

Inquiry into the Implementation of the Commission of Inquiry Report Recommendations

Submission of the United Workers' Union

14 February 2025

About the United Workers' Union

UWU is a powerful union with 150,000 worker members across the country from more than 45 industries and all walks of life, standing together to make a difference. Our work reaches millions of people every single day of their lives. We feed you, educate you, provide care for you, keep your communities safe and get you the goods you need. Without us, everything stops. In the Tasmanian public sector, UWU represents Correctional Officers in the Tasmania Prison Service and Education Facility Attendants in Tasmanian schools.

Submission

Introduction

UWU thanks the Joint Sessional Committee inquiring into the implementation of the Commission of Inquiry recommendations for its invitation to share our members' concerns about the implementation of some of those recommendations. This short submission is made to address some discrete aspects of the Commission of Inquiry ('COI') recommendations made in Volume 5: Children in youth detention, Section 9 of the COI into the Tasmanian Government's Responses to Child Sexual Abuse in Institutional Settings Report ('**the Report**').

The COI terms of reference specified that the Commission was to inquire into the Tasmanian Government's response to child sexual abuse in institutional contexts. The Commission was to have specific regard to the responses by the Department of Education to allegations of child sexual abuse in Tasmanian Government schools, the responses of the Tasmanian Health Service and the Department of Health to allegations of child sexual abuse, and the responses of the Department of Communities Tasmania to allegations of child sexual abuse at Ashley Youth Detention Centre. Volume 5 of the Report focused on children in youth detention.

The Report observes that children and young people are also detained in adult custodial facilities that are declared to be youth detention centres under the *Youth Justice Act 1997* (Tas), namely Hobart Reception Prison, Launceston Reception Prison and Risdon Prison. The Report notes that many of the issues raised in the section will have implications for children and young people in those settings and recommends that the Tasmanian Government consider its recommendations broadly in all custodial settings in Tasmania.

UWU's submission addresses the concerns of our members with respect to the continued use of adult custodial facilities for the detainment of children and young people, their safety and the effect this has on our members.

Children and young people in adult custodial facilities

UWU members working as Correctional Officers at the Hobart Reception Prison ('HRP') and Launceston Reception Prison ('LRP'), detain approximately 400 young people under the age of 17 per year. Our members state that these young people may be detained in the facility for as little as 1 hour, to as long as 3 days, before they are transferred into specialised youth detention.

HRP and LRP are designed to house adult offenders on remand. This means that where young offenders are detained in those facilities:

- They are directly exposed to adult offenders; and
- The facilities are not well designed to cater to their needs.

While the Tasmania Prison Service has in place standing orders for the management of young people in custody,¹ Correctional Officers are not provided with specific training for dealing with young offenders. This contributes to a lack of confidence, and confusion, about the different processes to be adopted where searches or use of force are required, or just generally in how Officers should communicate with young offenders. Our members do not feel that they are properly equipped to effectively support and deal with young offenders in this environment. Neither facility has any dedicated Youth Justice Workers available to assist Correctional Officers when dealing with young offenders.

The ramifications for our members are significant. An incorrectly executed search could result in a young person self-harming and being physically injured. For the Officer who has conducted that search, a lengthy disciplinary process, as well as impact on their wellbeing, are the likely result.

The detention of children and young people in these facilities also appears to be a “blind spot” in the reports produced by the Office of the Custodial Inspector.² Inspection reports into Youth Custodial Services are focused on Ashley Youth Detention Centre, whilst reports into Adult Custodial Services do not address youth detention in adult facilities.

UWU members’ concerns have been raised directly with Minister Ogilvie,³ but there remains no interim measures in place to reduce or eliminate the use of adult custodial facilities for youth detention, and we remain disappointed about the lack of a clear-cut commitment from the Government to remove children and young people from these facilities in the future.

The Commission of Inquiry recommendations

The COI recommendations concerning children in youth detention focused broadly on the following matters:

- Addressing the legacy of abuse
- Cultural change
- Reducing the number of children in youth detention

¹ Tasmania Prison Service – Director’s Standing Order 2.25 – Management of Young People in Custody.

² custodialinspector.tas.gov.au/inspection_reports.

³ Correspondence from the Hon Madeleine Ogilvie MP, 12 January 2024 (copy attached).

- Creating a child-focused youth detention system
- Aboriginal children in youth detention
- Harmful sexual behaviours in youth detention
- Searches, isolation and use of force
- Responding to concerns, complaints and critical incidents in detention
- Independent oversight of youth detention

The most significant of these recommendations is for the immediate closure of the Ashley Youth Detention Centre and the construction of a new youth detention centre, which has been announced to be built at Pontville. UWU members want to see a clear commitment, in line with the overall themes arising from the recommendations of the COI, that the Tasmanian Government will cease the use of adult custodial facilities for the detainment of young offenders, and will ensure the construction of purpose-built facilities for that purpose at the new Pontville youth detention facility.

The COI recommendations also focused on ensuring that Tasmania has a child-focused youth detention system. This included recommendations that facilities for youth detention are small and homelike, and help to promote trauma-informed and therapeutic interventions for children and young people. The continued use of adult custodial facilities for youth detention is completely antithetic to this recommendation. Children and young people at the earliest point of their detention, at the time that they are most vulnerable, are instead being exposed to trauma, violence, and abuse by being detained alongside adult prisoners. UWU members consider that there is a serious safety risk associated with this continued practice, and that it likely contributes to setting these young people up to fail in later interventions.

Yours sincerely,

Amy Brumby

Coordinator

United Workers' Union

For more information about these submissions, please contact:

James Katarzynski, Industrial Officer

James.Katarzynski@unitedworkers.org.au

UWU delegates and staff are available to provide further information to the Committee on request about this submission.

Minister for Corrections and Rehabilitation
Minister for Workplace Safety and Consumer Affairs
Minister for Advanced Manufacturing and Defence Industries
Minister for Science and Technology
Minister for the Arts



Level 5, 4 Salamanca Place HOBART TAS 7000 Australia
GPO Box 123 HOBART TAS 7001 Australia
Ph: +61 3 6165 7686
Email: minister.ogilvie@dpac.tas.gov.au

12 JAN 2024

Ms Rhiannon Salter
Senior Organiser
United Workers Union

Ms Thirza White
General Secretary
Community & Public Sector Union

Email: Rhiannon.salter@unitedworkers.org.au, t.white@tas.cpsu.com.au

Dear Ms Salter and Ms White

Accommodation of young persons in adult watch-houses

Thank you for your emailed correspondence of 22 December 2023 in relation to the management of young people in Reception Prisons.

I agree that it is not ideal for young people who have been arrested, who are awaiting court appearances or transfer to the Ashley Youth Detention Centre (AYDC), or who are otherwise being held in custody, to be managed in watch-houses alongside adult prisoners or detainees.

The Tasmanian Government has committed to implementing a whole-of-government youth justice blueprint for a multi-systemic response to youth justice, including a new model for therapeutic detention. The Tasmanian Youth Justice Blueprint 2024-34 (the Blueprint) focuses on prevention, early intervention and diversion, and aligns with a public health approach that shifts focus from statutory responses to offending towards one that provides supports to children, young people and their families at the earliest opportunity.

We have also committed to increasing the age of criminal responsibility from 10 to 14, and increasing the minimum age of detention to 16 years by developing alternatives to detention for children ages 14 and 15 years. Raising the age of criminal responsibility to 14 and delivering an integrated therapeutic youth justice model are in line with recommendations from the Commissioner for Children and Young People and the Commission of Inquiry into the Tasmanian Government Responses to Child Sexual Abuse in Institutional Settings (Commission of Inquiry).

While, as you note, the Commission of Inquiry does not contain recommendations for the Hobart Reception Prison (HRP) or the Launceston Reception Prison (LRP) it does contain much important guidance on child rights and systems reform as well as appropriate supports relating to therapeutic interventions, raising the age of criminal responsibility, and minimising the number of children and young people on-remand and diversion processes.

Our Government's commitment to implementing all 191 recommendations of the Commission of Inquiry and delivering the objectives in the Blueprint will help us build a national-leading, best-practice approach to children and young people in conflict with the law.

I am aware that, aligned with the Blueprint, the Department of Justice (DoJ) and the Department of Education, Children and Young People have discussed the issues surrounding young people in watch houses and reception prisons. They will continue to explore alternative options and are willing to continue to meet with you to hear your feedback, ideas and concerns.

In the absence of suitable alternatives, I am aware that some effort has been made in recent times to make the accommodation set aside for young people in Reception Prisons more suitable for young people, but there remains much more that could be done.

The new youth detention facilities that our Government has committed to building may allow for the removal of some young people from watch-houses, and additionally the construction of the Northern Correctional Facility will allow the redevelopment of the current LRP to improve the separation of young persons and adults while they await court appearances. I am sure that you will agree that these will be positive developments.

In the meantime, my Department will continue to work with your members and other Departments on consultation and implementation of the child and youth safe standards and universal principle in Corrective Services which will enable our staff to shape the way in which children and young people are managed in Reception Prisons. At the same time, I also look forward to hearing from staff about what is required to ensure that they feel safe and supported in their engagement with young people in Reception Prisons, and elsewhere in Corrective Services.

I have asked my Department to follow up with you on this matter. Thank you for again for your correspondence and I thank your members for their ongoing commitment to the safety of all Tasmanians, including our young people and people in custody.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'M. Ogilvie', written in a cursive style.

Hon Madeleine Ogilvie MP
Minister for Corrections and Rehabilitation

cc Mr Phil Pregnell, UWU delegate