

**Theme: Private prisons and youth justice/detention****Port Phillip to close in continuing shift from privately-run prisons**

First the good news: Ill-reputed maximum security Port Phillip Prison, operated by UK-based company G4S, will close by the end of next year. This will bring the proportion of people in Victorian private prisons down from 40% to 25%. The Government-operated Dhurringile Prison will also close in September 2024.

Now the bad news: Rather than engaging in justice reinvestment, diversion and decarceration across Victoria, people incarcerated in Port Phillip will simply be transferred to the new \$1.119 billion 1248-bed Western Plains Correctional Centre in Lara. The new prison has been sitting empty because it was expected that the remand population would increase as a result of the 2018 tightening of Victoria's bail laws.

Good news: Instead of increasing as expected, Victoria's prison population has been declining since 2019 - from 6,633 in 2022, to 6,456 in 2023 and 5,970 in 2024. Touted as a 'major reform' but perhaps to save face, the embarrassingly empty prison will now be filled with Port Phillip inmates who at least will have better accommodation.

Bad news: Six private prisons remain in Australia: Fulham and Ravenhall run by GEO (VIC), Clarence Correctional Centre run by Serco and Parklea run by GEO (NSW), Mount Gambier Prison run by G4S (SA), and Acacia Prison run by Serco (WA).

Ending with good news: This follows Queensland's recent announcement that its two private prisons will be restored to the public. At the end of last year, the NSW Government announced it would be bringing the Junee Correctional Centre, run by GEO, back into public hands. The NSW Government also announced a preference for ending both of its remaining contracts with private prison operators, with Parklea being the first to follow Junee by non-renewal of the contract with GEO after 2025. Western Australia made its private prisons public in 2020.

In the United States, privately-run federal prisons are being phased out following President Biden's January 2021 executive order. The Federal Bureau of Prisons has now closed all of its for-profit prisons, although the US Marshals Service still has one-third (20,000 people) of its detention population in private prisons.

In the UK, the chief inspector of prisons inspected HMP Birmingham in 2018, describing it as the worst he had ever visited, with ‘utter squalor’, riots, violence, intimidation and other ‘appalling’ failings. The government took over the contract and an inspection last year found that the prison was ‘much safer and more decent.’

[Denham Sadler \(August 2024\) \*About Time\*](#)

[Jack Latimore \(03 May 2023\) \*The Age\*](#)

[Community Safety Building Authority, Victorian Govt](#)

[Alexandra Smith \(02 November 2023\) \*The Sydney Morning Herald\*](#)

[Kyle Virgien & Nina Patel \(01 March 2024\) \*ACLU\*](#)

[Riyah Collins \(30 May 2023\) \*BBC News\*](#)

## **Senate Inquiry into Australia’s youth justice system announced**

The Legal and Constitutional Affairs Committee has announced the establishment of a Senate Inquiry into Australia’s youth justice and incarceration system. Advocates have welcomed this news as long overdue. The Committee will release its national report by 26 November 2024 on the following matters:

- a) the outcomes and impacts of youth incarceration in jurisdictions across Australia;
- b) the over-incarceration of First Nations children;
- c) the degree of compliance and non-compliance by state, territory and federal prisons and detention centres with the human rights of children and young people in detention;
- d) the Commonwealth’s international obligations in regards to youth justice including the rights of the child, freedom from torture and civil rights;
- e) the benefits and need for enforceable national minimum standards for youth;
- f) justice consistent with our international obligations; and
- g) any related matters.

The closing date for submissions is 10 October 2024.

[Details for the national inquiry and report, including receiving of submissions](#)

[National Justice Project \(16 September 2024\)](#)

The National Justice Project’s submission to the National Child Commissioner’s Report [‘Help way earlier! – transforming child justice’](#) can be read [here](#)

[NITV \(16 September 2024\)](#)

## National Children's Commissioner's damning report on youth justice failures

Children's Commissioner with the Australian Human Rights Commission (AHRC), Anne Hollonds, has spoken strongly and passionately about the failure of Australia's youth justice system. Her AHRC report *'Help way earlier': How Australia can transform child justice to improve safety and wellbeing* was prompted after she observed that 'the most egregious breaches of the human rights of children are occurring in the youth justice systems, which are managed by the states and territories' (Robbie 2024). Hollonds said she 'tried to contact every minister who should have had an interest in these matters and tried to engage on the fact that we had a tragedy waiting to happen, and I couldn't engage anyone, and that's how the project began' (Robbie 2024).

In the interview with Lawyers Weekly, Hollonds draws attention to the 'deplorable and inhumane' conditions and treatment of children and young people in Australian detention facilities – recurring youth suicides; long lockdowns in isolation (during which they are not receiving education or rehabilitation); and being held in police watch houses designed for adults for weeks at a time (due to overcrowding in youth detention centres).

The AHRC report regards the treatment and conditions of young people in the criminal justice system to be one of Australia's most urgent human rights issues. The report heard from children and their families, as well as correctional officers and stakeholder submissions.

This report recommends that national reform should be driven by:

- Australian Governments establishing a National Taskforce for reform of child justice systems
- the Australian Government appointing a Cabinet Minister for Children
- the Australian Government establishing a Ministerial Council for Child Wellbeing and
- the Australian Government legislating a National Children's Act as well as a Human Rights Act, incorporating the Convention on the Rights of the Child.

Reform also requires:

- positioning children at the centre of policymaking and service delivery
- empowering First Nations children, families and communities
- optimising community-based action
- building a capable and child-specialised workforce
- basing systems on data and evidence, and
- embedding accountability for the rights of children.

[Grace Robbie \(18 September 2024\) Lawyers Weekly](#)

['Help way earlier!' - Report \(21 June 2024\)](#) and ['Help way earlier!' – Executive Summary \(21 June 2024\)](#) and [About the report by the National Childrens Commissioner – Easy Read](#) and [Recommendations to make the child justice system better - Easy Read](#), by AHRC

**WARNING: The following articles and links discuss incidents of self-harm. Aboriginal and Torres Strait Islander readers are advised that the article contains the name of a person who has died.**

### **Government comments on inquest into teenager's death**

Former WA Corrective Services Minister, Bill Johnston defended the hurried opening of Unit 18 for youth detention within the maximum-security Casuarina Prison for adults. However, former Department of Justice director general, Adam Tomison, and deputy corrective services commissioner for women and children, Christine Ginbey, who were involved in setting up the facility and who briefed the Minister admitted to a number of inaccurate statements and lies as they rushed to complete the project and issue a promotional video. They were unable to explain the lies other than that they were focused on achieving the required outcomes and the misrepresentations were aspirational (for example, Ms Ginbey's assertion in the video that the Unit would be staffed fully by youth custodial staff when she knew that adult prison officers would also be working there).

The Minister agreed with staff who gave evidence to the inquest that there were concerns the department could lose control of the main detention centre at Banksia Hill at any point, which explained the urgency with which some of the young people were moved to Unit 18. Cleveland Dodd, 16, was found unresponsive in his Unit 18 cell on 12 October 2023. He died a week later, the first child to die in juvenile detention in WA since records began.

[Keane Bourke \(13 August 2024\) ABC News](#)

### **First Parliamentary Inquiry to hear from youth at Banksia Hill and Unit 18**

The findings from the Parliamentary Inquiry into youth detention at Banksia Hill Detention Centre and Unit 18 at the Casuarina Prison were released on 15 August 2024. The Inquiry heard from 43 children and young people, as well as gathering information from the Department of Justice and staff (the latter through an anonymous online survey). The young inmates described lengthy lockdowns, long waits for medical attention, feelings of hopelessness, self-harm amongst many who had never hurt themselves before, not being supported after release, use of force, disrespect and racism. Staff said that they would appreciate more training, mentoring and support so they could better help children and young people. Many said that the environment was difficult and not positive for either staff or inmates, and that safety and inconsistent approaches were concerns. The report by the WA Commissioner for Children and Young People, entitled '*Hear me out: Inquiry into implementation progress for Banksia Hill's model of care instruction*' found systemic failures by successive WA governments who did not listen to the children and young people, or respond to their needs.

[Rachael Clifford \(15 August 2024\) 9 News](#)

[Hear me out - Report \(15 August 2024\)](#) and [Hear me out – Young People's Summary Report \(15 August 2024\)](#), by Commissioner for Children and Young People (WA), with 16 recommendations