

**LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

**STANDING COMMITTEE ON COMMUNITY SERVICES AND
SOCIAL EQUITY**

**(Reference: the effectiveness of support services for families of people in custody
from the ACT)**

Members:

**MR J HARGREAVES (The Chair)
MS R DUNDAS (The Deputy Chair)
MR G CORNWELL
MRS H CROSS**

TRANSCRIPT OF EVIDENCE

CANBERRA

THURSDAY, 30 OCTOBER 2003

**Secretary to the committee:
Ms J Carmody (Ph: 6205 0129)**

By authority of the Legislative Assembly for the Australian Capital Territory

Submissions, answers to questions on notice and other documents relevant to this inquiry which have been authorised for publication by the committee may be obtained from the committee office of the Legislative Assembly (Ph: 6205 0127).

The committee met at 2.19 pm.

BILL WOOD,

HELEN FLETCHER,

ROSLYN HAYES,

MAUREEN SHEEHAN and

SARAH KING

were called.

THE CHAIR: Minister, I thank you and your officers for coming along to these public hearings. As you know, this inquiry is into support services for the families of people in custody and services which are or are not provided to young people post-release from Quamby; it is a bit of both.

I am obliged to read this card to you. You should understand that these hearings are legal proceedings of the Legislative Assembly, protected by parliamentary privilege. That gives you certain protections, but also certain responsibilities. It means that you are protected from certain legal action, such as being sued for defamation for what you say at this public hearing. It also means that you have a responsibility to tell the committee the truth. Giving false or misleading evidence will be treated by the Assembly as a serious matter.

Before you begin to give evidence, please identify yourself for the *Hansard* record. Minister, would you like to make an opening statement or go straight into it?

Mr Wood: No, I don't have an opening statement. We'll cut to the immediate issue.

THE CHAIR: Thank you very much for giving us the time. We have heard from quite a few people in the course of this inquiry in terms of the significant issues facing them. Of course, housing is one which rears its head every time these days. It seems to be the most significant one. We are interested to know what happens to public housing tenants in the various guises when one of them is incarcerated. For example, if the leaseholder is incarcerated, what provisions do we make for the family? If the leaseholder is the major income earner in the family and all of a sudden there is no income, we understand that the rent goes down to \$20 a week, but we would like to know what happens if they can't afford the \$20 a week. While we're at it, what arrangements do you have in terms of public housing for young people without a family when they come out of Quamby? We will kick off with that and see where it leads us.

Mr Wood: There is a range of provisions there. I suppose that, in general, the rules apply. The rules for rent, of course, are based on income and, if the breadwinner goes into prison, it's nevertheless the family income that is the assessment. The family income might be much affected and therefore the rent would be much affected. I'll ask Helen Fletcher to give some details there.

Ms Fletcher: My name is Helen Fletcher. I am Director of Housing ACT. As you would imagine, much of this depends on the nature of the household composition. Where you have co-tenants or two independent adults living in a property, when one of those is incarcerated then basically the remaining household income is taken into account in calculating a rebate because generally there is some residual income. In a situation where there is only one independent adult and there is no income, then the rebated rent drops to the minimum payment under the public rental housing assistance program and goes to \$20 a week. In terms of the Housing ACT response to people who have no income and are going to be incarcerated for some time, it quite often depends on the period of incarceration. Quite often where it is for reasonably short-term periods, six months or so, we tend to negotiate with the client.

Occasionally, they can put arrangements in place to maintain their rental arrangements. Some of them, in fact, prefer to give up their properties, but we negotiate with them and work through those issues. There are occasions where people have functionally not been able to support their requirement but, as with any other tenancy, any decision by Housing ACT to terminate a tenancy appears before the Residential Tenancies Tribunal for a decision.

MS DUNDAS: I have a quick question on that point. In the submission you have noted the situation where a sole income parent goes into custody. The rent drops to the minimum of \$20, but children can't stay in the property without the adult.

Ms Fletcher: Absolutely.

MS DUNDAS: They might still have a property, but what happens to the children?

Ms Fletcher: As with other cases where there is concern about the safety of children, we contact Family Services for intervention. Regardless of whether the property is still available to them, there would be an issue with children, young children particularly, being unsupervised in any property, so it becomes a matter for Family Services.

MS DUNDAS: But it could be that the property remains vacant for the term of the person's incarceration.

Ms Fletcher: There have been occasions where that has been the case.

Mr Wood: There is still the famous case of a well-known person whose property is still in his name.

Ms Fletcher: Indeed.

MR CORNWELL: I was going to raise that. We are talking about Mr Eastman, aren't we?

Mr Wood: Yes.

MR CORNWELL: So he is still paying rent.

Ms Fletcher: Yes.

Mr Wood: The courts have determined that, I understand.

Ms Fletcher: Housing ACT is still working with the Supreme Court to get the matter relisted.

MR CORNWELL: If he continues to pay the rent, he stays there.

Ms Fletcher: The situation was that Housing ACT issued a 26-week, no-cause termination and, as you can imagine, Mr Eastman submitted an appeal against that decision after the Residential Tenancies Tribunal gave us a warrant of repossession. It appeared before the master of the court, as I understand it, and the master at the time believed there wasn't a case, so we're now working on it. That has been sitting for some time.

MR CORNWELL: This is relevant, Mr Chairman, because you mentioned up to six months, but if people were in for longer than that what would you do with their families?

Ms Fletcher: Generally, if there are families in place, if there is another adult, and for Housing ACT's purposes an adult who can sign on to a tenancy agreement is anyone who is 16 or older, we need to look at it in terms of eligibility, as you can imagine. A relatively recent change to the program allows Housing ACT to undertake out-of-turn allocations in extraordinary circumstances. In this sort of circumstance where it is very clear that there is a need for the family to stay in place and it is appropriate and we can get a person who can take over that tenancy, we can certainly go down the path of re-signing them for that property so that the rest of the family can maintain their home.

THE CHAIR: In terms of people who are on the waiting list here but commit a crime in another jurisdiction and find themselves incarcerated there, I noticed on page 8 of your submission that there is a discretionary rule about having people's waiting time suspended. Firstly, why would it need to be suspended? Secondly, what are the rules around that discretionary rule?

Ms Fletcher: For people in these circumstances, the major reason for suspension would be that they've reached the top of the applicant list and are due for an allocation. If we didn't have the capacity to suspend, we'd make them two offers and, clearly, they wouldn't be able to accept them under the circumstances they find themselves, whereupon they'd be removed from the list and therefore would lose their place and would have to reapply. This is a way where, due to a range of circumstances, people who very clearly can't accept offers that may come from Housing ACT don't lose their place on the list but can have any offers of property deferred until they're in a position to accept them.

THE CHAIR: Have you had occasions of that sort of thing happening?

Ms Fletcher: I can't recall too many circumstances of people exiting incarceration in that case, but there certainly have been cases of people with a range of other circumstances where it has occurred.

THE CHAIR: I was wondering what liaison relationships would exist between, say, Corrective Services and yourselves over notification that someone is coming out and will be needing to take up their offer.

Ms Fletcher: Generally, it's a negotiation in the first instance between the parole officer and the client and, as you can imagine, with the requirements of the privacy legislation we can only liaise with Corrections with the client's consent, but where there are requirements to do so and we have the client's consent there is really extremely close consultation in terms of the date of release. There is the capacity under our current policies for people to be placed on the applicant list even though they're not resident in the ACT for any reason, which deals specifically with people who are incarcerated interstate. Indeed, where we've got clients with a range of special needs who are exiting the justice system, we work closely with the parole officer in terms of making sure that the accommodation will meet the requirements of both the client and the parole officers and the corrective services system.

THE CHAIR: Just going back a bit to that minimum rent of \$20 a week. It occurred to us that what can happen is that in some cases families can go into financial crisis when the breadwinner is taken away. Over time that crisis is at least fixed up so that they can survive, if nothing else, but there is quite often a period where there is absolutely no income other than emergency income out of Centrelink of a couple of hundred dollars, if my memory serves me correctly. Immediately they can't come up with the \$20, do you refer it to the rental tribunal or do you just say that you will cop it for a couple of weeks and see what happens?

Ms Fletcher: Housing ACT certainly doesn't leap immediately into the tribunal on the basis that someone hasn't paid their rent for a period. Housing ACT wouldn't start a process on the basis of someone owing \$20 or \$40; it would take a little more than that. Our standard process is about negotiating directly with the client. If we're having difficulty with that, we have housing manager specialists who have community sector and social work backgrounds to deal with it and they have some flexibility in working through those issues, so there is always the capacity for Housing not to proceed where there is a clear plan to remedy the situation over time.

THE CHAIR: When a person is taken into custody—they can be in custody for a long time before they are actually found guilty and sentenced—how does Housing find out about that? Does the partner of the person all of a sudden go into crisis and contact you or do the courts let you know?

Ms Fletcher: It depends. As you can imagine, for many families contacting Housing ACT is not the first thing on their list of priorities. Generally, it will take some time if it's part of a household, in which case they will contact us because clearly their rebated rent is based on an income that may not still be in place, so they will get in contact with us to advise us of the change of household composition. Obviously, where there is major press about someone being taken into custody that we are aware of being our client, we will get in contact with them and start working through the issues.

THE CHAIR: One of the things that seem to be coming out of the inquiry is that when a person is carted off either to the watch-house or to remand before appearing, the families find themselves out on a limb. They don't know what is going on and no-one

tells them what is going on. It seems as though there is a bit of a need for a showbag of services to be handed out to someone who is in very strong likelihood of having themselves affected for a long time. I'm just wondering whether you think that's a reasonable idea and whether you would be interested in being part of that package.

Mr Wood: I think it sounds sensible. There are various publications around the place. I haven't seen one like that. Yes, we'd certainly participate in that.

MS DUNDAS: Mr Hargreaves asked a question earlier about what happens to people of, say, 16, 17 or 18 who leave Quamby and might have been living in public housing, but are not in what you would call a family relationship in any way. They might have been in public housing as an individual at 16 or 17 before they got arrested. What happens to them when they exit? Is public housing available for them in the same way as you have programs for adults?

Ms Fletcher: It's not so much a separate program for people exiting, but there are provisions for people exiting the corrections systems, and that would include people exiting Quamby. I can't think of a recent case where Housing has been called on to respond directly to someone exiting Quamby. Most of the people that I'm aware of who have been exiting Quamby are generally returning to their family home rather than entering into their own tenancy, but certainly the same situation would apply. We would work closely with their case manager in terms of ensuring a correct location and correct type of accommodation. Again, with the new flexibility in the program about being able to make out-of-turn allocations where there is a presenting issue, in which case it would be clear that Housing should respond differently from putting someone on an early allocation list and waiting for them to get to the top of the list. There would be the capacity to respond appropriately in those circumstances.

THE CHAIR: Are you involved at all in exit planning as a standard part of the process?

Ms Fletcher: Not as a standard part of the process. If there are specific housing issues, Corrections will contact us and, for some clients who have some very specific needs, we have been involved very closely with those people, but it's not necessarily a standard issue; it's something that is activated by Corrections.

THE CHAIR: And your involvement, I presume from that, would be fairly close at the time of release rather than in a fairly reasonable lead time.

Ms Fletcher: Quite often it's a couple of months beforehand. Certainly, we've had people being released who were identified and considered to be still active paedophiles and, because of the very specific concerns for the broader community safety, Corrections contact us early in the piece because they appreciate that finding a property that would meet both that person's and the community's needs would present some challenges. So there's quite a bit of flexibility in terms of timing.

MS DUNDAS: On the young person issue, we've heard of young people going into Quamby when they were originally in public housing and lose that public housing place. You say that if a family is in a residence they will contact you because of situation changes or you might pick it up from the media, but every young person who goes

through to Quamby doesn't get their story reported, so are you just sending arrears notices to an empty house? Where does the flag fall?

Ms Fletcher: As I say, I'm not aware of a case where we've had a situation where we've had a person going into Quamby that has had a single tenancy, so I'm working on my expectation of how the process would run. Generally, if someone was going into Quamby and had been in receipt of a living away from home youth allowance, then the very first trigger would be the fact that their rent payments would cease, so we'd start the process in terms of trying to contact that person by ringing them, trying to phone them, turning up on their door, just to see where they are. Quite often we get information from neighbours, who are generally quite forthcoming about their views as to where that tenant may be.

THE CHAIR: I have a question about a community services matter and I am not sure whether it is for Family Services or your department. I'm curious about the access by kids in Quamby with a disability and that sort of thing to therapeutic support. We'll go down that road with the Quamby people. Is there any sort of provision for respite care for the carers of those people? There are a number of kids in Quamby who have disabilities, including intellectual disabilities.

Ms Fletcher: I'm not sure I quite understand. If the child is in Quamby, what is the respite-care requirement?

THE CHAIR: Quite frequently the families will freak out as much as the person in there. We've had evidence that the families themselves are not supported all that well, even though they've got a young person in Quamby, so we're pursuing that.

Ms Fletcher: Do you mean respite in the sense of general provision as opposed to respite care to that person?

THE CHAIR: Yes. It's not really a Housing issue.

Ms Fletcher: No, it's more for Disability ACT. I'll hand over.

Ms Hayes: My name is Roslyn Hayes. I am Director of Disability ACT. Respite is the term that we use specifically around a break for a carer from their caring responsibility. If the young person is in Quamby, then automatically they're having respite from their normal caring responsibility. I think your question is more around the other support that is provided to the family; is that right?

THE CHAIR: There is a bit of that and you might like to go down that track, too, but the evidence that has come to me and the committee generally is that the absence of the person with a disability is not actually welcomed by the family with joy. They are not saying "You beauty, we've got a break now. It saves us going to the coast." If anything, it is more likely to freak them out and the only real difference is that the person is not in their home having to be physically cared for. They're still in difficulty themselves. We wonder whether they would benefit from some sort of break even though the young person is not in their own home. Does that make sense to you?

Mr Wood: Avoiding the shoving from one area to another that sometimes goes on, I somehow think that the requirements built into our agreements on respite would make that a bit difficult. I would think that there would be other services within government—other counselling services, other assistance services—and certainly within the non-government organisations that might step in there.

MRS CROSS: A few years ago there was talk of ACT Housing working with Justice, Youth Services and Disability Services to have one single case worker following one person through the whole system. The case worker would be the contact person for the family and the incarcerated person and the relationship was to continue for a year after release to help those individuals and families re-establish themselves in the community. Has this happened? If it has, to what extent? Are there any other plans?

Mr Wood: I'm not aware that it has happened within ACT Housing. The way your question was worded suggested that there—

MRS CROSS: There was talk.

Mr Wood: And that ACT Housing was the lead agent in that. I'm not sure whether it was.

MRS CROSS: Whether it was the lead agent or whether there were three bodies that were talking together. One of the things that have come before us as a committee—in fact, I have seen it happen on my other committee as well—is that there is often a breakdown in communication or no communication between departments. One department will have information about somebody that could be useful to another and it's like we're treating the one person as two isolated people, whereas if there was a better exchange of information and we could follow one person's case as a unit we would probably achieve better outcomes not only for the community but also for that person. That was something that was discussed.

Ms Fletcher: That has not progressed. Certainly, one of the issues that any government department grapples with in trying to develop a much stronger joined up service model such as you describe is the issue of privacy. While various departments may believe that they'd like to be able to exchange information for the best possible reasons in terms of supporting that person and the community more broadly, the current privacy legislation actually precludes us from doing so without the consent of the client. To an extent, it would be difficult for Disability, Housing and Community Services and Housing ACT to be a lead agency in that inasmuch as they would not be in a position to know about people entering and exiting the corrections system. Some of those discussions are still being had on an ad hoc basis but there hasn't been a model developed that would allow us to respond in that safety net way in every case.

MRS CROSS: I have grave concerns in this area. From listening to the witnesses—not only the victims of situations but also people from departments who have come to us and given evidence—I have grave concerns that this issue still hasn't been resolved. I understand the privacy issue, but surely there must be some coding we could use to get around the use of a name to assist us in having an holistic approach in the way we handle each case.

Ms Fletcher: Certainly, from the discussions with the Privacy Commissioner, it's not necessarily about the use of a name; it's about any information that would identify an individual. Indeed, I was having a meeting just this morning with some staff, inasmuch as we're writing to the Privacy Commissioner to again explore the boundaries in that sense because, as you could imagine, for anyone in the human services field this is a significant frustration. But the safest route for a government agency at this stage is to come up with a more robust mechanism to encourage the client to give authority for us to be able to exchange information between government agencies. Indeed, previous advice I understand we received from the Privacy Commissioner was that homelessness and impending homelessness did not represent sufficient risk to that person or the broader community for us to be able to operate with the exemptions that are available under the privacy legislation.

Mr Wood: This issue of coordination of service remains a critical one. In the 14 years or so I've been here, I've sat on a number of committees looking specifically at that. I think considerable progress has been made in a whole number of areas, but it appears that in the case that you've raised it hasn't been progressed particularly. I'm still thinking of your question and working out what other agency we might contact. Obviously, the justice area in order to see if progress can be made to pick up—

MRS CROSS: Minister, if the interests of the child are paramount when we're assessing a young child, surely we have to have some sort of rule or law that says that the interests of the child are paramount enough not to protect the privacy of a perpetrator of a crime. Where is the sense in this?

Ms Sheehan: My name is Maureen Sheehan. I am director of community development. Although this is outside the strict responsibility of our department, the Department of Education, Youth and Family Services has been developing a very innovative model called the turnaround program. I'm sure that members of the committee would be aware that that program is focusing on about 30 of the most complex cases of young people between the ages of 12 and 18 in the ACT. The model that has been developed by that department is to consolidate services for those extremely complex cases with young people. The focus there is not the housing issue per se, but it's all of the support services that need to go into looking after those young persons.

MRS CROSS: How do you get around the privacy issue there?

Ms Sheehan: That is a matter that you would need to ask that particular department.

THE CHAIR: I might talk to them. When we talk about privacy we have the issue of the privacy of other parties, but in terms of the incarcerated person, having regard to the difficulty with those under 18 as well, it just strikes me that perhaps we are sitting back waiting for someone to give us the okay to obtain information. Could we not be more proactive and actively seek it earlier in the process?

Mr Wood: In the circumstance just raised, absolutely. I think they are questions you should ask every agency and, in considerable measure, Housing and our other groups in Disability, Housing and Community Services, in respect of the justice system, rely on advice coming to us.

MRS CROSS: But you can take the lead as a minister, though. You're the most senior minister in this building.

Mr Wood: Yes, sure.

THE CHAIR: I think that the object of this inquiry is to come up with some suggestions, perhaps, on a coordinated function and nominating lead agencies is part of that. For example, we know that when it comes to incarcerated adults we're dealing with the families of those people and the lead agency technically ought to be Corrections. When it comes to young people, on the other hand, it's Youth and Family Services rather than the department of education.

Mr Wood: And they've been very cooperative with us on a whole number of very specific cases. This isn't a system operating that automatically exists in the system, but persistently as we look at issues we can coopt the assistance of other agencies.

MRS CROSS: Minister, given that you are the most knowledgeable and experienced minister in these areas in this Assembly and you've been here 14 years, as you said—

Mr Wood: No, wait a minute, I'm one minister amongst five and I'm not going to get my colleagues offended by saying I'm the most knowledgeable and experienced.

MRS CROSS: If they're offended, the intention was not to offend. I'm talking more about your expertise and your knowledge in this place. Would you be happy to take the lead in getting this matter resolved, given that it has gone on for such a long time?

Mr Wood: No, my approach would be to talk with colleagues and see what the way to proceed would be. That's the approach I would take.

MRS CROSS: Would you be willing to do that soon?

Mr Wood: Your committee will come down with—

THE CHAIR: I intervene for a second to suggest that it would be more appropriate to wait for the result of the inquiry.

Mr Wood: That's just what I was going to say. Your committee will make a report. One of our ministers will respond to that and that will be a coordinated response. The primary ministry would be Corrections, I expect, but in that response typically agencies collaborate, and that, I think, is the way it will go. So we look for your recommendation.

MS DUNDAS: I want to change the topic just a little bit. You've given us a whole-of-government submission in which I'm sure you would have participated. It lists a whole range of services that are provided to support families which have a member in custody, yet the evidence we've heard is that this information is incredibly hard to find. Some people who have had people remanded don't even know that it exists and they've been operating in very much a vacuum or a black hole, but we've received from you a very extensive list of services the ACT government provides. From your point of view, as someone who looks after a range of high-needs clients who are always trying to access

information, how do you think that this information about what it is you offer is actually getting out and how can we improve it so that people who are having to deal with quite difficult circumstances know what it is the departments are offering?

Mr Wood: It's the case that the group we're talking about are not as knowledgeable or aware of what's available around the place. I would think that a large part of the Canberra community is instantly able to seek out the information it wants, but not the people that we're talking about here today. In respect of ACT Housing, we have shopfronts, and all of our clients well know that avenue. So we can provide housing information—

MS DUNDAS: So the shopfront would have the information.

Mr Wood: I know you're taking it beyond this. We can provide housing information. We have specialist housing managers—in fact, that program began under the former government. In some circumstances where these people are involved, and it would only be some, those managers have the job of linking into other services. On providing information broadly, you go around. I was in an agency the other day and there were 100 little information brochures up on the wall. So the information is there. You ask how to get to them. We promote very heavily, and let me give credit again. This program began before we were in government. We promote very heavily for information seeking Canberra Connect. The information is there. You want to know how to get it into people's hands. I can think of nothing better than someone over at Quamby saying, "Ring that number." I don't know whether they get that information, but that's an excellent starting point.

MS DUNDAS: If somebody rocks up to an ACT Housing shopfront and says that one of their family members has been incarcerated, what would the response be?

Mr Wood: You would need another question besides that. They would say, "I'm sorry to hear that." What's the next question?

MS DUNDAS: "We're going to have problems making the rent and we're not sure what to do. We're in crisis." If that's an avenue that they are familiar with for dealing with issues, if they rock up to a ACT Housing shopfront, how would you—

Ms Fletcher: You need to bear in mind that three of the four Housing ACT shopfronts are co-located with Canberra Connect and the other one, which is the shopfront in Woden, is across the walkway. There was a physical logistics problem and the Housing ACT shopfront is, in fact, in the health building, just across the walkway at Woden. Obviously, Housing ACT would work through issues in relation to any tenancy or application for assistance issues they had, arrange an appointment with their housing manager, if they're an existing tenant, undertake a referral to a housing manager specialist, if that would help. Again, Housing staff are quite well skilled in referral through community organisations. In terms of referral for other government programs, they would refer them to Canberra Connect for more detailed information and a much more assured referral process within the government sector.

Mr Wood: There is also Prisoners Aid, which gets funding from the ACT government, and my office. I often see messages coming through from Prisoners Aid, and that would be relating to housing.

THE CHAIR: We understand from Prisoners Aid that the funding that they receive is directly related to incarcerated persons and that, in fact, they are not funded for supplying support for the families of people who are incarcerated.

Mr Wood: That is a funding issue. It doesn't stop them ringing in. I can't think of specific times they might have rung in on the cases you raised, but I'm well aware that they're out there asking questions.

THE CHAIR: They are actually saying to us that they are doing it, as are people at VOCAL, but neither is getting specific funding for this support. I would like to go back to something which leads from something Ms Dundas just said.

Mr Wood: Can I just say that I think Sarah King will indicate that Prisoners Aid are funded for families.

Ms King: My name is Sarah King. I am senior manager of community services. Yes, the contract does actually reflect that they provide support to families whilst they have members incarcerated.

THE CHAIR: Ms King, when you talk about the money provided to Prisoners Aid, is it a block amount and they can do a range of things or are they funded for specific things?

Ms King: We fund the organisation in two ways. One is to the Prisoners Aid organisation directly for approximately \$50,000; so, yes, it's not a large amount of money, but the contracts would indicate that they're allowed to undertake a number of functions. Yes, they would prioritise, but amongst the things that are included in that contract is the support to families of a member in prison.

MRS CROSS: Mr Chair, can I ask where the \$50,000 went to, because I didn't get that? Where does the \$50,000 go?

Ms King: To Prisoners Aid. An additional \$16,000 is provided for court assistance, and that would be for the person who will be incarcerated, but also family members who are waiting—

MRS CROSS: Can you give us some specific examples of how that \$50,000 is used?

THE CHAIR: Ms King has just said that it is a block amount for a range of activities at the priority determination of Prisoners Aid. Would it be possible for the committee to look at that contract?

Ms King: Absolutely.

THE CHAIR: That would be really helpful. Going back to the other question, we are aware, as you've just described it and its in the submission, of what happens when people are in public housing and their families have disintegrated because of blah, blah,

blah. But if a person is in private housing, the private landlords are considerably less sensitive to the needs of their clients than ACT Housing.

Mr Wood: I like to hear that. I don't always hear that, but yes, thank you.

THE CHAIR: Indeed, they are quite swift in saying to people who don't pay their rent, "See you later." If that happens to a family of a person sent to jail and that family turns up at Housing, do they get any specific priority in getting an allocation?

Ms Fletcher: As a family who are facing homelessness or impending homelessness, they would qualify for early allocation one provided their financial circumstances and other eligibility also meet our eligibility requirements. There is some flexibility for the commissioner to exercise discretion. The only one that the commissioner can't exercise discretion is the requirement for the tenant to be over 16. So, in the same way as any other homeless family will be dealt with, they would, on the face of it, be eligible for early allocation one, which is the highest allocation category.

THE CHAIR: In terms of the disability segment of the department, are there protocols in place between Youth Justice and Disability to look after the kids in there with a disability? Where I'm heading in my thinking is that, in the prerelease exit planning, the return to the community of a person who is just a recalcitrant little car thief is fairly easily arranged, I would hope, but I imagine that it would be considerably more difficult if you've got a person with a disability. What sorts of official protocols exist to make sure that the liaison exists between your series of services and Youth Justice to make sure that the person is facilitated out?

Ms Hayes: We don't have specific written protocols between us and Youth Justice about that, but we do work collaboratively together where there are people who require the assistance of both departments. In that instance where they are young people, almost always Family Services are involved as well. So the number of cases is really quite small where they would also be eligible for disability services because the eligibility for disability services is actually for people with severe and profound disabilities, so we're not talking about people with mild intellectual disability. We are talking of people with more high and complex needs. The number of those people who are actually in the criminal justice system is really quite small and we deal with those on a case-by-case basis and we do the preplanning with both Family Services and Youth Justice. We do coordinate the case management of who's going to be the primary case manager for what period and when the change will be.

MS DUNDAS: Can I turn the question around? Does the support continue or is it stepped up if there is a family where there is somebody with profound disabilities but their family carer is incarcerated, so they're not going to jail but maybe one of their parents or somebody who's involved in their care does get incarcerated? How does Disability support them? Does it increase? Is there a reallocation? How is it managed?

Ms Hayes: The support in that instance would probably come through Therapy ACT, through the social work service, which used to be part of Disability ACT, but now that we have an integrated therapy service is part of that service. The family support would most likely go through that avenue. If the family needed increased respite, then that would come through Disability ACT.

THE CHAIR: I think that's about it, being conscious of the time. I thank you very much for sparing the time to talk to us.

Mr Wood: Thank you.

KATY GALLAGHER,

FRANK DUGGAN,

BARBARA BAIKIE and

CHARLIE SHORE

were called.

THE CHAIR: We will recommence the public hearing into support services for families of people incarcerated and for young people leaving Quamby. We were remarking earlier on about the exit plan of two young people from Quamby. It was an excellent exit plan and I congratulate you on their re-entering the program.

Ms Gallagher: They were involved in putting that together, I'm told.

Mr Duggan: We were able to tell the police where they were so our planning was very good.

THE CHAIR: One of things, though, that I just want to point out to you is that there seems to be a bit of a pattern for the families of people who are incarcerated, whether they be a young person out of Quamby or whether it's an adult who has been taken to Belconnen Remand Centre and onwards, that when, basically, the police cart them off and they're going to be away for a while, there doesn't seem to be a coordinated show bag of services which are provided to the people who are left behind to say that if you go into crisis this is where you can head.

For example, if it's the major breadwinner and the money just dries up, where do they go to? What are the rules about visiting people in Quamby and the remand centre? We recognise that people are in Quamby in particular for two reasons. One is on remand to appear and the other one is remand for sentence or to do their sentence. So, in fact, once it is determined that a person is going to be in Quamby for a while, we have no doubt that people who ask will get the rules about visiting. But, of course, when a person is taken away and then sent to Quamby on remand, the family does not necessarily receive at the court, for example, or from the police or anyone else, a coordinated approach.

So I guess there are two things which the committee is grappling with. How can that best be provided? Who would be a lead agency? Would it be Corrections, Juvenile Justice, whatever? And so, we grapple a bit with that.

But coming back specifically to Quamby—we thank you for your submissions—we were concerned about the psychology services. Can you tell us a little bit about that. From what I understand from the submission, a full-time psychologist is provided if time permits, I think are the words used. But, there is a full-time funded position, is there? If it isn't filled, what is the hassle?

Mr Duggan: We filled it on two occasions, but unfortunately what's happened is that the incumbents have stayed for a number of months but it's a fairly isolated position. In discussions with Mental Health, what we have decided to do is now regrade the position

and put it out as a generalist counsellor. Because one of the things we are seeing is that that sort of young person who has a personality type disorder or not acute mental health issues really needs to have a more holistic counselling provision. We had them filled on two occasions for six months and possibly longer but then any time we have advertised we've really had trouble getting a good field of applicants.

THE CHAIR: When a person goes into Quamby for a fairly lengthy period of time—I don't know the number of occurrences that may be applicable here—it's not unheard of that the family themselves will go into a sort of a social crisis. They might be okay for money and their houses, they are not under threat or anything like that, but they actually go into crisis because they didn't know the other person was like that, they're not sure what's going to happen to them, particularly in the case, I think, of mothers. Is there a sort of systemic support for people like that from anywhere within Family Services?

Ms Baikie: Well, it would depend if the child that was going into Quamby was known to Family Services or was on an order with Family Services, and if the child was on an order then we would be supporting the family as a matter of course.

THE CHAIR: How do you get involved in that process?

Ms Baikie: Two ways. If it was a child that was on an order, we would know that the child had gone to Quamby, and immediately when a child goes into Quamby and is involved with Family Services—there are a number of ways that it can go in. A child can be on an order or it can be involved with Family Services, so we are working with the young person. And the process—

MS DUNDAS: Barbara, can you just explain a little bit more about how you actually check. Is there is a list of all the people who are on family orders at Quamby?

Ms Baikie: Yes.

MS DUNDAS: Not at Quamby, but there is just a list of people who are on family orders and you tick them off as they walk through the door. Or, who tells you?

Mr Duggan: Every day we notify a range of staff that this is our daily docs, which identifies every young person who comes into Quamby. That is produced every night at about 12.05. So the next day we get our next lot.

THE CHAIR: Could we have a sample of that?

Mr Duggan: Absolutely, yes.

Mr Wood: It has got names on it.

Mr Duggan: It's got the names of young people.

THE CHAIR: We won't authorise that.

MRS CROSS: We're not going to pay attention.

Mr Duggan: This list is actually sent out to a range of people, including the magistrate, Family Services staff, our own structural staff, and that's the notification of who's in it.

MRS CROSS: That's just a good model to look it, yes.

Mr Duggan: Yes and that goes out every day in the early hours of the morning by email so as people have that information and therefore then they're notified of the status of the young person.

MS DUNDAS: Can we actually get a copy of the list of who gets sent that information?

Mr Duggan: Yes.

THE CHAIR: Just going down the track just a little. When a person is in Quamby for a series of, for example, car thefts—I think I know a couple of people that have been your guests from time to time—it seems that often or at least on some occasions they come from a family of people like that, and there are siblings who are engaged in this sort of practice. Given that the issue about restorative justice is all about making sure that these young people are not involved in it—and I would imagine the success of turnaround would be hinging on this—I am just wondering what sort of interventions are done for the siblings of people who are incarcerated that have a history of being involved in this sort of stuff, such that we can cut the cycle. It is certainly shown interstate that people go into custody and out again and then a brother will go into custody and out again and on we go—you get quite a family history. Are we tackling that sort of family bit as well?

Ms Gallagher: I think there is a range of things you have touched on there. I think the question is making a presumption that the sibling of someone who is incarcerated is a young person at risk themselves, which isn't always the case but can be, and in which case there are a variety of services either funded through the Department of Education, Youth and Family Services or another department, be it through non-government agencies—for example, RecLink springs to mind—where those young people could be accessing those services.

I think from a Youth Justice point of view it would be difficult—I guess whether that young person chooses just because they are at risk to become involved with the service is a voluntary thing. Family Services nor Youth Justice, unless a young person has offended, can require somebody to take part in services. But certainly the community network that exists between Family Services, Youth Services, Youth Justice and the community service providers is a very good one. I don't know if you want anything more formal than that, or others can add to it.

THE CHAIR: I understand that. But there is the likelihood of a family culture existing, and I take the point that you can't impose things on those folk. I guess what I was wondering is whether or not they are offered the choice.

Mr Duggan: We don't work with the young person in isolation of its family or his or her social network. So, therefore, if we're working with a young person, there are significant adults, for example, who are very important in their life. If we are working with that young person we may suggest that there may be a need for maybe Relationships

Australia to do some mediation in the family or that other sub-links could be linked into other sources; or if there are issues that we feel are of concern we would refer them to our colleagues in Family Services as well. I think that is where you have got the opportunity. We are a statutory service and we are mandated to work with the person on the order but I would say we have never worked with anyone in isolation in the bigger family unit.

THE CHAIR: Yes, you made that point to us before.

Ms Gallagher: Could I just add also that in preparation for today the department has put together some folders of information which outlines some of the services involved, some of the statistics which I think will be useful for the inquiry, for all of you, to have.

THE CHAIR: Thank you very much.

MS DUNDAS: Can I follow up on the questions about Family Services?

THE CHAIR: Just before you do, just to go down the track about that holistic approach, you say that you have stitched together a range of services available for that family. Is there any brokerage funding that enables you to sort of take a bit out of that and take a bit of that to make a sort of package for that?

Mr Duggan: Well, I think we have always had a very successful brokerage with the services that we access. You look at the young people on committal, for example, in Quamby this year, we actually used 36 agencies to work with them when they were really within our environment at Quamby or exiting it through approximately over 100 case conferences. So we quite often utilise the service system and so on, and we have always had a fairly successful, I believe, working relationship with them.

THE CHAIR: And the funding for that is not sort of dedicated to the cases, is it? It is existing resources within those agencies.

Mr Duggan: Yes, and we've always seen Quamby as part of the community, so therefore, as part of the community, we should have access to those services. So that's where our linkages occur.

THE CHAIR: Has anybody said to you they would like to be involved but they can't because they haven't got enough money?

Mr Duggan: No, I don't think so. We have had a very successful rate of brokerage in working with the different agencies. In fact, we audited our case conference mechanisms recently and that's where we got the figures from. We have had a very good flow between community providers and ourselves and a relationship of both working together very successfully.

MRS CROSS: Going on, I suppose, the holistic or complete approach to something, the drug education treatment programs: could you tell us what programs you've got in place for young people that are incarcerated; how you involve the family, if at all, in that treatment program; and what follow-up do you carry through with once the person has been released? While you are thinking about the answer to this, I am actually going to

lead on to what I asked the previous minister, and that was that a few years ago there was talk within ACT Housing of working with Justice, Youth Services and Disability Services, to have a single case worker who could follow an individual through the system; that case worker would be the contact person for the family and the incarcerated person; and the relationship was to continue for a year after the person was released from the prison to help the individuals and families re-establish themselves in the community.

I was asked by the previous minister to put this question to you and I will probably put it again to any other minister that it is relevant to. But has this happened? To the previous minister's knowledge, it hadn't, but this minister might know more. Has it happened, and if it has, to what extent? Are there any plans to do it if it hasn't? It seems to me from the evidence and the people that have come before us over the last nearly two years or year and a half, that a lot of the misunderstandings and things that fall through the cracks could be reduced, if not eliminated, by sharing information.

The answer I was given before, just so you know, was that the privacy issue was a problem. My attitude to that is, yes, privacy is important. However, the interests of a young person should be paramount, and if that means that we look out for the interests of that young person at the expense of having to name an adult that is responsible for part of their problem, then we've got to think of how we do that. Thank you.

Ms Gallagher: I think part of your question relates to what we are trying to deliver through turnaround.

MRS CROSS: That was mentioned.

Ms Gallagher: The drug question I will let Charlie or Frank answer. But that's exactly what we are trying to achieve with turnaround. Turnaround came through the intensive youth support review, and so the establishment of turnaround is occurring now. We have had a forum which was held, I think, last month which was attended by government and non-government agencies. The idea around turnaround is that it's a wraparound service around that young person. But it's not just government, it's non-government agencies as well. And so it has taken some time for those discussions to occur. I think it is requiring government to be brave but it's requiring non-government agencies to be brave as well and talk through how we can best provide it.

Certainly, there is a government management committee—the turnaround management committee—and that will have representatives from all those agencies on it. The police are involved. They have got two full-time staff allocated to turnaround.

MRS CROSS: So is turnaround's objective to share information about specific cases?

Ms Gallagher: Yes. It's about having one plan, one case plan, for each young person that it deals with. And turnaround in the first instance is up to 25 young people between 12 and 18.

MRS CROSS: So how do you address the privacy issue?

Mr Duggan: That's what we are attempting to do through the steering committee and through our colleagues in other agencies—about what we can actually divulge from an information base.

MRS CROSS: But isn't that a legislative thing? Are you saying that you make the decision on what you can divulge?

Mr Duggan: No, Helen. I think there has to be consideration about the legislation because we are tied against, I think, the Privacy Act and other acts. So I think what we are trying to do is establish what the barriers are. I can't say it but I would like to think we could initiate some discussion about legislative changes where it is in the best interest of young people.

MRS CROSS: Okay. So you have actually all realised that sharing is better?

Mr Duggan: There has never been an issue about the sharing, the concept of sharing. But the issue about a young person's right to their information—some of the stuff we are talking about is whether a way around that is to say to the young person, "Here's your case plan. Will you take that case plan along to the next provider with us?" Or do we go back to legislation and change it?

MRS CROSS: That sounds really good. The reason I am concerned, and probably my concern has been heightened more, is because of the result of the six-year-old girl that died, and the coroner not recommending anybody pay for that, and the fact that it was reported to authorities at a number of different levels—that's an innocent, vulnerable person in our community that fell through the cracks because the system didn't communicate to each other. That is a breakdown in communication and I am concerned. I don't want another six-year-old to die because we are not sharing information. And it's not because your department, and yours, don't have good intentions, but the system did break down and seriously, and we lost a little girl that we didn't have to lose. So I suppose I am concerned. How long will it take for this to come into effect so we can protect the next little girl or boy from losing their life?

Ms Gallagher: Well, I think I'll let Barbara answer that. I mean, we are moving into a different area outside of juvenile or justice into family services.

THE CHAIR: I will intervene as my capacity as chair here, and just ask you to address the terms of reference. The terms of reference actually talk about people in Quamby and, when you talk about information flow, it has to be related to that. The other bit is another issue.

MRS CROSS: The other was just a symptom.

Ms Gallagher: Yes. What I will say, Helen, though—just briefly, chair, with your approval—is there have been a number of things that have been done in Child Protection and in Health to address some of those gaps that were identified through that coronial inquiry and I am happy to give you a briefing on that if you would like that, at another time.

MRS CROSS: Thank you, that would be great.

Ms Gallagher: Because a number of changes have been made.

MS DUNDAS: I wanted to ask about how families are operating, I guess, with Quamby; how they are welcomed as visitors to work with their family members, both while they are in custody and in transition; and also how that relates to families when the family is actually Family Services and the young person doesn't have your typical adult or your nuclear family situation? How are people welcomed into Quamby? When they rock up the first time, where maybe their child or their brother or sister has been in for two days, how do they know what's going on?

Mr Shore: When they first arrive into the centre, they are met by the unit manager on duty or myself or the operations manager. We explain to them what the system is about. We provide them with the parent information handbook, also with the residents' handbook, which is the code of conduct and so on. We explain to them about the case management system, that the young person will be case managed; there will be a care plan put into place to look after that young person; the education that they will be required to undertake while they are actually in custody; that they can work towards and aim towards a year 10 certificate.

MS DUNDAS: Does the parents handbook involve information on opening hours and the procedures that they would then have to go through. We have heard of procedures that—

THE CHAIR: Before you answer that, do you think we could get a copy of those two documents?

Mr Duggan: You can have it, yes.

THE CHAIR: We might then ask the right questions.

Mr Duggan: The documents explain the visit regime, where they are engaged by staff immediately about the restrictions on visits, depending on how many we are taking on each night that we're in full volume. Obviously you have to achieve that. But I think the books are fairly inclusive and are very user-friendly to fathom.

MS DUNDAS: We will get the information out of the book. Maybe we need to turn the questioning around to Family Services. If a parent wants to visit their child they do so and that can provide a great contact and link but if the parent doesn't exist or is not interested, Family Services is the parent or is taking control of the young person's life. Does Family Services visit regularly and ask how they're going?

Ms Baikie: Yes. If they are on orders then Family Services would be involved and also Family Services would support the parents or the relevant family members visiting as well. And so I guess that's two things—that they would assist them in visiting and also participating in the case conferences.

THE CHAIR: The other point that Ms Dundas has made is that where a young person is in care, if you like, and Family Services is the parent, do Family Services officers actually go and visit them just to see how they're getting on?

Ms Baikie: Yes they do.

THE CHAIR: In the role of a parent?

Ms Baikie: When an adolescent is in care we take, I guess, the legislative responsibility. We also encourage the natural parents to be involved as well, so we would be trying to encourage the natural parents to have contact and visit the children as well as Family Services working.

THE CHAIR: If the family doesn't want to know, in terms of the social contact with the young person, do the persons within Family Services have nominal responsibility of that young person, take that role on?

Ms Baikie: Well they do attend case conferences where possible. I guess it depends on what's happening with the young person. As the young person is moving towards exiting then the Family Services worker would ensure that they did visit.

THE CHAIR: So they don't just turn up as a social visitor?

Ms Baikie: On occasions.

Mr Shore: They usually do, John, at times. We all get together and the worker, the Family Service worker, will come in, they will bring in their little goodies and drinks and they will sit around in the visit rooms and have a social visit. We encourage Family Services workers and any other agency to come in any time through the day to see the young people. If they want to come in in the evenings, we encourage them to make a booking. As you know, we've only got three visit rooms, and 30 young people makes it very difficult to share that around.

Ms Gallagher: There are also the official visitors that attend Quamby as well. I've had some regular meetings with them in the past few months and certainly they are raising issues both day-to-day with Charlie but also through me about some things they would like to see occur.

MRS CROSS: How many young people from the ACT are held in New South Wales and how do we stay in touch with them, how do we monitor how they are doing to make sure that their needs are being met and how their families sort of—

Mr Shore: We don't have any there at the moment. We had a young person discharged last Saturday and he was the last one. Staying in contact: it's done through the case management section. Our case managers get in touch with their case workers up there and a comprehensive—

MRS CROSS: And there's a good relationship between New South Wales and DOCS?

Mr Shore: Yes, very good.

Mr Duggan: Yes. We had one who was a ward of the Department of Community Services in New South Wales who had been for a period with us and they asked for him

to be returned. He was actually a very young person. If we have a young person who comes from New South Wales—and obviously it’s a family issue and he is sentenced here—we have a protocol arrangement to return them, an administrative transfer back, and that’s a reciprocal arrangement. But I think we’ve only had to use the New South Wales facility once in the last couple of years for a very young one who needed some intensive and mental health-type therapy and that’s all.

MRS CROSS: So, Frank, I suppose that means not many; the answer is probably not many and when we do have them—

Mr Duggan: Reciprocal agreements.

MRS CROSS: the reciprocated arrangements work well and the communication is good?

Mr Duggan: Absolutely.

MRS CROSS: Okay, great.

MS DUNDAS: I wanted to ask about the exit planning that you have just touched on. We have just had ACT Housing here before us. How do you see it working from your end in relation to young people who are exiting without stable accommodation; working with the non-government refuges or ACT Housing to get those young people placements?

THE CHAIR: Before you answer that, though, perhaps it would be helpful if you could actually walk us through the exit planning process—when does it commence and what steps are gone through—and then if you could sort of branch off and—

MS DUNDAS: Be more specific.

Mr Shore: Case management of the young person in Quamby: all case reviews take place on a monthly basis. As we move closer to their exit, usually about six weeks prior to their exit from Quamby we invite into the centre all other agencies, all relevant people who are going to be involved with the young person when they exit Quamby, and we start the exit planning from then.

It becomes very intense. The reviews generally happen on a weekly basis as we move closer to the exit. We involve Housing with the exit planning. If there is no available housing then we will get accommodation for the young person through one of the refuge areas. However, we try not to use that. We try to go to Housing and get appropriate accommodation that way.

MS DUNDAS: How do you manage the educational transitions as well with kids who maybe have been in Quamby for six or 12 months and they’ve been at the Hindmarsh Centre and they’re then looking to continue their education, especially if there’s no available housing and they have to go a refuge? There may be transport issues around accessing a school that they feel comfortable going to.

Mr Duggan: There's a number of issues through the case management process that we utilise. Very often we've got young people going to school—in fact, young people would be at CIT today—and we facilitate the transition through day release to their appropriate school and their appropriate location.

MRS CROSS: And that includes transportation?

Mr Duggan: Yes. Our staff transport young people to CIT today and leave them there and come back tonight.

MRS CROSS: And pick them up?

Mr Duggan: Yes. We have facilitated 217 day releases since January to August this year. Last year we had over 300. We feel that the day release or the opportunity to go home—we have weekend leave occurring all the time and this is our way of trying to facilitate young people's opportunity back or integration back into the community rather than just at the end of the process saying, "Here you go." Along with exit planning are defined acts of planning. We believe we are a transitional environment and we are always looking to reintegrate people very quickly back into the environment with as many supports as possible.

MRS CROSS: Can I just ask: with weekend time home, how far before their permanent release do you start that?

Mr Shore: It's usually between four and six weeks. A lot of it, Helen, also depends on the behaviour of the young person and the relationship they actually have with their family at that stage.

MRS CROSS: So if there are behavioural problems and you know or you assess that once they are released it would be a problem for them anyway, what do you do instead? Where do they go?

Mr Shore: They will still go on leave. Their leave will be supervised leave. They'll go out with one of the workers from Quamby on initially a four-hour visit to the home and they'll come back from there. The youth worker will put together a case note on how successful that leave actually was. It generally takes place two to three times before we actually allow the young person to go away on unsupervised leave.

MRS CROSS: Mr Chair, can I just follow that through? There are two issues here. He or she could be suffering or not suffering from a psychological problem.

Mr Shore: Yes.

MRS CROSS: If they are not but the problem is at home, you don't force them to go home—

Mr Shore: No.

MRS CROSS: So where do they go instead of home? Do you find them housing? That's for Housing?

Mr Duggan: It would be either Housing or it may be appropriate that they are found a placement of foster care or they'll use a refuge.

MRS CROSS: Okay.

Mr Duggan: But we don't readily place young people back anywhere that they feel uncomfortable or they indicate that. We would also try to work immediate with the family. The lead process mightn't be that you're going home.

MRS CROSS: If it's salvageable.

Mr Duggan: If it's salvageable, we will work very hard to—

MRS CROSS: And what about the CIT you mentioned before: is that also for the students as a preparation for their exit? Is that when that occurs or does that happen anyway?

Mr Duggan: Pardon?

MRS CROSS: The CIT.

Mr Duggan: I just used CIT because I know of a young person that's there today. But it's schools as well; it's not just CIT. It's appropriate that this young person is undertaking the course in CIT but a lot of our young people—

MRS CROSS: You mean after they are released?

Mr Duggan: No, during.

MRS CROSS: During their incarceration?

Mr Duggan: Yes, he's doing full-time CIT.

MRS CROSS: So they go to CIT during their term of incarceration?

Mr Duggan: Absolutely, if it—

MRS CROSS: And then back?

Mr Duggan: Absolutely, if it's relevant to the vocational needs of the young person and it is in this young person's—

MRS CROSS: But you ensure that that young person is a safe person to have in that environment—

Mr Duggan: Yes.

MRS CROSS: because you wouldn't send someone there that is a bit of a loose cannon?

Mr Duggan: Well, obviously that's why there is a very—

THE CHAIR: You don't send a young person to locksmith school.

MRS CROSS: I understand. Thank you. I'm just trying to understand how it works, that's all.

Mr Duggan: For us the actual planning isn't just about, you know, the family home. It's also about getting back into education. Some young people go out on work placements and a lot of young people go back into the school environment that is suitable, and we're supporting them through all the parts of the organisation. Our youth connections people might be working with our case management team. The young person is placed in school. We might take them out and the youth connections worker will work with the young person in the school environment. They come back to us at night.

MRS CROSS: So it sounds like you are continually refining it and refining it until you get it the way you think it will work.

Mr Duggan: Based on every young person's individual needs, and we will try to build their case plan around it. It's all focused on reintegration back into the community.

MRS CROSS: Thank you.

Mr Shore: There is no one plan that's going to suit everybody.

MS DUNDAS: I wanted to move a little bit away from Quamby and back to our first term of reference, which is support for families of people in custody. We have heard of situations where when a parent enters custody they won't necessarily tell anybody that they've got children. From your point of view as Youth and Family Services, how do you try and cope with families that have a significant adult incarcerated? If you were informed of the situation, how do you get involved?

Ms Baikie: Certainly, with some children that we are involved with, their parents do become incarcerated. There's something like 19 families this year that have been involved with their parents being incarcerated.

MS DUNDAS: But that was already families and children that you had contact with?

Ms Baikie: That's right. And you're talking about the other families that we may not know about?

MS DUNDAS: Yes, that might not necessary be under intensive scrutiny.

Ms Baikie: They would come to our concern through the normal reporting process, if there are families or friends that are concerned about the children, that their needs aren't being met. We would become involved with those families and that would go through the normal reporting process to Family Services.

MS DUNDAS: And then what kind of support or services are offered to those young people?

Ms Baikie: Well, I guess there are two things. With the family, if the children are at risk—say if the mother had been incarcerated, which is very rare but a possibility, and the children are at risk—then we would look at whether those children would need to go into foster care. The normal risk assessment would be applied and, if necessary, the children would be put into care. If necessary, we would provide the normal supports that are there.

I think in terms of other families, if the children weren't at risk then there are other processes and supports that are available to the normal community through family support or through a whole range of funded services that are provided.

MRS CROSS: Mind you, you have the isolated cases where the parent could be incarcerated while under the influence of illicit drugs, for example. They don't have a family support network where they live and no-one will know that there are children left in the house. The parent might be too afraid to tell you because they are afraid of the children being taken away. That's a hard one to address, isn't it?

Ms Baikie: Well, I think in those cases there are neighbours that know there are children around or there are parents around.

MRS CROSS: If the neighbours know they've been arrested or put in jail.

Ms Baikie: But they would certainly be aware that there was not movement of an adult around the place, and that's usually the case. A lot of notifications come through family, friends, school—if the children don't turn up at school. So there's a whole range of checking processes.

MR CORNWELL: Minister, could I just note for the record that I would like to join Mrs Cross for that briefing on family services. I look forward to it. I have been listening to what has been going on. How are you going to fit this in in terms of the bill of rights when it comes in? How is this going to affect the procedures that you are operating under? Mrs Cross has been asking questions about the Privacy Act, and I am just wondering: how do you see these things? Do you see any conflict arising in what you are doing?

Ms Gallagher: Not immediately, Mr Cornwell. Can you alert me to something that you may have?

MR CORNWELL: Not immediately.

MRS CROSS: You can take it on notice.

MR CORNWELL: But seriously, how do you address this problem, or are you going to address it?

MRS CROSS: It's actually a good question, because it's the rights of the individual, isn't it?

THE CHAIR: Can I just intervene again? I think that we have to try to stick to the terms of reference. Perhaps the question is one inquiry too late, where we're talking about the rights, interests and wellbeing of the child.

MR CORNWELL: No, I am talking about the bill of rights itself. The problem is, Mr Chair, that we are going to bring our report down but it's probably going to conflict with this as it appears to be coming in. I am just wondering what steps you may be considering?

Ms Gallagher: I would be happy if you could give me a specific example. I could not visualise a situation in which the proposed bill of rights would conflict with the work that we are doing in Quamby, primarily because that work is all about ensuring that the rights of young people in particular are respected.

MR CORNWELL: If you are happy with that, it is fine. That is a reasonable answer.

MS DUNDAS: You said earlier that the turnaround program focuses on up to 25 young people. Are those people necessarily in Quamby, have they been through Quamby, or are you trying to target others?

Ms Gallagher: They could be. I have ascertained from discussions with my department that those 25 young people are the ones who need the services the most. That was the decision that was taken. It could involve a range of life circumstances.

MS DUNDAS: But it might not necessarily involve the entire Quamby cohort at any given time?

Ms Gallagher: No. We are looking at the second stage of the turnaround program, which is much broader. It will target young people aged between 12 to 25 who are at risk. In the initial stages we have to determine how that will work, so we will focus only on those 25 young people. I was going to mention earlier other work that is going on that I think is relevant to your inquiry. Yesterday the Chief Minister launched a draft blueprint for young people at risk. Would members like a copy of the speech that he made, as it contains some interesting statistics about what is going on in the ACT?

You might think there is a disaster in the community and that all these naughty young people are floating around doing things. Our evidence is to the contrary. We have low rates of young people offending. When they do offend the majority of them offend only once. That draft blueprint, which has been handed to my department for further work before the blueprint or framework comes out next year, focuses on education and opportunities and on diverting people away from the justice system. I think it is an exciting and positive piece of work that I do not think necessarily goes hand in hand with the juvenile justice system and the support that is given to young people in that system.

THE CHAIR: There is a reference on page 21 of that document to \$6.4 million for several programs for young offenders aged 12 to 17. I read from that document which states:

There appear to be few services tailored to provide centralised support and ongoing assistance to young people when they leave the youth justice system. Assistance is

provided to young people once they are placed on community or detention orders by the courts but this is confined to the time young people are on orders.

What happens to them when they are not on orders?

Mr Duggan: Stage two of the turnaround model relates to governance and to an integrated approach to all young people within the age range of 12 to 25. Initially we concentrated on the tertiary and turnaround aspects, but we could learn something about the systemic interface between agencies and that model could become far broader.

THE CHAIR: So basically you have just taken a bite-size chunk and had a go at it. You then move on to the next one?

Mr Duggan: If we get right the governance arrangements and the integration of young people at risk we will have an opportunity to broaden that governance model across all agencies. Getting that right is a priority. We would then follow it up with a broader and more integrated approach to young people at risk, which would tie in with the blueprint.

THE CHAIR: It sounds fantastic. When do you start?

MS DUNDAS: I refer to the turnaround program and to the blueprint. How will the turnaround program apply to those 25 young people who are most at risk? How will it help kids who are in Quamby? The question is: Why are those young people most at risk? They have already been arrested so it could be said that they are at risk of breaking the law and not fitting into normal society. They have already crossed that threshold. So when you initially apply the turnaround program what would be the highest risk that those young people would be facing? Would it be the risk of death?

Mr Duggan: Yesterday at the presentation I referred to that issue when I talked about risk factors. Those risk factors feature much more predominantly in young people in Quamby. It is reasonable to suggest that some young people in Quamby have good family networks and an opportunity to reintegrate into the community. The resources are available and we have a youth connections unit that works with those young people. With this proposal we are trying to target those young people who are most at risk. Reference was made earlier to self-harm, mental health issues and substance abuse. That is the cohort at which we are looking.

Young people come into Quamby and they leave very quickly. Fortunately, there were only 26 committals in the whole of last year, which is a very low figure. Some of those young people can still be successfully reintegrated with their families. Our case management system and audits prove that. We are able to do that with the support that we receive from the 36 brokerage agencies and the families. Families actually come to the centre to attend case conferences. So we have a fairly fluid opportunity to do that. Young people in Quamby who are identified as being at risk will obviously be followed up in the turnaround project.

MS DUNDAS: So the program will apply also to those people for whom the current projects just do not work?

Ms Gallagher: That is right. In the first stage of that turnaround program we will not be searching for the top 25 young people who are most at risk. There is universal agreement between non-government and government agencies. They know who those young people are, probably because many of them are current users of a plethora of services and agencies, but it is just not working for them. They might have 10 case plans and 10 case managers, depending on the transition period, and it simply might not be working. That would determine their eligibility for the program.

It would almost be a *fait accompli* for those young people. It will be difficult to determine the 25 young people who are most at risk. The first phase of the turnaround program is for young people that we are not able at present to support adequately because what we are doing now is not working. So that is why we are using that term. The second stage of the turnaround program involves much more than young people at risk and our definition of that term. It is probably fair to say that the at-risk status of young people would already have been established in phase one.

THE CHAIR: Thank you very much for giving of your time to talk to the committee.

The committee adjourned from 3.49 to 4.06 pm.

TIM KEADY,

JAMES RYAN and

VICTORIA LEE BRADLEY

were called.

THE CHAIR: These hearings, which are legal proceedings of the Legislative Assembly, are protected by parliamentary privilege. That gives you certain protections but it also places on you certain responsibilities. It means that you are protected from certain legal action such as being sued for defamation for what you say at this public hearing. It also means that you have a responsibility to tell the committee the truth. The Assembly will treat as a serious matter the giving of false or misleading evidence. Mr Keady, I invite you to make an opening statement. If you do not wish to do that committee members will ask you questions.

Mr Keady: Thank you Mr Chair. I am the chief executive of the Department of Justice and Community Safety. I do not think it is necessary for us to make an opening statement. Obviously we are here to assist the inquiry and to answer any questions that you might have of us. If there is anything that we are unable to answer this afternoon, we will endeavour to obtain that information and provide it to you.

THE CHAIR: On the third page of your submission you refer to government and community support services for families of incarcerated people and to the development of an action plan to provide that support. Essentially, that is the first term of reference of this committee. What stage has that review reached and does it have a timeline?

Mr Keady: The document refers to a number of programs that are not subject to an omnibus review. I think they tend to be reviewed individually. For example, a sentencing review is under way at the moment to examine the sentencing or disposition options for the courts. That is one way of acquitting that obligation. I suppose that the emphasis is on the efficacy of the option and whether it is meeting its objectives. I do not necessarily know whether they will be directed at familial or other consequences.

THE CHAIR: I quoted directly from the submission.

Mr Keady: Yes, I appreciate that.

THE CHAIR: We are aware from evidence that we have received so far in this inquiry that a spotlight is on services that are provided to people who are incarcerated to ensure that they are properly reinstated in the community. We have moved from warehousing into rehabilitative and restorative justice principles, which is fantastic. Bodies such as VOCAL and members of the community generally place a spotlight on the plight of victims, but it appears as though the spotlight is not on the families of those who are incarcerated. Over the past few years we have heard in a number of inquiries about the plight of indigenous families, in particular, because of overrepresentation. The spotlight certainly has been placed on families that have been left behind.

However, it does not appear as though the spotlight has been turned on the wider community. That is the general thrust of the evidence that we have heard. That is one of the reasons why we initiated this inquiry. We were curious when we saw this commitment to review support services. We had hoped that somebody would stitch together all the services that are provided to the families of those who are incarcerated and that their efficacy would be tested to determine whether they are adequately resourced and whether the right results are being achieved. Have I missed the boat in relation to that issue?

Mr Keady: My understanding of it might be incorrect, but I think the reviews that were mentioned were directed at offenders and the management options that are available to them. In examining the success or failure of what we provide, family consequences would be relevant in some instances. But I think it is fair to say that it would not focus on those reviews. The reviews would be directed primarily at the principal objective, which is managing offending behaviour and offenders.

THE CHAIR: That issue will be referred to in our forthcoming report, but we do need some sort of review. We are not looking at it purely and simply from the perspective of providing services to those families; we are talking about a holistic approach to the partnership between the non-government sector and the government sector in the provision of support services. We heard, for example, that VOCAL is providing some support for families, but it does not have the funding base to cope with it.

We heard from Prisoners Aid, which said something similar, even though an earlier witness said that base funding was provided for that purpose. Either way it appears as though a number of non-government agencies are supporting those families. We suspect from evidence that we have heard that those services have not been stitched together. People are operating in isolation and, as such, their evidence is questionable. We will probably be looking at some sort of stitching together of those services.

MS DUNDAS: In a sense the submission provides quite a broad list of services that are available to families. It also refers to the departments under which they exist. However, the evidence that we are hearing runs counter to that. People do not know how or where to access those services. They rock up to court to establish whether a member of their family has been taken away. They can talk to Prisoners Aid or to VOCAL, but they do not necessarily access any of these other services because they just do not know how to do that. How can we ensure that information is getting to families and to significant numbers of people who have been placed in remand and in custody?

Mr Keady: I will ask James Ryan to answer that question. When we deal with offenders who come into the system we have necessary and compulsory contact with them. We are in contact with them and with the courts through Corrective Services, the police, or whatever. So our opportunity to provide them with information and induct them into programs derives from the very nature of their involvement in the system. We do not have that same degree of contact with people who may be connected to offenders. We would rely on them, or on the offender with whom we are in contact, to tell us what their needs might be. It is probably fair to state that we do not have a service point that is directed specifically at the family needs of offenders who come into the system. However, that might be arranged in the future. Our potential relationship with the

families of offenders would be more remote than it would be with offenders because of the very nature of the work we do with them.

MS DUNDAS: Privacy issues are also involved. We hear of prisoners not wanting to let people in ACT Corrective Services know that they have two kids, or whatever. They do not appear to want to share that information.

Mr Keady: There are other potential issues. Families might well be antagonistic to the sorts of services that we represent. So the contacts that you might have in mind might not necessarily be welcomed in every case. That issue could be resolved if we more effectively provided information to people so that they could make that choice and access services that they might need but that they do not know are available to them.

Mr Ryan: I am the director of ACT Corrective Services. Whilst a number of services do exist it is fair to say that they might not be as well coordinated as they could be for the families of inmates. We have our own court liaison unit but that deals in the main with offenders or alleged offenders. The Prisoners Aid referral unit at the court deals with both as well. When people are put into remand we have a welfare officer and an Aboriginal liaison officer who deal with a number of things, including the needs of the families of inmates.

However, we fall down in the provision of support to the families of those inmates who are sent to New South Wales. We make an effort, through our liaison units, in particular on the indigenous and multicultural side within Corrective Services on London Circuit, but that is not as intensive as it should be or will be, if and when we get prisoners back into the ACT.

MRS CROSS: Do you mean when you build a prison?

Mr Ryan: When we build a prison.

MRS CROSS: When is that happening?

Mr Ryan: That decision is yet to be made. The best thing that we can do for the families of people who are incarcerated is to build a facility here, thus locating them close to their family members. We intend to manage the interaction between families and prisoners in the ACT in a way that is not being done anywhere else in the country by closely integrating families and prisoners at the minimum-security stage and when they are approaching release. We will consult those families on matters relating to reintegration and the needs of families, as we believe that they have not been adequately identified.

In New South Wales we have of the order of 100 to 110 prisoners in that sort of category. Of those 100 or so prisoners, only about five get to go on work day release. No positive programs are in place to integrate the family. We intend to look at about 60, which will make a huge difference. We also intend to ensure that when we are reintegrating prisoners into society we use families, stakeholders in the community and community organisations to help train them, educate them and get them into jobs. Those tasks should not be performed in prison. That will be our biggest achievement for prisoners who are sentenced.

In the meantime, prisoners who are incarcerated in New South Wales suffer as a result of the lack of family support services. Perhaps we do not do enough. I think we could better co-ordinate our efforts for those who are on remand. Vicky Bradley could give you some good examples of the sort of pressure that she receives from indigenous families and others when people are on remand. Vicky is also involved with the families of those people who are not on remand.

MS DUNDAS: Ms Bradley, would you explain what you do and what situations you face? Mr Ryan said earlier that you receive pressure as a result of the services that are being provided. How do those issues impact on you? Is it something that you are able to deal with?

Ms Bradley: Yes. In relation to family support services, I mingle with the people who are visiting detainees on a regular basis. I am there to answer all their questions about services. The question is whether or not they choose to take up those services. I believe that we provide those services to families. The pressure that is placed on me constantly relates to trying to get families to Belconnen Remand Centre. Where does the money come from so that family members can have their buy-ups or purchase cigarettes and all that type of stuff? I am faced with the difficulty of trying to get individuals into that centre without any identification.

Members of the Aboriginal community come to see me when they are trying to link the family or encourage the family to prioritise its weekly or fortnightly income. So I might ring one of the aunts and say, "Your boys are really suffering. They need a visit from you. How about taking a \$5 bus trip to see them?" You take a huge risk in saying that because they think that you are trying to tell them what to do. However, it works because I have a rapport with them.

I receive constant pressure about the fact that not enough services are provided for inmates. My comeback statement is that Belconnen Remand Centre is quite small. Pressure is placed on me to try to get family days happening. Family members want family days and they want to see inmates over Christmas. We do not have the facilities to provide family support days or to enable them to interact freely with their children over the Christmas period. When I worked in Western Australia families were permitted to visit inmates over the Christmas and Easter periods because the space and the resources were available.

MS DUNDAS: When you referred earlier to the size of the Belconnen Remand Centre, you flagged another question that I was going to ask. How do families access those who are being remanded at that centre? We have heard stories about children who want to see their mothers or fathers who do not really understand why they are being strip-searched. What impact does that have on the family and the child or on the person who brought the child in for a visit? Concern has been expressed about the lack of rigour in the exercise of those procedures. We have heard that every time somebody turns up a different procedure is used.

That might or might not be the case. Visits might be cut short, for whatever reason, and visits can also be used as a punishment. If somebody messes up in remand the visit time could be dispensed with or cut short and family members might not know that until they arrive at the centre. They save up their money for the bus but when they arrive at the

centre they are not permitted to visit. Please continue with your statement, but refer also to the way in which you deal with those sorts of issues.

Ms Bradley: If someone is being punished, the one thing we want to continue to do is to keep all detainees linked to their families. That alleviates stress not just on detainees but also on families. I constantly remind detainees that their behaviour impacts on their families. If they want to avoid that they have to give 100 per cent. When detainees are locked up their family members are locked up with them. So every bad action by detainees impacts on their families.

MRS CROSS: It reflects on them.

Ms Bradley: Yes. I say that honestly because I have had a partner in the system so I know what it is like. We need to reinforce the fact that detainees must accept more responsibility.

MRS CROSS: You said earlier that you have to talk to family members and ask them to visit detainees. Why do you need to remind them or encourage them to do that? Most people would think that is a normal thing to do.

Ms Bradley: Their priorities are all wrong. When their loved ones are locked up they choose to spend the money on clubs, on going to bingo and on all that sort of stuff. Their priorities do not include visiting their kids in prison. I constantly ring up family members—and I have good rapport with them, white and black—and I say, “They need you in here.” Their priorities are all wrong.

MRS CROSS: Does the behaviour of detainees improve when you remind them that what they do also impacts on the family?

Ms Bradley: Yes, it does. They know that I have been in the system for a long time and they know that I have seen it first-hand.

MR CORNWELL: We heard a lot earlier about 110 people who are in jail in New South Wales. Why have we not made more use of the home detention program? Page 6 of the report refers to the fact that that program was implemented in September 2001. Two years have elapsed but only six home detention orders have been made. What has gone wrong? Surely more people could participate in the home detention program and therefore be with their families? Why are more people not utilising the program?

Mr Ryan: The uptake has been a little mystifying. It might improve now that it is available to those who have been placed on remand.

MR CORNWELL: Yes, I noticed that. However, only six people have used the program in the past two years.

Mr Ryan: It is mystifying. It could mean that the conditions we are imposing are a bit strict. But when you think about it, the sorts of things that exclude people from home detention are fairly sensible. They are the sorts of things that exclude people in other jurisdictions who use home detention. I think it is just a matter of familiarity as much as anything else. I am hopeful that, in due course, the courts and the lawyers around town

who are representing people will seek more vigorously to get clients onto home detention. I think that is where the problem lies.

MR CORNWELL: So that is the problem?

Mr Ryan: That is only my opinion.

MR CORNWELL: Is there reluctance by the families of offenders to accept home detention?

Mr Ryan: That can be the case.

MR CORNWELL: Is it a failure by the courts? You referred earlier to restrictions. I am trying to get to the bottom of it because it could involve a substantial saving.

Mr Keady: Substantial risks are run when home detention is used. Effectively, people have been confined with families in circumstances where frustration at the limitations on liberty can become quite a problem, particularly if those frustrations lead to violence or to other kinds of conflict in a family setting. That part of the assessment process is intended to ensure that those kinds of problems do not eventuate. If there were any risk of that occurring you would expect the courts to be extremely conservative. Ultimately, if violence ensues as a result of people being confined in homes with others, there is inevitably a degree of responsibility.

It comes back to the person who sentenced them in circumstances where that is an outcome. So I suppose there is wariness about the consequences. It is a sentencing option that I think is becoming increasingly popular elsewhere. What Mr Ryan said is correct. It might well be that we are still feeling our way with it. We are developing enough confidence to be able to pick and choose, reasonably accurately, those cases that are suitable and unproblematic.

MR CORNWELL: We are talking about fewer than eight inmates who I presume have not committed major offences. We are not dealing with serial killers.

Mr Keady: But they have to be people who would otherwise be sentenced to imprisonment by our courts. The ACT courts are not renowned for their readiness to sentence people to imprisonment. So you have a limited group anyway. They have to assess whether the length of the sentence is appropriate, whether the home circumstances are appropriate and whether the individuals that they are looking at will comply with the perhaps easily overlooked but quite onerous restrictions that are imposed on them. They sound easy but they are actually quite onerous.

MR CORNWELL: And they also have to be policed.

Mr Keady: Indeed.

Ms Bradley: I constantly receive telephone calls from family members who have been pressured by inmates. They just do not have the heart to say to them, "We do not want you there. We can't manage you there." That is a constant pull for the family. Family members are suffering because they want those inmates out of the system.

MR CORNWELL: They just do not want them home.

Ms Bradley: Yes. It is really hard for people. That could be one of the reasons especially in relation to black fellows. It is hard for family members to take on the responsibility of having someone at home full time. Family members are coming and going all the time. However, they might not be allowed on the premises because they have alcohol and all that type of stuff. It is not because the system will not allow that. A lot of family members are tired and exhausted and they do not have the courage to say no, so they blame it on the system. I can understand that. They do not want to come across as family members who do not really care.

THE CHAIR: We have talked about using the family as a rehabilitative or restorative justice tool. It would have to be the strongest tool available in the justice system. Do we do enough to support the family while people are in jail so that they have the strength to be the strong tool that we want them to be?

Ms Bradley: In Perth I initiated a support group every Tuesday night for the family members of people who were incarcerated. It operated at 6 o'clock at the outcare centre. At first there was a population of 600 but in the end we had 1,100. I used to get 50 or 55 at any one meeting. The prison catered for them, they all mixed together, debriefed and supported one another. We talked about rallying together to provide support services. It would be ideal if we could get something like that happening because it would involve a lot of people coming together who probably would not meet in or mix with the community but who would have one thing in common, that is, the fact that their family members are incarcerated.

THE CHAIR: We all live in the hope that a prison will be built in the ACT. Mr Keady and Mr Ryan would know only too well that I have been bellyaching for a long time about developing programs that are consistent with restorative justice principles. After we have dealt with the financial side of it and we have acquired land and all that sort of stuff, running parallel to that is the development of packaging programs that will be implemented when people eventually come home. There is a difference between restorative justice principles and any other type of model. It is a holistic approach to the restoration of justice. Some attention should be paid to the victim and to the victim's family.

Restorative programs should not apply only to offenders; the community should be compensated for the damage that has been done to it. That is what we mean when we talk about support programs for the families of people in jail. They are the tertiary victims of any crime. Have those principles been included in any programs or services that are to be introduced? I do not want you to go into detail if the programs are clear-cut or appropriate, but have those principles been included in the proposals for a new prison?

Mr Ryan: Yes they have been in relation to the reintegration of prisoners into society and, where possible, getting families interested in, participating in and devising a program to bring family members back into society. It is early days yet to determine what effect the restorative justice aspects of that program would have on sentenced prisoners. However, the model to incorporate that is under consideration now.

Mr Keady: You might be aware that last week my department issued a discussion paper on restorative justice which posits a number of scenarios or circumstances in which the restorative justice model might be used, including referrals from court as a means of pre-court diversion and potentially incorporating interaction between offenders, victims and others as a post-release possibility for people returning from custody. That concept is available now for community comment. We will be developing in due course a model in response to the ideas that we receive.

THE CHAIR: I know that you cannot refer in detail to the accommodation model that has been picked up. However, I refer to the one that was previously introduced, which I imagine would be as good a model as we could expect. That model, which includes a transitional sector for pre-release, also refers to the separation of men and women and all those sorts of things. I have had regard to the economies of scale and I wish you luck.

I did not see anything in that model that would accommodate the needs of kids. There is a focus in women's prisons on ensuring that the mother-child relationship is strong and able to be maintained. We have to take into account the fact that some men do not want to see their kids, and vice versa. Many men within the system bust their guts to see their kids. Have we included in those models a focus on the maintenance of relationships between fathers and young children?

Mr Ryan: Yes. The facilities that we envisage will include the provision of an area for decent visits. A parent could bring a child to visit a mother, husband or partner who is incarcerated. That is something that we cannot do at Belconnen. We can take six groups of three visitors at any one time. The tables and chairs are nailed to the floor and there is nowhere for the children to go. They have to play in the corner of a fairly small room. Those same facilities would be provided in any modern prison, but they would also include facilities for children. They would have somewhere where they could play. Even though they might want to see their parents they get bored after about 10 minutes and run off to do something with the other kids. Selected prisoners, at the right time, should be able to interact with their families. They might be able to have a barbecue with their family, or that sort of thing.

In addition to that, existing legislation permits us to leave a child up to the age of three with his or her imprisoned mother. That is permissible now at Belconnen. We have a gate-keeping arrangement with Family Services. It has to approve of that before it is done. That is how bad things are at that prison. In most cases, unless there are particularly dire circumstances and there is nowhere else to keep the child, it would be highly unlikely that Family Services would agree to an infant going into Belconnen. However, having arrived at that situation we then have to accommodate mothers who want to breastfeed. There are arrangements for that as well. All those things will be done against improved or existing legislation and in a way that will enable a better bonding of families.

MRS CROSS: One of the things that I noticed after being in this job is that my opinions of restorative justice are different now from what they were a few years ago. The more I hear about what goes on in the system the more I believe we need to educate the community to understand that we should not punish the family for the acts of the perpetrator or detainee—whether it be a man or a woman. Some people in the community tend to have a short fuse. They think, “Bugger them, they have stuffed up.

Let them stay there and rot in jail. We don't care about the family." Unfortunately the families do become victims. It is doubly bad if it is a cultural problem because they lose face and it is humiliating.

That is an issue that we need to address. I think a lot of mindsets would be shifted a little if we educated people into believing that they did not have to victimise a detainee's extended family. If we give prisoners an opportunity to have a barbecue with their families it would also give them the hope of returning to and being welcomed by the community. It would be a lukewarm adjustment back into the community.

MR CORNWELL: So long as security is maintained. You still have the problem of drugs being smuggled into prison and things like that. Those issues would have to be policed.

Mr Keady: The ideal objective is to ensure that they return to the community and live a better and more acceptable life. Often, sadly, people who return to the community are living worse lives. When we have a prison in the ACT one of our objectives is to improve on that pretty complex problem. There is no easy way out and we will be dealing with a complex range of personalities and behaviours. But that is our objective and we will do everything we can to achieve it.

MS DUNDAS: We want to achieve certain objectives if and when we get a prison. But that brings me back to the here and now. We do not have our own prison; we ship prisoners off to New South Wales as well as keeping them in remand. Do we have an adequate number of support services to assist those families that are trying to stay connected with prisoners based in New South Wales? It costs \$5 for a bus ticket to visit people at Belconnen Remand Centre, which is a lot less than it would cost to get to Goulburn or to Singleton. It would also cost those families more for phone calls if they wanted to stay in contact. What support services are currently in place? We should not talk about what we want to happen and where we are going in the future; we should talk about the here and now and what is happening today. How are those families staying in contact?

Ms Bradley: No resources are available to assist us, which is frustrating for me, for the Gugan Gulwan people and for other members of the Aboriginal community.

MS DUNDAS: Can I just clarify that? We all know that it is important to keep the family connected with the prisoner, but nothing is happening to ensure that that is occurring in the case of ACT prisoners who are based in New South Wales.

Mr Ryan: It is not ideal, but I would argue that some things are in place. New South Wales authorities do not sit around and do nothing about this. At every prison some attempt is being made to do something about families. There are welfare officers but, in many cases, we have an insufficient number of them to do the job. For example, we have almost as many people working on that sort of task in the ACT as we have at Goulburn jail. When you consider the difference in numbers you realise that we are looking after things pretty well. Even as it stands now, I am sure some people would argue that we do not have a sufficient number of welfare officers to perform those tasks.

MRS CROSS: But we have more welfare officers than has Goulburn jail, which is five to 10 times larger than the facilities at Canberra.

Mr Ryan: It is not far beneath it. The things that are in place include Prisoners Aid. Prisoners Aid and similar organisations exist in New South Wales. They are very active and they do their best. There is also a small indigenous and multicultural unit within my organisation. That unit, which operates with the welfare officer and liaison officer, tries to do something with the community organisations that are maintaining contact with families. But there are still the problems of cost and distance. You have to remember that most of our prisoners are either in Goulburn or in Junee, which is a long way away. It is much the same as it is for families of prisoners in New South Wales. In fact, in many cases the families of prisoners in New South Wales have it even worse; they have further to go.

MRS CROSS: Do they get support to go there?

Mr Ryan: They do not get much support at all. Over and above the things that I have mentioned, I know the situation that exists at Junee. Family members can only visit at weekends. The same situation applies at Goulburn; family members can only visit at weekends. In our facility family members can visit five days a week. That is the basic difference. The cost of travel is a lot less. If you are travelling from Sydney to Junee, how do you get there? It is a difficult place to get to.

MR CORNWELL: You would be flat out getting a train to Goulburn too.

MS DUNDAS: Yes.

Mr Ryan: All those things.

MS DUNDAS: Focus on what is happening to families in the ACT. Vicky just said that there is no support. What happens if a child wants to ring his or her father who is in Junee or Goulburn but mum cannot afford to pay a large phone bill? How do we help that family?

Mr Ryan: We do not have any program to assist directly with that. On occasions, Prisoners Aid, if approached, provides small amounts of money to assist people in those circumstances. But I am sure that we do not cover the full spectrum of needs in the community.

MS DUNDAS: So there is a gaping hole in current programs. At present ACT prisoners are shipped outside the territory. The ideal situation would be to have a prison based in the ACT. We could then implement our restorative justice model. Are there any appropriate programs that would bridge that gap?

Mr Ryan: We need better information so that people are aware what they can access either here or in New South Wales. I do not know whether the Department of Justice and Community Safety has any money to manage such a program. If there is any money for such a program it might well be better placed in Prisoners Aid. I am not even sure that I could say exactly how extensive the problem is, but I would have to admit that there is a problem.

MR CORNWELL: I suppose that it depends, to some extent, on the person, does it not? We must be careful that we do not end up glorifying many of these people. There are people in prison with severe difficulties and problems. Those problems will not be easily solved without a great deal of money and effort. Even with the assistance of families it would probably be extremely difficult in some cases. It is not a question of people being in prison through no fault of their own; in some instances we are dealing with some pretty hard cases.

Ms Bradley: It is not only that. Detainees will turn on their families very fast if they do not get what they expect from their families, that is, money to spend up on things like that. So detainees do not really give their families a fair go.

MR CORNWELL: It is not all sweetness and light, is it?

Ms Bradley: No.

THE CHAIR: In your submission you state that Corrective Services established supported accommodation services to meet the accommodation needs of homeless offenders from August 2002 to February 2003. Has that service ceased? If so, why has it ceased?

Mr Keady: It was established as a Corrective Services initiative from within its budget. It was not funded specifically. For a period of time Mr Ryan and his staff were able to find funds from other programs. Increased costs in the Corrective Services area made it impossible to continue that service.

THE CHAIR: Did you consider putting in a budget bid specifically to continue that service? Was such a bid put in?

Mr Keady: That will be managed through the current budget process.

THE CHAIR: But would the issue not have been regarded as significant enough to have a big budgetary line of its own?

Mr Keady: Outside the budget process? No, not really.

THE CHAIR: It could have been a specific budget item that was identified as an increase to your departmental budget?

Mr Keady: Unfortunately not.

THE CHAIR: We might see about that. You also established an intersexual reference group on women's correctional issues. Give us a run down on how that is going? What are the issues that that group is dealing with and how is it progressing? Are we paying for that service? My colleagues might not be aware of the economies of scale. How many people are you dealing with? How many members comprise that group?

Mr Ryan: There are 12 non-government members and six government members in the group.

THE CHAIR: Is that one member for each prisoner?

Mr Keady: I think you mean how many female prisoners.

MS DUNDAS: How many female prisoners do we have?

Mr Keady: Do we have any female prisoners?

Mr Ryan: The number varies. We could have anything from one to eight women on remand. In New South Wales there could be 10. It is a very small number, but the percentage can vary widely, depending on what happens around town. In relation to the members of the intersexual reference group, if you wish I can leave a list of the names of the people in that group and where they come from rather than read out that list.

THE CHAIR: Committee members would appreciate that.

Mr Ryan: The group has met regularly since June 2002. Members of that group have attended a number of information sessions provided by Corrective Services in areas such as rehabilitation programs, site visits to Belconnen, the periodic detention centre, the Quamby Youth Detention Centre and the role and operation of the Sentence Administration Board. They have received an overview of youth justice, two or three updates on the prison project and they have had a briefing on the home detention program, including recent changes to the program to encompass people on remand. Those are the main issues on which they have been briefed.

MS DUNDAS: Do they also deal with women or young women who are incarcerated at Quamby? You said that they visited Quamby.

Mr Ryan: They have been to Quamby.

MS DUNDAS: Is it a part of their terms of reference to focus on young women under the age of 18 who are incarcerated?

Mr Ryan: Yes. They are interested in women's correctional issues, both for adults and for juveniles. They have also been consulted on major policy developments, including the revised standard guidelines for corrections in Australia, the proposed prison for the ACT and the development of model legislation for the formal transfer and enforcement of community-based orders between jurisdictions. During that time their prime interest has been to do with the prison project and what we intend to do in the future. They seem to have focused more on that than on our present problems, such as they are.

MS DUNDAS: You said in your submission that the Sentence Administration Board provides support to families indirectly. The board makes decisions concerning parole and those decisions can be formulated with the support of families. When those determinations and decisions about parole are made are the families considered in those instances where there are families?

Mr Ryan: Yes, they are. The board takes into consideration the risk to families. Usually there is an attempt to make a home visit to the proposed place of residence of the

prisoner when he or she returns on parole. On quite frequent occasions the board has not accepted the post-release bans on the basis that the family situation is not suitable. The standard conditions of parole include provisions for directing a parolee in relation to his or her contact with particular people and his or her place of residence. It may also include some direction with respect to those people that a parolee should not interact with. In many cases those things tend to serve the needs of the family. Victims are contacted where possible. Often those victims are within the family. The victims liaison officer writes a report to the board for its consideration in every case when a parole consideration is put before the board.

The board can also issue a warrant for the arrest of a parolee if there is a reason for the immediate issue of such a warrant. That enables the board to act if it believes that there is an imminent risk to a family member, such as in the case of a family violence situation. The secretary to the board also liaises with Family Services and other agencies when they are concerned about a risk to a family or, in particular, to children. Those are main areas in which the board makes a tangible attempt to support families.

MRS CROSS: Have you already touched on the visiting processes for the Belconnen Remand Centre?

THE CHAIR: I thought we might address that issue when we visit the centre.

MRS CROSS: Do you have a particular prison model? I am not sure who asked this question earlier, but have you done research on particular prison models that could be used here? If so, what is that model and where is it?

Mr Ryan: The best one will be the one that we put in place when we get an opportunity to do so. I say that because there is no perfect answer. Every prison is different.

MRS CROSS: Is that the Ryan model?

Mr Ryan: No, it is the ACT Model. Every prison is different and every prisoner has different needs. Our situation is different yet again. Rest assured that we will incorporate all the latest and the best that we know of. There are good things in New South Wales, Queensland, Victoria and South Australia. Beyond that I will not say too much. There are lots of examples for us to draw on. We are drawing on all of them.

MRS CROSS: From what I have heard about your credentials, Mr Ryan, if you are involved I am sure it will be excellent.

Mr Ryan: Thank you.

THE CHAIR: We heard evidence from a family member of a person who was either in the Belconnen Remand Centre or in Quamby. That family member experienced a great deal of difficulty in obtaining information about the health of the person who had been remanded. The detainee was not able to nominate somebody outside as being the person who would receive personal information about him or about the programs that were being undertaken. The family unit, which was unaware of the sorts of programs the detainee was going through or how the detainee was doing, could not participate in those programs or access information about his or her health and other issues. What measures

are in place to enable a detainee to nominate a family member who would be supplied with that sort of information? Is that an option?

Mr Ryan: On admission, detainees have an opportunity to nominate a next of kin, but we are restricted with respect to the information that we can pass on to anybody, in particular, in relation to their health. You referred earlier to what detainees were doing and what programs they were going through. I imagine that the prisoner or the detainee would be able to give family members that sort of information anyway. However, if they wanted to speak to a welfare officer, that is always possible.

I think we could improve on the passage of that sort of information when we integrate better with families, in particular with families of sentenced prisoners. We do not really have the opportunity to do that at present. In summary, at present we already do much of what has been put forward, either through the prisoners or through a welfare officer. However, there are some fairly strict guidelines relating to the privacy of detainees. For example, on the custodial side we do not have access to all the health information that we would like to have on prisoners because of privacy restrictions.

THE CHAIR: Thank you for giving of your time to appear before the committee.

The committee adjourned at 5.01 pm.