

**Legislative Council**  
**HANSARD**

**Thursday 5 June 2025**

The President, **Mr Farrell**, took the Chair at 11.00 a.m., acknowledged the Traditional People and read Prayers.

*[excerpt...]*

**YOUTH JUSTICE FACILITY DEVELOPMENT BILL 2025 (No. 19)**

**Second Reading**

[12.28 p.m.]

**Ms WEBB** (Nelson) - Mr President, I rise to speak on this bill. I do not have formal remarks prepared and I do not intend to speak on it for too long. It is not an easy topic to speak on at any stage, the things this bill relates to. I also would like to acknowledge that and whenever in this place we speak about matters that flow on from the commission of inquiry and more broadly about child sexual abuse in this state, it can be difficult. It can be difficult for people here in this place. It can be difficult for people watching or reading later. I like to note that and there are support services available. I do not have the details of those support services here in front of me to rattle off, but certainly Lifeline 13 11 14 is always a straight go-to place.

Having said that, I appreciate that while my remarks are brief and relatively informal, I appreciate the remarks from other members that have drilled into this bill and the matters that it relates to in more detail, particularly the member for Murchison. I very much appreciate the member for Elwick and the analysis that she brought to it with her local government background and experience. That is not my background and experience, so I am always interested to hear from members who can bring that analysis forward.

I note the concerns in the areas of particular interest raised by the member for Elwick. I thank the member for Hobart for her thoughtful contribution as well that covered a lot of historic matters relating to why we have arrived here. There are certainly matters that I would cover as well in a more detailed contribution. I am just going to emphasise a few things here. Straight up, off the bat, this is not a bill I can support. It fundamentally trades off the community's rights within our planning system, for convenience. That is unacceptable. The government has the gall to bring this to us and suggest that somehow if we do not pass it we would be holding things up, when it, in fact, has held things up, not just these past few years since the commission of inquiry made it clear AYDC would have to close. Not just the dithering and delay during those few years, but as the member for Hobart pointed out, since at least 2016 when we had the very explicitly clear Noetic report. At that time I was in the community sector working in these sorts of policy areas and it was clear to all of us.

The government at that time turned its back on the advice it received, that it is an institution that must close because children were being abused and harmed.



I recognise the minister is here in the Chamber with us today, but this minister turned his back on that advice. This government turned its back on that advice and instead said they would invest in therapeutic adjustments to the AYDC physical facility. That was a load of rubbish. It was about \$7 million from memory in the first Budget that came after that, turning the back on the advice to close it. There were some nice bits of painting and things done around the facility and small changes made and the abuse continued. We know it did. We know it did because we heard it in the commission of inquiry.

I would also like to add here as well, and I will always add, when we are speaking about topics that relate to the commission of inquiry, my absolute heartfelt gratitude to those people who brought that commission of inquiry about. They did that through their own trauma and their own damage and harm and at the cost to their own lives and their families' lives and the continuing cost to them. It is the most important piece of work that has been done in this state in living memory. We are now in the process of putting into effect the recommendations that it furnished us.

The recommendation to close Ashley Youth Detention Centre as soon as possible as a matter of urgency is absolutely fundamental in that commission of inquiry report; it is fundamental. There is no other area in that commission of inquiry that looked at institutional child sex abuse in institutions in the state. There is no other area that was given as much detailed attention as our youth justice system in that report. It was horrifically detailed. That is why that recommendation was made and was central, actually. Of course it was not going to be an easy recommendation to give effect to and to implement. But, as so rightly pointed out by the member for Hobart in her contribution, if a government wants to make something happen because it has prioritised it, it can do it in an incredibly short period of time, if the priority is given to it and there is a genuine commitment and will to do it.

The member for Hobart mentioned the recent activity around bringing a stadium to fruition here. I would point in a perhaps less immediately controversial way to what happened when we had COVID hit this state and in this place we managed to be dealing with legislation to manage that situation so quickly, incredibly quickly. We managed to stand up responses through all our systems of government to that huge challenge that hit us when COVID came. We managed to do that on a dime because we had to do that. That same sort of urgency is not and has not at any point by this government been given to shutting this institution in which children are raped and harmed and continue apparently to be harmed because there continue to be allegations of abuse from this centre, regardless of the shifting the deck-chair efforts that are happening. We know this. We know it from the commission of inquiry. The commission of inquiry is not about ancient history; it is about things that were happening right up into the 2020s; when it was occurring, the commission was already undertaking its work. It was receiving disclosures then about current matters.

This is current. That is why it has to stop. You cannot fix it and with the greatest respect to the member for McIntyre, who I know comes here in good faith to represent her community, and I understand why she does that and that she does it in good faith, but it is absolutely unacceptable to ever contemplate that that facility should stay open. The commission of inquiry spoke about the need to make it a place of conscience, basically a place of memorial to the extreme abuse and trauma that was caused there over generations right through into the current day. There is, in their view, no option to repurpose that site because of the intensity of harm that was caused there right up until now, potentially still continuing right now.



It does not matter what we have done to pretty it up, it does not matter that it might have some sporting facilities or some nice new curvy corridors or whatever it might be, or even some more CCTV or even some more body-worn cameras or a body scanner, all of these things. The thing that it came down to that the commission of inquiry made clear about AYDC is that it had a culture of abuse built into its workplace. It had a culture of abuse and that is the reason we have to fundamentally close it. It should be closed already and we should be operating under a different model which we have clarity about what that model should be.

We know we need a new facility for it and the new facility, yes, it does need to be closer to services and supports in the capital city, but it also needs to be not AYDC and not away in a place that had become such an insular, inward-looking, festering sore of abuse in our state. We know this even more since the commission of inquiry, with work undertaken, contracted by DPAC, as part of developing their child sexual abuse reform strategy and action plan for which the requirement was that that should be informed by the voices of children and young people and adult victim/survivors of sexual abuse.

To be really clear, this piece of work that was contracted is called *Expertise by Experience: what we can learn from the Commission of Inquiry Case Studies*, done by Dr Morag MacSween, Maha Melhem and Tunya Petridis. It was published in June 2024, around a year ago. As part of that work, they analysed the case studies that are in the commission of inquiry reports to see what we can learn from the lived experiences of people who experienced abuse at Ashley Youth Detention Centre.

They came up with nine key themes, and I am going to point to the ninth of those themes: Theme 9 was that within the closed institution of Ashley Youth Detention Centre, abuse was organised, collective and collaborative. That tells us that we had a paedophile ring operating in Ashley Youth Detention Centre and quite possibly some of the people involved in that still work there now.

Quite possibly some of the people involved in that are people who have been stood down subsequently and are now being investigated. We have had one of those investigations recently come to fruition with a conviction. That related to a case study that is in our commission of inquiry report.

It might have been some time since people have read the commission of inquiry volumes that relate to Ashley Youth Detention Centre and over time things can fade. The horror of what is in that should not fade from any of our memories. If people need to have another read, I suggest they do.

One of the observations made in this report that was commissioned by DPAC, one of four observations, was that it has been our experience that adult attention commonly gravitates towards other adults and away from children, even in child-focused work such as child protection casework. In child sexual abuse this tendency is compounded by the wish to turn away from disowned truths. I think that this is often what happens. It is much easier for us and more comfortable for us to turn away because of these absolutely abhorrent truths.

Nobody wants to think about children under the care of this state, in an institution run by this state, staffed by people who were selected and trained by this state being the centre of child sexual abuse for year after year.



I am going to read from page 25 of this report, commissioned by DPAC Experts by Experience. Under theme 9, which was that:

Within the closed institution of Ashley Youth Detention Centre, abuse was organised, collective and collaborative.

Just the first two couple of paragraphs says this:

In our view, child sexual abuse perpetrated in AYDC is markedly distinct from child sexual abuse in other institutions in Tasmania, both quantitatively and qualitatively.

The abuse was physical, sexual and psychological. It was continuous, direct and indirect. It included significant elements of coercive control: isolation; surveillance; reward and punishment. It reminded us of Salter and Woodlock's research into organised abuse, both in its perpetration over time by groups, and in the ignorance, exploitation ... (and) inaction which occurred in response.

The Commission observed that the Royal Commission's consideration of total/closed institutions was relevant to AYDC. Children and young people in AYDC were closed off from the outside world. They were imprisoned in an alternative moral universe, unable and fearful to report their experiences of abuse to the outside world. Staff exercised power to abuse children and young people with impunity, to promote abuse of younger vulnerable children by older children, and to enforce inculturation of new staff and children and young people into violence and abuse. The Commission continued to hold concerns about the safety and wellbeing of children and young people at AYDC at the close of their deliberations.

We know that to be true, and that is why they made the recommendation that as a matter of urgency AYDC should be closed.

Yet here we are, nearly two years since that report came down, many years since it was promised it would be closed. While we can stand up a COVID-19 response in a matter of days and weeks, and while we can bring a stadium to fruition apparently within a matter of months, we have a centre of abuse of children where collective and collaborative abuse of children occurred and may be continuing to occur. Still open, still with children in it, under our name as a state.

Now, as I said, I cannot support this bill. I know that the government is keen to paint anyone who might not support this bill as somehow having a lack of commitment to seeing Ashley Youth Detention Centre closed in a timely way as a matter of urgency. I dare the government, I dare the minister, who has returned to the Chamber here now, to say I am one of those people who lack commitment to seeing that outcome.

That is utterly abhorrent to suggest that now we have to trade off an abandonment of proper process in our planning system and trade off throwing out rights of Tasmanian community members to participate in a planning system fully in order to somehow expedite an outcome which the government itself has been absolutely negligent in delivering for this state.

Utter rubbish.



Guess what? If we were to pass this bill in this place today - I vehemently hope we do not - but if we were, you know what the government will turn around and do? I can bet my bottom dollar they will turn around and use it as a precedent when they want to bring on legislation to pass a stadium at Macquarie Point; or the next time they try to undermine our planning system with another purpose-built piece of legislation to pull something out of it and give it a special treatment on the way through.

This is a pattern of behaviour from this government and every time they are successful in doing it, it becomes another precedent they can point to, to justify doing it again. This is a self-fulfilling prophecy here, of eroding our democratic planning system. What we are talking about is eroding the rights of the Tasmanian community. Taking the inconvenient people of Tasmania out of approving developments in this state.

Whether it is for special mates who donate to their parties, like the Stony Rise bill. Whether it is the Macquarie Point stadium being proposed because we have been blackmailed by the AFL. Whether it is this bill, which is to save the minister the embarrassment of the effect of his continued inaction on closing Ashley. By somehow expediting it marginally at this point in time, not even proven that it will expedite it necessarily. Absolutely ridiculous.

You will note I feel strongly on this topic. We should always deal with this topic with the utmost seriousness. When it comes to protecting Tasmanian children when we have this roadmap from the commission of inquiry in so much detail laid out for us, so many people in this state are working in good faith and with a passion to see those recommendations implemented and alive, not just on paper and ticked off on a box, but actually delivering the outcome, which is that children are safe here.

We have people working for that, but I do not think we are seeing a government that is giving it the priority, particularly on this matter of the closure of AYDC - a government giving it the priority that it absolutely demands; that the commission of inquiry has demanded, that the community has demanded, that people in this place have demanded and that, quite frankly, basic humanity demands.

If they were giving it that priority, the place would be closed right now. We would not even be here debating this bill, talking about it yet again.

I have not gone to the detail of the bill to any great degree in my contribution. I thank other members, as I said at the outset, for doing that in more detail. I concur with many of the issues raised, many of the questions asked. I thank members who have brought their expertise and background to those questions and issues.

If we pass this, it may be that we get a new youth justice facility ever so slightly faster, maybe. Maybe we will not, because maybe we would not have encountered the potential barriers that the minister says this bill is designed to address.

What I can guarantee we will have done, though, is set another precedent for kicking the Tasmanian people out of decision-making in our planning system and undermining their rights. It will be a precedent that gets pointed to by this government in future.

**Ms O'Connor** - DAPs - Development Assessment Panels are coming back.



**Ms WEBB** - Absolutely correct, member for Hobart. This government has form; it has a pattern. It is now bringing us bills that undermine our planning system, and when I say that I mean undermining the democratic participation of the Tasmanian people in our planning system. They are bringing us bills on a regular basis to do that; either in small ways, tailored ways, or big overarching ways like the DAPs. We will continue to see it if we allow it to be done, in our name, in this place.

I am thoroughly of the view that this is not warranted. What we are being asked to trade off for what we may apparently gain is not balanced, is not warranted, and it really is to save a minister face for a situation that he has failed to deliver on. Not just these past couple of years, since we knew it from the commission of inquiry; but actually since he knew it from at least 2016. Shame on him.

I cannot support the bill.

*[excerpt ends]*