

LEGAL}} EAGLES CLE

Continuing Legal Education for Criminal Lawyers

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“YOUTH CRIME AND YOUTH JUSTICE RESPONSE OF OUR GOVERNMENT. THE FUTURE OF OUR YOUTH AND THE DEFLECTION OF SYSTEMIC FAILURE”

“If you were interested in creating a criminal you would have a pretty good chance if you took a young person from a seriously troubled home, put them into a series of foster or group homes, changed their primary worker on a regular basis, let them run away from 'home' at an early age, allowed them to drop out of school and enabled them to develop a drug and/ alcohol addiction. Your chances would improve if, somewhere in their lonely and painful existence, they had been sexually, physically or emotionally abused. If in those few instances that they sought help you would ensure that there were no accessible services, that the workers they encountered were rushed and overwhelmed by heavy caseloads, and that they would be seen first and foremost as trouble rather than troubled, is it surprising then that these young people would become perpetrators or victims of crime?”¹

What is wrong with our children? Why are they too stupid, too lazy, too violent, too lethargic, too thin, too conformist, too confronting, and a million other “toos”, too many to enumerate? Perhaps our concern with children, the reason why they bother us, is not that they are ours, that they belong to us but that they are always the potential other, the home grown wolf at the door, indeed, more likely, the bull terrier whose domesticity belies the throat ripping strike.

Children have become the true mirrors of our fears, the sense that something is wrong; that they are to be controlled, for if not, as the nightly news proves, they strike with indiscriminate, opportunistic, ferocity. They should be watched, contained, incarcerated. Meeting violence with violence in the justifiable protection of our projection of our fears, our children.

Over the past 24 months Australia has been awash in images of a youth out of control and the measures that have been taken to rectify this behaviour. Of governments who have responded

¹ Korn Y, 'Strategic directions in the prevention of youth crime', Paper presented at the juvenile crime and juvenile justice: Towards 2000 and beyond conference, AIC, Adelaide, 26-27 June 1997, p.2, citing Youth Voice from the National Youth in Care Network quoted in 'Young People Say' NCPC 1997, p.1.

with swift and certain justice, consequences and punishment. Of a skinny boy being stripped of his clothing, along with his dignity and thrown to the ground by grown men. Images of this same young boy strapped to a chair, hooded and left alone in a room for behavioural correction. Images of gangs of African males swarming the streets of Melbourne during Moomba festival and threatening the very sanctum of safety, our homes. Of young boys on the top of the roofs of Youth Detention Centres, waving at cameras pointed towards them from Channel 7 News choppers in an act of defiance and protest. Of young girls holed up in an outdoor pool in a juvenile justice detention centre in Queensland while guard dogs being restrained by their handlers snarling and gnashing their teeth because the detainees refused to get out of the pool when ordered to do so.

It has since been revealed that in 2013 an indigenous 17-year-old was placed in a body belt, handcuffs and a face helmet for 70 minutes at the Brisbane Correctional Centre after pressing the intercom button repeatedly "without reason".² Another child held down, placed in leg and ankle cuffs and his clothes cut off for being non-compliant and aggressive. Such practices approved by those who are charged with ensuring the safety of the children while in detention, to secure by handcuffs and leg cuffs, hands linked to their feet, nothing less than being hog tied, for "no more than 20 minutes" while medication was administered to sedate, justifying such measures to prevent the child from self-harming and citing concerns for their mental health.³

What empowers this approach is the promotion of the dangerous youth offender with whom we can no longer expect reformation. The youthful offender who enrages public opinion, dismantles public perceptions of safety, who instil fear and loathing. The predatory youthful offender who is used by various governments to promote and justify a law reform agenda to gain political momentum at the risk of irrevocably damaging a generation of vulnerable children.

This, all at a time when historical offences against our children, from murder, sexual abuse, beating and psychological harassment, haunt the social psyche, leading to a distressing loss of faith in, and moral angst about, the protective and preventative institutions and the professionals who worked within them.

This paper examines the response of government in the management of youthful offenders who enter a system already broken, already damaged, already dehumanised and of an increase in

² "Aggressive dogs, handcuffs, face masks on kids: Censored detention facts revealed"; Felicity Caldwell; 28 June 2017; <http://amp.brisbanetimes.com.au/queensland/aggressive-dogs-handcuffs-face-masks-on-kids-censored-detention-facts-revealed-20170628-gx03lh.html>

³ Ibid.

punitive containment and punishment, of a commitment to being tough on crime; a commitment to the detriment of rehabilitation, restoration and education.

We do not live in a society when we only hit when we are hit, when we only hurt those who have hurt us. When we only judge when we are judged. We cannot succumb to the temptation of making decisions embedded in fear and anger. However, our ability to change things does not appear to be increasing with our ability to know about them.

Our misguided sense of security frames our decisions. Youth justice, youth crime, scapegoating the homeless, showcasing a community that is scared are all designed to distract from the real issue which is the fundamental systemic failing of institutions which are understaffed, under resourced and mismanaged. A system which is meant to support those in need, protect the most vulnerable and redirect those who have lost their way. Reports into the youth justice system have revealed disturbing and “long-standing deficiencies in infrastructure...[which] have directly contributed to disturbances in youth justice centres.”⁴

Chaotic backgrounds, deprivation, neglect, serious disruption, disproportionate responses, reluctance to disclose information because of a lack of trust, early introduction to drugs and alcohol impact upon cognitive development and consequential thinking. Most detainees have already experienced abuse, neglect and disadvantage. The harsh reality of the decision to detain a young person whether as a child or a youthful offender increases the risk of institutionalisation, social isolation, disconnection and re-traumatisation. A brief survey of recent reports and inquiries by the Centre for Innovative Justice into Australian youth detention facilities “...creates the impression that abuse and inappropriate treatment are an almost inevitable consequence when young people are detained.”⁵

“In 2015, for example, the Kariong Juvenile Justice Centre in New South Wales was closed following a number of incidents relating to the treatment of detainees. Criticism by the New South Wales Ombudsman of the facility addressed the failure to provide rehabilitative programs or case management for young people and the excessive use of isolation on detainees. Centres in Queensland have been investigated by that state’s Children’s Commissioner and adverse findings made in relation to the inappropriate

⁴ The Age, “Harshly punishing young offenders only makes the problem worse”, by Liana Buchanan, Andrew Jackomos, 1 July 2016

⁵ Centre for Innovative Justice – Submission to the Royal Commission into the Protection and Detention of Children in the Northern Territory, November 2016; p.4

use of force on detainees. Townsville’s Cleveland Youth Detention Centre was investigated by the government’s Youth Detention Inspectorate in 2013 and 2015, and documented mistreatment of detainees. In Western Australia, the Inspector of Custodial Services has raised serious concerns about strip-searching and other practices at the Banksia Hill Detention Centre. In Tasmania a number of inquiries are currently underway into the conduct of staff at the Ashley Youth Detention Centre. In Victoria, in recent times, the Ombudsman has conducted a number of investigations into youth justice, and allegations of abuse and mistreatment of young people in detention have been identified and are currently being investigated by Victoria’s Commissioner for Children and Young People.

This recent history would suggest that the use of excessive force and other forms of inappropriate treatment of young people is endemic to youth detention facilities. In short, it seems that these problems are institutional and systemic and occur whenever young people are detained”

In mid-2015, Kariong Juvenile Correctional Centre was re-gazetted as an adult correctional facility. As a result, the young people in the behaviour management program at Kariong were transferred to Cobham Correctional Centre and Juvenile Justice established a behaviour management program there – known as the Chisholm Behaviour Program (CBP).⁷ The Program was promoted as an individual case management program with the aim of the boys spending less time separated from the main population. There is however, a fundamental difference between separation and segregation. Segregation, promoted as a means to keep separate from others for safety, from self harm or harm from others but also includes isolation, exclusion and seclusion.

The NSW Ombudsman reported :

Segregation and separation are not to be used as a form of punishment. Section 21 of the *Children (Detention Centres) Act NSW 1987* specifies the actions that centre managers may take to punish detainees for minor misbehaviour. One possible punishment is to confine the detainee to their room, subject to certain conditions. However, the period of confinement cannot exceed 12 hours or, in the case of a detainee over the age of 16 years, 24 hours. Juvenile Justice is not required to notify us about any instances of confinement.⁸

⁶ Ibid : pp 4-5.

⁷ [NSW Ombudsman Annual Report – 2015-2016](#); p74

⁸ Ibid : pg 75

After several complaints received by the NSW Ombudsman alleging many boys were being kept isolated for lengthy periods the controversial "Chisholm wing" of the Cobham Juvenile Detention Centre was closed in June 2016 after only a year of operation.⁹

There is an irrefutable correlation between children who have come under the care of child protection systems and their predictable entry into the juvenile justice systems. Experiences within the child protection systems are replicated and exacerbated when children are often inevitably transitioned into the juvenile detention system.¹⁰

There are still a significant number of juvenile offenders on remand in all juvenile justice centres across Australia.¹¹ This number reflects current amendments to offence specifics, the strain on courts, the capacity of services to assist and the difficulties a young person may face in order to meet all bail conditions. This is often due to family breakdown, family violence in the home as either perpetrator primary or secondary victim, welfare issues, mental health or drug and alcohol addiction.

In Victoria, youth offenders who have attained the age of 18 years are unable to be remanded in Youth Justice facilities unless they are undergoing a period of detention in a juvenile justice centre. In May 2017, 853 prisoners held in custody – remand and sentenced in adult corrections facilities across Victoria - were between the ages of 18-25.¹² Many may be held in adult facilities for extended periods of time until their case is determined and are, by definition a “young offender” for the purposes of sentencing.¹³

Paradoxically a Victorian Court has the power to sentence a “young offender” to a period of detention not exceeding 3 years in a juvenile justice centre where the court is satisfied of the following :

⁹ ‘NSW children held in 'solitary confinement'’; Jacqueline Maley and Patrick Begley, 27 October 2016, <http://www.smh.com.au/nsw/nsw-children-held-in-solitary-confinement-20161026-gsb6co.html>

¹⁰ In 2014-15, an Australian Institute of Health and Welfare report showed that 45 per cent of children and young people in detention in selected states and territories had also received a child protection service during the same year (the Northern Territory is not included in this statistic). Australian Institute of Health and Welfare, *Submission to the Royal Commission into the Protection and Detention of Children in the Northern Territory*, 2016, p. 9.

¹¹ “It is a stark fact that the Northern Territory has the highest rate of children and young people in detention in this country and the highest rate of engagement with child protection services, by a considerable margin. A total of 94 per cent of children and young people in detention and 89 per cent of children and young people in out-of-home care in the Northern Territory are Aboriginal. The extent of this over-representation of Aboriginal children and young people, compared with all other children and young people, including Torres Strait Islanders, compels specific consideration of their position” : Royal Commission into the Protection and Detention of Children in the Northern Territory – Interim Report – 21 March 2017, page 3.

¹² <http://www.corrections.vic.gov.au/utility/publications+manuals+and+statistics/monthly+prisoner+and+offender+statistics>

¹³ *Sentencing Act 1991* (Vic) s 3 (definition of ‘young offender’). A ‘young offender’ under the Act is defined as a person under the age of 21 at the time of sentencing.

- that a sentence of confinement is justified; and
- that it believes there are reasonable prospects for the rehabilitation of the young offender; or
- that the young offender is particularly impressionable, immature or likely to be subjected to undesirable influences in an adult prison.¹⁴

In 2013, I represented two young men who were 18 and 19 years old respectively who were at the time of offending being held on remand in an adult remand prison within the mainstream population. They became involved in a riot at the prison and as a consequence were transferred to Barwon Prison - a maximum security adult facility. Each were held, on remand, inside a solitary confinement regime for 22-23 hours per day, handcuffed if outside of the cell, and no contact with any other prisoner. This is occurring at a time in late adolescence / early adulthood during which neurobiologically and psychologically the young person is not fully matured and particularly vulnerable. Psychiatric assessments completed on both young men opined that these experiences were likely to have a lasting impact on their sense of identity and their sense of the wider world and their place in it.

One of those young men served 3 years and 3 months, the entirety of that sentence within these restrictive conditions. He was not released on a supervised order after being denied parole. The psychiatrist warned that if he was released back into the community directly from the strict regime without any formal supports the consequences would be potentially catastrophic. Indeed seventeen days after his release he was arrested and charged with a series of offences including the attempted murder of a police officer. He was returned to prison and is now undergoing a sentence of 7 years and 10 months imprisonment. He is now 24 years of age and will be 30 at the end of his sentence. Apart from the days of liberty prior to the last offending he will have spent 12 years in custody between the ages of 18-30 and the majority of that time in solitary confinement.

The pressure placed on young persons within facilities which are ill-equipped, understaffed and undertrained is significant and most facilities have demonstrated the strain when riots have broken out and conditions and practices have been exposed. In Victoria, over the weekend of the 12-13 November 2016 a series of riots at the Malmsbury and Parkville Juvenile Justice Facilities occurred resulting in a significant amount of damage and rendering most of the facilities no longer secure or able to accommodate the detainees. In response, the Victorian

¹⁴ *Sentencing Act 1991* (Vic) s 32

government made the unprecedented decision to order the detention of children in an adult facility – to Barwon Prison - the high security adult facility. This decision was deeply criticised and vehemently contested.

On 14 November 2016, the Minister for Families and Children announced that ‘a “significant number” of the inmates would be temporarily transferred to an adult prison while the damaged facility was “strengthened”’. She added “Enough is enough - these perpetrators of this damage will face serious consequences”¹⁵. On the same day the Minister was reported in *The Age* that “We are developing a range of tougher measures to ensure that we put a stop to this”.¹⁶

On 17 November 2016 three Orders in Council were made by the Governor in Council – the first, to excise the Grevillea unit from Barwon Prison, and the second and third, to establish it as a remand centre and youth justice centre for use as emergency accommodation. An urgent application was made in the Supreme Court by those acting on behalf of the children transferred against those Orders.¹⁷

As at 17 November 2016, and at the time of the Minister’s recommendation and the making of the Orders in Council, the Grevillea unit was still under the control of Corrections Victoria as a high security unit for adult male prisoners within Barwon Prison. The Minister failed to consider the protection, care and welfare of young persons transferred to a remand centre or youth justice centre, or the nature or suitability of the Grevillea unit in the context of the Secretary’s duties, and the entitlements of detained young persons while at the Grevillea unit.¹⁸

They were not subject to the Youth Parole Board’s jurisdiction as they had not been sentenced. Different procedures and approvals applied to them under the Act. It is paradoxical that sentenced young persons cannot be transferred to the Grevillea unit because the Youth Parole Board refuses to allow it, but young persons on remand, and not sentenced, can be transferred by an Order of Government.¹⁹

By affidavit one of the children transferred on the morning of 22 November 2016, was told that he would be moved to Barwon Prison by the Unit Manager at Parkville. He was told the reason

¹⁵ Melbourne Youth Justice Centre: Police negotiating with young rioters holed up in 'inaccessible area' : 14 November 2016 : <http://www.abc.net.au/news/2016-11-14/melbourne-youth-justice-centre-riot-police-called-second-time/8022206>

¹⁶ “Minister says rioting teenagers from Youth Justice Centre will go to adult jail”; Cameron Huston, Daniella Miletic and Richard Willingham; 14 November 2016 : <http://www.theage.com.au/victoria/melbourne-youth-justice-centre-hit-by-more-unrest-after-tumultuous-weekend-20161113-gsoh3j.html>

¹⁷ *Certain Children by their Litigation Guardian Sister Marie Brigid Arthur -v Minister for Families and Children [2016] VSC 796*; GARDE J

¹⁸ *Ibid* : para 276

¹⁹ *Ibid*: para 310

for the transfer was that he showed a risk of bad behaviour. He was not asked whether he agreed to the transfer. He requested to call his mother to tell her, and was told he could not because he would be moving soon. Shortly after his arrival at Barwon Prison, the child was asked to sign something to get out of his cell. He thinks that what he signed said that:

“If I muck up, they can bring the dogs, weapons and the SESG. I think the weapons include guns and batons. I was told by the person who asked me to sign that what I was signing was so that they could use the weapons against me, if I play up.”²⁰

Each of the children transferred were on remand and provided with, and asked to sign what can only be described as consent to cruel and harsh punishment.²¹

His Honour Justice Garde made the following conclusions in relation to the issues in that proceeding:

- (1) the recommendation by the Minister to make the Orders in Council, and the Orders in Council themselves were made contrary to s 38(1) of the Charter of Human Rights and Responsibilities (“the Charter”) in that proper consideration was not given to the human rights of the plaintiffs under ss 10(b), 17(2) and 22(1) of the Charter;²²
- (2) when the Orders in Council were made, the Minister and the Governor in Council did not take into account relevant considerations relating to the establishment of a remand centre or youth justice centre at Barwon Prison which were required to be taken into account;
- (3) the Orders in Council were made for an improper or extraneous purpose namely, that the sole purpose of the new remand centre and youth justice centre was for ‘emergency accommodation’;
- (4) the Orders in Council are therefore invalid, and of no effect;
- (5) as a consequence, the transfer decisions are invalid and of no effect; and
- (6) the plaintiffs presently detained at the Grevillea unit are entitled to orders of the Court that the Secretary transfer them to a remand centre lawfully established under the Act.²³

The Victorian Minister for Families and Children (“the Minister”), the Secretary to the Department of Health and Human Services (“the Secretary”) and the State of Victoria sought a

²⁰ Op cit : [2016] VSC 796 : Para 102-104

²¹ See Appendix 1

²² Charter of Human Right and Responsibilities (Vic) 2006, s10 : Protection from torture and cruel, inhuman or degrading treatment; s17 : Protection of families and children, s22 : Humane treatment when deprived of liberty

²³ Op cit : [2016] VSC 796 : Para 321

judicial review of Justice Garde’s findings that “the Orders” were invalid and against the declaration that the Charter was breached.²⁴

The Court came to the unanimous conclusion that the applicants’ challenge to the finding of invalidity should be dismissed and concluded that no error had been shown in His Honour’s finding that the Minister — and hence the Governor in Council, acting on the Minister’s advice — failed to take into account relevant considerations bearing on the exercise of the power conferred by ss 478(a) and (c) of the *Children Youth and Families Act (Vic) 2005* (Governor in Council may establish corrective services).²⁵

The Court made it clear that they were not concerned with, nor did they express any view about, the merits of the decision made by the Minister to establish a youth detention centre at Barwon Prison. They confirmed that it was a matter of policy for Government and the courts play no part in those decisions²⁶

Despite the Court of Appeal decision, the government continued to detain a number of children at the Grevillea unit. A third application was brought before the court on behalf of those remaining at the adult facility seeking a declaration that the children were being unlawfully detained and sought a writ of habeas corpus and an order directing their release from Grevillea and transfer to a youth justice facility lawfully established under the Act.²⁷

The Court was satisfied after reviewing many affidavits from the children, evidence from youth justice staff, prison authorities, psychologists and the Principal Commissioner for Children and Young People for Victoria that the “combined effects of the extensive use of isolation, the handcuffing, the requirement to take children through the adult prison to get outdoors, the physical high security prison environment, its lack of natural light and fresh air, the noise, the

²⁴ Minister for Families and Children and Secretary to the Department of Health and Human Services and State of Victoria -v- Certain Children by the Litigation Guardian Sister Marie Brigid Arthur and Victoria Equal Opportunity and Human Rights Commissioner (as Intervener) [2016] VSCA 343; Warren CJ, Maxwell P and Weinberg JA

²⁵ Ibid : para 5

²⁶ Ibid : para 10

²⁷ Certain Children v Minister for Families and Children & Ors (NO 2), Justice Dixon [2017] VSC 251; The plaintiffs also sought declarations that the transfer decisions made by the Secretary’s delegate which removed them to Grevillea from another remand centre or youth justice centre (YJC) be declared invalid or quashed. The plaintiffs contended that the court should determine that the Grevillea Orders and the Transfer Decisions constituted an unlawful attempt to circumvent the decision in Certain Children. The plaintiffs contended for unlawfulness on two grounds, jurisdictional error in the form of want of jurisdictional fact and unlawfulness under s 38(1) of the Charter. They also contended, on the same grounds, that the Weapons Exemption was infected with jurisdictional error and Charter unlawfulness. The plaintiffs challenge to this decision was focussed on the use of OC spray in the context of the built environment at Grevillea and no specific challenge was made to the use of extendable batons. In addition to declarations of invalidity in respect of each impugned decision, the plaintiffs seek a writ of habeas corpus, alternatively relief in the nature of certiorari, and/or injunctions, including a mandatory injunction requiring the removal of children from Grevillea and an injunction restraining the transfer of children to Grevillea.

visible presence of prison officers, the lack of privacy, education, stimulation, time out of doors, confined outdoor space, in combination with the youth of the detainees, meant that their detention in Grevillea has limited their Charter²⁸ rights.”²⁹

The Court declared the following :

(a) The two Orders in Council, gazetted on 29 December 2016, being the decisions of the Governor in Council that established Grevillea as a remand centre and as a youth justice centre under s 478(a) and (c) of the *Children Youth and Families Act Vic. 2005* respectively, were unlawful under s 38(1) of the Charter.³⁰

(b) That the Secretary be prohibited from detaining children at a place of detention that has been declared to be unlawful: and

(c) The Court declares that the two transfer decisions the subject of the proceedings were unlawful under s 38(1) of the Charter.³¹

The response of governments across the country to youth offending to youth offenders, to youth detention, has been to transfer from Human Services based to adult Corrections based models, tougher sentencing, tighter controls, increasing the courts power to sentence a child as an adult who commits serious crime and they do so in the name of community expectations and outrage. These policy announcements are rarely based on well researched recommendations and are done so with a lack of foresight or consequence. Research has shown repeatedly that the more punitive approach to young offenders coincides with concerning reports of ongoing mistreatment and breaches of human rights of those within youth detention centres.³²

Many policies of the former Country Liberal Party Government in the Northern Territory were dictated by a “tough on crime” policy mirrored by the current Victorian Government. For example “[v]arious aspects of the Youth Justice Reform Bill³³, if passed, will result in longer custodial terms for children who offend, particularly for offences they commit while in a youth justice centre. This approach ignores very clear evidence : longer sentences do not work to stop children and young people from offending, and they do not reduce the risk of reoffending. The

²⁸ ss17, 22(1)

²⁹ Op cit [\[2017\] VSC 251](#) para 424

³⁰ Charter of Human Right and Responsibilities (Vic) 2006 : s38 Conduct of public authorities

³¹ Ibid para 569

³² “Prevention, not punishment is key to reducing Indigenous youth detention”; Mihilini Fernando in Conversation with Shahleena Musk, **Right Now**; Published on May 25, 2017.

³³ [Children Youth and Families Amendment \(Youth Offenders\) Bill 2016](#)

bill increases punishment for children and young people for a situation that the state has, in some cases, facilitated.”³⁴

Sold as “**the silver bullet** to drive down youth crime rates and make communities safer. It was built up to be the solution to community fears of a so-called epidemic in youth crime that was fuelled by a willing media. Youth crime rates were exaggerated and young people were demonised and dehumanised. Described as “worst of the worst” or “villains”. It was a strategy that lacked an evidence base – a cynical tool to win votes. The fact is treating children badly through tougher measures only serves to harden kids, tear families apart and does little to make our communities safer.”³⁵.

The evidence heard and presented to the Royal Commission in Northern Territory, the Parliamentary Enquiry into the Youth Justice System in Victoria, Ombudsman’s Investigations, Reports and Reviews across the country, all conclude that the current regimes cannot be sustained and the damage to children will be significant. Prevention of crime is better achieved by exploring alternatives to detaining children and early intervention, review of child protection policies which result in the permanent dissolution of families, multifaceted and comprehensive responses to youth crime and the underlying causes, better resourcing for youth specific drug and alcohol programs, addressing underlying mental health issues, diversional programs, community engagement rather than community shaming, reengagement in education and the promotion of culturally specific programs and restorative justice.

The hooded figure has always been both perpetrator and victim. When caught in that paradox, we see, beaten, hooded and bound, the young man bristling with invective against his oppressors, but do not want to see the hood or lashings removed lest he turn on us, lest he recognises us, sees who we are, where we live, lest he is one of ours looking at us with the typical unkempt contempt of a teenager. We can with horror conceive of the effects on our child if incarcerated in the hardened institution, but reel back at the smashed windows, the wanton destruction at facilities designed to contain them and are thankful that they’re so far away, and wish them farther out of mind, preferably some wilderness, some sandy place, where the wreckage can seem like daily life, and where even a report home lasts only as long as an item on Channel 7 News, that can be turned off when too disturbing. Yet we are surely bound to do

³⁴ The Age, “Harshly punishing young offenders only makes the problem worse”, by Liana Buchanan, Andrew Jackomos, 1 July 2016

³⁵ “The ‘Tough on Crime’ approach failed NT Youth” : Shahleenah Musk; <http://rightnow.org.au/opinion-3/tough-crime-approach-failure-nt-youth/>

something, or give up hope on ourselves, nestle ever closer to our barbarity, and descend into pitiless cruelty.

Our capacity to talk and think about rehabilitation, about redemption, about recovery is essential and encompasses what it means to be cultured. Our determination to act will ultimately define our humanity. Our unwavering defence of the defenceless, of the vulnerable, of those in need, will enshrine our place in history and confirm for those looking back that we did care for our children, that we were ashamed and outraged by the treatment sanctioned by our institutions, that we were resolved to act when we saw injustice and that we spoke up for those, whose voices had been muted.

Appendix 1

Expectations of behaviour while at the Grevillea Youth Justice Centre (YJC) at Barwon Prison

The expectations of your behaviour here at Grevillea YJC are the same as at Parkville and Malmsbury. Department of Health and Human Services Grevillea staff will engage with you in a respectful and professional manner, and will expect you to respond by complying with their directions and interacting with them and other clients in a positive and respectful way. Threats to staff or other clients, and abusive behaviour will not be tolerated. This behaviour will be tightly managed by staff and will lead to negative consequences. Any violent, dangerous or destructive behaviour, including property damage that is unable to be managed by DHHS Grevillea staff, will result in intervention by SESG. Powers under their legislation allow SESG to respond as necessary with dogs, OC spray, tear gas and firearms.

Escape of [sic] attempts to escape

Grevillea YJC is based in a high security prison. If you attempt to escape or escape you will be apprehended by SESG using dogs, OC spray, tear gas and firearms. You will face two charges which both carry terms of imprisonment:

- * To attempt or escape from a youth justice centre
- * To attempt or enter a high security prison.

Behaviour Contract

I have had the expectations of behaviour while at the Grevillea YJC of Barwon Prison explained to me. I understand the consequences of not complying with these explanations may include intervention by SESG.