

**To:** The Senate Legal and Constitutional Affairs References Committee

**Re: Submission – Inquiry into Australia's Youth Justice and Incarceration System**

Dear Committee Members,

Members of a coalition against the Pontville Youth Justice Facility<sup>1</sup> (Tasmania) are pleased to provide input to the Senate Legal and Constitutional Affairs References Committee in relation to its inquiry into Australia's youth justice and incarceration system. We make this contribution in the form of attaching the document *From Harm to Healing – Joint Statement on the Proposed Pontville Youth Justice Facility* (the Statement), prepared collaboratively by this coalition who represent 15 community organisations, groups, legal, Aboriginal, allied health, consultancy and domestic, family, and sexual violence services and peak bodies across Tasmania.

The purpose of providing the Statement is to inform the Committee of the serious issues and concerns associated with a specific proposed youth justice detention facility in Tasmania (the Pontville Youth Justice Facility or 'Pontville'). These include the potential harms of proposed Youth Justice Facility at Pontville, Tasmania, including in its location and design. It also highlights the overrepresentation of marginalised children and young people in youth detention, and the importance of trauma informed, culturally safe, and community-based alternatives to incarceration.

We hope the insights and recommendations contained within the statement assist the Committee in its consideration of youth justice practices and policies in Tasmania and nationally.

### **Response to Terms of Reference**

Below we draw points from the Joint Statement to align with the Terms of Reference, with full details being included in the attached.

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<sup>1</sup> Anglicare Tasmania  
Australian Lawyers Alliance  
Engender Equality  
Grass Roots Action Network Tasmania  
Jesuit Social Services  
Jordan River Service Inc  
Knightlamp Psychology and Consulting  
Laurel House  
Tasmanian Aboriginal Legal Service  
Tasmanian Family and Sexual Violence Alliance (TFSVA)  
Tasmanian Optional Protocol to the Convention against Torture and Cruel, Inhuman and Degrading Treatment Network  
Women's Health Tasmania  
Women's Legal Service Tasmania  
Yemaya  
Youth Network of Tasmania (YNOT)

## **A. The outcomes and impacts of youth incarceration in jurisdictions across Australia**

- The Statement outlines evidence that incarceration of young people often leads to further trauma, inability to access therapeutic supports, and increased likelihood of recidivism.
- The proposed facility at Pontville, rather than establishing a healing centred environment, risks perpetuating harm for marginalised children and young people already impacted by family violence, abuse and neglect.
- The coalition members emphasises that outcomes and impacts must be measured not only in immediate safety terms, but in long-term health, community reintegration, trauma recovery and the prevention of reoffending.

## **B. The over-incarceration of First Nations children**

- First Nations children continue to be disproportionately represented in youth justice systems. The attached Statement stresses the need for culturally safe, community led responses.
- The coalition members urges the Committee to ensure that any new policy does not contribute this over-incarceration, and that diversion and rehabilitation pathways for First Nations children and young people are prioritised, properly resourced, and developed in genuine consultation with First Nation communities.

## **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**

- The Statement raises serious concerns about the physical setting, design and location of the proposed facility (e.g., proximity to trauma triggering environments) and how these may breach rights to dignity, rehabilitation and safety.
- The ongoing risks posed by the current Ashley Youth Detention Centre, and the need for its immediate closure.
- The coalition members recommends robust monitoring mechanisms and transparent reporting to ensure that detention centres comply with children's rights under international and domestic human rights frameworks.

## **D. The Commonwealth's international obligations in regards to youth justice including the rights of the child, freedom from torture and civil rights**

- Australia's obligations under the Convention on the Rights of the Child and other human-rights instruments require that detention of children be a measure of last resort, be used for the shortest appropriate period, and promote reintegration.
- The attached Statement argues that the proposed Pontville model is unlikely to meet these standards.

#### **E. The benefits and need for enforceable national minimum standards for youth justice consistent with our international obligations**

- The Statement emphasises that without enforceable national minimum standards, variation between jurisdictions leads to inconsistent levels of protection, rehabilitation and diversion for young people.
- The coalition members submit that these standards should include: trauma-informed design, culturally safe practice, prevention over punishment, and effective community based alternatives.
- Investment should shift away from expanding carceral infrastructure towards bolstering these standardised, community centred practices.

#### **F. Any related matters**

- Related matters include: early investment in prevention and diversion programs; meaningful consultation with young people with lived experience and other marginalised communities; prioritising non-carceral responses; and redirection of funding from large detention facility construction to community based support services.

## **SIGNATORIES**



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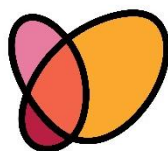
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**Tasmanian Optional Protocol to the  
Convention against Torture and Cruel,  
Inhuman and Degrading Treatment  
Network**

(TOPCAT; *OPCAT Implementation Act*  
2021.)

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<sup>2</sup> Full membership of TOPCAT: Dr Val Kitchener, Professor Rob White, Emeritus Distinguished Professor; Adjunct Associate Professor Terese Henning; Professor Nicole Asquith, Professor of Policing and Emergency Management, University of Tasmania; Mr Patrick Burton, JRI Coordinator for Tasmania; Ms Rikki Mawad.