a problem.”

THE CHAIR: That would be a formal report or letter that would come to this committee and would update the issues? Is that how you see it working?

Mr Roy: To be honest, I am not sure whether we would go to that level of detail in terms of it being a written report or not. I think we could all appear and provide a unified picture of what we think is or is not working particularly well.

THE CHAIR: I am trying to get a sense of it in terms of what this committee does and what role it plays. There is also a recommendation about the two-yearly hearings, or whenever they were to be held. This would be an annual process. It would be a

hearing every year. How do you see that working—the annual reporting process as opposed to a two-yearly process? How do you see those two fitting together?

Mr Roy: That is a good question. In determining the recommendations we were in awe of how frequently we should report. We suggested that the oversight agencies report annually because two years is a long time to wait to fix something in the youth justice system which is affecting young people. Similarly, we recognise that holding a public hearing every year is quite a resource-intensive exercise. So we thought we would split the difference, in essence, and hold a public hearing every two years and we would have the opportunity to raise with the committee every—

Dr Watchirs: That would fit in with those bodies having to report annually in an annual reporting setting. It would not be such an impost to do that.

THE CHAIR: It could build into the annual report process?

Mr Roy: Yes.

THE CHAIR: Dr Bourke.

DR BOURKE: I am clear that fitting in with the annual reports process would work. Yes?

Mr Roy: Yes.

THE CHAIR: I think it was just one of the suggestions. Did you have a question on that?

DR BOURKE: No.

Mr Roy: There are a number of ways to do it. We are certainly happy to talk more about those ways. As I said in response to previous questions, it is really about having an accountability mechanism which is accessible and which is kept up to date about how we—when I say “we” I mean the community, the stakeholders, the government and the Assembly—are performing with respect to a vision which ideally has been set and which sets a long-term goal. What are we doing for these kids? If we have a vision and it is a clear vision and we all agree on what we are doing and we like the vision, then these recommendations are about putting in place accountability measures where you can come back regularly and say: “Great vision. Love it. How are we going? Are we on track?” “Yes, we are,” or, “No, we are dropping a bit here.”

Dr Watchirs: Some of the recommendations are highly ambitious, like a justice reinvestment strategy. It takes a decade to generate change. That does not mean it is not worth while. It just means it has to be kept on track. We will hold a forum next week. We have offered to co-chair with the Indigenous bodies about how we could progress that.

THE CHAIR: There are examples of justice reinvestment happening elsewhere, are there not?

Dr Watchirs: Yes, in the UK and the US.

THE CHAIR: Ms Hunter.

MS HUNTER: You were just talking about the annual process being linked into the annual reports and you could report on that. That was one of the options being suggested. Do you have the resources to be able to do that? We have to explore that to make sure it is an option that could be carried out.

Mr Roy: We are certainly struggling from a resource perspective at the moment, as was outlined in our annual report. Complaints across the commission continue to rise, which impacts on our capacity to undertake other functions. Additional resources would certainly make it easier.

Dr Watchirs: I think it would be the depth of our reporting. With current resources, it would probably be two pages in the annual report. If it was something bigger than that it may be a separate publication attached to the annual report or a summary of it in the annual report.

MS HUNTER: Do you envisage that this forum that you are holding next week will be a regular thing and will be part of collecting that information that could be put into the annual report? Is there some link there?

Mr Roy: Yes. One of the recommendations we make about ourselves in the report is that we hold an annual forum on youth justice. Again that is following the principle of engaging with as many stakeholders as possible. Throughout the review process and since the release of the report a number of stakeholders have been in contact with us, saying: “What are we doing? How do we play into the ongoing implementation of the report? How do we talk to the task force? How do we get into the development of the blueprint?” They are good questions.

One of the focuses of the forum we will be holding in November is to invite key stakeholders to talk around the table, talk about the report, the response, the task force and the blueprint and try to get as much input into the process as possible. Whether the annual forum will have the same agenda I guess time will tell.

Dr Watchirs: It will be decided by the participants, I think. Being the first one, we are going to want people’s responses, what they think is useful. Maybe if there is something that will have a focus it may change over time.

THE CHAIR: That might even be something that could be built into that reporting process. If you are getting all those stakeholders involved they might say, “This is what we are seeing in the system.”

Mr Roy: Absolutely. We could do a number of things, I suppose, with the forum. We could write it up and make it a public document. We could include it in the annual report. We could send it to the standing committee or to members of the Assembly.

MR HANSON: Have you spoken on that recommendation 4.16 to the Public Advocate and the Official Visitor to seek their views?

Mr Roy: Yes.

MR HANSON: It seems that at the moment we have got a few ideas about how that information might be provided. Are you expecting the committee to write to you to say that this is how we want it to occur—that we would like to see it in the annual report or we would like you to appear once a year? I want to make sure that we do not have the Public Advocate doing one thing and the Human Rights Commission doing another. How are we going to consolidate this now? We will probably need to go away and have a bit of a discussion about how we see it occurring. I am just trying to see what the process is. Are you expecting us to write to you as the committee to say that we would like to see this in your annual report or we would like you to provide us with a written submission annually? Are you now waiting on us to respond to you?

Dr Watchirs: I think we anticipated that the mechanism was that the government wrote to this committee and we were expecting the committee's response to that to guide us. The actual mechanics we can sort out in the oversight agencies meeting that we have two-monthly—the three of them.

Mr Roy: I am more than happy to discuss that.

Dr Watchirs: It may not be that we have a unified report. It may be all agencies put together—their input in a consolidated way.

MR HANSON: It is just that expectation management so that we know what you want and you understand what we want and we are not at cross-purposes.

Mr Roy: Would it assist if we spoke to the other oversight agencies and got a view from them as to whether they envisage there is to be a written report.

THE CHAIR: We can discuss it as a committee, but that feedback has been useful in terms of how you see that reporting process happening. I guess it is then up to the committee to determine how it wants to progress some of these recommendations. It is up to the committee's discretion really. We do not have to have the government directing us one way or the other with these. The committee can probably work out how we progress it.

MR HANSON: If we can form a view and then say, "This is how we want it delivered," it makes it easier for all of you to say, "That seems to be okay." And we have got your view now to establish that that is the way you want it done and these are the parameters. That gives us enough to go on.

Mr Roy: Some of the thinking behind that particular recommendation, and I may have already said this and I apologise if I have, is that the Public Advocate, the Official Visitor and the Human Rights Commission each have different but similar statutory functions and they all have similar but different roles in overseeing services to children and young people, including children and young people in Bimberi. Throughout the review each of those oversight agencies expressed concern that we had raised issues of concern through our respective mechanisms; sometimes that was effective and sometimes it was not as effective as we had hoped. By having those

agencies report back to a bipartisan group of people it draws a different focus on what may happen.

MS HUNTER: We spoke earlier around your recommendation of a youth justice panel and having people with expertise in this process—people with expertise in youth justice. Considering the government’s response to your report, do you see that there are other groups that have been left out of some ongoing role providing input, monitoring or implementation? In your report you talk about the importance of a whole-of-community approach. You talk about families; you talk about community organisations and so forth. Have you seen that there are any other gaps?

Mr Roy: The task force itself is heavily weighted towards government representatives, which to some extent is probably somewhat predictable, to the government report. Having said that, it does have some representatives from the community and other stakeholders on it.

MS HUNTER: But it does have a majority of public servants?

Mr Roy: Yes. In terms of engaging with the broad range of stakeholders we talked about in the report, it is really up to the task force to determine whom it speaks to. We are unclear—and that is contained in the letter we sent to the minister a while ago—exactly how the task force intends to speak to the people we think it should be speaking to, and that includes some of the people you mentioned. You mentioned the families of young people and young people themselves, the community sector stakeholders et cetera.

We have encouraged the task force to consult as broadly as possible. We understand that the blueprint is to be prepared by sometime early next year. It is a significant document. If you look through the government’s response—

MS HUNTER: It seems to be a very short time frame.

Mr Roy: Again, it is up to the government, really. If you look through the government’s response, there are a significant number of recommendations and it is reported that they will be dealt with through the development of the blueprint or through some other internal processes. If that is to be the case, that will be wonderful, but it will mean that the blueprint is going to have to be very detailed. There are dozens and dozens of recommendations. The government’s response says: “This will be the blueprint. This will be the blueprint. This will be the blueprint.” That is great, and I hope it is in the blueprint, but for it to be effectively and meaningfully in the blueprint they are going to have to do a lot of work and they are going to have to talk to a lot of people.

THE CHAIR: You said earlier that you had a different idea about the expertise that would have been involved in the advisory group that you envisaged. What differences did you see between what the government had done and what your idea was about how it should progress?

Mr Roy: We went to great lengths to research national and international best practice and evidence-based practice in developing our recommendations, which is partly the

reason why the book is so thick. Every time we say something like, “We thought this was a good idea,” it is based on best practice evidence. In doing so, there are a range of individuals locally and nationally who are expert in youth justice. There is a wealth of information out there in terms of what works and what does not work.

We are trying to get the people who are aware of that information around the table at the same time so that if we are doing something, that something is based on best practice and is evidence based, rather than being just the whim of a group of people in the room. I am not in any way suggesting that the task force is just going to sit around and make stuff up. This is complicated stuff. This is about providing services for such complex young people in an effective way. There are screeds of literature out there about it.

THE CHAIR: Have you had any indication from the government relating to the task force that they are going to be engaging any of that expertise in developing the blueprint?

Mr Roy: I am not aware of it, no.

THE CHAIR: As there are no further questions, thank you very much for coming. We very much appreciate your assisting us. As I said, it is about us as a committee now working out how we will progress this. It has been extremely helpful having you come in today, so thank you very much for doing that. As always, a transcript of the hearing will be sent to you so you can check it for accuracy.

The committee adjourned at 12.41 pm.