# AUSTRALIAN government RESPONSE

## Call for submissions: Report on contemporary forms of slavery affecting currently and formerly incarcerated people

Australia thanks the Special Rapporteur on contemporary forms of slavery, including its causes and consequences for his invitation to provide a submission**[[1]](#footnote-2)** to inform the Report on contemporary forms of slavery affecting currently and formerly incarcerated people.

**Australian context**

Australia is a party to a range of international instruments that provide the rights to humane treatment in detention and freedom from slavery and forced labour[[2]](#footnote-3).

Australian states and territories are responsible for corrective services, and have developed the Guiding Principles for Corrections in Australia (Guiding Principles) (revised 2018) and the National Standards for Youth Justice in Australia (National Standards) (revised 2023). These uniform principles and standards represent a statement of national intent and are used by the states and territories in developing their own relevant legislative, policy and performance standards on correctional practice. The Guiding Principles and National Standards were informed by internationally accepted standards, such as the UN Standard Minimum Rules for the Treatment of Prisoners and the UN Convention on the Rights of the Child.

**Programs for currently and formerly incarcerated individuals**

*Employment*

Corrective services across Australian jurisdictions provide prisoners with employment and education programs. Work programs provide participating prisoners with skills and positive work experiences that enhance their prospects for reintegration into the community.

Examples (non-exhaustive):

* In NSW, some inmates work for commercial business units and service industries. Corrective Service Industries (CSI) is a commercial arm of Corrective Services NSW which operates workshops and factories which design and manufacture a diverse range of products and services inside NSW correctional centres. They prepare inmates for success after release by providing work opportunities in commercial manufacturing, assembly, food products, printing and other service solutions.
* In Victoria, Prison Industries provide a wide range of voluntary and paid work opportunities for people in prison, including in food production, metal and timber fabrication, textiles, agriculture, environmental services (Landmate), warehousing, prisoner canteens and cafes for staff, prisoners and visitors.
* Victoria also provides voluntary in-house employment services to facilitate successful transition into outside employment via a network of in-house Employment Hubs which advise prisoners on educational and work activity to become work ready, pre-release registration with Commonwealth and state employment agencies, direct matching to selected vacancies with employer partners (including commercial suppliers under social procurement arrangements) and potential on-referral to various specialist external programs focusing on intensive job readiness and connection to employment opportunities.
* In Western Australia, prisoners are employed in prison industry workplaces and can undertake traineeships and apprenticeships for the on the job skills they acquire whilst working full time in custody. Western Australia also operates a Prisoner Employment Program, where low risk minimum security prisoners can apply to engage in paid employment in the community before their release from prison. It is expected that prisoners who achieve paid employment will continue working with their employer after their release.
* In South Australia, generic jobs available to prisoners include work in kitchens, laundries, gardens, ground maintenance and cleaning. Workshop settings also provide jobs in carpentry, metal work, textiles, stock picking, eco recycling and bakery. One site has a dedicated dairy, and prisoners are able to participate in a program with the Country Fire Service.
	+ Additionally, the South Australian Department for Correctional Services’ Work Ready, Release Ready (WRRR) employment-focused rehabilitation program supports people in prison and post-release to transition to paid employment in the community. Participants are supported in custody to develop and implement a training and employment plan, engage in prison-based vocational training programs and gain work experience through prison industries programs.
* In Tasmania, prisoner work is aligned to the provision of vocational training opportunities where possible, to improve employability upon release. Examples include cleaning, food handling, hospitality, construction, horticulture, textiles and woodwork.
* The Australian Capital Territory’s (ACT) Transitional Release Program (TRP) allows eligible detainees to engage in employment in the community whilst incarcerated. ACT Corrective Services has a dedicated Employment Specialist who works with businesses in the ACT to encourage them to employ TRP participants and offenders with a community‑based sentence.
	+ The Employment Specialist has developed a Work Ready Program for detainees and offenders on a community-based sentence which covers areas including cover letter, resume and job interview skills, professionalism, working effectively with others, communication skills, connection with services, maintaining employment, goal setting and career planning.
* In the Northern Territory, a classification system for prisoners enables staged access to work, commencing with internal work conducted in the prison and culminating with prisoners on ‘open’ classification being permitted to work in the community and receive pay identical to those in the community.

In 2020‑21, 80% of eligible prisoners were engaged in prison employment.

Nationally, the Time to Work Employment Service is a voluntary in-prison employment service that assists adult, sentenced Aboriginal and Torres Strait Islander peoples to access the support they need to better prepare them to find employment and reintegrate into the community upon their release from prison. Participants receive a comprehensive assessment of their employment barriers, assistance to develop a detailed transition plan, and a facilitated transfer from their in-prison service provider to their post-release employment service provider, where possible.[[3]](#footnote-4)

*Education*

The Guiding Principles provide for prisoner rehabilitation and reintegration, including that prisoners have access to nationally recognised education programs matched to their education level and learning needs, and aligned with vocational training that assists them to gain employment post-release. The National Standards provide for children and young people to have access to suitable and culturally appropriate educational and accredited vocational programs.

The provision of education opportunities exists across each jurisdiction in Australia, including co-located schools in many youth justice settings. Education and training will range from adult basic education, vocational training through to university studies, and may be delivered in partnership with community-based organisations and / or employers. Whilst education programs vary, they generally include literacy and numeracy support and provide opportunities for young people to undertake vocational education and training and access libraries, learning centres and IT equipment. In 2022-23, 31.1% of eligible adult prisoners participated in prisoner education and training.

Examples (non-exhaustive):

* In Victorian prisons, Technical and Further Education providers (TAFEs) are contracted to provide education and vocational training services. This includes skills checks (literacy, numeracy), vocational counselling and development of vocational plans, as well as a suite of foundational and vocational training courses which are matched to both the profile of people in prison (sentence length etc.) as well as aligned to labour market needs.
	+ Victoria also partners with TAFE Institutions and major civil construction employers on the Vocational Education and Training Centre of Excellence program, which provides prisoners with practical skills and industry connections to support post-release employment.
* In Western Australia, the Department of Justice operates a nationally award-winning registered training organisation which enables the customisation of curriculum to meet the individual needs of prisoner cohorts.
* In South Australia, TAFE South Australia works collaboratively with the Department for Correctional Services (DCS) to evaluate, implement and coordinate vocational education and training. DCS’s education and training strategy aims to reduce re-offending, provide targeted opportunities to support functional literacy, and facilitate a wide range of accredited vocational training programs to improve opportunities for prisoners to access gainful employment upon their release. This includes access to employment opportunities through the WRRR program.
	+ Additionally, children and young people in custody at South Australia’s Kurlana Tapa Youth Justice Centre have access to the co-located Youth Education Centre, a fully accredited secondary school, where young people receive tailored education and are supported to pathways that support transitions to further study or work in the community.
* Some jurisdictions, such as South Australia and Tasmania, pay allowances to prisoners attending approved and / or full-time education or training courses.

*Other*

Jurisdictions also provide resilience programs, psychological and drug and alcohol support, pastoral care, cultural, sport and recreation programs, driver education, family engagement, parenting and peer support programs, family violence programs, disability support services, specialised mental health services, offending behaviour programs, and case management to connect people in prison with activities to reduce reoffending, together with the same level of health care the general public would receive under Australia’s public health system.

*Transition support and challenges*

Many prisoners and children and young people in youth justice custody experience significant challenges in reintegrating back into the community after their release. These challenges can be compounded by social disadvantage and complex needs related to drug and alcohol use, mental illness, disability, homelessness and unemployment.

Transition services offered across state and territory jurisdictions aim to increase successful post‑prison re-integration to the community. These services are often through-care in nature and start at entry into prisons and include pre- and post‑transition services, others commence 12–18 months before release. These programs often target domains central to effective and successful reintegration such as housing employment, education and training, mental health, alcohol and drugs and family and community connections. Transition services can include case management support, accompanied and unaccompanied family leave, transport assistance when returning to remote home locations upon release, education, work release and community work programs and support groups, including some services by contracted providers or community-based organisations.

Examples (non-exhaustive):

* In Victoria, transitional programs are available to remand and sentenced prisoners alike, with eligibility based on an assessment of reintegration needs. People with identified needs are referred on to appropriate community-based supports. The Restart and Reconnect programs offer targeted, intensive post-release support for eligible participants. The post-release programs are designed to provide tailored and flexible support, and assist with the critical period of transitioning from the prison system, back into the community.
* In South Australia, DCS Case Management Coordinators and prison social workers are involved in comprehensive discharge planning with prisoners leading up to their release. This includes employment and housing, linkages with critical services such as Centrelink, medical through-care planning, transportation assistance and reuniting with family to return to their place of residence.
	+ For example, Lemongrass Place, delivered by an Aboriginal Community Controlled Organisation, responds to the geographic exclusion and disadvantage experienced by Aboriginal male offenders in rural and remote South Australia by meeting individual cultural needs, providing individually tailored programming to build readiness for return to country, and building capacity in individuals and communities.
* ACT Corrective Services provides tailored reintegration support to eligible detainees pre- and post-release in the areas of housing, health, income, family and community connection, as well as other basic needs. Detainees who are due to be released from custody and are at risk of homelessness may apply for the Justice Housing Program (JHP), which is a temporary accommodation option for suitable applicants who would otherwise be incarcerated due to a lack of suitable accommodation in the community (e.g. those who are remanded in custody instead of receiving bail in the community because they do not have a suitable address, or those applying for parole).

After prison or youth justice custody, offenders and detainees have access to the support services and programs available to the general community, such as housing services and income support (if eligible). For example, in 2022, almost 4 in 5 prison dischargees expected to receive a government payment through Centrelink on release.

**Justice and remedies**

A comprehensive suite of complaints and oversight mechanisms exists in Australia, available to both adults and young detainees. These avenues include internal complaint mechanisms, external entities including official visitors, Ombudsman or Human Rights Commission services, anti-corruption entities, advocacy services, and law enforcement where there are allegations of criminality. Complaints mechanisms are promoted within places of detention at detainee inductions and on an ongoing basis through the prominent display of materials at all times such as posters, pamphlets and free, confidential phone call services. Each state and territory’s Ombudsman office, or other appointed officials, are able to receive complaints from detainees.

The Guiding Principles represent a statement of national intent that each Australian state and territory jurisdiction have:

* effective systems that provide prisoners / detainees with opportunities to make requests or complaints and access appropriate information;
* external review and oversight supported through engagement with Official Visitors, including their free and unfettered access to all prisoners, staff and all areas of the prison, subject to any security and operational concerns; and
* complaints mechanisms that are promptly actioned and governed by a review framework that is fair, transparent and equitable.

Similarly, the National Standards include a requirement to have accessible feedback, review and complaints procedures in place in youth justice facilities.

Australia recognises the competence of the Committee Against Torture to receive and consider Communications from or on behalf of individuals, subject to its jurisdiction, who seek to make an allegation of a violation by a State Party of the provisions of the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

**Recommendations**

Australia recommends that states continue to implement employment, education and / or transition programs for incarcerated individuals.

1. Includes input from New South Wales, Victoria, Western Australia, South Australia, Tasmania, the Australian Capital Territory and the Northern Territory. [↑](#footnote-ref-2)
2. Information about the Government’s response to modern slavery is available in [Australia’s Common Core Document](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=HRI%2FCORE%2FAUS%2F2023&Lang=en). [↑](#footnote-ref-3)
3. Information on the Time to Work Employment Service is current as at 19 April 2024. [↑](#footnote-ref-4)