

Media Release



Government response on young people in adult prisons “manifestly inadequate”

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The response by the Victorian Government to media reports of young people under 18 being placed in Victoria’s adult prisons is “manifestly inadequate”, according to the Federation of Community Legal Centres.

“In responding to ABC radio yesterday, the Government would not be drawn on the issue on the grounds it is prevented by law from discussing individual cases involving young people subject to child protection orders.

Yet legal restrictions do not prevent public discussion of a system in which it is apparently legal to place young people in adult prisons, including those on child protection orders. Nor do restrictions prevent public disclosure of how many young people are in this unacceptable situation – on these matters the Government has so far been silent,” said Federation Executive Officer, Hugh de Kretser, today.

“Legal restrictions framed to protect the best interests of children should not be used by Government to prevent valid criticism and public accountability of a system that is harming them, including through the contravention of their human rights,” he said.

In December last year, visiting child protection expert and author of the UK Government’s Munro child protection review, Professor Eileen Munro, agreed it was possible to discuss cases within legal restrictions, that the refusal to do so was a negative trend, and that a defensive child protection service might be viewed as “having something to hide”.

Professor Munro said that the child protection service needed to be “much more willing to talk to the media and the public about the work they do”, and that in some cases they may feel inhibited about certain details, but, to assist public understanding, “they can at least tell the public the kinds of factors they are considering, the kinds of decisions they are facing, and why they might go one way or the other”.

“This is the public discussion that Victoria needs to have – especially given the over-representation of Aboriginal young people both in child protection and in the juvenile justice system,” de Kretser said.

“How do young people in child protection come to be in the adult prison system, how can we prevent that happening, and how many young people are in a situation where their human rights and their physical and mental well-being are clearly at grave risk?” he asked.

A statistical profile of Victoria’s prisoners published on the Department of Justice website has not been updated since figures for 2009–2010, and records numbers of prisoners under 18 years of age only at the close of each year.

On Tuesday, four legal groups joined with the Federation in calling for an investigation into the placement within a maximum security prison of an unidentified 16-year-old Aboriginal young person subject

to child protection. The young person has since been returned to Malmsbury juvenile detention centre, but the numbers of young people who remain in adult prisons in Victoria is unknown.

For comments by Professor Eileen Munro, see:

Child protection review, ABC 7.30 *Victoria*, 9 December 2011 (Video, from approx. 4:58)

<http://www.abc.net.au/news/2011-12-09/child-protection-review/3723538>

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