

Controversial US prison operator wins Nauru contract

24 October 2022: Private prison operator, MTC, will be paid over \$760,000 per day to operate Australia's sole remaining offshore detention centre at Nauru despite MTC being embroiled in a number of serious failures in custodial care and security breaches.

[Ben Doherty \(24 Oct 2022\) *The Guardian Australia*](#)

Australian and NSW Governments obstruct UN Inspectors

19 October 2022: UN inspectors have been in Australia to ascertain whether we are on track for the extended deadline 20 January 2023 for compliance with the Optional Protocol to the Convention against Torture (OPCAT). Lorraine Finlay, Australia's Human Rights Commissioner, expressed frustration with federal, state and territory lack of cooperation, delays and obstruction, as well as our failure to keep our word with OPCAT which was ratified in 2017.

[Lorraine Finlay \(19 Oct 2022\) *The Guardian Australia*](#)

UN torture prevention advisors suspend Australian visit due to obstruction

23 October 2022: The UN Subcommittee on Prevention of Torture (SPT) has decided to suspend its visit to Australia due to government obstruction and restricted access. The UN delegation was meant to be in Australia from 16-27 October to visit detention centres and make recommendation regarding compliance with the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT), to which Australia is a party. Head of the SPT, Aisha Shujune Muhammad, commented:

'This is a clear breach by Australia of its obligations under OPCAT. State parties have an obligation to both receive the SPT in their territory and allow it to exercise its mandate in full, as reflected in Articles 12 and 14...

It is deeply regrettable that the limited understanding of the SPT's mandate and the lack of co-operation stemming from internal disagreements, especially with respect to the States of Queensland and New South Wales, has compelled us to take this drastic measure... This is not a decision that the SPT has taken lightly...

Given that OPCAT applies to all federal states without limitations or exceptions, it is concerning that four years after it ratified the Optional Protocol, Australia appears to have done little to ensure consistent implementation of OPCAT obligations across the country, including but not limited to passing overarching legislation to translate its international obligations into domestic law.'

[UN Human Rights Office of the High Commissioner \(23 Oct 2022\)](#)

Corrective officer on trial for manslaughter of a shackled escapee

20 October 2022: Dwayne Johnstone, a 43-year-old Aboriginal and Torres Strait Islander, was on medical escort when he broke away from two correctional services officers outside Lismore Base Hospital in March 2019. The defence barrister of the officer who fired the fatal shot told the court that the officer yelled "Corrections Officer - Stop or I'll shoot" twice and fired two warning shots (or perhaps missed twice) as per his training before shooting the escapee in the back. This, it was said, was without malice, revenge or anger. The barrister also said the officer was fulfilling his duty since he believed the officers would not be able to catch up with him. The Crown prosecutor alleged that the officer intended really serious injury or knew death was a probable consequence and had no lawful excuse to shoot the prisoner whose wrists and ankles were restrained and who posed no risk. The trial for this death in custody is expected to run until the end of October.

[Georgina Mitchell \(19 Oct 2022\) *Sydney Morning Herald*](#)

[Georgina Mitchell \(20 Oct 2022\) *Sydney Morning Herald*](#)

[Luke Costin \(20 Oct 2022\) *9 News*](#)

Judge warns WA government about children detained in adult prison

22 October 2022: President of the Perth Children's Court, Hylton Quail, has warned the WA government that it risks being found in contempt of court for disregarding a Supreme Court order and continuing to house juvenile detainees in a unit within the adult prison, Casuarina Prison, calling the deprivation and solitary confinement "a form of child abuse".

[Joanna Menagh \(22 Oct 2022\) *ABC News*](#)

The unit within Casuarina Prison was filled with children with challenging behaviour who had been transferred from Banksia Hill Detention Centre. In the previous month, Children's Court President, Hylton Quail had raised serious concerns about understaffing at Banksia Hill which left young offenders without education because they were confined to their cells for unlawful hours.

[Holy Thompson \(30 Sep 2022\) *WA Today*](#)