

INQUIRY INTO JUVENILE OFFENDERS

Organisation: NSW Commission for Children and Young People

Name: Ms Gillian Calvert

Position: Commissioner

Telephone:

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Subject:

Summary



nsw commission for
children & young people

Rev the Hon Dr Gordon Moyes MLC
Parliament House
Macquarie Street
SYDNEY NSW 2000

Dear Hon Dr Moyes MLC

I am pleased to respond to the Select Committee on Juvenile Offenders regarding the transfer of Kariong Juvenile Justice Centre to the Department of Corrective Services.

I do not support the transfer of Kariong Juvenile Justice Centre and am concerned that it goes against the principles of the International Conventions, namely, the Beijing Rules, the Riyadh Guidelines, the Convention on the Rights of the Child, and the Rules for the Protection of Juveniles Deprived of their Liberty, that apply to juvenile detention facilities.

These conventions are designed to protect and promote the rights of children and young people in social and judicial environments. The Conventions support the notion that the aim of a juvenile custodial system should be to provide a humane, safe, and secure environment which assists young people to address their offending behaviour and to make positive choices about their lives, both during custody and on their return to the community. It is a well accepted principle that children, because of their age and maturity, must be treated differently to adults. I believe the transfer of Kariong to the Department of Corrective Services contravenes the spirit and the guiding principles of the Conventions, and in some cases, specific Rules or Articles outlined within.

For instance, Article 3.1 of the Convention of the Rights of the Child states that in all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be given primary consideration. In transferring Kariong to the Department of Corrective Services, I do not believe the best interests of the young people were the primary consideration.

Rule 65 of the Rules for the Protection of Juveniles Deprived of their Liberty states that "The carrying and use of weapons by personnel should be prohibited in any facility where juveniles are detained". Rule 66 states that "Any disciplinary measures and procedures should maintain the interest and safety and an ordered community life and should be consistent with the upholding of the inherent dignity of the juvenile and the fundamental objective of institutional care, namely, instilling a sense of justice and self respect for the basic rights of every person".

New provisions for staff at Kariong stipulate, "a correctional officer may use handcuffs, security belts, batons, chemical aids and firearms for the purposes of restraining inmates" which clearly does not comply with these rules. Whilst I have had some reassurance from the Minister for Justice, the Hon John Hatzistergos, that firearms are not to be used in the management of Kariong, the use of shields, batons, restraining belts and chemical agents go against the principles of behaviour management for juveniles.

Given the serious staffing issues raised by the Dalton Report, and that Corrective Services staff are not used to dealing with young people, training offered to Corrective Services staff based at Kariong is a priority. It is most important that the training covers youth issues, age appropriate services and the differing needs of young people at different stages of their development. It is also essential that the training is ongoing, particularly if Corrective Services staff members are rotated through Kariong.

The Department of Juvenile Justice has specific philosophies, policies and resources for dealing with children and young people. One option for consideration is that instead of one detention centre that houses all A classification detainees, they should be housed in smaller individual units attached to juvenile detention centres. The most senior trained staff could be employed in these sections, and the detainees could continue to access programs and case workers designed for juveniles. This facilitates their reclassification if appropriate behaviour were demonstrated. It also potentially enables rural young people to remain in closer contact with their families, including their own children. This option would also remove the issue of young people who are charged with serious offences being held on remand at Kariong.

If you require any further information, please contact me on (02) 9286 7278.

Yours sincerely



Gillian Calvert
Commissioner

7 March 2005