

Inquiry into Australia's youth justice and incarceration system

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Thank you, Senators for inviting us to speak today. I make this statement having spent decades fighting for improved conditions for people in detention and prison. I am hoping to cover the lived experience of those in detention and prisons and Dr James Beaufils will speak to the data and his research at the Jumbunna Institute.

The issue of youth justice is critical to our nation's future, the success of all our children is the source of our hope for a better Australia and a better world. The children who come in contact with the police, child protection services and the legal system are often our most vulnerable. One study found that 90% of the children in Banksia Hill Youth Detention Centre in WA had a neuropsychological condition.

Instead of meeting their needs and supporting them and their families – First Nations children are disproportionately taken from their families and communities, and then criminalised and punished - often brutally. Their vulnerabilities - which should be addressed with care - are instead systemically used to punish them further such as with solitary confinement which is a form of torture, particularly for people with anxiety or personality disorders.

If a child has the misfortune to be incarcerated, they have no effective protections, no effective advocates and they receive no care. In most states, it is my observation that there is no therapeutic treatment, no disability support, virtually no education in youth detention – just brutality and punishment. Children in detention are treated as outcasts from society, and they are systemically disbelieved - just as children in the care of religious orders or orphanages were in the past. The Royal Commission into Child Sexual Abuse described these organisations as 'total institutions' because they controlled all aspects of a child's life and they were not open or transparent and there was no independent oversight.

The youth justice system is a total institution, it is just as controlling and is just as abusive as religious orders once were. The rates of abuse and violence in youth detention and in child protection are frightening but the "total institutions" deny its existence and simply blame the children, the victims of their abuse. These organisations rally around their staff and their structures using the law and 'spin' to protect themselves and not the children. Just as the church did - and still does. Unfortunately, the Police and Protective Services Unions actively contribute to these horrors by protecting their membership above the needs of children.

There has been a lot of discussion today about inaction on Closing the Gap targets, the Coalition of Peaks recommendations and other reports. But what about the Royal Commission and Aboriginal Deaths in Custody recommendations handed down over three decades ago? They set out a way forward. That roadmap, was handed down by the Royal Commission and the recommendations still haven't been implemented. The Royal Commission made important recommendations regarding young Aboriginal people and the juvenile justice system. The Royal Commission recommended consultation with appropriate Aboriginal organisations to make use of the services of Aboriginal organisations and to consult with local Aboriginal organisations about implementation of policies.

They also recommended that an Aboriginal Justice Advisory Committee be established in each state to provide the state with information of the views of Aboriginal people. It recommended Imprisonment should be a last resort - that governments legislate to enforce the principle that imprisonment should only be used as a sanction of last resort. Our governments have done exactly the opposite.

It made recommendations about improving custodial healthcare and others about Aboriginal health services providing care and psychological support to Aboriginal people in custody.

I will now hand over to my colleague Dr Beaufils.