

TRANSCRIPT

STANDING COMMITTEE ON LEGAL AND SOCIAL ISSUES

Inquiry into youth justice centres in Victoria

Melbourne — 14 June 2017

Members

Ms Margaret Fitzherbert — Chair

Ms Nina Springle — Deputy Chair

Mr Joshua Morris

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Mr Greg Barber

Ms Georgie Crozier

Mr Nazih Elasmr

Ms Colleen Hartland

Mr Gordon Rich-Phillips

Witness

Mr Neil Comrie.

The CHAIR — We might recommence if everybody is ready. Welcome to the proceedings this morning.

All evidence being taken at this hearing today is being recorded and is protected by parliamentary privilege. Therefore you are protected against any action for what you say here today, but if you go outside and repeat the same things, those comments may not be protected by this privilege.

We have been asking people, if they wish, to give a brief statement — no more than 5 minutes — and then we might move on to questions. We are in your hands, Mr Comrie.

Mr COMRIE — Firstly, I would just like to set out a little bit of background as to how I became involved in this work. I concluded a 35-year police career in 2001, the last eight years as Chief Commissioner, Victoria Police. Since 2001 I have undertaken a number of roles in both the public and private sectors and academia. Of most relevance to my recent work in youth justice has been a broad range of reviews and inquiries on behalf of both the commonwealth and state governments. These reviews include several in Corrections Victoria relating to security and intelligence matters. I have also chaired the Ministerial Community Advisory Committee for corrections for the past 15 years, providing independent advice to Corrections Victoria on matters relating to the release of long-term, special category and high-profile prisoners. Consequently I feel I have a very good insight into the correctional system in this state.

In 2010 the then government asked me to conduct a review of the circumstances of the escape of six young offenders on 19 May 2010 from the Parkville Youth Justice Precinct. The recommendations from my report were accepted, and they resulted in a significant upgrading of security at that precinct. Last year I was engaged to review riotous behaviour at the Malmsbury Youth Justice Precinct on 17 September 2016 that resulted in major damage to that precinct. I was also engaged to review riotous behaviour at the Parkville Youth Justice Precinct on 12–14 November 2016 that also resulted in major damage to that precinct. I was then further engaged to review escapes from the Malmsbury Youth Justice Precinct on 8 November 2016 and 25 January this year. I have submitted detailed reports on each of these incidents, including my conclusions and recommendations.

I want to point out that each of these reviews was guided by specific terms of reference. I have never been tasked with a broad-ranging review of the youth justice system. That work is being undertaken by Professor James Ogloff and Penny Armytage, with whom I have engaged on a number of occasions during my work. Rather my reviews have been focused on the investigation of specific incidents. However, because of my involvement in a sequence of reports, I have been able to arrive at conclusions regarding systemic issues impacting on the youth justice system. One critical point I want to make is that in any custodial environment, safety and security are paramount and that all other positive programs and activities are compromised if the environment is not safe and secure. This point is particularly important in youth justice, where there are real opportunities to prevent young people continuing in the downward spiral of the life of crime.

Finally, I was very disappointed last Friday to learn through media reports that my recent reports on the Malmsbury escapes were described by Ms Crozier as a whitewash. In my 50 years of public service in this state I have never before been the subject of such a scurrilous allegation. I therefore ask Ms Crozier on what evidence she based this offensive remark.

Ms CROZIER — I am very happy to respond. Thank you very much for appearing before us, Mr Comrie. My response was in relation to the government's response in terms of blaming the former government for the infrastructure failures. I was going to go to your report because you actually highlighted in your summary just then the terms of reference that you were engaged with. I meant in no way to cause offence to you or, as you have just pointed out, to your long, distinguished service. I know that the minister has been targeting what I said, but in relation to the minister's comments and the infrastructure failings, she has blamed the former government. Now, if I can go to your review 1 of the report where you highlight your terms of reference, which say — —

The CHAIR — Ms Crozier, are you going to a question?

Ms CROZIER — Yes, I am.

The CHAIR — Because I think what I might do, in fairness, is start with Ms Symes.

Ms CROZIER — Well, can I just finish this? I will just go to the one point about — —

The CHAIR — All right, with leave of the committee I will allow that.

Mr COMRIE — Can I just say that I appreciate the clarification. The way it was reported — as the author of the report I took offence to the fact that something I had written was described as a whitewash, so if that has been incorrectly directed at me, then I accept that explanation.

Ms CROZIER — I did speak to the media on Friday afternoon and explained to the media about the government's response being a whitewash, Mr Comrie. I do apologise again if you took offence, and it was by no means in relation to that. I will come back to my question about the remand upgrades in 2005.

The CHAIR — Was there anything further you wanted to say either on that, Mr Comrie, or on any other matter?

Mr COMRIE — No, thank you. I am happy to take any questions.

Ms SYMES — Thank you, Mr Comrie. I appreciate all the work you have been doing over your long, esteemed career but in particular in youth justice, so thank you for appearing before the committee today. Just a follow-up from Ms Crozier's comments in relation to your 2010 report and the things that could have been done that you recommended should have been done that were not done. Can you elaborate on that?

Mr COMRIE — I think there were two reports that need to be seen together. One was the Ombudsman's report. They really were concurrent reports. I think they complemented each other in that mine addressed specific issues regarding an escape from a unit at Parkville and the Ombudsman's report was a broader report looking at the precinct. So my report was really focused on that incident. The recommendations that I made in that report were, to the best of my knowledge, accepted, and I certainly did see significant work undertaken in improving the security environment at Parkville following that report, including very significant external security fencing and a single point of entry.

The real problem which has arisen again in recent times is that the infrastructure was built for a different time and a different era, and I think as time has progressed the infrastructure that I saw in 2010 has progressively deteriorated and has been exploited by the young people. I cannot think of anything that I particularly recommended in 2010 that was not implemented.

Ms SYMES — In relation to Malmsbury, I think you have commented before about its isolation. Do you think it is an appropriate facility to be a high-security facility?

Mr COMRIE — No, and I have written that in my recent report. I think Malmsbury has an important role to play, and it has played a very significant role in the youth justice arena for a number of years, particularly with the dual-track system, and I think continuation of its initial purpose would be very helpful in the system. What would be unhelpful would be to have nothing but a very high-security environment where all young people are held. If you look at the adult correctional system, people come in at the top end and are all regarded as maximum security. They work their way through the system, so ultimately you see a lot of them finishing their time on prison farms and other minimum security locations. We really need the flexibility in the youth justice system to do the same thing, because if you open the door of a high-security facility and put a young person out into the community without any opportunity to make an adjustment to reintegrate into the community, you are really asking for serious problems.

Ms SPRINGLE — Thank you very much for your presentation today and for being here. I would be interested to know what you perceive as the fundamental needs in a youth justice setting in comparison to a criminal justice setting. What do you think needs to be different about those two settings?

Mr COMRIE — If I can start by saying that one thing which is constant is safety and security.

Ms SPRINGLE — What do you mean by that? Can you unpack that a bit for me?

Mr COMRIE — It means that everyone within those facilities can feel confident that they are safe. That includes the staff, it includes the young people being held and it includes visitors to the facility. It means you have to have flexibility so that those people who are violent and disruptive are not mixing with others who are,

if you like, likely to be positive about rehabilitation programs. We also need to understand that some young people going into the youth justice system are quite vulnerable and they need to be protected, so it is important we have the flexibility to have a range of different environments in which to hold young people.

As I said earlier, safety and security are paramount, and if there is a small cohort — and there is a small cohort of very disruptive and violent young people — in my view they need to be kept separately from those who conduct themselves in a different way.

Ms SPRINGLE — In a separate facility?

Mr COMRIE — One of the things that I have suggested is that you can, within one precinct, have a number of different facilities for different purposes. You do not necessarily have to have a different building and a different location.

Ms SPRINGLE — And in terms of that security and safety, are you talking about just physical infrastructure or are you talking about a whole raft of measures?

Mr COMRIE — Well, the physical infrastructure is absolutely critical, and we have seen what happens when that fails. So you have got to start with a secure physical environment, but within that environment you then have to have a range of protocols and training of staff — properly selected and trained staff — to maintain that security. If an incident starts to occur, you need the capacity to intervene early in it so that you can interrupt that disruption so it does not spread and become major riotous behaviour, as we have seen over the last couple of years.

Ms SPRINGLE — So that might be an argument for, say, a decentralised model where not all of the different cohorts of kids are kept in the same precinct?

Mr COMRIE — Exactly. If we go back to the 12–14 December riots at Parkville last year, and they have — —

Ms CROZIER — November.

Mr COMRIE — November, sorry; thank you. The facility there had an open area, so once the young people got out of one unit they actually were able to go to others, break in and free other people. What you really need in each of those separate units is the ability to isolate parts of those units so if bad behaviour is occurring, you can actually close it down and contain it, but you also need to make sure that that riotous behaviour does not spread from unit to unit. It is a matter of design and it is a matter of proper supervision on a day-to-day basis to make sure that there are restrictions.

Ms SPRINGLE — And do you have any knowledge about how that is being approached with this new facility?

Mr COMRIE — In my first report on the Parkville matter, which really related to infrastructure, I laid out what I called a number of design imperatives. My understanding is that those have been included in appropriate arrangements that are being discussed at this point in time.

The CHAIR — Mr Comrie, I have a comment about your stage 2 review, the one from 13 March. On page 2 you have made some comments about youth justice staff in some instances being ‘either unable or unwilling to intervene early in disturbances’ et cetera and said:

They are inadequately trained or equipped to deal with the situation; or

While some have a strong commitment to youth work, they are otherwise not suited to —

being —

in a custodial environment ...

What is your understanding of the training that they have, which, as I understand it, you think is inadequate?

Mr COMRIE — The issue for me is that all of these people are working in a custodial environment. Many of them come from a youth work background, which is an admirable profession to pursue, but they need an

understanding that when they enter into a custodial environment there are certain things that are priorities, and safety and security are obviously at the top of that list. On the evidence available to me, the whole process of advertising for staff through to training them and placing them in the facilities was inadequate to raise that safety and security profile to a point where it was a paramount part of their work. I think this is something that I suspect has been picked up now, but I think it comes down to a different culture, if you like.

Youth work and custodial work are two different cultures, so trying to blend those is somewhat of a challenge, but you need people who are prepared to accept that. Otherwise I do not think they are suited. On one side you do not want hard-nosed custodial people who have no capacity to work with young people; on the other end you do not want youth workers who have no interest in security. So it is a challenge but I think now, with the involvement of the department of justice and Corrections Victoria, that blending, if you like, of skills and cultures is underway. It will need some time to bed down, but I think that is really important.

The CHAIR — Sure. Just one brief follow-up. What is your understanding of the nature of training that people had before they were put out on the floor?

Mr COMRIE — In my view it was — —

Ms SYMES — Sorry, I could not hear that.

The CHAIR — Sorry, I will just repeat the question. What is your understanding of the nature of the training that people were given before they were put out on the floor —

Mr COMRIE — Again I think in my view —

The CHAIR — in the period that we are talking about?

Mr COMRIE — There was an inadequate focus on safety and security. In relation to the agency staff, who have been referred to here earlier today, in my view that training was completely inadequate, and I have written that I think agency staff should be minimised as much as possible. Working in a custodial environment, particularly with young volatile people, requires a particular type of individual but also one who is highly trained to deal with these situations, so my recommendations about training are very much focused on trying to reach that point. Up until now I do not think it has been adequate.

The CHAIR — This may be asking you a question you do not know the answer to, so I apologise if that is the case, but for an agency staff member who was called up to step into the breach at Malmsbury, what sort of training did they get?

Mr COMRIE — I have also reported that the security and emergency services group, which really is the unit within youth justice responsible for safety and security — that is their primary responsibility — has inadequate staff numbers to actually do that effectively. So if there was a significant incident of riotous behaviour, the things that were missing were numbers to be able to adequately deal with it, equipment to properly utilise for protection of the staff and, finally, training. I do know now that Corrections Victoria has actually taken on the role of retraining those staff to a much higher level than what they were before. I think when these incidents first start, as I said earlier in my evidence, it is critical that you intervene early to prevent them from escalating. There was an inadequacy in skills, training and equipment to be able to do that.

Ms PATTEN — I have just got one or two. You mentioned that the facilities were built for another time. What was that other time? Were youth offenders less violent in that other time?

Mr COMRIE — Again I think you have heard evidence that historically about 20 per cent of young people held in these facilities were remandees; it is now about 80 per cent. I do not think any of us who have lived in Victoria in the last few years have failed to notice the change in behaviour of some young people in the community. I have also written in my reports that there is now very strong evidence that it is a different cohort of young people coming in. You have got young people who have never been before the Children's Court before coming before the court at 14, 15 years of age for extremely violent crimes. They come into the system. Unfortunately there is also some over-representation of some ethnic backgrounds and cultures. The system has really been challenged by a different type of young person coming into the system who has no respect for authority or anything in general, so you have got a system that was really set up to deal with a different cohort of young people.

Ms PATTEN — This is really interesting, because we look at the figures and youth crime is in decline. We are seeing significant decreases in youth crime, yet our youth justice system is not able to cope with a significant decrease in youth crime. It seems counterintuitive that we have less crime but we are less able to cope with it.

Mr COMRIE — I think there is a very fertile area for a criminological study of why all this has occurred, but I do not think it is any surprise that the police, the courts and the whole criminal justice system have been confronted by something that we have not really been confronted with before.

Ms PATTEN — I suppose juvenile justice has always been quite different from the adult justice system — young people are still developing et cetera — so in moving youth justice to the department of justice I am concerned that we start to blur the lines between youth justice and adult justice. Does that concern you at all in this move? I notice your comments about training and really equipping the staff to be better equipped for a security position, but I am wondering if that blurring of the line concerns you.

Mr COMRIE — I cannot speak for the department of justice and what it has in train, but what I can say is that the efforts and the resources put into trying to rehabilitate young people previously were to a large extent wasted because of the disruption in the environment. If you have an unsafe and insecure environment, you cannot really develop anything because every time one of these riotous behaviour events occurs the facility goes into lockdown for a significant period of time. So continuity, stability and a safe and secure environment are really in my view going to produce a much more positive outcome. I think the department of justice will deliver that. The rest of it, I think, is probably a bit of a work in progress, but it is not for me to speak about that.

Mrs PEULICH — First of all I think the comment about more violent cohorts being on remand is consistent with all of the other evidence that we have heard — that is, whilst there may be a reluctance to place young people into justice facilities, the violence associated with their criminality has escalated, which probably is the basic explanation of why there are so many more in remand because of that. With that increased level of violence that we have observed, that we have heard about, that you have commented on and that the media reports on, and with your comments about some of the cultures being overrepresented, what would you attribute that to — and again you may have evidence or just draw on your own experience — or what factors have contributed to this higher level of violence? Is it cultural? Is it family dysfunction? Is it drug related? Is it the involvement of organised crime and their use of vulnerable young people who are prepared to commit these more violent crimes on their behalf? Any other factors? Are you able to comment on the basis for that heightened level of violence?

Mr COMRIE — I think you have touched on quite a few of the factors that are quite apparent. I am not aware of any study, but I think it is actually, as I said before, fertile ground for some really significant research to be undertaken. This problem has really only emerged in the last 18 months to two years. The authorities at all levels are dealing with the consequences of that, but my view is that in all of these situations we have got to start looking at preventative measures and make a significant investment in how we prevent this occurring in the future. It is actually something which, as I said, has really tested the whole criminal justice system, not just the youth justice system, and I would hope that someone is doing some work, a more detailed examination, of why this is occurring.

Can I say that I think social media has played a very significant role in this —

Mrs PEULICH — I was going to put that at the end of my list.

Mr COMRIE — and I know from talking to my former police colleagues that with the so-called notion of gangs, where historically they might meet at a certain location and plan things, now it is a very loose affiliation of people connected through social media. So there are some real new challenges that have emerged for the criminal justice system in trying to deal with this modern approach, if you like, to crime and gang affiliation, if we want to give it that title.

Mrs PEULICH — Mr Comrie, we have had the opportunity of visiting some of the youth justice facilities. As a member who represents the south-east, what I have noticed is that — and it is also in the media — a lot of crime that has been committed has either been committed by people in the south-east or it is happening in the south-east. There is also a lot of organised crime and a lot of bikie gangs in the south-east. Is there any evidence that this area needs further focus?

Mr COMRIE — I think I am getting beyond my scope. It is 16 years since I left the police force. I am happy to leave the police to answer that question, I think. It is a long time; it is quite historic. As a resident of the south-east I share your concern, but it is not isolated to the south-east — —

Mrs PEULICH — No, it is not isolated to the south-east.

Mr COMRIE — I think these problems are fairly widespread and not generic to one particular area.

Mrs PEULICH — One last question, if I may. As the shadow Minister for Multicultural Affairs, I often form the view that various government agencies have little understanding of some of the cultural dynamics at play. Are you able to comment on that at all — in particular, family structure, parenting and so forth?

Mr COMRIE — I do not really think I am qualified to comment on that. The only thing I can say is that the data speaks for itself — that there is an over-representation of some particular cultures and ethnic backgrounds. I would be confident that those responsible would be aware of that and are doing some things to try and address those issues.

Mrs PEULICH — I am not so confident, but thank you for your response.

Mr MORRIS — I was hoping to ask you about the terms of reference that you referred to in your opening statement. I just wonder: did you feel limited at all by the terms of reference that were provided to you?

Mr COMRIE — No. I think the terms of reference are generally a guide. I do not think anyone engages an independent consultant with a carte blanche opportunity to go and do what they want to do, so there have got to be some guidelines. But in my experience, and certainly in relation to these sequences of reviews, I have been in touch with the department from time to time when an issue has arisen which seems to be outside of the terms of reference but which is nevertheless really important from a systemic viewpoint, and on a number of occasions I have been asked to actually include that. So I have not felt constrained, but at the same time I understand that there need to be some sort of guidelines as to the scope of the work I am doing.

Mr MORRIS — Thanks, Mr Comrie. You said a number of times you asked to look at something that you felt was outside of the terms of reference, and that was included in your report. Were there any instances where you could not include something that you would have wanted to?

Mr COMRIE — No, not that I recall.

Mr MORRIS — So in terms of the terms of reference, you had discussions from time to time with the department about what you felt may have been in or out.

Mr COMRIE — Yes.

Mr MORRIS — At any time did you request to have the terms of reference altered?

Mr COMRIE — No, I do not believe so. The only time that the terms of reference were altered was when I had started a review of the initial escape from Malmsbury. When the 25 January escape occurred, because of the systemic issues the two inquiries were joined together under one revised term of reference. That was the only occasion I can recall where there was a change.

Mr MORRIS — In terms of those systemic issues within youth justice, I got the feeling that perhaps there is a more overarching review that needs to be done. What do you think those systemic issues are that should be focused on in another review?

Mr COMRIE — As I referred to, Professor Jim Ogloff and Penny Armytage are doing a broad-ranging review which I anticipate will make a number of recommendations about a new way forward in managing youth justice matters in Victoria. It has been quite some years since that system was thoroughly reviewed. I just really wanted to make that point initially — that I was not involved in that process. Mine were separate reviews of individual incidents. But that review is underway and I think has progressed to the point of almost being finalised.

Mr MORRIS — Just one final one. Mrs Peulich made reference to gangs and gang-like behaviour. Did you throughout your reviews see any examples of gangs or gang-like behaviour within youth justice?

Mr COMRIE — There are individuals who associate themselves with that sort of activity, but I did not see any evidence of it being organised within the system. Certainly there were people who came from that background and those affiliations, but the way that the system was operated and is operated is that, I think, those people are separated as much as possible. But because, as I have said before, of the lack of flexibility in the system, that actually makes that quite a challenge.

Ms CROZIER — Thank you again, Mr Comrie. If I could just go to your stage 1 review of the Parkville Youth Justice Precinct, your report into that, you speak about the terms of reference and the impediments to the precinct. You note that the remand unit was built in 2005. Did you have concerns in relation to its ability to handle this cohort of young offenders?

Mr COMRIE — Yes. There was another incident at the remand centre where walls and ceilings were breached. The real issue is that these facilities were designed and built for residential purposes as the primary objective, and I do not believe that security and custodial issues were primary factors in the design of the facilities. As you heard earlier today, they spent quite a lot of effort putting anti-climbing mechanisms on roofs, which were successful, but then the young offenders started breaking through the ceilings underneath. As some of the photographs that I have attached to my report show, these ceilings were plasterboard. Clearly if one looks at that in light of the current security situation, they are completely inadequate.

Ms CROZIER — In light of that — because we have had numerous very severe incidents of damage where that plasterboard has been breached — do you think more should have and could have been done earlier to replace or fortify those ceilings so that we did not have the extensive damage that occurred in November?

Mr COMRIE — I think you are asking me to speculate. The fact of the matter is that each of these incidents progressively moves the level of security breached another step down the track. These units have been there for quite some years. Issues have been raised about them historically. They were raised back in 2010. Measures have been taken, but I guess the issue is that it is a youth facility. At what level do you need to set your security setting? I think we know now from experience that it has got to be quite high in certain circumstances.

Ms CROZIER — I am just wondering, in 2005, do you think those issues were raised in relation to some of the historical aspects around Parkville?

Mr COMRIE — I do not think there is any doubt that there are historical records of failures that have taken place over a number of years.

Ms CROZIER — I go now to your next review of the escapes from Malmsbury — you mentioned the Lachlan Mitchell event as well — and your summary of findings. The first two relate to the infrastructure around the sally port roller doors. I asked the department secretary if she was aware of any emails that had been provided to management regarding concerns about the faulty sally port doors. You said that it was a significant factor in the escape, so you were aware of those emails and the concerns that had been raised by staff?

Mr COMRIE — I am aware that there had been previous issues raised with those doors. I am aware that works had been undertaken previously to rectify issues with those doors, but on all of the advice that I was able to glean from my inquiries, on the day of the actual escape there was no active report of a fault on the doors.

Ms CROZIER — Could you just highlight to the committee how many issues had been raised about those security doors and when those issues had been, as you say, rectified.

Mr COMRIE — I would have to take that on notice to get the exact number. If I can just clarify this, I actually undertook that particular piece of work with a colleague of mine, Brian Hine, who is mentioned in the report. He on my behalf personally undertook that piece of work, and I would need to seek his advice on those details. On the assurances that I have been given, as I said, although there were historic records of the doors being a concern, work to rectify those problems had been undertaken and the senior staff that we spoke to assured us on the day that they were satisfied there was not a problem with the door.

Ms CROZIER — If you could provide the committee with that information, that would be most helpful. Throughout your inquiries did you speak to floor staff?

Mr COMRIE — Yes.

Ms CROZIER — How many staff did you speak with?

Mr COMRIE — It depends on which particular event you refer to, but over the sequence every time I went to one of the facilities I spoke to staff. We took statements or interviewed staff on many occasions, otherwise we would not have been able to glean an insight into what actually occurred.

Ms CROZIER — Sure. And what were their main concerns to you?

Mr COMRIE — I think they are reasonably separate. The staff at Malmsbury were very concerned about the changed cohort of young people that were coming up there. It had changed the way that Malmsbury was able to deal with the young people there. They expressed concern that they were not able to adequately deal with the challenges from there. The people at Parkville, who were more settled, if you like, and had a greater representation of permanent staff rather than agency staff, really just expressed the same view in many ways, but they felt that they were in a better position to be able to contain some of the problems until the major riots occurred, causing the damage.

There is no doubt in my mind that the trigger for this has been the significant change in the cohort of young people coming into the system. The system was unable to cope with it in a number of ways.

Ms CROZIER — Do you think in relation to that changing cohort — because we know that this level of damage and the riots and the incidents did not occur to the extent that it has in the last two years — that the management, the disciplinary measures, the reward system — —

I think you talked about the lack of authority or disrespect. I am just wondering of your opinion in relation to that element and how that has perhaps enabled these young offenders to continue on with unsatisfactory behaviour?

Mr COMRIE — I think we need to understand that what you are seeing in youth justice is a continuation of what we are seeing in the community. Home invasions, carjackings, jewellery stores being smashed up — this is all a fairly recent innovation, and these are the young people that are finding their way into the youth justice system. The authorities outside the youth justice system are doing their level best to deal with those challenges, but when those young people come into the system they are clearly a different type of individual than has been there before. So the system has got to go in a number of directions but also readjust the way it operates to deal with those new challenges. I think, firstly, as I have said on a number of occasions, they have got to make the system safe and secure, then they can work through the rehabilitation and other programs. But until they get the system secure, all of that is at risk.

Ms CROZIER — If I could just follow up on that, we had another assault in Parkville last night of a staff member who needed to be taken to hospital. What do the staff need to do? What does government need to do make sure that the safety and security is maintained and adhered to?

Mr COMRIE — Infrastructure is critical, but — —

Ms CROZIER — Could I just interrupt? In Grevillea that is fairly — —

Mr COMRIE — There are a number of points, but infrastructure is critical.

Ms CROZIER — But they still trashed Grevillea.

Mr COMRIE — Yes, I know, but they did not get out of it.

Ms CROZIER — No, true.

Mr COMRIE — So infrastructure is critical. You have to be able to contain it. Within that, you then have to have the capacity to deal with young people who are violent and intervene very early. That means the staff need to be trained so that their safety is protected. The staff have to be provided with equipment and, if you want to be blunt about it, proper riot gear so that they can feel safe when they are responding. If a young person actually

is violent towards the staff or other people there, there need to be some consequences that actually send a very clear message that that is unacceptable behaviour.

Ms CROZIER — I would agree. So with the whole notion of youth justice in terms of perhaps what has been done in the past, clearly there are young people who need rehabilitation and support, but in terms of this cohort that you are talking about, the government is advertising for people with no qualifications. Do you think that is satisfactory?

Mr COMRIE — As I said earlier, I think the type of individual to undertake this work is someone perhaps of a diverse range of skills not necessarily holding a degree in social work or youth work. It is the same in the corrections system; it is the same in the police force. You are looking for a particular type of flexible individual with a range of life skills and experience, then you train them so that before they actually go out on the job they have got all of the tools they need to do the job.

Ms SYMES — You have sort of just answered my question then. I was just going to ask about the machinery of government changes. You commented on how it is a great opportunity to identify and help craft staff members that have the welfare side as well as the security skills, I guess. Do you just want to elaborate on that a little bit more? What is the important training to equip people to best deal with all people in our youth justice system?

Mr COMRIE — I think it starts very much with what you want by way of the culture of the organisation. I think the report by Professor Ogloff and Penny Armytage will probably set the cornerstones of that. But essentially, as I said before, there are a broad range of skills required. I have spent quite a lot of time in prisons and in youth justice facilities, and I have to say I have nothing but admiration for the people that work there because it is an incredibly challenging environment. When you have got people abusing you, spitting at you, trying to assault you on a day-to-day basis, to remain cool, calm and collected and professional and deal with those challenges on a day-to-day basis requires a very special individual. So you have got to find those people and then, as I said before, you have got to train them with the necessary skills.

The actual programs that are of a rehabilitative nature may well be delivered by someone else, so I do not think someone who comes in to manage the day-to-day security and safety necessarily needs to be the same person that delivers rehabilitative programs. So it is a broad range of skills, and it needs specialisation to be able to deal with that across the board.

Mrs PEULICH — So do you think they are mollycoddled?

The CHAIR — Actually I am going to move on to Ms Springle, because she has not had an opportunity to ask questions.

Ms SPRINGLE — I would just like to interrogate the concept of a new cohort, because you have spoken about it a lot — and this is not the first time we have had heard it — but you also mentioned that there is a growing body of evidence, and I have not heard that before. So I would like to know exactly what you are referring to there and also, I suppose, what in your view are the causal factors for this new cohort.

Mr COMRIE — I think the evidence is both anecdotal and — —

Ms SPRINGLE — So there is no data per se around that?

Mr COMRIE — There is some data, and I think I have actually included that in one of my reports which records over-representation of people from particular ethnic backgrounds. If you look at the broader population and the numbers of those communities within that broader population, the number of young people from those smaller communities in the system is quite significant. This is not a new problem. If we go back — and I will not mention particular communities because I do not want to offend them — there have been waves of migration to Australia where it has taken some time for new communities to settle in, and often young people coming into a completely new culture and environment do not settle easily. I know from my own history we have dealt with a number of those challenges historically. I am very hopeful that given time the current issue will go the way that we have been previously, where we will see some positive development and these people will feel far more included into the broader community.

Ms SPRINGLE — So you think it is an issue of exclusion as opposed to other social cohesion factors like trauma for newly arrived and refugee communities?

Mr COMRIE — I think we are getting into territory which is beyond my field of expertise. As I said before, I do hope that there is a study underway — I would be surprised if there is not — to try and identify what these causes area, because if we do not actually understand them, then we cannot really respond to them.

Ms SPRINGLE — Could you just confirm for me where that dataset is that you are referring to so we can take a look at it?

Mr COMRIE — The department has a range of data.

Ms SPRINGLE — The Department of Health and Human Services or DJR?

Mr COMRIE — It was made available to me by the department of human services when I was doing the review. I think I have summarised it in my executive summaries, but there is data indicating the background of young people coming into the system.

Ms SPRINGLE — And it would be your contention that those are the people that are in this new cohort?

Mr COMRIE — They are certainly very much over-represented in this new cohort, yes.

The CHAIR — Mr Comrie, I had a couple of questions about your reports. I note with the most recent report that the government has accepted all the recommendations.

Mr COMRIE — That is my understanding, yes.

The CHAIR — Was that the case with the previous reports that you had provided?

Mr COMRIE — That is my understanding — that they have all been accepted, yes.

The CHAIR — I had a query about recommendation 6 from the most recent report, and I might read it just for clarity:

That during negotiations with young offenders to resolve incidents of riot or other disturbance that the requirements of the youth justice custodial services practice manual regarding demands by young offenders be strictly observed and concessions are not made relating to escape or release, transfer, staff dismissal, amnesty from offences committed during riot or serious disturbance, provision of objects which could be used to further the riot or serious disturbance, or the provision of alcohol, drugs, money or access to leave.

I was just interested in hearing from you why it is that you included this particular recommendation in this report?

Mr COMRIE — Firstly, it is a requirement of the manual, and I agree that that is a very important part — that if you are negotiating with someone in a riot, there are some rules around that. There was some evidence available that those rules were not being strictly adhered to, and so my recommendation was a reminder that the rules are there for a very good purpose. The real issue for me is that if you make concessions during negotiations, then that becomes the target for future situations. So no negotiation on those issues means that you do not actually create a precedent that then creates more problems for you in the future.

The CHAIR — I agree. What were the specific rules that were not adhered to?

Mr COMRIE — There was an instance of movement from one location to another — a demand.

The CHAIR — And that was conceded?

Mr COMRIE — Yes, but I accept it was done under extreme pressure. It was actually a bit like a pressure valve situation — trying to reduce a rather intense scenario. I have not been overly critical of it. I am just really making a point that the rule is there for a good reason and it should be abided by. When I say evidence, I am not talking about multiple instances of it but just that I saw that this may lead to opportunities being taken by these young people who exploit every advantage that they can, and we need to stick to the rules very firmly.

The CHAIR — It is reasonable. I was just struck by this recommendation because the report, as you said, is primarily about physical facilities, and that was a reference to the rules. I appreciate there may be some constraints on what you can say, but are you able to give any further detail about what happened that so concerned you?

Mr COMRIE — In relation to that incident? I think we are starting probably to get into a bit of tactical stuff here, which I do not think is all that helpful in a broader public sense. A lot of the detail in my report in falling into the wrong hands would not be helpful at all, so I would prefer not to go down that path if you do not mind.

The CHAIR — Certainly. Thank you.

Mrs PEULICH — Just to wrap up the previous question, you have had a close look at the client behaviour management model, obviously, as you have made comment on it, and in view of the changed and more hardened, more violent cohort your comment was that youth workers and social workers perhaps are not the appropriately qualified people to handle the primary role, as opposed to the ancillary and support services that are required. So all in all at the moment you would say that they are being mollycoddled for the nature of the client that is in there at the moment.

Mr COMRIE — I would not accept that as a broad statement, but again it comes back to people's training and their professional expertise, and people in the system have different views on how they should deal with young people in crisis. My view is, as I said before: firstly get the facilities secure and safe, and then you need to work through. Part of the other work that I have written about is that we need an effective classification system which actually tells us what can and cannot be done with a particular individual and what investment can be made in their rehabilitation and then progressively move them through the system.

Even though some of these what I would call at the harder end need to be separated for the safety of all concerned, I would be hopeful that once their behaviour was contained you could then start to work with them and modify their behaviour and move them through the system. But if they are distributed through the system, they pollute others in the system through their behaviour, which is actually seen to be the standard. So it is a matter of trying to individualise each young person that comes into the system, understanding what their needs are and setting a program to case manage that young person so they work through the system, but it is an escalation and de-escalation process. If they misbehave, they need to be dealt with differently. If they behave, then you can actually do some things to reward and encourage that behaviour.

Mrs PEULICH — So does the new client behaviour management model address those concerns?

Mr COMRIE — My understanding is that it is still being worked through. Again, the department of justice has only in the last couple of months taken over. I am sure that there will be a different approach which will acknowledge all areas within that spectrum of behaviour that I have been talking about.

The CHAIR — Ms Crozier, I think you have one very quick question to conclude.

Ms CROZIER — It was just a clarification. You talked about the tactical response and negotiation process.

Mr COMRIE — Yes.

Ms CROZIER — Without going into the detail between the police, I presume, and management in terms of some of those scenarios that arose, particularly over the 12–14 November riot, when we know there were offenders in the roof and others in their rooms, trapped, and a lot of uncertainty at that point, could you clarify that?

Mr COMRIE — During that protracted event there were a range of negotiations underway, and there was, as I said before, some evidence that perhaps we needed to be reminded of what the rules were in relation to that just to make sure that no concessions were made that might create a difficult precedent.

Ms CROZIER — Concessions such as?

Mr COMRIE — Well, as I indicated before, being moved to another location.

Ms CROZIER — And was that a management decision rather than a tactical police response?

Mr COMRIE — It was a management decision.

The CHAIR — I think we are going to have to conclude there. We are out of time. Mr Comrie, thank you very much for coming and speaking with us today. You will be provided with a transcript within a few weeks for review.

Witness withdrew.