

# TRANSCRIPT

## STANDING COMMITTEE ON LEGAL AND SOCIAL ISSUES

### **Inquiry into youth justice centres in Victoria**

Melbourne — 17 March 2017

#### Members

Ms Margaret Fitzherbert — Chair

Ms Nina Springle — Deputy Chair

Mr Daniel Mulino

Mr Edward O'Donohue

Ms Fiona Patten

Mrs Inga Peulich

Mr Adem Somyurek

Ms Jaclyn Symes

#### Participating Members

Ms Georgie Crozier

Mr Nazih Elasmr

Ms Colleen Hartland

Mr Gordon Rich-Phillips

#### Witness

Ms Deborah Glass, Victorian Ombudsman.

**The CHAIR** — I formally open the hearing today and welcome everybody who is present in this room. Welcome to the public hearings of the Standing Committee on Legal and Social Issues. All evidence taken at this hearing 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. As you know, the committee is hearing evidence today in relation to the inquiry into youth justice centres in Victoria, and the evidence is being recorded. I invite you to address the committee and suggest that you keep any opening statement to 5 or 10 minutes.

**Ms GLASS** — Thank you for the invitation to address this committee. I welcome this inquiry, and I commend the committee for carrying it out. What I would like to do in my opening remarks is talk briefly about the role of the Ombudsman in youth justice and then say a bit about the report I tabled a few weeks ago.

Starting with the role of the office, the Victorian Ombudsman has long had an interest in youth justice. Ombudsman staff have been regularly visiting youth justice facilities since at least 2003. My predecessor tabled several reports on youth justice issues, most recently on an investigation into conditions at the Parkville facility in 2010 and an investigation into children transferred from the youth justice system to adult prisons in 2013.

The introduction of the Charter of Human Rights and Responsibilities Act in 2006 provided the Ombudsman with the express function to inquire into or investigate whether administrative action is incompatible with a human right set out in the charter. This is of course very relevant to the subject matter of this inquiry, when those rights include the right to humane treatment when deprived of liberty, and children in the criminal process.

Since coming into the role in 2014 I have continued the office's interest in youth justice, although I am mindful that there are now other agencies with responsibilities for the safeguarding of children's rights in detention facilities, in particular the Commission for Children and Young People, which was established in 2013. After the 6 November 2016 disturbances I liaised with the principal commissioner, who I am aware you are going to hear from next, who had already begun an investigation into the use of seclusion and lockdowns, as well as the equal opportunity and human rights commissioner, and my staff made a series of visits to all three facilities, including the new Grevillea unit at Barwon Prison, to take complaints.

I decided then that I would table a report to give Parliament and the public a window into the actual state of affairs within Victoria's youth justice facilities and how oversight agencies are holding government to account, and as you know that report was tabled on 6 February. The report is of a different nature to most reports I have presented to Parliament. It is the product of inquiries and information shared by other oversight bodies, rather than a formal investigation, but I was also mindful of this inquiry and I hope it will assist you in your work.

Since my report was tabled the focus on youth justice and human rights has been given added impetus by the federal government announcement on 9 February of Australia's intention to ratify the UN's optional protocol to the convention against torture — an announcement I very much welcome. Ombudsman offices across Australia have made clear for years that our offices are well placed to fulfil a role as a national preventative mechanism, which is a kind of shorthand for independent investigations of places of detention, and the experience of the New Zealand ombudsman in doing so has demonstrated the benefits for safeguarding the rights of children in detention. It will now be important for Victoria to turn its attention to how the implementation of OPCAT will work in this state.

Now, turning back to my report, I trust that it speaks for itself, but if it will assist the committee, I will highlight some key points. There can be little doubt that this state has a youth justice system under serious strain. The reasons for this are complex and multilayered, but to take one example, complaints about lockdowns are evidently affected by a toxic combination of staff shortages and increasing overcrowding. It is predictable that a regime of lockdowns for young people will create unrest and equally predictable that more lockdowns will follow any unrest.

My report was not a formal investigation. We have not examined the reasons for staff shortages, but I would encourage the committee to do so. Insufficient trained staff and high staff turnover will inevitably create a vicious cycle. You do not need to be an expert to see that this must have an impact on the behaviour of young people. A stable staff able to build positive relationships with young people, being trained in safe responses and de-escalation, will always be the strongest safeguard.

Other factors identified include the increased population on remand, which makes for an increasingly volatile and unsettled cohort. Then there is the very striking statistic that some 25 per cent of offences are being committed by less than 2 per cent of offenders. They should be seen in the context of youth crime decreasing overall, but with a small number of increasingly violent repeat offenders who the system is plainly failing to deal with. The report made no recommendations, as major work was already in train, in particular the government's review of youth justice services, led by Professor Ogloff, which began last year and which I understand aims to deliver a much-needed long-term strategy.

As I say in the report, while it is sadly inevitable that short-term solutions will continue to be sought to deal with urgent situations that arise, it is vital that the government keep its sights set on long-term reform involving joined up solutions. The problems will not simply be fixed by building a new facility or moving responsibility from one department to another. Safety will line a system that makes it less likely these young people will be repeat offenders. It is neither an interest of public safety nor the public purse for young people to become entrenched in a life of crime, sadly often beginning during a childhood spent in state care, cycling through youth justice facilities into adult prisons to which all too often they return.

There is no quick fix to this problem. Reform is needed to address the deeply disturbing behaviour we have seen by some young people, but the system must recognise that dangerous children are different from adults. Youth justice cannot be seen as the problem of a single department. The troubles have their origins in many factors, including those children being victims of abuse, trauma or neglect; poor mental health; alcohol and drug misuse; or the experience of homelessness.

I will of course be keeping the progress of reforms under review. If I can assist the committee with further work, I would be very happy to have that discussion. I am of course happy to answer your questions.

**The CHAIR** — Thank you. I understand that you are with us until 11.00 a.m., and I know everybody has questions, so I will ask all panel members to try to be as succinct as possible. I will start with questions from my left, with Mr O'Donohue to start, and we will move through the panel in that way.

**Mr O'DONOHUE** — Thank you, Ms Glass, for your evidence, and thank you for the report, which the committee has received. You have touched on a number of issues, including long-term planning and the immediate. Dealing with the immediate, can you describe to the committee the processes that you examined or are aware of that the government went through in considering Grevillea unit as a youth justice facility rather than a wing of the Barwon maximum security adult prison?

**Ms GLASS** — As I said, this was not a formal investigation, so I was not using investigation powers. This was essentially a report that I put together in about three weeks. What you will see in the report is the exchange of correspondence between the commissioner for children and young people, who I know you are taking evidence from, and the minister. I think that looks much more closely at the issues. I might suggest in fact that you address that question to the commissioner.

**Mr O'DONOHUE** — Sure.

**Ms CROZIER** — Thank you very much again for your presentation, Ms Glass, and for being before us this morning. It is most helpful. I have obviously read your report and spoken to it a number of times in the Parliament. In your presentation today you spoke of the previous reports. You spoke of the complexities in relation to many of these young people that are coming into the youth justice system, but you also said that the current system is under considerable strain. What has changed in relation to the last Ombudsman report of 2013, which highly commended many of the aspects that were undertaken between 2010 and 2013–2014? Can you just highlight or give some insight to the committee about what has happened so dramatically between 2013–14 and now?

**Ms GLASS** — I can give some, but as I said, there are a number of factors, and some of them I would encourage you to look into further. One very obvious one is staff shortages. What has resulted in the situation that has caused young people to be placed in lockdown for 23 hours a day, which will create unrest — —

**Ms CROZIER** — How often was that happening, though — the lockdown?

**Ms GLASS** — Again, that is a question for the principal commissioner, whose staff have been visiting very, very closely, whose principal role it is to look into that and who, I understand, is providing a report on the subject. But clearly it is too often and at an unacceptably high level. That is certainly a key factor.

What has resulted in those staff shortages, which has resulted in instability that we have seen within those centres, is clearly having an effect today, and that has obviously been changing over the years. We know that a lot of money was spent on Parkville after the 2010 report. We know that Parkville College was established after. There was certainly some action taken in response to the 2010 report that had a positive effect. But clearly the fundamental infrastructure is still there, and the issues that go to therapeutic interventions are somehow not in place.

I have not looked in detail at what happens when a young person comes into the facility, as I did with my one-year-long prisons investigation; it would have taken a time that I felt I did not have to inform this inquiry. Is there proper assessment of young people when they come into youth justice? Is there proper case management of young people when they go into youth justice? Is the system designed to address the fundamental problems that they present when they enter it — to address the causes of criminal offending? I think pretty plainly no, and if young people are in lockdown for 23 hours, then even more plainly that behaviour is not going to be addressed.

**Ms CROZIER** — If I may, Chair — and I am conscious of everybody else's time for questions — the lockdown that is occurring now was not occurring in previous years to — —

**Ms GLASS** — My previous reports speak I think very eloquently for themselves, and the facts in those reports have been on the public record since the time they were tabled. The issues around lockdowns I think have been periodic, but it does appear to be a more pronounced problem in recent years than we have seen before.

**Mrs PEULICH** — Could I commend you on your report.

**Ms GLASS** — Thank you.

**Mrs PEULICH** — I think it was a very welcome addition to a really important debate. Just two questions, if I may. Basically what you are saying is that kids end up in state care because of neglect and that they end up being neglected when they are in youth justice facilities. That is the sum total of your — —

**Ms GLASS** — We are seeing certainly a cycle of neglect, which must be unacceptable to this state.

**Mrs PEULICH** — Can you shed some insight into the types of kids or young people who are in state care and who we end up seeing over-represented in the crime stats and youth justice?

**Ms GLASS** — What I quoted from is the Youth Parole Board's suggestions, and I know that you are hearing from the Youth Parole Board later today. In a relatively short report I have plucked the relevant statistics that we could obtain. That gives, as you can see, a pretty bleak picture of the young people that we have in youth detention; 63 per cent are victims of abuse, trauma or neglect.

**Mrs PEULICH** — Requiring some fairly skilled staff to be able to deal with it.

**Ms GLASS** — Absolutely. What we do know also from endless reports is that the younger people are when they come into contact with the system, the more likely they are to reoffend. So you have an opportunity to intervene at an early stage, and if you do not intervene successfully, then essentially not only will that have a massive impact on the criminal propensities of those young people, which cannot be to the benefit of the safety of Victorians, but it also will have a massive impact on the public purse, because that is where they will end up cycling in and out of prisons for the duration of their lives.

**Mrs PEULICH** — So for them justice becomes an educational facility into more crime.

**Ms GLASS** — Absolutely. It is vital that youth justice is used as an intervention to stop that happening as much as possible.

**Mrs PEULICH** — One very brief question: you commended the federal government for being prepared to ratify the convention against torture. Could you just define what falls into the definition of torture under the convention?

**Ms GLASS** — I could give a lecture on OPCAT, but this is probably not the place for it. What OPCAT essentially does is it requires signatories to that protocol to have independent mechanisms in place to monitor places of detention. That includes prisons, youth justice facilities, closed psychiatric wards, police cells and the like. Essentially what it is doing is monitoring the conditions within those facilities to an independent standard.

**Mrs PEULICH** — Would any of those current experiences of youth justice detainees or those in remand fall into that category?

**Ms GLASS** — In terms of the rights of those people, absolutely. Young people being placed in lockdown would certainly be a feature that would very much interest UN inspectors under that protocol.

**The CHAIR** — I have a couple of questions, if I may. The first is in relation to lockdowns, which there has been some discussion of. What was the evidence you found that children and young people were being placed in lockdown for longer than previously?

**Ms GLASS** — It is anecdotal. As I say, this is a report that I have put together based on inquiries with the children's commission, who you are hearing from. They had already commenced a formal investigation into lockdowns, and I would encourage you to ask the commissioner about that. The anecdotal evidence is around what extent it is featured in previous Ombudsman reports and complaints, and what we have seen is that it is increasingly a feature which anecdotally is related to staff shortages. We have complaints about it; it is an increasing feature of those complaints, and we hear from staff themselves. They also are not shy of coming to the Ombudsman.

**The CHAIR** — I have a second question, which is that the government has indicated that management of youth justice centres will transfer from DHHS to corrective services. I am interested in your views on that and what involvement you may have, if any, in the process going forward.

**Ms GLASS** — The Ombudsman is of course an independent agency. I will make recommendations, but it is very much for the government of the day to accept them or not, and I will make them publicly and in a form that holds the government to account if they do not accept them and change does not result. I wanted to make the point in my opening remarks that this is not a problem of a single department. What is important for me is not which department carries responsibility for the youth justice system but the way it manifests itself.

What is vital in my view is that the dual-track system that we have in Victoria that recognises that children are different from adults, which was the reason that it was previously sitting within the Department of Health and Human Services, should continue. What is important is that that recognition should be there and that the kinds of therapeutic interventions that are needed to address the root causes of young offending are put in place, whichever department is responsible for the facility. What you would not expect is that the whole thing simply be shoved into the adult prison system as if it were the same thing, because it is not.

**Ms SPRINGLE** — Thank you very much for your presentation today. Just picking up on that point: surely there would be an acknowledgement, however, that the approach and the culture of corrections is vastly different from what has traditionally been the approach and culture of the Department of Health and Human Services in relation to youth justice.

**Ms GLASS** — I have been very clear, as a matter of public record, that the corrections system has not been very positive at rehabilitating offenders, so it does not have a great record in that regard, although I am encouraged by some of the changes I have seen in the last years to address the issues I identified in my last report. But absolutely what is important is that there be a rehabilitative focus in relation to young people, which is different from the focus that pertains to adults — again, also a rehabilitative focus, but you are dealing with children and children are different from adults. As I say, even dangerous children are different from adults, and that requires a different focus — a greater focus on education, for example, but also recognition of why children are in a position, and that brings in all of the issues around child protection, abuse and neglect and the reasons why children enter the criminal justice process in the first place.

**Ms SPRINGLE** — Going to your comments about human rights I am just interested to know if you have a view around how the charter and the segments of the charter that are applicable have been considered, implemented and respected within the Grevillea unit of Barwon Prison.

**Ms GLASS** — That of course was the subject of legal proceedings. One of these that I was very mindful of in tabling this report is that there are lots of other agencies who are doing pieces of work. So before embarking upon this work I liaised with the Commission for Children and Young People and I liaised with the equal opportunity and human rights commissioner, who was party to those proceedings. The specific question of whether there was a breach of the charter was very much a feature of the legal proceedings, and as a result that was the proper place for that to be determined. But the complaints that I dealt with from young people raised human rights issues, and part of my role under the charter is to consider those complaints and to make appropriate resolutions of them.

**Ms SYMES** — Thank you, Ms Glass. I note you have said that it is inevitable that urgent situations will require certain responses, but you do have an interest and focus on the addressing of the causes of crime for young people. I wonder if you could tease out exactly where you think the focus should be in relation to that.

**Ms GLASS** — It is so multilayered and multidimensional. This is a frustration that I expressed in the report I put out into the rehabilitation of prisoners. It is a lack of a joined up focus on solutions. The problem is the problem of the prisons, the corrections department or the Department of Health and Human Services, and in fact it cannot be; there has to be an approach which recognises that it is about child protection — that it is about health, mental health, drugs and alcohol abuse, education, housing. So all of these things are factors in why kids end up in youth justice in the first place and indeed why so many people end up in our prison system, so if you simply give the problem to a single department to solve, they will not solve it.

**Ms SYMES** — Someone previously asked and you were talking about the correspondence between the commissioner, the minister and the department. Following those exchanges when you were at Grevillea did you see changes as a result of that correspondence?

**Ms GLASS** — We have seen changes, and again these are probably questions best asked of the commissioner because clearly she was the frontline supervisor in relation to those matters. What we saw, though, was the impact that Grevillea had on the pressures elsewhere in the system and in particular on Malmsbury. Again we saw the result of that in January. You saw staff moving to Grevillea to set up that new unit. That resulted in increased lockdowns in the Malmsbury facility. When we were visiting Malmsbury before the unrest there we were receiving quite a number of complaints about those lockdowns. So inevitably the pressures in one part of the system are going to have an impact elsewhere.

**Mr MULINO** — Thanks for your evidence today and for your report. You have indicated on a number of occasions that this is a multifaceted problem, and some of the issues that you have referred to, such as the growing severity of crimes for the relatively small cohort that commits a fairly large proportion of overall crimes and the proportion of young offenders on remand, have been getting worse. Do you think it is fair to say that the trends underlying those two issues — the growing severity of crimes in that particular cohort of people and the proportion on remand — have been getting worse for quite a period of time, five to 10 years or more?

**Ms GLASS** — I do not have the evidence for that. That may well be the case. I know you are hearing from the Sentencing Advisory Council and others who would probably have a greater data pool than I can rely on. I can talk to what we have identified thus far. There have certainly been trends in relation to remand that we referred to. That has increased substantially over the last five years, absolutely.

**Mr MULINO** — So remand looks like one which at least a half a decade and you could probably expect it going back — —

**Ms GLASS** — Yes, and that is equally true in the adult prison system, which I have also quoted. So that is a long-term trend that we have seen, which is clearly having an impact because people on remand are inevitably unsettled.

**Mr MULINO** — And in a sense it is both the complexity of the issue but also the fact that we are dealing with some long-term trends, which probably contribute to your suggestion that we are not to turn this around overnight. When you are dealing with long-term social trends it takes a bit of time to turn things around.

**Ms GLASS** — That is absolutely right, and I think the frustration that many people looking at the system feel is that there is a natural desire to come up with the quick solution, and there is not one.

**Mr MULINO** — But the key thing is to get that strategic vision and the joined-up vision and then of course to have the right settings for short-term issues as well.

**Ms GLASS** — Absolutely, yes. The solutions relating to youth justice or indeed the adult prison system are not solvable in the lifetime of a single government. That is a fact.

**Ms PATTEN** — Thank you, Ms Glass, for your report. I just wanted to follow up a little bit on the issue of remand, because it is quite striking around 2013 the significant increase in remand and also that only 20 per cent of the people on remand are actually given custodial sentences. Has the Ombudsman's office considered this issue of remand in juvenile law or even in the adults?

**Ms GLASS** — I am speaking up against the boundaries of my jurisdiction here, I have to say, Ms Patten, because I do not actually have jurisdiction over the court system and the justice system. The department of justice, yes, but for example, judges and sentencing and elsewhere are outside — —

**Ms PATTEN** — Yes, so separate those powers.

**Ms GLASS** — So I can make observations about the impact of that, but it is not the role of my office to scrutinise that in detail.

**Ms PATTEN** — Your office has not touched on the significant impact of the increased remand population in the juvenile justice system.

**Ms GLASS** — No, not directly. Again, as I say, I can make observations about it, but if I were to do some work on it, I would have to frame that very, very carefully to ensure that it remained within my jurisdiction.

**Ms PATTEN** — I just had a curious question. In your report you mentioned that the Ombudsman is prohibited from interviewing witnesses under the age of 16. I was wondering if you could clarify why that decision was made.

**Ms GLASS** — I wish I could. I have actually asked that question. It obviously happened before I came into the role. I have asked within my office whether anybody can shed any light on the history of that amendment. I have no idea why that amendment came into effect. It is not helpful. It is one of a number of amendments that I have said need to change. In the context of this inquiry I may be so bold as to suggest that you recommend it be abolished. I would be quite happy to see that, because although we take complaints from young people, it does prevent us from being more actively involved in a formal investigation.

**Ms PATTEN** — You can receive a complaint, but you cannot ask a question about it.

**Ms GLASS** — Indeed. I was hoping in fact that somebody from Parliament might be able to shed some light on why that amendment — —

**Ms PATTEN** — Yes, I was not there then either.

**The CHAIR** — We might have to get back to you on that one, I think.

**Ms PATTEN** — We will take it on notice.

**The CHAIR** — Yes, we will take it on notice.

**Mrs PEULICH** — A lot of things go under the radar.

**The CHAIR** — I have just one question leading on from what Mr Mulino was saying and your answer when you were talking about a joined up response, a vision et cetera: do you have confidence that that is in place now? Even if it is the job of more than one government, are we on the right path, or are we still thrashing about looking for an answer?

**Ms GLASS** — ‘I do not know’ is the short answer to that question. What I have not yet seen — and I have not seen much evidence of this equally in response to the prisons report, although there is a very positive response in some areas, particularly from corrections, I have to say — is evidence of that joined up approach. The parallel I would make here — and we have seen this in New Zealand, for example — is that if a government adopts an overall commitment across the board to reducing offending and puts targets on all departments to contribute to the reduction of offending, that is when you see a joined up approach. We have not yet seen that in this state. I have not seen any government come up with a commitment to reducing offending. I would very much welcome it if such a commitment were to be made.

**Ms CROZIER** — Thank you, Ms Glass. In your opening remarks — and please correct me if I did not hear you correctly — you made reference to one high-secure facility not being the right model. Is that what you said?

**Ms GLASS** — What I said precisely is that the problems will not simply be fixed by building a new facility.

**Ms CROZIER** — You have alluded in your evidence to other questions about the complexities and issues surrounding that. So it is not just about building a new facility; it has got to be other things — education you mentioned, the reoffending et cetera. Is there anything else in relation to the model of a facility or how it should look?

**Ms GLASS** — Infrastructure is obviously a part. You need appropriate infrastructure, and of course that needs to be safe — there is no doubt about that — and there have been numerous reports about the safety of the Parkville facility that I do not need to elaborate on. But what is critical is what goes on inside the facility and that it is informed by behavioural science. That is what will make a difference here, and what I do not know, because I have not seen where these reforms are going and we have not yet seen the product of the work that I know has been commissioned, but what I would hope and expect to see is that whatever is designed within a new facility is informed by therapeutic intervention and behavioural science that actually addresses the root cause of young offending.

**Mr O’DONOHUE** — Would you say that is even more important than the infrastructure itself?

**Ms GLASS** — Infrastructure is obviously important. There is no question that it needs to be in a place that is safe, where the young people are safe and the staff are safe. But to have a facility on its own without being appropriate is pointless. All you will do is create a feeder into the adult prison system.

**Ms CROZIER** — And if I may, slightly changing in terms of the tensions you spoke about in relation to the staff and inexperience of staff and the high turnover rates in recent years and with the establishment of Grevillea, in your report you actually acknowledge those tensions. Do you think those tensions may have contributed to the mass escape, for instance, at Malmsbury in relation to what actually occurred in late January?

**Ms GLASS** — I can only speculate on that, and I am not sure that it is appropriate for me to do so. I believe that there have been reviews commissioned by others who will be looking at the evidence. But what there is no doubt about is that from the evidence of my own report the regime of lockdowns has contributed significantly to unrest, and that makes further unrest predictable.

**Mrs PEULICH** — Thank you, Ms Glass. Ironically this committee visited Malmsbury the day before the riots, so I am not sure whether that may have provided inspiration.

I guess in the context of more violent offences being committed by young people and well reported by the media and social media — carjackings, home invasions — there is enormous pressure on the system to actually confine the offenders and protect the community. In your view, and again it may be straying out of your jurisdiction, are there too many violent offenders or offenders on remand, or is it that there are too few who are given custodial sentences?

**Ms GLASS** — Again, out of my jurisdiction. I do not know the answer to that question. It is probably one that is best addressed to the Sentencing Advisory Council. But given we know how many kids on remand do not actually end up in the system, there is a real question as to what they are doing there and how quickly the justice system is dealing with them, which I think you can very reasonably be asking as a committee.

**Mrs PEULICH** — I think what they are saying is that because they are more violent there are greater complexities in the range of offences that are being committed and often they try to bring them in together before the judiciary, and that is the reason for the delays. Are you able to comment on that?

**Ms GLASS** — I cannot, again. That part of the justice system is not within my remit.

**Mrs PEULICH** — Otherwise if they do them component by component there is more likelihood that they are released when we know there are very serious problems and behaviours.

**Ms GLASS** — But the fundamental point is: whereabouts does the system address those very challenging behaviours —

**Mrs PEULICH** — I absolutely agree.

**Ms GLASS** — and it needs to address it somewhere. It may well need to address it way, way back when it is a kid still in child protection.

**The CHAIR** — I have a question about therapeutic community services and the number of orders that are made, which I understand have changed significantly over time. Some years ago about 80 per cent of young offenders received one of these orders, and in the most recent figures from 2015–16 that has dropped to 53 per cent. Has that in some way contributed to what is happening, in your view?

**Ms GLASS** — That is not a factor I looked at, where people are within the community, so I do not think it is something that I can directly comment on. What is very, very clear from this stance is that the causes and the problems are complex and multilayered. There will inevitably be a huge number of factors that contribute to what we are seeing today.

**The CHAIR** — Sure. On a similar line I was interested in speaking to you about the staff shortages issue. I know that that has always been an issue, but my understanding is that it has become worse in recent times.

**Ms GLASS** — Anecdotally that appears to be the case. As I say, it is not something that I was able to look at in detail. I have no doubt that those numbers are available — and the committee would be well placed, I think, to make some inquiries about that — but it is certainly contributing, from the evidence we have, to that very toxic cycle that we have seen.

**The CHAIR** — There were reports that last year gardeners at Malmsbury were taking a role in supervising young people and children at Malmsbury. Do you regard that as acceptable?

**Ms GLASS** — I obviously did not see those reports, but as I have said, having a stable, trained staff is absolutely vital to the running of a youth justice facility. Part of the training of those staff is actually dealing with adolescent behaviour. It is knowing how to cope with it, knowing how to de-escalate and knowing how to speak to young people in ways that are more likely to reduce the tension than to increase it. So having trained staff, again, is one of the many pictures of having a proper facility. The trained staff are key to effective youth justice.

**Ms SPRINGLE** — Picking up on Ms Patten's earlier question about your inability to interview detainees under 16, how has that impacted on the work you can do, particularly in light of the fact that we are hearing that this so-called new cohort of violent offenders are of that younger group? How is that inability to actually access them and ask them questions impacting on what you do?

**Ms GLASS** — In the last couple of years one of the things I have been very mindful of, as I mentioned, is that there are other agencies with responsibility, in particular the Commission for Children and Young People, which was set up in 2013. Liaising with them has been a key part of my role and something that I did very recently in the context of this report. So it is still an open question for me as to how far I would want to investigate some of these matters directly, rather than relying on another agency to do so. I could not say so far that it has stopped me doing something that I really wanted to do immediately, but it could well do so in the future. Given that I can see no logic to this limitation, I would much rather it be removed so that, in the event that I do need to exercise Ombudsman powers in dealing with young people, I will be able to do so.

**Ms SPRINGLE** — Can I ask you just to elaborate a little more on the complaints that you have received? In the report you mentioned you received 62 complaints over the 2015–16 period. Would you have on hand the figures around where those complaints were from — Parkville, Malmsbury — —

**Ms GLASS** — I do not have them with me. I am happy to provide the committee with updated complaint statistics if that would be helpful.

**Ms SPRINGLE** — That would be great.

**Ms GLASS** — If you would let me know precisely what statistics you want, I would be happy to do that.

**Ms SPRINGLE** — Terrific. That would be wonderful.

**Ms GLASS** — The complaints cover a pretty broad range, as you can imagine.

**Ms SPRINGLE** — Just finally, there were some individual cases in the report that you cite. Are you able to elaborate on whether those have been followed up and those issues rectified?

**Ms GLASS** — Again with each of those, at the time I tabled, it is a snapshot in time, of course. They are ongoing cases awaiting responses from the department, many of them. Again I cannot provide specific information about them because I am prevented by confidentiality from doing so, but I can certainly provide an update on the number of cases that have been resolved and how many are ongoing, if that would be — —

**Ms SPRINGLE** — Yes, that would be really helpful. Thank you so much.

**Ms SYMES** — My question is in relation to the correlation between lockdowns and staff shortages. You may be aware that staff were cut under the previous government, and Minister Mikakos has certainly gone about a recruitment drive through the department. I think there were about 41 that have come on board recently. What type of person do you think they should be targeting? We have met with the units, and I know they are using a different type of recruitment approach, but I am interested in what type of people you think they should be targeting to take on these difficult roles?

**Ms GLASS** — I am not a behavioural scientist, you know, and I think that is probably a better question for somebody who is. But I think it is fairly obvious that it should be somebody who has a genuine interest in rehabilitating young people and who has the strength to cope with challenging behaviours.

This is the kind of question I used to be asked in my old role when it comes to recruiting police officers. You deal with situations where you know that a certain kind of person can diffuse a situation whereas another less competent kind of person will actually make it worse by bringing in the big guns. So clearly you want people who are temperamentally suited to working with challenging people, who are going to be able to defuse and less likely to overact and to make the situation work. I do not need to tell the committee about the difficulties in dealing with teenagers. Clearly teenagers in detention are significantly worse, more problematic to deal with, than those we deal with in our daily lives. But that is a skill set, isn't it?

**Mr MULINO** — I just want to go back to the issue of the physical infrastructure and organisational culture. I think you have said that improved infrastructure is not the whole solution. Would it be fair to characterise your views as it not being the whole solution but part of the solution? You need appropriate physical infrastructure and you need appropriate organisational culture.

**Ms GLASS** — It is absolutely part of the solution, and a 2010 Ombudsman report made that clear — that the physical infrastructure was not assisting the rehabilitation of young people and the safety of the facility actually is a real consideration. So yes, it is important to have a facility that is fit for purpose.

**Mr MULINO** — And it is important in a number of ways, I am sure, but a couple of areas that spring to mind are that obviously modern, appropriate infrastructure would provide security for clients and also staff but it could also support best practice techniques for rehabilitation and managing clients.

**Ms GLASS** — As I said, it is what goes on inside the facility that is important. Yes, you need a safe, secure facility, but when you think about community safety it is a fallacy to think that having a facility that kids cannot

escape from actually is a definition of security. What will make a safe facility is a system that makes the community safer by those young people not reoffending, and that is what we need to focus on.

**Mr MULINO** — Exactly. So some of the aspects above and beyond security would be to design a facility so that it incorporates best practice, rehabilitation — —

**Ms GLASS** — Of course, education obviously being a crucial factor; responses to the kinds of challenging behaviours that result from drug and alcohol addiction from early life; mental health must be a huge factor in response to trauma and abuse — being designed to address those sorts of key factors.

**Mrs PEULICH** — And drug addiction such as ice making them more violent; every dark thought becomes a reality.

**Ms GLASS** — Absolutely, yes. I do not need to tell you that we know what those challenges are.

**The CHAIR** — Ms Patten has a further question.

**Ms PATTEN** — I suppose it is following on slightly from that. I notice in your report that we spend \$75 million a year on our youth justice, and that is to equip 257 beds. So back of the envelope, that is like \$291 000 per bed. So per person we are spending nearly \$300 000. That seems like an awful lot of money in a system that obviously is not working. From the Ombudsman's position, is it a matter of restructuring that financial spend probably outside youth justice and back into child protection, education and housing for youth, or do you think that that amount is obviously not adequate in the youth justice system?

**Ms GLASS** — I do not think I could put a dollar amount on what it would cost. I would simply apply the same approach that I referred to in my report into the adult prison system, around the overall cost of the prison system and how fundamentally that does not make us safer. So I really make the same point around having a focus on reducing offending, and you will only do that if you join up all the different government departments that have a role there, whether that is child protection, education, health, housing and suchlike, and the role that each of them play in trying to reduce the factors that result in these kids ending up in youth justice in the first place.

**Ms PATTEN** — I am kind of startled at that figure of \$300 000 per bed per year, and we have not got an adequate facility.

**Mr O'DONOHUE** — Ms Glass, you have articulated some of the complexities and challenges for the system to respond to this complex cohort that we are seeing increasingly through the youth justice system. When we went to Malmsbury, as Mrs Peulich referred to earlier, we discussed with the staff there the training regime for new staff. At that time they described how there were no formal qualifications required and staff training is at three weeks. I know the government has made some announcements about this at a future time, but given that complex cohort you are describing and the importance of rehabilitation in situ being so important to community safety, that would seem to be a woefully inadequate training program and a qualification base being zero.

**Ms GLASS** — I think the results speak for themselves. Clearly attention needs to be paid to the training of staff in those facilities. As I have said, the temperament of people who are recruited, the training of those people, their suitability for addressing what we know to be incredibly challenging behaviours are all parts of the picture that need to be considered and the jigsaw that is being put in place here. So clearly all these are factors. If you do not have a stable trained cohort of staff, all that is going to do is increase the instability and the problems.

**Ms CROZIER** — If I may, just to follow on from Mr O'Donohue's question: did you interview staff?

**Ms GLASS** — This was not a formal investigation, so we did not interview anybody.

**Ms CROZIER** — Or speak to staff?

**Ms GLASS** — Staff will speak to us clearly, and, yes, they will do so and they have done so.

**Ms CROZIER** — And I think you said anecdotally there was high staff turnover, there were clearly issues in the staffing and a number of agency staff. Was that your observation?

**Ms GLASS** — It is not an area that we looked at directly, so I can only report on what is in this report, but I would very much encourage the committee to look in detail at the staffing issues, because I have no doubt that is a major factor that needs attention.

**Mrs PEULICH** — Just one last question if I may, from me. So when the currently inadequate facilities were built, they were fit for purpose at the time for the cohort. That was evident there, and I believe it was built to a standard. With the new facility, should there be a focus on separating 10 to 14-year-olds from the older clients, and should remandees and those with custodial sentences be mingling?

**Ms GLASS** — I am not a behavioural scientist. I can give you an off-the-cuff answer to that question, but what I think is really important is that those decisions are informed by proper behavioural scientists' advice, and that is what I would very much encourage the department to be doing — to be ensuring that they are developing this facility, and indeed any facility that operates within youth justice, with principles in mind that will ensure the safety not only of those young people but contribute to their rehabilitative outcomes.

**Mrs PEULICH** — Yes, and ensure that they are not being groomed into more crime.

**Ms GLASS** — Absolutely. I can guess at the risks of this, but my response would not be rooted in science, and I would very much encourage the government's response to be looking at the science behind this.

**The CHAIR** — I just want to follow up very quickly on that issue of the number of staff in youth justice. My understanding is the public sector commissioner for Victoria found a cut of 11 youth justice staff in 2015–16, and anecdotally there has been an increase in staff away because of record WorkCover claims and absences. Is this consistent with what you have observed? I take your point that you have not been able to interview people about this, but is that consistent with your observation?

**Ms GLASS** — I cannot give you the reasons behind it. The starting point for us is that there are significant shortages, which is what has created the lockdowns. The reasons for the shortages I can guess at, but I cannot present you with the evidence, and I would prefer either to investigate this in a way that I can present you with the evidence or to suggest that the committee obtain that evidence from other sources.

**The CHAIR** — Fair enough. Thank you very much for meeting with us today and for your contribution. You will receive a copy of the transcript within a few weeks for proofreading. On behalf of the committee, thank you very much.

**Ms GLASS** — Thank you.

**Witness withdrew.**